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Statement of.....

## Policy and Responsibility

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SUBJECT: EMPLOYMENT BACKGROUND AND REPORTING

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### 1. 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.

### 2. EMPLOYMENT SCREENING

- A. Utah law requires background checks on all prospective employees, substitutes, coaches, and volunteers who have significant unsupervised access to students (Utah Code Ann., §53A-3-410). Accordingly, the District requires each prospective employee to submit to a background check prior to employment or service in the District.
- B. The prospective employee shall pay the cost of the background check.
- C. The District shall consider convictions which are job-related and/or of a serious nature (see below). The prospective employee shall have opportunity to respond to any information received as a result of the background check. In no case will the prospective employee be shown or given a copy of the Criminal History Report.
- D. The District shall resolve any request for review by the prospective employee through applicable administrative procedures established by the District.
- E. 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.
- F. 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 of any state or federal criminal history file that the District might deem applicable as a condition of employment or volunteering. Student employees under the age of eighteen (18) years are not required to be fingerprinted.

### 3. EMPLOYEES- BACKGROUND CHECKS AND REPORTING REQUIREMENTS

- A. The District requires background checks for all licensed employees in the year in which their license is to be renewed between January 1 and June 30.
- B. The District requires periodic background checks for all non-licensed employees every six (6) years. The employee will pay the full cost of the background check.

- C. 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 or as soon as possible to the 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.
- D. 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.
- E. 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.
- F. 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.

#### 4. 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., §53A-6-501, 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 Utah Code Ann., §53A-3-410(10) and applicable 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.