

**Office of the Chancellor
Pennsylvania's State System of Higher Education
Procedures and Standards for University Operations**

**COVID-19 TEMPORARY REVISIONS TO
Procedure/Standard 2015-21
Background Clearances and Reporting Requirements**

Approved by: _____



Date: 3/27/20

Chancellor Dan Greenstein

Revised: Revised 12/2019 in
response to Act 47 of
2019

Additional History: Prior Revision 9/2/2015

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.

Related Policies, Procedures, or Standards: Board of Governors Policies 2014-01-A: *Protection of Minors*; 2009-01: *Criminal Background Investigations*; 1991-04-A: *Volunteerism*; and 2009-03: *Social Equity*

Key Words/Categories: Personnel; Background Clearances

Additional References: Pennsylvania's Child Protective Services Law, 23 Pa.C.S. § 6301 et seq.

On March 6, 2020 the Governor issued an Emergency Declaration related to the COVID-19 pandemic. A component of the guidance issued by the Centers for Disease Control and the Pennsylvania Department of Health is that individuals practice social distancing to avoid spreading the COVID-19 virus. The purpose of this temporary revision is to establish certain modified procedures under Procedure/Standard 2015-21, Background Clearances and Reporting Requirements during the course of the COVID-19 emergency. The basis for this modification is the unavailability of fingerprinting sites so that prospective/current employees/volunteers could complete the required federal criminal background check. A federal criminal background check is currently required before an individual could be employed or serve as a volunteer. It is also a requirement that current employees/volunteers must complete in order to be recertified. All other provisions of Procedure/Standard 2015-21 not effected by these temporary revisions remain in full effect.

In order to prevent disruption of State System hiring practices associated with inability to obtain fingerprints of prospective/current employees/volunteers due to social distancing practices

recommended by the CDC and the Pennsylvania Department of Health, Procedure/Standard 2015-21 is temporarily revised as follows:

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Section III. Criminal Background Screening

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B. Background Checks are required for the following groups:

1. Employees

a. New Employees:

The procedure set forth in Section III(B)(1)(a)(i) is revised as follows:

Current:

- i. A new employee may be provisionally employed for a period of up to 90 days pending completion of new background clearances, provided the employee completes the Provisional Employment/Volunteer statement attached hereto (Attachment 1) and the employee's only contact with children during the course of employment is limited to either (a) prospective students visiting campus or (b) matriculated students who are enrolled with the institution. Matriculated students do not include secondary school students who are dually enrolled.

Temporary Revision:

- i. A new employee hired during the state of emergency may be provisionally employed for the duration of the Emergency Declaration and for a period of up to 90 days after the Emergency Declaration is rescinded pending completion of new background clearances, provided the employee completes the Provisional Employment/Volunteer statement attached hereto (Attachment 1) and the employee's only contact with children during the course of this provisional employment period is limited to either (a) prospective students visiting campus or (b) matriculated students who are enrolled with the institution. Matriculated students do not include secondary school students who are dually enrolled.

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Current:

- c. Current employees—recertify background clearances set forth in Section III.A(1)-(3) every 60 months.

Temporary Revision/Addition:

- c.1. All prospective and current employees must complete Attachment 1 as part of the employment/recertification process. The employee should not check this box and the University should indicate "deferred due to COVID-19 emergency" in Section 4, next to the third check box ("A report of federal criminal history record information...").

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2. Volunteers

Current:

- a. New Volunteers—background clearances set forth in Section III.A(1)-(3) prior to commencement of service, and every 60 months thereafter.

Temporary Revision/Addition:

- a. New Volunteers—background clearances set forth in Section III.A(1)-(3) prior to commencement of service, and every 60 months thereafter. Where a new volunteer does not fall within the exception set forth in Section III(B)(2)(c), the procedure set forth in Section III(B)(2)(a)(i) is revised as follows:

Current:

- i. New Volunteers—background clearances set forth in Section III.A(1)-(3) prior to commencement of service, and every 60 months thereafter. i. A new volunteer may be provisionally appointed for a period of up to 90 days provided the volunteer completes the Background Clearance Certification for Provisional Employment or Volunteering (Attachment 1) and the volunteer's only contact with children during the course of volunteer activities is limited to either (a) prospective students visiting campus or (b) matriculated students who are enrolled with the institution. Matriculated students do not include secondary school students who are dually enrolled.

Temporary Revision:

- i. A new volunteer may be provisionally appointed during the state of emergency for the duration of the Emergency Declaration and for a period of up to 90 days after the Emergency Declaration is rescinded provided the volunteer completes the Background Clearance Certification for Provisional Employment or Volunteering (Attachment 1) and the volunteer's only contact with children during this provisional appointment is limited to either (a) prospective students visiting campus or (b) matriculated students who are enrolled with the institution. Matriculated students do not include secondary school students who are dually enrolled.

Current:

- b. Current Volunteers—background clearances set forth in Section III.A(1)-(3) every 60 months.

Temporary Revision/Addition:

- b.1. All prospective and current volunteers must complete Attachment 1 as part of the volunteer/recertification process. The volunteer should not check this box and the University should indicate "deferred due to COVID-19 emergency" in Section 4 next to the third check box ("A report of federal criminal history record information...").

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Temporary Addition:

IX. Temporary Revision Standard/Sunset Provision

In instances where the COVID-19 temporary revised procedures are utilized, the selected employee/volunteer must complete the required background clearances within 30 days of termination of the Emergency Declaration. This temporary revision to Procedure/Standard 2015-21 will terminate upon rescission of the Governor's Emergency Declaration without further directive. At that point, the temporary revision language will cease to operate and Procedure/Standard 2015-21 as it existed prior to this temporary revision will be enforced.