

# Policies

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## Westerly Public Schools Background Check Investigation (Volunteers)

No. 4180.2

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### Purpose:

This policy shall serve to establish policy, guidelines, procedures, and expectations to describe the involvement of adult volunteers working within Westerly Public Schools.

### Philosophy:

Westerly Public Schools recognizes the significant benefits of having authorized volunteers working in the school environment to assist teachers in strengthening the learning experiences of its students. Westerly Public Schools further acknowledge and appreciate the many contributions of our volunteers through their particular talents, knowledge, experience, and varied backgrounds. The school community is truly enriched as a result of adult volunteers and staff is encouraged to capitalize on the continued availability of these resources.

### Definitions:

- **Volunteer** – A volunteer shall be defined as any person who works on an occasional or regular basis on school grounds, or at any off-site location while on a school-sponsored activity and who may have direct and unmonitored contact with children and/or students on school premises. Volunteers support the efforts of professional personnel and/or contribute to the enrichment of the school community. Volunteers shall serve in that capacity without compensation or employee benefit of any type.
- **Conviction** – For the purposes of this policy “conviction” means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the defendant has entered a plea of nolo contendere and received a sentence of probation and those instances where a defendant has entered into a deferred sentence agreement with the attorney general in accordance with RIGL 23-17-37.
- **Disqualifying Information** – For the purposes of this policy disqualifying information shall mean those offenses listed in RIGL 23-17-37, 11-37-8.1, and 11-37-8.3.

§ 23-17-37 Disqualifying information. – (a) Information produced by a criminal records review pertaining to conviction, for the following crimes will result in a letter to the employee and employer disqualifying the applicant from employment: murder, voluntary manslaughter, involuntary manslaughter, first degree sexual assault, second degree sexual assault, third degree sexual assault, assault on persons sixty (60) years of age or older, assault with intent to commit specified felonies (murder, robbery, rape, burglary, or the abominable and detestable crime against nature) felony assault, patient abuse, neglect or mistreatment of patients, burglary, first degree arson, robbery, felony drug offenses, larceny, or felony banking law violations. An employee against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the employer who shall make a judgment regarding the continued employment of the employee. (b) For purposes of this section, "conviction" means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances

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where the defendant has entered a plea of nolo contendere and has received a sentence of probation and those instances where a defendant has entered into a deferred sentence agreement with the Attorney General.

§ 11-37-8.1 First degree child molestation sexual assault. – A person is guilty of first degree child molestation sexual assault if he or she engages in sexual penetration with a person fourteen (14) years of age or under.

§ 11-37-8.3 Second degree child molestation sexual assault. – A person is guilty of a second degree child molestation sexual assault if he or she engages in sexual contact with another person fourteen (14) years of age or under.

### **Policy Statement:**

Safety and Security of the students, faculty, and staff is the primary concern of Westerly Public Schools; therefore, Westerly Public Schools requires that all adults who wish to volunteer in any capacity complete a volunteer application. Included in this application is a RI criminal background check, a volunteer criminal identification waiver authorization form, and a signed confidentiality for school volunteers agreement. The cost of the background check, if any, is the responsibility of the applicant.

A completed background check with no disqualifying information found shall be considered valid until June 30 of that school year. A background check which indicated disqualifying information found will result in the inability of said individual to volunteer for Westerly Public Schools; it shall be the responsibility of the Superintendent or his/her designee to notify the individual of his/her ineligibility.

### **Appeals Process**

Any volunteer for whom disqualifying information has been found may request that a copy of the criminal background report be sent to the Superintendent, who shall make a judgment regarding whether the individual may volunteer in Westerly Public Schools.

Any volunteer wishing to appeal the Superintendent's decision may do so by writing a letter to the Chairperson of the School Committee within ten days of the Superintendent's decision, requesting a hearing before the School Committee.

### **Confidentiality**

Volunteers may become aware of sensitive, private information regarding the students. Therefore, volunteers must adhere to rules and district protocols regarding confidentiality. They shall also sign a confidentiality agreement as part of the volunteer application which shall be kept in their volunteer file.

### **Volunteer Liability and Indemnification**

Volunteers shall agree to indemnify and hold harmless Westerly Public Schools, its officers, agents, and employees from any and all claims, damages, and expenses arising out of injuries to persons or damage to property alleged to have occurred from intentional acts, omissions, or negligent acts of the volunteer.

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### Exclusion

This policy shall not apply to parents observing or visiting classrooms, guest speakers, performers, student mentors who are enrolled in Westerly Public Schools, truancy court personnel, newspaper reporters, vendors for school related items such as rings, yearbooks, delivery vendors, and alike, provided they accompanied by the Superintendent or other school personnel.

Adopted: September 21, 2016  
Updated: November 14, 2018