

**ROTARY YOUTH EXCHANGE
DISTRICT 5190
CALIFORNIA - NEVADA**

Criminal Background Check Policy

Note: The term “the District” refers to Rotary District 5190.

In order to ensure the safety and well being of the participants in the Rotary Youth Exchange Program 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 the intent of this policy applies throughout the District, the specifics referred to apply and are subject to the laws and regulations of the United States of America, the States of California and Nevada and the administrative oversight of the Council on Standards for International Exchange Travel (CSIET), US State Department, Dept of Homeland Security, and other agencies.

The criminal background check is one component of the Student Protection Policy. One of the purposes of that policy is to screen prospective volunteer representatives and host families and assure that each student is hosted, supported and counseled by responsible adults. Prospective adult volunteers and hosts must complete and sign a form authorizing the District or its agents to conduct a criminal background search. The District’s RYE Committee will have a criminal background search conducted for all District adult volunteers and hosts who will have direct, unsupervised one-on-one contact with exchange students. Failure to authorize a criminal background search will automatically disqualify the individual from serving as a volunteer/host.

The primary concern of the District is always to safeguard the best interests of the exchange students. The criminal offenses that will disqualify a person from volunteer/host participation in the District, as well as the process used to determine disqualifications of a person are set out in greater detail below. As a general matter, the decision whether to exclude altogether or limit a prospective volunteer’s/host’s interaction with exchange students will be discussed and adjudicated by the district’s RYE Executive Committee. The legal and administrative responsibility for background checks and the resultant decision-making is shared between the District RYE Committee and the District Governor. 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/hosts must complete and sign a Youth Exchange Volunteer Affidavit 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. The Waiver/Consent/Release will contain the name, signature, address, date of birth and

Social Security number of the individual being vetted. The Waiver will be separated from the background information and forwarded in a sealed envelope to the-District RYE Committee.

2. **Accuracy of Application and Authorization Form** - Providing false information on the application, including driver license number, address, date of birth, or social security number is grounds for automatic exclusion from participation in any District youth program, regardless of the results of the Criminal Background Search.
3. **Indemnification of District** - The District has no control over the information received from the 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 exchange students, the District is entitled to and shall rely upon the information contained in the criminal history report until such time as a corrected criminal history transcript has been provided.
4. **Decision Process** - Upon receipt of the background check information personal references, and other information available, the District RYE Committee Chair is responsible for the decision as to who can serve as a volunteer or a host. Any disqualification should be discussed with 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 his/her rights under the Fair Credit Reporting Act and also a sealed copy of the background check from the vendor.
5. **Disqualification from Volunteer/Host Participation** - The following rules shall apply if the District RYE Committee learn (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
- Crime defined as public indecency
- Crimes using weapons
- Arson
- Any violent crime or felony drug-related offence other than those identified below
- Residing on the same premises as a Registered Sex Offender

B. Possible Disqualification:

1. The decision whether to allow participation shall be within the exclusive and absolute control of the district's RYE Committee's Executive Subcommittee 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 the determining factors.

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

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

6. **Challenging the Accuracy of the Criminal Background Record** - Any individual who disputes or desires to contest information the information provided by any agency must provide a written notice to the District RYE Committee Chairman 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.
7. **Confidentiality** - The district RYE Committee will maintain the confidentiality of all criminal background search information, including information regarding disqualification decisions. Such records will be maintained in files that are exclusively devoted to the individual and are not commingled with any student or any other host family. However, it should be noted that the searches only show existing public records and do not include things such as credit information, driving licenses, etc.
8. **Records Retention** - The records of any criminal background search shall be retained by the district's RYE Committee in a secure file for a period of ten years. While this can be done electronically by an agent completing the search on behalf of a district, it may be preferable to maintain hard copies in a file for the individual. Checks with negative results will have copies of the reports submitted to, and maintained by, the District's RYE Committee. After ten years, the documentation can be destroyed/shredded unless there is pending litigation.
9. **Frequency of Background Checks** - Checks will be done for volunteers with continuous service in the program at least every five years. In the event of any significant change (e.g., change in Rotary Club or community), a new background check must be completed.

In host families, those individuals who are not volunteers within the program should have a background check each year. Those individuals who are volunteers with continuous service in the program and also hosts, should have a background check at least every five years.

10. **Background Checks Conducted for Other Organizations** - Checks done for Rotary Youth Exchange purposes must be conducted by agents operating on behalf of the District RYE Committee. It should be noted that we are required to perform national criminal background and sex offender registry checks. Therefore, state background checks are *not* sufficient.
11. **Selection of Agents** - A list of at least two qualified agents will be maintained by the district RYE Committee for background checks
12. **Charging Rates for Background Checks** - The District RYE Committee through cooperation with CSIET, RI, and other Rotary organizations will endeavor to arrange for the lowest possible rates for background checks that meet reasonable standards.