



CENTRAL FLORIDA COMMUNITY COLLEGE ADMINISTRATIVE PROCEDURE

Title: Admission of Students with Criminal Background	
Page 1 of 5	Implementing Procedure for Policy #: no policy
Date Approved: 8/16/06 Date Revised: 01/15/08	Division: Instruction

Criminal Justice Programs

An applicant would be denied admission to the Criminal Justice Programs if he or she fails to have the minimum qualifications established in Section 943.13(4) Fla. Stats., which states as follows:

943.13 Officers' minimum qualifications for employment or appointment.--

On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections, to a county commission, or to the Department of Management Services shall:

- (4) Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subsection, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer.

Health and Human Services Programs

An applicant would be denied admission to the Health Occupations Programs if he or she has "been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction": sexual misconduct with certain developmentally disabled clients (§393.135 Fla. Stats.); sexual misconduct with certain mental health patients (§394.4593 Fla. Stats.); adult abuse, neglect, or exploitation of aged or disabled adults (§415.111 Fla. Stats.); murder (§782.04 Fla. Stats.); manslaughter, aggravated manslaughter of an elderly or disabled adult, or aggravated manslaughter of a child (§782.07 Fla. Stats.); vehicular homicide (§782.071 Fla. Stats.); killing of an unborn child by injury to the mother (§782.09 Fla. Stats.); assault, if the victim was a minor (§784.011 Fla. Stats.); aggravated assault (§784.021 Fla. Stats.); battery, if the victim was a minor (§784.03 Fla. Stats.); aggravated battery (§784.045 Fla. Stats.); battery on a detention or commitment facility staff

(§784.075 Fla. Stats.); kidnapping (§787.01 Fla. Stats.); false imprisonment (§787.02 Fla. Stats.); taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings (§787.04(2) Fla. Stats.); carrying a child beyond the state line with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person (§787.04(3) Fla. Stats.); exhibiting firearms or weapons within 1,000 feet of a school (§790.115(1) Fla. Stats.); possessing an electric weapon or device, destructive device, or other weapon on school property (§790.115(2)(b) Fla. Stats.); sexual battery (§794.011 Fla. Stats.); prohibited acts of persons in familial or custodial authority (§794.041 Fla. Stats.); prostitution (Chapter 796 Fla. Stats.); lewd and lascivious behavior (§798.02 Fla. Stats.); lewdness and indecent exposure (Chapter 800 Fla. Stats.); arson (§806.01 Fla. Stats.); theft, robbery, and related crimes, if the offense is a felony (Chapter 812 Fla. Stats.); fraudulent sale of controlled substances, only if the offense was a felony (§817.563 Fla. Stats.); aggravated abuse, or neglect of an elderly or disabled adult (§825.102 Fla. Stats.); relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult (§825.1025 Fla. Stats.); relating to exploitation of an elderly person or disabled adult, if the offense was a felony (§825.103 Fla. Stats.); incest (§826.04 Fla. Stats.); child abuse, aggravated child abuse, or neglect of a child (§827.03 Fla. Stats.); contributing to the delinquency or dependency of a child (§827.04 Fla. Stats.); negligent treatment of children (§827.05 Fla. Stats.); sexual performance by a child (§827.071 Fla. Stats.); resisting arrest with violence (§843.01 Fla. Stats.); depriving a law enforcement, correctional, or correctional probation officer means of protection or communication (§843.025 Fla. Stats.); aiding in an escape (§843.12 Fla. Stats.); aiding in the escape of juvenile inmates in correctional institutions (§843.13 Fla. Stats.); obscene literature (Chapter 847 Fla. Stats.); encouraging or recruiting another to join a criminal gang (§874.05(1) Fla. Stats.); relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor (Chapter 893 Fla. Stats.); sexual misconduct with certain forensic clients (§916.0175 Fla. Stats.); inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm (§944.35(3) Fla. Stats.); harboring, concealing, or aiding an escaped prisoner (§944.46 Fla. Stats.); introduction of contraband into a correctional facility (§944.47 Fla. Stats.); sexual misconduct in juvenile justice programs (§985.4045 Fla. Stats.); and contraband introduced into detention facilities (§985.4046 Fla. Stats.). The aforementioned crimes are a part of the level 2 screening (§435.04 Fla. Stats.) standards and are subject to change. The college may also consider battery and DUI offenses when considering a candidate for admissions.

Applicant Appeal

In the event the student is not satisfied with the denial of admission in either the Criminal Justice or Health and Human Services Programs, the student has the right to present the concern to the Vice President for Instruction. If the student wishes to exercise this right, then, within five (5) working days after being denied admission, the student must deliver a copy of the Admission of Students with Criminal Background Appeal Form (available from the Office for Instruction), with the appropriate documentation, to the Vice President for Instruction. The appeal will be heard at the next scheduled meeting of the appeals panel. The appeals panel will be structured as indicated:

Appeals Panel

- Dean for Health and Human Services or designee
- Dean of Public Service/Criminal Justice or designee.

The panel will make its decision based on the Criminal Background Appeal Form and the required documentation, and the interview with the student should they choose to appear. The appeals panel will meet and render a decision to the Vice President for Instruction within 30 working days of receiving an appeal request from the Vice President for Instruction. Within 5 working days of receipt of the panel's recommendation, the Vice President for Instruction has the right to reject or accept the recommendation, and the decision of the Vice President for Instruction is final and binding to all parties.

If an appeal is granted, then, as a condition of admission, the student will sign a waiver indicating that he or she will hold the college harmless should a State certificate or license not be granted by the relevant State board or licensing agency based upon the applicant's criminal background.

Necessary Documentation (must be attached to the appeal form)

- Written statement from the candidate stating reason for seeking program admission.
- Letter of explanation from the candidate of criminal activity and rehabilitation.
- Court documentation indicating the crime and adjudication of the crime.
- Proof of satisfaction of all court-imposed judgments.
- Proof of restoration of civil rights, if applicable.
- If applicable, provide a previously issued Exemption from Disqualification from the board or licensing agency which previously issued the student a certificate or license should the student have been awarded a certificate or license after the date of the criminal activity or dishonorable discharge which is the subject of the appeal. Example: a licensed practical nurse applying to the Associate Degree Nursing program must provide the previously issued written "Exemption from Disqualification" from the State Board of Nursing or licensing agency if his or her license was issued before the date of the criminal activity in question.

Vice President for Instruction

Date

Approved by President

Date



Admission of Students
With Criminal Background
Appeal Form

Name of Student _____ Date _____

Social Security Number _____

Address _____

City _____ State _____ Zip _____ Phone _____

Seeking admission to _____ (program)

List conviction(s): **Attach Documentation (see reverse side)**

Crime	Felony/Misdemeanor	Disposition (convicted, dropped, nolle prosee, etc)	Date

Student requests to be interviewed by Appeal Panel: _____ Yes _____ No

If an appeal is granted, then, as a condition of admission, the student will sign a waiver indicating that he or she will hold the college harmless should a State certificate or license not be granted by the relevant State board or licensing agency based upon the applicant's criminal background.

Student

To be completed by Chair of Appeal Panel

____ Recommend Admission
____ Deny Admission

To be completed by Chief Academic Officer

____ Concur with Panel's recommendation
____ Disagree with Panel's recommendation
(see written documentation)

Panel Chair Date

Vice President for Instruction Date

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(must be attached to the appeal form)

- Written statement from the candidate stating reason for seeking program admission.
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- Court Documentation indicating the crime and adjudication of the crime.
- Proof of satisfaction of all court-imposed judgments.
- Proof of restoration of civil rights.
- If applicable, provide a previously issued Exemption from Disqualification from the board or licensing agency which previously issued the student a certificate or license should the student have been awarded a certificate or license after the date of the criminal activity or dishonorable discharge which is the subject of the appeal. Example: a licensed practical nurse applying to the Associate Degree Nursing program must provide the previously issued written "Exemption from Disqualification" from the State Board of Nursing or licensing agency if his or her license was issued before the date of the criminal activity in question.