



Virginia Commission for the Arts

Criminal Background Check

Overview | Each teaching artist approved by the Commission for the Teaching Artist Roster is required to undergo a criminal background check. Background checks ensure that the Commission has performed its due diligence to the fullest extent possible, as teaching artists are properly vetted, to work with Pre-K-12 students, life-long learners, and/or potentially (other) vulnerable populations. All criminal background checks are confidential. Background checks will be conducted with the Virginia State Police to determine whether a teaching artist has a criminal history in Virginia, including that as a sex offender. The Commission will contract with a third-party vendor to determine a U.S. criminal record outside of the Commonwealth. Fieldprint, or whatever successor vendor is contracted through the Virginia State Police will be used for conducting the background checks.

Consideration of Information Obtained | Convictions and other information disclosed by candidates or revealed through background checks will influence the hiring decision only if considered by the Commission to be relevant to the duties of the position and the Commission's responsibilities to the public and public funding. For convictions and other past conduct deemed potentially relevant, the following will be considered:

- the nature and severity of the offense or conduct,
- the nature of the possible assignments of the Teaching Artist, and populations with whom they would engage, and/or
- a candidate's explanation of a past event and other contextual information, including the candidate's age at the time the event or conduct occurred and the time elapsed since. If the Commission denies approval based on criminal background check information (other than information solely disclosed by the candidate) or any other information provided by a consumer reporting agency, the Commission will notify the candidate in accordance with the Fair Credit Reporting Act.

Consideration of Offenses | Examples of offenses which are considered unacceptable for working with children/youth, seniors and/or other vulnerable populations include, but may not be limited to:

- Offenses or cases involving care or treatment of other persons
- Misdemeanor offenses or cases involving violence, or drug and alcohol offenses within the past seven years.
- Felony offenses or cases involving violence or sex
- Other felony offenses such as embezzlement, theft, drugs, within the past ten years

This shall include persons who have been found guilty or entered a plea of guilty or no contest. This listing of examples of offenses is not exhaustive and other offenses may be considered unacceptable. For offenses not listed below, evaluations will be made on a case-by-case basis. **Shall include prior adult offenses, juvenile offenses, and adjudication of delinquency**

Criminal Background Check Continued

Confidentiality and Reporting | Information will be collected and handled confidentially by designated Commission staff—the Executive Director, Deputy Director and Artist Engagement Coordinator. Information will be retained only as required by law, and will not become part of any individual’s personnel file. In accordance with direction given to the Commission by the Department of Human Resources and Management (DHRM), the Commission will maintain a list of these artists with documentation of when/how their background checks were conducted and that they successfully passed.

In compliance with applicable requirements and the Virginia Records Act, §§ 42.1-76, et seq. of the Code of Virginia, the Commission will confidentially and properly manage criminal background checks once they have served their purpose of determining a criminal background of a teaching artist. The Commission will retain a note in each teaching artists’ file. Notes for rejected teaching artists will state that the artists had an unfavorable background check. Notes for accepted teaching artists will indicate the date of the reports and that the criminal background history revealed no areas of concern. DHRM only records employees in “sensitive positions” and does not record independent contractors in the Cardinal Human Capital Management system. The Commission may seek the advice of the Attorney General’s office with respect to any artist who is identified for rejection due to an unfavorable background check and/or who the Commission approves for the Teaching Artist Roster who has a criminal background, and it shall seek such advice prior to advising the artist of their eligibility. The background check shall not be redisclosed.

The Commission will absorb the costs for the background checks. It is recommended that schools and organizations also conduct separate background checks at their own costs for individuals working within their arts education programs with children/youth and/or other vulnerable populations.