

EFFECT OF CRIMINAL CONVICTION OR ARREST

It is the policy of the Board 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. Pursuant to state law, individuals applying for employment with the Albemarle County Public Schools for any position shall be required to disclose prior convictions of law other than minor traffic violations or juvenile offenses. Information provided by applicants may be verified by work history, personal reference or criminal record inquiries to determine the applicant's acceptability for employment. Where a prior conviction is ascertained, the Albemarle County Public Schools will consider the nature of the offense, the date of the offense, and the relationship between the offense and the position for which application is sought. If an applicant or employee makes any misrepresentation or willful omissions of fact regarding prior criminal history, such misrepresentation or omission shall be sufficient cause for disqualification of the applicant or termination of employment.

As a condition of employment, all current employees, whether full-time or part-time, permanent or temporary, who are arrested for any felony, crime of moral turpitude or any offense involving the sexual molestation, physical or sexual abuse or rape of a child, shall be required to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. Such employees shall be required to pay all of the costs of such fingerprinting and searches.

Any person making a materially false statement regarding any such offense shall be guilty of a Class I misdemeanor, and may subject such person to other penalties as provided by law. In addition, any person who misrepresents or omits information regarding criminal history or child abuse/neglect information shall be, at the Board's sole option, disqualified for consideration for employment or terminated from employment, whichever is applicable.

It is the policy of the Board not to employ or to terminate any person who may be deemed by the Board to be unsuitable by reason of criminal conviction, or who has been the subject of a founded case of child abuse or neglect. While evidence that a person has been convicted of a crime or has been the subject of a founded case of child abuse or neglect may not be, in and of itself, an automatic bar to employment, the Board shall retain its sole discretion to determine whether such evidence shall render the person unfit for employment consideration, or whether (in the case of an existing employee) termination of employment is warranted.

In the event that any employee, whether full-time or part-time, probationary or non-probationary, is arrested, charged by a magistrate, served with an arrest warrant, or summonsed by a law enforcement officer for a criminal violation of any kind, whether misdemeanor or felony, he is required to report such arrest promptly to the employee's supervisor or department head within one (1) business day unless mitigating circumstances exist. This reporting

requirement applies regardless of whether such arrest has occurred on-duty or off-duty. Failure to comply with this reporting requirement shall be grounds for disciplinary action, up to and including termination. In addition, all employees shall have the continuing duty to notify the Albemarle County Public Schools of any arrest or criminal conviction that occurs subsequent to being hired by the County.

Supervisors or department heads shall contact the Human Resources Director or designee upon receiving notification that an employee has been arrested. The Albemarle County Public Schools reserves the right to determine appropriate disciplinary action in such cases, up to and including termination, depending upon the facts and circumstances surrounding the arrest.

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Amended:	July 28, 1997; September 22, 2005
Reviewed:	December 8, 1997

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PROCEDURE FOR COMPLIANCE – EFFECT OF CRIMINAL CONVICTION OR ARREST

Applicants for all school division positions, including those seeking transfer from a non-school division position within the County, will be advised by a statement on the application form that they will be required to sign a statement before or at the time an employment offer is made which authorizes Albemarle County to have a criminal conviction investigation performed, and that satisfactory outcome of the investigation is a condition of employment.

The following statement appears on applications for all positions:

I authorize you to make such investigations and inquiries of my personal references, previous employers, and other legally related matters as may be necessary in arriving at an employment decision. I hereby release employers, schools, or other persons from all liability in responding to inquiries in connection with my application.

On applications for positions requiring licensure, there is a statement indicating that a criminal history will be conducted and that fingerprints must be submitted.

If an applicant for employment with Albemarle County Public Schools should refuse to submit fingerprints for processing and to permit a criminal history record search, that applicant will be removed from further employment consideration. Applicants who omit convictions from the application form may be denied employment for falsification of the application. A new application may be accepted after three calendar years if the person, at that time, lists his convictions.

Employees may be placed on probation or suspended in accordance with applicable law, if arrested or convicted of a criminal offense listed. Where an arrest or conviction relates to the suitability of the employee to perform duties in a particular position, such employee may be dismissed.

If a current employee is suspended, placed on probation or dismissed because of information appearing on his/her criminal history record, the School Board shall provide a copy of the information provided by the Central Criminal Records Exchange to the employee.

The Superintendent shall inform the School Board of any notification of arrest of a School Board employee received pursuant to Virginia Code section 19.2-83.1. The School Board shall require such employee, whether full-time or part-time, permanent, or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information regarding such employee. The contents of the employee's criminal record shall be used only to implement dismissal, suspension or probation ins accordance with Virginia Code sections 22.1-307 and 22.1-315.

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