EDINBORO UNIVERSITY OF PENNSYLVANIA

Policy: CRIMINAL BACKGROUND SCREENING PROCEDURES  Policy #G021

Supersedes Policy No. G021, Dated 12/31/14

Recommended For Approval by: [Signature] Guilbert L. Brown, Vice President for Finance and Administration

Approved By: [Signature] Dr. Julie E. Wollman, President on November 1, 2015

Effective Date

Review Date: As Required

History: Board of Governors’ Policy 2014-01-A: Protection of Minors, was initially approved in July 2014. Act 153 of 2014 was passed in November 2014, which significantly changed background check clearance requirements for employees and volunteers. This procedure is intended to provide direction for implementation of these changes.


Key Words/Categories: Personnel, Background Clearances


I. Introduction

Board of Governors’ Policies 2014-01-A: Protection of Minors, and 2009-01: Criminal Background Investigations, require the chancellor, as agency head, to establish procedures and standards for the implementation of requirements for background clearances for employees and volunteers in accordance with these policies and applicable state law.

II. Definitions

A. Arrest: Charged with a misdemeanor or felony.

B. Authorized Adult or Program Staff: Individuals, paid or unpaid, who may have direct contact, interaction with, treat, supervise, chaperone, or otherwise oversee minors. This includes, but is not limited to, faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, and independent contractors. Roles of authorized adults or program staff include, but are not limited to, positions as counselors, chaperones, coaches, instructors, healthcare providers, and outside providers running programs in leased facilities. This definition does not include temporary guest speakers, presenters, or other individuals who have no direct contact with program participants other than short-term activities supervised by program staff; or fellow students whose only role is as a participant in the education, services, or program offered.
C. **Independent Contractor:** An individual who provides a program, activity, or service to the university that is responsible for the care, supervision, guidance, or control of children. For the purposes of this procedure/standard, this definition includes janitorial, food service, and bookstore contractors.

D. **Program, Activity, or Services:** Programs, activities, or services offered by various academic or administrative units of the university, or by non-university groups and/or independent contractors using university facilities where the parents or legal guardians are not responsible for the care, custody, or control of their children. This includes, but is not limited to, workshops, services, camps, conferences, campus visits, and similar activities. These do not include organized events where parents or legal guardians or other individuals are responsible for minors.

E. **Reportable Offense:** Any of several criminal offenses enumerated in Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6344(c). (See paragraph IV.B.)

F. **Volunteer:** Any individual, authorized by an appropriate appointing authority or designee of an appointing authority, who provides services to the university without remuneration from the university. For purposes of this procedure/standard, this includes members of governing bodies and student associations, but does not include student volunteers for university-sponsored, short-term events of limited duration such as move-in days, community service days, commencement, etc.

G. **Employee:** For the purposes of this procedure/standard, an employee is defined as any person working for Edinboro University who is paid through the central payroll system and receives a form W-2 from the State System, including student employees.

H. **Immediate Vicinity:** An area in which an individual is physically present with a child and can see, hear, direct, and assess the activities of a child.

III. **Criminal Background Screening**

A. All employees, prospective employees, and volunteers are required to have the following background screening clearances (background clearances):

1. A criminal history record check from the Pennsylvania State Police (PSP) or statement from the PSP that the individual has not been convicted of a reportable offense.

2. Certification from the Department of Human Services as to whether the individual is named in the statewide database as a perpetrator in a pending child abuse investigation or in a founded or indicated report of child abuse within the last five years.

3. A federal criminal history record check. The individual must submit a full set of fingerprints to obtain this report. The fingerprints will be submitted to the Federal Bureau of Investigation for the purpose of verifying the identity of the individual and obtaining a current record of any criminal arrests and convictions.
B. The above background clearances are required for the following:

1. New employees- pre-employment, and every 60 months thereafter.

2. Employees employed prior to December 31, 2014, without background clearances- by December 31, 2015, and every 60 months thereafter.

3. Employees employed prior to December 31, 2014, with background clearances older than 60 months- new background clearances by December 31, 2015, and every 60 months thereafter.

4. Employees employed prior to December 31, 2014, whose background clearances are current as of December 31, 2014, i.e., 60 months or less- recertify background clearances within 60 months of employee’s oldest current background clearance.

5. Returning employees with expired background clearances from any State System entity. (New background clearances are not required for returning employee of any State System entity regardless of a break in service or change in position, provided the returning employee has background clearances compliant with section III.A that are current [60 months or less] from a State System entity.)

6. Volunteers:
   a. Prior to approval (effective August 25, 2015), and every 60 months thereafter.
   b. Within 60 months of the date of the oldest current background clearance.
   c. By July 1, 2016, if background clearances are older than 60 months.
   d. By July 1, 2016, if approved as a volunteer before August 25, 2015, but had not received background clearances because the volunteer previously was not required to do so.

7. Student volunteers do not require background clearances if all of the following apply:
   a. The individual is currently enrolled in a school.
   b. The individual is not a person responsible for the child’s welfare.
   c. The individual is volunteering for an event that occurs on school grounds.
   d. The event is sponsored by the school in which the individual is enrolled as a student.
   e. The event is not for children who are in the care of a child-care service.

C. Exception for volunteers -The federal criminal history record check identified in paragraph III.A.3. is not required if all of the following apply:

1. The position for which the prospective volunteer is applying is unpaid.

2. The prospective volunteer has been a resident of this Commonwealth during the entirety of the previous ten-year period.

3. The prospective volunteer swears or affirms in writing that he/she is not disqualified from service or has not been convicted of an offense similar in nature to those crimes listed in paragraph IV.B. or 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.
D. Provisional volunteers who reside in another state or country and employees for limited periods- Employers, administrators, supervisors, or other persons responsible for employment or volunteer decisions may employ applicants on a provisional basis for a single period not to exceed 90 days and volunteers not to exceed 30 days, if all of the following conditions are met.

1. The applicant/volunteer has applied for the information required under paragraph III.A., and the applicant provides a copy of the appropriate completed request forms to the employer, administrator, supervisor, or other person responsible for employment or volunteer decisions.

2. The employer, administrator, supervisor, or other person responsible for employment or volunteer decisions has no knowledge of information pertaining to the applicant that would disqualify him/her from employment or volunteering pursuant to section IV.

3. The applicant swears or affirms in writing that he/she is not disqualified from employment pursuant to section IV or has not been convicted of an offense similar in nature to those crimes listed in section IV 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. (See section V for the reporting tool.)

4. If the information obtained pursuant to paragraph III.A. reveals that the applicant is disqualified from employment pursuant to section IV, the applicant shall be immediately dismissed.

5. The applicant shall not have direct contact with children unless applicant is working in the immediate vicinity of a permanent employee.

E. Criminal background screening for other organizations- Before being allowed to use or lease university facilities, program administrators of non-university sponsored programs or non-university contractors providing services to university-sponsored programs are required to certify that they have conducted the criminal background checks listed in section III and determined the fitness of all authorized adults and program staff. For the purposes of this procedure/standard, this definition includes janitorial, food service, and the bookstore contractors. The attached form should be used to provide certification of compliance with the required clearances.

F. Edinboro University must obtain consent from the prospective and current employees and prospective and current volunteers before obtaining background clearances. If Edinboro University is using a third-party vendor to obtain background clearances, notice must be provided to prospective and current employees and prospective and current volunteers consistent with the requirements of the Fair Credit Reporting Act (FCRA). For current employees, the FCRA notice must state that the check will be limited to the clearances set forth in paragraphs III.A.1 through 3 above.

G. Any result of finding denoted as a reportable offense (listed below) or non-reportable offense, or any questions about errors, convictions, arrests, or any other reportable condition shall be addressed to University Legal Counsel.

H. Edinboro University will pay for the background clearances for its current employees and for recertifications during the term of the employment. Payment for background clearances for prospective employees and volunteers will be at the University's discretion.
IV. Reporting of Arrests and Convictions

A. All employees, volunteers, and program administrators must provide written notice to the university Human Resources Office if they or an authorized adult or program staff are: 1) arrested for, or convicted of, a reportable offense (see paragraph IV.B below) that would constitute grounds for denial of employment or participation in a program, activity, or service; or 2) named as a perpetrator in a founded or indicated report of child abuse. The employee, volunteer, or program administrator shall provide such written notice within 72 hours of arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database. The failure of an employee or volunteer to make written notification as required above is a misdemeanor of the third degree, pursuant to 23 Pa.C.S. § 6344.3(h); the employee shall be subject to discipline up to and including termination or denial of employment or volunteer position.

B. A Reportable Offense enumerated under the Child Protective Services Law, 23 Pa.C.S. § 6344(c), consists of any of the following:

1. A founded report within the preceding five-year period in the statewide database maintained by Department of Human Services.

2. One or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or an 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 the Commonwealth of Pennsylvania:
   a. Chapter 25 relating to criminal homicide.
   b. Section 2702 relating to aggravated assault.
   c. Section 2709.1 relating to stalking.
   d. Section 2901 relating to kidnapping.
   e. Section 2902 relating to unlawful restraint.
   f. Section 3121 relating to rape.
   g. Section 3122.1 relating to statutory sexual assault.
   h. Section 3123 relating to involuntary deviate sexual intercourse.
   i. Section 3124.1 relating to sexual assault.
   j. Section 3125 relating to aggravated indecent assault.
   k. Section 3126 relating to indecent assault.
   l. Section 3127 relating to indecent exposure.
   m. Section 4302 relating to incest.
   n. Section 4303 relating to concealing death of a child.
   o. Section 4304 relating to endangering welfare of children.
   p. Section 4305 relating to dealing in infant children.
   q. A felony offense under Section 5902(b) relating to prostitution and related offenses.
   r. Section 5903(c) or (d) relating to obscene and other sexual materials and performances.
   s. Section 6301(a)(1) relating to corruption of minors.
   t. Section 6312 relating to sexual abuse of children.

3. An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," committed within the preceding five-year period.
C. If Edinboro University and/or a program administrator has a reasonable belief that an employee or volunteer has been arrested or convicted of a reportable offense or was named as perpetrator in a founded or indicated report, or if an employee or volunteer has provided notice of activity that would be sufficient to deny employment or program participation, the university or program administrator must immediately require the employee or volunteer to immediately submit current information as required to secure the three background clearance checks listed above. Any employee or volunteer who fails to comply with this paragraph may be subject to discipline up to and termination or removal.

D. If any report is made under section IV, the Human Resources Office shall contact University Legal Counsel prior to taking any action.

V. Reporting Tools

The attached forms shall be used for 72-hour self-reporting of reportable offenses, to meet certification requirements for provisional employment or volunteering, to meet certification requirements for volunteer exemption from an FBI background check, or for program administrators of non-university sponsored programs or non-university groups and/or independent contractors providing services to university-sponsored programs.

VI. Maintenance and Confidentiality of Records

A. The Human Resources Office shall maintain a copy of the required information for employees and require the individual to produce the original document prior to employment or acceptance to serve in any such capacity, except as allowed under paragraph III.D. The Human Resources Office shall also maintain the same information regarding volunteers.

B. Copies of background clearances shall be stored in a separate confidential file, away from the official personnel files. A copy of this information shall be held for a period of 25 years in either paper or electronic form. These background clearances are not subject to review requests from supervisors or other campus personnel; requests for exceptions must be reviewed with the State System Office of Chief Counsel. Employees and volunteers should retain original clearance documents.

C. The information compiled under this procedure/standard shall be confidential and is not to be subject to the act of February 14, 2008 (P.L. 6, No. 3), known as the Right-To-Know Law.

D. The results of completed background clearances for employees will be recorded in the appropriate fields in the SAP system. Access to the data will be limited to authorized human resources personnel. A “yes” value will indicate a successful clearance, and a “no” value will indicate an absence of a clearance. The records will also include the start and end validity dates of each clearance.
E. Clearances obtained for employment are portable and can be used to satisfy clearance requirements for employees and volunteers. However, prior to commencing employment or service, an individual must swear or affirm in writing that the individual has not been disqualified from employment or service under 23 Pa.C.S. § 6344(c) or has not been convicted of an offense similar in nature to a crime listed in 23 Pa.C.S. § 6344(c) 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 foreign nation, or under a former law of this Commonwealth.

F. Clearances obtained for volunteering purposes are also portable for other volunteer positions under 23 Pa.C.S. § 6344.2, but are not acceptable for satisfying employment requirements.

VII. Contracts/ Facility Use Agreement Language

Edinboro University shall work with its assigned University Legal Counsel to ensure facilities use agreements and other applicable agreements including language concerning necessary background clearances and mandatory reporting obligations as provided in this procedure/standard. Appropriate language will be included in State System service purchase contracts and other contracts issued by the Office of the Chancellor.
Pennsylvania's State System of Higher Education
72-Hour Self-Reporting of Reportable Offenses
(Under the Child Protective Services Law)

Please read this entire form carefully before completing it. This form is to be used by current employees, volunteers, and applicants for employment to provide written notice within 72 hours after an arrest or conviction for a Reportable Offense or notice of being listed in the statewide database as a perpetrator of a founded or indicated report of child abuse.

Section 1. Personal Information

Full Legal Name: ___________________________ Date of Birth: ____/____/______

Any former names or aliases by which you have been identified: ___________________________

Section 2. Instructions

Individuals completing this form are required to submit the form to the administrator or other person responsible for employment decisions at the university. If you have questions regarding to whom the form should be sent, please contact your supervisor or the office of human resources at the university.

If you have any question about whether to report an offense, you should report it. An employee or volunteer who willfully fails to disclose information required for self-reporting could be charged with a misdemeanor of the third degree and may be subject to discipline up to and including termination or denial of employment or volunteer position.

List of Reportable Offenses

A Reportable Offense enumerated under Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6344(c), consists of one or more of the following:

1. Provisions of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or an 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 the Commonwealth of Pennsylvania:

   - 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 a child
   - Section 4304 relating to endangering welfare of children
   - Section 4305 relating to dealing in infant children
   - A felony offense under Section 5902(b) relating to prostitution and related offenses
   - Section 5903(c) or (d) relating to obscene and other sexual materials and performances
   - Section 6301 relating to corruption of minors
   - Section 6312 relating to sexual abuse of children

2. An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as “The Controlled Substance, Drug, Device and Cosmetic Act,” committed within the preceding five-year period.

3. A founded report or indicated report of child abuse within the preceding five-year period in the statewide database maintained by the Department of Human Services.

This form has been developed by Pennsylvania’s State System of Higher Education, pursuant to Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6301 et seq. February 5, 2015
Section 3. Report of Arrest or Conviction

☐ By checking this box, I report that I have been arrested for, or convicted of, a Reportable Offense or an offense similar in nature to a Reportable Offense 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 the Commonwealth of Pennsylvania; or that I have been named as a perpetrator of a founded or indicated report in the statewide database maintained by the Department of Human Services. (See Section 2 for a list of Reportable Offenses.)

For each arrest for or conviction of any Reportable Offense, specify in the space below (or on additional attachments, if necessary) the offense for which you have been arrested or convicted, the date and location of arrest and/or conviction, docket number, and the applicable court.

Section 4. Certification

By signing this form, I swear and affirm under penalty of law that the statements made in this form are true, accurate, correct, and complete. I understand that false statements herein, including, without limitation, any failure to accurately report any arrest or conviction for a Reportable Offense, shall subject me to criminal prosecution under 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

__________________________________________  __________________________
Signature                                 Date
Pennsylvania’s State System of Higher Education
Background Clearance Certification
for Provisional Employment or Volunteering
(Under the Child Protective Services Law)

Please read this entire form carefully before completing it. This form is to be used by prospective volunteers who reside in another state or country and employees to meet the written certification requirement to be considered as a provisional hire or volunteer assignment. This form does not apply to volunteers who reside in Pennsylvania. In certain limited circumstances, current employees/volunteers may need to complete this form.

Section 1. Personal Information

Full Legal Name: _______________________________ Date of Birth: ___/___/_____

Any former names or aliases by which you have been identified: _______________________

Section 2. Instructions

Please submit this form to __________________________. [To be completed by the university.]

If you have any question about whether to report an offense, you should report it. Failure to report may result in disqualification for employment.

List of Reportable Offenses

A Reportable Offense enumerated under Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6344(c), consists of one or more of the following:

1. Provisions of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or an 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 the Commonwealth of Pennsylvania:

   ▪ 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 a child
   ▪ Section 4304 relating to endangering welfare of children
   ▪ Section 4305 relating to dealing in infant children
   ▪ A felony offense under Section 5902(b) relating to prostitution and related offenses
   ▪ Section 5903(c) or (d) relating to obscene and other sexual materials and performances
   ▪ Section 6301 relating to corruption of minors
   ▪ Section 6312 relating to sexual abuse of children

2. An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as “The Controlled Substance, Drug, Device and Cosmetic Act,” committed within the preceding five-year period.

3. A founded report of child abuse within the preceding five-year period in the statewide database maintained by the Department of Human Services.

This form has been developed by Pennsylvania’s State System of Higher Education, pursuant to Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6301 et seq.
February 5, 2015
Section 3. No Conviction

☐ By checking this box, I certify that I have not been convicted of any Reportable Offense or an offense similar in nature to a Reportable Offense 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 the Commonwealth of Pennsylvania. (See Section 2 for a list of Reportable Offenses.)

Section 4. Application for Background Checks

I certify that I have applied for the following required background clearance checks:

☐ A report of criminal history record from the Pennsylvania State Police (PSP) or statement from the PSP that no criminal record exists.

☐ Certification from the Pennsylvania Department of Human Services as to whether I am named in the statewide database as a perpetrator in a pending child abuse investigation or in a founded report or indicated report of child abuse.

☐ A report of federal criminal history record information. I understand that I must submit a full set of fingerprints to the PSP to obtain this report.

☐ I further certify that I have provided copies of the completed request forms for these background clearance checks to Pennsylvania’s State System of Higher Education. (Appropriate forms may be attached to this Certification Form.)

Section 5. Certification

By signing this form, I swear and affirm under penalty of law that the statements made in this form are true, accurate, correct, and complete. I understand that false statements herein, including, without limitation, any failure to accurately report any arrest or conviction for a Reportable Offense, shall subject me to criminal prosecution under 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

______________________________  ____________________________
Signature                                      Date

This form has been developed by Pennsylvania’s State System of Higher Education, pursuant to Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6301 et seq.
February 5, 2015
Pennsylvania’s State System of Higher Education
Volunteer Exemption from FBI Background Check
(Under the Child Protective Services Law)

Please read this entire form carefully before completing it. This form is to be used by a Pennsylvania resident who serves or wants to serve as a volunteer with a program or activity associated with Pennsylvania’s State System of Higher Education or one of its universities and seeks exemption from the requirement to submit a report of federal criminal history record information (FBI background check). You are still required to submit a report of criminal history record information from the Pennsylvania State Police and a certification from the Department of Human Services concerning child abuse.

Section 1. Personal Information

Name of Volunteer: ________________________________ Date: ___/___/_______
Current Address: ____________________________________________
Number of Months ________ Years _________ at this Address*
*If less than 10 years, provide prior Pennsylvania addresses on a separate page.
Volunteer Position: __________________________________________

Section 2. Instructions

Check the appropriate boxes below. Then, sign the certification under Section 3.

☐ By checking this box, I certify that I have been a resident of Pennsylvania for the entirety of at least the last 10 consecutive years prior to the date of this application, which is set forth above.

☐ By checking this box, I certify that I have not been convicted of any of the Reportable Offenses listed below.

List of Reportable Offenses

A Reportable Offense enumerated under Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6344(c), consists of one or more of the following:

1. Provisions of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or an 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 the Commonwealth of Pennsylvania:

   ▪ 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 a child
   ▪ Section 4304 relating to endangering welfare of children
   ▪ Section 4305 relating to dealing in infant children
   ▪ A felony offense under Section 5902(b) relating to prostitution and related offenses
   ▪ Section 5903(c) or (d) relating to obscene and other sexual materials and performances
   ▪ Section 6301 relating to corruption of minors
   ▪ Section 6312 relating to sexual abuse of children

This form has been developed by Pennsylvania’s State System of Higher Education, pursuant to Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6301 et seq. February 5, 2015
2. An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as “The Controlled Substance, Drug, Device and Cosmetic Act,” committed within the preceding five-year period.

3. A founded report within the preceding five-year period in the statewide database maintained by the Department of Human Services.

**Section 3. Certification**

By signing this form, I swear and affirm under penalty of law that the statements made in this form are true, accurate, correct, and complete. I understand that false statements herein, including, without limitation, any failure to accurately report any arrest or conviction for a Reportable Offense, shall subject me to criminal prosecution under 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Volunteer’s Signature ___________________________ Date __________

This form has been developed by Pennsylvania’s State System of Higher Education, pursuant to Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6301 et seq.
March 23, 2015
Pennsylvania’s State System of Higher Education
Certification of Compliance with Required Clearances
(Under the Child Protective Services Law)

Please read this entire form carefully before completing it. This form is to be used by program administrators of non-university-sponsored programs or non-university groups and/or independent contractors providing services to university-sponsored programs, hereafter identified as the Responsible Organization.

Section 1. Certifications

All staff, paid and unpaid, who may have direct contact, interact with, treat, supervise, chaperone, or otherwise oversee minors must have the following satisfactory background clearances in accordance with Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6344. Notwithstanding any requirement or interpretation of the law otherwise, contractor employees providing services such as janitorial, food service, and bookstore contractors, or others as designated by the university, are hereby considered as meeting the scope above and require background clearances. The Responsible Organization will maintain records of the clearances, and the university will have the right to review the clearance files to validate that there is no disqualifying information. All clearances must be renewed every three years and include the following:

i. Pennsylvania State Police (PSP) Criminal Record Check.
ii. Pennsylvania Department of Human Services Child Abuse Clearance.
iii. Federal Bureau of Investigations (FBI) Criminal Background Check.

Exception for Volunteers. A person responsible for selecting volunteers shall require an applicable prospective volunteer, prior to the commencement of service, to submit only the information under items 1 and 2 above, if the following apply:

1. The position for which the prospective volunteer is applying is unpaid.
2. The prospective volunteer has been a resident of the Commonwealth of Pennsylvania during the entirety of the previous ten-year period.
3. The prospective volunteer swears or affirms in writing that the prospective volunteer is not disqualified from service pursuant to Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6344(c), or has not been convicted of an offense similar in nature to those crimes listed in § 6344(c) 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 the Commonwealth of Pennsylvania.

Further, all staff, paid and unpaid, who may have direct contact, interact with, treat, supervise, chaperone, or otherwise oversee minors must provide written notice to __________________________ (the designated person in charge for the Responsible Organization) if listed staff are: (1) arrested for, or convicted of, a Reportable Offense (listed below) that would constitute grounds for denial of employment or participation in a program, activity, or service; or (2) named as a perpetrator in a founded or indicated report of child abuse. The Responsible Organization shall require listed staff to provide written notice within 72 hours of arrest, conviction, or notification that the person has been listed as a perpetrator in the statewide database. The Responsible Organization will also notify the following person at the university of any such reports: __________________________.

If the Responsible Organization has a reasonable belief that staff, paid and unpaid, who may have direct contact, interact with, treat, supervise, chaperone, or otherwise oversee minors has been arrested or convicted of a Reportable Offense or was named as perpetrator in a founded or indicated report, or if staff, paid and unpaid, who may have direct contact, interact with, treat, supervise, chaperone, or otherwise oversee minors has provided notice of activity that would be sufficient to deny employment or program participation, the Responsible Organization must immediately require the staff to immediately submit current information as required for the three background clearance checks listed above.

This form has been developed by Pennsylvania’s State System of Higher Education, pursuant to Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6301 et seq. March 23, 2015
Section 2. List of Reportable Offenses

A Reportable Offense enumerated under Pennsylvania’s Child Protective Services Law, 23 Pa.C.S. § 6344(c), consists of one or more of the following:

1. Provisions of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or an 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 the Commonwealth of Pennsylvania:
   - 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 a child
   - Section 4304 relating to endangering welfare of children
   - Section 4305 relating to dealing in infant children
   - A felony offense under Section 5902(b) relating to prostitution and related offenses
   - Section 5903(c) or (d) relating to obscene and other sexual materials and performances
   - Section 6301 relating to corruption of minors
   - Section 6312 relating to sexual abuse of children

2. An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as “The Controlled Substance, Drug, Device and Cosmetic Act,” committed within the preceding five-year period.

3. A founded report within the preceding five-year period in the statewide database maintained by the Department of Human Services.

Section 3. Certification Signature

By signing this form, I acknowledge and certify compliance with the Child Protective Services Law, 23 Pa. C.S. § 6301 et seq. and the requirements outlined in Section 1. Certification, above. I also swear and affirm under penalty of law that the statements made in this form are true, accurate, correct, and complete.

Signature

Date

Printed name

Responsible Organization