



CRIMINAL BACKGROUND CHECK POLICY

PERSONNEL | 300.306

Last Evaluation

12/04/2024

Executive Staff Approval

01/06/2025

Board Approval

01/15/2025

1. Policy Purpose

This policy provides steps for administering background checks, and guidance for action when the background check reveals a criminal record.

2. Definitions

Employee - A person whose salary, wages, pay or compensation is paid from College managed funds provided by the State of Utah.

Plea in Abeyance - An order by a court, upon motion of the prosecuting attorney and the defendant, accepting a plea of guilty or of no contest from the defendant but not, at that time, entering judgment of conviction against the defendant nor imposing sentence upon the defendant on condition the defendant comply with specific conditions as set forth in a plea in abeyance agreement (as defined by Utah Code § 77-2a-1).

3. References

Utah Code § 53B-1-1-110

Utah Code § 76-5

Utah Code § 77-2a-1

Utah System of Higher Education (USHE) Policy

4. Policy

- 4.1 As a condition of employment, Mountainland Technical College (MTECH) requires all final applicants for any position at the college to submit to a fingerprint background check.
 - 4.1.1 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.
 - 4.1.2 Substitute instructors will be required to resubmit to a fingerprint background check if they have not logged teaching hours at the college for a period of two years.
- 4.2 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.
- 4.3 Job applicants and volunteers whose background check(s) reflect criminal history within the last five years are not eligible for current consideration of employment at the college.
- 4.4 Reporting Requirements of Existing Employees:
 - 4.4.1 An existing employee who is arrested is required to report the arrest as soon as possible, or within 48 hours, to their immediate supervisor or the Associate Vice President (AVP) of Human Resources (HR). The employee is expected to continue working scheduled hours unless directed otherwise or in legal custody.
 - 4.4.2 All information relating to the arrest will be reviewed by the College President in consultation with the supervising Vice President, or their designee, and the AVP of HR (or Director of HR if unavailable) to assess employment status and appropriate action. If the reported offense causes concern for the safety and well-being of students, MTECH employees, or the public, 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, fellow employees, and/or property while on the job, or suspended from working entirely until the case is resolved. Resolution of the case resulting in conviction, or plea and abeyance, may result in disciplinary action up to and including termination.

4.5 Use of Information: All criminal history information obtained through 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.

5. Evaluation History

Last Evaluation	Executive Staff Approval	Board Approval
07/01/2020	07/13/2020	08/19/2020
12/04/2024	01/06/2025	01/15/2025