
Applies to: Faculty, staff, and final candidates for faculty and staff positions

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The University is responsible for implementing Ohio Revised Code sections 2909.32, 2909.33, and 2909.34. These provisions were enacted by the legislature to provide an additional deterrent to counter and foil potential terrorism in Ohio. These sections provide that all candidates for employment must complete a declaration of material assistance (DMA) form to reveal any prior material assistance to known terrorist organizations listed on the terrorist exclusion list (TEL).

GUIDELINES

I. Definitions

DMA – [Declaration Regarding Material Assistance](#)/Non-assistance to a Terrorist Organization. A form that all final candidates for public employment must complete to certify that they have not provided material assistance to a terrorist organization.

TEL – [Terrorist Exclusion List](#). A list of terrorist organizations identified by the U.S. Department of State as of March 16, 2009. The list will be regularly updated.

Final Candidate – An individual who has been extended a conditional offer of employment for any faculty or staff position.

Material Assistance – As defined by the statute, includes any of the following:

1. Membership in an organization listed on the U.S. State Department's Terrorist Exclusion List (TEL),
2. Use of the person's position of prominence within any country to persuade others to support an organization on the TEL,
3. Knowingly soliciting funds or other things of value for an organization on the TEL,
4. Solicitation of any individual for membership in an organization on the TEL,
5. Commission of an act that a person knows, or reasonably should have known, affords material support or resources to an organization on the TEL,
6. Hiring or compensating a person known by the person hiring or providing compensation to be a member of an organization on the TEL, or a person known by the person hiring or providing compensation to be engaged in planning, assisting in or carrying out an act of terrorism.

Material Support or Resources – As defined by the statute, means currency, payment instruments (check, draft, money order, traveler's check, cashiers check, teller's check), other financial securities, funds, transfer of funds, and financial services that are in excess of \$100.00, as well as communications, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets except medicine or religious materials.

II. Duty to Act

Any Human Resource Professional (HRP); supervisor, including faculty supervisors; chair/director; or faculty member who has the responsibility to hire new faculty or staff members must provide a copy of the DMA form and most current TEL to each final candidate for completion. Should the situation arise that an HRP or hiring

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manager, including faculty managers, receive a response on a DMA that appears to render the individual ineligible for hire, they must contact the Office of Legal Affairs before making a final determination.

III. Ineligibility for Hire

A final candidate for a faculty or staff position who submits a DMA form with a positive response, or who fails to answer a question on the form, is rendered ineligible for hire, absent a qualifying exception.

IV. Confidentiality

The University will make every reasonable effort to protect the confidentiality of all parties. Matters that must undergo a review by Office of Legal Affairs will be managed with discretion and respect for the reputation of all parties involved.

V. Change in Status

If any event occurs that makes the employee's original declaration invalid, the employee must disclose the information to the unit Human Resource Professional and/or the Office of Legal Affairs. A positive response or violation of the statute may subject the employee to termination, and may render him/her ineligible for re-hire.

VI. Process for Final Candidates

All final faculty and staff candidates must be given a copy of the DMA form to complete, along with the most current TEL. The Letter of Offer to a final candidate should explain the requirement to complete the DMA form. The hiring department must receive the signed DMA form prior to the new employee's start date.

VII. Review Process

Individuals who wish to appeal a decision made based upon a submitted DMA form may get the [Request for a Review of the Denial of Public Employment Due to the Provision of Material Assistance to A Terrorist Organization](#) form from the [Ohio Homeland Security Website](#). The form must be submitted to the Ohio Department of Public Safety's Homeland Security Division by certified mail. There is no statutory time limit for filing a request for review. The decision to file an appeal with the Ohio Department of Public Safety's Homeland Security Division will not extend the University's timeline for filling the position.

VIII. Faculty, Staff, and Final Candidates for Faculty and Staff Position Responsibilities

- A. Be knowledgeable about these guidelines.
- B. Review the TEL and fully complete the DMA form, sign and submit the form to the hiring manager.
- C. If your original responses to the DMA form change during the course of your employment, you must notify your college/VP unit Human Resource Professional or the Office of Human Resources, Organization and Human Resource Consulting.

IX. Department Responsibilities

- A. Be knowledgeable about these guidelines.
- B. Provide the DMA form and most current TEL to final candidates.
- C. Contact the Office of Legal Affairs before taking action if a completed DMA form has a "yes" answer or any answer left blank. Such responses appear to make the individual ineligible for hire.
- D. Place a copy of the signed DMA form in the employee's personnel file.

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- E. Forward the original DMA form to the college/VP unit human resource office to maintain in a separate DMA form file.
- F. If an employee transfers to another unit within the university, a copy of the employee's personnel file including the DMA form must be forwarded to the new employing unit.

X. College/VP Unit Responsibilities

- A. Be knowledgeable about these guidelines.
- B. Maintain the original DMA forms in a DMA form file for the college/VP unit.
- C. If an employee transfers to another unit within the university, a copy of the employee's personnel file including the DMA form must be forwarded to the new employing unit.

XI. Office of Human Resources Responsibilities

- A. Familiarize hiring managers and supervisors about their responsibilities regarding completion of the DMA form and process and the TEL.
- B. Consult with units regarding questions about the DMA process, form and TEL.

RESOURCES

For consultation:

- Office of Human Resources, [Organization and Human Resource Consulting](#) 614-292-2800
- Office of Legal Affairs 614-292-0611

For more information:

- Ohio Department of Public Safety Homeland Security Division homelandsecurity.ohio.gov

For forms and sample letters:

DMA form: homelandsecurity.ohio.gov/DMA_Terrorist/HLS_0037_Public_Employment.pdf

TEL: publicsafety.ohio.gov/links/terrorist_exclusion_list.pdf

Request for a Review of the Denial of Public Employment Due to the Provision of Material Assistance to a Terrorist Organization form: publicsafety.ohio.gov/links/HLS0041.pdf

[Sample letters of offer and hire for staff](#)