

PERFORMANCE AUDIT REPORT

Temple University

April 2021



Commonwealth of Pennsylvania
Department of the Auditor General

Timothy L. DeFoor • Auditor General

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TIMOTHY L. DEFOOR
AUDITOR GENERAL

April 5, 2021

Richard M. Englert
President
Temple University
Second Floor, Sullivan Hall
1330 Polett Walk
Philadelphia, PA 19122

Dear President Englert:

This report contains the results of the Department of the Auditor General's performance audit of Temple University (Temple), a public state-related institution in the Commonwealth system of higher education. This audit was conducted under the authority of Sections 402 and 403 of The Fiscal Code, 72 P.S. §§ 402 and 403, and in accordance with applicable *Government Auditing Standards*, issued by the Comptroller General of the United States.¹ Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our performance audit covered the period July 1, 2016 through June 30, 2019, unless otherwise noted, with updates through the report date, and included the following three objectives:

- Evaluate Temple's decision-making process in assessing the need for capital improvements.
- Determine the extent to which Temple complies with all legal and/or policy and procedural requirements regarding state and federal background clearances for employees or others affiliated with Temple.

¹ U.S. Government Accountability Office. *Government Auditing Standards*. 2011 Revision.

- Evaluate whether Temple's sexual harassment prevention policy is comprehensive, adhered to, and effective.

As reported in *Issue Area 1*, related to capital improvements, we found that Temple's decision-making process to assess the need for capital improvements appears to be aligned with best practices; however, Temple's written policies lack several elements, such as the structured process for prioritizing need and allocating limited resources and a description of the role of the public and other external stakeholders in accordance with best practices. Additionally, we found Temple's assessment of the need for selected major capital projects was adequately documented and performed in accordance with its existing policies and procedures, but we recommend that Temple perform sufficient outreach to stakeholders, including the City of Philadelphia community and city council, early in its capital projects decision-making process to determine whether there is sufficient support prior to incurring significant costs.

As reported in *Issue Area 2*, concerning state and federal background clearances and criminal/civil background checks, we found that Temple failed to ensure that all internal youth program workers received Pennsylvania's Child Protective Services Law (CPSL) background clearances timely, and clearances were not maintained for all workers participating in its Temple-operated (internal) youth programs. We also found that Temple did not review the background clearances of external youth program workers (programs operated by third-party contractors at Temple facilities) but instead relied on statements in the Facility Use Agreements and registration forms that the contractor will comply with all applicable laws, including the CPSL. Additionally, Temple failed to verify that workers physically present during the youth programs are the same individuals that were listed on the registration forms. These deficiencies could potentially jeopardize the safety and welfare of these children.

We also report *in this issue area (#2)* that Temple did not timely obtain CPSL background clearances for 4 of 31 new employees we selected for review. Temple did not complete required criminal/civil background checks for 10 of 22 employees we selected for review and had no formal policy regarding criminal/civil background checks. We further reported that Temple did not complete either a CPSL or criminal/civil background check for 83 percent of its newly-hired employees. While it is not a legal requirement in Pennsylvania to conduct a background check on all perspective Temple employees, requiring new hires to undergo some form of background screening would greatly enhance student safety.

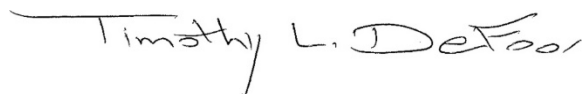
Finally, in *Issue Area 3*, regarding sexual harassment prevention, we reported that Temple failed to design and implement adequate oversight, due in part to weaknesses in its tracking system, to ensure all new employees received the required training on preventing and addressing sexual harassment. Temple did not have a system or written procedures to adequately monitor if training was completed. We found that 9 of 20 new employees we reviewed did not complete the required training in accordance with policy. In August 2018, Temple discontinued its ongoing sexual harassment prevention training for all employees, which in actuality, Temple infrequently conducted, and replaced it with a mere annual policy acknowledgement. The Equal Employment Opportunity Commission (EEOC) however, recommends that compliance training

related to preventing harassment be conducted and reinforced on a regular basis by live interactive trainers, if possible. We further found 12 of 55 employees reviewed did not complete these policy acknowledgements in the fall of 2018 and Temple officials provided a query of its tracking database showing that 23 percent of employees did not complete the policy acknowledgement. While we found that Temple's sexual harassment prevention policy was generally comprehensive, Temple lacked the vital oversight needed to ensure the policy was consistently followed and effective.

Overall, we offer 20 recommendations directed to Temple to strengthen its monitoring and policies and procedures related to capital improvements, background clearances and criminal/civil background checks, and sexual harassment prevention training. We also offer one recommendation to the Pennsylvania General Assembly to consider legislation requiring all university employees, contractors, and direct volunteers who have or will have routine and direct contact with minors under 18 years of age, including enrolled students and students visiting a campus, obtain the CPSL background clearances. Temple generally agrees with our findings and has indicated that it has plans to implement, or already has implemented, most of our recommendations.

In closing, we would like to thank Temple for its cooperation and assistance during the audit. We reserve the right to follow up at an appropriate time to determine whether and to what extent all recommendations have been implemented.

Sincerely,

A handwritten signature in black ink that reads "Timothy L. DeFoor". The signature is written in a cursive, flowing style with a horizontal line extending to the left of the first name.

Timothy L. DeFoor
Auditor General

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Executive Summary

This report presents the results of our performance audit of the public state-related institution Temple University (Temple). Our performance audit was conducted under the authority of Sections 402 and 403 of The Fiscal Code, and in accordance with applicable *Government Auditing Standards*, issued by the Comptroller General of the United States.² Our performance audit had three objectives and covered the period July 1, 2016 through June 30, 2019, unless otherwise noted, with updates through the report date. Refer to *Appendix A* of this report for a detailed description of the audit objectives, scope, and methodology, along with the *Introduction and Background*, which includes relevant information about Temple pertaining to our objectives.

Our audit results as summarized below are grouped into three issue areas containing a total of nine findings. We offer 20 recommendations to Temple and one recommendation to the Pennsylvania General Assembly. Temple generally agrees with our findings and has indicated that it has plans to implement, or already has implemented, most of our recommendations.

Issue Area 1- Capital Improvements

Finding 1.1 – Although Temple’s written policies lack several key elements, its decision-making process in assessing the need for capital improvements appears to be aligned with best practices.

We compared Temple’s written policies to the capital planning best practices published by the Government Finance Officers Association (GFOA). We found Temple’s decision-making process to assess the need for capital improvements to be aligned with GFOA’s best practices; however, we also found that Temple’s decision-making process to assess the need for capital improvements is not adequately documented in a formal, comprehensive written policy. Temple maintained a formal policy for the approval of capital expenditures, and their *Bylaws of Temple University* outline the authority of the Board’s Facilities Committee as they relate to capital projects and the requirement to develop and maintain a master plan. There was, however, no comprehensive policy that encapsulated the entire process from project conception through completion, including stakeholder engagement, reporting, and monitoring requirements.

² 72 P.S. §§ 402 and 403 and U.S. Government Accountability Office. *Government Auditing Standards*. 2011 Revision.

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Finding 1.2 – Temple’s assessment of the need for selected major capital projects was adequately documented and performed in accordance with its existing policies and procedures.

We reviewed documentation supporting the steps involved in the project development, review, and approval processes for seven judgmentally-selected major capital projects that were in various stages of development and/or completion during our audit period.

We reviewed the Capital Expenditure Requests (CERs) related to the seven projects and found that the CERs were adequately completed, contained reasonable justification for the project, and included all of the required approval signatures in accordance with Temple’s *Approval of Capital Expenditures Policy*. We also obtained the Board meeting minutes that included documentation of the Board’s vote and approval of the CER. Where applicable, we reviewed feasibility studies, city zoning permits, city council ordinances, submissions to the Philadelphia Historical Commission, work orders, summary budgets, and documentation evidencing community involvement.

We offer two recommendations to Temple to revise its capital improvement planning process to be in-line with best practices and to perform sufficient outreach to stakeholders early in the capital projects decision-making process to determine if there is sufficient support prior to incurring significant costs.

Issue Area 2 – State and Federal Background Clearances and Criminal/Civil Background Checks

Finding 2.1 - Temple failed to ensure that all youth program workers received CPSL background clearances timely and that the clearances were maintained for all workers in its internal youth programs.

We conducted procedures to determine if Temple adhered to Pennsylvania’s Child Protective Services Law (CPSL) and Temple’s internal policies for youth programs. We selected 32 Temple-operated (internal) youth programs and 8 third-party operated (external) youth programs conducted at Temple facilities between July 1, 2016 and December 31, 2018. Based on our audit procedures, while we found that each of the 32 internal and 8 external youth programs were properly registered in accordance with Temple’s policy, deficiencies existed in Temple’s monitoring of its youth programs, which allowed non-compliance with the CPSL to occur and remain undetected. Temple failed to ensure that all youth program workers received CPSL background clearances timely and that clearances were not maintained for all workers participating in its internal youth programs.

We reviewed the background clearances for 90 Temple employees participating in the internal youth programs and found that six employees did not have the required CPSL background clearances prior to the start of or during the respective program. Although the CPSL background

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clearances were eventually completed and there were no disqualifying convictions or founded cases of child abuse, we found that these background clearances were completed between 71 and 565 days after the respective youth program start date. Additionally, we found that 3 of the 90 internal youth program workers reviewed were not actual Temple employees but were instead independent contractors hired by Temple. Temple officials do not review and maintain clearances for program workers from independent contractors; rather they rely on the independent contractors' signatures on the contracts attesting that they are authorized to work with minors in accordance with the CPSL.

We further found that Temple does not review the background clearances of external youth program workers but instead relies on the Facility Use Agreements and registration forms for ensuring external youth program staff are in compliance with CPSL requirements. Additionally, Temple failed to verify that the workers who were physically present during the internal and external youth programs are the same individuals that were listed on the respective registration forms.

Finding 2.2 - Temple failed to ensure that new employees' CPSL background clearances were obtained in a timely manner.

We conducted procedures to determine if Temple timely obtained and retained the required state (PSP), federal (FBI), and Child Abuse background clearances required by the CPSL and Temple policies for 31 employees hired between July 1, 2016 and December 31, 2018. We found the following:

- The CPSL background clearances for 27 new employees were obtained in accordance with the CPSL and Temple's policy.
- The CPSL background clearances for four new employees were not obtained within the required time frame. The four sets of clearances were obtained between 240 and 411 days after the date of hire.
- The CPSL background clearances for all 31 employees did not contain any disqualifying convictions that would have prohibited them from working with minors.

The failure to timely obtain CPSL background clearances potentially places the welfare and safety of children at risk.

Finding 2.3 - Temple did not complete required criminal/civil background checks for certain employees in compliance with its procedures.

Temple requires a criminal/civil litigation background check for employees in certain positions, including those that involve handling cash, human resources, campus police, campus security, and business managers; however, it has no formal policy as to which specific positions require

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the background checks, when they are required to be completed, and what the consequences are if the employee does not comply with authorizing the criminal/civil background checks. Temple utilizes a third-party contractor to conduct these criminal/civil background checks.

We requested the criminal/civil background checks for 12 employees hired between July 1, 2016 and December 31, 2018 for positions among those that Temple identified as requiring a criminal/civil background check, but Temple could only provide the criminal/civil background checks for 6 employees due in part to an inadequate manual monitoring process. Beginning in November 2018, Temple indicated it implemented a new automated system to better notify the contractor that background checks are required and to monitor whether the background checks were completed. We judgmentally selected ten additional employees who were hired in December 2018 and for whom Temple should have obtained criminal/civil background checks and found that criminal/civil background checks were only obtained for six of these employees.

Failure to conduct and maintain the required criminal/civil background checks of these employees exposes Temple to risks of potential litigation and possible liability, financial losses, and criminal activity on its campuses.

Finding 2.4 - Temple did not complete a CPSL or criminal/civil background check for nearly 9,600, or 83 percent, of its newly hired employees.

Temple's policies require all new hires to receive the CPSL background clearances if the new hire will have direct contact with minors. Temple also requires a criminal/civil background check for employees for certain other positions. We found, however, that CPSL background clearances or criminal/civil background checks were not conducted for 83 percent of its newly-hired employees between July 1, 2016 and December 31, 2018. While it is not a legal requirement in Pennsylvania to conduct background checks on all prospective employees for institutions of higher education, requiring all new hires to undergo some form of background screening would potentially enhance student safety as well as the Temple community at large.

We offer eleven recommendations to Temple to improve its management controls and its policies and procedures to ensure CPSL background clearances and criminal/civil background checks are completed as required, and consider expanding its policy to require either the CPSL background clearances or criminal/civil background check for all newly hired employees. We also made one recommendation to the Pennsylvania General Assembly to consider legislation requiring that all university employees, contractors (including their employees), and direct volunteers who have or will have routine and direct contact with minors under 18 years of age, including enrolled students and students visiting a campus, obtain the CPSL background clearances.

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Issue Area 3 – Sexual Harassment Prevention

Finding 3.1 - Temple failed to design and implement adequate oversight, due in part to weaknesses in its tracking system, to ensure all new employees received the required training on preventing and addressing sexual harassment.

According to Temple's policy, all newly hired faculty and other employees must have a training session on sexual harassment prevention as part of new hire orientation. The training is either live training at orientation or an online training session or both depending on the new hire's position. In order to assess Temple's compliance with its policy, we randomly selected 20 employees hired between July 1, 2016 and December 31, 2018, and confirmed that all 20 new employees were required to attend both live training and online training. We found, however, that nine of these employees did not complete the training as required. Of those nine employees, five did not complete one of the trainings; and four did not complete the online training within 30 days.

We found during our audit period that, in addition to weaknesses in its tracking system, Temple did not have written procedures in place to periodically monitor whether new employees had completed the required sexual harassment prevention trainings, and the only monitoring required was on two occasions and was limited to online training. Temple replaced its tracking system in January 2019.

Finding 3.2 - In 2018, Temple discontinued its infrequent ongoing sexual harassment prevention training for all current employees and replaced it with a mere annual policy acknowledgment.

The Equal Employment Opportunity Commission (EEOC) recommends that compliance training related to preventing harassment be conducted and reinforced on a regular basis for all employees. In addition, the EEOC suggests that employees understand that an organization's devotion of time and resources to any effort reflects the organization's commitment to that effort. Temple officials stated that when training content was previously updated in 2014 that all employees were required to complete the newly-revised training. We found, however, that when online sexual harassment prevention training was next updated in 2018, Temple did not offer the 2018 updated prevention training to all employees. In fact, in August 2018, Temple instead eliminated its practice of providing ongoing sexual harassment prevention training to all employees and replaced it with an annual policy acknowledgement, which included several policies, including sexual harassment prevention.

To determine whether employees completed the fall 2018 acknowledgement process, we selected 55 Temple employees hired prior to August 14, 2018 and reviewed their respective training records. According to the electronic records, 12 employees selected did not successfully complete the policy acknowledgement process. Temple officials further queried its policy

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acknowledgement tracking database and found that nearly a quarter of its employees (23 percent) did not complete the annual policy acknowledgement in 2018.

Finding 3.3 - Temple's sexual harassment prevention policy was generally comprehensive, but Temple lacked the vital oversight needed to ensure the policy was consistently followed and effective.

As part of our audit procedures, we compared Temple's sexual harassment prevention policy to what EEOC recommends organizations include in order to have a comprehensive sexual harassment policy. Based on our review, we found that Temple's policy was generally comprehensive, but Temple lacked the oversight, as described in *Finding 3.1*, needed to ensure that its policy was consistently followed and effective. Additionally, Temple's policy does not specifically state that sexual harassment is prohibited whether it takes place on campus or elsewhere as recommended by EEOC.

We offered seven recommendations to Temple, in consultation with Temple's Office of University Counsel, to strengthen its management controls over sexual harassment prevention training and to revise or establish training policies and procedures.

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Introduction and Background

This report presents the results of our performance audit of Temple University (Temple) that was conducted under the authority of Sections 402 and 403 of The Fiscal Code.³ Our performance audit had three objectives and covered the period July 1, 2016 through June 30, 2019, unless otherwise noted, with updates through the report date. Refer to *Appendix A* of this report for a detailed description of the audit objectives, scope, and methodology.

In the sections that follow, we provide background information regarding the history and administration of Temple, its faculty and other employees, and audit objective areas of campus development, background clearances, and sexual harassment.

History and Administration of Temple

Temple was originally founded in 1884 and initially only offered evening classes for ministers-in-training.⁴ It was organized as a non-sectarian college in 1888 under the nonprofit corporation laws of the Commonwealth of Pennsylvania and officially became a private university in 1907 with a curriculum emphasizing the arts and social sciences.⁵ In 1965, the Temple University--Commonwealth Act designated Temple University as a public state-related institution in the Commonwealth system of higher education.⁶ While preserving Temple's independent, nonprofit corporate character, the Commonwealth Act established it as an instrumentality of the Commonwealth.⁷

Temple's mission is to educate a vibrant student body and impart knowledge through innovative teaching, research, and other creative endeavors.⁸ Temple operates Pennsylvania campuses in Philadelphia, Ambler, and Harrisburg, as well as two international campuses in Japan and Rome.⁹ Currently, Temple has 17 schools and colleges offering 619 academic programs for undergraduate, graduate, doctoral and professional studies.¹⁰ Between the 2016-2017 and 2019-2020 school years, total enrollment averaged 41,200, reaching 41,745 enrolled in 2017-2018

³ 72 P.S. §§ 402 and 403.

⁴ <https://www.temple.edu/about/history-traditions> (accessed November 19, 2019).

⁵ 24 P.S. § 2510-2(2).

⁶ 24 P.S. § 2510-1 *et seq.*

⁷ 24 P.S. § 2510-2(7) provides that Temple is "as an instrumentality of the Commonwealth to serve as a State-related institution in the Commonwealth system of higher education."

⁸ <https://www.temple.edu/about> (accessed August 5, 2020).

⁹ In addition to its main campus, Temple has a Center City campus for adult and continuing-education students, a Podiatric Medicine campus, and a Health Sciences Center all in Philadelphia, Pennsylvania.
<https://www.temple.edu/academics/campuses> (accessed August 5, 2020).

¹⁰ A university consists of schools and colleges. Generally, schools and colleges are a collection of majors or programs that share similar areas of study. For instance, Temple's Fox School of Business and Management undergraduate program includes majors such as Finance, Marketing, and Economics.

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before falling to a low of 40,646 in 2019-2020.¹¹ See *Appendix B* for a list of Temple’s schools and colleges.

Temple is governed by a Board of Trustees (Board) that consists of 36 voting members, including 24 members elected by the Board, 12 members appointed by officials of the Commonwealth, and 3 ex-officio “non-voting” members (Governor of the Commonwealth of Pennsylvania, Mayor of the City of Philadelphia, and the Pennsylvania Secretary of Education).¹² The Board is responsible for managing and controlling the instructional, administrative, and financial affairs of Temple through the exercise of Temple’s powers and the development of bylaws for itself, as well as the university.¹³ The Board may delegate its duties to any of its 16 standing committees.¹⁴

In October 2016, the Board appointed a new Chief Executive and Administrative Officer and President of Temple. In this capacity, the president is responsible for carrying out and enforcing the policies and regulations adopted by the Board for the operations of Temple. The president may exercise such executive and supervisory powers as are necessary for the appropriate governance of the university under the authority of the Board.¹⁵ The president is assisted by several officers and advisors.

Temple Faculty and Other Employees

Temple offers full-time, part-time, and temporary employment positions as well as student worker and volunteer opportunities. While all of its employees are subject to federal and state labor laws, some employees are also covered under applicable collective bargaining agreements. The following table shows the number of employees Temple had by job category (excluding student workers and volunteers) for the 2017-2018, 2018-2019, and 2019-20 school years, respectively.

¹¹ Total enrollment obtained from the Temple University Fact Books for 2016-17, 2017-18, 2018-19, and 2019-20.

¹² 24 P.S. § 2510-4; the 12 appointed “Commonwealth” trustees include four members appointed by the Governor, four members appointed by the President Pro Tempore of the Senate, and four members appointed by the Speaker of the House of Representatives. See 24 P.S. § 2510-4(b). There are also two non-voting participants (President of the Faculty Senate and President of the Temple Student Government) and six honorary life trustees. Elected and appointed Board members serve four-year terms. See <https://www.temple.edu/about/board-trustees> (accessed August 5, 2020).

¹³ 24 P.S. § 2510-5.

¹⁴ There were 16 standing committees as of August 5, 2020. See <https://www.temple.edu/secretary/committee-membership> (accessed August 5, 2020).

¹⁵ <https://www.temple.edu/secretary/sites/secretary/files/policies/01.32.00.pdf> (accessed August 5, 2020).

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Temple University Faculty and Other Employees			
Job Category	2017-2018	2018-2019	2019-2020
Faculty	3,804	3,850	3,943
Clerical	472	430	401
Executive/Administrative	1,320	1,364	1,411
Service/Maintenance	473	460	459
Skilled Crafts	176	173	186
Technical/Paraprofessional	369	407	405
Other Professionals	2,338	2,382	2,414
Total	8,952	9,066	9,219

Source: This table was produced by the Department of the Auditor General staff based on information from Temple University's Fact Book for 2017-2018, 2018-2019, and 2019-2020.

Campus Development

With regard to our first audit objective to evaluate Temple's decision-making process in assessing the need for capital improvements, the Board's Facilities Committee is responsible for overseeing all matters relating to the acquisition and use of campus grounds and buildings. Additionally, the Committee recommends approval for all projects and plans for new buildings, and awards design and construction contracts for capital improvements. All capital projects must ultimately be approved by the Board.¹⁶ Temple's Project Delivery Group, which is made up of professional architects, construction managers, and support staff, is then responsible for taking the approved capital projects from planning and design through construction to close out.¹⁷

Temple's master plan, entitled *Visualize Temple* and last updated in 2014 (which will be referred to as the 2014 master plan throughout this report), serves as the main planning document for major capital improvement projects. The master plan was intended as a road map for the next ten years of campus improvement and investment for all campus locations, described within a longer-term framework of future opportunities. It was the culmination of an eighteen-month long process driven by the input of over 3,000 Temple students, alumni, faculty and staff. The 2014 master plan recommended a set of goals and a plan of action in response to the university's strategic initiatives, academic priorities, and the combined vision expressed by the campus community.¹⁸ Temple recently constructed a new library pursuant to the 2014 master plan at its main campus which opened to the public late August 2019.

¹⁶ <https://www.temple.edu/secretary/sites/secretary/files/policies/01.32.00.pdf> (accessed August 5, 2020).

¹⁷ <https://campusoperations.temple.edu/campus-development/design-construction> (accessed August 30, 2019).

¹⁸ https://campusoperations.temple.edu/sites/campusoperations/files/file_downloads/2014-1029TempleUniversityMPFinalDraftREV1.pdf (accessed August 30, 2019).

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Background Clearances

With regard to our second audit objective to determine the extent to which Temple complies with all legal and/or policy and procedural requirements regarding state and federal background clearances for employees or others affiliated with Temple, Temple's Human Resources Department is responsible for developing, promoting, and providing a framework for ethical, consistent, and fair treatment of its employees. Temple conducts background checks for individuals recommended for hire in certain selected positions, including those that are financially sensitive (i.e., come in contact with cash as a regular part of their employment) or positions that require driving a Temple-owned vehicle. All individuals who are in a position where there is interaction with minors (i.e., children) are subject to the Child Protective Services Law.¹⁹ Depending on the position, various other background checks may be required. Information received through the background check process does not automatically disqualify the applicant from further consideration or eventual hiring.

Sexual Harassment

Our third audit objective focused on Temple's sexual harassment prevention policies. The United States Equal Employment Opportunity Commission (EEOC) and the Pennsylvania Human Relations Commission (PHRC) are responsible for enforcing federal and state anti-discrimination laws which make it illegal for employers to discriminate against a job applicant or an employee.²⁰ The EEOC has noted that nearly one-third of the 90,000 employment discrimination complaints received in 2015 included a harassment allegation and approximately 45 percent of those harassment allegations were on the basis of sex. They also estimated that 75 percent of all workplace harassment incidents go unreported.²¹

¹⁹ 23 Pa.C.S. § 6344(a.1)(2)(i)-(iii) which provides as follows: "(2)(i) School employees not governed by the provisions of the Public School Code of 1949 shall be governed by this section. (ii) This paragraph shall not apply to an employee of an institution of higher education whose direct contact with **children**, in the course of employment, is limited to either: (A) prospective students visiting a campus operated by the institution of higher education; or (B) matriculated students who are enrolled with the institution. (iii) The exemption under subparagraph (ii)(B) shall not apply to students who are enrolled in a secondary school." (Emphasis added.)

²⁰ <https://www.eeoc.gov/overview> (accessed October 21, 2020) and <https://www.phrc.pa.gov/About-Us/Pages/About-PHRC.aspx> (accessed October 21, 2020). The EEOC and PHRC make it illegal to discriminate based on enumerated factors such as the person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information, and union affiliation, among others. Please note that protected classes under the Pennsylvania Human Relations Act do not mirror those under the EEOC; however, they are very similar in all material aspects. See 43 P.S. §§ 951-963 *et seq.*; see in particular 43 P.S. § 953. Like the EEOC, the PHRC has guidelines on sexual harassment. https://www.eeoc.gov/laws/practices/harassment_guidance.cfm and <https://www.phrc.pa.gov/Resources/Law-and-Legal/Documents/Policies%20and%20Guidelines/Sexual%20Harassment%20Guidelines.pdf> (accessed October 21, 2020, and July 9, 2020, respectively).

²¹ *Report of Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace*, U.S. Equal Employment Opportunity Commission, June 2016, pages iv-v and 6-7.

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Once hired, an employee must attend certain orientation programs and participate in various courses and training sessions, including training on the prevention of sexual harassment. According to Temple management, it is “committed to providing a workplace and educational environment, programs, and activities, free of unlawful discrimination and harassment.”²² Temple’s focus on the prevention of sexual harassment is outlined in its policies and procedures.

²² Temple University Board of Trustees Policies and Procedures Manual, *Policy on Preventing and Addressing Discrimination and Harassment*, last updated July 2019, <https://secretary.temple.edu/sites/secretary/files/policies/04.81.11.pdf> (accessed August 5, 2020).

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Issue Area 1 – Capital Improvements

The Main Campus of Temple University (Temple), located on North Broad Street in Philadelphia, Pennsylvania, consists of more than 8.8 million square feet of facilities on 163.5 acres of property.²³ This location is home to the majority of the student population, as well as the majority of faculty and staff. Temple officials indicated its overall goal regarding capital improvements is to “provide a physical setting to support the continued growth in academic excellence, research, and quality of student life.”²⁴

According to Temple officials, there are two main types of capital improvements: 1) major capital projects; and 2) deferred maintenance projects. Any major renovations to existing buildings or new construction is considered to be major capital projects, while deferred maintenance projects are recurring projects to repair or maintain existing buildings and may include projects such as replacement of mechanical or electrical systems, plumbing, roofing, or windows. In the context of our audit objective, we will focus on Temple’s decision-making process in assessing the need for major capital projects rather than deferred maintenance.²⁵

Temple may fund major capital projects through debt service, tuition revenue, or a combination of the two. Temple’s individual colleges/schools, with the approval of Temple’s Board of Trustees (Board), may also contribute to specific projects through fundraising or increasing its differential tuition rate.²⁶ Additionally, significant funding for capital projects is allocated to Temple each year as part of the Commonwealth’s Capital Budget, which is approved by the Governor’s Office of the Budget.²⁷

To obtain an understanding of Temple’s major capital project development process, we interviewed Temple officials responsible for oversight of the project planning phase, reviewed Temple’s written policies and procedures, and reviewed Temple’s 2014 master plan (discussed later in this finding). We also reviewed documentation supporting the steps involved in the project development, review, and approval processes for seven judgmentally-selected major

²³ Temple University Facilities Fact Book: January 2021, page 2.2.

²⁴ Temple University, *Visualize Temple*, 2014 Campus Master Plan, page 7.

²⁵ Temple contracted with an external vendor to assess the maintenance needs of each building on its campuses for a ten-year period (2017 to 2026). The resulting report served as Temple’s main planning document for deferred maintenance projects. Each college/school is responsible for contributing five percent of its base tuition dollars to Temple’s Plant Development Fund for deferred maintenance projects. We did not review this assessment for deferred maintenance projects.

²⁶ If approved by the Board, schools may establish differential tuition rates above Temple’s base tuition rate to provide additional funding specific to the needs of that individual school.

²⁷ Temple was allocated funds from the Commonwealth’s Capital Budget totaling \$20 million for fiscal year 2016-2017, \$40 million for fiscal year 2017-2018, and \$46 million for fiscal year 2018-2019. The \$46 million allocated for fiscal year 2018-19 included \$20 million previously allocated to Temple that had not been spent. Temple officials indicated that, if necessary, several years of funds allocated from the Commonwealth’s Capital Budget are accumulated until there is sufficient funding for a particular project.

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capital projects that were in various stages of development and/or completion during our audit period.²⁸ Based on our audit procedures, we found that:

- Although Temple’s written policies lack several key elements, its decision-making process in assessing the need for capital improvements appears to be aligned with best practices.
- Temple’s assessment of the need for selected major capital projects was adequately documented and performed in accordance with its existing policies and procedures.

The following findings describe our audit procedures, results, and conclusions.

Finding 1.1 – Although Temple’s written policies lack several key elements, its decision-making process in assessing the need for capital improvements appears to be aligned with best practices.

During our audit period, Temple maintained a formal policy for the approval of capital expenditures. Additionally, the *Bylaws of Temple University* outline the authority of the Board’s Facilities Committee as they relate to capital projects and the requirement to develop and maintain a master plan. There was, however, no comprehensive policy that encapsulated the entire process from project conception through completion, including reporting and monitoring requirements. An effective policy should provide the guidelines for the decision-makers to consider all capital needs as a whole, assess fiscal capability, plan for debt issuance, and understand potential impacts on capital reserves and operating budgets.

In order to evaluate Temple’s decision-making process in assessing the need for capital improvements, we compared Temple’s written policies to the capital planning best practices published by the Government Finance Officers Association (GFOA).²⁹ GFOA emphasizes that an organization should develop and adopt a capital planning policy that establishes a framework in which stakeholders understand their roles, responsibilities, and expectations for the process.³⁰ The following table summarizes the recommended key contents that should be formalized in policy as a best practice as well as whether Temple’s policies address them (as indicated with a checkmark).

²⁸ Details of the project and the status of completion are contained in *Appendix C* of this report.

²⁹ The Government Finance Officers Association (GFOA), founded in 1906, represents public finance officials throughout the United States and Canada. The association’s more than 20,000 members are federal, state/provincial, and local finance officials deeply involved in planning, financing, and implementing thousands of governmental operations in each of their jurisdictions. GFOA’s mission is to advance excellence in public finance. <https://www.gfoa.org/about> (accessed February 11, 2021).

³⁰ GFOA, *Capital Planning Policies Best Practice*, <https://www.gfoa.org/capital-planning-policies> (accessed March 28, 2019).

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Capital Planning Policy Key Contents	Approval of Capital Expenditures Policy	Bylaws of Temple University	Not documented in policy
Description of approach to capital planning and a clear definition of what constitutes a capital improvement project.	✓		
Establishment of a capital improvement program review committee.		✓	
Requirement that a multi-year capital improvement plan be developed.		✓	
Structured process for prioritizing need and allocating limited resources.			✓
A description of the role of the public and other external stakeholders.			✓
Provisions for monitoring and oversight, including reporting requirements and how to handle changes and amendments to the plan.			✓

Description of approach to capital planning and a clear definition of what constitutes a capital improvement project.

Temple's *Approval of Capital Expenditures Policy* outlines the definitions of various capital projects, including deferred maintenance and major capital projects. The policy describes that the Facilities Management/Project Delivery Group submits a Capital Expenditure Request (CER) for approval and, depending on the type of project and amount, it outlines which officials have the authority to approve the CER and how to handle amendments to a CER. If a CER for construction is more than \$500,000 but less than or equal to \$1,000,000, the CER must be approved by the President of Temple. If the CER is more than \$1,000,000, it must also be approved by the Board. This content appears to be adequately documented in an existing written policy.

Establishment of a capital improvement program review committee.

According to the *Bylaws of Temple University*, the Facilities Committee is a standing committee of the Board and is authorized to oversee all matters relating to the acquisition and use of the grounds and buildings of the University, including evaluating and recommending policies; recommending to the Board the approval of projects and plans for new buildings or major alterations; the awarding of contracts to planning, design and engineering professionals; and the awarding of contracts for capital improvement projects. This content appears to be adequately documented in an existing written policy.

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Requirement that a multi-year capital improvement plan be developed.

The *Bylaws of Temple University* also assign the Facilities Committee the responsibility to recommend to the Board master facilities plans for campuses that serve to carry out its academic plan and mission on an as needed basis.

GFOA recommends that an organization:

[P]repare and adopt comprehensive, fiscally sustainable, and multi-year capital plans to ensure effective management of capital assets. A prudent multi-year capital plan identifies and prioritizes expected needs based on a strategic plan, establishes project scope and cost, details estimated amounts of funding from various sources, and projects future operating and maintenance costs. A capital plan should cover a period of at least three years, preferably five or more.³¹

Temple's decision-making process for selecting capital projects begins with an extensive master planning process. Temple's capital improvement plan covering goals and objectives over a multiple year period is contained in an all-encompassing university-wide master plan, titled *Visualize Temple*.

With Board approval, Temple finalized and published the master plan in October 2014 (2014 master plan). The 2014 master plan included input from more than 3,000 participants, including students, alumni, faculty, and university leadership. Temple officials indicated that it will begin the process of updating the plan within the next year or two, utilizing similar input and methodology.

The 2014 master plan is intended to serve as a road map for the next ten years of campus improvement and investment for all campuses. It recommends a set of goals and a plan of action in response to Temple's strategic initiatives, academic priorities, and the combined vision expressed by the campus community.³²

Temple's leadership, including the President, the Provost, and the Chief Financial Officer, as well as other employees, determine which major capital projects will be presented to the Board for approval. The following are examples of recommended improvements identified in the 2014 master plan:

- Invest in new facilities to address spatial shortfalls (i.e., existing limited space), including adding additional classroom space to the campus inventory.
- Construct a new library and academic commons in the center of campus.

³¹ GFOA, *Multi-Year Capital Planning Best Practice*, <https://www.gfoa.org/multi-year-capital-planning> (accessed March 28, 2019).

³² https://campusoperations.temple.edu/sites/campusoperations/files/file_downloads/2014-1029TempleUniversityMPFinalDraftREV1.pdf (accessed March 28, 2019).

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- Re-purpose Paley Library as a vibrant academic support hub with a welcome center, cafe, gathering and meeting space, academic support, and classroom space.
- Develop new and replacement of on-campus housing to meet future demand.
- Monitor parking availability as future development occurs.
- Implement parking demand management strategies to reduce future parking demand.³³

Based on our review of Temple's 2014 master plan, we found it to be comprehensive, aligned with best practices, and adequately documented.

Structured process for prioritizing need and allocating limited resources.

GFOA recommends that when evaluating capital projects, organizations should first prioritize based on health and safety, asset preservation, and service/asset expansion. According to Temple officials, most projects are selected from the master plan because the projects have been vetted and evaluated. Other projects not on the master plan may receive approval from the Board based on an immediate need, or if an individual college is able to independently fund the project. Officials stated that some projects listed on the master plan will not be approved to commence by the Board, and those projects may remain in the planning stage for an extended period of time. The decision to start those projects is based on needs and priorities, which are subject to change in any given calendar year.

Project costs, available funding, and other financial factors strongly influence capital project prioritization. Officials indicated that in addition to financial aspects, there are a variety of other considerations that come into play when determining what major capital projects are initiated, including, but not limited to:

- The safety and welfare of the students and faculty, which is a primary concern. Facilities must meet all university and city safety requirements.
- Whether student interest and enrollment in certain programs and colleges is creating a shortage of space and need for upgraded facilities. In such cases, projects may receive the necessary approvals to start because there is a present need or demand.
- Whether the project may benefit the entire university community (such as the new library).
- Availability of staff to assist and monitor project progress, specifically in its engineering department. Such availability may limit the number of major capital projects Temple can have in progress at any one time.

Temple's master plan describes considerations of academic and strategic priorities, and identifies short-term and long-term phasing in of capital projects.

³³ Ibid. at p. 10–11.

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Based on our interview with Temple officials and review of its 2014 master plan, it appears that Temple's practices are aligned with the GFOA's recommended best practices. However, Temple's formal written policies lack specific conditions describing potential factors that may be considered when prioritizing major capital projects.

A description of the role of the public and other external stakeholders.

GFOA further recommends that, "[p]ublic participation and stakeholder involvement during the planning, design, and construction of capital projects is extremely important."³⁴ Although Temple officials described multiple methods of how stakeholders are involved in its capital planning process, its formal written policy lacks this significant strategy. Temple's capital project planning policy should identify potential stakeholders, the methods of communication used to reach those stakeholders, at what point in the planning process outreach occurs, and how feedback is evaluated.

Temple officials stated that, based on the size and scope of the project, it may have to conduct community meetings and obtain approval from the Philadelphia Historical Commission, the zoning office, and/or city council. Regardless of whether Temple has thoroughly vetted its projects and received Board approval, the community itself can negatively influence Temple's willingness to complete a project.

For example, Temple's 2014 master plan included a plan for a future athletic/recreation zone costing an estimated \$130 million. This was included to bring practice and competition spaces to the main campus. Temple officials stated that its leasing arrangement of an off-campus stadium for football games was becoming very expensive. Temple spent approximately \$1.3 million for the conceptual evaluation, programming, and design for a new football stadium. A concept design and feasibility study, dated February 2018, was completed and included stadium design plans for traffic, security, and parking. Temple conducted a town hall meeting to attempt to explain the costs and benefits of the project, however, community protesters became too unruly and the meeting ended.³⁵ Due to the community dissent and lack of city council support, Temple officials stated that the project is no longer under consideration.

While we recognize that major capital projects involve upfront expenditures on design and analysis before the project proceeds through the numerous levels of reviews and approvals, we question whether Temple performs sufficient preliminary outreach to stakeholders early enough in the process to avoid unnecessary costs. Temple must be prudent stewards of the student tuition payments and state appropriation dollars it receives. As such, its policy needs to reflect its commitment to stakeholder engagement and include its capital project planning communication strategies.

³⁴ GFOA, *Communicating Capital Improvement Strategies Best Practice*, <https://www.gfoa.org/communicating-capital-improvement-strategies> (accessed March 28, 2019).

³⁵ *Community residents split after Temple's town hall*, The Temple News, March 7, 2018, <https://temple-news.com/community-residents-split-after-temple-stadium-town-hall/> (accessed December 16, 2019).

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Provisions for monitoring and oversight, including reporting requirements and how to handle changes and amendments to the plan.

Temple's capital project planning policy also failed to address the monitoring of need for capital projects and how amendments to its master plan are to occur. Monitoring and oversight are vital to ensure capital improvement plans are consistently and regularly evaluated against priorities and available resources. Based on our interviews with Temple officials, however, we found that additional steps were taken to evaluate needs for major capital improvements during the audit period.

In September 2017, the Provost's office invited the college deans to present their respective college's capital asset wants and needs to senior leadership. The presentations were to include project requests, operational cost estimates, and the school's ability to financially support the project. The Provost stated that the goal of the process was to identify a working sequence of projects with recognition of the fact that intervening events can affect priorities. As a result of those presentations, several major capital projects were prioritized to be started over the next three years.³⁶ These types of steps should be addressed in Temple's capital planning policy to monitor the need and priority for capital projects to ensure it is performed on a more consistent basis. Addressing these steps in its policy will assist Temple in achieving its goal for a working sequence of projects in line with its priorities moving forward.

Conclusion

While we found Temple's decision-making process to assess the need for capital improvements to be aligned with GFOA's best practices, we also found that Temple's decision-making process to assess the need for capital improvements is not adequately documented in a formal, comprehensive written policy.

Temple officials indicated that its written policy lacks additional detail because the capital planning process is so robust and complicated. Also, each project has unique considerations that would be difficult to standardize into a policy.

While we understand and acknowledge that the nature of capital planning is complex, Temple officials were able to verbally explain its overall strategic approach to us as discussed above, and therefore, it could be formalized in written policy. Without having a policy that sufficiently documents its approach to sound fiscal management and its commitment to maximizing benefits within its budgetary constraints, Temple increases the risk that those individuals involved in capital project decision-making are not uniformly and consistently apprised of their roles and responsibilities within the assessment process.

³⁶ Executive Vice President and the Provost, Temple University, email dated March 1, 2018, to Temple University deans.

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Finding 1.2 – Temple’s assessment of the need for selected major capital projects was adequately documented and performed in accordance with its existing policies and procedures.

Temple maintains written procedures that document the workflow of how schools/colleges submit a requisition for projects to the Project Delivery Group (PDG) through its computer system (e-Builder), as well as a detailed flowchart documenting the procedures performed in the project initiation, design, contracting, construction, and project closeout phases.³⁷

Once a school/college submits a requisition for a project to PDG and the project becomes active, the PDG will meet with the school to review the project scope, funding, and schedule. A conceptual schematic and cost estimate are developed and presented to the Board’s Facilities Committee. If the Facilities Committee plans to recommend the project to the Board, a CER is completed for the design phase of the project and is presented to the Board for approval.

PDG then works with the purchasing department for the bidding, reviewing, and awarding of a contract for project design. The contracted architect develops formal cost estimates for the project based on the project scope. The Board must then approve a CER for the construction costs for the project.

From the 42 major capital projects identified in Temple’s 2014 master plan and the 2017 additions, we judgmentally selected seven projects to review based on the various stages of project completion. The conceptual, design, and construction CERs for the seven projects are included in the following table, and a description of each project is included in *Appendix C*.

³⁷ Temple’s PDG consists of professional architects, construction managers, and support staff that focus on capital projects from planning and design, through construction and closeout phases.
<https://campusoperations.temple.edu/campus-development/design-construction> (accessed December 16, 2019).

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Project	Source	Total Estimated Cost	CER Amount	CER Phase	Board Approval	Current Status
Paley Library Renovation	2014 Master Plan	\$60 million	\$5 million	Design	March 2018	Design Phase
Football Stadium	2014 Master Plan	\$130 million	\$1 million; \$250,000	Conceptual; Conceptual	February 2016; July 2016	Cancelled
Student Wellness Center	2014 Master Plan	\$30.6 million	\$1.5 million; \$28.5 million	Design; Construction	May 2015; March 2016	Complete
Klein Center	2014 Master Plan	\$140 million	\$16 million	Design	July 2019	Design Phase
Howard Gittis Student Center ^{a/}	2014 Master Plan	\$10 million	Not required	Not required	Not required	Complete
Fox School of Business & Mgmt. Expansion	2014 Master Plan	\$54.8 million	\$2 million; \$3.7 million; \$49.1 million;	Design; Design; Construction	July 2016; March 2017; May 2017	Complete
Alpha Center	2017 Addition	\$28 million	\$500,000; \$1.3 million	Conceptual; Design	October 2017; May 2018	Stalled

^{a/} The costs association with this project were paid by a contracted food vendor and not Temple funds; therefore, a CER and Board approval was not required. *Source: This table was produced by Department of the Auditor General staff from information and documentation provided by Temple officials, including estimated total costs for projects not yet completed.*

We reviewed the 11 CERs related to the 6 projects requiring CERs and found that the CERs were adequately completed, contained reasonable justification for the project, and included all of the required approval signatures in accordance with Temple's *Approval of Capital Expenditures Policy*. We also obtained the Board meeting minutes that included documentation of the Board's vote and approval of the CER. Where applicable, we reviewed feasibility studies, city zoning permits, city council ordinances, submissions to the Philadelphia Historical Commission, work orders, summary budgets, and documentation evidencing community involvement.

In conclusion, based on our discussions with Temple officials and our review of documentation related to assessing the need for capital projects, we found that Temple's decision-making was adequately documented and performed in accordance with its policies and procedures.

While Temple may have followed their relevant policies in all significant respects, both the process and end result may improve if they expand those policies to be more comprehensive. Specifically, Temple should include in its policy a formal prioritization schedule for the use of

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limited resources. Temple should also codify the process as to how it interacts with the public and stakeholders, as well include a mechanism to amend agreed upon plans.

Recommendations for Issue Area 1

We recommend that Temple:

1. Revise its capital improvement planning policies to include a description of its process for prioritizing need and allocating limited resources, the role of the public and other stakeholders in the process, detailed monitoring provisions, and how changes to the master plan are handled.
2. Perform sufficient outreach to stakeholders, including the community and city council, early in its capital projects decision-making process to determine whether there is sufficient support prior to incurring significant costs.

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Issue Area 2 – State and Federal Background Clearances and Criminal/Civil Background Checks

Depending on the job position and related responsibilities, Temple University (Temple) requires certain new and current employees to undergo various background checks, which is consistent with state law. In accordance with Pennsylvania’s Child Protective Services Law (CPSL), any employee who has “direct contact with children” must obtain the following background clearances, and they must be renewed every five years thereafter (collectively, we refer to them as CPSL background clearances):³⁸

- Criminal History Record information submitted through the Pennsylvania State Police (PSP).
- Child Abuse History Certification submitted through the Pennsylvania Department of Human Services.
- Federal Criminal History Record submitted through the PSP or its authorized agent. Fingerprints of the individual are submitted to the Federal Bureau of Investigation (FBI) for the purpose of verifying the identity of the individual and obtaining a current record of any criminal arrests or convictions.

Temple has incorporated the requirements for its employees and contractors that have direct contact with minors to submit specific information, as required by the CPSL, within two of its policies in effect during the audit period.³⁹ See a summary of these policies in *Appendix D* of this report.

In addition to the employees who have “direct contact with children” as defined in the CPSL subject to the specific exceptions, Temple requires a criminal/civil litigation background check (criminal/civil background check) for employees in other positions, such as employees with cash

³⁸ CPSL 23 Pa.C.S. § 6303(a) defines a “Child” as “anyone under 18 years of age” and “Direct contact with children” is defined as “the care, supervision, guidance, or control of children or routine interaction with children”. The required background checks and recertifications are outlined in 23 Pa.C.S. §§ 6344(b) and 6344.4. Please note that recertifications must be obtained after 60 months (i.e., every five years).

³⁹ Temple Board of Trustees policy numbers 04.61.14, *Background Checks for Employees Having Contact with Minors* (created in November 2017; amended/reviewed December 31, 2019, subsequent to our audit period) and 04.61.12, *Policy on the Safety of Minors* (amended/reviewed November 2017; also amended/reviewed February 2020, subsequent to our audit period). Based on its 2017 policy number 04.61.14, Temple requires *all employees* who “are responsible for the welfare of minors or have direct contact and/or routine interaction with minors” to undergo the required CPSL background clearances where minors are defined and limited to “**Non-matriculated** individuals under the age of eighteen (18)”. (Emphasis added.) This is permitted and consistent with the CPSL which specifically exempts an employee of an institution of higher education “whose direct contact with **children**, in the course of employment, is limited to either: (A) prospective students visiting a campus operated by the institution of higher education; or (B) matriculated students who are enrolled with the institution” but the exemption does not apply to students who are enrolled in a secondary school.” (Emphasis added.) See 23 Pa.C.S. § 6344(a.1)(2)(ii)-(iii) (added by Act 15 of 2015).

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handling responsibilities, human resources positions, campus police, security positions, and business managers.⁴⁰ Temple utilizes a third party contractor to conduct a criminal/civil background check, which includes the following:

- Widescreen Plus National Criminal Search
- Social Security Number Trace
- Felony and Misdemeanor Review
- Civil Litigation Review

All remaining employees are not required to undergo the CPSL background clearances or criminal/civil background checks.

According to Temple officials, the existence of a criminal record or founded/indicated report of child abuse requires an additional vetting process. The school/department where the new employee is assigned, in consultation with the Employment Associate Vice President and/or University Counsel/Risk Management, determines the individual's suitability for working in that position on a case-by-case basis.⁴¹

In addition to Temple employees, any direct volunteers, contractors, or individuals from external entities who participate in covered programs (commonly referred to as youth programs) must also obtain CPSL background clearances in accordance with state law.⁴²

⁴⁰ Under CPSL 23 Pa.C.S. § 6344(c)(1), an applicant, employee, an independent contractor (including its employee), and a direct volunteer (herein after a "subject individual") is prohibited from having direct contact with children for **five years** if he/she "is named in the Statewide database as the perpetrator of a founded report [of child abuse] committed within the **five-year period** immediately preceding verification." Further, pursuant to CPSL 23 Pa.C.S. § 6344(c)(2), a subject individual convicted of one or more of 27 offences under the Pennsylvania Crimes Code will have a **Lifetime Ban** from being hired or having continued employment (i.e., no direct contact) with children. Offenses include, for example: certain "Criminal Homicide" offenses; specified "Sexual" related offenses; and some "Minors" related offenses and includes any attempt, solicitation or conspiracy to commit any of the above offenses or any equivalent crime under Federal law or the law of another state. Finally, under CPSL 23 Pa.C.S. § 6344(c)(3), a subject individual will be prohibited from having direct contact with children for **five years** if he/she has been convicted of an offense designated as a drug related **Felony** under the state "Controlled Substance, Drug, Device and Cosmetic Act" (Act 64 of 1972) committed within the **five-year period** immediately preceding verification. (Emphases above were added for ease of understanding.)

⁴¹ None of the employees that we selected for review as further described within this issue area had the existence of a criminal record or founded/indicated report of child abuse on their background clearances which would have required an additional vetting process. We, therefore, did not review and offer any conclusions as to the adequacy of Temple's vetting process.

⁴² Temple Board of Trustees policy number 04.61.12. Policy on the *Safety of Minors* (amended/reviewed November 2017, also amended/reviewed in February 2020, subsequent to our audit period) defines covered programs as "Programs, activities, and events that serve minors conducted by or on behalf of Temple University and/or taking place on any domestic university campus, whether for academic, athletic, recreational, or other purposes." Please note that the CPSL defines a "Program, activity or service" as "[a]ny of the following in which children participate and which is sponsored by a school or a public or private organization: (1) A youth camp or program. (2) A recreational camp or program. (3) A sports or athletic program. (4) A community or social outreach program. (5) An enrichment or educational program. (6) A troop, club or similar organization." The CPSL also provides for those subject (e.g., direct volunteers) to meet the requirement in Section 6344(a)(5). See 23 Pa.C.S. §§ 6303 and 6344(a)(5). See also 23 Pa.C.S. § 6344.2 (relating to Volunteers having contact with children).

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In order to determine whether Temple complied with legal and policy requirements regarding CPSL background clearances and criminal/civil background checks for employees, as well as others affiliated with Temple through its youth programs, we interviewed Temple officials, performed audit procedures on a selection of 40 youth programs, and reviewed the background clearances of some of the adult individuals participating in those youth programs. Additionally, we reviewed the background clearances and/or criminal/civil background checks for a selection of 40 Temple employees from lists of employees that Temple indicated either obtained CPSL background clearances or required criminal/civil background checks. We also determined whether the employees that Temple indicated did not have background clearances and/or did not require criminal/civil background checks should have had background clearances and/or criminal/civil background checks by selecting 40 Temple employees and evaluating the employees' job description, hiring requisition form, and inquiries made to Temple officials.

Based on our audit procedures, we found the following:

- Temple failed to ensure that all youth program workers received CPSL background clearances timely and that the clearances were maintained for all workers in its internal youth programs. (see *Finding 2.1*)
- Temple failed to ensure that new employees' CPSL background clearances were obtained in a timely manner. (see *Finding 2.2*)
- Temple did not complete required criminal/civil background checks for certain employees in compliance with its procedures. (see *Finding 2.3*)
- Temple did not complete a CPSL or criminal/civil background check for nearly 9,600, or 83 percent, of its newly hired employees. (see *Finding 2.4*)

Finding 2.1 – Temple failed to ensure that all youth program workers received CPSL background clearances timely and that the clearances were maintained for all workers in its internal youth programs.

Organizations that want to use Temple facilities to conduct youth programs must register those programs at least 60 days prior to the start of the program.⁴³ All registration forms for youth programs require each organization to supply a list of authorized individuals that will participate in operating its program. Temple's Office of Risk Management and Treasury is responsible for obtaining, maintaining, and reviewing all registration forms.

⁴³ Policy 04.61.12: Created in December 2012; amended/reviewed in February 2014 and November 2017; and also amended/reviewed in February 2020, subsequent to our audit period.

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According to a list provided by Temple, between July 1, 2016 and December 31, 2018, there were 779 youth programs conducted at Temple facilities, 620 of which were internal youth programs operated by Temple staff and 159 that were external programs operated by third-party vendors (external youth programs).⁴⁴ In order to determine whether Temple was adhering to the CPSL and its internal policies regarding youth programs, we:

- Judgmentally selected 32 internal youth programs and reviewed the registration forms for the programs for compliance with Temple policy and selected 90 Temple employees that were included on the registration forms to determine whether Temple obtained their CPSL background clearances in accordance with state law and Temple policy.⁴⁵
- Judgmentally selected 8 external youth programs and reviewed the related registration forms to determine whether they were properly completed, including a list of adult staff members and dates the required CPSL background checks were performed.⁴⁶ Additionally, we reviewed each program's respective signed Facility Use Agreement outlining that CPSL background checks are required and completed.⁴⁷

Based on our audit procedures, we found the following:

- Temple failed to ensure that all youth program workers received CPSL background clearances timely, and clearances were not maintained for all workers participating in its internal youth programs.
- Deficiencies existed in Temple's monitoring of its youth programs, which allowed non-compliance with the CPSL to occur and remain undetected.
- Each of the 32 internal and 8 external youth programs were properly registered in accordance with Temple's policy.

The following sections further describe our audit procedures and results.

⁴⁴ The number of youth programs and lists of Temple's employees were provided by Temple management. The data we received is of undetermined reliability as noted in *Appendix A*, however, this is the best data available. Although this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our findings and conclusions.

⁴⁵ We judgmentally selected internal youth programs to cover an array of youth programs and to ensure adequate coverage for all years within the audit period.

⁴⁶ Ibid.

⁴⁷ The Facility Use Agreement is an agreement between Temple and a third-party for use of Temple's facilities. The agreement contains the terms and conditions for the agreement such as the responsibilities of the contractor. The agreements state that the contractor will comply with all applicable laws and regulations. Additionally, in March 2018, Temple added a statement to all agreements that the contractor will comply with the CPSL and Temple's Policy on the *Safety of Minors* (Temple Policy Number 04.61.12).

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Temple failed to ensure that all youth program workers received CPSL background clearances timely, and clearances were not maintained for all workers participating in its internal youth programs.

We selected 90 Temple employees from the lists of workers participating in the 32 internal youth programs to determine whether CPSL background clearances were properly completed and whether the clearances contained any disqualifying convictions or founded cases of child abuse that would have precluded those workers from working with children.⁴⁸ We attempted to review all three required background clearances for each of the 90 selected workers and found the following:

- The CPSL background clearances for 81 employees were completed by the start of the program and there were no disqualifying convictions or founded cases of child abuse that would have precluded those workers from working with children.
- The CPSL background clearances for 6 employees were not completed prior to the start of or during the respective youth program. Although the CPSL background clearances were eventually completed, we found that the background clearances were completed between 71 to 565 days after the respective youth program start date. There were no disqualifying convictions or founded cases of child abuse on these CPSL background clearances that would have precluded those workers from working with children. It is concerning that it took several inquiries of Temple management by the auditors only to find that management could not provide an explanation as to why the background clearances were not completed **prior** to the program start. Instead, management merely indicated that certifications were obtained after Human Resources was notified that the employee would interact with minors.
- Three workers were not Temple employees, but were actually independent contractors hired by Temple to conduct a Temple-sponsored youth program. Temple officials indicated that independent contractors are only required to attest through signing a contract that they are authorized to work with minors in accordance with the CPSL, which we found each contractor had done. However, we disagree with Temple's assertion that contractors only need to attest through signing a contract that the contractor entity's employees are able to work with minors. Under the CPSL, an employer, administrator, supervisor, or other person responsible for employment decisions must maintain a copy of the CPSL background clearances, which we interpret to include the critical duty of reviewing the clearances of the contracting entity's employees at minimum on a sample basis.⁴⁹

⁴⁸ We selected up to five adult participants from each of the 32 programs. Some programs did not have five participants.

⁴⁹ CPSL 23 Pa.C.S. § 6644(b.1) provides that "an employer, administrator, supervisor or other person responsible for employment decisions or acceptance of the individual to serve in any capacity identified in...subsection (a.1)

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To illustrate the need to review and maintain background clearances for contractors, we found that for one of the three contracts reviewed, Temple was contracting directly with the person providing the services. As a result, the contractor was attesting himself that he had his clearances with no independent review conducted by Temple.⁵⁰

Youth programs are valuable to enrich children and engage communities, but the children participating in these programs must be protected from harm. Without ensuring that all workers participating with the internal youth programs have proper CPSL background clearances on file and reviewed, Temple is potentially jeopardizing the safety and welfare of these children.

Deficiencies existed in Temple's monitoring of its youth programs, which allowed non-compliance with the CPSL to occur and remain undetected.

Temple's Office of Risk Management and Treasury is responsible for the registration process and approval of youth programs at Temple including obtaining, maintaining, and reviewing registration forms for youth programs. During our review of youth programs, we identified two ways in which Temple could strengthen its monitoring of those programs to ensure the safety of all minors as discussed below.

- **Temple does not review the background clearances of external youth program workers but instead relies on the Facility Use Agreements and registration forms for ensuring external youth program staff are in compliance with CPSL requirements.**

Third-party vendors that conduct youth programs at Temple facilities are required to comply with Temple's Policy on the Safety of Minors (described in *Appendix D*) and attest that the appropriate CPSL background clearances have been completed on the registration form.⁵¹ Additionally, Temple's Facility Use Agreement (agreement) includes a section stating that vendors perform background clearances for adult workers prior to services and exclude any worker whose results would disqualify the person from participation in the program under the CPSL.

[(2) (Institution of Higher Education)] must *maintain* a copy of the required information and require the individual to submit the required documents **prior** to employment or acceptance to serve in any such capacity or as required in section 6344.4, except as allowed under subsection (m)[Provisional Employees].” (Emphases added). Also, contracted employees/vendors are included in CPSL's definition of a “School employee” who is “[a]n individual who is employed by a school [including an Institution of Higher Education] or who provides a program, activity or service sponsored by a school. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children.”

⁵⁰ For the other two contracts, we found that a company representative who signed the professional service agreement was not the person that performed the services at Temple.

⁵¹ Policy 04.61.12: Created in December 2012, and amended/reviewed in February 2014, November 2017, and February 2020, subsequent to our audit period.

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Upon inquiry, we found that Temple does not perform any oversight or monitoring of the external youth programs to ensure that CPSL background clearances have truly been completed and are free from disqualifying convictions. Rather, Temple relies upon the attestation statements on the registration form and the contractor agreement to evidence its compliance with the CPSL. Temple's rationale for this decision is documented in a March 2018 memorandum whereby Temple determined that since it is not *hiring* (considered engaging) the vendors or their staff, the Compliance Office is not responsible for obtaining the background clearances for third-party vendors. The memorandum further states that the Office of Risk Management and Treasury did not want the individual program offices to be responsible for collecting background clearances for the staff members of third-party vendors.

To compensate for not proactively reviewing the background clearances of external youth program staff, Temple added a clause in the terms and conditions of the agreement specifying that contractors must read and comply with the CPSL and Temple policies; obtain the CPSL background clearances prior to service; exclude individuals whose results would disqualify an individual under the CPSL; make the records and certifications available to Temple upon request; and hold Temple harmless from any claims, losses, and liabilities or costs arising from the contractor's breach of this clause.

Although the added clause requires the third-party vendor to make the external youth program staff's CPSL background clearances available to Temple upon request, Temple acknowledged that it did not request and conduct any reviews of these background clearances to verify that all participating staff are free from disqualifying offenses that would preclude working with minors.⁵² We believe that the nature and importance of protecting children from harm warrants Temple to at least verify on a sample basis that external youth program staff have the proper CPSL clearances. As such, we also believe that establishing ongoing monitoring procedures (at least on a sample basis) is crucial to ensuring Temple contractors' employees do not have any disqualifying convictions for the sake of keeping children safe from potential harm. This responsibility has been heightened by recent amendments to the CPSL requiring that all clearances be renewed every 60 months or every five years.⁵³

⁵² We also found a similar issue with four internal youth programs that utilized seven non-Temple employees as workers. The Temple employees who administered the youth programs in question were responsible for listing the dates the CPSL clearances were obtained on the registration form; however, there were no further reviews conducted by Temple officials to ensure that the CPSL clearances were actually obtained as required, free from possible disqualifying offenses that would preclude working with minors, and dates obtained accurately reported on the registration form.

⁵³ 23 Pa.C.S. § 6344.4.

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- **Temple failed to verify that the workers actually physically present during the youth programs are the same individuals that were listed on the registration forms.**

Based on interviews with Temple officials, we found that Temple does not perform any monitoring or spot checks of either the internal or external youth program staff while the program is operating to verify that only workers listed on the registration forms in which clearances were attained are the workers actually participating in the youth program. Temple stated that for the internal youth programs, it relies on the individual departments hosting these programs to accurately report which personnel will be present. For the external youth programs, Temple indicated that it relies on its third-party vendors who have signed its Facilities Use Agreements to ensure that the workers actually participating are listed on the registration forms. Further, Temple indicated that it requires the third-party vendors to provide a certificate of insurance which indemnifies Temple in case of negligence on the part of the external facility user.

Temple's rationale appears to be based on efforts to protect itself from a legal liability perspective and it is unclear whether these minimal safeguards will ensure its indemnification; however, this report does not purport to assess the merits of any potential legal defenses. Regardless of potential legal liabilities, this reasoning does not appear to be the best approach for protecting the children who participate in these programs at Temple facilities. Without any monitoring efforts by Temple, risk increases that an individual who does not have the proper CPSL clearances and/or who has potentially disqualifying offenses may be in contact with children, thereby putting children at risk of harm.

Each of the 32 internal and 8 external youth programs were properly registered in accordance with Temple's policy.

We reviewed the registration forms for all 40 youth programs and facility use agreements for the 8 external youth programs we selected to determine whether each program was in compliance with Temple's policies and procedures regarding registering the programs. Based on our audit procedures, we found that the 40 youth programs were properly registered with Temple in accordance with its policy, as noted below:

- All 40 registration forms were provided to Temple at least 60 days prior to the start of each respective youth program.
- All 32 internal youth program registration forms contained the names of the workers along with the dates of each person's background clearances and a signed attestation statement from the respective Temple program coordinator that the CPSL background clearances were performed if the worker was not a Temple employee.

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- All eight external youth program registration forms included a list of adult staff members with the dates each staff member's CPSL background clearances were obtained and a signed attestation statement from the vendor that the background clearances were performed.⁵⁴
- All eight Facility Use Agreements for the eight external youth programs were signed prior to the program start indicating the vendors performed background clearances for adult participants and certificates of liability insurance were also provided.

Finding 2.2 – Temple failed to ensure that new employees' CPSL background clearances were obtained in a timely manner.

According to Temple officials, hiring managers in each school/department are responsible for answering a yes/no question on an electronic hiring requisition form indicating if the position has direct contact or interaction with minors. A "yes" response will electronically transmit the applicant's name (and contact information) into Temple's Child Abuse Certification System (CACS) in order to start the process of obtaining the CPSL background clearances.⁵⁵ Once applicants are in the CACS, they receive an automated e-mail directing them to the Temple employee portal to obtain instructions to initiate the CPSL background clearance process.⁵⁶ Within the Human Resources Department, the Office of Background Checks and Compliance (Compliance Office) is responsible for tracking and monitoring completion of the background clearances through the CACS.⁵⁷

⁵⁴ Statement on the electronic registration form stating, "I attest that the information provided regarding Child Abuse and Criminal History checks is accurate. I attest that these records do not evidence prior child abuse or any criminal convictions. I acknowledge that if this information is proven false, I face termination from the program, as well as repercussions to the fullest extent of the law." We do not believe, however, that these attestation statements are sufficient to ensure compliance with CPSL without additional monitoring as noted in the previous section of this finding.

⁵⁵ Temple officials indicated that every 14 days the system performs a reconciliation to ensure the individuals identified on the hiring requisition as requiring CPSL background clearances were properly electronically transmitted into CACS. We did not place reliance on these electronic system transmission and controls, but instead we tested around the system by determining on a test selection basis that individuals recorded in CACS as having CPSL background clearances had the actual clearances and individuals not having CPSL background clearances in CACS appropriately did not require the clearances according to relevant laws and Temple policy. See further details discussed in the Data Reliability section of *Appendix A* of this report.

⁵⁶ Prospective employees may also submit their valid CPSL background clearances if they have been conducted within the preceding sixty months. Employees may have obtained the CPSL background clearances at the time of hire or due to a change in job or job responsibilities.

⁵⁷ The CACS was implemented in February 2017. It provides a dashboard to monitor the progression of employees obtaining their CPSL background clearances. It also allows the exporting of data into Microsoft Excel for reporting and/or auditing the data. This database is a tool for managing the process pursuant to the CPSL and Temple University's policies.

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Based on the data provided by Temple from the CACS, 1,397 of the 11,524 employees hired between July 1, 2016 and December 31, 2018 obtained the CPSL background clearances.⁵⁸ We randomly selected 31 employees identified as having the CPSL background clearances and performed procedures to determine whether the background clearances were completed timely, maintained accurately in the CACS, and did not contain any disqualifying convictions that would preclude the employee from working with minors.

During the audit period, the CPSL stipulated that employers may employ applicants on a provisional basis for 90 days if certain conditions are met, including the obtainment of a written affirmation from the applicant stating that the applicant is not disqualified from employment pursuant to the CPSL.⁵⁹ Temple's policy parallels the law, but only allows for a provisional period of 60 days, and terms the written affirmation a disclosure statement.⁶⁰

We obtained and reviewed all three required CPSL background clearances for each of the 31 new employees selected and found the following:

- The CPSL background clearances for 27 new employees were obtained in accordance with the CPSL and Temple's policy.
- The CPSL background clearances for four new employees were not obtained within the required time frame. The four sets of clearances were obtained between 240 and 411 days after the date of hire, which is not compliant with Temple's policy nor the CPSL. Temple's Compliance Office had previously identified that these four new hires had not properly obtained their CPSL clearances as explained below:

⁵⁸ Temple management provided a list of all employees hired between July 1, 2016 and December 31, 2018, from its Banner Enterprise Resource Planning System. Management also provided a list of employees that obtained the CPSL background clearances during the same period from the CACS. We merged the files together to obtain the new employees that received CPSL background checks. The completeness of the data we received is of undetermined reliability as noted in *Appendix A*; however, we did perform some tests for reasonableness and accuracy of the data and this is the best data available. Although this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our findings and conclusions.

⁵⁹ 23 Pa.C.S. § 6344(m). Effective December 31, 2019, Act 47 of 2019 changed this provision to state that employers **may not** employ applicants on a provisional basis, except as specifically otherwise provided (i.e., not applying to higher education institutions). (Emphasis added).

⁶⁰ According to Temple, during our audit period, individuals may be hired provisionally for a period not to exceed sixty days if the following conditions are met: (1) applicant has applied for the three CPSL background clearances; (2) Temple has no knowledge of information about the applicant that would disqualify him/her from employment that requires direct contact with minors; (3) the applicant affirms in writing they are not disqualified from employment pursuant to Section 6344(c) of the CPSL; and (4) the applicant is not permitted to work alone with minors. A Disclosure Statement is a form signed by an individual indicating CPSL clearances have been applied for and the person affirms they have not been convicted of any crimes under the CPSL that would disqualify them from working with minors. Temple Board of Trustees Policy 04.61.14, Background Checks for Employees Having Contact with Minors was amended/reviewed subsequent to our audit period on December 31, 2019 to comply with Act 47 of 2019. The background clearances must be obtained prior to commencing employment and there is no provisional hiring period.

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- Two instances were discovered in March 2017 during an overall system audit which found that the electronic hiring requisition form indicated the CPSL background clearances were required; however, they were not completed at the time of hire. Temple officials indicated that these two employees were hired prior to the implementation of CACS.
- Two instances were discovered in October 2017 during an audit of the Athletics Department. Temple officials indicated that a hiring manager within the Athletics Department incorrectly indicated on the electronic hiring requisition forms that the positions would not work with minors under 18.

Temple also provided audits for 2017 and 2018 conducted by its Compliance Office for employees in CACS that were identified as requiring CPSL clearances. The objectives of these audits included verifying that all three CPSL clearances were properly scanned into CACS and the related clearance dates were accurately recorded in CACS. Management also indicated the Compliance Office performs department level audits by request or if discrepancies are identified. These audits are important monitoring procedures for identifying and correcting CPSL or Temple policy discrepancies.

The failure to timely obtain CPSL background clearances potentially places the welfare and safety of children at risk of harm.

- The CPSL background clearances for all 31 employees did not contain any disqualifying convictions that would have prohibited them from working with minors.
- The dates for the CPSL background clearances listed on the data provided by Temple from CACS agreed to the dates listed on the actual background clearances for 30 employees. Note that for one employee hired near the beginning of the period in July 2016, the background clearances were obtained in May 2016 but the dates were not in the data we received for audit due to timing. We do not consider this an exception.

We also performed audit procedures to assess whether Temple properly determined which new employees needed CPSL background clearances. Temple officials provided us with a list of positions that require CPSL background clearances, including coaches in all sports, youth development specialists, and employees that work in the pediatric dental clinic. Using that position list, we judgmentally selected 22 new employees that did not have CPSL background clearances according to the data but, based on the job positions, these employees might work with children. Based on our review of the corresponding electronic hiring requisition forms and job descriptions, as well as discussions with Temple officials, we agreed with Temple's assessments and conclusions that CPSL background clearances for these 22 positions were not warranted, however this does not consider employees that work at youth programs as discussed in *Finding 2.1*.

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Finding 2.3 – Temple did not complete required criminal/civil background checks for certain employees in accordance with its procedures.

The City of Philadelphia, where Temple’s main campus is located, has an ordinance that makes it an unlawful discriminatory practice for a city agency or private employer to make any inquiry or require a person to disclose or reveal any criminal conviction during a job application process.⁶¹ In other words, employers cannot ask about a criminal background on job applications or during a job interview. Employers, however, are allowed to perform a criminal background check after a conditional offer of employment is made with the following restrictions:

- Criminal convictions can be considered only if they occurred less than seven years from when an applicant applies for the job (not counting time of incarceration).
- Arrests that did not lead to conviction cannot be used in any employment decisions.⁶²

Although Temple officials indicated that it waits to request criminal/civil background checks until after a provisional offer of employment is accepted as required by the City ordinance, we found that Temple only requires a criminal/civil background check for employees in certain positions, such as those with cash handling responsibilities, human resources positions, campus police, security positions, and business managers as addressed in further detail in *Finding 2.4*.⁶³

According to Temple officials, when a new employee is determined to need a criminal/civil background check, the respective hiring manager selects “yes” on an electronic hiring requisition form which initiates a process to inform a third-party contractor to complete the background check once the provisional offer of employment is accepted. The process for notifying the contractor and monitoring to ensure completion of the background checks changed during the audit period, as discussed in more detail below.

We randomly selected 12 new hires identified as being required to obtain criminal/civil background checks in order to determine whether the criminal/civil background checks were obtained and maintained and, if any convictions were identified, that the appropriate vetting process followed.⁶⁴ We requested the criminal/civil background checks for these 12 employees,

⁶¹ <https://www.phila.gov/HumanRelations/PDF/BanTheBoxOrdinance.pdf> (accessed September 11, 2019).

⁶² Ibid.

⁶³ Temple management provided us with an informal document summarizing positions for which it requires to have background screenings. This document lists positions that require CPSL background clearances as well as criminal/civil background checks.

⁶⁴ Temple provided us with a list of new hires from July 1, 2016 through December 31, 2018, from its Taleo Enterprise Tracking System and Hire Workflow requisitions that were required to have a criminal/civil background check. Answering yes to certain questions on the requisitions determine if a criminal/civil background check is required. The completeness of the data we received is of undetermined reliability as noted in *Appendix A*; however, we did perform some tests for reasonableness and accuracy of the data and this is the best data available. Although

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but Temple could only provide the criminal/civil background checks for 6 employees (50 percent). The remaining 6 employees had no background checks on file, despite the electronic hiring requisition form having indicated that background checks were required.

Temple officials acknowledged that the employees did not have the required criminal/civil background checks performed and stated that it was due to the volume of background checks, an inadequate manual process, and decentralized, inadequate oversight. Specifically, officials indicated that prior to November 2018:

- The contractor who conducted the background check had to be manually notified that an employee needed a background check after the provisional offer of employment was accepted, and in some cases the notification to the contractor was not made.
- The designated Human Resource representative and the hiring manager from the school/department were responsible for ensuring the background checks were completed; however, there was no tracking system in place to monitor completion.

Beginning in November 2018, Temple stated that it implemented a new automated system to better notify the contractor that background checks are required and to monitor that the background checks are received, as follows:

- Temple sends an automated notice to the third-party contractor to conduct the criminal/civil background check once the individual is entered into Temple's personnel system after a provisional offer of employment is accepted.
- The contractor then sends an invitation within 24 hours to the new employee requesting permission to conduct the criminal/civil background checks. The employee must respond in order for the background check to be completed.
- Temple's Compliance Office is now responsible for tracking and monitoring the completion of the criminal/civil background checks through weekly reports uploaded from the contractor's system.

In order to determine the effectiveness of these changes, we judgmentally selected ten additional employees who were hired in December 2018 and needed criminal/civil background checks. We found that criminal/civil background checks were only obtained for six of the employees and the remaining four employees had no criminal/civil background checks on file. Temple officials explained that in these four instances the employees did not respond to the contractor's email requesting approval to conduct the criminal/civil background checks. While Temple's new procedures require its Compliance Office to monitor the status of the criminal/civil background

this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our findings and conclusions.

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checks on a weekly basis and, if the employee does not respond to the contractor within four days, to follow-up with the hiring department to contact the employee to respond to the email, these procedures did not occur. Temple officials could not adequately explain to us why the Compliance Officer did not follow the procedures to ensure that these employees, who we brought to management's attention, did not respond in order to obtain the required criminal/civil background checks.

We also found that Temple has no formal policy regarding criminal/civil background checks, including what positions require them, when they are required to be completed, and what the consequences are if the employee does not comply with authorizing the criminal/civil background checks. For example, Temple requires that CPSL background clearances must be obtained prior to commencing employment.⁶⁵ A similar requirement stating employees cannot commence employment until a criminal/civil background check is obtained would help ensure new employees respond to emails from the contractor requesting to conduct the background check and for the Compliance Office to monitor the background checks were indeed completed.

In addition to testing to determine whether criminal/civil background checks were completed as required, we also reviewed the electronic hiring requisition forms, job descriptions, and made inquiries to Temple officials to determine whether 18 selected employees that were identified as not requiring a criminal/civil background check were truly not required to have one based on the job position.⁶⁶ Based on our audit procedures, we found one instance where the electronic hiring requisition form indicated background checks were required for a financial manager position for which an individual was hired in September 2016; however, no criminal/civil background check was obtained. Temple officials agreed the individual should have received a background check and were unsure why this individual was listed as not requiring a background check since the requisition box was checked indicating the background check was required. We did not investigate further as to the completeness of the data we received which is of undetermined reliability as further noted in the table included in *Finding 2.4* and in *Appendix A* of this report. The electronic hiring requisition form and job descriptions for the remaining 17 employees supported the determination that background checks were not required.

Failure to conduct and maintain the required criminal/civil background checks of these employees exposes Temple to risks of potential litigation and possible liability, financial losses, and criminal activity on its campuses.

⁶⁵ Temple Board of Trustees Policy 04.61.14, Background Checks for Employees Having Contact with Minors was amended/reviewed subsequent to our audit period on December 31, 2019.

⁶⁶ Temple management provided a list of all employees hired between July 1, 2016 and December 31, 2018, from its Banner Enterprise Resource Planning System. Management also provided us a list of new hires for the same period from its Taleo Enterprise Tracking System and Hire Workflow that were required to have a criminal/civil background check. The 18 individuals we selected were from the entire population of new hires that were not required to have criminal/civil background checks.

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Finding 2.4 – Temple did not complete a CPSL or criminal/civil background check for nearly 9,600, or 83 percent, of its newly hired employees.

As discussed in the above findings, Temple’s policies require all new hires to receive the CPSL background clearances if the new hire has direct contact with minors. Temple also stated that it requires a criminal/civil background check for employees in certain other positions, such as employees with cash handling responsibilities, human resources positions, campus police, security positions, and business managers. We found, however, that Temple’s practices resulted in Temple not conducting the CPSL background clearances or criminal/civil background checks (collectively referred to as background screenings in this finding) for 83 percent of its newly hired employees between July 1, 2016 and December 31, 2018, as shown in the table below.

Background Screening Type	Number of New Hires	Percentage of New Hires
No Background Check	9,562	83%
CPSL Background Clearance Only ^{a/}	1,269	11%
Criminal/Civil Background Check Only ^{b/}	565	5%
Both CPSL Clearance and Criminal/Civil Background Check	128	1%
Total	11,524	100%

^{a/} Temple’s Child Abuse Certification System (CACS) provided the number of completed CPSL background clearances for new hires.

^{b/} Temple’s Taleo Enterprise Tracking System and Hire Workflow was used to determine the number of new employees that were required to have a criminal/civil background check. Our testing, as discussed in the prior section, disclosed that Temple did not always complete the background checks as required. The number in the table above represents background checks that were required to be, but may not have been, completed.

Source: This table was produced by the Department of the Auditor General staff based on employee data provided by Temple management from its Banner Enterprise Resource Planning System, Child Abuse Certification System, and Taleo Enterprise Applicant Tracking System. The completeness of the data we received is of undetermined reliability as noted in Appendix A; however, we did perform some tests for reasonableness and accuracy of the data and this is the best data available. Although this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our findings and conclusions.

In response to our question as to why Temple does not require criminal/civil background checks for all employees, Temple officials stated that while it has no formal policy, the duties of each position are analyzed, beyond simply reviewing the job descriptions, to identify if any aspects of the duties could pose a risk to others or to the Temple community. Additionally, as part of the hiring process, Temple contacts the applicant’s references to ensure that it is “hiring the right individuals.”

While it is not a legal requirement in Pennsylvania to conduct background checks on all prospective employees for institutions of higher education (which most commonly have adult students), the two largest university systems in the state, Pennsylvania State University (PSU)

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and the Pennsylvania State System of Higher Education (PASSHE), require some form of background screening for every new employee as detailed below.⁶⁷

- PSU requires anyone who works for or represents the university in any capacity to have a background check completed. Employees who have direct contact with minors are required to obtain the CPSL background clearances. All others receive a standard background check, which includes a social security number verification, a misdemeanor and felony background check, and a National Sex and Violent Offender Registry check.⁶⁸
- PASSHE requires all employees, prospective employees, and direct volunteers to have all three of the CPSL background clearances.⁶⁹

Requiring all new hires to undergo some form of background screening would potentially enhance student safety as well as the Temple community at large. Background screenings help to protect an employer's business interests, minimize risk, create a safe work environment, and assist human resource personnel in making sound employment decisions.

Important Consideration for the Pennsylvania General Assembly.

Act 15 of 2015 amended the CPSL by providing institutions of higher education with the ability to exclude employees from having to submit to background clearances unless they come into contact with individuals on campus who are not matriculated and are under the age of eighteen.⁷⁰ Therefore, enrolled students who are less than eighteen years of age, including prospective students visiting a campus, are not protected under the background clearance requirements. The General Assembly should closely review whether there is a statutory construct that could be placed into the CPSL to ensure these vulnerable younger and prospective students under eighteen are protected by requiring that any faculty member or staff member who “routinely” comes into contact with these students get the CPSL background clearances.⁷¹ does not require it. Ensuring

⁶⁷ These changes were brought about, in full or in part, as a result of the Jerry Sandusky child abuse crises during the period of 2011 to 2015.

⁶⁸ <https://policy.psu.edu/policies/hr99> (accessed September 11, 2019).

⁶⁹ http://www.passhe.edu/inside/policies/BOG_Policies/Policy%202014-01-A.pdf (accessed September 11, 2019).

⁷⁰ As noted earlier, the CPSL specifically exempts an employee of an institution of higher education “whose direct contact with children, in the course of employment, is limited to either: (A) prospective students visiting a campus operated by the institution of higher education; or (B) matriculated students who are enrolled with the institution” but the exemption does not apply to students who are enrolled in a secondary school. *See* 23 Pa.C.S. § 6344(a.1)(2)(ii)-(iii) (added by Act 15 of 2015).

⁷¹ Please note that our state Supreme Court recently held that the managerial CPSL background clearance policies of higher education institutions is not a bargainable labor issue because student safety is **paramount**, which provides such institutions with the managerial discretion to conduct CPSL background clearances of their employees even when the CPSL does not require it. [Emphasis added.] *See Association of Pennsylvania State College and University Faculties v. Pennsylvania Labor Relations Board*, 226 A.3d 1229 (Pa. 2020).

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that all Pennsylvania institutions of higher education must adhere to a meticulously crafted legal requirement amended into the CPSL mandating that any faculty member or staff member who “routinely” comes into contact with these minor students must get the CPSL background clearances would provide for vitally needed and enhanced minor protection measures on these campuses.

Recommendations for Issue Area 2

We recommend that Temple:

1. Develop and implement adequate management controls to ensure that CPSL background clearances for every employee working at an internal youth program are completed, obtained, and reviewed by Temple prior to the start of the program to verify that all workers do not have any disqualifying offenses. These clearances should also be maintained by Temple.
2. Obtain, maintain, and review the CPSL background clearances of all independent contractors hired by Temple to conduct a Temple-sponsored youth program in accordance with the CPSL.
3. On at least a sample basis, request and review a selection of CPSL background clearances from third-party vendors who have workers conducting or participating in external youth programs at Temple facilities. This review should be performed before the start of the youth program.
4. On at least a sample basis, verify that the workers physically present during the youth programs are the same individuals that were listed on the registration forms to ensure that all workers have the proper CPSL background clearances.
5. Continue to ensure that all youth programs are properly registered in accordance with Temple’s policy.
6. Develop and implement adequate management controls to ensure that CPSL background clearances are obtained and reviewed in accordance with the CPSL for all new hires required to have CPSL background clearances prior to commencing employment.
7. Continue to have its Compliance Office complete department-level audits periodically to ensure all employees that have direct contact with minors were properly identified at hire or during a change of job or job responsibilities.

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8. Continue to have its Compliance Office complete audits of its Child Abuse Certification System at least annually to ensure that all three CPSL clearances for respective employees are properly scanned, maintained, and the related clearances dates in the CPSL are accurate.
9. Ensure that it has developed and implemented management controls to ensure that employees' CPSL background clearances are completed every five years as required by the CPSL and properly reviewed.
10. Develop and implement adequate policies and management controls related to criminal/civil background checks. Consideration should be given, but not limited to, the following:
 - a. Formally establishing which positions and/or what responsibilities warrant employees to obtain criminal/civil background checks.
 - b. Formally establishing when criminal/civil background checks must be completed, such as at time of hire or with a position change.
 - c. On at least a sample basis, review a selection of hiring requisition forms to determine that positions indicated as not needing a criminal/civil background check actually do not need one.
 - d. Formally establishing consequences for employees who do not authorized the criminal/civil background checks.
 - e. Developing a weekly reporting tool for the Compliance Office to report to Temple management on the status of the criminal/civil background checks and what procedures were performed to moving the criminal/civil background checks toward completion. This should provide additional assurance that criminal/civil background checks are properly monitored.
 - f. Ensuring that the electronic hiring requisition form information is properly recorded in its tracking system.
11. Consider expanding its policy to require either the CPSL background clearances or criminal/civil background checks for all employees.

Additionally, we recommend that the Pennsylvania General Assembly:

12. Consider legislation requiring all university employees, contractors (including their employees), and direct volunteers who have or will have routine and direct contact with minors under 18 years of age, including enrolled students and students visiting a campus, obtain the CPSL background clearances.

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Issue Area 3 – Sexual Harassment Prevention

Sexual harassment is a form of discrimination that is prohibited under the Civil Rights Act of 1964 (i.e., Title VII).⁷² Sexual harassment in the workplace can have various negative consequences and the severity of the effects of sexual harassment are often understated. Sexual harassment can severely jeopardize an individual's emotional, mental, and physical health. It can also hinder workplace operations. We acknowledge the value of having a workplace free of sexual harassment, as is prescribed by the United States Equal Employment Opportunity Commission (EEOC); therefore, this issue area examines the effectiveness of Temple University's (Temple) sexual harassment prevention policy.⁷³

In order to determine whether Temple's sexual harassment prevention policy is comprehensive and effective, we obtained Temple's *Preventing and Addressing Sexual Harassment Policy* (policy) and compared it to EEOC's policy guidance. We also gained an understanding of how Temple communicated its policy to its employees through training and its policy acknowledgement process. Finally, we performed audit procedures to assess whether employees completed the required sexual harassment prevention training. Based on our audit procedures, we found that:

- Temple failed to design and implement adequate oversight, due in part to weaknesses in its tracking system, to ensure all new employees received the required training on preventing and addressing sexual harassment.
- In 2018, Temple discontinued its infrequent, ongoing sexual harassment prevention training for all current employees and replaced it with a mere annual policy acknowledgment.
- Temple's policy was generally comprehensive, but Temple lacked the vital oversight needed to ensure the policy was consistently followed and effective.

Our above noted findings demonstrate that although Temple has taken steps to implement programs that would prevent sexual harassment on campus, Temple has not extended its commitment of sexual harassment prevention to its employee training program. Temple's failure to maintain adequate oversight over the employee sexual harassment prevention training, including tracking training completion, may be interpreted by its employees that it is not one of Temple's high priorities. This is clearly inconsistent with the EEOC guidance and its recommendations. Not having a strong on-going sexual harassment prevention training program

⁷² Title VII applies to employers with 15 or more employees, including federal, state, and local governments, employment agencies, and labor organizations. See Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* <https://www.eeoc.gov/laws/statutes/titlevii.cfm>. Further, state law similarly prohibits sexual harassment under the Pennsylvania Human Relations Act (PHRA), 43 P.S. § 951 *et seq.*

⁷³ The PHRA is enforced by the Pennsylvania Human Relations Commission.

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increases the risk for the occurrence of situations involving sexual harassment. See the findings addressed in detail in the sections to follow.

Additionally, although our audit focused on sexual harassment prevention for Temple employees, we performed limited procedures related to sexual harassment prevention for Temple students. Federal statute requires that all colleges and universities that participate in federal financial aid programs collect statistics about crime on or near their campuses and publish the information in an annual security report.⁷⁴ Further, the Pennsylvania Public School Code (PSC) requires that institutions of higher education establish a sexual violence awareness educational program for students.⁷⁵ We reviewed Temple's *Annual Security Report* published on its website and found that it was prepared and publicly posted in accordance with the federal statute.⁷⁶ We also reviewed the online sexual harassment training offered to students and found the content to be sufficient to comply with the PSC.

Finding 3.1 – Temple failed to design and implement adequate oversight, due in part to weaknesses in its tracking system, to ensure all new employees received the required training on preventing and addressing sexual harassment.

According to Temple's policy, all newly hired faculty and other employees must have a training session on sexual harassment prevention as part of new hire orientation. According to Temple officials, all new full-time employees, part-time employees, full-time faculty, and post-doctoral fellows are required to complete a live New Hire Orientation session (live training) and an online training session titled *Preventing and Addressing Discrimination and Harassment* (online training). All other new employees, including graduate teaching assistants, graduate research assistants, and adjunct instructors, are only required to complete the online training. We reviewed the content of the live training as well as the various versions of the online training that occurred during the audit period and found that the trainings' content appeared in-line with EEOC recommended guidelines.⁷⁷

⁷⁴ 20 U.S.C. § 1092(f) (relating to Disclosure of campus security policy and campus crime statistics). <https://codes.findlaw.com/us/title-20-education/20-usc-sect-1092.html> (accessed February 1, 2019). See also pertaining to the Clery Act and Violence Against Women Reauthorization Act of 2013. <https://www2.ed.gov/admins/lead/safety/campus.html> (accessed July 27, 2020).

⁷⁵ PSC Article XX-G. Sexual Violence Education at Institutions of Higher Education. See 24 P.S. § 20-2001-G *et seq.* (Act 104 of 2010, effective in March 17, 2011). <https://www.education.pa.gov/Documents/Postsecondary-Adult/Institutional%20Reporting/Sexual%20Violence%20Education%20at%20Institutions%20of%20Higher%20Education.pdf> (accessed February 1, 2019).

⁷⁶ <https://safety.temple.edu/reports-logs/annual-security-report> (accessed October 25, 2019).

⁷⁷ New Hire Orientation live training did not have the Sexual Harassment content updated during the audit period. Preventing and Addressing Discrimination and Harassment online training was updated in the spring of 2018. We reviewed both the version that was in effect from 2016-2018 and the new 2018 version.

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For each live training session, Temple requires new employees to sign an attendance sheet, which Temple retains as evidence of who attended. Using the attendance sheets, Temple manually records who attended the training into the training module of Temple's Banner enterprise resource planning system (Banner system).⁷⁸

Regarding online training, which must be completed within 30 days of assignment, during the audit period July 1, 2016 through December 31, 2018, Temple administered this training through a system called WeComply, which tracked the completion date of the course. Temple officials, however, indicated that WeComply was replaced in January 2019 with a system called Bridge due to weaknesses in its tracking system. Specifically, WeComply would send reminder emails to the new employees who did not complete the training, but WeComply was unable to inform the new employee's supervisors that the online training was overdue. As a result, the supervisor could not ensure the training was ever completed.⁷⁹

Temple management is responsible for designing control activities in order to achieve its objectives and ensure its policies are operating effectively.⁸⁰ During our audit period, however, Temple did not have written procedures in place to periodically monitor whether new employees had completed the required sexual harassment prevention trainings. Because of the weaknesses in the WeComply system discussed above, the only monitoring Temple attempted was on two isolated occasions and was limited to online training, as summarized below:

- In November 2016, Temple had its Information Technology (IT) Department create a list of all employees who did not complete the online training. Temple's plan was to contact a supervisor or department head for each employee with delinquent training to ensure the employee would complete the training. Although the process was completed, according to Temple officials, it was a difficult and time-consuming manual process to figure out which key personnel in each department to contact, which prompted Temple to seek a new, more efficient tracking system.⁸¹
- In September 2018, Temple had its IT Department create a similar list of all employees who had not completed the online training. Because there were numerous people still on the list who had not completed the course since the prior list was produced in addition to

⁷⁸ The Banner System is used by Temple as an Enterprise Resource Planning System, Student Information System, Human Resource System, and Financial Management System.

⁷⁹ As of December 2018, prior to our audit procedures, Temple discontinued its use of the WeComply system to track employee training. The data was extracted from the WeComply system prior to the WeComply system being decommissioned, and was available to Temple in a database for reference. We used this extracted data for some of our testing. We did not, however, validate the reliability of the data to an independent source, but instead relied on the data as provided by management. Therefore, we consider the data to be of undetermined reliability as addressed in *Appendix A* of this report; however, it is the best data available. Although this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our findings and conclusions.

⁸⁰ United States Government Accountability Office, *Standards for Internal Control in the Federal Government*, Section 10.03.

⁸¹ The new system, Bridge, was implemented in January 2019.

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new people added to the list between 2016 and September 2018, Temple chose to forgo the manual process of contacting a supervisor and instead implemented the policy acknowledgment process (see *Finding 3.2*). Officials stated they opted to wait until the new training system (known as the Bridge system) was fully implemented (January 2019) to reassign overdue trainings for potentially easier tracking and follow-up. Temple provided screenshots from the new system showing that the overdue training courses had been reassigned.

Without having some form of continuous monitoring to ensure all new employees receive the required sexual harassment trainings, Temple cannot be assured that all new employees are properly receiving the sexual harassment prevention training.

In order to assess Temple's compliance with its policy, we randomly selected 20 of the 5,220 new employees hired between July 1, 2016 and December 31, 2018, and confirmed that all 20 new employees were required to attend both live training and online training.⁸² Based on our testing, we found that 11 of the 20 employees (55 percent) completed the training in accordance with the policy. The remaining nine new employees did not complete the required training in accordance with the policy as summarized in the following table:⁸³

New Employee Sexual Harassment Prevention Training Exceptions	Number of New Employees
Completed the live training and online training, but the online training was not completed within 30 days of assignment.	4
Completed the live training, but did not complete the online training.	3
Completed the online training, but did not complete the live training.	2
Total	9

While all of the 20 new employees we reviewed had some form of sexual harassment prevention training, Temple is not adequately enforcing its policy. During an interview, Temple officials stated that it is difficult to enforce its training policies because there are no tangible consequences that could be used to force an employee to complete the training.⁸⁴ We disagree

⁸² Temple management provided a list of all employees hired between July 1, 2016 and December 31, 2018, from its Ellucian Banner Enterprise Resource Planning System. The data we received is of undetermined reliability as noted in *Appendix A*; however, this is the best data available. Although this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our findings and conclusions.

⁸³ For live training, we validated that the employee attended the training using attendance sheets. For online training, we validated that the employee attended the training by reviewing Banner electronic training records. The original source of this data was through periodic updates from WeComply which populated the Banner training records. We did not, however, validate the reliability of the WeComply data to an independent source, but instead relied on the data provided by management. Therefore, we consider the data to be of undetermined reliability as addressed in *Appendix A* of this report; however, it is the best data available. Although this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our findings and conclusions.

⁸⁴ Temple officials explained that in order to reach as many employees as possible with the information, they use a three-pronged approach to Sexual Harassment policy compliance: describing university policies (including Sexual

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with this logic. Temple clearly has authority to both direct employees to complete training and incorporate consequences into its employment policies for failing to comply.

It is absolutely vital that all employees receive and acknowledge the information contained in Temple's sexual harassment training. Knowing what is expected, what is not permitted, and where to go if you need assistance is critical information for every member of the Temple community, including all new, part-time, short-term, and current employees, to have for their own safety and protection, as well as for the safety and protection of the people with whom they come in contact. Further, having controls in place that ensure that all members of the university community timely receive this information is a best practice and would further illustrate Temple's commitment to its stated goal of preventing sexual harassment.

Finding 3.2 – In 2018, Temple discontinued its infrequent ongoing sexual harassment prevention training for all current employees and replaced it with a mere annual policy acknowledgment.

The EEOC recommends that compliance training related to preventing harassment be conducted and reinforced on a regular basis for all employees and suggests that employees understand that an organization's devotion of time and resources to any effort reflects the organization's commitment to that effort. The EEOC also stated that if compliance trainings are not held regularly, employees will not believe that preventing harassment is a high priority for the employer. Conversely, if compliance trainings are regularly scheduled events in which key information is reinforced, that will send the message that the goal of the training is important.⁸⁵

With regard to Temple's ongoing training to prevent sexual harassment, Temple officials stated that in the past whenever the content of the online training was updated, it would require all employees to complete the revised online training. This practice seems to be consistent with Temple's policy which states:

Harassment) at New Hire Orientation, assigning all new hires the online Preventing Discrimination and Harassment training course and requiring all staff to complete the policy acknowledgment that will be discussed later in *Finding 3.2*.

⁸⁵ The EEOC defines compliance training as training that helps employers comply with the legal requirements of employment non-discrimination laws by educating employees about what forms of conduct are not acceptable in the workplace and about which they have the right to complain. The EEOC explains that they do not believe that such trainings should be limited to the legal definition of harassment. Rather, it explains that the trainings should also describe conduct that, *if left unchecked*, might rise to the level of illegal harassment. *Report of Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace*, U.S. Equal Employment Opportunity Commission, June 2016, pages 50-52.

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Follow-up educational efforts, including online training sessions for all members of the university community, occur with such frequency and in such a manner as to carry out the purposes of this policy.⁸⁶

In reality, however, this practice and policy did not result in Temple providing regular, ongoing sexual harassment prevention training. Temple officials indicated that on-line training was updated in 2014 and again in 2018; however, as explained below, Temple did not offer the 2018 updated prevention training to all employees. Only providing ongoing training when updates occur, which in this instance was after four years since the previous policy update, is not consistent with the EEOC's guidance. While the EEOC does not define how often regular, ongoing training should be, we believe offering training less frequently than every other year does not constitute regular, ongoing delivery of training.

In August 2018, Temple eliminated its practice of providing ongoing sexual harassment prevention training to all employees and instead replaced it with an annual policy acknowledgement, which included several policies including sexual harassment prevention. To enforce the policy acknowledgment, Temple officials explained that before an employee could log into Temple's employee portal, which is used to access email and other resources, a pop-up window appeared with instructions for the employee to read certain Temple policies and click on a button to acknowledge the following:

I have read and will comply with these Temple University policies. I agree to abide by the provisions contained therein in order to maintain my status as a Temple University employee.

Temple officials indicated that the pop-up window was not programmed to force employees to access the linked policies. As a result, Temple has no way of knowing whether the employees actually re-read the policies or simply clicked the button to record the acknowledgement. This process, therefore, does not ensure that all Temple employees have truly reminded themselves as to what these policies actually say. Without that routine reminder, employees may not be as conscientious as they should with their behavior that could lead to occurrences of possible sexual harassment. This concern appears to be in direct contradiction to EEOC guidance, which recommends that regular training be "conducted by live, interactive trainers, or if live training is not feasible, designed to include active engagement by participants..."⁸⁷

When asked why Temple eliminated ongoing training and replaced it with an annual policy acknowledgement, Temple officials responded that: **this change was made in an attempt to achieve the highest levels of "training" compliance with its sexual harassment prevention**

⁸⁶ Preventing and Addressing Sexual Harassment, Temple University Policies and Procedures Manual, 04.82.01, July 2017. <https://secretary.temple.edu/sites/secretary/files/policies/04.82.01.pdf> (accessed October 9, 2019).

⁸⁷ Promising Practices for Preventing Harassment, <https://www.eeoc.gov/eeoc/publications/promising-practices.cfm> (accessed October 9, 2019).

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policy for all employees.⁸⁸ Put simply, Temple believed that more employees would sign the policy acknowledgement than would take the ongoing prevention training. Although this policy acknowledgement may produce better completion statistics, it likely will not be as effective at preventing sexual harassment situations at Temple. As a result, we question whether this decision was in the best interest of its employees and students.

Based on this change, we decided to determine whether employees completed the fall 2018 policy acknowledgment process. We selected 55 employees from the Banner system who were hired prior to August 14, 2018, and reviewed their respective electronic training records.⁸⁹ According to the electronic records, 43 of the 55 employees selected completed the policy acknowledgment process successfully and 12 employees did not. Upon further inquiry of the 12 employees, Temple stated the following:

- 9 were part-time employees who did not log onto the employee portal.
- 1 logged in, but a technical error prevented the database from recording his acknowledgment.
- 2 were full-time employees who did not log in between August 14 and October 31. Temple was unable to provide a reason why.

According to Temple officials, because the pop-up window was only active for a short time frame, from August 14, 2018 through October 30, 2018 (78 days), some part-time or short-term employees may not have accessed the employee portal and, therefore, would not have been prompted to complete the Policy Acknowledgment.

After bringing the test results to Temple's attention, Temple officials queried its policy acknowledgement tracking database and found that nearly a quarter of its employees (23 percent) did not complete the annual policy acknowledgment for 2018. Temple officials also stated that the majority of those non-compliant employees were part-time employees and that it is difficult

⁸⁸ According to Temple officials at the time of our audit procedures, this new policy acknowledgement process was not incorporated into its policy. Temple's policy was subsequently updated in October of 2019 adding the words "and policy review" for Section B: Education to read as follows: "Follow-up educational efforts, including online training *and policy review* for all members of the university community, occur with such frequency and in such a manner as to carry out the purposes of this policy." Preventing and Addressing Sexual Harassment, Temple University Policies and Procedures Manual, 04.82.01, October 2019.
<https://secretary.temple.edu/sites/secretary/files/policies/04.82.01.pdf> (accessed July 16, 2020).

⁸⁹ In the Banner system, an "active" employee is an employee that does not have a "terminated" status. According to Temple, all active employees hired prior to August 14, 2018, would have been notified to complete the acknowledgment. In addition to the 20 new employees described in *Finding 3.1*, we randomly selected an additional 60 of 10,288 individuals that were employed during the period July 1, 2016 and December 31, 2018. Of those 80 total employees, 23 were terminated prior to August 14, 2018, and two were hired after October 30, 2018. We reviewed the remaining 55 employees for compliance with the policy acknowledgment process. As previously noted, we consider this data to be of undetermined reliability, however, it is the best data available. Although this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our findings and conclusions.

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to maintain their compliance. Although we understand that managing compliance for a diverse labor pool is challenging, Temple should ensure that all of its employees, both full and part-time, are informed and trained on current laws, regulations, policies, and behavioral expectations within and outside the workplace.

Temple officials admitted that employees' supervisors are not notified when their employees fail to push the acknowledgement button, and no monitoring of the completion of the policy acknowledgement is performed. The failure to design and implement an adequate monitoring process precluded Temple from achieving a high compliance rate.

Finding 3.3 – Temple's sexual harassment prevention policy was generally comprehensive, but Temple lacked the vital oversight needed to ensure the policy was consistently followed and effective.

As part of our objective, we compared Temple's sexual harassment prevention policy to what the EEOC recommends organizations include in order to have a comprehensive sexual harassment policy. Based on our review, we found that Temple's policy contains the recommended items as noted below:

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EEOC Policy Recommendations ^{a/}	Included in Temple's Sexual Harassment Prevention Policy? ^{b/}
<ul style="list-style-type: none"> A clear explanation of prohibited conduct, including examples. 	<p style="text-align: center;">Yes Section A.1-3</p>
<ul style="list-style-type: none"> Clear assurance that employees who make complaints or provide information related to complaints, witnesses, and others who participate in the investigation will be protected against retaliation. 	<p style="text-align: center;">Yes Section E</p>
<ul style="list-style-type: none"> A clearly described complaint process that provides multiple, accessible avenues of complaint. 	<p style="text-align: center;">Yes Section C.1 Section C.3</p>
<ul style="list-style-type: none"> Assurance that the employer will protect the confidentiality of harassment complaints to the extent possible. 	<p style="text-align: center;">Yes Section C.2 Section C.3.b&d</p>
<ul style="list-style-type: none"> A complaint process that provides a prompt, thorough, and impartial investigation. 	<p style="text-align: center;">Yes Section C.3.b-d</p>
<ul style="list-style-type: none"> Assurance that the employer will take immediate and proportionate corrective action when it determines that harassment has occurred and respond appropriately to behavior which may not be legally-actionable "harassment" but which, left unchecked, may lead to the same. 	<p style="text-align: center;">Yes Section D</p>
<p>^{a/} <i>Report of Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace</i>, U.S. Equal Employment Opportunity Commission, June 2016, page 38.</p> <p>^{b/} Temple University Policies and Procedures Manual 04.82.01, <i>Preventing and Addressing Sexual Harassment</i>, July 2017 revision. Note that Temple's policy was initially enacted in 1992 and subsequently updated in 1994, 1999, 2007, 2015, July 2017, and October 2019. Due to timing of our audit procedures, we evaluated the July 2017 revision in place during our audit period, however, in doing a cursory review of the later October 2019 revision, we found no changes to our results and conclusions.</p>	

In addition, a 2016 EEOC study of harassment in the workplace suggested a statement be in policy that sexual harassment is prohibited whether it occurs inside the workplace or outside of the workplace (i.e. social events, business trips, training sessions, conferences).⁹⁰ We noted, however, that Temple's policy does not specifically state that sexual harassment is prohibited whether it takes place on campus or elsewhere.

In conclusion, having a robust sexual harassment prevention policy enables organizations to effectively communicate expectations to employees, as well as the consequences for violating

⁹⁰ Chai R Feldblum, Victoria Lipnic, *Report of Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace*, U.S. Equal Employment Opportunity Commission, June 2016. <https://www.eeoc.gov/select-task-force-study-harassment-workplace> (accessed October 21, 2020).

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the policy. By comprehensively outlining and communicating the specific expectations and consequences for violating sexual harassment policies, organizations, such as a public university like Temple, will be better prepared to respond to sexual harassment complaints.

Recommendations for Issue Area 3

We recommend that Temple, in consultation with Temple's Office of University Counsel:

1. Require all employees complete sexual harassment prevention training on a regular basis (at least every two years) and revise its Preventing and Addressing Harassment Policy accordingly. Additionally, include its annual policy acknowledgment process into this policy.
2. Conduct live, interactive sexual harassment prevention training on a regular basis. If live training is not feasible, design the training to include active engagement by the participants in a virtual setting (especially during the current COVID-19 pandemic).
3. Establish detailed written procedures to monitor compliance and measure effectiveness, including identifying those responsible for oversight, the procedures to monitor, the frequency of the monitoring, and how the monitoring should be documented.
4. Implement sexual harassment training monitoring procedures according to the written procedures recommended to be established above, for both new hire training and ongoing training, to ensure all employees are completing training in accordance with its policy.
5. Revise its sexual harassment prevention policy to include where harassment is prohibited, (for example: on campus or offsite, such as social events, business trips, training sessions, or conferences).
6. Revise its employment policies to include enforceable repercussions if employees fail to complete required training sessions.
7. Periodically direct employees to complete the sexual harassment prevention training and policy acknowledgement, and enforce the direct order with disciplinary action for those employees who fail to comply.

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Temple University's Response and Auditor's Conclusion

We provided copies of our draft issue areas and related recommendations to Temple University (Temple) for its review. On the pages that follow, we included Temple's response in its entirety. Following Temple's response is our auditor's conclusion.

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Audit Response from Temple University



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March 22, 2021

Mark J. Molnar, CGAP
Audit Manager
Bureau of Performance Audits
Department of the Auditor General

RE: Temple University's response to the performance audit report

Attached please find the university's response to the confidential draft report, dated February 25, 2021 prepared by the Office of the Auditor General.

On behalf of Temple University, I would like to thank the Auditor General and his staff for the opportunity to respond to the issues identified in the draft report.

Please let me know if you have any questions or would like to discuss any of the responses in more detail.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ken Kaiser'.

Kenneth H. Kaiser
Vice President, CFO & Treasurer

Cc: Richard M. Englert, President
Michael B. Gebhardt, Vice President, University Counsel

Attachment

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Temple University appreciates the opportunity to provide this response to the performance audit findings and assertions made by Auditor General Timothy L. DeFoor in his February 25, 2021 draft performance audit report (“2021 Report”). The university carefully reviewed the recommendations made in the 2021 Report and as outlined below will adopt them where practicable.

In fiscal year 2022, Temple University’s Internal Audits department will conduct an audit of the changes to the policy and procedures outlined below that are being implemented in response to the recommendations in the 2021 Report. Thereafter, Internal Audits will add these audits to its audit cycle plan.

A workgroup will be convened to determine the appropriate timelines for implementing the responses outlined below.

Issue Area 1 – Capital Improvements:

Capital investment is critical for supporting student enrollment, research, academics, co-curricular activities and service for neighbors the City and the region. Ensuring that Temple’s campuses are updated and relevant is particularly important now as competition intensifies as opportunities for funded research narrows, demographic trends in the Northeast continue to challenge and prospective students increasingly seek non-traditional educational opportunities.

Funding to support major capital projects at Temple University comes from three primary sources: Commonwealth capital grants, debt and fundraising. Tuition revenue is not a primary funding source for major capital construction.

Major capital projects at Temple University are guided and informed by a comprehensive and collaborative process. The result of that process, referred to as the “Visualize Temple” master plan, serves as a roadmap for identifying capital needs and opportunities. This plan is meant to be a flexible framework and not rigid or proscriptive. As such, not every project identified in the plan will be completed while others may be added.

2021 Report Recommendations:

1. *Revise capital planning policies to include a description of its processes for prioritizing need and allocating limited resources, the role of the public and other stakeholders in the process, detailed monitoring provisions, and how changes to the master plan are handled.*

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The university will convene a working group to consider how to codify and formalize the comprehensive practices and procedures in place for capital planning. As stated in the 2021 Report, Temple's decision-making process for capital improvements is aligned with the Government Finance Officers Association (GFOA) standards but can be better documented through written policy.

2. *Perform sufficient outreach to stakeholders, including the community and City Council, early in its capital projects decision-making process to determine whether there is sufficient support prior to incurring significant costs.*

Temple University values input from external stakeholders. In particular, the university seeks and values input from the North Philadelphia community.

In collecting stakeholder input, the university complies with the Philadelphia Zoning Code which establishes a robust Civic Design Review (CDR) process. The CDR process outlines the procedures for the university's major capital projects to be reviewed in a public forum. During the early phases of a project the university is eager to comply with the requirement to meet with Registered Community Organizations. At these meetings the university presents in detail its development plans and solicits community input. The university also willingly complies with the requirements to engage City Council, its district Councilperson and other City regulatory agencies throughout the approval process.

The university understands its responsibility to be prudent stewards of the public funds and tuition revenue it receives. Some level of investment is needed when evaluating major capital projects and preparing to solicit input from and respond to external stakeholders. As such, the development of any capital project requires a significant level of due diligence to establish the programmatic needs, define the viability of the project and estimate costs. The due diligence phase typically includes programming, as well as engineering studies such as soil conditions, traffic, environment impact and parking requirements. This phase also includes architectural studies to consider how to address specific site conditions. These due diligence documents are required by the Philadelphia CDR process which involves community meetings, City Planning Commission meetings and discussions with other regulatory agencies. In addition, the following documents are necessary to comply with the requirements of the CDR:

- Existing site survey
- Floor Plans
- Landscape Plans
- Elevations
- Site Sections
- Perspective Renderings

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- Physical Models
- Sustainability initiatives
- A Complete Philadelphia Streets Handbook Checklist - This checklist is used to document how project applicants considered and accommodated the needs of all users of City streets during the planning and/or design of projects affecting the public right-of-way.

Development of these due diligence documents requires the university to engage outside professionals with subject area expertise early in the development of any project. The 2021 Report references funds expended on the proposed athletics and recreation zone while the project was in development. These expenses represent no more than 1% of the estimated project cost, which in Temple's experience is not unreasonable.

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Issue Area 2 – State and federal Background Clearances and Criminal/Civil Background Checks:

Temple University takes seriously the safety of minors in our community. As such, we have developed policies, procedures, and practices that align with Commonwealth and City legislation governing this very important area.

While we address each proposed finding below, as a preliminary matter, we point out that many of the concerns outlined in the audit report have already been addressed. Moreover, as applicable legislation has been amended (changes to the CPSL provisional hiring rules in December 2019) and new City regulations (City of Philadelphia’s “Ban the Box” legislation and the “Fair Criminal Record Screening Standards Act”), Temple has endeavored to adjust its practices in order to address the disparate interests of the City in limiting background checks with the Commonwealth’s interests in a more universal regime.

It is important to note that all persons who were required to be cleared did not have any information that would have disqualified them from working with minors, even if the clearances were delayed beyond the previous allowable provisional time period.

While the initial findings recommend thousands of additional checks, we also note that the current law, for a variety of reasons, does not require a university to clear all employees, most notably because the majority do not have any interaction with non-matriculated minors on Temple’s campus.

In addressing the Auditor General’s findings, Temple will continue to improve its processes and follow all federal, state and local laws and guidelines.

2021 Report Recommendations:

1. *Develop and implement adequate management controls to ensure that CPSL background clearances for every employee working at an internal youth program are completed, obtained, and reviewed by Temple prior to the start of the program to verify that all workers do not have any disqualifying offenses. These clearances should also be maintained by Temple.*

A working group consisting of Human Resources, Risk Management, Athletics and the Office of Non-Credit & Continuing Education will develop management controls to ensure CPSL clearances are obtained prior to any university employee working at a Temple sponsored youth program. This effort will build upon the December 31, 2019 change in university policy requiring CPSL clearances be obtained prior to commencing

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employment. The controls will require all clearances be submitted to and maintained in either Human Resources or Risk Management.

2. *Obtain, maintain, and review CPSL background clearances of all independent contractors hired by Temple to conduct a Temple-sponsored youth program in accordance with the CPSL.*

The above-noted working group will develop the procedures for obtaining and maintaining CPSL clearances for independent contractors retained by the university to work in Temple-sponsored youth programs.

3. *On at least a sample basis, request and review a selection of CPSL background clearances from third-party vendors who have workers conducting or participating in external youth programs at Temple facilities. This review should be performed before the start of the youth program.*

The Office of Risk Management will begin sampling CPSL background clearances of third-party vendors conducting external youth programs on a Temple campus or location in summer 2021.

4. *On at least a sample basis, verify that the workers physically present during youth programs are the same individuals that were listed on the registration forms to ensure that all workers have the proper CPSL background clearances.*

The Office of Risk Management will begin verifying on a sample basis that the workers physically present at youth programs match the individuals listed on the registration forms beginning in summer 2021.

5. *Continue to ensure that all youth programs are properly registered in accordance with Temple's policy.*

Temple University will continue to adhere to its policy and properly register all youth programs as noted in the recommendation.

6. *Develop and implement adequate management controls to ensure that CPSL background clearances are obtained and reviewed in accordance with the CPSL for all new hires required to have CPSL background clearances prior to commencing employment.*

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In compliance with Pennsylvania law, effective December 21, 2019, Temple University no longer permits a provisional period for CPSL clearances. Therefore, employment may not commence prior to the university receiving an individual's CPSL clearances.

7. *Continue to have its Compliance Office complete department-level audits periodically to ensure all employees that have direct contact with minors were properly identified at hire or during a change of job or job responsibilities.*

As noted in the response to recommendation #6 above, for new employees, employment may not begin prior to the receipt of the CPSL background clearances. Department-level audits by the Human Resources Compliance Office will continue to ensure CPSL clearances are obtained for employees whose job responsibilities change so as to require them to interact with non-matriculated minors. In addition, all departments with employees that interact with non-matriculated minors will be audited at least annually by the Human Resources Compliance Office.

A communication from the Human Resources Compliance Office will be sent to departments reminding them of their responsibility to report any changes to an employee's responsibilities that would subject them to the CPSL background check.

8. *Continue to have its Compliance Office complete audits of its Child Abuse Certification System at least annually to ensure that all three CPSL clearances for respective employees are properly scanned in (maintained) and the related clearances dates in the CPSL are accurate.*

As noted previously, employment may not commence prior to the university receiving an individual's CPSL clearances. The Human Resources Compliance Office will continue to audit the Child Abuse Certification System (CACS) at least annually.

9. *Ensure that it has developed and implemented management controls to ensure that employees' CPSL background clearances are completed every five years as required by the CPSL and properly reviewed.*

The CACS includes automated triggers that notify employees three months prior to their five-year recertification date. The system will send a notification to the employee every seven days or until the updated CPSL background clearances are obtained. The Human Resources Compliance Office will notify the employee's department of the noncompliance prior to the recertification date. Employees that fail to recertify and obtain the new CPSL background clearances by the due date will be suspended and ineligible to work at the university until their CPSL background clearances are obtained.

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- 10. Develop and implement adequate policies and management controls related to criminal/civil background checks. Consideration should be given, but not limited to, the following:*

Effective June 30, 2021, Temple University will no longer permit employees to commence working before they initiate the criminal/civil background checks. A university-wide communication outlining this change in procedures will be sent to the university community explaining the rationale for the change as well as the June 30, 2021 effective date.

- a. Formally establishing which positions and/or what responsibilities warrant employees to obtain criminal/civil background checks.*

The Temple University employee handbook outlines which positions require criminal/civil background checks.

- b. Formally establishing when criminal/civil background checks must be completed, such as at time of hire or with a position change.*

As noted above, the provisional period for initiating criminal/civil background checks will be eliminated. New employees will not be permitted to commence working at the university until the criminal/civil background check process has begun. For existing employees that change job responsibilities, their criminal/civil background checks must be initiated before they will be permitted to assume new duties.

Effective June 30, 2021 criminal/civil background checks must be completed within 30 days. However, there are instances when completing the background checks cannot be completed within this timeframe. Exceptions will be handled on a case-by-case basis by Human Resources.

- c. On at least a sample basis, review a selection of hiring requisition forms to determine that positions indicated as not needing a criminal/civil background checks actually do not need one.*

Temple University will include the sampling of hiring requisitions in the Human Resources Compliance Office audit procedures.

- d. Formally establishing consequences for employees who do not authorize the criminal/civil background checks.*

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As noted previously, the procedure will be changed so that employment may not begin before the criminal/civil background checks have been authorized.

- e. Developing a weekly reporting tool for the Compliance Office to report to Temple management on the status of the criminal/civil background checks and what procedures were performed to move the criminal/civil background checks toward completion. This should provide additional assurance that criminal/civil background checks are properly monitored.*

The Human Resources Information System is programmed to generate a weekly report showing those employees with criminal/civil background checks that are pending. The Human Resources Compliance Office works with the HR Business Partners and departments to move these background checks toward completion and closely monitors the report to ensure compliance within 30 days. There are instances when background checks may take longer than 30 days to complete, and these instances are handled on a case-by-case basis by Human Resources.

- f. Ensuring that the electronic hiring requisition form information is properly recorded in its tracking system.*

Human Resources will complete a retraining of the employment team by June 1, 2021 to ensure they are asking the proper questions to ensure positions requiring a criminal/civil background check are identified and properly recorded. Additionally, the Human Resources Compliance Office will add a sampling of electronic requisitions to its audit procedures to identify any potential classification and recording errors.

- 11. Consider expanding its policy to require either the CPSL background clearance or criminal/civil background checks for all employees.*

The university respectfully suggests that Finding 2.4 of the 2021 Report mischaracterizes Temple's efforts relating to background checks. The university endeavors to comply with mandated background checks and balances the breadth of optional checks with the City of Philadelphia "Ban the Box" legislation as well as the Philadelphia Code, these laws, along with persuasive and compelling guidance from federal agencies like the Equal Employment Opportunity Commission, assert that background checks disenfranchise significant portions of the Commonwealth's citizens. Therefore, while Temple takes safety concerns for children and its community very seriously, its policies on background checks are deployed in an appropriate manner in light of applicable law.

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Issue Area 3 – Sexual Harassment Prevention:

Temple continues to be fully prepared to respond to sexual harassment complaints as evidenced by our dedicated, campus-wide staff who train, counsel and advise students, faculty and staff both in the U.S. and at our campuses abroad regarding unlawful discrimination and harassment. This includes our Office of Equal Opportunity Compliance, Title IX coordinator, Division of Student Affairs, Wellness Resource Center, University Ombudspersons (approximately 50 throughout the university), Office of Institutional Diversity, Equity, Advocacy and Leadership (IDEAL), Human Resources, University Compliance and Ethics and the Office of University Counsel. These offices often work together to train the university community on an on-going basis and provide the necessary resources and safe spaces for students, faculty, and staff to learn, engage and report issues of concern.

As you noted, the content in our trainings (live and online) are in compliance with EEOC recommended guidelines as well as Commonwealth and City ordinances.

Temple agrees that it is vital that all employees receive and acknowledge the information contained in the sexual harassment training, but this is not the only way employees receive this and related information about discrimination and harassment. Departmental support and ongoing training sessions for Ombudspersons (3-4 times/year), IDEAL Safe Zone certificate program for LGBTQ allyship as well as various trainings through the Wellness Resource Center open to the Temple community, help bolster that knowledge and are a constant reminder that the university is committed to providing a learning and working environment that emphasizes the dignity and worth of every member of its community, free from any type of discriminatory conduct, including but not limited to, sexual harassment.

2021 Report Recommendations:

1. *Require all employees complete sexual harassment prevention training on a regular basis (at least every two years) and revise its Preventing and Addressing Harassment Policy accordingly. Additionally, include its annual policy acknowledgment process into this policy.*

At present, all employees receive sexual harassment training during new employee orientation or online. In addition to this current requirement for new employees, Temple University will require all employees to complete sexual harassment prevention online training in the summer of 2021 and then require them to complete sexual harassment prevention training every two years. In addition, beginning in summer 2022, employees will be required to annually complete the policy acknowledgment

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process. The policy acknowledgment process will be revised so that employees will be required to view the policy before being able to click the acknowledgment button.

2. *Conduct live, interactive sexual harassment prevention training on a regular basis. If live training is not feasible, design the training to include active engagement by the participants in a virtual setting (especially during the current Covid-19 pandemic).*

Conducting live training for more than 10,000 employees is not practicable. Online training will be required every two years as noted in the response to recommendation #1 above. The online training is engaging and requires participant interaction including quizzes which must be passed at the end of each section. A link will be added so that participants can ask questions which will be answered in a timely manner.

3. *Establish detailed written procedures to monitor compliance and measure effectiveness, including identifying those responsible for oversight, the procedures to monitor, the frequency of the monitoring, and how the monitoring should be documented.*

A working group consisting of the Center for Equity, Human Resources and University Counsel will create a policy and accompanying procedures for monitoring compliance with sexual harassment prevention training. The policy will include procedures for measuring effectiveness and frequency of training as well as the departments responsible for overseeing and monitoring compliance with the policy.

4. *Implement sexual harassment training monitoring procedures according to the written procedures recommended to be established above, for both new hire training and ongoing training, to ensure all employees are completing training in accordance with its policy.*

The working group in the response to recommendation #3 above will be responsible for ensuring implementation of the policy. Human Resources will be responsible for monitoring compliance.

5. *Revise its sexual harassment prevention policy to include where harassment is prohibited, (for example: on campus or offsite, such as social events, business trips, training sessions, or conferences).*

Temple University's *Preventing and Addressing Sexual Harassment Policy* will be updated to include the EEOC's recommended language that workplace sexual harassment is prohibited whether it occurs inside the workplace or outside of the workplace.

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6. *Revise its employment policies to include enforceable repercussions if employees fail to complete required training sessions.*

Employment policies exist with established work rules, including progressive discipline which provide for potential repercussions for non-compliance. In addition, Human Resources will work with Information Technology Services to ensure employees that do not complete the required training will be locked out of key Temple University applications until such time as the training has been completed. Employees will be notified ten, five and one day before the lockout date. In each of the notifications employees will be provided with instructions on how to complete the training. After the final lockout notification, notification will be sent to the supervisor and the employee will not be able to access administrative or academic systems until the training is completed.

Beginning in fiscal year 2022, the university's learning management system will include the capability to provide analytic reports that will be available to Human Resources, auto-generated, and automatically sent to department heads on a weekly basis. The reports will indicate employees that have not completed the required training.

Human Resources will issue a university-wide communication notifying employees of their responsibilities under the revised *Preventing and Addressing Harassment Policy*. The communication will detail the new procedures for ensuring compliance including the repercussions for non-compliance.

7. *Periodically direct employees to complete the sexual harassment prevention training and policy acknowledgment, and enforce the direct order with disciplinary action for those employees who fail to comply.*

As addressed in responses to recommendations #1 and #6 above, Temple University will comply with this recommendation.

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Auditor's Conclusion to Temple University's Response

We thank Temple University (Temple) for its cooperation and assistance throughout the audit process and for providing its written response. Temple management generally agrees with our findings and recommendations presented within this report. We acknowledge that Temple takes our report and its recommendations very seriously, and we commend Temple for proactively addressing the issues we presented related to capital improvements, state and federal background clearances and criminal/civil background checks, and sexual harassment prevention. Temple has indicated that it plans to implement, or already has implemented, most of our recommendations. Due to timing, we did not review Temple's actions taken to address our recommendations, which management describes in its response. We do, however, provide further clarification below from our evaluation of certain comments included within Temple management's response related to *Finding 2.4*.

Temple's response to *Finding 2.4* suggests that our report mischaracterizes Temple's efforts relating to background checks. We understand that current laws do not require employers to obtain background checks for all employees and acknowledge the challenges and complexities of balancing applicable laws, regulations, and guidance from various regulatory entities. We, however, reiterate that requiring all new hires to undergo some form of background screening would potentially enhance student safety as well as the Temple community at large. Background screenings help to protect an employer's business interests, minimize risk, create a safe work environment, and assist human resource personnel in making sound employment decisions. We, therefore, believe these benefits outweigh the risk, and as such, our finding and recommendations will remain as stated.

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Appendix A

Objectives, Scope, and Methodology

The Department of the Auditor General conducted this performance audit of Temple University (Temple) under the authority of Sections 402 and 403 of The Fiscal Code of the Commonwealth of Pennsylvania.⁹¹ We conducted this audit in accordance with applicable *Government Auditing Standards*, issued by the Comptroller General of the United States, 2011 Revision. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Objectives

Our performance audit objectives were as follows:

1. Evaluate Temple's decision-making process in assessing the need for capital improvements. [Issue Area #1]
2. Determine the extent to which Temple complies with all legal and/or policy and procedural requirements regarding state and federal background clearances for employees or others affiliated with Temple. [Issue Area #2]
3. Evaluate whether Temple's sexual harassment prevention policy is comprehensive, adhered to, and effective. [Issue Area #3]

Scope

This audit report presents information for the period of July 1, 2016 through June 30, 2019, unless otherwise indicated, with updates through the report date.

Temple management is responsible for establishing and maintaining effective internal controls to provide reasonable assurance of compliance with applicable laws and regulations, contracts, grant agreements, and administrative policies and procedures related to its programs. In conducting our audit, we obtained an understanding of Temple's internal controls, including any information system controls that we considered to be significant within the context of our audit objectives.

⁹¹ 72 P.S. §§ 402 and 403.

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For those internal controls that we determined to be significant within the context of our audit objectives, we also assessed the effectiveness of the design and implementation of those controls as discussed in the *Methodology* section that follows. Any deficiencies in internal controls that were identified during the conduct of our audit and determined to be significant within the context of our audit objectives are included in this report.

Methodology

Items selected for testing within this audit were based on a combination of random selection and auditor's professional judgment. The results of our testing, therefore, cannot be projected to, and are not representative of, the corresponding populations.

To address our audit objectives, we performed the following overall procedures along with specific procedures for each audit objective:

- Obtained and reviewed the Temple University – Commonwealth Act designating Temple as a state-related institution.⁹²
- Reviewed the *Bylaws of Temple University* to determine the structure and responsibilities of the Board of Trustees and the President.
- Conducted research to obtain Temple's mission statement, employment data, enrollment numbers, and number of schools, colleges, and degree programs.

Capital Improvements

- Interviewed the following Temple officials regarding Temple's decision making for assessing and approving major capital projects:
 - Vice-President, Chief Financial Officer, and Treasurer
 - Executive Vice-President and Chief Operating Officer
 - Vice-President, Planning and Capital Projects
 - Associate Vice-President, Project Delivery Group
 - Associate Vice-President, Facilities and Operations
- Obtained and reviewed Temple's policies and procedures regarding capital projects including:
 - Board of Trustees Policy Number 04.32.01 – *Approval of Capital Expenditures*

⁹² 24 P.S. § 2510-2(7).

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➤ Temple University Project Delivery Group Policies and Procedures for Implementation of Capital Construction Projects

- Reviewed the *Bylaws of Temple University* to determine the authority of the Board's Facilities Committee related to capital projects.
- Obtained and reviewed best practices from the Government Finance Officers Association including *Capital Planning Policies; Master Plans and Capital Improvement Planning; Multi-Year Planning; and Communicating Capital Improvement Strategies*.⁹³
- Obtained the amounts of the Commonwealth capital grants received by Temple from the 2016-17 through 2018-19 fiscal years.
- Obtained and reviewed Temple's 2014 Master Plan, *Visualize Temple*, noting the major capital projects identified in the plan.⁹⁴
- Reviewed a September 2017 letter from the Provost inviting the college deans to present the college's capital requests to senior leadership. We also obtained and reviewed several of the presentations from the colleges.
- Obtained the log of Temple's Capital Expenditure Requests (CER) from July 1, 2016 to June 30, 2019 to determine capital expenditures approved by the board.
- Judgmentally selected 7 of 42 projects identified in the 2014 Master Plan and the list of additions that the Provost compiled in September 2017. For each project, we obtained the Board meeting minutes that included the Board's vote and approval of the CER to determine whether there was reasonable justification for the project and that all required approvals were obtained. Where applicable, we also reviewed feasibility studies, city zoning permits, city council ordinances, submissions to the Philadelphia Historical Commission, work orders, summary budgets, and documentation evidencing community involvement.

State and Federal Background Clearances and Criminal/Civil Background Checks

- Obtained and reviewed Pennsylvania's Child Protective Services Law (CPSL) to determine requirements for individuals that have direct contact with children.⁹⁵

⁹³ <https://www.gfoa.org/best-practices--resources> (accessed March 28, 2019).

⁹⁴ https://campusoperations.temple.edu/sites/campusoperations/files/file_downloads/2014-1029TempleUniversityMPFinalDraftREV1.pdf (accessed March 28, 2019).

⁹⁵ 23 Pa. C.S. Chapter 63.

<https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=23&div=00.&chpt=063>. (accessed December 31, 2019).

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- Obtained and reviewed Temple Board of Trustees policies and procedures regarding background checks including:
 - Policy number 04.61.12 – *Policy on the Safety of Minors*
 - Policy number 04.61.14 – *Background Checks for Employees Having Contact with Minors*
- Obtained and reviewed Temple’s *Pre-Employment Background Checks – Positions Requiring Background Screening* document to determine positions that require either the CPSL background clearances or criminal/civil background checks.
- Obtained and reviewed City of Philadelphia’s Fair Criminal Record Screening Standards Ordinance to determine its requirements regarding background checks.⁹⁶
- Interviewed Temple’s Department of Human Resource and Office of Risk Management and Treasury representatives regarding CPSL background clearances and criminal/civil background check processes including requirements outlined in Temple’s policies.
- Obtained and reviewed annual audits for the 2017 and 2018 calendar years conducted by Temple’s Compliance Office for employees in its Child Abuse Certification System (CACS) that were identified as requiring CPSL clearances. We also reviewed the department-level audit conducted by the Compliance Office of the Athletic Department in October 2017.
- Obtained and reviewed a data file containing a personnel listing of 11,524 employees hired by Temple between July 1, 2016, and December 31, 2018. Additional data files were obtained indicating of the 11,524 employees, 1,269 obtained CPSL background clearances, 565 received criminal/civil background checks, and 128 received both. See section that follows regarding the reliability of the data.
- Randomly selected 40 of 1,962 employee that received either the CPSL background clearances or criminal/civil background checks to evaluate whether the applicable background clearance or checks were completed according to state law and Temple policy. Twenty-eight of the 40 were required to have the CPSL background clearances, nine the criminal/civil background checks and three both. Based on the results of our original testing we also judgmentally selected an additional 10 employees hired in December 2018 that were required to have a criminal/civil background check to ensure the checks were completed.
- Judgmentally selected 40 of 9,562 employees, based on the individual’s job title and description, who did not receive a CPSL background clearance or criminal/civil

⁹⁶ <https://www.phila.gov/HumanRelations/PDF/BanTheBoxOrdinance.pdf> (accessed September 11, 2019).

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background check to determine if either a CPSL or criminal/civil background check was required.

- Obtained and reviewed a listing of 779 youth programs conducted at Temple facilities between July 1, 2016, and December 31, 2018. See section that follows regarding the reliability of the data.
- Judgmentally selected 40 of the 779 youth programs. The 40 programs were selected to include a mixture of academic and sports related programs from different years. Of the 40, we selected 32 internal programs operated by Temple and 8 external programs operated by external contractors.
- Reviewed each of the 32 internal youth programs' registration forms to verify the forms were completed at least 60 days prior to the start of the youth program, contained the names of the programs' adult staff who would be present, and the dates of each staff person's background clearances. We also viewed the attestation statements signed by the respective Temple program coordinators, which indicate that the CPSL background clearances were performed for any non-Temple employees. We additionally verified that 90 Temple employees identified as participating in these 32 programs had the required background clearances completed as required by the CPSL.⁹⁷
- Determined that registration form was completed and signed at least 60 days prior to the start of the youth program for each of the eight external youth programs we selected for review. We also determined whether the registration form included a list of adults who would be helping conduct the program and the dates when each CPSL background clearance was performed for each adult listed. Additionally, we reviewed the signed Facility Use Agreement outlining that CPSL background clearances are required.
- Compared Temple's background check requirements for new employees with that of the two largest university systems in the state, Pennsylvania State System of Higher Education universities and Pennsylvania State University, for reasonableness.

Sexual Harassment Prevention

- Interviewed officials from Temple's Human Resources, Dean of Students, President's Office, and Office of University Counsel regarding sexual harassment policies, training, tracking and notification processes.

⁹⁷ We selected up to five adult participants from each of the 32 programs. Some programs did not have five participants.

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- Obtained and reviewed federal and state laws and regulations regarding sexual harassment including the Civil Rights Act of 1964 (i.e., Title VII) and Pennsylvania Public School Code (PSC).⁹⁸
- Obtained and reviewed the Temple Board of Trustees sexual harassment policy and procedure, Policy No. 04.82.01 – *Preventing and Addressing Sexual Harassment*.
- Obtained and reviewed Temple’s New Hire Employee Orientation documents and presentation as well as its online training materials “Preventing and Addressing Discrimination and Harassment”.
- Obtained and reviewed crime statistics relating to sexual-based offenses contained in Temple’s Annual Security Report as required under Federal statute.⁹⁹
- Obtained and reviewed online guidance and recommendations on sexual harassment in the workplace provided by the U.S. Equal Employment Opportunity Commission and the Pennsylvania Human Relations Commission and compared to Temple’s *Preventing and Addressing Sexual Harassment Policy*.
- Obtained a data file from Temple officials containing a listing of all 25,107 employees, both student and non-student, who were employed at the University from July 1, 2016 to December 31, 2018. From the list, we determined that 5,220 employees were non-students hired after July 1, 2016. These employees are referred to as “new employees” for testing purposes. The list also contained 10,288 non-student employees hired prior to July 1, 2016. See section that follows regarding the reliability of the data.
- We randomly selected 20 new employees from the list of 5,220 hired after July 1, 2016, and 20 existing employees from the list of 10,288 hired prior to July 1, 2016 for a total of 40 employees to evaluate for compliance with Temple policy.
- For the 20 new employees, we obtained and reviewed sign-in sheets, and training records to determine if employees received training in accordance with Temple’s training requirements as noted below:
 - New employees attended in-person sexual harassment prevention training sessions.
 - New employees completed the online follow-up portion of the sexual harassment prevention orientation training.

⁹⁸ Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e *et seq.* (1964); PSC Article XX-G. Sexual Violence Education at Institutions of Higher Education. *See* 24 P.S. § 20-2001-G *et seq.* (Act 104 of 2010, effective in March 17, 2011)

⁹⁹ 20 U.S.C. § 1092(f), Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

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- New employees completed the online follow-up portion of the sexual harassment prevention orientation training in a timely manner.
- For the 20 existing employees, obtained and reviewed training records and determined that employees completed online sexual harassment prevention training, as appropriate.
- To evaluate Temple's oversight of its training policy, we obtained two data files containing Temple employees who had not completed the required online sexual harassment training. We randomly selected 20 employees from each file for a total of 40 employees and requested evidence that Temple conducted follow-up procedures to ensure the employees completed the training.
- From the 20 new employees, 20 existing employees, and the 40 employees selected for our reviews as described in the previous bullets above, we determined that 55 of the 80 were active employees during the 78-day period when Temple required the annual policy acknowledgment (August 14, 2018 – October 30, 2018). We reviewed Temple's database to determine if the 55 employees had acknowledged the policy.

Data Reliability

Government Auditing Standards requires us to assess the sufficiency and appropriateness of computer-processed information that we used to support our findings, conclusions, and/or recommendations. The assessment of the sufficiency and appropriateness of computer-processed information includes considerations regarding the completeness and accuracy of the data for the intended purposes.¹⁰⁰

In addition to the procedures described in the remainder of this section, as part of our overall process in obtaining assurance of the reliability of computer-processed information and data files, obtained from Temple, we obtained a management representation letter from Temple. This letter, signed by Temple management, included a confirmation statement indicating that the information and data provided to us had not been altered and was a complete and accurate duplication of the data from its original source.

We obtained the following computer-processed information from Temple, and an understanding of the respective information technology environments, which we used as audit evidence to support the findings in this report and as described in our Methodology section above:

1. Listing of Temple employees identified as working at Temple (system-wide) from July 1, 2016 to December 31, 2018, provided to us by Temple management that was generated from its Banner system.

¹⁰⁰ U.S. Government Accountability Office. *Government Auditing Standards*. 2011 Revision. Paragraph 6.66.

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2. Listing of Temple employees in which Temple processed CPSL background clearances from July 1, 2016 to February 2, 2019. This information was provided by Temple management that was generated from CACS.
3. Listing of Temple employees hired from July 1, 2016 to December 17, 2018, in which Temple obtained a criminal/civil background check. This information was provided by Temple management from its Banner system.
4. Listing of youth programs conducted from July 1, 2016 to December 31, 2018, provided by Temple management.
5. Listing of employees who completed the policy acknowledgement process between August 14, 2018 and October 30, 2018. This information was extracted from a database that was constructed specifically by Temple for providing data regarding employee sexual harassment and other policy acknowledgements.
6. Listing of current Temple employees as of November 2016 and September 2018 who had not completed the required assigned online sexual harassment prevention training. This information was generated by Temple's Information Technology Department from WeComply.

Assessing data reliability can be performed in a number of ways, including reviewing existing information about the data; performing data testing; tracing to and from source documents; and reviewing selected information system controls. Data assessments allow auditors to conclude that the data is either: *sufficiently reliable*, *not sufficiently reliable*, or of *undetermined reliability* for use in the audit.

In order to provide assurance regarding the accuracy and completeness of the data, we performed the following procedures:

- We interviewed Temple management with knowledge about the data to ensure that they would be able to extract electronic data necessary for our testing purposes.
- For data specific to employees that received either the CPSL background clearances or criminal/civil background checks, we traced the selected test items to supporting documentation including the physical copies of the CPSL background clearances and criminal/civil background checks.
- For data specific to the youth programs population of 779 programs, we obtained Temple's "2018 Summer Education Camps" brochure listing 93 events. We compared the programs from the brochure to the listing Temple provided to ensure completeness of the population for the 2018 summer programs.

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The General Accountability Office (GAO) has issued data reliability assessment guidance stating that when certain factors are present such as: limited access to the data source; a wide range of data that cannot be examined with current resources; and data limitations that prevent an adequate assessment, auditors may consider the data to be of undetermined reliability. While we performed the procedures noted in the bullets above for the reasonableness of the data, many of the limiting factors noted by the GAO guidance were present during our audit. We, therefore, have determined that the above data is of undetermined reliability.¹⁰¹

Since our assessment of the data is that it is of undetermined reliability, our findings and conclusions are subject to that limitation. Although this determination may affect the precision of the numbers we present, there is sufficient evidence to support the reasonableness of the data in total to support our findings, conclusions, and recommendations.

¹⁰¹ This guidance is outlined in the GAO's, *Assessing the Reliability of Computer-Processed Data*, July 2009, External Version I.

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Appendix B

List of Temple University Schools and Colleges

Temple University (Temple) has 17 schools and colleges that offer various degree and certificate programs.¹⁰² The following 12 schools and colleges offer both undergraduate and graduate studies:

- Tyler School of Art and Architecture
- Fox School of Business and Management
- College of Education and Human Development
- College of Engineering
- College of Liberal Arts
- Lew Klein College of Media and Communication
- Boyer College of Music and Dance
- College of Public Health
- College of Science and Technology
- School of Social Work
- School of Sport, Tourism and Hospitality Management
- School of Theater, Film and Media Arts

The following 5 schools offer graduate and professional degrees only:

- Maurice H. Kornberg School of Dentistry
- Beasley School of Law
- Lewis Katz School of Medicine
- School of Pharmacy
- School of Podiatric Medicine

¹⁰² <https://www.temple.edu/academics/schools-and-colleges> (accessed November 1, 2019).

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Appendix C

Description of Major Capital Projects Reviewed

With Board approval, Temple finalized and published its master plan in October 2014 (2014 master plan). The 2014 master plan is intended to serve as a road map for the next ten years of campus improvement and investment for all campuses. It recommends a set of goals and a plan of action in response to Temple's strategic initiatives, academic priorities, and the combined vision expressed by the campus community.¹⁰³ From a total of 42 major capital projects identified in Temple's 2014 master plan and additions in 2017, we judgmentally selected seven projects to review based on the various stages of project completion. This appendix provides information about the seven capital projects we selected for review. The audit procedures performed and results are included in *Issue Area 1*.

Paley Library Renovation

The College of Public Health was identified in the 2014 master plan as needing a building to accommodate its students and consolidate its programs under one roof. During the construction of Temple's new library to replace Paley, Temple made the decision to renovate Paley rather than to construct a new building to house the College of Public Health once the new library was completed. Temple completed construction of a new library in the summer of 2019. The professional services Capital Expenditure Request (CER) for design for this project was approved by the Board of Trustees (Board) in March 2018.¹⁰⁴ This project is estimated to cost \$60 million. Temple received allocations from the Commonwealth's Capital Budget to partially fund the renovation as well as funds from its College of Public Health.¹⁰⁵ As of December 17, 2019, the project was in the design phase.

Football Stadium

The football stadium is listed on the 2014 master plan as part of future athletic/recreation zone. The master plan included Temple's desire to bring practice and competition spaces to the main campus in north Philadelphia. The justification for the stadium was to provide an economic alternative to playing games in south Philadelphia at Lincoln Financial Field and to allow

¹⁰³ https://campusoperations.temple.edu/sites/campusoperations/files/file_downloads/2014-1029TempleUniversityMPFinalDraftREV1.pdf (accessed March 28, 2019).

¹⁰⁴ Capital Expenditure Request is a standard internal form used by Temple to document the request, review, and approval of capital expenses related to individual capital projects.

¹⁰⁵ Commonwealth Capital Allocation – Funding for capital projects is allocated to Temple each year as part of the Commonwealth's Capital Budget approved by the Governor's Office of the Budget. Temple was allocated \$20 million for fiscal year 2016-2017, \$40 million for fiscal year 2017-2018, and \$46 million for fiscal year 2018-2019. The \$46 million allocated for fiscal year 2018-19 included \$20 million previously allocated to Temple that had not been spent.

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Temple to continue to improve its on-campus student life experience, enhance the fan experience, and create an additional base for alumni and donor participation.¹⁰⁶

A 2016 financial rationale and review supporting the building of a new stadium showed that in 2015 and 2016, the Temple football program experienced an operating deficit. Lease payments for use of an off-campus stadium were rising, and Temple was not receiving parking and concession revenues. Temple's financial analysis indicated that a profit of \$5 million would occur once the team played at the new proposed stadium on campus.

In 2016, two CERs totaling \$1.25 million in projected expenses were approved by the Board for the evaluation of the project specifications (land, utilities, parking, etc.), along with programming and design for the football stadium. Additionally, as part of a resolution authorizing Temple to pursue the development of an on-campus stadium, the Board stipulated that the authorization was contingent, in part, on positive collaboration with community and government representatives to address issues of concern to local residents, and the receipt of necessary permits and approvals relating to the project.

A concept design and feasibility study, dated February 2018, was completed which included, in addition to the stadium design, plans for traffic, security, and tailgating. According to Temple officials, due to community dissent, this project is no longer under consideration.

Student Wellness Center

The Student Wellness Center was listed in Temple's 2014 master plan, which indicated that Temple had a significant shortage in recreation and wellness space on-campus to support its student body. The project involved the new construction of an indoor recreation and training center, a large athletic and recreation practice facility, and physical and occupational therapy classrooms and labs for the College of Public Health. Temple held community meetings, gave presentations to the civic design review committee, and obtained approval from City Council. The Board approved a CER for design services for \$1.5 million in May 2015, and a CER for \$28.5 million for construction in March 2016. The Student Wellness Center was opened on August 28, 2017.

Klein Center for Performing Arts

This project was listed in Temple's 2014 master plan. The project includes a new building for the Media and Communications Department. The current building was built in the 1960's and cannot facilitate the new technologies needed for a current media and communications program. The

¹⁰⁶ Lincoln Financial Field is a privately-owned stadium located in south Philadelphia which is home to the Philadelphia Eagles professional football team. Temple University leases the facility for use during Temple's home football games.

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project went to the Board for a design CER for \$16 million that was approved in July 2019. As of December 2019, Temple issued a Request for Proposal for design of the project.

Howard Gittis Student Center

This project was listed in Temple's 2014 master plan. The work for this project was to be completed and solely funded by Temple's food service vendor as part of the contract. Temple, therefore, did not incur any expenses related to this project and CERs were not applicable. The contract involved food service and renovations, mainly the food court, of the Howard Gittis Student Center. The contract included the purchase and installation of food service equipment along with signage, marketing and other food service delivery costs. This project did not require any City of Philadelphia governmental approvals. The Student Center renovations have been completed.

Fox School of Business and Management Expansion

This project was listed as a future opportunity in the 2014 master plan, in which the Fox School of Business and Management (FSBM) should be considered a near-term candidate for interior facility upgrades. The project was a comprehensive renovation of a building across from FSBM to provide for expansion of the school because it had outgrown its current location. FSBM was paying for the expansion from its reserves. The Board approved two CERs for design services totaling \$5.7 million in July 2016 and March 2017, and a CER for \$49.1 million for construction in March 2016. This project has been completed.

Alpha Center

This project was not part of the 2014 master plan. The Alpha Center was to provide training experiences for the College of Education's undergraduate and graduate students and research opportunities for faculty while providing the community with needed services. The building was to contain an early learning center, dental clinic, psychology and counseling services, classrooms for adult education, community training area, and work spaces for the College of Education.

An original CER for \$500,000 for the design of the building was issued as well as a \$1.3 million amendment for design. The total cost of the project was estimated to be approximately \$28 million.

Temple provided documentation demonstrating that community meetings were held to discuss the project and presentations were made to the civic design review committee; however, according to Temple officials, as of December 16, 2019, this project is stalled. No work has been done with respect to design or further engaging the community. Temple officials indicated that this project came on the heels of community opposition to the football stadium project. The Alpha Center was receiving the same type of opposition from some, but not all members of the

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community, but based again on the lack of full support in its neighboring communities, Temple made the decision not to proceed with the project.

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Appendix D

Summary of Temple Policies on Background Checks for Employees that Have Direct Contact with Minors

This appendix provides information about Temple's internal policies regarding employees that have direct contact with minors. The audit procedures performed and results are included in *Issue Area 2*.

Background Checks for Employees Having Contact with Minors

This policy requires the three CPSL background clearances to be conducted for all applicants and employees of Temple who, as a result of their current position or prospective role within Temple, are responsible for the welfare of minors or have direct contact and/or routine interaction with them.¹⁰⁷ The policy's definition of minors includes only: "Non-matriculated" individuals under the age of eighteen (18). The background clearances must be obtained prior to commencing employment unless the applicant is hired provisionally and must be renewed every sixty months thereafter.¹⁰⁸ All contracts for services with third parties who have routine contact with minors must include a statement that requires compliance with this policy.

Policy on the Safety of Minors

This policy requires that university faculty, staff, students, volunteers, contractors, as well as outside entities who administer covered programs register those programs through the appropriate administrative non-credit platform at least sixty days prior to the first participation by minors.¹⁰⁹ The policy's definition of minors includes only: "Non-matriculated" individuals under the age of eighteen (18). All individuals who will have direct contact with minors in a covered program must have the completed CPSL background clearances. Outside entities that conduct or provide covered

¹⁰⁷ Temple Board of Trustees policy number 04.61.14, Background Checks for Employees Having Contact with Minors (created in November 2017; amended/reviewed December 31, 2019, subsequent to our audit period).

¹⁰⁸ 23 Pa.C.S. § 6344(m). Effective December 31, 2019, Act 47 of 2019 changed this provision to state that employers may not employ applicants on a provisional basis. Temple Board of Trustees Policy 04.61.14, Background Checks for Employees Having Contact with Minors was amended/reviewed subsequent to our audit period on December 31, 2019 to comply with the state regulations. The background clearances must be obtained prior to commencing employment and there is no provisional hiring period.

¹⁰⁹ Temple Board of Trustees policy number 04.61.12, Policy on the Safety of Minors (amended/reviewed November 2017; also amended/reviewed February 2020, subsequent to our audit period).

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programs are required to comply with this policy and attest that the appropriate certifications and background clearances have been completed.

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Appendix E

Distribution List

This report was distributed to the following Commonwealth officials:

The Honorable Tom Wolf
Governor

The Honorable Mitchell L. Morgan, Esq.
Chair, Temple University Board of Trustees

Mr. Richard M. Englert
President
Temple University

Mr. Ken Kaiser
Vice President, Chief Financial Officer and
Treasurer
Temple University

The Honorable Curt Sonney
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The Honorable Mark Longietti
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House Education Committee

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