

525.1 EMPLOYEE'S OBLIGATION TO REPORT CRIMINAL RECORD

The Williams Bay School District is committed to ensuring a safe and secure environment for its faculty, staff, students, visitors, and others who may receive services from or have contact with district employees. For this reason, the School District has enacted this policy which provides a mandatory process by which all employees (as defined below) must report any post-employment "criminal record" within 3 business days to appropriate School District administrators and sets forth standards by which any such records will be evaluated and acted on.

This policy sets forth a process which enables the School District to review the circumstances of the criminal record(s) to assure that the employee in question does not pose an unreasonable safety risk to fellow employees, students, and visitors or indicate conduct that would be inconsistent with the employee's assigned job duties and his/her access to School District resources or facilities. The standards contained in this policy shall apply to criminal record(s) reported directly by the employee or identified independently by the School District through any other means. "Post-employment" for the purposes of this policy also includes criminal records which may occur after an employee has been formally offered and accepted employment but prior to reporting for work.

This policy does not override or limit more stringent policies or regulations which may be applicable to employees who are subject to special licensure or certification by the state of Wisconsin or other governmental agencies.

The policy applies to all School District employees. As defined by this policy "employees" include all permanent employees, temporary employees, and on-leave employees.

Reporting

Employees must report any criminal record(s) within 3 business days. For this purpose, "criminal record" means any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, and/or any of the following:

- Alleged misconduct, including but not limited to, verbal, physical or sexual abuse or harassment.
- Any type of disorderly conduct
- Resignation, discipline or dismissal for immoral conduct or incompetence.
- Revocation, suspension, denial or investigation of a professional certificate or license.
- Violation of any civil, state or federal law or local ordinance for actions involving sexual conduct, physical abuse of a child and/or contributing to the delinquency of a child.

- Registration as a convicted sex offender with any governmental authority as a result of any prior conviction for a sex offense.
- An offense of operating under the influence, revocation or suspension of license and driving after revocation or suspension.
- Participation in a deferred prosecution to resolve a criminal matter.
- Currently on probation, parole or other court-ordered supervision in any jurisdiction.
- Acquitted or found not guilty by reason of insanity, mental disease or defect, diminished mental capacity or comparable legal defense or basis of an offense involving sexual conduct or harm or threat of harm to another.
- Are or have been a party to a civil settlement, award or agreement or any kind that involved an allegation concerning your conduct as an employee in an educationally related position or setting.
- Crimes involving school property or funds.
- Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator.
- Crimes that occur wholly or in part on school property or at a school sponsored activity.
- An offense which involves moral turpitude [e.g. an act or behavior that gravely violates moral sentiments or accepted moral standards of the community];
- A misdemeanor that violates the public trust.

*Routine traffic-related infractions (e.g., speeding, unsafe movement, improper equipment) are not required to be reported under this policy *unless* driving is a required part of the employee's regularly assigned job duties. In this circumstance, the employee must report any traffic-related record under the provisions of this policy.

Employees are required to report criminal records as outlined in this policy within five business days of the incident or other covered criminal disposition or at the first possible opportunity if the employee is incarcerated. The employee is required to report this information to the District Administrator or, at the employee's option, to his/her Supervisor. The employee must provide to the School District written documentation (for example, a citation or written court record) that describes the criminal record in question. Supervisors who have had such matters reported directly to them, either from the employee or through any other source, must immediately convey this information to the District Administrator for review and assessment as described below.

Failure to report a criminal record under this policy or to cooperate with School District authorities in regard to a reportable matter under this policy may subject the employee to

appropriate disciplinary action, up to and including termination of School District employment.

Consideration and Assessment of a Criminal Record

- The intent of this policy is to ensure the safety of the School District community and to properly protect the district's resources and reputation. It is not the intent of this policy that every criminal record will result in taking an action that would adversely affect an individual's employment or affiliation with the School District. Certain non-violent criminal offenses may not necessitate the School District taking any action at all unless the record adversely affects the employee's ability to perform the principal functions of his/her position, poses an unacceptable safety risk, or is part of an ongoing and sustained pattern of illegal conduct.
- Responsibility for reviewing and assessing the criminal record(s) in question and determining any necessary action is assigned to the District Administrator.
- The District Administrator, in consultation with the employee's supervisor and as necessary legal counsel will review the criminal record(s) in question to determine if the matter would materially interfere with or pose an unacceptable safety risk with regard to the performance of the employee's job duties or is part of an ongoing and sustained pattern of illegal conduct. Depending on the nature of the reported criminal record, the District Administrator may initiate an updated criminal record check for the employee in question both to assist in its risk assessment and also to determine whether there are other records previously unknown to the School District that may influence the District's risk assessment.

Using the standards provided below, the District Administrator and the employee's supervisor will jointly determine the most appropriate action to be taken by the District, if any. Such action may include but not be limited to modification of assigned duties or work assignment, continuation of employment conditional on successful completion of appropriate treatment or counseling, or appropriate disciplinary action up to and including termination of employment.

In considering whether a criminal record may necessitate the School District taking an action which may adversely affect an individual's employment or affiliation with the District, the following factors will be used to determine an appropriate course of action:

- The nature of the offense
- The date of the offense
- The relationship between the offense and the position in which the employee is assigned.
- State law regarding arrest and conviction record discrimination and
- Any other factors deemed relevant by the district.

Nothing herein shall prohibit the District from placing an employee on non-disciplinary paid administrative leave during an investigation based upon an arrest, indictment or conviction, consistent with applicable law.

Notification and Appeal

If a reported criminal record is a factor in taking an adverse action against an employee based on the guidelines set forth in this policy, the employee's Supervisor shall notify the employee in writing delivered in person to the recipient. The letter will include the action to be taken and the employee's process to appeal such action.

An employee may appeal any disciplinary or other adverse action received as a result of a criminal record which is either reported by the employee directly or independently identified by the School District through the appropriate grievance process based on the employee's appointment type and category of employment. This policy does not grant grievance rights to an employee or affiliate who does not otherwise enjoy such rights given the terms of his/her relationship with the District.

APPROVED: May 24, 2021