

Volunteer Background Screening Policy

1. Purpose

<ORGANIZATION> is concerned about the safety of its volunteers while on duty (whether on or off premises), the safety of its constituents (staff, community, etc.) and the protection of its assets and reputation. To reduce these risks, prospective and, as applicable, current volunteers of <ORGANIZATION> will undergo a criminal background check that complies with the Fair Credit Reporting Act (FCRA). Volunteers are treated as applicants under the FCRA.

This policy sets forth guidelines for performing such background screens. <ORGANIZATION> has selected an approved background screening provider, namely <BACKGROUND SCREENING COMPANY>. All facilities and affiliates are required to use this approved provider for background screens and must comply with the provisions of this policy.

Any questions or special considerations concerning this policy should be directed to <ORGANIZATION>'s Executive Director.

2. Scope

This policy applies to all prospective and current volunteers (with rescreens occurring annually after initial check expires after a period of 1 year).

3. Guidelines for Obtaining Consent for the Checks

Disclosure and Authorization

Applicants/volunteers will be informed that selection, retention, and reassignment are subject to meeting the requirements of a background screen. In addition, all applicants/volunteers will be required to complete a Disclosure and Authorization form, which requests information that the approved background investigation provider requires to conduct the background screen. The approved Disclosure and Authorization form allows <BACKGROUND SCREENING COMPANY> to perform monthly updates to the background check to the extent permitted by law. After a period of one year, <ORGANIZATION> will initiate a new background check (rescreen) with <BACKGROUND SCREENING COMPANY>, and a new authorization form will be completed by the volunteer.

4. Checks to Be Conducted

<NOTE: This section should be customized to match the background screening services and packages required for each type of VOLUNTEER by your organization.>

The following reports will be obtained for time periods permitted by law for a background screen:

1. **Social Security Trace (SS Trace)** - A Social Security Trace uses the volunteer-provided social security number to find all reported address information for an individual over the last 7 years. The trace also finds all names used by the volunteer – the given name as well as any alias/maiden names used. The information returned from the trace is then used to determine the name/court of record combinations that will be searched. Using a Social Security Trace as part of the search package maximizes chances of finding all pertinent

criminal history for an individual. The Social Security Trace is not to be used directly to disqualify applicants from volunteering. It is solely a resource to gather information.

2. **County/State Residence Criminal Search (Current)** - The address entered during the background check order process is used to determine the county and state of residence (U.S.) for the volunteer. The search should look for any reported criminal history for the volunteer in that county or state at the primary source of information (the state or county courthouse).
3. **County/State Search(es) – 7 Years of Address History** - All counties/states in which the volunteer has lived in the last 7 years should be identified. Those counties/states should be searched at the primary source of information (the state or county courthouse) using the name in question and other personally identifiable information.
4. **Nationwide Criminal History Search with Validation** - A Nationwide Criminal History search uses the full name and date of birth provided by the volunteer during the order process to search over 900 criminal information data sources from all 50 states. Although this sounds comprehensive, the quality and breadth of data varies by state, and is limited for over 2/3 of the nation's states (defined by limited data sources or stale information updated infrequently). Still, it's a valuable locator tool that helps identify areas outside of address history where criminal history might have occurred – areas where the volunteer has worked, travelled or played. Potential matches found in the Nationwide Criminal History search should always be validated at the primary source of information (county or state courthouses) for criminal history records in compliance with the FCRA.
5. **National 50 State Sex Offender Registry Search (Dru Sjodin/NSOPW)** - The National 50 State Sex Offender Registry Search / National Sex Offender Public Website (NSOPW) is a comprehensive 50-state sex offender search – *it is the only up-to-date, comprehensive source of sex offender information*. While the website is maintained by the U.S. Department of Justice, it is the responsibility of each jurisdiction in the United States to keep sex offender information for their area accurate, up-to-date, and accessible by the NSOPW.
6. **Alias/Maiden Name Search** - An alias or maiden name is any name an individual has used at another time, in another place, or in another circumstance, for any reason. An alias/maiden name search should search those names provided during the screening order process as well as those names uncovered through an SSN Trace. An alias/maiden name search should include the National 50 State Sex Offender Registry Search (Dru Sjodin/NSOPW), the volunteer's current county/state of address, and every county/state identified through the last 7 years' address history *for each alias and maiden name*. Separate searches must be conducted for each of these names because, in the eyes of the courthouse, each name represents a unique individual.
7. **Office of Foreign Asset Control (OFAC) Watch List Search** - Also known as the Government Watchlist Search, the Office of Foreign Asset Control (OFAC) search lists those individuals identified as threatening to or ineligible to conduct business with the U.S. Federal Government. It includes Specially Designated Nationals (SDNs) – those individuals and companies associated with specific countries the U.S. considers dangerous or does not want to have dealings with, and those known to be affiliated with terrorism or drug trafficking. It also includes Foreign Sanctions Evaders (FSEs) – individuals who have or have tried to violate U.S. sanctions on various countries. This list includes Iran, Syria, Cuba, Ukraine, and Russia.
8. **Office of the Inspector General (OIG) / GSA** - The Office of the Inspector General (OIG) List of Excluded Individuals/Entities (LEIE) / General Services Administration (GSA) searches are used (1) to check individuals applying for volunteer roles in the healthcare sector for suspension, debarment or fraud using the System for Award Management maintained by the GSA, (2) to determine if an applicant is excluded from participation in Medicare, Medicaid, and other Federal health care programs using information provided by the Office of the Inspector General US Department of Health and Human Services.
9. **Motor Vehicle Record Check** - A Motor Vehicle Record Check returns driving record information – status of license, accidents, convictions, violations, traffic conviction points, DUIs – for both Commercial and Non-Commercial Driver Licenses. Commercial Driver License reports will contain additional information such as Medical Certificate Information. Reporting varies by state, but typically searches up to the past 3 years for

minor offenses and up to the past 5 years for major offenses. Most states report out of state convictions for major offenses. Most states do not report out of state accidents.

10. **Reference Interview** – A reference interview is a short phone interview conducted with a personal or professional acquaintance of the volunteer. The purpose is to help achieve a judgment of the volunteer's character.

5. Disqualification Criteria

The Volunteer Manager should review the report and determine if any negative information has a direct connection with an applicant's ability to fulfill the VOLUNTEER's duties with competence and integrity, or that might impact safety. Matters that might raise a concern include but are not limited to the following:

- 1) **Criminal History Search** – A criminal conviction will not automatically prohibit an individual from volunteering at <ORGANIZATION>, but will be reviewed on a case-by-case basis. In some cases, statutes dictate the types of offenses that disqualify applicants from volunteering with certain organizations or in certain positions. Those lists will be referenced as well by <ORGANIZATION> when making a decision regarding volunteer eligibility.

Convictions for the following categories of crimes are generally considered role-related and, therefore, may be considered in making decisions:

- A) Any recent felony conviction – these serious crimes are usually defined by statutory guidelines, and in general, are punishable by more than 1-year incarceration.
 - 1) Theft – including burglary, embezzlement, forgery, fraud.
 - 2) Violent crimes – including murder, robbery, assault, battery.
 - 3) Drug-related crimes – including use, sale, possession, distribution, or manufacture of illegal drugs.
 - 4) Sex offenses – including rape and sexual assault.
 - 5) Serious motor vehicle offenses – includes driving under the influence of alcohol or drugs.

Arrests that are not pending and did not result in conviction should not be considered. Arrests pending disposition that are role-related may be considered subject to state law.

Prior to making a decision regarding eligibility, <ORGANIZATION> will validate, using approved identification (e.g. Driver's license), that the background check was run using the same correct information.

2. **Arrest information** – if while a VOLUNTEER of <ORGANIZATION>, VOLUNTEER did not disclose an arrest to the Volunteer Manager within 48 hours pursuant to policy and applicable state law did not protect the arrest from disclosure, failure to disclose is grounds for discipline. Arrests that are disclosed or that are revealed by a search (absent an omission) will not necessarily result in termination of volunteer status but will be reviewed on a case-by-case basis.
3. **Motor Vehicle Reports** – This report can indicate that the applicant has a suspended or revoked license. Further, serious motor vehicle violations such as Driving While Intoxicated, Driving Under the Influence, Driving While Ability Impaired or reckless driving may be relevant for all positions.

4. Reference Interviews – These checks can reveal information that indicates a VOLUNTEER is a not an acceptable fit for <ORGANIZATION>.

In addition, the report should be carefully reviewed for any omissions or inaccuracies contained in the volunteer application or made during the interview process.

6. Fair Credit Reporting Act (FCRA) and Related State Law Compliance

STEP 1 – Disclosure and Authorization

The applicant must give the organization authorization to have a third party service conduct a background check. The consent and disclosure form is either presented to the volunteer applicant during the order process on the <BACKGROUND SCREENING COMPANY> website or by <ORGANIZATION> at the time he/she completes the volunteer application form. If presented by <ORGANIZATION>, <ORGANIZATION> will be responsible for collecting the form and keeping it on file. The disclosure and authorization form grants the organization permission to conduct an initial background check (and, subject to state law, monthly updates up to one year) utilizing a third party service. Also, a “Summary Of Your Rights Under The Fair Credit Reporting Act” should be included with the consent and disclosure form. For NY applicants, a copy of Article 23-A of the Correctional Law and any other relevant state summary of rights should be included.

The background investigation cannot be lawfully conducted without a signed disclosure and authorization form. Applicants can be advised that they will not be considered for a volunteer role without submitting the signed form.

STEP 2 - Pre-Adverse Action: Notify the Applicant of Negative Report BEFORE Adverse Action is taken

If the consumer reporting agency reports information which may be used, in whole or in part, as a basis for an adverse action (e.g. denying volunteer position), the volunteer applicant must receive notification before a final decision is made to deny the volunteer role. As a result, the organization must provide a copy of the consumer report, a pre-adverse action letter and another copy of the FCRA notice of rights (and, for NY applicants, the Article 23-A notice). See Sample Pre-Adverse Action Notice form and Summary of Your Rights Under the Fair Credit Reporting Act form.

The applicant shall also receive any applicable state rights as required.

If the disqualification decision is not based on a misrepresentation or omission in the volunteer application, it is a best practice to discuss the potentially disqualifying information with the individual prior to issuing the pre-adverse action notice. This practice supports the individual role-related nature of any disqualification decision.

STEP 3 - Wait for a Reasonable Period of Time to Find Out What, if Any, Explanation is Offered by the Applicant

If the applicant does not respond at all to the notification within a reasonable period of time (5 days), the organization may proceed with its decision to deny the volunteer role. If the applicant responds, the organization should carefully consider the information submitted and then make a decision. If the explanation is reasonable under the circumstances, then it may still be possible to go forward with volunteer onboarding (e.g. a case of mistaken identity). However, if the applicant's explanation is determined to be insufficient, then the organization should proceed to the next step.

STEP 4 - Notify Applicant of Adverse Action

The organization must provide the applicant with written notice of the adverse action and the name, address and telephone number of the consumer reporting agency.

See Sample Adverse Action Notice form (which should be sent along with the federal summary of rights and any applicable state summary of rights). The notice includes a statutorily required statement that the consumer reporting agency did not make the decision and does not know why the decision was made should be included as well as a notice of the applicant's right to obtain the report and dispute the information.

STEP 5 - Maintain Documentation

For all adverse decisions, document each step taken. Keep copies of all consent and disclosure forms and other documentation sent to the applicant in the event the organization has to defend its decision at some later point. Consider centralizing the background checking function within your organization. Also, consider how the documentation will be maintained (e.g. personnel files might not be the best place).

Record Retention

All documents related to the background screen process must be retained for at least five years.

Equal Employment Laws

<ORGANIZATION> will adhere to all equal opportunity laws. When reviewing any criminal record information that appears on a background check, the organization shall factor in any known factors relating to:

- The facts and circumstances surrounding the offense.
- The number of offenses for which the individual was convicted.
- The age of the individual at the time of conviction or release from prison.
- Evidence that the individual has performed the same type of work, post-conviction, with the same or a different organization, without incidents of criminal conduct.
- Any efforts of the application towards rehabilitation.
- Employment or character references obtained regarding the individual's fitness for the particular position.
- Whether the individual will be bonded for the position.

Policy Effective Date: xx/xx/xxxx

Approved By: