



**ADMINISTRATIVE POLICY STATEMENT**

**Policy Title:** Procedures for Assessing Student Applicant Criminal/Disciplinary History

**APS Number:** 8004

**APS Functional Area:** **STUDENTS**

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<b>Brief Description:</b>	This policy governs the collection and consideration of <i>criminal/disciplinary history</i> information submitted by applicants for admission and admitted applicants.
<b>Effective:</b>	April 9, 2015
<b>Approved by:</b>	President Bruce D. Benson
<b>Responsible University Officer:</b>	Vice President for Academic Affairs
<b>Responsible Office:</b>	Office of Academic Affairs
<b>Policy Contact:</b>	Office of Academic Affairs
<b>Supersedes:</b>	Admission Procedures for Students with Criminal Convictions, November 1, 2008
<b>Last Reviewed/Updated:</b>	April 9, 2015
<b>Applies to:</b>	All campuses

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**Reason for Policy:** Assists in maintaining a safe environment for all students, faculty, and staff.

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**I. INTRODUCTION**

The purpose of this policy is to establish minimum standards related to the consideration of *criminal/disciplinary history* submitted by applicants for admission and admitted applicants.

**II. POLICY STATEMENT**

The university is committed to ensuring a safe educational and research environment. The procedures outlined in this policy apply to consideration of *criminal/disciplinary history* submitted by applicants for admission and admitted applicants on all campuses. Each campus shall adopt written admissions procedures, or shall ensure that its schools and colleges adopt admissions procedures, that comply with the minimum procedures specified in section III.A of this APS. A campus may also authorize inquiries concerning an admitted applicant’s criminal conduct other than the *criminal/disciplinary history* submitted on an application for admission. If a campus or school/college makes such inquiries, its procedures must comply with section III.C of this APS.

**III. PROCEDURES**

**A. Procedures**

1. Subject to limited exceptions pursuant to campus or school/college policy, *criminal/disciplinary history* information shall be collected on applications for admissions. A campus or school/college policy may also authorize the campus or school/college to collect information about any pending criminal charges, so long as the policy: 1) explains how such information may be evaluated; 2) provides the applicant an opportunity to supplement the application if, for example, the charges are dropped or if the applicant is acquitted; and 3) if such information is used to deny admission, allows the applicant a chance to appeal the denial. If a school/college uses an application designed by a national application service that is tailored for admission to a specific degree

program and used by postsecondary institutions in other states, it may also consider criminal conduct reported on that application other than the *criminal/disciplinary history* so long as the applicant may appeal a denial based on that information.

2. If an applicant has a *criminal/disciplinary history* or is subject to pending criminal charges considered pursuant to a campus policy, the application will be reviewed on an individual basis within a reasonable period of time. The applicant shall be permitted to provide an explanatory statement regarding the *criminal/disciplinary history* or pending criminal charge.
  3. The campus or school/college admissions procedures shall clearly specify how *criminal/disciplinary history* is evaluated, including:
    - designating an administrator or committee responsible for reviewing the *criminal/disciplinary history* information; and
    - describing when in the application process, that review will occur.
  4. The campus or school/college admissions procedures shall specify which factors may be considered in determining how *criminal/disciplinary history* or pending criminal charges affect an admissions decision.
  5. Admission may be conditioned on reasonable requirements as to conduct or performance.
  6. Admission decisions will be communicated to the applicants according to campus processes.
  7. If the applicant is denied admission based on criminal/disciplinary history or a pending criminal charge, the applicant may appeal that decision as specified in campus or school/college admissions procedures.
- B. Each campus shall submit its campus or school/college admissions procedures to the Office of Policy and Efficiency not later than six months after the effective date of this APS. The Office of Policy and Efficiency, with advice from the Office of University Counsel, shall review each such policy to ensure that it complies with the requirements of this APS. Thereafter, campus policies shall be reviewed for compliance with the APS in conjunction with periodic review of this APS.
- C. When obtaining information pertaining to participation in campus life, a campus may ask admitted applicants about criminal conduct other than the *criminal/disciplinary history*. If a campus or school/college makes such inquiries, its procedures must require consideration of the following factors:
1. nature and gravity of any criminal conduct and whether it bears a direct relationship to a particular aspect of a student's participation in campus life including, but not limited to, campus residency and campus activities;
  2. length of time since the criminal conduct;
  3. age at the time of the conduct underlying a criminal *conviction*;
  4. any evidence related to rehabilitation or good conduct produced by the admitted applicant; and
  5. benefit to the admitted applicant of participating in campus life.

#### IV. DEFINITIONS

*Italicized terms* used in this APS are defined in this policy.

PLEASE NOTE: Jurisdiction terminology can and often does vary. *Criminal/disciplinary history* with substantially similar elements to the those listed below are included. The applicant and the university should consider the definitions from the prosecuting jurisdiction and the Colorado Criminal Code as a guidance when determining whether a crime has substantially similar elements.

A. *Criminal/disciplinary history* includes:

1. *Convictions* for stalking, sexual assault, and domestic violence;
2. *Convictions* within five years before an application is submitted for assault, kidnapping, voluntary manslaughter, or murder;

3. Disciplinary history at another academic institution for stalking, sexual assault, and domestic violence; and
  4. Educational records related to an applicant's academic performance.
- B. *Conviction* is defined as a guilty verdict, a guilty plea, or a Nolo Contendere (“No Contest”) plea to a misdemeanor or felony offense in-state, out-of-state, or internationally. *Conviction* does not include a plea to a deferred judgment and sentence until the deferred judgment and sentence is revoked.

## V. REFERENCES

C.R.S. § 23-5-106.5 cites the legal basis (Colorado Revised Statutes) from which this policy was developed.

## VI. HISTORY

- Adopted: May 15, 1984, Admission Procedures for Students with Felony Records.
- Revised: November 1, 2008, Admission Procedures for Students with Criminal Convictions; April 9, 2015, Admission Procedures for Assessing Student Applicant Criminal History; April 20, 2023, Administrative cleanups made, including title change, to ensure that the APS is consistent with statutory updates required by [Senate Bill 19-170](#).
- Last Reviewed: April 9, 2015.