

# Rotary International District 5960

## Youth Protection Background Check Policy

### Policy Statement

In order to ensure the safety and well being of the participants in the Rotary Youth Programs of Rotary International District 5960, the District reserves the right to disqualify or restrict the duties of any person who has been convicted of certain crimes; who has pled guilty or no contest to certain crimes; who has been placed on probation or deferred adjudication for certain crimes and/or who resides on the same premises as a registered sex offender.

While this policy applies to all activities and Clubs within District 5960, it is acknowledged that the activities addressed by this policy are subject to the laws and regulations of the United States of America. To the extent that those laws, regulations and administrative rules are more strict than this policy, they shall control.

The criminal background check is one component of the Rotary International District 5960, Inc. Youth Protection Policy. One of the purposes of that policy is to screen prospective volunteers and assure that each youth participant in our programs is served by responsible adults. Prospective adult volunteers must complete and sign a form authorizing the District or its agents to conduct a criminal background search. District 5960 will have a criminal background search conducted for all District adult volunteers who are required by the District's policy to become certified volunteers. Failure to authorize a criminal background search will automatically disqualify the individual from becoming a certified volunteer.

The primary concern of the District is always to safeguard the best interests of the youth we serve. The criminal offenses that will disqualify a person from volunteer certification in the District or any of its member clubs, and the process used to determine disqualifications of a person, are set out in greater detail below. The legal and administrative responsibility for background checks are shared between the District and its Clubs. If there is a difference of opinion between the District and the Club as to whether a person should be disqualified, the District Youth Protection Officer shall make the final decision. Factors to be considered in making such determinations include, but are not limited to, the nature, disposition, severity of the criminal conduct, and the length of time since the criminal conduct occurred.

### Criminal Background Check Procedure

1. Application and Authorization Form. Volunteers must complete and sign a Rotary District 5960 Youth Volunteer Application which provides reference information and authorization for the District or its agents to search local, state, and national records in order to ascertain the applicant's criminal history, and to make further inquiry if it deems such action necessary. The Waiver/Consent/Release will contain the name and address of the volunteer, name of the Club involved, names and contact information for two references, and the dated signature of the individual being vetted. The volunteer, on receipt by the Club or the District of the Youth Volunteer Application, will be directed to the website

of the District's agent for completing background checks. The volunteer will enter the data necessary to begin the background check.

2. Accuracy of Application and Authorization Form. Providing false information on the application or on the background check website, including address, date of birth, or social security number is grounds for automatic exclusion from volunteer certification in the District, regardless of the results of the Criminal Background Search.

Indemnification of District. The District has no control over the information received from reporting agencies. We cannot be liable to any person or entity for the information provided by any agency to the District or any of its agents, or for any actions taken by the District in reliance on such information. In order to assure the safety of the youth we serve, the District will rely upon the information contained in the criminal history report until such time as a corrected criminal history transcript has been provided.

Decision Process: Upon receipt of results of the background check from the District's vendor, personal references, and other information available, the District Youth Protection Officer shall determine whether volunteers are qualified or disqualified to serve as a youth volunteer. It is expected and recommended that the District Youth Protection Officer will consult with the Club Youth Protection Officer and/or the Club President before making a final decision as to disqualification, and any disqualification should be discussed with the District Youth Protection Committee and the District Governor before the individual is notified. The individual must be notified before and after any potential adverse action is taken. The person will be provided with a statement of his/her rights under the Fair Credit Reporting Act and also a copy of the background check from the vendor.

Disqualification from Volunteer Participation. The following rules shall apply if the District learns (via a criminal background search, personal reference, or otherwise) that a prospective volunteer/host has been convicted of, has pled guilty to, has deferred adjudication for, or has pled no contest to one of the following crimes under the laws of any State within the United States, the United States, or any other nation:

A. Automatic disqualification:

- Crimes against Children
- Felony offenses against persons
- Felony offenses against the family
- Crimes defined as public indecency
- Crimes using weapons
- Arson
- Any violent crime or felony drug-related offense other than those identified below
- Classification as a Registered Sex Offender
- Residing on the same premises as a Registered Sex Offender

B. Possible Disqualification:

The decision whether to allow participation shall be within the exclusive and absolute control of the District for first offense DWI, DUI, or possession of a controlled substance under two ounces, and crimes against property (theft, fraud, embezzlement, forgery, etc.). The date of disposition, severity, and final disposition will be some of the factors considered in making a determination.

C. Other:

For all other criminal offenses (except traffic violations classified as petty misdemeanors), the District will review the applicant's situation on a case-by-case basis.

If a certified volunteer is charged with any criminal offense, other than traffic violations classified as a misdemeanor, involvement with the District as a volunteer or host will be temporarily suspended pending disposition of the case.

Challenging the Accuracy of the Criminal Background Record: Any individual who disputes or desires to contest information provided by any agency must provide a written notice to the District within ten days of being advised that her or his application for participation has been denied. It is the individual's responsibility to challenge the report received from the agency and to arrange for any corrections, if necessary.

Confidentiality: Subject to the provisions of this policy relating to the sharing of relevant information among District Youth Protection personnel and Club officials, the District will maintain the confidentiality of all criminal background search information, including information regarding disqualification decisions.

Records Retention: The records of any criminal background search shall be retained by the District in a secure file for a minimum of ten years.

Frequency of Background Checks: Checks need to be done for volunteers with continuous service in the program at least every three years. If there is a break in service, a new background check should be performed when service is resumed. In the event of any significant change (e.g., change in Rotary Club or community), a new background check should be completed. Frequency of background checks for individuals involved in Rotary Youth Exchange programs are governed by the procedures specific to Rotary Youth Exchange.

Background Checks Conducted for Other Organizations: Checks done for Rotary District 5960 Youth Protection purposes must be conducted by agents operating on behalf of Rotary District 5960 or its member Clubs.