



Employee Background Check and Offense Reporting Policy

U.C.A. §53G-5-40
U.C.A. §53G-11-401
R277-516

PURPOSE

Channing Hall has adopted this background check policy for licensed and non-licensed school employees to ensure regular background clearance and reporting of specific offenses by all Channing Hall employees in accordance with Utah Law. The Utah State Board of Education requires all Utah educators to comply with federal, state, and local laws, maintain a safe learning environment, and exhibit appropriate professional educator conduct. Violations of professional standards may result in employment discipline by Channing Hall and license discipline by the USBE. Channing Hall follows all applicable laws. If any of the following is inconsistent with current law, Channing Hall will disregard that portion of the policy and will comply with current laws.

I. Procedures

- A. All potential Channing Hall employees must submit to a criminal background check as a condition for employment or appointment. [see IC, below]
- B. Volunteers with unsupervised access to a student/students in connection with the volunteer's assignment must submit to a criminal background check as a condition of service in accordance with Channing Hall's Volunteer Policy. Until the background check is complete, the volunteer must remain under the supervised observation of a Channing Hall employee.
- C. Channing Hall follows Utah Code 53G-5-408 and 53G-11-403 requiring licensed Utah educators to obtain a satisfactory background check upon application for a Utah Educator License. All licensed employees licensed before 2015 who are current Channing Hall employees (and not background checked when hired by Channing hall) must have a background check before their next required renewal.
- D. Where reasonable cause exists, Channing Hall may require an existing employee or volunteer to submit to a criminal background check at any time.
- E. Applicants for employment, including substitutes, licensed employees, and non-licensed employees will pay the designated cost of initial background checks if the applicants have passed an initial review of applicants or are finalists for a position.

- F. As required, Channing Hall will regularly submit to appropriate state departments, such as the Utah Department of Public Safety, a complete list of non-licensed employees including names, dates of birth, and Social Security numbers.
- G. All Channing Hall licensed and non-licensed employees are required to report the following offenses to the Administration, within 48 hours or as soon as possible:
 - 1. Convictions, including pleas in abeyance and diversion agreements, for offenses that are job-related and any of those listed below:
 - a) Any matters involving arrests for alleged sex offenses
 - b) Any matters involving arrests for alleged drug-related offenses
 - c) Any matters involving arrests for alleged alcohol-related offenses
 - d) Any matters involving arrests for alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person
 - e) Any matters involving minors.

II. School Response

- A. A licensed educator shall report for work following an arrest and provide notice to the Administration unless directed not to report for work by the Channing Hall Administration.
- B. A non-licensed employee shall report for work following an arrest and provide notice to the Administration unless directed not to report for work by the Channing Hall Administration.
- C. Channing Hall will allow for adequate due process for the accused employee to include:
 - 1. A process that allows the accused employee to review arrest information and the school to make employment decisions that protect both the safety of students and the confidentiality and due process rights of employees;
 - 2. Internal timelines and procedures for maintaining records of arrests and convictions of non-licensed public education employees. Records shall include final administrative determinations and employment actions following investigation.
 - 3. The maintenance of records only as necessary to protect the safety of students, with strict requirements for the protection of confidential employment information.
 - 4. Information obtained from BCI in a background check is confidential, consistent with the Government Records and Access and Management Act (GRAMA), U.C.A. §63G-2
- D. A criminal conviction does not necessarily preclude employment at Channing Hall. The Administration has the sole and absolute discretion to determine whether the outcome

of a criminal background check will result in administrative action to include the decision to terminate employment or the decision not to hire. Similarly, the dismissal of a criminal offense or arrest does not necessarily preclude Channing Hall from taking administrative employment action.

- E. The Channing Hall Administration may consider both criminal and/or administrative findings in making a decision about hiring, disciplinary action, or termination related to the background check or reporting of an employee or potential employee.
- F. The Channing Hall Administration may consider each situation on a case-by-case basis and evaluate the following factors, among others, to determine an applicant or current employee's suitability to work or to continue to work at Channing Hall:
 - 1. Type of conviction
 - 2. Relevance of a conviction or offense to the individual's position
 - 3. A history of multiple convictions/offenses that suggest a pattern of criminal behavior or professional bad judgment
 - 4. Amount of time that has passed since an offense/conviction and/or the completion of a sentence or resolution
 - 5. Frequency and severity of the offense
 - 6. Age of the individual at the time the offense was committed
 - 7. Evidence of rehabilitation

III. Responsibilities of Channing Hall Administration

The Channing Hall Administration will act in accordance with Utah Administrative Code R277-516-6 upon the receipt of arrest information from employees. The Channing Hall Administration will take the following steps:

- A. Review the arrest information and assess the employment status of a licensed employee consistent with Section U.C.A. §53G-11-405 and R277-515, as well as any Channing Hall policy in effect;
- B. Review the arrest information and assess the employee's employment status considering the employee's assignment and Channing Hall policies for ethical behavior of employees.
- C. Train non-licensed and licensed public education employees about the provisions of this policy for self-reporting and ethical behavior of public education employees;
- D. Disclose to the USBE any self-disclosed reports received from licensed educators and will cooperate with the USBE in investigations of licensed educators whose reports regarding arrests/convictions have come to the attention of the USBE from Department of Public Safety.

- E. At the request of the USBE, consult with the USBE concerning potential licensing action against a licensed employee after the USBE's review of arrest/conviction information, in accordance with Utah law and administrative rules.