

SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS

12 NCAC 09B .0301 CERTIFICATION OF INSTRUCTORS

(a) A person participating in a Commission-certified criminal justice training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification, Specialized Instructor Certification, or Professional Lecturer Certification as outlined in Rules .0302, .0304 and .0306 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accordance with the requirements of this Section and as stated on the applicant's Application for Instructor or Professional Lecturer Certification, F-12. The Application for Instructor or Professional Lecturer F-12 shall contain:

- (1) name of applicant/instructor;
- (2) address, phone, email address, date of birth, age, last four of Social Security Number, and Acadis number;
- (3) current agency/firm, status (Retired, Civilian, Sworn), agency address, and business phone number;
- (4) type of instructor certification applying for;
- (5) supporting documents for specific certification sought;
- (6) highest education level, school attended, school location, and graduation date;
- (7) criminal justice experience;
- (8) signature of applicant/instructor;
- (9) school, course title, hours taught, course date(s) and whether course was a requirement of Mandatory In-Service Training; and
- (10) signature of certifying School Director or In-Service Training Coordinator, school or agency, phone number, and email address.

(c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a Commission-certified course shall remain competent in his or her specialized areas. Such competence shall include remaining current in the instructor's area of expertise, which shall be demonstrated by attending and completing all updated instructor training courses required by the Commission.

(d) If a person certified as an instructor by the Commission has knowingly and willfully violated any provision or requirement of the rules in this Subchapter, the Commission shall take action to correct the violation and to ensure that the violation does not recur. The following action shall be taken by the Commission:

- (1) issue an oral warning and request for compliance; or
- (2) issue a written warning and request for compliance; or
- (3) issue an official written reprimand; or
- (4) suspend the individual's certification for no more than three years; or
- (5) revoke the individual's certification.

(e) The Commission shall deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification;
- (2) has failed to remain competent in the person's areas of expertise;
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the Rules .0209 and .0205 of this Subchapter;
- (4) has demonstrated "unprofessional personal" conduct in the delivery of Commission approved or mandated training. For the purposes of this Subparagraph, unprofessional personal conduct is identified as:
 - (A) job-related conduct that constitutes a violation of state or federal law;
 - (B) a conviction or commission of a criminal offense, as set out in 12 NCAC 09A .0204;
 - (C) the willful violation of rules of this Chapter;
 - (D) conduct that is detrimental to instruction in the Commission's mandated courses. Conduct is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning environment;
 - (E) the physical or verbal abuse of a client or student who the instructor is teaching or supervising; or
 - (F) falsification of an instructor application or other employment documentation;

- (5) is an instructor, School Director, or Qualified Assistant and is involved in the instruction of (for instructors) or oversight of (for School Directors and Qualified Assistants) a student with whom the instructor, School Director, or Qualified Assistant has a close personal relationship such as, familial, financial, dating, or sexual, even if consensual; and fails to take immediate and appropriate corrective action. Appropriate corrective action requires the instructor, School Director, or Qualified Assistant to notify his or her managing personnel in writing of the relationship and requires the instructor, School Director, or Qualified Assistant to stop instructing or overseeing the student with whom the relationship exists. The written notice to managing personnel shall be submitted to the Criminal Justice Standards Division within 10 days upon receipt and shall include:
 - (A) school/agency name;
 - (B) name of course;
 - (C) name of instructor, School Director, or Qualified Assistant;
 - (D) name of student;
 - (E) name of managing personnel;
 - (F) nature of the relationship; and
 - (G) explanation of action taken to ensure the named instructor, School Director, or Qualified Assistant is not in violation of this Rule;
- (6) has knowingly and willfully obtained or attempted to obtain instructor certification by deceit, fraud, or misrepresentation;
- (7) has failed to meet or maintain good moral character as defined in: *In re Willis*, 288 N.C. 1, 215 S.E.2d 771, appeal dismissed, 423 U.S. 976 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E.2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E. 2d 174 (1989); *In re Applicants for License*, 143 N.C. 1, 55 S.E. 635 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as required to discharge the duties of a criminal justice instructor;
- (8) has failed to deliver training in a manner consistent with the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program as found in 12 NCAC 09H .0102;
- (9) has knowingly and willfully aided or attempted to aid any person in obtaining qualification or certification under the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program by deceit, fraud, or misrepresentation;
- (10) has committed or been convicted of an offense that could result in the denial, suspension, or revocation of an officer's law enforcement certification, pursuant to 12 NCAC 09G .0504; or
- (11) has knowingly made a material misrepresentation of any information required for certification or accreditation.

(f) When a person certified as a criminal justice officer by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), or the North Carolina Company/Campus Police Program, has been denied certification or had his or her certification suspended or revoked by a North Carolina, out of state or federal approving, certifying or licensing agency, the certified criminal justice officer shall report the suspension or revocation to the Criminal Justice Standards Division within five days.

(g) Any instructor whose criminal justice officer certification or power to make arrests is suspended or revoked by the federal government, State of North Carolina or any subdivisions thereof, or by any other State or any subdivisions thereof, shall report the suspension or revocation to the Commission within five days of the officer's receipt of notice of the revocation or suspension.

(h) Criminal justice officers certified as a General Instructor as outlined in this Rule shall have their general instructor certification automatically suspended or revoked for the same time period as his or her respective Commission criminal justice certification. The suspension or revocation of the general instructor certification shall also include suspension or revocation to any Commission recognized specialized or additional instructor certification, as outlined in Rule .0304 of this Section.

(i) Any applicant for instructor certification whose criminal justice officer certification or power to make arrests has been denied, suspended, or revoked at any time by the federal government, State of North Carolina or any subdivisions thereof, or by any other State or any subdivisions thereof, shall report the suspension or revocation to the Commission at the time the application is submitted. This requirement is not withstanding any subsequent reinstatement of the certification or power to make arrests.

History Note: Authority G.S. 17C-6;

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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;

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