

Employment Personal Reporting of Arrests and Convictions - DACA

Employee's Duty to Personally Report Arrests and Convictions

An employee who is arrested, cited or charged for the following alleged offenses shall report the arrest within 48 hours or as soon as possible to the District's Superintendent or designee:

1. Any matters involving arrest for an alleged sex offenses;
2. Any matters involving arrests for an alleged drug-related offenses;
3. Any matters involving arrests for an alleged alcohol-related offenses;
4. Any matters involving arrests for an alleged offenses against the person found in Utah Code Ann. § 76-5-101 through 76-5-~~504413~~;~~and~~
5. Any matters involving an alleged felony offense found in Utah Code §§ 76-6-101 through 76-6-1409 (offenses against property):
6. Any matters involving an alleged crime of domestic violence under the Cohabitant Abuse Procedures Act (Utah Code §§ 77-36-1 through 77-36-10); and
7. Any matters involving an alleged crime under federal law or another state's law comparable to any of the alleged crimes listed above.

An employee shall report convictions, including pleas in abeyance and diversion agreements, within 48 hours or as soon as possible upon receipt of notice of the conviction, plea in abeyance, or diversion agreement.

After receiving arrest information about the employee, the Superintendent or designee shall review the arrest information and assess the employment status considering the employee's assignment. An employee shall be immediately suspended from student supervision responsibilities for alleged sex offenses and other alleged offenses that may endanger students during the period of investigation. An employee shall be immediately suspended from any duties that require the employee to transport students or operate or maintain a District vehicle for alleged offenses involving drugs or alcohol during the period of investigation.

The employee shall report for work following the arrest of any matters listed in items (1) through (4) above **only after** notice has been provided to the District unless directed not to report for work by the District, consistent with District policy.

Failure to report any arrest or conviction pursuant to this policy may result in disciplinary action up to, and including, termination.

Documents and records related to an employee's arrest and/or conviction, plea in abeyance, or diversion agreements, as well as final administrative determinations and actions following investigation, shall be maintained for a minimum of two (2) years following termination of employment with the District and require protection of confidential employment information.

Utah Admin. Rules R277-516 (October 8, 2015) (December 8, 2009)

Utah Code § 53A-15-1507 (1) (2015)

~~“Licensed educator” means an individual who holds a valid Utah educator license and has satisfied all requirements to be a licensed educator in the Utah public school system (examples are teachers, school administrators, and school district specialists). A licensed educator may or~~

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~~may not be employed in a position that requires an educator license. Licensed educators include individuals who are student teaching, who are in alternative routes to licensing programs or positions, and individuals who hold district-specific licenses.~~

~~Utah Admin. Code R277-516~~

District Reports to Utah State ~~Office~~ Board of Education

The Superintendent or designee shall report the conviction, arrest, or offense information received from licensed educators to the Utah State ~~Office~~ Board of Education within 48 hours of receipt of information from licensed educators.

“Licensed educator” means an individual who holds a valid Utah educator license and has satisfied all requirements to be a licensed educator in the Utah public school system (examples are teachers, or school administrators, and school district specialists). A licensed educator may or may not be employed in a position that requires an educator license. Licensed educators include individuals who are student teaching, who are in alternative routes to licensing programs or positions and individuals who hold district-specific licenses.

~~Utah Admin. Code R277-516 (December 8, 2009)~~ *Utah Admin. Code R277-516 (October 8, 2015)*

Utah Code § 53A-15-1507(2) (2015)