

## **POLICY AND PROCEDURE FOR SCREENING CRIMINAL CONDUCT AND EXCLUSION ON THE BASIS OF CONDUCT**

In an effort to maintain a positive learning environment for the District's students and a productive work environment for all District employees, the Board implements this policy to govern all hiring decisions for employees and consideration of applications by volunteers. This policy shall also apply to contractors whose employees may come into direct, daily contact with students.

It is the intent of the Board to hire employees and allow volunteers who exhibit honesty, integrity and good moral character. The Board reserves the right to deny employment or volunteer opportunities to applicants who have demonstrated conduct which may negatively impact the health, safety and welfare of the students and employees, unless otherwise prohibited by law. Such decisions will be governed by the standards enumerated in this policy.

The Board, or its duly authorized agent(s) responsible for hiring decisions, may deny employment opportunities to applicants based on any prior conduct which indicates that the applicant is unfit for the position sought, whether that conduct is evidenced by an arrest, conviction or other information provided to the Board. In making such a determination, the Board will balance the specific criminal conduct and its dangers, with the risks inherent in the duties of the particular position sought.

The Board will not knowingly employ a person who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of the Illinois School Code. The Board will not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age or employ a person for whom a criminal history records check and a Statewide Sex Offender Database check has not been initiated. The same standards shall apply to all applicants for volunteer opportunities and all employees of contractors who may come into direct, daily contact with students.

### **Arrests**

When considering arrest history, the Board will consider the following factors:

1. Whether the applicant is likely to have committed the conduct alleged. A potential applicant may be allowed an opportunity to explain the circumstances of the arrest(s) and the Board will make a reasonable effort to determine whether the explanation is credible before eliminating the applicant from employment opportunities.
2. The nature and gravity of the offense. In considering this factor, the Board may consider whether the conduct involved deception, threat, or intimidation. The Board may also consider whether the conduct constituted a misdemeanor or greater offense.
3. The time that has passed since the arrest; and
4. The nature of the job held or sought. The Board will consider the nature of the duties and essential functions of the position sought, the circumstances under which the job is performed (e.g., the level of supervision, oversight, and interaction with co-workers or vulnerable individuals), and the environment in which the job's duties are performed.

### Felony and Misdemeanor Convictions

In addition to the above enumerated factors, when considering applicants or volunteers with convictions, the Board will consider whether the convicted offense, or attempt to commit the same, is among the prohibited offenses under the Illinois School Code.

### Criminal Background Information Considered

Absent exceptional circumstances, the Board will consider any arrest or conviction within seven (7) years of the application. The Board may consider arrests or convictions older than seven (7) years if the offense resulting in the arrest or conviction bears heavily on the applicant's moral character or propensity. The Board will not rely upon an applicant's criminal history information which has been expunged, sealed, or impounded. However, the Board may request additional information of the applicant prior to making a decision. Failure to submit additional information in response to a request for such may result in denial of employment or the application for a volunteer position. All information about applicants' and employees' criminal records will remain confidential and will not be disclosed unless otherwise required by law.

When considering the criminal background information, the Board will conduct an individualized assessment of each applicant for hire or volunteer. In doing so, the Board may request additional information from the applicant and allow the applicant an opportunity to demonstrate that the exclusion policy does not properly apply.

In conducting such individualized assessment, the Board may consider (1) the facts or circumstances surrounding the offense or conduct; (2) the number of offenses for which the individual was convicted; (3) older age at the time of conviction, or release from prison; (4) the length and consistency of employment history before and after the offense or conduct; (5) rehabilitation efforts, e.g., education/training; and (6) employment or character references and any other information regarding fitness for the particular position.

LEGAL REFERENCE: EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964;  
Illinois School Code, 105 ILCS 5/21B-80  
Illinois School Code, 105 ILCS 5/10-21.9  
Illinois School Code, 105 ILCS 5/2-3.250

ADOPTED: