

TEMPLE UNIVERSITY
BOARD OF TRUSTEES
POLICIES AND PROCEDURES MANUAL

Title: Background Checks for Employees Having Contact with Minors

Number: 04.61.14

Issuing Authority: President

Responsible Officer: Vice President, Chief Financial Officer and Treasurer

Date Created: November 2017

Date Last Amended/Reviewed: December 31, 2019

Date Scheduled for Review: December 2023

Reviewing Offices: Department of Human Resources; Office of Risk Management and Treasury

I. SCOPE

This policy shall apply to Temple University (“Temple”) employees, as well as to all prospective employees or candidates for transfer (“applicants”) and who, as a result of their current or prospective role with Temple, are responsible for the welfare of minors or have direct contact and/or routine interaction with minors. This policy also applies to individuals who volunteer to work with Minors in covered programs. Volunteers must provide current and valid background checks or go through the process with Human Resources. Volunteers are not allowed to work with Minors until all background checks are completed.

All contracts for services with third parties who will have routine contact with minors must include a statement that requires compliance with this policy.

II. PURPOSE

Temple welcomes the presence of minors – non-matriculated individuals under the age of 18 – who come to the university to visit and to participate in programs and activities on campus. The university encourages safe, supervised campus visits by non-matriculated minors to make decisions about their academic future; attend educational, cultural, or sporting events, programs and camps; and authorized use of university facilities.

This policy sets forth standards and procedures intended to permit these visits to be carried out responsibly.

III. DEFINITIONS

1. Minors: Non-matriculated individuals under the age of eighteen (18).
2. Direct contact with minors: Care, supervision, guidance or control of minors or routine interaction with minors.
3. Routine interaction with minors: Regular and repeated contact that is integral to an individual's employment responsibilities.

IV. POLICY

In accordance with the Pennsylvania Child Protective Services Law (CPSL), the following background checks will be conducted for all applicants and employees fourteen (14) years of age or older who, as a result of their current or prospective role within Temple, are responsible for the welfare of minors or have direct contact with them:

- Criminal History Record submitted through the Pennsylvania State Police
- Child Abuse History Certification submitted through the Pennsylvania Department of Human Services
- Federal Criminal History Record (fingerprint-based) submitted through the Pennsylvania State Police or its authorized agent

Individuals subject to this policy must obtain the above-referenced background checks and submit the documents to the University's Department of Human Resources (HR) as follows:

1. Prior to commencing employment.
2. Every sixty (60) months thereafter or sooner if requested by HR upon a reasonable belief that an employee or applicant subject to this policy was arrested or convicted of an offense that constitutes a bar to employment or was named as a perpetrator in an indicated or founded child abuse report.

Persons who have a break in service may be subject to re-screening to engage in activities where they are responsible for the welfare of minors or will have direct contact with minors.

V. PROCEDURE

1. HR, in consultation with management, will determine which Temple positions are subject to the background check requirements of the CPSL.

2. HR will direct the individuals subject to this policy to obtain the background checks required by this policy.
3. HR will review the final results of the required background checks.
4. If adverse information is obtained, HR will determine the individual's suitability for the position in light of the potential risks and liabilities related to the requirements of the position.
5. Pursuant to the CPSL, the following will disqualify an individual for employment or approval in a position involving contact with minors:
 - a. Felony controlled substance conviction under the Controlled Substance, Drug, Device, and Cosmetic Act within the prior five years.
 - b. Certain criminal convictions enumerated in § 6344 (c) of the CPSL at any time, such as homicide, aggravated assault, rape, and other sexual abuse crimes, and other crimes involving harm to minors.
 - c. Founded child abuse report within the prior five years.
6. Except as required by section V.5 of this policy, in the event of an adverse background check, HR will notify an individual subject to this policy prior to taking any adverse action based in whole or in part on the results of the background checks. The individual will then be afforded an opportunity to offer a written explanation regarding the adverse results in question, or to challenge the accuracy of the results with the consumer reporting agency in accordance with the requirements of the federal Fair Credit Reporting Act. After taking into account any supplemental explanation or information that is provided as a result of this process, HR will communicate its final decision to the applicant in writing.

VI. REQUIRED EMPLOYEE DISCLOSURES

Individuals subject to this policy must immediately notify HR in writing if he or she is:

1. Arrested for or convicted of an offense that would constitute grounds for denying employment, or
2. Named as a perpetrator in a founded or indicated child abuse report.

Any individual who fails to provide the required disclosure will be subject to discipline up to and including termination or denial of employment.

VII. CONFIDENTIALITY

Information collected pursuant to this policy is confidential in accordance with applicable law. It will be disclosed only to Temple employees with decision-making responsibility related to this information or as otherwise required by law.

VIII. NON-COMPLIANCE WITH THE POLICY

Individuals who fail to obtain the required background checks as required by this policy will be placed on an unpaid leave of absence for fourteen (14) calendar days. If the results of the appropriate background checks are outstanding after the expiration of the fourteen (14) day period, the individual in question will be terminated for violating this policy.

NOTES

1. Dates of official enactment and amendments:

Adopted by the President on November 9, 2017.

Revised in December 2019 to comply with changes to applicable state law.

2. Cross References

Preventing and Addressing Sexual Harassment #04.82.01

Preventing and Addressing Discrimination and Harassment #04.81.11

Student Conduct Code #03.70.12

Ratification of Nondiscrimination #04.81.01

Nondiscriminatory Policy as to Students #04.81.02

Safety of Minors in University Programs #04.61.12

Temple University Laboratories -- Visitors & Volunteers Policy and Process # 04.62.12

ATTACHMENT A

RELEASE, AUTHORIZATION AND
FAIR CREDIT REPORTING ACT DISCLOSURE
[FOR EMPLOYMENT PURPOSES]

The applicant for employment acknowledges that this company may now, or at any time while applicant is employed, verify information within the application, resume or contract for employment. In the event that information from the report is utilized in whole or in part in making an *adverse decision*, before making the adverse decision, we will provide to you a copy of the consumer report and a description in writing of your rights under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*

Please be advised that we may also obtain an *investigative consumer report* including information as to your character, general reputation, personal characteristics, and mode of living. This information may be obtained by contacting your present and previous employers or references supplied by you. Please be advised that you have the right to request, in writing, within a reasonable time, that we make a complete and accurate disclosure of the nature and scope of the investigation requested.

Additional information concerning the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*, is available at the Federal Trade Commission's web site (<http://www.ftc.gov>).

By signing below, I hereby authorize all entities having information about me, including present and former employers, personal references, criminal justice agencies, departments of motor vehicles, schools, licensing agencies, and credit reporting agencies, to release such information to the company or any of its affiliates or carriers. I acknowledge and agree that this Release and Authorization shall remain valid and in effect during the term of my employment.

For New York Applicants Only

You have the right, upon written request, to be informed of whether or not a consumer report was requested. If a consumer report is requested, you will be provided with the name and address of the consumer reporting agency furnishing the report.

For Washington Applicants Only

If we request an investigative consumer report, you have the right, upon written request made within a reasonable period of time, to receive from us a complete and accurate disclosure of the nature and scope of the investigation. You have the right to request from the consumer reporting agency a summary of your rights and remedies under state law.

Date: _____ Signature of Applicant: _____

Print Full Name: _____

ATTACHMENT B

DISCLOSURE STATEMENT APPLICATION FOR EMPLOYMENT Required by the Child Protective Service Law 23 Pa. C.S. Section 6344 (relating to employees having contact with children)

SECTION A

I acknowledge and understand that I must submit the three (3) mandatory Child Abuse Certifications pursuant to Section 6344(b) of the Pennsylvania Child Protective Service Law (the “CPSL”) PRIOR to having any contact with a minor, pursuant to the CPSL and University policy. I further understand that a failure to submit the foregoing certifications will result in a delay of my employment start date and/or my participation in any activities that involve contact with minors.

SECTION B

I swear/affirm that, if providing certifications that have been obtained within the preceding 60 months, I have not been disqualified from employment as outlined below or have not been convicted of an offense similar in nature to a crime listed below under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

I swear/affirm that I have not been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have not been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statutes or equivalent crime under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

Chapter 25	(relating to criminal homicide)
Section 2702	(relating to aggravated assault)
Section 2709.1	(relating to stalking)
Section 2901	(relating to kidnapping)
Section 2902	(relating to unlawful restraint)
Section 3121	(relating to rape)
Section 3122.1	(relating to statutory sexual assault)
Section 3123	(relating to involuntary deviate sexual intercourse)
Section 3124.1	(relating to sexual assault)
Section 3125	(relating to aggravated indecent assault)
Section 3126	(relating to indecent assault)
Section 3127	(relating to indecent exposure)
Section 4302	(relating to incest)
Section 4303	(relating to concealing death of child)
Section 4304	(relating to endangering welfare of children)
Section 4305	(relating to dealing in infant children)
Section 5902(b)	(relating to prostitution and related offenses)
Section 5903(c) (d)	(relating to obscene and other sexual material and performances)
Section 6301	(relating to corruption of minors)
Section 6312	(relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I swear/affirm that I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years. I understand that I must be dismissed from employment if I am named as a perpetrator of a founded report of child abuse within the past five (5) years or have been convicted of any of the crimes listed above.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current certifications obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation. The cost of certifications shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment.

I understand that certifications obtained for employment purposes may be used to apply for employment, serve as an employee, apply to volunteer and serve as a volunteer.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my certifications.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

A photocopy of your signature shall have the same force and effect as the original.

