

Nebraska-Iowa District Kiwanis

Youth Protection Guidelines

And

Policy on Criminal History Background Checks

To ensure the highest standards of leadership, the Nebraska-Iowa District of Kiwanis International requires a clear criminal history background check for all District positions including but not limited to officers, members of the Board of Trustees, chairs of youth service committees, administrators of District Service Leadership Programs, and youth chaperones as part of the eligibility criteria to hold such positions.

Additionally, to ensure that adults working with youth are of the utmost moral fiber, the District requires a clear criminal history background check for any Kiwanian or nonmembers working on behalf of the District with youth under age 18 (19 in Nebraska) and for all adults--both Kiwanians and non-members--registered for, participating in, or staying overnight at any event organized by the District involving youth under age 18.

Successful completion of the background check (a “clear check”) is based on verification that none of the convictions stated in Kiwanis International guidelines have been determined for that person. For District officers and Board of Trustee members, a clear check is necessary to be an eligible candidate and thus must be completed before elections are held. For designated District appointees, a clear check is necessary before assuming the position. For adults working with youth as stated above, a clear check is necessary, generally at least 30 days before the start of the event or program.

The District recognizes only the criminal history background checks processed through Safe Hiring Solutions, the vendor approved and utilized by Kiwanis International, as valid. All background checks will be reviewed and evaluated by the Youth Protection Manager and determined to be clear or not clear, based on the criteria stated in the District Procedures. The District Governor will be advised if a check indicates a problem or concern that requires further investigation or is determined to be not clear, with the respective functional area being advised if appropriate. The Youth Protection Manager will notify such individual(s) of the outcome. A check that is not clear causes automatic denial of the right to hold the position or attend the event in question. In the event a denial is challenged, the District Governor will have final authority on the matter after consultation with Kiwanis International. The individual involved has the right to submit a formal appeal.

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

Background checks are valid for a period of two years. The Youth Protection Manager will maintain a tickler file of all required checks and notify respective individuals when it is time for another check to occur.

The District will use only the vendor approved and utilized by Kiwanis International for background checks. The Youth Protection Manager will use the same criteria for checks as that used by Kiwanis International.

It is the responsibility of each club in the Nebraska-Iowa District to inform and train its members with respect to the Youth Protection Guidelines. The Lieutenant Governors will track and monitor such training in their respective divisions, and advise the Youth Protection Manager of compliance with this Policy and Procedures. The Youth Protection Manager will advise the Board of Trustees of progress and compliance at the Mid-Year Conference and District Convention meetings. The Youth Protection Manager may be called upon to conduct training workshops at District-sponsored conferences and conventions as a means to update clubs on this Policy.

This Policy may be amended, restated, or terminated at any time by action of the Board of Trustees.

This Policy was approved by the Board of Trustees of the Nebraska-Iowa District of Kiwanis International at its meeting on August 5, 2016, to be effective October 1, 2016.

Jody Melcher
District Governor
August 5, 2016

Barbara O'Donnell
District Secretary-Treasurer
August 5, 2016

Criminal Background Check Procedures

To carry out the District policy on criminal history background checks, the following will apply:

1. Responsibility for costs

The District will bear the cost for the background checks required by this policy that are not covered by Kiwanis International. The cost of some Service Leadership Program checks may be financed through Kiwanis International. The Youth Protection Manager will establish an account with the vendor utilized by Kiwanis International for tracking purposes.

2. The Procedure

For those individuals required to have a background check as a result of this policy, the cost will be borne by the District. The Youth Protection Manager will supply a form to the individual indicating required information and submit the information to Safe Hiring Solutions.

3. 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.

Other types of felony convictions will be reviewed on a case-by-case basis by the Youth Protection Manager who may seek advice and counsel from Kiwanis International.

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

4. Discipline and/or Resulting Actions

Individuals with a background check determined to be not clear will be subject to the following actions:

- A. Current District officers and board members or designated District appointees will be disciplined as determined by the District Board, including but not limited to suspension or removal from their positions.
- B. Candidates for any District board position or designated District appointment will be considered disqualified as a candidate for such.
- C. Adults wishing to participate in District youth events will not be allowed to do so.

D. Not clear checks: If a background check is not clear, the District member or other adult wishing to participate in District youth events may institute an appeal process by providing a written statement requesting a review as well as further background substantiating the reason for the appeal. Such will be reviewed by the Youth Protection Manager in conjunction with the District Governor (and Kiwanis International if necessary). The resulting decision in this process will be deemed final unless the individual wishes to submit a formal appeal as outlined in Accompanying Definitions/Additional Detailed Procedures #3 Formal Appeal Process.

Nebraska-Iowa District Kiwanis

Youth Protection Guidelines

Accompanying Definitions

Adopted August 5, 2016

Chaperone: A chaperone is defined as a Kiwanis member, faculty member, parent, legal guardian, or person who is *in loco parentis* (in the place of a parent), twenty-one (21) years of age or older, that has been approved by the Nebraska-Iowa District of Kiwanis International, school or agency and registered with the District and school or agency to accompany the youth members to a specific event.

Use of Alcoholic Beverages and Tobacco: While attending any Kiwanis event that is produced primarily by or for the benefit of youth, adults are expected to refrain from consumption of alcoholic beverages and/or use of tobacco products during any portion of the event.

Reporting: If a Kiwanian observes troubling behavior involving a youth at a Kiwanis event or becomes aware of a situation that is illegal or potentially unsafe for a young person at a Kiwanis event, he/she must immediately contact the appropriate personnel at the event as well as provide notification to law enforcement personnel as appropriate. All local, state, provincial, and federal laws regarding reporting must be followed.

Overnight Stays: While attending a Kiwanis event that requires overnight stay in a hotel or camp/conference setting, adequate adult chaperoning is expected and must include no fewer than one adult male for each ten or part of ten youth males, and one adult female for each ten or part of ten youth females. Except for a parent sharing a sleeping room or other sleeping quarter (e.g., tent) with his/her own child, no adult should share a hotel or dormitory sleeping room or other sleeping quarter with a youth. In the event that sleeping quarters consist of multiple beds, such as a bunkhouse or camp cabin, adults may share the sleeping quarters with youth members of the same gender, provided that two or more adults are present.

Transportation: Adults transporting youth in a vehicle should do so with a second adult in the vehicle, or in hardship cases, the “rule of threes,” being at least three people in the vehicle at all times, is recommended. All transportation decisions should be made in accordance with local laws and school policies. All individuals transporting youth shall submit a valid driver’s license as well as proof of personal auto insurance prior to transporting youth.

Medications: The possession and administration of prescription and non-prescription (over-the-counter) medications by youth at a Kiwanis event should be permitted only by the written permission of the parent/guardian. All

medication shall be kept in its original bottle. All prescribed medication must be specifically prescribed for the affected youth. All medication must be administered according to the directions written on the original bottle.

Criminal History Background Checks: Confidential background checks utilizing Safe Hiring Solutions, the current approved vendor of Kiwanis International, are required for all adults who will be working directly with youth.

Kiwanis Clubs in the Nebraska-Iowa District are required to have a clear criminal history background check—conducted and verified by Kiwanis International—of any member serving as a Kiwanis advisor to any Service Leadership Program club (Aktion Club, Circle K, Key Club, Builders Club, and K-Kids). All adults working with youth at all Kiwanis International-sponsored events including Key Club International Convention, Key Club Governor and Administrator training conference, and Key Club International Leadership Conference, and any Key Leader weekend, must have a background check that is approved or conducted by Kiwanis International. (See Kiwanis International Policy B and Procedure 197 for complete information regarding criminal history background checks as well as the policy for same by the Nebraska-Iowa District of Kiwanis International.)

Conflicts with Other Rules: Whenever these guidelines conflict with local school policies or rules, or local state/provincial, or national laws or regulations, the highest applicable standards for conduct shall prevail. All efforts will be made to effectively address the requirements of each entity.

Personal Information: All documents bearing personal information of any youth attending a Kiwanis event, including registration forms, medical information forms, permission to treat forms, etc. should be treated as confidential. A copy of said documents should be accessible to the chaperone. Copies of student information should be kept with the chaperone while original copies are maintained with the program coordinator, e.g., Key Leader Retreat manager) and, ultimately, the District Youth Protection Manager. Access to these documents is limited to the Youth Protection Manager, the program manager, and any pertinent chaperones. The documents will be maintained a minimum of three years. After three years of involvement with Kiwanis-related activities, the documents will be destroyed in a manner that maintains confidentiality. The disposal and destruction of all confidential information will conform to applicable state/provincial laws and regulations.

Youth and Social Media: For any social networking site that involves requesting a connection (such as inviting someone to be a friend on Facebook), adults should never initiate such connections with youth. If a youth requests such a connection from a Kiwanian, he/she should use his/her best judgment in responding. Adults should treat their interaction with youth on social networking sites as though the interaction were occurring in public, in front of other adults and young people. In other words, if it would not be appropriate to say

something to a young person in public, it should not be said as a comment on a social networking site either. Kiwanians should refrain from interactions that can be seen as excessive (such as constantly “liking” or commenting on a person’s posts on Facebook). Prior to posting any media online, such as photographs, obtain permission from any and all individuals (or parents for minors) that appear in that media; it could be illegal to do otherwise. A photo release must accompany any registration materials. All youth are allowed to tag themselves in photos. Kiwanians will refrain from tagging youth in any social media photos. (See Kiwanis International Policy B for complete social media guidelines).

Behavioral or Health Issues: Kiwanians are often seen by a young person as an adult to trust with personal and/or sensitive information. Kiwanians should refrain from counseling youth and should instead find, or assist the young person in finding, appropriate expert assistance.

Education: Every Kiwanis club, as well as the Nebraska-Iowa District, is expected to inform and educate its members on these guidelines, best practices, and what individuals must do when aware of youth in potentially harmful situations. This education must occur annually, including providing a copy of guidelines to each club member. Education can occur at the Club level, at a District sponsored event, via an educational workshop at a District-produced convention or conference on guidelines and best practices for adults working with youth, or through online classes using materials provided by Kiwanis International.

Conflict of Interest: Should there be a conflict of interest, or perceived conflict of interest, in the administration of these policies and procedures up to and including the District Governor, the immediate past District Governor may be called upon to intercede.

Nebraska-Iowa District Kiwanis

Additional Detailed Procedures

As stated in Policy, the Nebraska-Iowa District of Kiwanis International requires a clear criminal history background check and a clear Iowa Sex Offender Registry and/or Nebraska Sex Offender Registry (or geographical area of residence) for any incumbent or candidate for the District's Board of Trustees, officers, Service Leadership Program administrators, designated chairs of Youth Service Committees, as well as adults (age 18 and over) who are directly involved with youth at District-sponsored events and programs.

1. **Convictions that Cause Ineligibility**

A criminal history background check, including an Iowa and/or Nebraska (or other geographical area of residence) child abuse registry 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.

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 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

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
- Petty 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

C. Misdemeanors

- Battery, if the victim of the offense was a minor
- Luring or enticing a child
- Drug paraphernalia
- Concealed weapon
- Petty theft (as a misdemeanor) – three (3) or more incidents

D. Other Types of Convictions

Other types of felony convictions will be reviewed on a case-by-case basis by the Youth Protection Manager and District Governor.

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.

2. Discipline

Individuals with a background check determined to be not clear are subject to the following actions:

- a. Current specified officers, Board of Trustee members, designated Committee chairs, Service Leadership Program administrators and/or assistant administrators, and other designated positions will be disciplined as determined by the District Governor (in conjunction with Kiwanis International) including but not limited to suspension or removal from their position.
- b. Candidates for Board or Committee Positions, Service Leadership Program Administrators, and other designated positions will be considered disqualified as a candidate.

3. Formal Appeal Process

The action of the District Governor resulting from a non-clear background check such as a conviction shown on a background check may be challenged. If the individual wishes to formally appeal the ruling of the District Governor, the following process should be followed:

- a. The formal appeal must be submitted in writing to the District Governor within thirty (30) days from the notification, stating the grounds of the appeal. The appeal may only come from the individual whose background has been checked and found to be not clear.
- b. The District Governor shall refer the matter to the Executive Committee of the Board of Trustees within fifteen (15) days of receipt of the appeal.
- c. The Executive Committee 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 Executive 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.
 - e. The Executive Committee shall report its findings and recommendations to the Board of Trustees within fifteen (15) days after the meeting, with such report to include all relevant information including a summary of discussion and any votes taken in connection with the proceedings.
 - f. After considering the Executive Committee report, the Board of Trustees shall consider a motion to uphold the appeal, which shall require a two-thirds (2/3) vote to adopt.
 - g. The results of the appeal will be provided to the claimant in writing within ten (10) days of the final meeting of the Executive Committee.
4. District positions that require a clear check at the time this policy was adopted include:
- a. Immediate Past District Governor*
 - b. District Governor*
 - c. Governor-elect*
 - d. Vice Governor*
 - e. Secretary-Treasurer*
 - f. Regional Members, Board of Trustees*
 - g. Administrator(s) and Assistant Administrator(s), K-Kids
 - h. Administrator(s) and Assistant Administrator(s), Builders Club
 - i. Administrator(s) and Assistant Administrator(s), Key Club
 - j. Administrator(s) and Assistant Administrator(s), Circle K
 - k. Administrator(s) and Assistant Administrator(s), Aktion Club
 - l. Chair, Youth Services/Service Leadership Programs
 - m. Coordinator, Key Leader Retreat*
 - i. Site Coordinator(s), Key Leader Retreat*
 - ii. Other adult volunteers, Key Leader Retreat*
 - n. Chair, Young Children Priority One
 - o. Chair, Risk Management/Youth Protection Manager*

*The background checks for these positions will be administered through Kiwanis International.

Note that the above list may be updated at any time.

As is the case with all policies and procedures, this document may be amended, terminated, or changed at any time by action of the Board of Trustees.

These definitions and procedures, effective October 1, 2016, were approved by the Board of Trustees of the Nebraska-Iowa District of Kiwanis International at its meeting on August 5, 2016.

Jody Melcher

District Governor
August 5, 2016

Barbara O'Donnell

District Secretary-Treasurer
August 5, 2016