

# **CRIMINAL HISTORY REVIEW PROCEDURES FREQUENTLY ASKED QUESTIONS**

## **POLICY**

**1. Where can I find details about the new policy and procedure?**

**A:** Board policy DC ((Local) and Administrative Procedure D35 contain detailed information.

**2. Will the State Board of Education Certification be notified of any criminal activity on record?**

**A:** Yes. As per Board Policy DF (Legal) and Administrative Procedure D35 – “In compliance with Texas Education Code 22.083 (c), the San Antonio ISD must report to the State Board for Educator Certification (SBEC) any known criminal record of employees who hold certification.”

**3. What is the definition of moral turpitude?**

**A:** Moral turpitude is defined as “an act of baseness, vileness or depravity outside the accepted standards of decency that is inherently immoral or dishonest and that shocks the conscience of an ordinary person.

Moral turpitude includes, but is not limited to:

1. Dishonesty, fraud, deceit, theft, misrepresentations;
2. Deliberate violence;
3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
4. Felony possession, transfer, sell or distribution of any controlled substance defined in Chapter 481 of the Health and Safety Code; acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct if two or more acts are committed within any 12-month period; and
5. Acts constituting abuse under the Texas Family Code.

## **HUMAN RESOURCES ACTION**

**4. How will information about the new policy and procedures be disseminated to employees?**

**A:** Information about the new policy and procedures will be sent to all employees in a memo that will be distributed by the campus principal or appropriate department head. Additionally, the information will be printed in the district newsletter, Insider, the HR website, and it will also be included in the Employee Handbook.

**5. Who will conduct the criminal history checks?**

**A:** Criminal history checks for the district are facilitated by Human Resources and conducted by a company called *Safe Schools*. *Safe Schools* conducts these checks through the Department of Public Safety, Bexar County and several other Texas County courthouses. These checks are also coordinated with twelve other states.

**6. How often and in what manner will criminal history checks be conducted for employees?**

**A:** Beginning September 2004, criminal history records will be checked for all employees annually. The process for conducting the checks is as follows: all employees will be randomly assigned to one of nine groups and each month a different group will have their criminal histories checked. The random group assignments will be based on social security numbers.

Additionally, new employees will have criminal history checks conducted at the time of application and all current employees applying for promotions or new positions will have additional criminal history checks at that time.

**7. Where are these records kept and who has access to the records?**

**A:** Criminal history records are maintained confidentially in a secured place in the Human Resources Department. Only the Administrators in Human Resources will have access to these records.

**8. Who will be informed when a criminal record is discovered for an employee?**

**A:** Besides Human Resources, the employee's immediate supervisor will be informed if the criminal record impacts employment. The supervisor would not be provided with specific information as to specific details of the criminal history record information.

**9. Will any specific information regarding an employee's record be shared with the employee's supervisor?**

**A:** Potentially, but only if the information directly affects the employee's position.

**10. What will happen once Human Resources determines/discovers that an employee has a criminal history record?**

**A:** Human Resources will notify an employee in writing whenever a criminal history record is discovered for an employee. If the criminal history involves a felony, a crime of moral turpitude, a crime that is related in some way to the job responsibilities/duties of the employee, or repeated offenses, then a conference with the employee will be scheduled for the purpose of discussing the criminal record. Further appropriate action will be taken depending on the circumstances.

**11. Who will review criminal history reports and make decisions regarding any action that is needed?**

**A:** Administrators in Human Resources will form the Criminal History Review Committee (CHRC) and they will review all criminal history records and make a determination (recommendation) about any action that may be required. The CHRC will consist of the following administrators: Associate Superintendent for Human Resources, Director for Compensation, Systems Management, and Employee Benefits; Director for Recruitment and Hiring; Administrative Officer for Paraprofessionals and Substitutes; and Administrative Officer for Classified Personnel.

**12. What does the CHRC consider when reviewing an employee's record?**

**A:** Each employee's criminal history will be reviewed on a case-by-case basis. The following will be considered when the CHRC discovers that an employee has a criminal history record: nature of crime/offense; relationship of crime/offense to the employee's position in the district; the frequency of criminal activity; the expanse of time that has lapsed since the criminal activity occurred; the age of the employee at the time of the crime/offense; the impact of the crime/offense on licensing or credentialing; and the publicity that may surround the crime/offense and any impact that the publicity may have on the district.

**13. What happens to the employee once a criminal record is reported?**

**A:** The action to be taken will be dependent upon the severity of the activity/offense reported. All of these will be taken on a case by case basis. Please reference questions 9 and 13.

**14. Who will hear appeals?**

**A:** The Associate Superintendent will review the documents related to the case and schedule a hearing with the employee and his/her representative as appropriate. Following the hearing, a written decision regarding the employee's status will be sent to the employee. If the employee is terminated or proposed for termination, the Superintendent will be informed in writing. The decision of the Superintendent may be appealed to the Board in accordance with policy and individual employment status.

## **EMPLOYEE ACTION**

**15. What should a current employee do when he or she is arrested or charged with a new crime?**

**A:** The employee shall notify the Associate Superintendent for Human Resources in writing within three (3) work days of the arrest, charge, or plea. Failure to comply shall be grounds for termination.

**16. What is an employee required to do if he/she has acquired a criminal history record?**

**A:** District employees must notify the Associate Superintendent in writing, within three (3) work days of the event being reported, if they are arrested, charged with, convicted of, granted deferred adjudication or if they have entered a plea of *nolo contendere* to any felony or misdemeanor involving moral turpitude. **Failure to make such notification will constitute grounds for termination. (Administrative Procedures D35 and SAISD Board Policy DC-LOCAL)**

**17. Does an employee still have to notify Human Resources of any criminal history record if the record was reviewed and is discussed with the employee at the time of employment?**

**A:** No.

**18. What should be reported on the Employee Criminal History Report?**

**A:** All criminal history should be reported. Employees must report the criminal history if they are arrested, charged with, convicted of, or granted probation or deferred adjudication after a plea of guilty, not guilty, or *nolo contendere*. If the employee does not know if the event constitutes a criminal act – it is highly recommended that they report it anyway.

**19. What is the deadline for the employee to appeal the decision of the CHRC?**

**A:** An employee will have three (3) work days to submit a written appeal to the Superintendent or his designee.

**20. Will an employee with a serious criminal history record, including felony records or crimes of moral turpitude be allowed the opportunity to resign from the district prior to being recommended for termination?**

**A:** Yes. The letter of resignation must be submitted to the Associate Superintendent for Human Resources. It should be noted that regardless of how employment is terminated (i.e., resignation or termination), any and all criminal records for an employee will be reported to the State Board for Educator Certification as per Administrative Policy – D35.

**21. What is the length of time I can be away from my assignment if my criminal history report comes back with a “hit” and it requires my immediate removal from my assignment pending further investigation?**

**A:** The length of time will depend on the severity of the offense.

**22. If I am required to be present for an employee conference with the Criminal History Review Committee (CHRC) – what do I need to bring to this conference?**

**A:** You need to bring a written statement explaining the circumstances involved along with any documentation that would explain the charge and the resolution of the charge (if determined).

**23. Where can I access the Employee Criminal History Report form?**

**A:** All Employee Criminal History Report forms can be accessed on the Human Resources website or you may call the Human Resources Office to have a form sent to you.

**If you have any further questions, please call the Human Resources Department at 299-5606.**