



		<b>Policy Section:</b>	Institutional Support
<b>Policy Number:</b>	5521-19	<b>Policy Title:</b>	Background Checks
<b>Original Effective Date:</b>	April 26, 2011	<b>Department:</b>	Human Resources
<b>Date Last Revised:</b>	August 5, 2015		

**Purpose:**

The University aims to make well-informed decisions when selecting individuals to serve in faculty, staff, student worker, and volunteer positions. Individuals selected to fill positions will undergo background checking based on the standards applicable to the position for which they are being considered. This includes the determination of the degree to which the position’s duties will include direct contact and routine interaction with minors.

**Definitions:**

Background Checks/Checking: For purposes of this policy, this term refers to the process used and information retrieved with regard to criminal and child abuse history. Some or all such information may be sought depending on the position for which an individual is being considered. Additionally, if the individual will be expected to drive a University vehicle for business-related trips, driving history background checks will be conducted.

Reference Checking: This policy does not address reference checking. The term is mentioned only to clarify the differences between reference checking and background checking. For purposes of this policy, reference checking refers to the process used and information retrieved from former employers or others who can attest to the employment/assignment-related qualities and qualifications of the individual.

Contact with Minors: The University complies with PA Act 153 which requires three state background checks for individuals whose positions involve either of the following:

- Direct contact with minors (children under the age of 18)\*. Direct contact refers to positions which may have direct contact with children because they provide care, guidance, supervision, or control of children; or
- Routine interaction with minors, which applies to those whose role may involve contact with minors that is regular, ongoing, and integral to their day-to-day responsibilities. For purposes of this policy, individuals at the University determined to have, or likely to have, direct, routine, and regular contact with minors will be required to have child abuse and FBI background check clearances.
- Exceptions:
  - Those who have regular but casual contact with minors (those in administrative positions, for example) are exempt from the requirement to acquire child abuse and FBI clearances.
  - Those whose regular contact with minors is limited to minors who are matriculated students or minors who visit the University for recruiting purposes, are exempt from the requirement to acquire child abuse clearances.

Verification of Employment: This policy does not address verification of employment. The term is mentioned only to clarify the differences between verification of employment and background checking. For purposes of this policy, verification of employment refers to the University’s response to reference check requests received by the University in efforts by organizations to obtain information on previous or current employees or students, or references obtained by Cairn as part of the hiring process for Cairn employees.

**Policy:**

The University requires a PA Criminal History Background Check clearance. This clearance, obtained through the Pennsylvania State Police (abbreviated throughout this policy as "PSP") is required for:

- employees,
- volunteers, and
- student workers who are likely to have regular contact with individuals under the age of 18.

The PSP clearance must be obtained before the individual may begin work or volunteer service. The University is required to maintain a copy of the background clearance report.

In addition to the PSP clearance, employees and student workers who are required to have direct contact or routine interaction with individuals under the age of 18, as a regular part of their assigned duties, are required to have two additional background check clearances:

1. Child Abuse History Clearance
2. FBI Federal Criminal History (which requires fingerprinting)\*

Proof of application for these clearances must be submitted before the individual may begin work or service. The clearance results must be submitted within 90 calendar days from the date the individual began work or service. The University is required to maintain copies. Additionally, these must be redone every 5 years provided employment or service is continuous during that time. When employment or service lapses for greater than 90 calendar days, new clearances must be done before employment or service may resume.

\*Volunteers may be exempted from the requirement to complete the FBI check when the individual:

- has been a PA resident continuously for the past 10 years, and
- signs a disclaimer affirming continual residency and attesting that there are no charges in other states which would prohibit his/her selection as a volunteer to work with minors

**Procedure:**

1. Identification of Background Checks Needed for Each Position
  - 1.1.1 The Department of Human Resources works with overseeing Administrators and their Deans/Chairs and Directors to evaluate regular, student worker, temporary, and volunteer positions to determine those roles which have regular contact with minors.
  - 1.1.2 Individuals considered for employment and volunteer positions which do not include the expectation for regular contact with minors (as defined above) will be required to complete the PSP only.
2. Provision of Instructions for Completion of the Background Check(s)
  - 2.1 Instructions are included as an addendum to this policy.
  - 2.2 Responsibilities to provide instructions:
    - 2.2.1 The Department of Human Resources is responsible for providing background check instructions appropriate for the person's role to:
      - 2.2.1.1 new regular faculty members;
      - 2.2.1.2 new regular and temporary staff employees;
      - 2.2.1.3 post-graduate interns and graduate assistants;
      - 2.2.1.4 volunteers;
      - 2.2.1.5 regular and continuing employees (faculty and staff) on an established 5-year re-check schedule.
    - 2.2.2 The Office of the Provost is responsible for providing background check instructions appropriate for the person's role to:
      - 2.2.2.1 new adjunct faculty members;
      - 2.2.2.2 temporary employees providing instruction-related services (such as student teaching advisors)

- 2.2.3 Supervisors (Deans/Chairs and Directors) are responsible for informing the Department of Human Resources of student workers, volunteers, or other individuals being considered for roles at the University to discuss and determine what background checks are appropriate. The Department of Human Resources will directly, or indirectly through the supervisor or Office of the Provost, provide required background check instructions to individuals being considered for these roles.
3. Provisional Status Pending Receipt of Results
  - 3.1 Individuals required to complete the Child Abuse and FBI Background Checks must present the results of the PSP clearance and proof that they have initiated the Child Abuse and FBI clearances on or before the date they begin employment or service. If the results of the background checks have not been received as of the date employment or service begins, the individual may serve in a single period of provisional status, not to exceed 90 calendar days, until satisfactory clearance results are presented.
  - 3.2 Conditions for and during a provisional status:
    - 3.2.1 A copy of proof of application for the required clearances must be presented to the Department of Human Resources or to the Office of the Provost;
    - 3.2.2 The individual must provide a statement in writing, swearing or affirming that he/she is not disqualified from employment because of a conviction or offense;
    - 3.2.3 The individual is not permitted to work alone with minors and must work in the immediate vicinity of a permanent employee who has required clearances;
    - 3.2.4 The University must have no knowledge of information pertaining to the applicant which would disqualify him/her from employment or service;
4. Requirements for Transferability and Renewal of Background Checks
  - 4.1 Individuals who are not expected to have regular contact with minors do not need to renew the PSP background check during their period of employment or service unless their role changes in a way that requires them to obtain the additional clearances.
  - 4.2 Individuals who are expected to have regular contact with minors are required to renew the three required background checks at least every 60 months. Regular employees and continuing adjuncts, student workers, and volunteers will be notified by the Department of Human Resources at least 90 days prior to the date by which their clearance renewals will need to be submitted.
  - 4.3 Individuals who already received some or all of the required clearances either on their own or through another employer or organization may present the original clearance reports for the University's records and do not have to complete the clearances again provided that the clearance reports were issued within the 90 calendar-day period immediately preceding the date employment or services will have commenced with the University, or date that a scheduled renewal of the clearances is due.
5. Payment for Background Check(s)
  - 5.1.1 Background check applications must be completed and initially paid for by the individual.
  - 5.1.2 Reimbursement for the cost of the background check(s) will be processed by the Department of Human Resources or designees.
    - 5.1.2.1 Presentation of the final original background check clearance and receipt of payment for the background check(s) is required.
    - 5.1.2.2 Reimbursement will be made for all required background checks together, not separately.
  - 5.1.3 Reimbursement will not be provided for background check costs when:
    - 5.1.3.1 Reports reveal violations which disqualify the individual for employment or service;

- 5.1.3.2 Reports are submitted beyond the 90-day provisional period;
  - 5.1.3.3 Background checks were processed for employment by or service to another organization (see 4.3, above)
  - 5.1.4 Current employees who have been issued a University P-card may use their P-card to pay for their initial and renewal clearances. The account to be charged is 10-6110-5521-000.
6. Requirements to Report Changes in Criminal and Child Abuse History Status
- 6.1 Individuals expected to have regular contact with minors and who are subject to the PSP, Child Abuse, and FBI background checks, are also required to inform the University of any changes to their clearance status.
    - 6.1.1 If the individual is arrested for or convicted of an offense that would constitute grounds for denying employment or service as a volunteer, or is named as a perpetrator in a founded or indicated report, the individual must provide the University with written notice no later than 72 hours after the arrest, conviction, or notification that he/she is listed as a perpetrator in the Statewide database.
7. Consequences for Failure to Comply with This Policy
- 7.1 Failure to Complete the Required Background Checks
    - 7.1.1 Failure to complete the required background checks for initial employment or service within the mandated timeframe described above, will result in the University's withdrawal of the employment offer or service opportunity.
    - 7.1.2 Failure for current employees to complete newly-required clearances in the mandated timeframe, or failure for continuing employees to renew clearances within a 60-month period of the most recent clearance, will result in the employee being placed on an unpaid suspension until proof of clearance applications are received, up to a maximum suspension of 30 days. If upon the conclusion of a 30-day suspension required clearances are not provided, employment will be terminated.
  - 7.2 Failure to Produce Clearances with Satisfactory Reports
    - 7.2.1 Until or unless guidelines are provided by the State regarding specific steps employers must take in response to clearance reports which indicate arrests, convictions, or naming of the individual as a perpetrator in a founded or indicated report, the University will make a decision as to the individual's approval, denial, or probationary status for employment or service. The following factors will guide such decisions:
      - 7.2.1.1 The role for which the individual is being considered, and the relation of this role to the severity of the offense(s) on record;
      - 7.2.1.2 The supervision that can be provided during the individual's employment or service;
      - 7.2.1.3 Knowledge of the individual's background and offenses by those within the University who can serve as a reference or who will oversee the individual's employment or service;
      - 7.2.1.4 The availability, application, and timeframe of any appeal for which the individual has filed to contest the accuracy of the report.
  - 7.3 Failure to Update Clearance Status
    - 7.3.1 If it becomes known that an individual currently employed or serving at the University has failed to make a report as described in 6.1 above, the individual will be placed on an immediate suspension pending termination of employment or service.
    - 7.3.2 Individuals who make a status report as described in 6.1 above in a timely manner, will be evaluated for the potential to continue in the employment or service relationship based on the factors outlined in 7.2 above.
  - 7.4 Decisions for actions relating to an individual's failure to comply with this policy shall be jointly recommended by the Vice President of Human Resources and the overseeing Administrator, and approved by the President.

8. Procedures for Retaining and Destroying Background Check Reports

The Department of Human Resources will follow strict procedures with regard to retention and destruction of background clearance reports, and creation and upkeep of completion date and renewal logs. This is documented in the Department of Human Resources Background Check procedure.

9. Clearances for Non-employees

The University uses independent contractors to provide a variety of services to the University and its students. Independent contractors are expected to bear responsibility for their own clearances, insurance, and other business-related certifications. In letters of engagement, the University reminds independent contractors of the requirement to acquire and maintain the state-mandated background checks when they are engaged to provide services which involve regular contact with minors.

10. Child Abuse Reporting Training

Employees in positions which require child abuse clearance are also required to obtain training in Recognizing and Reporting Child Abuse, as follows:

- 10.1 Employees shall complete online training available from [www.ReportAbusePa.Pitt.edu](http://www.ReportAbusePa.Pitt.edu).
- 10.2 Training may be completed at the time the child abuse background check is requested, but shall be completed not longer than 30 days following the date which appears on the child abuse clearance.
- 10.3 Once the training is completed, the Certificate of Completion must be downloaded and emailed to the Human Resources Department at [human.resources@cairn.edu](mailto:human.resources@cairn.edu).

Mary W. Boyer  
President's Cabinet Representative

August 14, 2015  
Date