



# PA State System of Higher Education Board of Governors

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**Effective:** January 15, 2009

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## **Policy 2009-01: Criminal Background Investigations**

**See Also:**

**Adopted:** January 15, 2009

**Amended:**

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### **A. Purpose**

To require criminal background investigations for appointees for all positions in the Pennsylvania State System of Higher Education (PASSHE). Nothing herein is intended to contradict or lessen compliance with applicable federal and state laws or regulations.

### **B. Criminal Background Investigations Defined**

Criminal background investigations include inquiries to determine past criminal convictions. All inquiries must comply with all state and federal laws.

### **C. Responsibility for Administration**

1. Within ninety days of the effective date of this policy, each President and the Chancellor will develop a criminal background investigation policy and ensure its consistent application. Said policies must comply with federal and state laws or regulations regarding criminal background investigations and the use of such investigation in employment situations. Appointing authorities shall not consider nonofficial accusations or arrests. Only felony and misdemeanor convictions may be considered by the Chancellor/President or his/her Designee and only to the extent to which they relate to the applicant's suitability for employment in the position for which he/she has applied. The assessment is to be done in conjunction with legal counsel.

2. An advance copy of each University's policy will be sent to the Chancellor.

### **D. Criminal Record Question**

All employment applications will contain the following criminal history section:

**CRIMINAL HISTORY:**

CRIMINAL OFFENSE includes felonies and misdemeanor offenses.

CONVICTION is an adjudication of guilt and includes determinations before a court, a district justice or magistrate and pleas of *nolo contendere* (no contest) that result in a fine, sentence or probation.

For this question disregard: minor traffic violations (no points), offenses committed before your 18<sup>th</sup> birthday which were adjudicated in juvenile court under a Youth Offender Law, and any charges which have been expunged by a court or for which you successfully completed an Accelerated Rehabilitative Disposition Program.

A "Yes" answer is not necessarily a bar to employment.

If you answer "Yes," please provide a written explanation.

**WERE YOU EVER CONVICTED OF A CRIMINAL OFFENSE? YES NO**

**E. Confidentiality of Information**

All records resulting from criminal background investigations shall be kept confidential, separate from employee personnel files and shall not be accessible by supervisors and others who might otherwise have access to an individual's personnel records, save the Chancellor/President and his/her Designee and legal counsel.