



4.4.070

Background Checks Policy

Date of last board of trustees review: August 14, 2024

The originator of this policy is People & Workplace Culture. Questions regarding this policy may be directed to the originator by calling 801-957-4210.

1. Policy

This policy provides for background checks of prospective and existing Salt Lake Community College employees and volunteers.

2. References

Higher Education Criminal Background Checks, Utah Code §§ 53B-1-110.



4.4.070

Background Checks Procedure

Date of last executive cabinet review: February 27, 2024

The originator of this procedure is People & Workplace Culture. Questions regarding this procedure may be directed to the originator by calling 801-957-4210.

3. Definitions

- A. **Adverse Action:** any material action against an individual that affects an employee's employment status, including compensation, terms, conditions, location, rights, immunities, promotions, or privileges.
- B. **Candidate:** individual offered employment, transfer, or promotion, contingent on acceptable results of a background check and other reviews required for the position by the college. Existing employees receiving a promotion in rank are not considered candidates.
- C. **Concurrent Enrollment Instructors:** individuals contracted and/or paid by SLCC to teach concurrent enrollment courses.
- D. **Existing Employee:** individual currently employed by SLCC.
- E. **Pre-adverse action notice:** is a communication sent to candidates to alert them that the contents of their background check may influence a hiring decision.
- F. **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, or a history or report of a crime will be found.
- G. **Volunteer:** an individual who performs services directly related to the activities of the college for their own benefit or to support the humanitarian, educational, or public service activities of the college. Volunteers perform services without promise, expectation, or receipt of any compensation, future employment, or any other tangible benefit.

See [Personnel Definitions](#)

4. Procedures

A. Required Background Checks

1. All candidates for full-time or part-time positions at Salt Lake Community College must submit to a background check as a condition of employment.
2. Departments must check with People & Workplace Culture (Human Resources) before volunteer work occurs. Volunteers must submit to a background check if deemed necessary by People & Workplace Culture ("PWC").

B. Background Checks for Existing Employees

1. Existing full-time and part-time employees and full-time faculty must undergo background checks every five years during employment.
2. Existing employees must also submit to a background check if they are:
 - a. adjunct faculty or staff who apply for full-time faculty positions;
 - b. staff who apply for a different staff position and have not had a background check within one year;
 - c. concurrent enrollment instructors; or
 - d. working with an SLCC partnership that requires background checks to maintain agreements.
3. If there is a break in employment at the college, an employee must submit to a background check when employment resumes.
4. An existing employee must submit to a background check, where PWC finds that reasonable cause exists.
5. Existing employees who refuse to consent to a background check could receive corrective action.

C. Criminal Convictions

Existing employees and volunteers must report criminal convictions, arrests, or criminal charges in any form initiated by any governmental authority. This report must be provided to their Supervisor and Employee Relations within five business days, consistent with the [SLCC Employee Conduct Policy](#).

D. Release of Information

PWC shall obtain signed consent for a background check for candidates for employment, existing employees, or volunteers.

E. Processing Time of Background Checks

Background checks shall be completed before PWC authorizes a candidate to begin working.

F. Third-party Agency Background Check

1. The college may use a third-party agency to conduct background checks.
2. The college may use a third-party agency to conduct a fingerprint background check process where indicated.
3. At a minimum, the third-party agency must conduct an investigation to verify the candidate or employee's identification, obtain information regarding past employment, and search the individual's criminal background nationwide in the individual's counties of residence.

G. Payment of Costs

The college shall pay the costs to the bureaus or agencies for processing candidates', employees', and volunteers' background checks.

H. Risk Assessment

1. PWC will assess the overall risk based on the convictions disclosed by the background check. That risk assessment will include:
 - a. the type of conviction and whether it relates to the job;
 - b. the length of time elapsed since the convictions;
 - c. the number of convictions;
 - d. the severity of the convictions;
 - e. potential risk to other employees, customers, or the college; and
 - f. other factors that may be relevant.
2. Based upon results, the PWC Employment Team may consult with the senior director of PWC, the associate vice president of PWC, the associate vice president of Public Safety, and the General Counsel to determine risk using the factors in section 4.H.1 of this policy.
3. PWC will notify the hiring manager of the determination regarding their prospective employee.
4. The college may determine whether an individual with a criminal history should be eligible to obtain or retain the position or if additional documentation should be required.

I. Opportunity to Respond

1. Before a candidate is denied employment or an employee is subjected to an adverse action based on information obtained in the background report, the candidate or employee will receive notice of the reasons for preliminary denial or the pre-adverse action.
2. The candidate or employee shall be able to respond to PWC regarding the pre-adverse notification and any information received due to the background check.
3. If a candidate disagrees with the accuracy of any information in the report and notifies PWC within three business days of receipt, the college shall provide a reasonable opportunity to address the information in the report.
4. An existing employee, who is subjected to adverse action, due to a background check, may be entitled to a hearing under the Employee Grievance policy or Academic Freedom, Professional Responsibility and Tenure policy, whichever is applicable.

J. Verification of Statements

1. During any background check, PWC reserves the right to verify any statements or references on the application form or other supplemental forms necessary for employment.
2. In their discretion, the associate vice president of PWC or their designee may evaluate the truthfulness of any candidate's statement in the application or such supplementary data as may be voluntarily submitted or required to be investigated.
3. Any item on the employment application determined to be falsified may result in the employee being terminated from their present position with the college, and a candidate will be removed from consideration for appointment to any campus position.

K. Record Keeping

1. Documentation associated with background checks will be kept secure, confidential, and protected. Only employees with a legitimate business purpose to know of the background checks' contents shall have access to the information.
2. Requests for copies of documentation must follow the [PWC personnel file department rule](#).

L. Limitation on the Use of Information

The information in the background check will be available only to the employee or applicant and those involved in making employment decisions or performing the

background check, and the information will be used only for making an employment or promotion decision.