

# POLICY

## Queen Anne's County Public Schools

POLICY TITLE: <b>Self-reporting Charge/Arrest/Conviction</b>	
ADOPTION/EFFECTIVE DATE: <b>September 4, 2013</b>	
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Student Support Services Handbook	
<b>Personnel</b>	
Amendment:	

### **A. Purpose:**

To maintain a safe and secure environment for all students and employees by establishing a formal process for every employee to self-report charges, arrests, and convictions as listed in this policy while employed by Queen Anne's County Public Schools (QACPS).

### **B. Policy Statement:**

The Board of Education of Queen Anne's County insists upon maintaining a safe environment for its students and employees. Because employees occasionally are subject to criminal sanctions for conduct both on and off duty as a result of violating local, state, and/or federal laws, QACPS must be informed of all such charges, arrests, and convictions in order to assess each individual situation and maintain safety for all parties involved. It is, therefore, mandatory that each employee self-reports all charges, arrests, and convictions in accordance with this policy.

1. In accordance with the *Annotated Code of Maryland*, Family Law Article, §5-561, every applicant for employment with QACPS must complete a criminal history records check. After an individual is hired, QACPS continues to monitor employees and whether they have engaged in criminal activity in an effort to maintain its commitment to providing a safe and secure environment for all students and employees.
2. Self-reporting a charge or an arrest for any criminal offense as listed in this policy shall not be considered an admission of guilt.
3. A reported charge, arrest, or conviction for any criminal offense as listed in this policy may be investigated in accordance with the implementation guidelines.

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### **C. Rationale:**

The Board of Education believes that all employees will conduct themselves in accordance with standards of behavior that reflect the educational and human relations philosophies of the QACPS. The Board values the important role that exemplary employee conduct and quality performance provide to the achievement of a safe and nurturing environment.

This policy complements, and does not supersede, the provisions of Board of Education Policies for a drug-free workplace, suspected child abuse reporting, discrimination or sexual harassment.

### **D. Definitions**

1. *Arrest* - the taking of a person into legal custody.
2. *Charge* - a formal accusation of an offense as a preliminary step to prosecution.
3. *Charging document* - a written accusation alleging that a defendant has committed a crime, including a citation, an indictment, an information, a statement of charges, and a warrant.  
(*Annotated Code of Maryland*, Criminal Procedure Article, §1-101.)
4. *Conviction* - the act or process of judicially finding someone guilty of a crime in a court of law.
5. *Self-Reporting* - to notify the Office of Human Resources of charges, arrests, and convictions for any criminal offense, including, but not limited to, DUI or DWI and other criminal traffic offenses both orally and in writing.

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### E. Implementation Guidelines:

1. An employee, whether full- or part-time, probationary or non-probationary, or employed in a temporary or seasonal capacity (i.e. substitute teacher, substitute custodian, emergency coach), shall report the following charges, arrests, or convictions to the Office of Human Resources within 48 hours, absent extraordinary and compelling circumstances as determined in the sole, exclusive, and reasonable discretion of the Office of Human Resources:
  - a. Charges, arrests, and convictions (or the equivalent in any jurisdiction) to be reported:
    - (1) Crimes against person(s) which puts a person(s) at risk, including, but not limited to: abduction; abuse or neglect of an adult; assault; assault with intent to commit a crime; battery; carjacking; child abuse; child selling; confinement of an unattended child; contributing to certain conditions of a minor delinquency in need of supervision or assistance; false imprisonment; kidnapping; maiming or mayhem; manslaughter or murder; reckless endangerment; robbery; domestic violence
    - (2) Crimes of a sexual nature, including, but not limited to: incest, indecent exposure, keeping a disorderly house or maintaining a nuisance; pornography; prostitution or pandering; rape; sex offenses of any type; sodomy; unnatural or perverted practices
    - (3) Crimes involving weapons, including, but not limited to: weapons (firearms) violations of federal or state laws
    - (4) Crimes involving drugs, including, but not limited to: hiring, soliciting, engaging, or using a minor for the purpose of manufacturing, distributing, or delivering a controlled dangerous substance; manufacturing, distributing or dispensing a controlled dangerous substance; possession of, or possession with intent to manufacture, distribute, or dispense a controlled dangerous substance; prescription forgery
    - (5) Crimes against property, including, but not limited to: burglary; breaking and entering; malicious destruction of property; larceny; housebreaking; unlawful entry
    - (6) Crimes involving religious and ethnic matters(hate crimes)
    - (7) Crimes involving money/fiscal matters, including, but not limited to: forgery, robbery; theft

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- b. Criminal Traffic Violations to be reported:
  - (1) Driving under the influence of alcohol (DUI)
  - (2) Driving while impaired by alcohol (DWI)
  - (3) Driving while impaired by alcohol and drugs
  - (4) Driving while impaired by controlled substances
  - (5) Leaving the scene of an accident (hit and run)
  - (6) Fraudulent use of a license
  - (7) Failure to remain at scene of accident involving bodily injury
  - (8) Manslaughter by automobile
  - (9) Fleeing from or attempting to elude police officers
2. Employees shall provide the following required information verbally to the Office of Human Resources by telephone during business hours and in writing by e-mail to Human Resources Officer. Include: Name, work assignment, nature of charges, and contact telephone number in the email.
3. All reports made by an employee shall be held in the strictest confidence by the Office of Human Resources maintained in a separate incident file.
4. Based on the information provided by the employee, the Office of Human Resources shall conduct a further review of this matter.
5. At the Superintendent's or designee's direction, an investigation will be conducted.
6. Pending the outcome of the judicial process and/or the internal investigation, administrative actions may be taken if it is determined that a connection exists between the type of charge, arrest, conviction and the employee's duties and responsibilities with QACPS.
7. A request with reasonable notice shall be made to the Office of Human Resources by an employee who desires to review material in his or her self-report file. The contents of the self-report file may then be reviewed by the employee in the presence of a designated representative of the Office of Human Resources.

### F. Legal References

*Annotated Code of Maryland*, Family Law Article, §5-561

*Annotated Code of Maryland*, Criminal Procedure Article, §1-101