

Background Checks: FAQs

Why are new background checks being implemented?

The Child Protective Services Law (CPSL) was amended in 2014 to strengthen protections against child abuse. The amended law requires colleges to obtain background checks for employees and volunteers that have direct contact with anyone under the age of 18. Because the college regularly has persons under the age of 18 on campus (including enrolled students, visitors, prospective students, and summer camp participants), the college has determined that all of its current and prospective employees and many college volunteers will have to undergo the background screenings required by the CPSL.

Do the background check requirements apply to student employees?

Maybe. Because student workers' primary relationship to the college is in their capacity as students, only their employment responsibilities will be considered in determining whether they are responsible for the welfare of a child or have direct contact, including routine interaction with, children and are subject to the Background Checks for Employees policy. Student employees who are subject to this policy include without fail, Resident Advisors and Residence Life staff, students who work in the Dickinson College Children's Center, students who hold supervisory positions over other students, and students who have been designated as Campus Security Authorities under Clery. Other student workers subject to this policy will be designated in writing annually by the office responsible for oversight of student workers.

What background checks are required?

Generally, the CPSL requires three checks: (1) a Pennsylvania Criminal History Record Check; (2) a Federal Criminal History Check, which requires the submission of fingerprints; and (3) a Pennsylvania Child Abuse Clearance. Volunteers in unpaid positions who have resided in Pennsylvania for the last 10 years are not required to obtain the Federal Criminal History Check, if they complete a sworn statement indicating that have not been convicted of certain crimes.

When must new employees obtain the background checks?

Applicants who are not currently employed by the college and who have received offers of conditional employment are required to apply for the background checks prior to starting employment. Shortly after a conditional offer of employment is extended, applicants will receive information by e-mail regarding the steps to be taken to apply for the background checks. If the applications have been submitted, but the background checks have not been completed before a new hire begins work, the employee shall be permitted to begin provisional

employment, if he/she swears or affirms in writing that he/she has not been convicted of certain crimes. The period of provisional employment shall not exceed 90 days. Provisional employees are not permitted to work alone with persons under the age of 18.

When do current employees have to complete the background checks?

The college will roll out the background checks for current employees over a period of several months. Each employee will receive information by e-mail regarding the steps to be taken to complete the background checks. **You must complete your background check, including providing any documents sent to your home to the college, within 90 days of receipt of the first e-mail from Human Resources notifying you that you are to begin the process.**

When do volunteers have to complete the background checks?

Starting July 1, 2015, volunteers must complete the background checks prior to beginning any volunteer service that involves direct contact with children. Individuals who are currently volunteering in capacities that involve direct contact with children must obtain the background checks by June 30, 2016.

How often will the background checks be undertaken?

New background checks must be completed every 36 months.

What is the process for obtaining the background checks?

The PA Criminal History check and the PA Child Abuse Clearance are submitted electronically, and the results are typically returned within a few hours. The results of the Federal Criminal History check are typically returned within three to five days. The college will provide a list of approved locations for fingerprinting for the Federal Criminal History check. The college expects to offer opportunities for fingerprinting to occur on campus. The college will cover all of the fees and charges associated with the background checks.

I recently completed these same background checks for another employer. Do I need to undergo the checks again?

The CPSL requires each employer to conduct background checks of its employees and does not allow an employer to accept the background checks completed by another organization. Therefore, employees will have to undergo the background checks, even if they were recently completed by another organization. Volunteers who have undergone the required background checks for employment or for another volunteer position can transfer their background check information to the College.

How will the information provided by the background checks be used by the college?

Not all child abuse reports or criminal records will lead to employment action by the college. However, under the CPSL, certain criminal convictions and child abuse reports will disqualify persons from being employed or volunteering in positions that involve direct contact with children. In determining how to respond to information reflected in a background check, the college will consider the relevance of the information to the position being filled and the requirements of Pennsylvania law. If a current employee's background check reveals information that casts doubt on his/her ability to remain in his/her current position, the employee may be precluded from continuing in that position and may apply for a vacant position for which he/she is qualified. Prior to the college taking any final action based upon information received pursuant to a background check, the person will be provided with a copy of the information and a reasonable opportunity to explain or correct the information.

Under the CPSL, what child abuse or criminal records will disqualify an employee or volunteer from working with children?

The CPSL states that persons who are identified as a perpetrator of a founded child abuse report that is less than five years old cannot work or volunteer in positions that involve direct contact with children. The law also states that persons who have been convicted of the following crimes cannot work or volunteer in positions that involve direct contact with children: homicide; aggravated assault; stalking; kidnapping; unlawful restraint; rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; aggravated indecent assault; indecent assault; indecent exposure; incest; concealing the death of a child; endangering welfare of children; dealing in infant children; a felony offense relating to prostitution and related offenses; disseminating or exhibiting obscene and other sexual materials and performances to minors; corruption of minors; sexual abuse of children; the attempt, solicitation or conspiracy to commit any of the above offenses; or a felony offense under the The Controlled Substance, Drug, Device and Cosmetic Act, committed within the last five years.

Who will have access to my background check information?

The Office of Human Resources will maintain the background check information in secure files that are separate from personnel files. Managers and supervisors will not have access to background check records.

What if I do not participate in the background check process or if I don't get my background check completed within 90 days?

The background checks are required by law, so they are not optional. Moreover, the college is required to achieve institutional compliance no later than December 31, 2015. **If an employee or volunteer subject to the background check policies does not complete the required checks within 90 days of receiving notice to begin the process from Human Resources, his/her employment or volunteer service will be terminated.**

Does the CPSL impose any other requirements?

You must inform the Office of Human Resources in writing within 72 hours if you are arrested for one of the disqualifying crimes or if you are named as the perpetrator in an indicated or founded child abuse report. You must also report child abuse that you have reasonable cause to suspect.

The policy document states that credit checks may be part of the background check process. Will they?

A Financial Background Check is only required for employees serving as senior officers, employees of the Business Office of the Division of Finance and Administration, and employees of the Office of Advancement. If there are any other positions for which a Financial Background Check is required for a new hire, the requirement will be included in the position description.