What Every Student Needs to Know about Criminal Records

Your criminal record matters

Your education can be a door to new experiences, opportunities and possibilities. For students with criminal records, however, past mistakes can still pose serious barriers to moving forward if they are left unaddressed. Whether your record is long or short, old or more recent, serious or relatively minor, it is important to know how your record will likely affect your chosen field and what you can do to address your record well ahead of co-ops or graduation.

Address your criminal record early

As early as possible in your academic program, it is essential to know how your criminal record will create barriers to your eventual employment in your chosen field. Dealing with these barriers early and honestly will allow you to make informed choices about your academic goals and clear the way to co-ops and employment. Often, there are legal avenues a student can take to address a criminal record. However, the legal system works in months, not weeks, so educating yourself on possible barriers and what you can do to lift them is best done early in your academic career.

Know what’s on your record

The first step is to have an accurate picture of what is on your criminal record. All counties in Ohio offer police checks that will show your convictions in that county. Many counties have online clerk of courts records that show both convictions and cases that were dismissed or found not guilty. You need to know exactly what a background check will show a potential employer for you to know what barriers it will create and what you can do about it.

Know what criminal record barriers you are facing

Regardless of your future field of employment, it is a good idea to address your criminal record. Careers that require a state-issued certificate or license and/or take place in a facility that serves a “vulnerable population” have additional regulations contained in state law that can create barriers.

The Ohio Justice & Policy Center has developed the CIVICC database, a precise, easy-to-use web-based tool for identifying criminal record barriers contained in state law. CIVICC allows you to see what specific criminal convictions create barriers to specific fields of employment. CIVICC is a great starting point in finding out what criminal record barriers you will want to address well before you apply for co-ops. For more information on CIVICC see: http://civiccohoio.org.

What can I do to overcome criminal record barriers?

Record Sealing

When a person has their record sealed, they can legally respond on a job application “NO” when asked if they have criminal convictions. However, occupations that require state-issued licenses or jobs in facilities serving vulnerable populations, a state fingerprint check is conducted (also called a BCI check), where sealed records will appear and be considered. If you will be applying for a co-op in one of these fields, you will probably want to apply for a CQE (discussed below) since record sealing will
not hide your record and “disqualifying offenses” will still count against you. For more information on record sealing eligibility see:  http://bit.ly/OJPC-CrimRecManual

Certificates of Qualifications for Employment (CQEs)

A CQE does not hide a criminal record, but does two important things to help a person address their criminal record. First, a CQE converts a mandatory criminal-record-based barrier into a flexible, discretionary barrier. For example, if a person is prevented from getting a STNA certificate because of their record, they could apply for a CQE to get the certificate and to work in a hospital. Secondly, a CQE protects any employer that hires someone with a CQE from negligent-hiring liability. Liability is one of the most common reasons employers cite for not hiring people with criminal records, and a CQE takes this concern off the table.

Who should apply for a CQE?

1) Students who are facing a mandatory legal barrier to working in a particular field certainly should apply for a CQE.

2) Students who are not eligible to seal their criminal records can also use CQEs as another way to address their criminal records.

For more information on CQEs and how to apply see: http://bit.ly/OJPC-CQEworkbook

Executive Clemency — Pardons

A pardon is a “trump card” for those who are not eligible to have their criminal records sealed or want more relief than a CQE provides. A pardon involves asking the governor to essentially forgive a conviction and puts a person in the same legal position as if the crime never was committed. Pardons are rare and involve a very long process, but strong applications are periodically granted. For more information on pardons see: http://www.drc.state.oh.us/web/Forms/DRC3068instructions.pdf