

302: Criminal Background Check and Employee Reporting of Arrest

1. Purpose:

The purpose of this policy is to protect the safety, health, and security, of St. George Academy students, employees, and property. Further, this policy is intended to ensure that all students of St. George Academy are instructed and served by faculty members and employees who have not violated laws that would endanger students in any way.

2. Policy: Criminal Background Checks:

2.1. Individuals Subject to Background Checks

2.1.1. Potential employees must submit to a criminal background check and ongoing monitoring as a condition for employment or appointment.

2.1.2. Volunteers with unsupervised access to a student in connection with the volunteer's assignment must submit to a criminal background check and ongoing monitoring as a condition of service. Until the background check is complete, the volunteer must remain under the supervised observation of St George Academy employee.

2.1.3. A representative (individual, employee, and/or agent) of company or organization having established an arrangement or agreement with St George Academy to provide services to the school (such as food service vendors with casual access to students), or services with direct student access must submit to a school conducted criminal background check and ongoing monitoring. The organization or representative shall pay the cost of the background check. The arrangement of the organization or company shall include a provision for SGA to require the representative to sign a release enabling SGA to perform the check. Information obtained from the check may be used as a basis to refuse access of the representative to St. George Academy, or student, at the discretion of the SGA Administration. Failure to comply with this provision shall be basis for termination of the arrangement or agreement with the company or organization.

2.1.4. A background check may be required for the renewal of any Utah educator license in accordance with Utah Administrative Code [R277-500](#).

2.1.5. Where reasonable cause exists, St. George Academy may require an existing employee or volunteer to submit to a criminal background check.

2.2. Conducting the Background Check

2.2.1. Applicants and volunteers shall complete supplemental paperwork as a condition of employment. The paperwork requires self-disclosure of criminal misconduct or violations of the law. The information obtained from the background check and the self-disclosure of information

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from a completed supplemental questionnaire will be compared for accuracy. Any misstatement, omission, or misinformation provided to SGA is grounds to not hire or for dismissal.

2.2.2. The applicant, volunteer, representative, or employee shall be required to sign a release enabling SGA to perform the background check. Refusal to sign the release will be used as the sole basis to refuse employment, access, or participation in volunteer activities. Current employees who decline to sign the release form will be subject to disciplinary action up to and including dismissal from employment.

2.2.3. St George Academy will access law enforcement records from both regional and national criminal data files, when conducting background checks.

2.3. Payment for Background Check

2.3.1. Applicants for employment, including substitutes, shall be required to pay the designated cost of background checks subject to the provisions of [UCA § 53-10-108](#) and SGA Policy.

2.4. Licensed Educators Required Reports of Arrest or Booking:

2.4.1. A licensed educator who is arrested, booked, cited, or charged with the following alleged offenses shall report the incident as soon as possible or within 48 hours to SGA Administration:

- any matters involving an alleged sex offense;
- any matters involving an alleged drug-related offense;
- any matters involving an alleged alcohol-related offense;
- any matters involving an alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person;
- any matters involving an alleged felony offense under Title 76, Chapter 6, Offenses Against Property;
- any matters involving an alleged crime of domestic violence under Title 77, Chapter 36, Co-habitant Abuse Procedures Act; and
- any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed above.

2.4.2. The licensed educator shall also report to SGA Administration any convictions, including convictions identified above, any pleas in abeyance, and any diversion agreements within 48 hours or as soon as possible upon receipt of notice of conviction, plea in abeyance or diversion agreement.

2.4.3. SGA Administration shall report offense information received from the licensed educator within 24 hours to the Board of Directors.

2.4.4. SGA Administration shall electronically report arrest or offense information received from licensed educators to the Utah State Office of Education (USOE).

2.4.5. The licensed educator shall report for work following the arrest and notice unless directed not to report for work by SGA Administration.

2.5. Non-licensed Public Employees or Volunteers Personal Reporting of Arrest or Booking:

2.5.1. Non-licensed public education employees or volunteers must notify SGA Administration as soon as possible, but no later than 48 hours after being cited, charged with, booked, arrested, convicted, or agreeing to a plea in abeyance or diversion agreement for any of the following crimes, regardless of the imposition of sentence:

- convictions, including pleas in abeyance and diversion agreements;
- any matters involving arrests for an alleged felony;
- any arrests for matters involving minors;
- any matters involving alleged sex offenses;
- any matters involving alleged drug-related offenses;
- any matters involving alleged alcohol-related offenses;
- any matters involving alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person; and
- any matters involving minors.

2.5.2. Supervisors must notify SGA Administration immediately upon an employee informing them of any of the matters listed above.

2.5.3. SGA Administration shall report offense information received from the employee within 24 hours to the Board of Directors.

2.6. Review and Investigation

2.6.1. A criminal conviction does not necessarily preclude employment with St. George Academy. The Executive Director 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 to not hire. Likewise, the dismissal of a criminal offense or arrest does not necessarily preclude the Executive Director from taking administrative action.

2.6.2. SGA administration will immediately suspend an employee from student supervision responsibilities pending the outcome of any investigation upon receipt of information concerning alleged offenses, which may endanger students or interfere with the orderly operation of the school.

2.6.3. Administration may consider both criminal and/or administrative findings. The safety and security of students will be the foremost consideration. Administration will consider each circumstance on a case-by-case basis and use the following factors to determine an applicant or current employee's suitability to work at SGA.

- Type of conviction;

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- Relevance of any conviction to the individual's position;
- A history of multiple convictions that suggests a pattern of criminal behavior or bad judgment;
- Amount of time that has passed since a conviction and/or the completion of a sentence;
- Frequency and severity of the crime(s);
- Age of the individual at the time the crime was committed;
- Evidence of rehabilitation.

2.7. Administrative Action and Due Process

2.7.1. Employment at St. George Academy is on an “at-will” basis. The Executive Director has the authority to terminate employment of any individual without prior notification if so deemed necessary. Applicants are subject to non-selection based on the results of a background check, for refusal to submit to a background check, and/or for the failure to disclose information relevant to the background check.

2.7.2. Employment at St. George Academy is on an “at-will” basis. The Executive Director has the authority to terminate employment of any individual without prior notification if so deemed necessary. Employees are subject to discipline, up to and including termination, based on conduct identified from the results of their background checks, for refusal to submit to a background check, and/or for failure to report a citing, booking, arrest, charge or conviction as outlined in this policy.

2.7.3. SGA Administration may take employment or disciplinary action (up to and including dismissal), refuse to consider an applicant for employment, or refuse to hire a selected applicant for any offense relevant to the subject's assignment. Offenses relevant to all SGA assignments include but are not limited to the following:

- any matters involving charges of felony or relevant misdemeanor offenses;
- any matters involving sex offenses;
- any matters involving drug-related offenses;
- any matters involving alcohol-related offenses;
- any matters involving offenses against a person under UCA Title 76, Chapter 5, Offenses Against the Person;
- any matters for which the subject is currently under court ordered probation; or
- any offense against or pertaining to a minor;
- any class A misdemeanor property offense that is alleged to have occurred within the previous three years; or, any other type of criminal offense, if more than one occurrence of the same type of offense is alleged to have occurred within the previous eight years.

2.7.4. If a person is denied employment or is dismissed from employment because of information obtained through a criminal background check, Administration shall provide the individual an opportunity to review and respond to any criminal history information received.

2.7.5. Information obtained from BCI in a background check is confidential within the guidelines of the Government Records and Access and Management Act (GRAMA).

2.8. All non-licensed employees, contract employees, and volunteers shall submit to a background check and ongoing monitoring as a condition of employment.

3. References and Definitions

3.1. Definitions:

3.1.1. "Licensed Educator" has the meaning given that term in [UAC R277-516](#)

3.1.2. "Crimes Against a Person" includes assault, kidnapping, murder, manslaughter, reckless endangerment, abuse of a child or vulnerable adult, stalking, hazing, making a terroristic threat, and any other offense identified in UCA Title 76, Chapter 5.

3.1.3. "Criminal History Report" A report generated by the Bureau of Criminal Identification after a search of State of Utah criminal history files and/or other state and federal databases designed by law or by the District.

3.1.4. "Driving Record Report" Traffic-related offenses contained in the Utah Division of Motor Vehicle databases.

3.1.5. "Background Check" Information on an applicant or employee that may include but is not limited to, criminal history reports and driving records reports.

3.1.6. "Booking," (booked) for the purposes of this policy, shall refer to the process by which the police department registers and enters charges against a person believed to have violated the law. The process of booking occurs when the subject's personal information is recorded as a suspect in a crime and/or when the subject's fingerprints are taken. Both recording personal information and fingerprinting need not occur at the same time in order for a booking to occur. A booking may result from a court order, citation, or an arrest.

3.1.7. "Arrest," is a seizure or forcible restraint or the taking or keeping of a person in custody by legal authority, especially, in response to a criminal charge and/or the apprehension of someone for the purpose of securing the administration of the law.

3.2. References:

- Utah Code Annotated ([UCA](#)) [§ 53-10-108](#) – Limited Use of Records for Employment Purposes
- [UCA § 53A-15-15](#) – Background Checks
- Utah Administrative Code ([UAC](#)) [R277-500](#) – Educator Licensing Renewal and Timelines
- UAC [R277-516](#) – Education Employee Required Reports of Arrests