

PRE-EMPLOYMENT, CURRENT EMPLOYMENT, AND VOLUNTEER CRIMINAL BACKGROUND CHECKS

The District shall routinely conduct criminal background checks on district employees, job candidates, and those who have regular contact with students or access to district facilities. The conviction record of such persons (administrators, teachers, other employees, bus drivers, advisors or coaches, regular volunteers, student mentors, and other community volunteers) must be obtained and reviewed by the administration prior to a final decision to employ, begin volunteering, renew employment, or have access to facilities.

Current Employees

The conviction record of a current employee will not be considered unless the circumstances of the conviction or charge substantially relate to circumstances of the position held by the employee. Use or disclosure of conviction records will be subject to collective bargaining agreements and open records law. Current employees are required to self report if they are charged with a felony or misdemeanor, or subject to a restraining order.

Scope of Conviction Report

The conviction report will include convictions or pending violations of the law, other than minor traffic (i.e., speeding and parking tickets) violations. Conviction means the final judgement on a verdict or a finding of guilty, a plea of guilty or a plea of no contest, in any state or federal court of competent jurisdiction in a criminal case, regardless of whether the appeal is pending or could be taken. Conviction does not include a final judgement which has been expunged by pardon, reversed, set aside or otherwise rendered invalid. In accordance with state law, pending charges or convictions will not be used or considered unless they are substantially related to the circumstances of the particular job of a job applicant, volunteer, or current employee.

Application Disclosure Statement

The application form shall require individuals to disclose all convictions or pending violations of the law other than minor traffic violations. If the person refuses to cooperate in fully completing the disclosure form, or is found to have provided false, inaccurate or incomplete information on the disclosure form, the person will be disqualified from consideration for a volunteer position or employment, or may be considered for dismissal. If the conviction report confirms a conviction or pending charges which the candidate acknowledged on the application form, legal counsel shall be consulted and a determination shall be made whether or not to reject the application based upon:

1. Consideration of the circumstances and nature of the conviction or pending charge;
and
2. Whether the circumstances of the conviction or pending charge substantially relate to the nature of the particular position for which the candidate has applied.

Conviction Record Check

The Department of Justice will provide the information necessary to complete a conviction record check for each applicant or employee. The District will reimburse the Department of Justice for this service.

Employee and Volunteer Rights

Current employees, persons recommended for employment, or volunteers will be provided a copy of the conviction report upon request. They have the right to attach any statement or explanation to the conviction report. The disclosure statement and conviction report will be maintained in files separate from the employee personnel and volunteer files for as long as the persons are employed or active with the District and as prescribed by the records retention schedule adopted by the District.

Consequences

Failure to provide truthful and timely information may result in withdrawal of the candidate from consideration, or in disciplinary action for an employee.

Legal Ref.: Sections 111.335 Wisconsin Statutes
118.19

Cross Ref.: Equal Opportunity Employment

Local Policies: #353.1 - School Volunteers
#353.1 Form - Volunteer Agreement
#353.1 Form 1 - Background Check Information Form