

NUMBER:	SP 907
EFFECTIVE:	05/12/2010
REVISION:	12/03/2015
PAGES:	2

Statement of.....

Policy and Responsibility

SUBJECT: EMPLOYMENT BACKGROUND AND REPORTING

I. PURPOSE

The Murray City School District is committed to providing a safe and secure educational and working environment for students and employees. As part of this effort, the District requires criminal background checks of licensed and non-licensed employees pursuant to Utah state laws, rules, and regulations, and in accordance with this policy.

II. EMPLOYMENT SCREENING

- A. Utah law requires background checks and ongoing monitoring on all prospective and current employees, substitutes, coaches, (Utah Code Ann., §53G-11-401 through 410.) The prospective employee shall pay the cost of the background check.
- B. The District will review any information received as a result of the background check. Applicants who have been convicted of a felony or who have a misdemeanor conviction in an area which causes concern for the safety and well-being of children will not be hired. The prospective employee shall have opportunity to respond to any information received. In no case will the prospective employee be given a copy of the Criminal History Report.
- C. The District shall resolve any request for review by the prospective employee through applicable administrative procedures established by the District.
- D. If a current employee is dismissed from employment because of information obtained through a background check, the person shall receive written notice of the reasons for dismissal and have an opportunity to respond to the reasons for the dismissal.
- E. Each current employee and prospective employee must agree to have his/her fingerprints taken and sign a document of acknowledgment and waiver permitting the District to request a background check and ongoing monitoring of any state or federal criminal history file that the District might deem applicable as a condition of employment. Student employees under the age of eighteen (18) years are not required to be fingerprinted.
- F. Refusal to submit to a background check will be grounds for denial of employment.

III. EMPLOYEES- BACKGROUND CHECKS AND REPORTING REQUIREMENTS

- A. All licensed employees are regulated by Utah Code 53G-11-403, "Background checks for licensed educators."

- B. In addition to the required fingerprint background check, any employee who is arrested for any of the following alleged offenses shall report the arrest within forty-eight (48) hours to the school principal or Director of Personnel:
 - i. any matters involving arrests for alleged sex offenses;
 - ii. any matters involving arrests for alleged drug-related offenses;
 - iii. any matters involving arrests for alleged alcohol-related offenses;
 - iv. any matters involving arrests for alleged offenses against the person under Utah Code Ann., Title 76, Chapter 5, Offenses Against the Person. This Title and Chapter includes, but is not limited to, crimes where a person has assaulted, harassed, abused, neglected, exploited, endangered, kidnapped, murdered, trafficked, raped, sexually assaulted, etc. another person(s);
 - v. any matters relating to arrests for violations of the vehicle code for employees who drive motor vehicles as an employment responsibility.
 - vi. Arrested means any detention that involves fingerprinting at the initial interaction with police or at a later time.
- C. All employees shall report convictions, including pleas in abeyance and diversion agreements, within forty-eight (48) hours or as soon as possible upon receipt of notice of the conviction, plea in abeyance, or diversion agreement.
- D. Employees will be immediately suspended from student supervision responsibilities for alleged sex offenses and other alleged offenses which may endanger students during the period of investigation.
- E. Employees will be immediately suspended from transporting students or driving a public education vehicle for alleged offenses involving alcohol or drugs during the period of investigation.
- F. Failure to notify to the district of arrest and/or conviction within 48 hours may lead to disciplinary up to and including termination.

IV. DISTRICT RESPONSIBILITIES

- A. When arrest/conviction information is received by the District regarding any employee, the Director of Personnel shall review that information and assess the employment status consistent with Utah Code Ann., §53E-6-604, Utah Administrative Code, R277-515, and District policy. The District may also report the arrest of licensed employees to the Utah Professional Practices Commission.
- B. The District will provide adequate due process for the accused employee consistent with administrative procedures established by the District. The Director of Personnel shall review arrest information and make employment decisions that protect both the safety of students and/or employees and the confidentiality and due process rights of employees.
- C. Records of arrests and convictions shall be placed in the employee's personnel file upon receipt by the District.