



AP 7127 RESTRICTIONS GOVERNING THE EMPLOYMENT OF APPLICANTS WITH CRIMINAL RECORDS

References:

Education Code Sections 87405 - 87406, 87009 - 87011, and 88022

The District shall not employ an applicant for any position under any of the following circumstances:

- There is a conviction of any sex offense or controlled substance offense, which prohibits employment under Education Code Sections 87405 and 88022. An applicant may be employed under the exceptions in Education Code Sections 87405 and 88022.
- If within the previous five years there is a conviction of a crime involving moral turpitude, including but not limited to criminal acts involving intentional dishonesty, theft, fraud, perjury, and deliberate violence for the purpose of personal gain. Moral turpitude includes, but is not limited to, offenses that are substantially related to the position for which the applicant is applying.
 - If there is a conviction of a crime involving moral turpitude more than five years ago from application, the applicant may be considered if there is substantial evidence presented that the person has been rehabilitated. The burden of proof is on the applicant, and the decision of the Board of Trustees is final.
- There is a conviction of any felony involving physical violence toward another.
- If within the previous five years, there is a conviction of any misdemeanor involving physical violence toward another.
 - If there is a conviction of any misdemeanor involving physical violence against another more than five years ago from application, the applicant may be considered if there is substantial evidence presented that the person has been rehabilitated. The burden of proof is on the applicant, and the decision of the Board of Trustees is final.



- If within the previous five years there is one or more convictions for driving under the influence of alcohol or a controlled substance. This applies only to positions requiring operation of District vehicles.
- There is a conviction of any crime that involves treason against the United States.

As detailed below, the steps for clearance of criminal records are:

1. Conduct the criminal background check after the conditional offer of employment.
2. Narrowly tailor employment disqualifications to job-related offenses.
3. If the criminal record is determined to be job-related, provide a preliminary written notice revoking the conditional job offer.
4. Inform the applicant of the potentially disqualifying job-related prior criminal conviction by providing a written notice of the relevant offense(s);
5. Provide the applicant with a copy of the background check report; and
6. Create an opportunity for the job-seeker to challenge the accuracy of the record and present evidence of rehabilitation.
7. Conduct an individualized assessment evaluating the applicant's evidence of rehabilitation and any challenges to the accuracy of the criminal record.
8. If the applicant has demonstrated rehabilitation, proceed with the hire. If the applicant's challenge to the preliminary determination was not successful, provide a written notice explaining the final determination and the individual's rights.

An applicant who is disqualified because of past criminal convictions may appeal this decision; appeals will be reviewed by someone other than the person that provided the initial rejection. To initiate an appeal, the applicant must file an appeal request in writing within 14 days of receiving the disqualification notice and provide mitigating evidence of rehabilitation to challenge the initial decision or provide information challenging the accuracy of the conviction history listed in the report. The Chief Human Resources Officer will review the request, seek additional counsel if necessary and notify the applicant within 10 days of the final determination; all decisions made by the Chief Human Resources Officer are final.



See also AP 7126 Background Checks and AP 7337 Fingerprinting.

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