

**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:** N/A

**Date Scheduled for Review:** October 2019

**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 check certification or go through the process with Human Resources. Volunteers are not allowed to work with Minors until all clearances are complete.

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 for the purposes of making decisions about their academic future; attending 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 in a responsible manner.

### 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/certifications and submit the documents to the university's Department of Human Resources (HR) as follows:

1. Prior to commencing employment unless the applicant is hired provisionally as outlined in section V of this policy and
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 in order to engage in activities where they are responsible for the welfare of minors or will have direct contact with minors.**

### V. PROVISIONAL HIRING

With HR approval, individuals subject to this policy may be employed for a period not to exceed ninety (90) days, pending receipt of the required background checks if all of the following conditions are met:

1. The applicant has applied for the three required background checks/certifications and has submitted a copy of the completed forms to HR;
2. Temple has no knowledge of information pertaining to the applicant which would disqualify him/her from employment that requires direct contact with minors.
3. The applicant swears or affirms in writing that he is not disqualified from employment pursuant to the grounds for denying employment outlined in § 6344 (c) of the CPSL and has not been convicted of a disqualifying criminal offense under Federal law or the law of another state.
4. The applicant is not permitted to work alone with minors and must, at all times, work under the direct supervision and within eyesight of a permanent employee who has already cleared the background check/certification process.

## **VI. PROCEDURE**

1. HR, in consultation with management, will determine which Temple positions are subject to the background check/certification requirements of the CPSL.
2. HR will direct the individuals subject to this policy to obtain the background checks/certifications required by this policy.
3. HR will review the final results of the required background checks/certifications.
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 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 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 prior five years.
6. Except as required by section VI.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.

## **VII. 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.

## **VIII. 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.

## **IX. NON-COMPLIANCE WITH THE POLICY**

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

## **X. Notes**

### **1. Dates of official enactment and amendments:**

Adopted by the President on November 9, 2017.

### **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 contract.**

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

I swear/affirm that I have applied for background checks/certifications through ChildLine, the Pennsylvania State Police, and the Federal Bureau of Investigation and am submitting a copy of the appropriate completed request forms to the employer, administrator, supervisor or other person responsible for employment decision.

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	(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 (5) years.

I understand that as a provisional employee:

- 1) The provisional period may not exceed ninety (90) calendar days.
- 2) An administrator may not hire an applicant on a provisional basis during a strike under the Public Employee Relations Act (43 P. S. § 1101.201—1101.2201).
- 3) If the applicant does not submit the required background checks/certifications within ninety (90) calendar days the administrator shall do one of the following:
  - Dismiss the provisional employee until the required background checks/certifications are received.
  - Lay off or place the provisional employee on leave with or without pay until the checks/certifications are received.

- Retain and reassign the provisional employee to a position that does not involve direct contact with children.

I understand that I am not permitted to work alone with minors and must work under direct supervision and within eyesight of a permanent employee who has already cleared the background check/certification process.

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 immediately 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 background checks/certifications obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation. The cost of the background checks/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 the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my background checks/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.

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Name: \_\_\_\_\_  
*Print Name*

Signature: MUST BE SIGNED IN INK

TUId#: \_\_\_\_\_

Department: \_\_\_\_\_

Witness: \_\_\_\_\_  
*Print Name*

Signature: MUST BE SIGNED IN INK

