



CRIMINAL BACKGROUND CHECK POLICY

PERSONNEL | 300.306

Last Evaluation

03/13/2026

Executive Staff Approval

06/22/2026

Board Approval

08/19/2026

1. Policy Purpose

Mountainland Technical College (MTECH) conducts criminal background checks to promote a safe learning and working environment, particularly given the regular presence of secondary students and minors on campus. This policy is adopted pursuant to applicable Utah law governing criminal background checks for institutions of higher education.

2. Definitions

Criminal Background Check – A fingerprint-based review of state and federal criminal history records conducted through the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation, and may include ongoing criminal history monitoring as authorized by law.

Criminal History – Information obtained through a criminal background check that may include arrests, charges, convictions, pleas in abeyance, pending criminal proceedings, or other criminal justice information permitted by law to be considered for employment purposes.

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

Independent Contractor – An individual or entity that provides services to the college under contract and is not an employee of the college.

Ongoing Criminal History Monitoring – Also referred to as Rap Back. Continuous or periodic notification from authorized law enforcement agencies regarding subsequent criminal activity following an initial fingerprint-based background check.

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 Utah Code of Criminal Procedure: Pleas in Abeyance).

Volunteer – An individual who provides services to the college without compensation.

3. References

Utah Code § 53H-3-402, Criminal Background Checks of Prospective and Existing Employees of Higher Education Institutions—Institutions to Adopt Policy.

Utah Code Title 76, Chapter 5, Offenses Against the Individual.

Utah Code Title 77, Chapter 2a, Pleas in Abeyance.

4. Policy

- 4.1 As a condition of employment, prospective employees must submit to a fingerprint background check conducted through the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation.
- 4.2 Volunteers, trainers, or independent contractors who will have significant contact with students, including minors, are required to submit to a fingerprint background check.
- 4.3 Employment or other service is contingent upon completion of the background check and a determination that the individual's criminal history, if any, does not disqualify them from employment under this policy and applicable law.
- 4.4 The college participates in ongoing criminal history monitoring as permitted by law.
- 4.5 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; and
 - Evidence of rehabilitation or mitigating circumstances.
- 4.6 The prospective or existing employee shall have an opportunity to respond to any information received as a result of the criminal background check.
- 4.7 If a person is denied or dismissed from employment based on information obtained through a criminal background check, the person shall receive written notice of the reasons for denial or dismissal and have an opportunity to respond, in accordance with the MTECH Background Procedure.
- 4.8 Reporting Requirements of Existing Employees:
- 4.8.1 An existing employee who is arrested for a criminal offense must report the arrest as soon as possible, and no later than 48 hours after the arrest, 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.
- 4.8.2 The college will assess the underlying conduct and determine whether it raises legitimate concerns regarding safety, security, the employee's ability to perform the essential functions of their job, or compliance with the law. Refer to the MTECH Background Check Procedure for details.
- 4.8.3 The College President, in consultation with the supervising Vice President and the AVP of Human Resources (or Director of HR if unavailable) will review the relevant information to determine appropriate action.
- 4.8.4 Where the reported conduct raises reasonable concerns, the employee or volunteer may be restricted from certain duties or placed on administrative leave pending resolution.
- 4.8.5 Conviction of a criminal offense or entry of a plea of abeyance may result in disciplinary action up to and including termination.

- 4.9 Use of Information: 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 employment-related purposes.
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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
03/13/2026	06/22/2026	08/19/2026