

## **The Exploris School**

### Criminal History / Background Checks

#### General

It is the policy of The Exploris School not to employ or to continue the employment of classified, professional, or administrative personnel who may be deemed unsuited for service by reason of arrest and/or criminal conviction. While an arrest or conviction of a crime, in and of itself, may not be an automatic bar to employment, if an arrest or conviction relates to suitability of the individual to perform duties in a particular position, such person may be denied employment or in the case of current employees, may face disciplinary action, up to and including termination.

Accordingly, a criminal records check will be conducted of applicants and/or newly hired employees, including substitutes. If an applicant is hired prior to the completion of the criminal records check, the employment shall be considered conditional pending a review of the results of the check.

Applicants shall be required to answer completely and accurately questions on their application with regard to previous criminal history. Failure to do so will subject the applicant to not being hired and an employee to being dismissed. Applicants shall consent in writing to an initial criminal record check. Applicants and employees shall consent to post hiring criminal record checks and to providing fingerprints and other identifying information as requested by the school. To the extent permitted by law, failure to consent or provide relevant information will result in rejection of an applicant or separation from employment of an employee.

At a minimum, the following criminal records check shall be conducted:

- a) In the case of applicants or conditional employees who have lived and worked within the state of North Carolina for the five years before the date of application, the administration will conduct a statewide criminal record check.
- b) In the case of applicants or conditional employees who have lived or worked outside of North Carolina during the five years before the date of application, the administration will conduct both federal and state record checks.

The applicant or conditional employee will be rejected for employment if the criminal record check and supporting records reveal a "criminal history," defined as the conviction of a crime, whether a misdemeanor or felony, that indicates the employee

- (1) poses a threat to the physical safety of students or personnel, or
- (2) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as a public school employee.

Conviction of a crime, as used in this policy, includes the entry of

- (1) a plea of guilty, nolo contendere, no contest or the equivalent; or
- (2) a verdict or finding of guilty in a court of law or military tribunal. The school shall consult with legal counsel or obtain a certified copy of an applicant's or conditional employee's conviction notice prior to any final employment decision based on the

criminal history.

If the school considers criminal history in making a decision adverse to an applicant or conditional employee, the Director shall make written findings with regard to how it used such information.

The school shall provide to the State Board of Education information on where to obtain the record of conviction, including the person's name, criminal case number, and the county of conviction for any convictions of a person who is certificated, certified or licensed by the State Board of Education where the school system discovers the criminal history through an employment criminal history check.

If a criminal record check reveals that an applicant or conditional employee was charged with but not convicted of a crime, whether misdemeanor or felony, that suggests that the employee may not meet the employment standards of the Exploris School Board, the Director may conduct a further investigation into the person's conduct and the circumstances surrounding the charge to determine the person's fitness for employment.

Applicants and current employees shall notify the Director immediately if they are charged with or convicted of a criminal offense (including entering a plea of guilty or nolo contendere) except minor traffic violations. Applicants and current employees who have been charged or convicted with driving while impaired or driving with a revoked license must immediately notify the Director

A criminal records check **shall** ~~also may~~ be conducted on an individual, random, ongoing, or rotating basis of current employees (including substitutes), as well as on independent contractors and volunteers whose services involve contact with students. If the school conducts these checks through the North Carolina Department of Justice or through a private service, it must first obtain the individual's consent.

Information obtained through the implementation of this policy shall be kept confidential as provided in the North Carolina General Statutes and regulations. The school shall maintain in paper format only data from a criminal history check conducted through the North Carolina Department of Justice. These records shall be kept in a locked, secure place, separate from the individual's personnel file. Procedures for implementing this policy, including a list of individuals entitled to access criminal history information, may be developed and administered by the Director. The Director shall also create procedures to ensure the confidentiality of all applicants' records.

If the Director conducts criminal record checks that are subject to the Fair Credit Reporting Act, it shall provide employees or applicants with all required notices and disclosures before conducting the record check or taking adverse employment action against the employee or applicant.

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Legal Reference: G.S. § 115C-332; 16 NCAC 6C.0313; G.S. § 110-90.2; G.S. § 114-19.2; 15 USC § 1681 et seq.

Policy History:

Adopted on: 4/28/97

Revised on: 9/17/13

Revised on: 2/13/20  
Adopted on: