

Article IX.A.1.v. Self-Reporting Requirements and Background Checks

A. Statement of Purpose

The ~~Granite School District~~ Board of Education of Granite School District (Board) believes that district employees are role models for students, and the Board is committed to providing a safe and secure environment for students, patrons, and employees. Self-reporting criminal arrests, citations, charges, and convictions (or comparable court dispositions) is required by state law and furthers the Board's purposes.

B. Self-Reporting Requirements

1. Licensed and non-licensed employees shall report any arrest, citation, or charge of any felony offense or any non-felony offense related to matters involving alleged sex offenses; alleged drug-related offenses; alleged alcohol related offenses; alleged offenses against persons under Utah Code, Title 76, Chapter 5<sup>1</sup>; alleged felony offenses against property under Utah Code, Title 76, Chapter 6<sup>2</sup>; alleged offenses of domestic violence under Utah Code, Title 77, Chapter 36; alleged child abuse offenses; alleged domestic violence offenses; alleged assault or other offenses against persons under Title 76, Chapter 5 of the Utah Code; ~~or any~~ alleged felony offenses to a director, or any other alleged comparable offenses to those listed, to their supervisor/director and/or the director of human resources within forty-eight (48) hours after the arrest, citation, or charge is issued.
2. Licensed and non-licensed employees shall report any conviction, plea in abeyance, or diversion agreement of felony or misdemeanor criminal offenses (other than minor traffic offenses) involving the employee to their supervisor/director and/or the director of human resources within forty-eight (48) hours after the court's ruling or determination.

C. Fingerprinting and Background Checks

1. With the exception of student employees under the age of eighteen (18) years, all prospective and current District employees—licensed and non-licensed, hourly and contract, and individuals working in any coaching capacity—are required as

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<sup>1</sup> Title 76, Chapter 5 includes, but is not limited to, crimes of assault, harassment, abuse, neglect, exploitation, endangerment, kidnapping, murder, trafficking, rape, or sexual assault.

<sup>2</sup> Title 76, Chapter 6 includes, but is not limited to, crimes of destroying property, robbery, burglary, criminal trespass, theft, fraud, computer crimes, damage of cultural sites, mortgage fraud, and identity fraud.

part of the employment process and as a condition of employment to submit to an initial background check against state and federal databases and ongoing monitoring through registration with the WIN Database and the Federal Bureau of Investigation (FBI) Rap Back System, which is maintained and monitored by the Utah Bureau of Criminal Identification (BCI).

2. All non-employees, including volunteers, contractors, and affiliates with significant unsupervised access to students shall also submit to a fingerprint background check and ongoing monitoring the same as a District employee. Volunteers, contractors, and affiliates with significant unsupervised access to students shall have an approved fingerprint background check on file with the District prior to working with students or offering services.
3. The Utah State Board of Education (USBE) initiates all background checks and conducts monitoring for licensed employees, and notification of new entries are delivered to District Human Resources via USBE. ~~Human Resources initiates all other required background checks and responds appropriately to new entries sent directly to Human Resources from BCI. Human Resources regularly performs subscription cancelations for employees, volunteers, contractors, and affiliates after separation with the District.~~

D. Costs

All conditionally hired employees (applicants with an offer of employment), and all compensated non-employees, ~~volunteers, contractors, and affiliates will~~ shall bear the costs for required fingerprinting and for obtaining criminal background checks.

E. Investigations and Determinations

Through its agents or designees, the ~~D~~district shall review alerts of criminal ~~conduct, arrest and conviction records and information, conduct perform~~ administrative investigations as appropriate, and make employment decisions intended to protect the safety and well-being of students and the integrity of ~~D~~district operations, at the same time preserving employee confidentiality and due process rights. ~~As such, individuals working in any capacity with the district employees may be placed on leave, or otherwise have responsibilities limited or modified during investigations. Those individuals, and employees, applicants, or volunteers may be disciplined, dismissed, or or precluded from working in the d~~District as appropriate considering the nature of the past criminal conduct and the nature of the position.

F. Reference Checks

Under Utah law, before employing any individual or assigning any individual to a volunteer assignment which would give the individual significant access to a student, the District must request information regarding any prior employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the applicant or volunteer. Human Resources shall request such information from the most recent employer where the applicant or volunteer in a qualifying position where the applicant or volunteer directly cared for, supervised, controlled, or had custody of a child.

G. Records

Records such as police reports, court dockets, Bureau of Criminal Identification reports, and other records pertaining to arrests and convictions are identified as protected records under Section 63G-2-305 (9) of the Government Records Access and Management Act (GRAMA) and will be maintained by the District for an adequate duration and for the purpose of conducting investigations, making employment decisions, defending against appeals or other actions, and protecting the safety and well-being of students, patrons, and employees.

References

- 42 USC 16926, Schools Safe Act
- Utah Code § 53-10-108
- Utah Code § 53-10-211
- Utah Code § 53G-11-401 *et. seq.*
- Utah Code § 53E-6-401
- Utah Administrative Code R277-217
- Employee Self Reporting Form (Attached)