

# The Center for Creativity, Innovation and Discovery Background Check and Offense Reporting Policy

## Purpose

The Center for Creativity, Innovation and Discovery (CCID) 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 CCID 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 license discipline by the USOE. CCID follows all applicable laws, and if any of the following is inconsistent with current laws, including the Utah Administrative Code, CCID will disregard that portion of the policy and will comply with current laws.

## Procedures

- All potential CCID employees must submit to a criminal background check as a condition for employment or appointment. CCID acknowledges that Utah educators holding a current license have met this requirement.
- Volunteers with unsupervised access to a student in connection with the volunteer's assignment must submit to a criminal background check as a condition of service in accordance with CCID's [Volunteer Policy](#). Until the background check is complete, the volunteer must remain under the supervised observation of a CCID employee.
- CCID follows Utah Code 53A-1a-512.5 requiring Utah educators to obtain a satisfactory background check upon application for a Utah Educator License. This law also requires a background check clearance within one year for applications renewing or upgrading a Utah Educator License.
- Utah educators must complete a background check by submitting fingerprints for review by the Utah Bureau of Criminal Investigation and the Federal Bureau of Investigation.
- Utah Administrative Code R277-516-4 currently requires non-licensed public education employees to undergo periodic background checks at least every six years, however institutions qualifying for background checks utilized NGI Rapback services, such as CCID, receive regular background checks on employees for the duration of employment. The NGI Rapback service, therefore, satisfies Utah Administrative Code R277-516-4 *in perpetuity* after the initial background check.
- CCID will determine the background check process necessary based on the assignment of a non-licensed employee, a licensed employee, or a volunteer as allowed by Utah Administrative Code R277-516-4.
- Where reasonable cause exists, CCID may require an existing employee or volunteer to submit to a criminal background check at any time.
- Applicants for employment, including substitutes, licensed employees, and

non-licensed employees will pay the designated cost of initial background checks and background checks required periodically or for renewal of licenses.

- As required, CCID 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.
- All CCID licensed and non-licensed employees are required to report all designated offenses to the Principal and/or Executive Director including, but not limited to, the following:
  - Convictions, including pleas in abeyance and diversion agreements, for offenses that are job-related and any of those listed below:
  - Any matters involving arrests for alleged sex offenses;
  - Any matters involving arrests for alleged drug-related offenses;
  - Any matters involving arrests for alleged alcohol-related offenses;
  - Any matters involving arrests for alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person;
  - Any matters involving minors.

### **Reporting**

- CCID requires the reporting of the above designated offenses by non-licensed public employees and all employees who drive motor vehicles as an employment responsibility to the Principal or Executive Director.
- All licensed and non-licensed employees must report to the Principal or Executive Director the offenses designated in this policy within 48 hours of arrests, convictions, or the entering into of pleas or diversion agreements.
- Licensed and non-licensed employees will receive immediate suspension from student supervision responsibilities for alleged sex offenses and other alleged offenses which may endanger students during the period of investigation;
- Licensed and non-licensed employees will receive immediate suspension from transporting students or public education vehicle operation or maintenance for alleged offenses involving alcohol or drugs during the period of investigation.

### **Due Process and Records**

- A licensed educator shall report for work following an arrest and notice to the Principal or Executive Director unless directed not to report for work by the CCID Administration.
- A non-licensed employee shall report for work following an arrest and notice to the Principal or Executive Director unless directed not to report for work by the CCID Administration.
- CCID will immediately suspend an employee from student supervision

responsibilities pending the outcome of any investigation upon receipt of information concerning alleged offenses that may endanger students or interfere with the orderly operation of the school.

- CCID will allow for adequate due process for the accused employee consistent with Utah Administrative Code 53A-3-410(10) to include:
  - A process to review arrest information and make employment decisions that protect both the safety of students and the confidentiality and due process rights of employees;
  - Internal timelines and procedures for maintaining records of arrests and convictions of non-licensed public education employees. Records shall include final administrative determinations and actions following investigation.
  - Records shall be maintained only as necessary to protect the safety of students and with strict requirements for the protection of confidential employment information.
  - Information obtained from BCI in a background check is confidential within the guidelines of the Government Records and Access and Management Act (GRAMA)
- A criminal conviction does not necessarily preclude employment at CCID. The CCID 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. Likewise, the dismissal of a criminal offence or arrest does not necessarily preclude CCID from taking administrative action.
- The CCID 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.
- The CCID Administration may 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 or to continue to work at CCID:
  - Type of conviction;
  - 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.

### **Responsibilities of CCID Administration**

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

- CCID Administration will review the arrest information and assess the employment status of a licensed employee consistent with Section 53A-6-501 and R277-515, as well as any CCID policy in effect at this policies approval or afterward;
- CCID Administration will review the arrest information and assess the employee's employment status considering the employee's assignment and CCID policies for ethical behavior of employees.
- CCID Administration will train non-licensed and licensed public education employees about the provisions of this policy for self-reporting and ethical behavior of public education employees;
- CCID Administration will disclose to the USOE any self-disclosure reports received from its licensed educators and will cooperate with the USOE in any investigations of licensed educators whose reports regarding arrests/convictions have come to the attention of the USOE from Department of Public Safety.
- At the request of the USOE, the CCID Administration will consult with the USOE concerning potential licensing action against a licensed employee after the USOE's review of arrest/conviction information, in accordance with the procedures under Administrative Code 53A-6-401 and R686-100.