

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

**Procedure/Standard Number 2015-21
Background Clearances and Reporting Requirements**

Approved by: _____


Chancellor Dan Greenstein

Date: 12-20-19

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.

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, interact 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, health care 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. **Current Background Clearances:** A background clearance obtained in the past 60 months or less.
- D. **Independent Contractor:** An entity or individual who provides a program, activity, or service to a State System entity that is responsible for the care, supervision, guidance, or control of children or routine interaction with children. For the purposes of this procedure/standard, this definition includes janitorial, food service, and bookstore contractors.
- E. **Programs, Activities, 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.
- F. **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.)
- G. **Volunteer:** Any individual, including students, 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, and commencement.
- H. **Employee:** For the purposes of this procedure/standard, an employee is defined as any person working for any State System entity who is paid through the central payroll system and receives a Form W-2 from the State System, including student employees.
- I. **Immediate Vicinity:** An area in which an individual is physically present with a child and can see, hear, direct, and assess the activities of the child.

III. Criminal Background Screening

- A. Background clearances required by State System entities are:
 - 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. Background clearances are required for the following groups:

1. Employees

- a. New employees—background clearances set forth in Section III.A(1)-(3) prior to commencing employment, and every 60 months thereafter.
 - 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.
- b. Returning employees--new background clearances are not required for a returning employee of any State System entity regardless of a break in service or change in position, provided the returning employee has current background clearances compliant with Section III.A(1)-(3) that are on file with a State System entity and complies with the reporting requirements set forth in Section IV. If the background clearances are not current, the returning employee will be treated as a new employee for purposes of these Procedures.
- c. Current employees—recertify background clearances set forth in Section III.A(1)-(3) every 60 months.

2. Volunteers

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

- i. The position for which the prospective volunteer is applying is unpaid.
 - ii. The prospective volunteer has been a resident of this Commonwealth during the entirety of the previous ten-year period.
 - iii. The prospective volunteer completes the Volunteer Certification of Exemption from FBI Background Check (Attachment 2) and swears or affirms in writing that he/she is not disqualified from service and has not been convicted of an offense similar in nature to those crimes listed in paragraph IV.C 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. Student volunteers do not require background clearances if all of the following apply:
- i. The individual is currently enrolled in the university;
 - ii. The individual is not a person responsible for the child's welfare;
 - iii. The individual is volunteering for an event that occurs on university campus;
 - iv. The event is sponsored by the university in which the individual is enrolled as a student; and
 - v. The event is not for children who are in the care of a child-care service.

3. Other organizations

Before being allowed to use or lease university facilities, program administrators of non-university-sponsored programs or non-university groups and/or independent contractors providing services to university-sponsored programs are required to certify that they have conducted the criminal background checks listed in Section III.A and determined the fitness of all authorized adults and program staff. A sample certification form is included as Attachment 4.

- C. Clearances obtained for employment purposes consistent with applicable law and this policy are portable and can be used to satisfy clearance requirements for employees and volunteers. Clearances obtained for volunteering purposes are portable for other volunteer positions under 23 Pa.C.S. § 6344.2, but are not acceptable for satisfying employment requirements.
- D. Any result or finding denoted as a reportable offense, as set forth in Section IV.C below, or nonreportable offense, or any questions about errors, convictions, arrests, or any other reportable condition shall be addressed to University Legal Counsel for review consistent with the criteria set forth in Section V.
- E. State System entities must obtain consent from prospective and current employees and prospective and current volunteers before obtaining background clearances. If the State

System entity 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.

- F. The appropriate State System entity will pay for 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 discretion of each State System entity.

IV. Reporting of Arrests, Convictions, and Other Offenses

- A. All employees, volunteers, independent contractors, and program administrators must provide written notice to the designated person in charge at the university if they or an authorized adult or program staff are:
 - 1. Arrested for, or convicted of, a reportable offense enumerated under the Child Protective Services Law, 23 Pa.C.S. § 6344(c) (see Section IV.C 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.
- B. The employee, volunteer, independent contractor, or program administrator shall provide such written notice (Attachment 3) within 72 hours of arrest, conviction, or notification that the person has been listed as a perpetrator in the statewide database.
 - 1. The failure of an employee or volunteer to make a 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.
- C. A reportable offense enumerated under the Child Protective Services Law, 23 Pa.C.S. § 6344(c), consists of any of the following:
 - 1. The individual is named in the Department of Human Services Statewide database as the perpetrator of a founded report committed within the immediate five-year period.
 - 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 relating to corruption of minors.
 - t. Section 6312 relating to sexual abuse of children.
 - u. The attempt, solicitation or conspiracy to commit any of the offenses set forth in this Paragraph, above.
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.
4. Any of the following:
- a. The following felony offenses under Title 18 or an equivalent crime under Federal law or the law of another state:
 - i. A felony offense under section 2718 (relating to strangulation)
 - ii. A felony offense under section 3301 (relating to arson and related offenses)
 - b. An offense under 18 U.S.C. § 2261 (relating to interstate domestic violence) or § 2262 (relating to interstate violation of protection order)
 - c. The individual's name appears on the National Crime Information Center National Sex Offender Registry or on a state's sex offender registry.
 - d. The individual's name appears on a Statewide database or its equivalent as a perpetrator of child abuse.
- D. If the university or program administrator has a reasonable belief that an employee, independent contractor, or volunteer has been arrested or convicted of a reportable offense as set forth in Section IV.C or was named as perpetrator in a founded or indicated report, or if an employee, independent contractor, 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, independent contractor, or volunteer to immediately submit current information as required to secure the three background clearance checks set forth in Section IV.A(1)-(3). Any employee or volunteer who fails to comply with this paragraph may be subject to discipline up to and including termination or removal. Any independent contractor who fails to comply with this paragraph may be subject to termination or found in default in accordance with the terms of the applicable contract or agreement for service.

- E. If any report is made under section IV, the university president or designee(s) shall contact University Legal Counsel prior to taking any action.

V. Consideration of Arrests, Convictions, and Other Offenses

A. Candidates for Employment, Volunteer Service and Independent Contractors

1. No candidate may be selected or appointed to serve as an employee, independent contractor, or volunteer if:
 - a. as a result of the candidate's job duties, the candidate would be responsible for the care, supervision, guidance, or control of children or would have routine interaction with children; and
 - b. The candidate's background clearance indicates an offense listed in Section IV.C
2. Where a background clearance indicates pending charges or a conviction for any other misdemeanor or felony offense, the following procedures will be used:
 - a. Convictions for summary offenses, minor traffic violations, offenses adjudicated in juvenile court or under a youth offender law, and convictions which have been annulled, expunged, pardoned, or otherwise erased from the official record (such as through successful completion of an Accelerated Rehabilitative Disposition or other diversionary program) will not be considered.
 - b. Any charges/convictions not excluded under Section V.A(2)(a) above will be evaluated to consider the following:
 - i. The nature and severity of the conviction/charge and underlying offense;
 - ii. The time that has passed since the candidate's offense, conviction and completion of sentence; and
(Note: The candidate must have served/completed all conditions of sentence, including but not limited to the payment of fines and costs and completion of probation.)
 - iii. The relationship between the criminal conviction and the job at issue, including an analysis of:
 - (a) The nature of the job's duties;
 - (b) The essential functions of the job;
 - (c) The circumstances under which the job is performed; and
 - (d) The environment in which the job is performed.
 - c. Candidates with pending charges or convictions not excluded under Section V.A(2)(a) will be notified that they are being considered for exclusion from employment, volunteer service, or status as an independent contractor due to their criminal record and will be provided an opportunity to submit a response, which may include, but need not be limited to, consideration of the following:

1. The candidate was not correctly identified in the criminal record or that the record was otherwise inaccurate;
 2. The facts or circumstances surrounding the offense or conduct;
 3. The number of offenses for which the candidate was convicted;
 4. The age of the candidate at the time of the offense, conviction, or completion of sentence;
 5. Evidence that the candidate performed the same type of work, post-conviction or offense, with a State System entity, an education institution covered by the Public School Code, or Commonwealth of Pennsylvania agency, with no known incidents of criminal conduct;
 6. The length and consistency of employment history before and after the offense or conduct;
 7. Rehabilitation efforts;
 8. Written character or employment recommendations, and any other information regarding fitness for the particular position;
 9. If the candidate is currently on probation or parole, the probation or parole officer must be contacted for a written recommendation; and
 10. Whether the candidate is bonded under a federal, state, or local bonding program.
- d. An individualized assessment will be conducted to consider any information provided under Paragraph (c) to determine whether exclusion based on the charge/conviction is job related and consistent with business necessity.

B. Current Employees, Volunteers, and Independent Contractors

1. If the information provided in a background clearance indicates an arrest, conviction, or offense that would result in disqualification from employment or service under Section V.A, the individual must immediately be removed from employment or service.
2. If the information provided in a background clearance indicates any other arrest, conviction, or offense, the information will be evaluated as follows:
 - a. Convictions for summary offenses, minor traffic violations, offenses adjudicated in juvenile court or under a youth offender law, and convictions which have been annulled, expunged, pardoned, or otherwise erased from the official record (such as through successful completion of an Accelerated Rehabilitative Disposition or other diversionary program) will not be considered.
 - b. Other than information excluded from consideration under Paragraph V.B(2)(a), the information provided will be evaluated to consider the following:
 - i. Nature and severity of the conviction/charge and underlying offense;
 - ii. The time that has passed since the offense, conviction, and completion of sentence; and
 (**Note:** The individual must have served/completed all conditions of sentence, including but not limited to the payment of fines and costs and completion of probation.)

- iii. The relationship between the arrest, conviction, or offense and the job at issue, including an analysis of:
 - (a) The nature of the job's duties;
 - (b) The essential functions of the job;
 - (c) The circumstances under which the job is performed; and
 - (d) The environment in which the job is performed.

VI. 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.

VII. Maintenance and Confidentiality of Records

- A. The human resources office shall (1) maintain a copy of the required information for employees and (2) require the individual to produce the original document prior to employment, except as allowed under paragraph III.B.1.a.i relating to provisional employees and III.B.2.a. relating to provisional volunteers. The university president or designee shall appoint an appropriate office as the repository for the same information regarding volunteers that will follow the same maintenance and production requirement. Employees and volunteers should retain original clearance documents.
- B. Copies of the 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.
- C. The information compiled under this procedure/standard shall be confidential and is not 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.

VIII. Contracts/Facility Use Agreement Language

Universities shall work with their assigned University Legal Counsel to ensure facilities use agreements and other applicable agreements include 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
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 only for provisional volunteers and employees who meet the criteria set forth in Procedure/Standard Number 2015-21. 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:

- (i) 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
 - A felony offense under section 2718 (relating to strangulation)
 - A felony offense under section 3301 (relating to arson and related offenses)
 - An offense under [18 U.S.C. § 2261](#) (relating to interstate domestic violence) or § 2262 (relating to interstate violation of protection order)
 - the attempt, solicitation, or conspiracy to commit any of the above

Attachment 1

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

- (ii) 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.
- (iii) 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.
- (iv) Identification on the National Crime Information Center National Sex Offender Registry or on a state's sex offender registry.

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

Attachment 1

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 Certification of 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 ten 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 ten 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:

- (i) 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:

Attachment 2

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

- 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
 - A felony offense under section 2718 (relating to strangulation)
 - A felony offense under section 3301 (relating to arson and related offenses)
 - An offense under [18 U.S.C. § 2261](#) (relating to interstate domestic violence) or § 2262 (relating to interstate violation of protection order)
 - the attempt, solicitation, or conspiracy to commit any of the above
- (ii) 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.
- (iii) 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.
- (iv) Identification on the National Crime Information Center National Sex Offender Registry or on a state's sex offender registry.

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

Attachment 2

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 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:

(i) 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
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- Section 6301 relating to corruption of minors
- Section 6312 relating to sexual abuse of children
- A felony offense under section 2718 (relating to strangulation)
- A felony offense under section 3301 (relating to arson and related offenses)
- An offense under [18 U.S.C. § 2261](#) (relating to interstate domestic violence) or § 2262 (relating to interstate violation of protection order)
- the attempt, solicitation, or conspiracy to commit any of the above

Attachment 3

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

- (ii) 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.
- (iii) 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.
- (iv) Identification on the National Crime Information Center National Sex Offender Registry or on a state's sex offender registry.

Section 3. Report of Arrest or Conviction

By checking this box, I report that I have been:

- arrested for, or convicted of one of more of the following 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 Reportable Offense; an offense similar in nature to a Reportable Offense; the attempt, solicitation, or conspiracy to commit a Reportable Offense or offense similar in nature to a Reportable Offense; and/or
- 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

Attachment 3

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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 five years and include the following:

1. Pennsylvania State Police (PSP) Criminal Record Check.
2. Pennsylvania Department of Human Services Child Abuse Clearance.
3. 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:

- i. The position for which the prospective volunteer is applying is unpaid.
- ii. The prospective volunteer has been a resident of the Commonwealth of Pennsylvania during the entirety of the previous ten-year period.
- iii. 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.

Attachment 4

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:

- (i) 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
 - A felony offense under section 2718 (relating to strangulation)
 - A felony offense under section 3301 (relating to arson and related offenses)
 - An offense under [18 U.S.C. § 2261](#) (relating to interstate domestic violence) or § 2262 (relating to interstate violation of protection order)
 - the attempt, solicitation, or conspiracy to commit any of the above
- (ii) 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.
- (iii) 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.
- (iv) Identification on the National Crime Information Center National Sex Offender Registry or on a state's sex offender registry.

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. Certifications, 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

Attachment 4

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