
GENERAL PERSONNEL POLICIES – PRE-EMPLOYMENT INVESTIGATIONS AND DUTY TO REPORT

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20-28-5-9

Cross Ref: Policy 6000-02

Definitions

For purposes of this policy, “association” is defined as an organization that conducts, organizes, sanctions or sponsors interscholastic high school athletic events as the organization’s primary purpose. I.C. § 20-26-14-1

“Coach” is defined as a coach of grades 9 through 12 in all association recognized sports, including nonteaching and volunteer coaches.

Pre-Employment Investigations

To help ensure a safe environment, it is the policy of Westfield Washington Schools (“WWS”) to take the following steps in accordance with Indiana law to conduct pre-employment background investigations for employment applicants:

- a. Conduct an expanded criminal history check for each applicant;
- b. Conduct an expanded child protection index check for each applicant; and
- c. Contact the applicant’s employment references, including, if applicable and provided, the applicant’s most recent employer.

WWS shall further conduct the above investigation with regard to lay and volunteer coaches and student teachers.

Each individual shall provide all identifying information and any consent(s) necessary to complete the pre-employment background investigation. Failure of the applicant to fully or truthfully disclose all information requested in the application process may disqualify the applicant. Where the failure to make a truthful or complete disclosure is not detected until after the employee is employed, the employee may be terminated for insubordination.

An applicant may be questioned about the applicant’s expanded criminal history check or expanded child protection index check. Failure to answer honestly constitutes grounds for termination. WWS will not hire any applicant who has been convicted of an offense requiring license revocation, unless the conviction has been reversed, vacated, or set

aside on appeal. Consistent with Indiana law, WWS may use information collected during the pre-employment background investigation as grounds not to employ or contract with an individual.

Where the needs of WWS require that the applicant begin work before the pre-employment investigation can be completed, the expanded criminal history check for each applicant must be completed no later than thirty (30) days after the first day of employment. Further, WWS shall conduct an expanded child protection index check no later than sixty (60) days after the first day of employment. The applicant shall continue to be considered as an applicant working pursuant to a conditional offer of employment until the pre-employment investigation is complete.

All costs of conducting the pre-employment investigation are the responsibility of the applicant or employee. However, WWS will pay the costs for volunteers who are selected for service such as volunteer coaches, activity leaders, and other non-paid positions with WWS.

Any information obtained from the pre-employment investigation is confidential and shall not be released or disseminated.

5-Year Expanded Criminal History Checks

Each WWS employee is required to undergo an expanded criminal history check every five (5) years. WWS will pay the costs of the recurring expanded criminal history check consistent with any applicable collective bargaining agreement. WWS may conduct an expanded criminal history check more often than every five years if it believes an employee is the subject of a substantiated report of child abuse or has been charged with one of the offenses listed in I.C. § 20-26-5-11(b).

Contractors

Contractors providing services to WWS which entail direct contact with students shall, as a material term of their contract, agree that they have or will screen each employee and applicant for employment using the same pre-employment investigation standards. Contractors shall submit their policy or a written assurance of their compliance with this policy. Compliance with this policy shall be a material term of every contract for services entered into by WWS, and the Superintendent or his or her designee shall promulgate administrative guidelines to implement this policy.

Facility Usage and Volunteers

Expanded criminal history checks will be performed for people classified as Group I in Policy 6000-02 (Facility Use). Limited criminal history checks will be performed for people classified as Group II in Policy 6000-02. All other groups will be responsible for conducting their own criminal history checks.

Each individual who is a volunteer with WWS and each individual who visits a school building beyond the front vestibule or office area will be required to complete a limited criminal history check.

Duty to Report Arrest and/or Criminal Charge

All employees of WWS, all persons scheduled to volunteer their services at a school activity, visitors to a school building beyond the front vestibule or office area, independent contractors, and employees of contracts having direct contact with students shall report an arrest or filing of a charge for a violation of state or criminal law to his/her supervisor or the Superintendent or his or her designee in writing by the end of the first school day following the earlier of an arrest or the filing of a charge. Where the arrest occurs during a time school is not in session, the employee shall make the written report required by this Policy to the Superintendent or his or her designee by first class mail within five (5) calendar days after the earlier of an arrest or the filing of a charge.

The Superintendent or his or her designee will individually assess the foreseeable harm and foreseeable impact on students resulting from an individual's arrest or charge of a violation of state or federal criminal law. The Superintendent or his or her designee shall report any resulting action or proposed action to the Board.

Contractors providing services to WWS which entail direct contact with students shall, as a material term of their contract, agree that they will apply this Policy to their employees and subcontractors having direct contact with students as if those persons were employees of WWS. Each contractor shall provide a copy of its written policy implementing this Policy of WWS at the time a contract is approved by WWS and shall actively enforce its written policy and report any action taken pursuant to the Superintendent or his or her designee

The Superintendent is responsible for implementing procedures to notify employees and contracting entities of this duty and of the procedures for providing the required notice. The Superintendent, or his or her designee, may authorize payment of background investigations as necessary.

Coaches

WWS shall, for each coach hired or allowed to coach an association recognized sport,

1. Ask the prospective coach:
 - A. Whether the individual is or has been accredited by the association;
 - B. If the individual is or has been accredited by the association, whether the individual's accreditation has ever been suspended or revoked;
2. Request references from the individual, and contact the references provided;

3. Contact the association to determine whether the individual's accreditation has ever been suspended or revoked.

Before allowing an individual to be a volunteer coach, WWS must conduct an Expanded Criminal History Check.

The Superintendent may promulgate administrative guidelines to implement this policy.