

Frequently Asked Questions regarding Declaration Regarding Material Assistance (DMA)

What is it?

D.M.A. is an acronym for " **D**eclaration Regarding **M**aterial **A**ssistance/Nonassistance to a Terrorist Organization." The DMA is a questionnaire which must be completed by certain applicants to certify that they have not provided "material assistance" to a terrorist organization.

What is its purpose?

The DMA was created to provide the state with an additional tool to deter and prosecute acts of terrorism within the state.

How did this come about?

The Declaration is a part of Senate Bill 9, which is Ohio's homeland security and anti-terrorism legislation. The revised version of the bill was signed into law by Governor Taft on January 11, 2006. Sections 2909.32, 2909.33, and 2909.34 of the Ohio Revised Code officially defined and created the DMA. The legislation went into effect on April 14, 2006.

What does "Material Assistance" mean?

Material Assistance, as defined by the statute, means any of the following:

- ... Membership in an organization listed on the U.S. State Department's Terrorist Exclusion List (TEL)
- ... Use of the person's position of prominence within any country to persuade others to support an organization on the TEL
- ... Knowingly solicit funds or other things of value for an organization on the TEL
- ... Solicitation of any individual for membership in an organization on the TEL
- ... Commission of an act that a person knows, or reasonably should have known, affords material support or resources to an organization on the TEL
- ... 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.

What is the TEL?

The Terrorist Exclusion List is a list of foreign organizations known to support and/or engage in acts of terrorism. The list is maintained by the United States Department of State.

What does "Material Support or Resources" mean?

Material Support or Resources, as defined by the statute, means currency, payment instruments (check, draft, money order, traveler's check, cashier's check, teller's check), other financial securities, funds, transfer of funds, financial services, 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.

Who Must Complete the DMA?

- ... Certain state issued licenses identified by the Department of Public Safety
- ... All candidates under final consideration for public employment
- ... Business contracts with and funding from any government entity in an annual aggregate amount greater than \$100,000.00
- ... Private entities that wish to do business with a government entity that adopts rules requiring pre-certification

Are there any employment positions that are exempt from this requirement?

No.

Who retains the completed forms once they are submitted?

The agency or entity issuing a license, hiring an employee, entering into a business contract or providing funding subject to the DMA shall retain the completed form along with the application for its records. If the applicant has answered "no" to each of the questions, no further action is necessary by the agency or entity.

What if an applicant refuses to answer any of the six questions?

If an applicant does not answer any of the six questions on the questionnaire, this does constitute a positive response.

What must the issuing agency do following a positive response?

Following a positive response, the government agency or entity shall not issue or renew a license, employ, conduct business with or provide funding to the applicant. The Vice President of the hiring unit must be notified immediately.

Who must be notified in the event of a positive response?

The Vice President of the hiring unit shall then notify the Department of Public Safety's Division of Homeland Security that it has denied an applicant due to a positive response on the DMA.

What if an applicant lies on DMA?

Refusing to disclose the provision of material assistance once it has knowingly been provided or making false statements on the DMA is a felony of the fifth degree. Any applicant that provides false disclosure is further permanently banned from conducting business with or seeking funding from any state agency, instrumentality of the state, or political subdivision of the state.

The Vice President of the hiring unit, under this statute may terminate any employee who takes any action that would result in a positive response on the DMA if it were to be administered again. However, no employer may terminate any employee without following at least one of the following hearing procedures:

If the employee is entitled to termination proceedings under a collective bargaining agreement, the employer must comply with those procedures.

If the employee is entitled to termination proceedings under division C of Section 124.34 of the Ohio Revised Code, then the employer must comply with those proceedings.

If the employee does not qualify for either of the termination proceedings described above, the employer must comply with the procedures outlined in division B of Section 124.34 of the Ohio Revised Code.

Who should I contact if I have additional questions?

For questions regarding classified or administrative hires, please contact the office of Human Resources at 419-373-8421. For faculty related questions please contact the office of the Provost at 419-372-2915.

The Department of Public Safety's Division of Homeland Security phone: (614) 644-3892 and Email: dma-info@dps.state.oh.us