



PA State System of Higher Education Board of Governors

Effective: January 15, 2009

Page 1 of 2

Policy 2009-01-A: *Criminal Background Clearances*

See Also

Board of Governors' Policy 1991-04-A
PASSHE Procedure/Standard Number 2015-21

Adopted: January 15, 2009

Amended: February 8, 2024

A. Purpose

To provide for the safety of students, staff, and guests of PASSHE institutions, the Board requires criminal background clearances for employees, applicants for employment, and official volunteers, to obtain/maintain employment/volunteer position within 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. Scope

This policy applies to employees, applicants for employment, and official volunteers. This policy does not apply to student employees who have no direct contact and/or routine contact with a minor/child during the course of their employment duties.

C. Criminal Background Investigations Defined

All employees and official volunteers subject to this policy are required to have criminal background clearances in accordance with the applicable procedures/standard(s) promulgated by the chancellor. At a minimum, the following background clearances are required: 1) a criminal history record check completed by the Pennsylvania State Police; 2) a criminal history record check completed by the Federal Bureau of Investigation; and 3) a child abuse check completed by the Pennsylvania Department of Human Services.

D. Responsibility for Administration

Each University and the Office of the Chancellor shall be required to administer this policy and apply the applicable procedure/standard in accordance with

applicable state and federal laws and regulations regarding the administration of criminal background screenings.

Only felony and misdemeanor convictions, and indicated or founded allegations of child abuse 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.

E. Criminal Record Question

All employment applications will contain the following criminal history section:

CRIMINAL HISTORY:

CRIMINAL OFFENSE includes felony 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 criminal penalty such as a fine, jail/prison sentence or probation.

For this question disregard: summary offenses, including traffic violations, offenses committed before your 18th birthday which were adjudicated in juvenile court or 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. All convictions will be reviewed pursuant to law, or evaluated based upon the recency and severity of the offense(s), and relevancy to the position being sought.

WERE YOU EVER CONVICTED OF A CRIMINAL OFFENSE? YES NO

F. 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.