

OGDEN-WEBER TECHNICAL COLLEGE	Number	Effective Date	Page
	520.60	10/21/99 04/27/17 Revised 11/04/20 08/10/23 09/12/24	1 of 2
POLICY	Approval: President's Cabinet		
Title			
CRIMINAL BACKGROUND CHECKS			

1. PURPOSE AND SCOPE

The purpose of the policy is to define the process for conducting criminal background checks.

2. POLICY

It is the policy of the College that criminal background checks shall be conducted on final job applicants, current employees, volunteers/interns, independent contractors (including customized training instructors), and work-study students.

3. DEFINITIONS

- 3.1 Criminal Background Check:** A commercial or governmental process of searching public records to determine whether an individual has been convicted of criminal conduct.
- 3.2 Unacceptable Criminal Background Check:** A background check result which causes concern for the safety and well-being of students and staff or protection of College property.
- 3.3 Reasonable Cause:** Where the known facts and circumstances are sufficient to warrant a person of reasonable prudence to believe that the employee poses an unreasonable risk to persons or property.
- 3.4 Felony:** A serious crime punishable by imprisonment in excess of one year. A crime which was charged as a felony at the time of conviction but was reduced to

OGDEN-WEBER TECHNICAL COLLEGE	Number	Effective Date	Page
	520.60	10/21/99 04/27/17 Revised 11/04/20 08/10/23 09/12/24	2 of 2
POLICY	Approval: President's Cabinet		
Title			
CRIMINAL BACKGROUND CHECKS			

a misdemeanor or expunged by a court of competent jurisdiction shall not be considered a felony.

3.5 Serious Misdemeanors: Crimes less serious than felonies, including crimes which may have originally been charged as felonies but were reduced from felonies by courts of competent jurisdiction. For purposes of this policy, only the following four categories of misdemeanors are included:

3.5.1 Crimes of Violence: offenses that involve a substantial risk of physical injury to another person;

3.5.2 Drug Offenses: offenses involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance;

3.5.3 Property Offenses: offenses, not in the categories of sex or drug offenses, that involve the unlawful taking, destruction, sale and/or receipt of property, be it personal or public; and

3.5.4 Sexual Misconduct: offenses that involve any illegal act of a sexual nature, involving illegal physical contact for the gratification of lust and/or engaging in other specific activities for the purpose of sexual arousal.

4. REFERENCES

- 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
- Utah System of Higher Education Criminal Background Checks policy (R847)
- Ogden-Weber Technical College Volunteer/Intern Workers policy (#520.46)

OGDEN-WEBER TECHNICAL COLLEGE	Number	Effective Date	Page
	520.60-PR	10/21/99 04/27/17 Revised 10/07/20 08/10/23 09/12/24	1 of 2
PROCEDURE	Approval: President's Cabinet		
Title CRIMINAL BACKGROUND CHECKS			

1. General Guidelines

- 1.1** Final job applicants shall submit to a fingerprint background check as a condition of employment.
- 1.2** Employee's personal information and fingerprints may be retained for ongoing monitoring and comparison against future submissions to the state, regional, or federal database and latent fingerprint inquiries.
- 1.3** Volunteers/interns and independent contractors (including customized training instructors) who apply for any position that involves significant unsupervised contact with minors or secondary students or any position considered to be security sensitive by the Board of Trustees, or its designee shall submit to a fingerprint background check as a condition of employment or where reasonable cause exists.
- 1.4** Work-study students who apply for any position that involves significant unsupervised contact with minors or secondary students or any position considered being security sensitive by the Board of Trustees or its designee shall submit to a fingerprint background check as a condition of employment or where reasonable cause exists.

2. Administration of Background Investigation

- 2.1** Human resources shall be responsible for administering fingerprint background checks on current employees, volunteers/interns, final candidates for full- and part-time employment, and work-study students.
- 2.2** The College shall establish and maintain a contract with a qualified federal, state, or local agency or reputable subcontracted firm that provides criminal background checks. The agency/firm should also be able to perform federal criminal background checks.
- 2.3** The current employee, final job applicant, volunteer/intern, work-study student, shall be required to sign an "Authorization Form" and the "Utah Consent to Background Check" form, which allows the College to conduct a criminal background check.

OGDEN-WEBER TECHNICAL COLLEGE	Number	Effective Date	Page
	520.60-PR	10/21/99 04/27/17 Revised 10/07/20 08/10/23 09/12/24	2 of 2
PROCEDURE	Approval: President's Cabinet		
Title CRIMINAL BACKGROUND CHECKS			

3. Current Employees and Volunteers

- 3.1** If current employees, volunteers or work-study students are charged or convicted of a felony or serious misdemeanor, they must report such information to their immediate supervisor or Human Resources Department within 48 hours of the occurrence. In the case of an incident in which an employee or volunteer is arrested or charged with an offense which 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, volunteer or work-study student 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 a pending charge results in a conviction, disciplinary action, including continued suspension and/or termination, may result.
- 3.2** Human resources shall review the conviction information with the president, vice president and the employee/volunteer/work-study student's immediate supervisor and recommend appropriate employment action.

4. Job Applicants

- 4.1** All offers of employment are contingent upon completing a successful background check. 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 shall be conducted at the earliest possible time and that the offer and continued employment shall be contingent on the result of that check.
- 4.2** If a criminal background check result is unacceptable, the applicant shall not be considered for employment with the College or shall be terminated if employed prior to receiving the results of the background check.
- 4.3** If a person is denied employment or is dismissed from employment because of 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.