



## **Santa Barbara Center for the Performing Arts**

### **EMPLOYEE CRIMINAL BACKGROUND CHECK POLICY**

#### **POLICY:**

All Santa Barbara Center for the Performing Arts. Granada Theatre (SBCPA, the Company) employees 18 years old or older are required to pass a criminal background check.

Employees who are under age 18 are not required to submit to criminal background checks: instead, under 18 applicants for employment go through a separate interview process with the Human Resources Department.

This policy does not apply to SBCPA, Granada Theatre volunteers, who are instead covered by the SBCPA Volunteer Criminal Background Check Policy

#### **PROCEDURE:**

Criminal background checks will be performed after the SBCPA makes you a conditional offer of employment. Before this conditional job offer becomes final, the Company will check your conviction history. You will be asked to sign a form granting permission to check your conviction history and provide more information about that background check.

After reviewing your conviction history report, SBCPA will either:

1. Notify you that this conditional job offer has become final; or
2. Notify you in writing that we intend to revoke (take back) this job offer because of your conviction history.

As required by California law, we will NOT consider any of the following information:

- Arrest not followed by conviction; or
- Referral to or participation in a pretrial or posttrial diversion program; or
- Convictions that have been sealed, dismissed, expunged, or pardoned.

We will notify you in writing if we plan to revoke (take back) this job offer after reviewing your conviction history. That decision will be preliminary, and you will have an opportunity to respond before it becomes final. We will identify conviction(s) that concern us, give you a copy of the background check report, and allow you at least 5 business days to respond with information showing the conviction history report is inaccurate and/or with information about your rehabilitation or mitigating circumstances. We will review any information you submit and

then decide whether to finalize or take back this conditional job offer. We will notify you of that decision in writing.

## **FREQUENTLY ASKED QUESTIONS (FAQ)**

### **What is a criminal background check?**

A criminal background check involves examining the public records held by courts to determine if you have been convicted of any criminal offense.

Except under rare circumstances, a minor's record is typically sealed upon reaching age 18, so any convictions you may have received as a minor are unlikely to appear.

Criminal law is separate from civil law, including family law. If a conviction involves being prosecuted by the state, then it's criminal law, but lawsuits which are brought against you by another person or non-prosecuting authority, such as a landlord or employer, are civil. This means that Granada Theatre will generally *not* be notified of any cases related to divorce, custody, tenancy, or other civil cases (unless those cases led to a criminal conviction or a restraining order against you).

### **Is having a legal criminal history always a dealbreaker for being employed?**

No. Because criminal law covers a huge variety of behaviors ranging from non-violent to violent, and because the US legal system disproportionately impacts some demographics of people more than others, Granada Theatre does not disqualify every person who has a history of criminal convictions.

Every person and every situation will be evaluated individually.

### **What will SBCPA consider when evaluating my criminal conviction history?**

When evaluating whether criminal convictions will disqualify the person from employment, the Company considers all factors, including the following, to determine whether your conviction history is directly related to the duties of the job we have offered you:

- The nature of the crime.
- Whether the conviction is for a felony or a misdemeanor.
- The number of convictions.
- Whether the crime involved violence, threats of violence, abuse, harm, or neglect towards another person of any age.
- Whether the crime involved dishonesty or theft.
- Whether the crime involved sexual misconduct.

- Whether the crime would negatively impact the Company’s reputation or the perception by the public of SBCPA, the Granada Theatre’s safety.
- The length of time since the conviction.
- Evidence of rehabilitation.
- Any statement submitted by the individual explaining or providing context to help SBCPA understand all the circumstances surrounding the conviction.
- Any other relevant information.

For example, generally speaking a single conviction for driving under the influence, possession of small amounts of illegal drugs for personal use, or nonviolent disorderly conduct will not disqualify a person from being employed by SBCPA, the Granada Theatre.

**Can I appeal if I am deemed to be disqualified due to my criminal conviction history?**

Yes, see the appeal process described in the Procedure section.

**Do you need to be a US citizen or have documented immigration status?**

No. A criminal background check *shouldn't* impact the status of someone who is undocumented.

**Are criminal background checks transferable?**

No. Unfortunately, if you’ve done a background check elsewhere, you can’t transfer it to SBCPA. You will need to do a new background check with SBCPA.

**Who will have access to your background check information?**

SBCPA will keep criminal conviction history confidential. The only people at SBCPA who will have access to criminal history information are the the Human Resources Department staff and executive management.

**What is the procedure by which criminal background checks will be conducted?**

Criminal background checks will be performed after SBCPA makes you a conditional offer of employment. Before this conditional job offer becomes final, the Company will check your conviction history. You will be asked to sign a form granting permission to check your conviction history and provide more information about that background check.

After reviewing your conviction history report, the Company will either:

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