

Rockford Road Runners Inc. – Background Check Policy

Addendum G (Adopted 7-6-16)

Rockford Road Runners Inc. (RRR) is committed to providing a safe environment for youth runners participating in Rockford Wildcats and to protecting club funds, property, and other assets. To that effort, annual criminal Background Checks paid for by RRR will be required for coaches, assistant coaches or other volunteers having oversight of children in our youth running team and for those individuals with substantial responsibility for RRR assets: RRR Treasurer, all authorized account signers, RRR designated debit/credit card users, and others as deemed appropriate by the RRR Executive Board.

Background Checks will be administered by National Center For Safety Initiatives, (NCSI).

Criminal Background Checks will be performed on an ongoing basis throughout the year as necessary. President, Past Officer and site manager designated by the Executive Board will be the duly authorized RRR officials managing and overseeing the Criminal Background Check procedure on behalf of RRR. The results of the Criminal Background Checks will be kept strictly confidential and only authorized individuals, President, Past Officer and designated site manager will have access to the reports. Information from Background Checks will be securely maintained by NCSI .

Failure to pass the Criminal Background Check may preclude individuals from working with the RRR Wildcat youth group or any other RRR activity involving minors.

Failure to pass a Background Check that discloses a criminal conviction of a theft-related or fraudulent crime may result in disqualification from a position involving the handling of RRR funds.

RRR appreciates that some may not wish to have a Background Check. However, individuals in positions of working with youth or having control of RRR funds declining to have Background Checks or failing to pass a Background Check must either resign from the position or relinquish control of funds. Individuals having Background Checks have specific rights: they are entitled to challenge accuracy and completeness of the report. RRR's utilizes NCSI to manage these compliance regulations.

RRR currently designates the National Center for Safety Initiatives (NCSI) to conduct Background Checks. NCSI uses an encrypted, secure online self-registration process for collection of confidential information and consent directly from applicants. NCSI will administer all communications and legal compliance responsibilities relating to the screening process.

NCSI has received the endorsement of the National Council of Youth Sports and provides services to the United States Olympic Committee, the national governing bodies of many other sports, and hundreds of youth programs throughout the country.

PROCESS, PROCEDURES AND GUIDING PRINCIPLES

At the request of RRR, a criminal history Background Check will be conducted to determine the fitness of an individual to serve a nonprofit youth-serving organization. The National Center for Safety Initiatives (NCSI) will perform the criminal history record check and the determination will be communicated to RRR. Prior to, and after the completion of the

Background Check, RRR may choose to deny an individual access to children participating in its program. The final decision regarding disposition toward an individual’s participation remains with RRR. NCSI will administer all communications and legal compliance responsibilities relating to the screening process.

Criminal Background Check Process

RRR has contracted with NCSI to conduct criminal history background checks. The prospective coaches or volunteer will *complete a confidential online application* at www.ncisafe.com authorizing the background check and providing an opportunity to disclose any offenses. This is done directly on the NCSI website by the candidate. If the check results in a “Green Light,” the RRR is informed of such. If the check reports criminal records that may result in a “Red Light”, the candidate is notified, the candidate has the opportunity to appeal the accuracy of the record. The nature of the appeal is to correct an error (name, record should have been expunged, not the correct record, etc.). If the check results in a “Red Light,” then RRR is sent notice of the “Red Light”. A “Red Light” may also result from an incomplete record, which may or may not get resolved at this stage. However, false information from the applicant is usually worked out through the initial application process so that a “Red Light” results from a criminal conviction, not an incorrect application.

If a “Red Light” is issued to the candidate, it is reported to the RRR Board of Directors. It is up to the Board whether it wishes to know the disqualifying offense or prefers only to receive a “Red Light” designation. Once authorized by RRR, an “Adverse Action Notice” is issued to the candidate by NCSI. The “Adverse Action Notice” is sent to the candidate by NCSI. This notice is RRR’s formal denial of an applicant’s right to coach or volunteer.

INDEPENDENT COMMITTEE REVIEW OF “RED LIGHT” NOTIFICATIONS

A candidate who receives a “red light” notification may request an independent review by a three-person committee of the RRR Board (President, Past Member and Site Master). Upon review of the background check and red light notification, the committee will make a discretionary recommendation to the RRR Board based upon: 1) the nature of the offense disclosed by the background check; 2) the relevance of the offense to the board/committee position; and 3) the underlying facts of the offense.

<u>GREEN LIGHT</u>	<u>RED LIGHT</u>
“MEETS CRITERIA”	“DOES NOT MEET CRITERIA”
Applicant has no record/registration; OR	Based upon reportable conviction or registration (sourced criminal record, registration or applicant disclosure) of any criterion offense, registration or a pending case without disposition for any criterion offense
Reportable crime for which applicant was convicted or has pending case disposition is not a criterion offense	Applicant may ask for committee review

RRR at a minimum adheres to the following National Council of Youth Sports Recommended Guidelines but are not limited to those minimum recommended guidelines:

THE CRITERIA

The original source of the following criteria is that which is used in the PROTECT Act by the FBI and the National Center for Missing and Exploited Children. The use of their definitions forms the basis of the fitness criteria that is used by NCSI in making a red light/green light determination. The criteria have been adapted to meet the needs of nonprofit youth-serving organizations.

Reportable convictions for, disclosures of convictions for, and pending dispositions for any of the following criminal offenses, or registrations will prompt a determination that an applicant does not meet the criteria (or should be reviewed) for participation to serve a youth-serving organization:

- Any felony (any crime punishable by confinement greater than one year)
- Defined on the basis of exposure for the offense for which the defendant was convicted, pled guilty, pled nolo contendere or which is pending a disposition. If pled down, then the crime for which the defendant ultimately was convicted.
- Defined as all crimes punishable by greater than one year in jail or prison, regardless of how characterized by jurisdiction. If range, alternate sentencing, or indeterminate sentencing, outer range greater than one year.
- Any lesser crime involving force or threat of force against a person.
- Any lesser crime of a sexual nature or classified as a sex offense including but not limited to “victimless” crimes of a sexual nature such as prostitution, pornography, indecent exposure; and crimes in which sexual relations is an element.
- Any lesser crime involving controlled substances (not paraphernalia or alcohol).
- Any lesser crime involving cruelty to animals.
- Any sex offender registrant.
- Any lesser crime involving harm to a minor.
- Applicant motor vehicle records criteria and screening may be considered for any position involving the driving of organization’s minor members.

IMPACT OF A “RED LIGHT” NOTIFICATION TO CANDIDATES

The risk to candidates beyond possible loss of membership and/or opportunity to participate is only greater if confidentiality is not maintained. Disclosure of background check results is a delicate matter with serious legal implications. RRR has implemented confidentiality guidelines in this regard.

Notification to anyone other than the individual whose background is at issue (and RRR designees with background check oversight is subject to confidentiality guidelines) is a matter requiring legal counsel. RRR will not disclose the information to anyone other than the individual and internal organizational representatives subject to confidentiality.

THE APPLICANT’S RIGHTS AND LEGAL COMPLIANCE

An applicant is entitled to (a) obtain a copy of his/her criminal history information and (b) challenge the accuracy and completeness of the criminal history information. The criminal history records disseminated for review and subsequent determinations based upon such information are very sensitive and may be used solely for purposes of the fitness determination authorized. Requesting, obtaining, or disseminating this information for any other purpose may subject an offender to criminal penalties under federal and/or state law, as well as civil liability for defamation. In appropriate circumstances, such liability may extend to the organization. As a consequence, it is extremely important to (1) keep this information confidential, (2) discussing it only with the record subject and those members of your organization involved in applicant screening; and (3) using it only for implementing the criminal history background check with your organization.

RRR utilizes a third-party vendor NCSI to conduct criminal history record checks, the resulting report is considered a "consumer report" as defined by the Fair Credit Reporting Act (FCRA) and applicable state laws. Under the FCRA and applicable state laws, organizations have specific responsibilities and applicants have specific rights. NCSI is engaged by RRR to provide its Fully Managed program ,these compliance responsibilities will be handled by NCSI on behalf of the RRR.