



**GOOD FOUNDATIONS ACADEMY**  
"Building Knowledge and Character"  
5101 South 1050 West  
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**Phone:** (801)393-2950  
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**Executive Director:** Brent Petersen

# **Background Check and Personal Reporting of Arrests Policy**

## **PURPOSE AND PHILOSOPHY**

Good Foundations Academy (GFA) is committed to ensuring a safe environment for students, employees and visitors through the performance of criminal background checks. This policy provides guidelines for performing criminal background checks for applicants, employees and volunteers.

## **POLICY**

Offers of employment, continued employment and volunteering shall be contingent upon obtaining a signed authorization for the procurement of a criminal background check and personal reporting of arrests.

## ***CRIMINAL BACKGROUND CHECKS***

### **Positions subject to background checks:**

- Potential employee, whether licensed, non-licensed, contract, or substitute, shall submit to a criminal background check and consent to ongoing monitoring prior to beginning service.
- A volunteer who will be given significant unsupervised access to a student in connection with the volunteer's assignment shall submit to a nationwide criminal background check and consent to ongoing monitoring prior to being authorized to serve as a volunteer.
- Board members
- Individuals whose employment or appointment with GFA began prior to July 1, 2015 shall submit to a background check and consent to ongoing monitoring no later than September 1, 2018.

### **Ongoing Monitoring**

- A review of an individual's criminal history shall be required for the renewal of any Utah educator license in accordance with Utah Administrative Code R277-500-6.
- Where reasonable cause exists, GFA Administration may require an existing employee or volunteer to submit to a criminal nationwide background check or review the individual's criminal history.

## ***DRIVING RECORDS***

GFA Board Approved: 10/10/2016

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A background check and ongoing monitoring shall include driving record reports on applicants and employees when their positions require driving as an essential job function. GFA shall update driving records at least once per year for any employee or volunteer for whom driving is an essential job function.

### ***CONDUCTING THE BACKGROUND CHECK***

- The applicant, volunteer, or employee shall receive written notice that the background check has been requested.
- The applicant, volunteer, or employee shall be required to sign the release form and submit to the background check and ongoing monitoring.
- Individuals will be required to provide the necessary information for the background check and ongoing monitoring through state and federal criminal databases.

### ***REVIEW OF THE INFORMATION AND DETERMINATION OF SUITABILITY TO WORK AT GFA***

Upon receipt of background check results, the Executive Director (Board of Directors, BOD, president in the case of board members) shall determine what, if any, action is warranted. A criminal record does not necessarily preclude employment with GFA. GFA has the sole and absolute discretion to determine whether the outcome of a criminal background check or driving record check disqualifies an individual from the position being held or sought. The safety and security of GFA students will be the foremost consideration.

GFA's Executive Director/BOD president shall provide an opportunity for an individual to review and respond to any criminal history information received under this policy. The Executive Director/BOD president shall consider each circumstance on a case-by-case basis to determine an applicant or employee's suitability to work at GFA. Utah Code Ann. §53A-15-1506(3) requires GFA consider the following:

- any convictions, including pleas in abeyance
- any matters involving a felony
- any matters involving an alleged
  - sexual offense
  - class A misdemeanor drug offense
  - offense against the person under Title 76, Chapter 5, Offenses Against the Person



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- class A misdemeanor property offense that is alleged to have occurred within the previous three years
- 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

In reviewing criminal history records, factors considered include, but are not limited to, the following:

- type of conviction
- relevance of any conviction to the individual's position
- a history of multiple convictions that suggest a pattern of criminal behavior or bad judgment
- amount of time that has passed since a conviction and/or the completion of a sentence
- age of the individual at the time the crime was committed
- evidence of rehabilitation

Any individual with a conviction, including pleas in abeyance, for sexual offenses or crimes against children will not be permitted to work or volunteer at GFA.

An individual who is disqualified as a result of information obtained through a criminal background check or review shall receive written notice of the reasons for disqualification, have an opportunity to respond to the reasons, and request a review of the disqualification.

Information obtained through background checks is confidential and may only be disclosed as provided in Utah Code Ann. Title 53A, Chapter 15.

#### RISK MITIGATION

In order to ensure GFA only receives criminal history notifications for individuals with whom GFA maintains a relationship as an employee or authorized volunteer, GFA shall:

- upon receiving notification of criminal activity, review the current status of the individual in relation GFA
- decline to accept and review the detail of the notification if the individual named is no longer employed or authorized to volunteer by GFA



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## ***SELF REPORTING OF ARREST AND COURT ACTION***

### **Personal Reporting of Arrest**

A GFA employee who is arrested, cited or charged with the following alleged offenses shall report the arrest, citation, or charge as soon as possible or within 48 hours to the employee's supervisor:

- any matters involving an alleged sex offenses
- any matters involving an alleged drug-related offenses
- any matters involving an alleged alcohol-related offenses
- any matters involving an alleged offenses 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, Cohabitant Abuse Procedures Act
- any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed here

A GFA employee shall report, to their supervisor, convictions, including pleas in abeyance and diversion agreements within 48 hours or as soon as possible upon receipt of notice of conviction, plea in abeyance or diversion agreement.

A supervisor shall report offense information received from the employee as soon as reasonably possible to the Executive Director.

The Executive Director shall electronically report arrest or offense information received from licensed educators to the Utah State Board of Education (USBE) within 48 hours through the USBE website.

The employee shall report for work following the arrest and give notice to their supervisor unless directed not to report for work by the Executive Director.

### **Review, Investigation, and Suspension**

The Executive Director shall review arrest information and:

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- assess the employment status considering the employee's assignment and GFA's policy regarding ethical conduct
- if the employee is a licensed educator, assess the employment status considering the provisions of Utah Code Ann §53A-6-501 and Utah Administrative Code R277-515
- make employment decisions that protect both the safety of students and the confidentiality and due process rights of the employee

An employee shall be immediately suspended from student supervision responsibilities for alleged sex offenses and other alleged offenses which may endanger students during the period of investigation.

An employee shall be immediately suspended from transporting students or for alleged offenses involving alcohol or drugs during the period of investigation.

### ***DUE PROCESS***

An employee dismissed from employment shall receive written notice of the reasons for denial or dismissal and have opportunity to respond to the reasons.

### ***RECORDS***

Records of arrests and convictions of employees, including the final administrative determination and actions following the investigation shall be maintained and protected for confidentiality.

### **PROCEDURES**

Chaperone (Definition): Any adult or parent who has been approved to drive and supervise students (not just their own student) for field trips at Good Foundations Academy.

1. Chaperone candidates must clear a background check, provide a copy of their driver's license, provide a copy of their proof of auto insurance, and sign a "Driver Responsibility Contract." We do not want parents bringing younger children on the field trips in order to preserve the focus of the chaperone on their group of students.
2. Upon completion of item #1 the chaperone will be cleared to drive students for 1 year.
3. Any parent chaperoning students will lead a small group of students by driving them to the location and supervising all activities on the field trip.
4. If an adult does not meet all the requirements in #1, they may drive separately without any students, pay their own way in, and join approved chaperones group.