In accordance with Board Policy II.07, the procedures set forth below will apply and be followed for each adult, including prospective and current employees and volunteers, who has or will have direct contact with children in connection with the adult’s affiliation with the College. Students are not covered within the scope of this Regulation unless they have an additional College affiliation, such as employment or volunteer service, which involves direct contact with children. However, students still may be required by individual departments or programs to obtain clearances in order to enroll in a course, participate in clinical assignments or field experiences, or otherwise complete degree requirements that involve access to a third party’s facility or that involve direct contact with children.

ADMINISTRATIVE RESPONSIBILITIES

**Responsible Departments** are responsible for identifying and notifying the Human Resources Office of any and all positions and assignments within the department that have will have direct contact with children due to their affiliation with the College, and for referring prospective candidates for such positions or assignments to the Human Resources Office.

**Contract Managers** serve as the College liaison with independent contractors, vendors and other third parties which provide programs, activities or services to or on behalf of the College, and are responsible for coordinating and verifying that employees of such contracted entities that have direct contact or routine interaction with children have obtained required clearances.

**The Human Resources Office** is responsible for coordinating the clearance process; for obtaining, reviewing, verifying and maintaining copies of required clearances from current and prospective employees and volunteers, as required by applicable law and Board Policy II.07; for issuing offers of employment that are contingent upon satisfaction of the clearance requirements; and for providing notice of and training to Responsible Departments regarding the clearance compliance process.
PROCEDURE

External Candidates for Positions or Assignments That Have Direct Contact with Children

**Responsible Department**

1. For each opening for a new affiliation with the Department, evaluate whether the affiliation involves direct contact or routine interaction with children. Consult with Human Resources and the General Counsel as needed.

2. If applicable, inform Human Resources that the affiliation will involve direct contact or routine interaction with children.

3. Work with Human Resources to ensure that advertisements, job postings, announcements and job descriptions for the position or assignment in question include notice that clearances will be required.

4. Once a determination is made to recommend a candidate for a position or assignment, provide recommendation to Human Resources.

**Human Resources**

5. Review candidate recommendation materials for compliance with all applicable hiring guidelines and requirements.

6. Prepare written conditional offer of employment (or other affiliation). Offer letter will include express language that offer is contingent upon candidate obtaining, submitting and passing federal and state criminal background check and Pennsylvania Department of Human Services child abuse clearance.

7. Notify candidates for unpaid volunteer positions that federal background check will not be required if the candidate can (i) establish proof of residency in Pennsylvania for the immediately preceding 10-year period, and (ii) attests in writing that s/he has not been convicted of a disqualifying offense in any other jurisdiction during said period.
8. Provide information and guidance to candidate on how to obtain required clearances, including cost to obtain. Except as otherwise approved by the Human Resources Office, candidates for new positions will generally be required to bear the cost of obtaining required clearances.

9. If candidate must commence service before clearances can be obtained, obtain proof of application for clearances and have candidate execute affirmation statement for provisional employment period; coordinate necessary supervision of candidate during period of provisional employment.

Candidate

10. Obtain required clearances.

11. Submit original clearances to Human Resources for review.

12. Provide proof of application for clearances and execute affirmation statement for provisional employment, if applicable.

Responsible Department

13. Ensure adequate supervision of candidate during any period of provisional employment (if applicable).

14. Except in case of provisional employment authorized by Human Resources, do not permit candidate to begin work or assignment until clearance requirements have been met and Human Resources has communicated formal start date.

Human Resources

15. Review and verify original clearances.

16. If clearances indicate an offense or founded report, consult with General Counsel and Responsible Department to determine whether or not candidate is disqualified from position or assignment.

17. Confirm status and start date with candidate in writing if
clearances do not disqualify candidate from position or assignment.

18. If it is determined that the clearance information disqualifies the candidate from employment, notify the candidate in writing of the decision to reject the candidate based on information contained in the clearance(s).

19. Maintain copy of all required clearances in personnel file (if hired) or applicant file (if rejected). Retain records for period specified in Record Retention Schedule.

20. Require updated clearances every 36 months or as otherwise required by law.

Current Affiliations that Involve Direct Contact with Children

**Responsible Department**

1. Regularly evaluate whether existing positions, assignments or affiliations within the department involve direct contact or routine interaction with children. Consult with Human Resources and/or General Counsel, as needed, for assistance in making this determination.

2. Notify Human Resources of existing positions, assignments or affiliations that involve direct contact or routine interaction with children. Ensure that job descriptions, postings, advertisements and similar materials describing the requirements for such positions are updated to reference the clearance requirement.

3. Coordinate the clearance process with the Human Resources Office.

**Human Resources**

4. Assist Responsible Departments to identify positions, assignments or affiliations that are subject to clearance requirements.

5. Contact employee, volunteer or other affiliate holding identified positions or assignments to initiate clearance process.
6. Obtain necessary information from employee, volunteer or affiliate and submit request for federal and state criminal background check and Pennsylvania Department of Human Services child abuse clearance to appropriate agencies on behalf of employee.

7. If affiliation relates to an unpaid volunteer position, federal background check will not be required if the volunteer can (i) establish proof of residency in Pennsylvania for the immediately preceding 10-year period, and (ii) attests in writing that s/he has not been convicted of a disqualifying offense in any other jurisdiction during said period.

8. Arrange and make payment of costs associated with obtaining clearances.

9. Review and verify original clearances.

10. If clearance information indicates an offense or founded report, consult with General Counsel and Responsible Department to determine whether or not individual is disqualified from position or assignment.

11. If clearance information does not disqualify the individual from position or assignment, confirm status with individual in writing.

12. If it is determined that the clearance information disqualifies the individual from the assignment, consult with General Counsel regarding initiation of potential termination or transfer proceedings and other next steps.

13. Maintain copy of all required clearances in personnel file. Retain records for period specified in Record Retention Schedule.

14. Require updated clearances every 36 months or as otherwise required by law.
Notice of Potential Disqualifying Offense or Founded Report

**Responsible Department**
1. Notify Human Resources if you receive or acquire information which indicates that an employee, volunteer or other affiliate in the department who has direct contact or routine interaction with children has been arrested for or convicted of a reportable criminal offense, or was named as a perpetrator of a founded report of child abuse.

**Employee/Volunteer/ Affiliate Having Direct Contact with Children**
2. Notify Human Resources within 72 hours if arrested or convicted of a reportable criminal offense, or if named as a perpetrator in a founded or indicated report of child abuse.

**Human Resources**
3. Consult with the General Counsel and Responsible Department to determine if information establishes a reasonable belief that the individual may have been arrested for or convicted of a reportable offense or founded report of child abuse.

4. If reasonable belief exists, immediately notify the employee, volunteer or other affiliate in question that s/he will be required to submit current federal and state criminal record check clearances and a current Pennsylvania Department of Human Services child abuse clearance.

5. Place employee on paid administrative leave pending receipt and review of clearances.

6. Obtain necessary information from employee, volunteer or affiliate and submit request for federal and state criminal background check and Pennsylvania Department of Human Services child abuse clearance to appropriate agencies on behalf of employee.

7. Make arrangements for and pay costs of clearances on behalf of employee.

8. Review and verify original clearances.
9. If clearance information indicates an offense or founded report, consult with General Counsel and Responsible Department to determine whether or not individual is disqualified from position or assignment.

10. If clearance information does not disqualify the individual from position or assignment, confirm status with individual in writing.

11. If it is determined that the clearance information disqualifies the individual from the assignment, consult with General Counsel regarding initiation of potential termination or transfer proceedings and other next steps.

12. Maintain copy of all required clearances in personnel file. Retain records for period specified in Record Retention Schedule.

13. Require updated clearances every 36 months or as otherwise required by law.

**Independent Contractors and Third Party Service Providers**

### Contract Managers

1. Regularly evaluate whether new or existing positions or assignments filled by the vendor involve direct contact or routine interaction with children. Consult with vendors, Human Resources and/or General Counsel, as needed, for assistance in making this determination.

2. Notify vendor of clearance requirements for positions or assignments that involve direct contact or routine interaction with children. Ensure that vendor contracts mandate that vendor bear responsibility for completing necessary background checks on all employees and subcontractors that will have direct contact or routine interaction with children.

3. Provide information, as needed, to vendors to assist in the completion of the clearance process.
4. Coordinate and obtain federal and state criminal record checks and Pennsylvania Department of Human Services child abuse clearance for all employees and subcontractors that have or will have direct contact or routine interaction with children.

5. Provide copies of clearances to Contract Manager for review and verification.

6. Periodically certify completion of required clearance process in writing and as requested by the College.

7. Update and renew clearances every 36 months or as otherwise required by law or College policy.

8. Implement procedures for update and renewal of clearances upon notice or reasonable belief of an employee arrest, conviction or founded report of child abuse as provided herein and in accordance with law.

Contract Managers

9. Review and verify clearances.

10. If clearance information indicates an offense or founded report, consult with General Counsel and vendor to determine whether or not individual is disqualified from position or assignment.

11. If clearance information does not disqualify the individual from position or assignment, confirm status with vendor in writing.

12. If it is determined that the clearance information disqualifies the individual from the assignment, notify vendor that individual must be removed from assignment with College.

13. Maintain copy of all required clearances for period specified in Record Retention Schedule.

14. Track and monitor vendor compliance with clearance requirements and renewals as required by law.
REFERENCES

Board Policy II.07 – Protection of Children