



CRIMINAL BACKGROUND CHECK PROCEDURE

PERSONNEL | 300.306A

Last Evaluation

3/13/2026

Executive Staff Approval

06/22/2026

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 Utah Code of Criminal Procedure: Pleas in Abeyance).

3. References

- Utah Code § 53H-3-402 Criminal background checks of prospective and existing employees of higher education institutions
 - Utah Code § 76-5 Utah Criminal Code: Offenses Against the Individual
 - Utah Code § 77-2a-1 Utah Code of Criminal Procedure: Pleas in Abeyance
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4. Fingerprint Background Check Procedure

4.1 Guidelines and Responsibilities

- 4.1.1 The Human Resources (HR) Department is responsible for administering fingerprint background checks according to Mountainland Technical College (MTECH) policy.
- 4.1.2 All individuals required to submit to the fingerprint background check must sign a release form granting permission for the background check.
- 4.1.3 Background investigations shall be completed prior to an applicant assuming any duties with the college. If it is necessary for the college to bring a selected applicant on-board immediately, the offer of employment shall note that a criminal background check is in process and that the offer and continued employment shall be contingent on the result of that check.
- 4.1.4 Fingerprints will be taken on campus via digital fingerprint scan by a designated Human Resources representative.
- 4.1.5 If, for any reason, the fingerprints cannot be obtained by HR, an alternative location will be assigned (local police station, city offices, etc.).
- 4.1.6 The fingerprint scan will 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.
- 4.1.7 The cost of the background check may be paid by the college.
- 4.2 Ongoing Criminal History Monitoring
 - 4.2.1 The college utilizes the Utah Bureau of Criminal Identification (BCI) Rap Back service to receive ongoing updates regarding criminal history for all fingerprinted individuals. Participation of existing employees in ongoing monitoring via the RapBack program is a condition of continued employment.
 - 4.2.2 Upon termination of employment, the ongoing monitoring service is discontinued.
 - 4.2.3 If an employee is rehired at a later date, they will be required to complete a new fingerprint background check.
- 4.3 Determination of Results

- 4.3.1 Upon receipt of criminal history information disclosed through the fingerprint background check or ongoing monitoring, the College President, in consultation with the supervising Vice President and the Associate Vice President (AVP) of Human Resources (or Director of HR if unavailable), will review the relevant information to determine appropriate action.
- 4.3.2 Criminal history information will be evaluated on an individual basis, taking into consideration:
- The nature and gravity of the offense;
 - The time elapsed since the offense;
 - The nature of the position sought or held;
 - Whether the offense involved violence, abuse, or misconduct involving minors;
 - Evidence of rehabilitation or mitigating circumstances.
 - Any other relevant factors.
- 4.3.3 If the college is considering adverse action based in whole or in part on information obtained through a background check, the individual will receive written notice from the Associate Vice President (AVP) of Human Resources, or designee, describing the information forming the basis of the potential action and will be provided an opportunity to respond before a final decision is made.
- 4.4 Reporting Requirements of Existing Employees:
- 4.4.1 An existing employee who is required by MTECH policy to report an arrest should contact their immediate supervisor or the Associate Vice President (AVP) of Human Resources (HR) by phone or email.
- 4.4.2 If the supervisor is notified, they should immediately contact the AVP of HR.
- 4.4.3 The AVP of HR will review the relevant information and applicable policy to determine appropriate action.
- 4.4.4 Where the reported conduct raises reasonable concerns, the employee or volunteer may be restricted from certain duties or placed on administrative leave pending resolution.

4.4.5 The AVP of HR will consult with the Director of HR and Payroll, if necessary.

4.4.6 If the conviction of a criminal offense results in disciplinary action or termination, the AVP of HR will meet with the employee to communicate the action.

4.5 Use of Information

4.5.1 All criminal history information obtained through fingerprint background checks will be maintained confidentially and accessed only by individuals involved in making related employment decisions or performing the background investigations. Information will be used solely for the purpose of making employment-related decisions.

5. Evaluation History

Last Evaluation	Executive Staff Approval
07/01/2020	07/13/2020
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