Criminal History Background Checks

a. Background Checks by Kiwanis International

To ensure the highest standards of leadership, Kiwanis International requires any current International Officer (the International Board and District Governors) or candidate for an International Office, as well as any current officers or candidates for offices in direct line of succession to Governor (all hereafter referred to as “specified office” or “specified officer”), to submit to a criminal history background check as part of the eligibility criteria to hold that office. (4/10) (1/11)

Additionally, to ensure that adults working with youth in Kiwanis’ Service Leadership Programs are of the utmost moral fiber, a clear criminal history background check is required for all adults (Kiwanis members and non-members) registered for, participating in, or staying overnight at any event Kiwanis International organizes that involves interaction between adults and youth under age 18. (1/11)

Successful completion of the background check (a “clear check”) is based on verification that none of the convictions stated in Procedure or similar thereto have been determined for that person. For specified officers, a clear check is necessary to be an eligible candidate and thus must be completed before elections are held. For adults working at the youth events stated above, a clear check is necessary prior to arrival at the event. (4/10) (1/11)

Kiwanis International recognizes only its own criminal history background check process as valid. All background checks shall be reviewed and evaluated by the Executive Director or designee and determined to be clear or not clear, based on the criteria stated in Procedure.

The International Board shall be advised if a check pertains to an officer or officer-designate and:

• Indicates a problem or concern that may requires further investigation; or

• Is determined to be not clear and thus causes automatic denial of the right to hold office.

In either case, the Executive Director or designee shall notify such person. (4/10) (1/11)

Anyone subject to action as a result of a background check shall have the right to appeal such action, as detailed in Procedure. The International Board shall have final authority on the matter. (4/10) (1/11)

An individual may receive a copy of his/her background check by requesting it in writing. (1/11)

Background checks are valid for a period of two years. All relevant persons who have not had a clear criminal history background check conducted and verified by Kiwanis within the past two years at any given time are subject to a new check. (4/10) (1/11)

(See also Procedure 197, which covers: Responsibility for Cost; Convictions That Cause Ineligibility; Discipline; and Appeal Process, as well as Procedure 127 which covers appointment of the Appeals Committee.)

b. Background Checks by Districts and Clubs
Effective October 1, 2013, Kiwanis International requires that a criminal history background check be conducted and verified as ‘clear’ for any district board-approved chairperson(s) and their assistants for Kiwanis-branded programs involving youth under age 18. This applies to all districts within North America. Such checks shall be conducted by either Kiwanis International’s preferred service provider or by another provider which is approved by Kiwanis International. Kiwanis International’s criteria shall be followed to determine if the background check is considered ‘clear.’ Persons without a clear background check may not serve as a district chairperson or assistant for Kiwanis-branded youth programs. (4/13)

Kiwanis International strongly recommends that districts and clubs conduct criminal history background checks for all adults (Kiwanis members and non-members) registered for, participating in, or staying overnight at any event organized by a Kiwanis district or club that involves interaction between adults and youth under age 18. (4/12)

A clear criminal history background check may be required by a district, at the discretion of its board, for specific district offices or positions, or may be required by a club, at the discretion of its board, for specific club offices or positions or for all club members and prospective members. To assure high standards and consistent results throughout the organization, district and clubs are encouraged to use the same criteria and same service provider used by Kiwanis International. If a background check is later required by Kiwanis International, Kiwanis International recognizes only its own background check process, unless the district meets the requirements stated below. (4/12) (10/13)

Districts or clubs requiring background checks shall first clearly define and publicize the criteria, process, and ramifications in policy and/or procedure. Consult Kiwanis International for recommended guidelines. (4/12)

c. Acceptance of Background Check Results from Districts

When someone is required to have a clear criminal history background check “conducted and verified by Kiwanis International,” Kiwanis International may accept criminal history background check results provided by a district as “clear” if the following criteria are met and verified in advance: (10/13)

- The service provider used by the district must first be approved by Kiwanis International.

The district shall contact Kiwanis International’s Risk Management Department for complete details on securing approval. If the district’s provider changes its process or criteria, new approval must be secured. (10/13)

- The district must assure Kiwanis International in writing that, when determining the background check to be “clear,” it adhered to the same criteria used by Kiwanis International, as stated in Kiwanis International procedure. (10/13)

- Nothing herein prevents Kiwanis International from requesting the current procedures from any provider at any time. (10/13)

Implementing a background check process brings additional risk and liability to the district due to the need to secure members’ personal information and the possibility that a check will not ‘catch’ all
criminal history. Districts that conduct their own background checks and therefore assume this risk are strongly encouraged to put proper processes and safeguards in place in advance and to purchase Directors and Officers insurance. (10/13)

197 - CRIMINAL HISTORY BACKGROUND CHECKS

This procedure shall apply whenever a clear criminal history background check is required to be conducted and verified by Kiwanis International. (4/10) (4/13)

197.1 - Responsibility for Costs

Each individual subject to the background check shall be responsible to pay the charges. Checks shall be conducted as inexpensively as reasonably possible to assure accurate results. (4/10) (1/11)

197.2 - Convictions that Cause Ineligibility

A criminal history background check is considered “not clear” if it indicates: a felony or misdemeanor involving moral turpitude; a felony or conviction or registration of a violent and/or sexual nature, involving any type of abuse of a child, involving threatening or intimidating behavior, or otherwise of a physical nature; or a felony related to larceny or theft. Following are examples of these types of convictions; however, this list does not constitute the full breadth of convictions: (4/10) (1/11)

A. Felonies or registrations of a physical nature

- Abuse, aggravated abuse, or neglect of an elderly person or disabled adult
- Adult abuse, neglect, or exploitation of aged persons or disabled adults
- Aggravated assault
- Aggravated battery
- Battery
- Carjacking
- Child abuse, aggravated child abuse, or neglect of a child
- Contributing to the delinquency or dependency of a child
- Exploitation of an elderly person or disabled adult
- False imprisonment
- Home-invasion robbery
- Incest
- Kidnapping
- Leading, taking, enticing or removing a minor beyond the state limits or concealing the location of a minor with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor
- Lewdness and indecent exposure
- Luring or enticing a child
- Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child
- Homicide
- Obscenity
• Possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property
• Prostitution
• Resisting arrest with violence
• Robbery
• Sexual activity with or solicitation of a child by a person in familial or custodial authority
• Sexual battery
• Sexual misconduct
• Unlawful sexual activity with minors
• Voyeurism
• Disorderly conduct
• Domestic violence
(4/10) (10/10)

B. Felonies related to larceny, theft, or moral turpitude ("contrary to community standards of justice, honesty, or good morals")

• Coordinating the commission of theft in excess of $3,000
• Dealing in stolen property
• Larceny and grand larceny
• Identity theft
• Arson
• Arrest without violence – three (3) or more incidents
• Contraband
• Driving while intoxicated – three (3) or more incidents
• Extortion
• Forgery
• Petit theft (as larceny)
• Exhibiting weapons or firearms at school events, on school property, or within 1,000 feet of a school
• Trespassing – three (3) or more incidents
• Vehicular homicide
• Welfare and unemployment fraud
(4/10) (1/11)

C. Misdemeanors

• Battery, if the victim of the offense was a minor
• Luring or enticing a child
• Drugs or paraphernalia
• Concealed weapon
• Petit theft (as a misdemeanor) – three (3) or more incidents (4/10) (1/11)

D. Other Types of Convictions

Other types of felony convictions will be reviewed on a case-by-case basis by the Executive Director or designee. (4/10) (1/11)

E. Legally Reversed or Overturned Convictions
Any conviction legally reversed or overturned by the proper authorities shall not be considered when evaluating the background check. (4/10) (1/11)

197.3 - Discipline

Individuals with a background check determined to be not clear will be subject to the following actions: (4/10) (1/11)

A. Current specified officers will be disciplined as determined by the International Board, including but not limited to suspension or removal from office. (4/10) (1/11)

B. Candidates for a specified office will be considered disqualified as a candidate. (4/10) (1/11)

C. Adults wishing to participate in relevant youth events will not be allowed to do so. (4/10) (1/11)

D. Those wishing to be the district board-approved chairperson(s) and chair's assistant for Kiwanis-branded programs involving youth under age 18 will not be allowed to hold such positions. (4/13)

197.4 - Appeal Process

The action resulting from a conviction shown on a background check may be appealed by the following process: (4/10) (1/11)

A. The appeal must be submitted in writing to the Executive Director within thirty (30) days from notification, stating the grounds of the appeal. The appeal may only come from the person who has been checked. (4/10) (1/11)

B. The Executive Director shall refer the matter to the standing Appeals Committee (defined elsewhere in Procedure) within fifteen (15) days of receipt. (4/10) (1/11)

C. The Appeals Committee shall consider the merits of the appeal within ten (10) days to determine if a hearing is warranted. (4/10) (1/11)

D. If a hearing is warranted, the Appeals Committee shall meet within thirty (30) days to consider the grounds of the appeal and the alleged facts. The person making the appeal shall be given twenty (20) days notice of the committee meeting and shall have the right to attend at his/her own expense. (4/10) (1/11)

E. The appellant shall have the option to have legal counsel present, at his/her own expense. If the appellant has legal counsel present, Kiwanis International shall have legal counsel present. (4/12)

F. The Appeals Committee shall hear testimony and consider the evidence presented. All parties shall be allowed to ask questions of witnesses. The hearing shall be recorded. (4/12)
G. The Appeals Committee shall report its findings and recommendations to the International President and Executive Director within fifteen (15) days after meeting, with such report to include all relevant information including a summary of discussion and any votes taken in connection with the proceedings. The report shall then be forwarded to the International Board to consider at the next scheduled Board meeting. (4/10) (1/11)

H. After considering the Appeals Committee report, the International Board, shall consider a motion to uphold the appeal, which shall require a two-thirds (2/3) vote to adopt. (4/10) (1/11)