



Criminal History Record Information Policy

As an organization the Spartans are committed to protecting the participants in its organization, especially children under the age of eighteen. New Hampshire Law requires that the Spartans maintain and follow an appropriate policy regarding criminal background checks for any employee or volunteer who may be left alone with any child or children. This review is accomplished by access to the criminal records maintained by the State of New Hampshire for New Hampshire residents and by access to the criminal information of the home state of any non-resident individual. This policy is adopted to detail the policies and procedures to be followed by the Spartans in seeking maximum feasible compliance with the statute in order to protect our members and staff.

The Spartans staff and volunteers are comprised of individuals from various states, but primarily from Massachusetts and New Hampshire. Each staff member or volunteer shall have an annual background check from their home state prior to any overnight travel with the organization to be completed before February 1st of each year. New Hampshire Law provides that if the individual has been the subject of a background check by another entity within twelve months that the Spartans may rely on that report in fulfilling the requirements of the statute. It is anticipated that many volunteers and staff members have been subject to a background check in connection with their employment as educators or in connection with other volunteer activities. Attached is a consent to be signed and provided to the Spartans in connection with the release of any such information. If a background check is not available from connection with another entity, arrangements need to be made with the President of the Spartans to obtain one.

In the event that the staff member or volunteer cannot provide a record satisfying the requirements of New Hampshire Law, each individual will be required to provide consent to the Spartans to seek such information from the record keeping agency of the applicable state. Each individual is expected to cooperate with the Spartans in seeking maximum compliance in order to protect our members, the failure to provide an acceptable record or to cooperate in obtaining such records will be grounds for suspension or dismissal.

The Spartans acknowledge that not all individuals taking part in events are subject to background checks. In some circumstances individuals do not have the potential to be left alone with a child or children. The Spartans reserve the right to determine on a case by case basis whether an individual is subject to the requirement of a criminal record inquiry. Any Staff or volunteer working from time to time but not participating in overnight travel shall read, understand and sign the attached "Spartan Volunteer

Assurance Form.” Examples of this kind of activity include, and is not limited to: teaching, food preparation, sewing, parade support, fundraising, first aid support, driving, prop building, equipment management.

Where Criminal History Record Information (CHRI) checks are part of a general background check for employment or volunteer work, the following practices and procedures will be generally followed.

I. CHRI checks will only be conducted as authorized by the applicable statutes and regulations. All individuals will be notified that a CHRI check will be conducted and asked to execute an authorization of behalf of the Spartans. If requested, the individual will be provided with a copy of this CHRI policy. Attached are New Hampshire and Massachusetts authorizations to be used in connection with such requests. It is anticipated that these authorizations will apply to most individuals. Those individuals residing outside of these jurisdictions are required to either provide a compliant current report or cooperate with the Spartans in obtaining one.

II. The Spartans will designate an individual to obtain authorizations and request a CHRI review. This person shall be required to keep the results of the CHRI review confidential. As used in this paragraph the term “confidential” shall mean avoiding disclosure of the results of any review to any person except those individuals in the Spartans who must have access to the information to operate the organization. This would include, but not be limited to, the Board of Directors, Corps Director, Corps President and other officers of the Spartans.

In connection with the receipt of this information the Spartans will endeavor to keep this information secure. In general any authorization or other record containing the personal information of an individual shall be securely destroyed as soon as it is reasonably practical. As used herein personal information shall include the name of an individual in combination with that person’s social security number or driver’s license number.

II. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CHRI in the decision-making process will review the applicable statute and consult with such individuals as necessary in order to make an informed decision.

III. Unless otherwise provided by law, a criminal record will not automatically disqualify an individual. Rather, determinations of suitability based on CHRI checks will be made consistent with this policy and any applicable law or regulations.

IV. If a criminal record is received from the applicable agency, the authorized individual will closely compare the record provided by the agency with the information on the CHRI request form and any other identifying information provided by the individual, to ensure the record relates to the individual.

V. If the Spartans is inclined to make an adverse decision based on the results of the CHRI check, the individual will be notified immediately. The individual shall be provided with a copy of the criminal record and the organization's CHRI policy, advised of the part(s) of the record that make the individual unsuitable for the position and given an opportunity to dispute the accuracy and relevance of the CHRI record.

VI. If the CHRI record provided does not exactly match the identification information provided by the individual, the Spartans will make a determination based on a comparison of the CHRI record and documents provided by the individual. the Spartans may contact the applicable agency to request a detailed search of their records.

VII. If the Spartans reasonably believes the record belongs to the individual and is accurate, based on the information as provided in section IV on this policy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:

- (a) Relevance of the crime to the position;
- (b) The nature of the work to be performed;
- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the individual has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof;
- (i) Any other relevant information, including information submitted by the candidate or requested by the Spartans.
- (j) Whether the offense included causing or threatening direct physical injury to any individual.
- (k) Whether the offense included causing or threatening harm of any nature to a child or children.

VIII. the Spartans will notify the individual of the decision and the basis of the decision in a timely manner.