



PERSONNEL POLICIES — SECTION 300

NUMBER: **306**

SUBJECT: CRIMINAL BACKGROUND CHECK POLICY AND PROCEDURE

LAST REVIEWED: 7/1/2020

EXECUTIVE COMMITTEE APPROVAL: 7/13/2020

EMPLOYEE REVIEW: 9/1/2020

BOARD APPROVAL: 8/19/2020

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306.1 — PURPOSE

The safety and protection of students, employees, visitors and property of Mountainland Technical College is critical to fulfilling its mission in the community. In order to avoid potential risk, the College regulates the employment of individuals who have criminal backgrounds counter to that mission. The purpose of this policy is to establish a process and guidelines for conducting criminal background checks on employees and applicants for employment.

306.2— REFERENCES

- 2.1 Utah Code Annotated, Title 53B-1-1-110, State System of Higher Education, Criminal Background Check of Prospective and Existing Employees of Higher Education Institutions
- 2.2 Utah System of Technical Colleges Criminal Background Check policy (#400)
- 2.3 UCA Title 76, Chapter 5, Offenses against the Person

306.3— POLICY

- 3.1 It is the policy of Mountainland Technical College that fingerprint background checks are required of the following:
 - 3.1.1 As a condition of employment, all final applicants for any position at the College will be required to submit to a fingerprint background check.
 - 3.1.2 Existing employees, as a condition of continued employment, will be required to submit a fingerprint background check a minimum of once every six years or where reasonable cause exists.

If an existing employee has completed the fingerprint background check process to complete a requirement for their licensure, they will not need to complete this twice. They will simply need to provide proof to the Human Resources department

Substitute instructors will be required to submit to a fingerprint background check if they do not log teaching hours at the College over a period of two years.

- 3.1.3 Volunteers, trainers or independent contractors who apply for any position that involves significant unsupervised contact with minors, or secondary students will be required to submit to a fingerprint background check.

3.2 Reporting Requirements of Existing Employees:

- 3.2.1 An existing employee who is arrested for any offense more serious than a class C misdemeanor is required to report the arrest as soon as possible or within 48 hours to their immediate supervisor or the Director of Human Resources. The employee is expected to continue working scheduled hours unless directed otherwise.
- 3.2.2 All information relating to the arrest will be reviewed by the College President or his designee and the Director of Human Resources to assess employment status and appropriate action. If the reported offense causes concern for the safety and well-being of students, concern for the protection of College property, or concern for the public image and reputation of the College, the employee or volunteer may be suspended from having any contact with students and/or property while on the job or suspended from working entirely until the case is resolved. If the resolution of the case results in conviction, disciplinary action up to and including termination, may result.

306.4— FINGERPRINT BACKGROUND CHECK PROCEDURE

4.1 Guidelines and Responsibilities

- 4.1.1 The Human Resources department will be responsible for administering fingerprint background checks. If for any reason the fingerprints cannot be obtained by Human Resources, an alternative location will be assigned. (Local police stations, city offices, etc.)
- 4.1.2 All individuals required to submit to the fingerprint background check in the aforementioned section will be required to sign a release form to give permission for the background check.
- 4.1.3 Fingerprints will be taken via digital fingerprint scan by Human Resources on Campus.
- 4.1.4 The fingerprint scan will then be submitted to the Utah Bureau of Criminal Identification, the Federal Bureau of Investigation or another government or commercial entity for a thorough background check.
- 4.1.5 The cost of the background check for new employees will be paid by the College.
- 4.1.6 Where reasonable cause exists, the College President may require an existing employee to submit to a background check. The cost of the “for cause” background check will be paid by the College.

4.2 Determination of Results

4.2.1 Based on the convictions disclosed by the criminal background check, the College President or his designee, and the Director of Human Resources will review the overall risk to persons and property to determine what action is required. This risk assessment will include:

1. The number of crimes committed
2. The severity of crimes committed
3. The likelihood of repeating the offenses
4. The security and sensitivity of the position sought by the applicant or existing employee
5. Any other relevant factors

4.2.2 If an existing employee, or applicant is subjected to any adverse action because of information obtained in a background check, the individual will receive notice from the Human Resources Director of the reasons for the action and will be provided the opportunity to respond.

4.3 **Use of Information**

All criminal history information obtained through the fingerprint background checks will be kept confidential and available only to those involved in making employment decisions or performing the background investigations. It will be used solely for the purpose of making employment decisions.