

In June 2015, a new University Policy - the Protection of Minors Policy - was adopted by the University's Board of Trustees. The Policy appears on the University Policies website at: <http://www.lehigh.edu/~policy/>.

We are writing to inform you about amendments to this Policy that the Board of Trustees approved at its May 20, 2016 meeting. The amendments apply to the provisions of the Policy regarding criminal background checks for current faculty and staff. Current faculty and staff must complete the background checks required by the amended Policy, as described below, before the end of the coming 2016-2017 academic year - i.e., by May 17, 2017.

### **Background: the Protection of Minors Policy**

The Lehigh University Protection of Minors Policy was drafted with input from a committee formed in 2013 pursuant to the policy-making process of the University Policy Structure. The committee was formed in recognition of the need for a University policy and procedures to protect minors who participate in programs, activities and events on campus, in University facilities, or sponsored by the University at off-campus locations. During the period that the committee was drafting the new Policy, the Pennsylvania state legislature in October 2014 enacted Act 153, a law which extensively amended the Commonwealth's Child Protective Services Law in the wake of the tragic child abuse incidents involving former assistant football coach Gerald Sandusky at Penn State University.

Pennsylvania Act 153 requires, among various provisions, mandatory reporting of incidents of child abuse that come to the attention of "School Employees" (which includes employees of colleges and universities), and mandatory training and criminal background checks of School Employees who have "direct contact with children" as defined in the Act. (The Act uses the term "children," while Lehigh's policy uses the term "minors.") Act 153 became effective January 1, 2015. In June 2015, the Lehigh Board of Trustees adopted the Protection of Minors Policy including a requirement that all current and newly hired faculty and staff at Lehigh complete the 3 background checks required in Act 153. Act 153 was amended on July 1, 2015, to exclude from full background check requirements School Employees whose "direct contact with children" is limited to prospective students visiting a campus of higher education or matriculated students enrolled with the institution. The July 1st amendments to Act 153 allowed for (but did not legally require) modification of some of the provisions of Lehigh's Protection of Minors Policy.

In August 2015, in response to concerns and questions raised by faculty concerning mandatory criminal background checks of all University employees, the Board of Trustees temporarily suspended implementation of

some components of the background check requirements of the Protection of Minors Policy - principally the requirement for background checks of current faculty and staff who do not have "direct contact with children" as that term is defined in the amended Pennsylvania law ("minors" as defined in Lehigh's policy).

During the past academic year while a portion of the Policy was temporarily suspended, the University continued with implementation of the background checks for **new** faculty and staff hires, reappointed adjuncts, lecturers, and PoP's, **and current** faculty and staff who have "direct contact with minors" as stated in the Policy.

**Amendment of the Policy: Mandatory Criminal Background Checks of Current Faculty and Staff:**

At the May 2016 Board of Trustees meeting, the Trustees approved, effective immediately, that mandatory criminal background checks are reinstated for current and new faculty and staff as stated in the original Protection of Minors Policy, with a modification explained below.

There are three (3) criminal background checks:

1. The Pennsylvania State Police Access to Criminal History (also known as "PATCH" or the Act 34 Criminal Background Check);
2. The Pennsylvania Department of Human Services (DHS) Child Abuse History Clearance (also known as the Act 151 Child Abuse Background Check); and
3. The Federal Criminal History Record Information Check (also known as the Federal FBI Fingerprint Check or Act 24 Criminal Background Check).

Current faculty and staff may choose to complete only the two (2) Pennsylvania criminal background checks (#1 and #2 above) and do not need to complete the Federal FBI fingerprint check (#3 above) **IF** all these three (3) prerequisites are met:

- You do not have "direct contact with minors" as defined in the Protection of Minors Policy;

AND

- You have been a Pennsylvania state resident for the entirety of the past 10-year period, or, if you have not been a Pennsylvania state resident for the entirety of the past 10-year period, you have completed a full background check certification (the three checks above, including the FBI fingerprint check) at any time since establishing your

Pennsylvania residency and you provide such certification to the University;

AND

- You swear or affirm in writing that you have not been convicted of any of the 22 criminal offenses that disqualify a person from activities having "direct contact with children" pursuant to Pennsylvania Act 153, nor have you been convicted of any offense similar in nature to the Act 153 disqualifying crimes under laws of any other state or past laws of Pennsylvania.

If you are a current faculty or staff member, you must complete the required criminal background checks before the end of the 2016-2017 academic year - i.e., May 17, 2017.

Please note that the University is paying the cost of all three criminal background checks and is utilizing the services of a contracted agency, CBY Systems, Inc. to facilitate the process for completing the checks. The two Pennsylvania background checks can be initiated from your computer and the FBI fingerprint check can be initiated by using the fingerprinting services available on campus at the Mail Center at 4 Farrington Square, across from the University Bookstore. Detailed information regarding the background check process can be found on the Human Resources website at <https://hr.lehigh.edu/act-153-background-checks> and through the Provost's Office website at: <http://www.lehigh.edu/~inprv/faculty/Act153.html>. We encourage you to visit one of these sites to familiarize yourself with the steps involved prior to receiving your notification to complete your own checks.

The University will continue application of the Policy requiring all three criminal background checks for all new faculty and staff hires, reappointed adjuncts, lecturers, and PoP's and for all current faculty and staff who have "direct contact with minors" as stated in the Policy ("children" as defined in the amended law). If you are currently a faculty or staff member who has not completed all three criminal background checks and you have "direct contact with minors" as defined in the Policy, you must complete all three criminal background checks before participating in any University program involving minors. If you are unsure whether your program or activity meets the definition of "direct contact with minors," please contact the Office of the General Counsel for advice.

Thank you for your cooperation and your attention to this important University Policy and to the protection of children on our campus and in our

programs.

Pat Farrell  
Pat Johnson  
Frank Roth