



CRIMINAL BACKGROUND CHECK PROCEDURE

PERSONNEL | 300.306

Last Evaluation

12/04/2024

Executive Staff Approval

01/06/2025

1. Procedure Purpose

This procedure 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 judgement 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. Fingerprint Background Check Procedure

4.1 Guidelines and Responsibilities

- 4.1.1 The Human Resources (HR) Department is responsible to administer fingerprint background checks for prospective and current employees, and volunteers, trainers or independent contractors who spend a significant amount of unsupervised time with students and minors at the college. If for any reason the fingerprints cannot be obtained by HR, 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 will be required to sign a release form granting permission for the background check.
 - 4.1.3 Fingerprints will be taken via digital fingerprint scan by HR on campus.
 - 4.1.4 The fingerprint scan will then be submitted to the Utah Bureau of Criminal Identification (BCI), the Federal Bureau of Investigation (FBI) or another government or commercial entity for a thorough background check.
 - 4.1.5 The cost of the background check may be paid by the college.
 - 4.1.6 Where reasonable cause exists, an existing employee may be required 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, in consultation with the supervising Vice President (VP) or their designee, and the Associate Vice President (AVP) of HR (or Director of HR if unavailable), will review the overall risk to persons and property to determine what action is required. The risk assessment may include:
 - 4.2.1.1 The number of crimes committed
 - 4.2.1.2 The severity of crimes committed
 - 4.2.1.3 The likelihood of repeating the offenses
 - 4.2.1.4 The time elapsed since the last offence occurred
 - 4.2.1.5 The security and sensitivity of the position sought by the applicant or existing employee
 - 4.2.1.6 Any other relevant factors

4.2.2 If subjected to any adverse action because of information obtained in a background check, the individual will receive notice from the AVP of HR, or designee, 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 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
12/04/2025	01/06/2025	01/15/2025