

## Background Check Policy

### Policy

This policy is designed to set a standard for safety and to educate staff and volunteers about the background check requirements and procedure. This policy applies to all staff, volunteers, and contractors with Fairbanks Youth Advocates who may anticipate contact with FYA clients, families, or youth. All background checks are confidential and will be kept separate and in a locked file.

### Purpose

The purpose of this policy is to set the standards for which background checks on staff, directors, and/or volunteers of Fairbanks Youth Advocates will be mandated, in order to preserve the safety and well-being of children served by our organization. Fairbanks Youth Advocates shall not permit individuals to work with children if they have demonstrated past conduct incompatible with service to or care of children. FYA shall be responsible for ensuring that its volunteers comply with this policy.

### Procedure

#### I. Implementation:

<b>Who:</b>	<b>Local state history check</b>	<b>Fingerprinting Required</b>	<b>National Sex Offender Public Website Check</b>	<b>References Required</b>
<b>Governing Board of Directors</b>	N/A	N/A	N/A	Yes
<b>Staff</b>	Yes	Yes	Yes	Yes
<b>Volunteers working with youth</b>	Yes	Yes	Yes	Yes
<b>Volunteers not working with youth</b>	N/A	N/A	N/A	Yes

- A. As a condition to participate in the role as assigned, the necessary requirements listed in the table above will be met. All individuals must provide truthful, correct and complete information on all documentation completed. Failure to do so may result in disqualification.
- B. Permission for FYA to complete a background check, and to keep information will be signed by volunteers and staff prior to the background check taking place.
- C. FYA shall receive its information from local police departments, State of Alaska; Dru Sjodin National Sex Offender Public Website, FBI; and other primary state records as deemed necessary.

- D. It is each person's responsibility to ensure that all requirements for background checking are met, and that all necessary information has been disclosed to FYA. It is FYA's responsibility to ensure that your information remains protected and confidential, and will only be used to qualify you for the volunteer position requested.
- E. **Individuals may begin participating** prior to the completion of a background investigation if:
  - 1) a permission to check form is completed and in file,
  - 2) individuals have submitted to fingerprinting and,
  - 3) individuals have submitted an Interested Persons Report from the Fairbanks Police Dept. to FYA and ,
  - 4) if the individuals name has been checked against the NSOPR website,**AND if the individual has no disqualifying convictions or charges.**

**\*\* It shall be the responsibility of the organization, however, to prohibit an individual from participating if the individual is later found to be ineligible under this policy. (A record clean of disqualifying crimes is a condition of employment.)**

- F. Once an individual has been found eligible to participate in one youth activity, the individuals name shall be placed on a list of individuals eligible for all activities. The list shall be maintained by the Program Director, FYA.
- G. Individuals are required to disclose any additional future charges or convictions to FYA while they remain as volunteers or employees.

## **II. Barrier Crimes:**

No individual shall be permitted to participate with the organization if the results of the background check show that the person has ever been convicted of any of the following crimes as set out in Title 12: Alaska Code of Criminal Procedure as may be amended or equivalent offenses in another state:

- A. **Crimes Against People**
  - 1. Murder and manslaughter
  - 2. Malicious wounding by mob
  - 3. Abduction
  - 4. Felony assault and bodily wounding
  - 5. Robbery
  - 6. Carjacking
  - 7. Extortion and other threats
  - 8. Sexual assault
  - 9. Felony stalking
  - 10. Any other felonies against the person as defined by the *Alaska Statutes*
  - 11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes
- B. **Crimes Against Property**
  - 1. Felony arson
  - 2. Burglary
  - 3. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes
- C. **Crimes Involving Health and Safety**
  - 1. Felony conviction relating to distribution of drugs.
  - 2. Felony possession of drugs within eight (8) years of the date of application

3. Drive-by shooting
  4. Use of machine gun in a crime of violence
  5. Aggressive use of machine gun
  6. Use of sawed off shot gun in crime of violence
  7. Felonious discharge of firearms within or at occupied dwellings
  8. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes
- D. **Crimes Involving Morals and Decency**
1. Failing to secure medical attention for injured child
  2. Pandering
  3. Crimes against nature involving children
  4. Taking indecent liberties with children
  5. Abuse and neglect of children
  6. Obscenity offenses
  7. Possession of child pornography or electronic facilitation of pornography
  8. Incest
  9. Abuse and neglect of incapacitated adults
  10. Employing or permitting a minor to assist in an act constituting an obscenity offense
  11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes
- E. **Crimes Against Minors** – Any conviction for a crime against the person of a minor, felony or misdemeanor, inclusive of the crimes set forth above, which involves sexual or physical misconduct.
- F. **Restoration of Rights**- A barrier crime shall be treated as a crime under IV.A if the individual who has been convicted of the barrier crime received an executive order from the Governor restoring his or her political disabilities provided that such crime does not involve violence or is a crime against a minor.

### III. All Other Crimes:

- A. All pending charges for barrier crimes (except crimes against minors) and convictions for other crimes revealed through a background check shall be reviewed on a case-by-case basis to determine if the individual poses a safety risk to the children involved in the program. No individual may be found ineligible because of pending charges, except for barrier crimes. However, an individual may ultimately be found ineligible if the previously pending charge results in a conviction which indicates that the individual poses a safety risk to children. Any pending charges, felony or misdemeanor, against minors, shall render the individual ineligible unless or until such charges are subsequently dismissed or the individual is found not guilty.

### IV. Confidentiality:

All persons receiving background information regarding an individual shall maintain the confidentiality of such information in accordance with applicable law. Fairbanks Youth Advocates shall destroy all criminal background information after a final decision has been made regarding the eligibility of an individual to participate with a co-sponsored youth organization.