

Protecting Minors on Campus Policy

Moore College of Art & Design, as part of its educational mission, may engage in programs and events that involve minors. The College recognizes both its institutional and legal obligations to ensure the safety and well-being of minors on campus and has therefore implemented the Protecting Minors on Campus Policy, effective July 26, 2019.

This policy is established in compliance with Pennsylvania law, pertaining to faculty, staff, students, and volunteers having direct contact with children.

Quick Links

Child Abuse Clearance - <https://www.compass.state.pa.us/cwis/public/home>

State Clearance - <https://epatch.state.pa.us>

1. SCOPE

This policy describes the background check requirements applicable to College faculty, staff, students, and volunteers who have direct contact with children.

All College faculty, staff, students, and volunteers having direct contact with children (hereinafter, "Covered Individuals") in connection with College activities are required to undergo a three-part background check consistent with Pennsylvania law. The check shall be in addition to any standard background check applicable to an employee at the time of hire.

2. DEFINITIONS

Consistent with Pennsylvania law, "direct contact with children" is defined as "care, supervision, guidance, or control of children or routine interaction with children." "Children" comprises "individuals under the age of 18, except it does not include individuals under the age of 18 who have matriculated at Moore College of Art & Design."

Under this policy, Covered Individuals, include the following persons, by way of example only:

Persons working or volunteering in connection with any program, activity, or service offered to children under the age of 18 who are not matriculated Moore College of Art & Design students (e.g., programs offered to high school, middle school, and/or elementary school students), including summer programs, and non-degree and non-credit educational programs; and

Persons supervising or regularly working with any trainee, intern, or observer of any College activity who is under the age of 18 and is not a matriculated Moore College of Art & Design student.

3. ELEMENTS OF BACKGROUND CHECKS

Covered Individuals must undergo a three-part background check consisting of the following:

A report of criminal history record information from the Pennsylvania State Police (PSP);

A child abuse history clearance certification from the Pennsylvania Department of Human Services (DHS) as to whether the faculty, staff, student, or volunteer is named in the statewide database as the alleged

perpetrator in a pending child abuse investigation or as the perpetrator of a founded report of child abuse; and

A report of federal criminal history record information, generated by fingerprints transmitted to the Federal Bureau of Investigation (FBI).

The first and second searches shall be obtained through the appropriate websites listed under quick links. Moore College of Art & Design students covered by this policy by virtue of educational programming shall be the subject of background checks initiated by the department conducting the educational program. The fingerprint-based FBI report shall be obtained by the prospective faculty, staff, student, or volunteer through the submission of a fingerprint record to a vendor registered in the Commonwealth of Pennsylvania which will then forward the record to the FBI.

4. PORTABILITY OF CERTIFICATION

The College will accept a previously issued, PSP criminal history record, DHS clearance and unexpired fingerprint-based FBI report for all Covered Individuals issued within a year of the date of hire.

For volunteers:

The College will accept previously issued documents (including the PSP criminal history record and DHS clearance), provided all three required documents were obtained within the last year.

5. TIMING OF CHECKS

Covered Individuals shall be subject to the three-part background check prior to the commencement of working with minors, and thereafter every five years.

Covered Individuals may be required to submit to additional checks at any time based on a reasonable belief that the person is disqualified from service on grounds of a conviction or report of child abuse.

6. DISQUALIFICATIONS

Refusal to cooperate with the background check process shall disqualify a Covered Individual from any position having direct contact with children. A staff member who refuses to cooperate with the background check process may be ineligible for employment (for new hires) or subject to discipline (for current employees), up to and including termination from employment.

A person may not work or volunteer in any capacity having direct contact with children if:

Such person's background check reveals that he or she is the perpetrator of a founded report of child abuse committed within the past five years;

Such person's criminal history record(s) reveals a conviction for any of the crimes or classes of crimes enumerated in 23 Pa. C.S. §6344(c), including similar crimes under federal law or the law of another state: homicide, aggravated assault, stalking, kidnapping, unlawful restraint, rape or sexual assault (including statutory rape or sexual assault), involuntary deviant sexual intercourse, indecent assault, indecent exposure, incest, concealing death of child, endangering the welfare of a child, dealing in infant children, obscene and other sexual materials and performances, corruption of minors, sexual abuse of a child, or the attempt, solicitation, or conspiracy to commit any of the foregoing offenses; or

Such person's criminal history record information indicates the individual has been convicted of a felony offense under The Controlled Substance, Drug, Device and Cosmetic Act, committed within the past five years.

Questions regarding the potential disqualification should be referred to the Director of Human Resources.

7. IMPLEMENTATION

The College has established that the Director of Human Resources has the authority to oversee and implement a College-wide compliance program regarding minors on campus. The Director of Human Resources in consultation with the Senior Vice President for Finance and Administration and the Dean of Students are responsible for determining which programs, activities, services, and persons are within the scope of this policy and ensuring compliance with background check requirements. The Director of Human Resources is responsible for coordinating the completion of required background checks and accepting the report of federal criminal history record from the faculty, staff, student, or volunteer. The Director of Human Resources is responsible for ensuring that the covered individual completes the appropriate clearances. The Director of Human Resources is responsible for reviewing and analyzing the background check results consistent with College procedure, taking into consideration section 6 of this policy.

The Director of Human Resources, with assistance from the Senior Vice President for Finance and Administration and the Dean of Students, is responsible for adjudicating the background checks, in compliance with Pennsylvania law and the Fair Credit Reporting Act. The Director of Human Resources is responsible for retaining all background check reports consistent with section 10 of this policy.

The Director of Human Resources will maintain a central record of completed background checks which will be available to the designated College representatives to determine if a particular employee or volunteer has previously been subject to the three-part background check within the College, as well as the date of the background check.

8. REQUIRED REPORT FROM COVERED INDIVIDUALS

Any Covered Individual arrested or convicted for any offense listed in section 6, or any offense substantially similar to the listed offenses, or named as a perpetrator in a founded report of child abuse, must provide written notice of the arrest, conviction, or report to the Director of Human Resources or College representative within 72 hours after the arrest, conviction, or notification of the report.

9. RECORD RETENTION REQUIREMENTS

All background check records obtained and maintained under this policy shall be retained for no less than the duration of the employment or service of the individual employee or volunteer, plus seven years.

10. REPORTING SUSPECTED CHILD ABUSE

The obligation to report the suspected abuse of a minor extends to the following persons: any member of the faculty or any College staff member in a leadership or supervisory position or who has significant responsibility for the welfare, guidance or advising of children, students, or staff, including the President, Senior Vice President for Finance and Administration, Academic Dean, Dean of Students, Associate Dean of Graduate, Professional and CE, Continuing Education Program Manager, Title IX Coordinator, Director of Human Resources, Director of Residence Life and Housing, Mental Health Counselors and Nurse.

Any person with a reporting obligation who suspects a minor (as defined above, as well as matriculated Moore College of Art & Design students under 18) participating in any College program is the victim of abuse or neglect (irrespective of whether such abuse is on campus, at home, or elsewhere) must report such abuse or neglect as follows:

A reporter making an oral and/or written report of suspected child abuse or neglect must immediately notify the Title IX Coordinator, at 215-965-4097 or the Director of Human Resources at 215-965-4025.

Off hours a report should be made with Security at 215-965-4000 directing them to contact the Dean of Students.

An oral report of suspected child abuse or neglect must be made to the Department of Human Services at 800.932.0313 ("ChildLine"). This number is available 24 hours per day, seven days per week. Further information about child-abuse reporting is available online at <http://www.dhs.pa.gov/provider/childwelfareservices/childlineandabuserregistry/index.htm>

and

<http://www.phila.gov/dhs/reportNeglect.html>

A reporter making an oral report shall also make a written report to the department or county agency assigned the case, in the manner and format prescribed by the department. Assistance in making this report shall be provided to the reporter by the Title IX Coordinator or the Director of Human Resources.

In addition, all members of the College community are encouraged to report a concern pertaining to abuse to the Title IX Coordinator or the Director of Human Resources.

Failure to make a required report may result in the imposition of criminal penalties, fines, and employee discipline, up to and including employment termination.

Receipt Acknowledgement

I have received a copy of the Moore College of Art & Design Protecting Minors on Campus policy, and I have had the opportunity to read it. I understand its contents and have had an opportunity to ask any questions I may have about its contents.

I understand Moore College of Art & Design's policies and I agree to be bound by their terms.

I understand this form will become a permanent part of my employee record.

(Please Print Name)

(Date)

(Employees Signature)