

AN ACT

1 Providing for college and university faculty and staff criminal
2 history background investigations and self-disclosure
3 requirements.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the College and
8 University Criminal History Background Investigation Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Branch campus." A unit of an institution of higher
14 education which is distinguished by all of the following
15 characteristics:

16 (1) An academic degree-granting program or organized
17 parts thereof offered on a continuing basis.

18 (2) Location separately identifiable from the main

1 campus of the parent institution and providing the services
2 normally associated with the campus.

3 (3) Legal authority for governance, administration and
4 general operation derived from the charter or enabling
5 legislation of the parent institution or of the State System
6 of Higher Education.

7 "Community colleges." Institutions now or hereafter created
8 pursuant to Article XIX-A of the act of March 10, 1949 (P.L.30,
9 No.14), known as the Public School Code of 1949, or the act of
10 August 24, 1963 (P.L.1132, No.484), known as the Community
11 College Act of 1963.

12 "Faculty member." A full-time professor or instructor of any
13 rank at an institution of higher education.

14 "Final candidate." The individual to whom an institution of
15 higher education intends to make a bona fide offer of employment
16 as a faculty member or staff member.

17 "Independent institution of higher education." An
18 institution of higher education which is operated not for
19 profit, located in and incorporated or chartered by the
20 Commonwealth, entitled to confer degrees as set forth in 24
21 Pa.C.S. Ch. 65 (relating to private colleges, universities and
22 seminaries) and entitled to apply to itself the designation
23 "college" or "university" as provided for by standards and
24 qualifications prescribed by the State Board of Education
25 pursuant 24 Pa.C.S. Ch. 65.

26 "Institution of higher education." An independent
27 institution of higher education, a community college, a State-
28 owned institution or a State-related institution.

29 "Staff member." A full-time employee of an institution of
30 higher education.

1 "State-owned institution." An institution which is part of
2 the State System of Higher Education pursuant to Article XX-A of
3 the act of March 10, 1949 (P.L.30, No.14), known as the Public
4 School Code of 1949.

5 "State-related institution." Any of the following: The
6 Pennsylvania State University, the University of Pittsburgh,
7 Temple University and Lincoln University and their branch
8 campuses.

9 Section 3. Scope.

10 This act relates to institutions of higher education in this
11 Commonwealth.

12 Section 4. Criminal history record information.

13 An institution of higher education may conduct a criminal
14 history background investigation prior to hiring an individual
15 for a full-time faculty or staff position. Such investigation
16 shall at a minimum include reasonable efforts to obtain
17 information pertaining to felony convictions and convictions of
18 other crimes involving sex offenses or misappropriation of
19 funds.

20 Section 5. Use of records for employment of full-time faculty
21 and staff.

22 (a) General rule.--Notwithstanding the provisions of 18
23 Pa.C.S. § 9125 (relating to use of records for employment), when
24 an administrator of an institution of higher education is in
25 receipt of information which is part of a final candidate's
26 criminal history record information file, the administrator may
27 use that information for the purpose of deciding whether to hire
28 the final candidate as a faculty member or staff member.

29 (b) Notice.--The administrator shall notify a final
30 candidate in writing if the decision not to hire is based in

1 whole or in part on criminal history record information.

2 (c) Policy.--An institution of higher education shall
3 develop and implement a written policy regarding its use of
4 criminal history record information in its hiring practices
5 concerning faculty members and staff members, including the
6 procedure for notifying a final candidate of the requirements of
7 section 4. The policy shall be disseminated to all faculty
8 members, staff members and final candidates for employment.

9 Section 6. Self-disclosure required.

10 (a) General rule.--An institution of higher education may
11 require an individual offered employment as a full-time faculty
12 member or staff member to self-disclose at a minimum the
13 following criminal history information on a self-disclosure form
14 as provided by the institution of higher education:

15 (1) Any Federal felony convictions and any Federal
16 convictions of other crimes involving sex offenses or
17 misappropriation of funds.

18 (2) Any felony convictions in this or any other state,
19 territory or possession of the United States, the District of
20 Columbia, the Commonwealth of Puerto Rico or a foreign
21 nation.

22 (3) Any convictions involving sex offenses or
23 misappropriation of funds in this or any other state,
24 territory or possession of the United States, the District of
25 Columbia, the Commonwealth of Puerto Rico or a foreign
26 nation.

27 (b) Penalty.--An individual hired as a full-time faculty
28 member or staff member who fails to provide required criminal
29 history information or provides false information shall be
30 subject to termination.

1 Section 7. Dissemination.

2 An institution of higher education shall state whether it has
3 established policies relating to the performance of criminal
4 history background investigations on full-time faculty members
5 and staff members in its informational materials and other
6 literature provided or made available to prospective students.

7 Section 8. Applicability.

8 This act shall apply to applications for employment submitted
9 by individuals seeking to become a faculty member or staff
10 member at an institution of higher education on or after the
11 effective date of this section.

12 Section 9. Effective date.

13 This act shall take effect in 180 days.