

Sample Policy and Procedures for Clubs On Criminal History Background Checks Michigan District

Applicability: To ensure the highest standards of leadership and that adults working with youth are of the utmost moral fiber, the Kiwanis Club of _____ requires a clear criminal history background check for *(select those that apply to your club, unless required)*:

- Required:** any member serving as advisor to any Service Leadership Program club, program or activity.
- Encouraged:** all club members who will be working with youth or who may not have undergone a background check.
- Not Required:** A check shall not be required if the individual has had a check by SHS within the past two years because he or she attends Key Club International Conventions or Key Leader events.

Options

- All officers and Directors as criteria for holding office.
- All persons making a new application for membership.

Clear Check: Successful completion of the background check (a "clear check") is based on verification that none of the convictions stated in Kiwanis International Procedure 197.2 (see attached). A club cannot or subtract from this list.

Service Provider:

This club shall use the following options for their criminal history background check service provider *(check all that apply)*:

- Local School District _____
- Local Courts, etc. (specify) _____
- Local Police or Sheriff's office (specify) _____
- Local vendor/provider of background checks (specify) _____
- Safe Hiring Solutions, Kiwanis International preferred vendor. (Club account or Self-Screening account)

An exception to the above will be for those Service Leadership Program advisors that are employed by a school system or club members who, by virtue of their employment, have had a current (not older than ten years) criminal background check completed. These individuals will be required to provide the Club Secretary proof that they have a "clear check".

Criteria: All background checks shall be reviewed and evaluated by the Club Secretary, or other designed Club Officer, and determined to be clear or not clear, based on the criteria established by Kiwanis International and the Capital District.

Notification: The person being checked and the Club President shall be advised by the Club Secretary if a check indicates a problem or concern that requires further investigation or is determined to be not clear.

Validity: Background checks are valid for a period of two years *(Best Practices recommendation)*. All relevant persons who have not had a criminal history background check conducted and verified as clear within the past two years are required to have a new check.

Copy: An individual may receive a copy of his/her background check by requesting it in writing.

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Responsibility for Costs: (select the appropriate option)

- The Club shall be responsible to pay the charges. Checks shall be conducted as inexpensively as reasonably possible to assure accurate results.
- Each individual member responsible for a background check will be responsible to pay the cost. Checks shall be conducted as inexpensively as reasonably possible to assure accurate results.
- Each applicant for membership will be responsible to pay the cost. Checks shall be conducted as inexpensively as reasonably possible to assure accurate results.

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 sex offender 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. The club shall refer to the representative examples of such convictions found in Kiwanis International Procedure (see attached). Other types of felony convictions will be reviewed on a case-by-case basis by the Club Secretary.

Any conviction legally reversed or overturned by the proper authorities shall not be considered when evaluating the background check.

Discipline: A check that is not clear causes automatic denial of the right to participate in the event in question or to hold the office or position in question or to be a candidate for such office or position.

Appeal: Anyone subject to action as a result of a background check shall have the right to appeal such action. However, they will not have a right to appeal or retry the original conviction.

1. Appeal Committee

The Secretary and President of the Club will constitute the Appeal Committee.

2. Appeal Process

The action resulting from a conviction shown on a background check may be appealed by the following process:

- A. The appeal must be submitted in writing to the Club Secretary within thirty (30) days from notification, stating the grounds of the appeal. The appeal may only come from the person who has been checked.
- B. The Club Secretary shall refer the matter to the Club President within fifteen (15) days of receipt.
- C. The Club President shall consider the merits of the appeal within ten (10) days to determine if a hearing is warranted.
- D. If a hearing is warranted, the Club President and Secretary 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 meeting and shall have the right to attend at his/her own expense.
- E. The appellant shall have the option to have legal counsel present, at his/her own expense. If

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Michigan District

the appellant has legal counsel present, the club may also wish to have legal counsel present and/or seek the guidance of the District Risk Manager.

- 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.
- G. The Appeals Committee shall report its findings to the appellant within fifteen (15) days after meeting.
- H. If the Appeals Committee cannot come to a consensus, the Club's Board of Directors shall have final authority on these matters.

Attachment: Kiwanis International Procedure 197, in part