



Staff Criminal Background Check Policy

Purpose: The purpose of this policy is to identify how Voyager will conduct its criminal background checks to ensure the safety of all of our students and staff.

According to NC Charter School law GS_115C-238.29F (e) (1), all NC Charter Schools shall adopt a background check policy mirroring the local board of education policy that requires an applicant for employment to be checked for a criminal history, as defined in G.S. 115C-332. School is required to apply its policy uniformly in requiring applicants for employment to be checked for a criminal history before the applicant is given an unconditional job offer. According to NC charter School law, a charter School may employ an applicant conditionally while the board is checking the person's criminal history and making a decision based on the results of the check.

School is required by the state of North Carolina to conduct criminal background checks for all staff including full-time, part-time and substitutes, which will be done upon the acceptance of a conditional employment offer. A criminal records check may also be conducted on a selective, random or rotating basis for any current employees, annually rehired employees, and employees whose contracts are scheduled to be renewed.

The Managing Director and Principals will be required to also undergo a credit history check and civil records check in addition to the criminal background check and a Social Security Search.

In order to conduct an accurate check of criminal records, all applicants for employment and any current employee may be required to submit to fingerprinting as part of the background check process. The refusal to consent to a criminal records check or fingerprinting will result in the applicant not being offered employment, or if a conditional offer has been made, the offer will be withdrawn or the employee's employment will be terminated, as applicable.

If a person omits information or gives false information concerning his or her criminal history on his or her employment application, background check form, resume or any other required or submitted application-related document, that person may not be offered employment. If the person has been: (a) hired, or (b) offered employment conditioned on the results of a criminal history check, the person will be subject to disciplinary action up to and including dismissal or the offer of employment will be withdrawn, as applicable.

The Director will review all criminal background checks. If a criminal history presents itself in a review, Voyager Board of Directors shall review the criminal history it receives on a person. The Board shall determine whether the results of the review indicate that the applicant or employee (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not

have the integrity or honesty to fulfill his or her duties as school personnel and shall use the information when making employment decisions and decisions with regard to independent contractors. The Board shall make written findings with regard to how it used the information when making employment decisions and decisions with regard to independent contractors.

The Director will notify applicants if any adverse results are found and the applicant will be given a chance to respond with any relevant explanation. School shall apply its policy uniformly in requiring applicants for School personnel positions to be checked for a criminal history.

Each employee is required to notify his or her immediate supervisor within 24 hours after an arrest for an offense other than a non-moving traffic violation, felony or misdemeanor criminal charge, felony or misdemeanor criminal conviction, guilty plea or plea of no contest. Any employee who is aware of any arrest for an offense other than a non-moving traffic violation, felony or misdemeanor criminal charge, criminal conviction, guilty plea or plea of no contest of another employee should notify their supervisor or an administrator.

There shall be no liability for negligence on the part of the Voyager Board of Directors, or its employees, or the State Board of Education, or its employees, arising from any act taken or omission by any of them in carrying out the provisions of The Staff Criminal Background Check Policy. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Chapter 31 of Chapter 143 of the General Statutes.

Any applicant for employment who willfully furnishes, supplies, or otherwise gives false information on an employment application that is the basis for a criminal history record check shall be guilty of a Class A1 misdemeanor. (1995, c. 373, s. 1; 2001-376, s. 1; 2012-12, s. 2(rr).)

Any staff members or coaches that will be driving students for School related purposes will be required to have a Motor Vehicles Check performed in addition to the criminal background check stated above.

The Director's background check will be requested and reviewed by the Board's Governance Committee.

Information obtained through the implementation of this policy shall be kept confidential as provided in Article 21A of Chapter 115C of the North Carolina General Statutes, and NC GS §115C-332(e). However, the criminal history received on any person who is certificated, certified or licensed by the State Board of Education will be provided to the State Board as required by NC GS §115C-332(e).