

## Grinnell AmeriCorps Partnership

### Member Criminal History Check Procedure and Policy

In accordance with federal regulations, members must successfully complete a criminal history check. The Grinnell AmeriCorps Partnership will conduct and pay for these checks. Results of these checks are confidential and cannot be shared beyond the Grinnell AmeriCorps Program staff. Please note that some sites may conduct additional background checks in compliance with their own policies.

#### I. Criminal History Check Requirements

All members will have a criminal history check through the Iowa Division of Criminal Investigations, the National Sex Offender Public Website (NSOPW), and an FBI fingerprint-based criminal history check. If an applicant is a resident of another state at the time of application, the Grinnell AmeriCorps Partnership Program Manager will investigate the applicant's criminal background in their state of residence, to the extent that state permits, in addition to the other components of the national service criminal history checks. The state of residence is the state where the applicant is domiciled at the time of application as reflected on the applicant's waiver (Background Check Acknowledgement Form). It is the applicant's responsibility to provide the Grinnell AmeriCorps Partnership with any information or documentation needed to conduct these checks.

To ensure that this policy and procedure is applied consistently, the *National Service Criminal History Check* (NSCHC) checklist will be used to track the initiation, consideration, and completion of each component of the appropriate criminal history check.

Three-part full background check
<ul style="list-style-type: none"> <li>a) <b>National Sex Offender Public Website</b> check completed before start of service.             <ul style="list-style-type: none"> <li>a. <a href="http://www.nsopw.gov">www.nsopw.gov</a></li> </ul> </li> <li>b) <b>Statewide Criminal History Registry Check</b> for the state of residence* at the time of the application and the state where the individual will serve (IA) initiated on or before the start of service.</li> <li>c) <b>Fingerprint-based FBI nationwide criminal history record information check</b> initiated on or before the start of service.</li> </ul>

\* The state of residence is the state where the applicant is domiciled at the time of application as reflected on the applicant's waiver (Background Check Acknowledgement Form).

#### II. Criminal History Check Timing and Initiation

Prior to receiving an offer to serve as an AmeriCorps member, potential applicants will be advised that any offer is contingent upon the applicant being found suitable for the Grinnell AmeriCorps Partnership, based upon the review of the applicant's criminal history, as described. Applicants are required to provide written authorization allowing the program to conduct a criminal history check through the Iowa Division of Criminal Investigations and an FBI fingerprint criminal history check.

a) The Grinnell AmeriCorps Partnership will initiate, consider, and complete the **National Sex Offender Public Website** check for all applicants prior to their enrollment in the program. Consideration of the check will be documented by printing the results provided by the NSOPW with the date and time stamp provided on the results. If any "hits" are returned, each hit must be considered and cleared with a notation on the printout indicating the reason the result is not a match to the prospective member. The National Sex Offender Public Website check will be completed prior to the member's first day of service.

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**b) State Criminal History Checks** will be initiated on or before the first day of service. Documentation of each step in the process from initiation and consideration of the background check to notification that the check was completed will be date-and time-stamped and maintained in each applicant's file. If any "hits" are returned, each hit must be considered and cleared with a notation on the printout indicating the reason the result is not a match to the prospective member.

If further investigation is required by the Iowa Division of Criminal Investigation to provide background check results, the member must follow the guidelines for accompaniment\* while serving with vulnerable populations. A member of a vulnerable population includes minors under the age of 18, adults age 60 and older, and anyone with a disability as defined by the Americans with Disability Act. Proof of initiation and completion of the background check will be maintained in a locked filing cabinet in the member's file using the NSCHC Checklist.

*\* **Member Accompaniment:** Per guidelines set by the Corporation for National and Community Service, AmeriCorps members who serve in programs with recurring access to vulnerable populations must have received clearance from either the FBI or state check(s) before engaging in direct service with a vulnerable population. Therefore, Grinnell AmeriCorps Partnership members for whom the results of the required criminal registry check(s) are pending are not permitted to begin serving with youth, senior adults, or individuals with a disability unless accompanied by an employee of the host site who is authorized to have access to vulnerable individuals. "Accompaniment" means that the member must be in direct line of sight of the person accompanying them at all times. Throughout the course of the accompaniment, members are required to complete the Grinnell AmeriCorps Partnership accompaniment log and must ensure that all signatures are obtained from the individual providing the accompaniment. The accompaniment log must be submitted to the AmeriCorps program manager to ensure proper documentation within five (5) days of the accompaniment cease date. Accompaniment may cease when either the FBI or state check(s) have been cleared. The program manager will notify the member and his or her site supervisor as soon as clearance has been received.*

**c)** The Grinnell AmeriCorps Partnership will initiate the **fingerprint-based FBI Criminal History Record Check** for all members on or before their first day of service. The fingerprint check will be run on a fingerprint card provided by the program, reflecting the appropriate OCA (Electronic Originating Agency Case Number) name and ORI (Department Originating Agency Identifier Number) information. Initiation of the check will be documented by retaining the completed waiver, signed and dated by members, to provide permission to the program to conduct the check. Applicants who do not live in Grinnell or surrounding areas will have five (5) days to complete the fingerprinting in their local community and mail the fingerprint card to the AmeriCorps program manager, who will in turn submit it to the Division of Criminal Investigations. The initiation date will be determined by the date included on each member's fingerprint card and as documented on the NSCHC checklist.

### **III. Out of State Applicants**

For members whose residence is in another state at the time of application, a signed and dated waiver providing permission for the Grinnell AmeriCorps Partnership to conduct a criminal history check in his or her state of residence will be obtained in addition to the waiver to complete the Iowa check on his or her first day of service. Initiation of the additional state criminal registry check will be documented by retaining the completed waiver and forms for checks, signed and dated by member(s), to provide

permission to the program to conduct the check in his or her state of residence. Completion of the additional state background check will be documented by retaining the record provided by the state's criminal records repository. If an electronic repository is unavailable, proof of the date that the criminal history check request was mailed from the program will be retained in the member's file and documented on the NSCHC checklist. Applicants who are full time college students at the time of application are deemed to be residents of the state where the college is located.

#### **IV) Criminal History Check Costs**

The Grinnell AmeriCorps Partnership will cover any fees associated with conducting mandatory criminal history checks. Members are eligible to seek reimbursement for the cost of fingerprinting by submitting a receipt provided from the fingerprinting agency with his or her fingerprint card. The receipt must be signed by a representative of the fingerprinting agency. Once the results of the FBI Criminal History Record Check have been processed and mailed to the Grinnell AmeriCorps Partnership, the results will be stored in a locked filing cabinet in the member's file and documented as completed and considered with the results and NSCHC checklist.

#### **V. Criminal History Check Consideration**

The authorized agent (the program manager or designee) will carefully review all information received through the NSCHC process. If records are received through this process, and the authorized agent is able to determine that the record does not relate to the applicant, the record shall in no way prevent the applicant from being offered a position with the Grinnell AmeriCorps Partnership. If the authorized agent is able to determine that the record does relate to the applicant, including providing an opportunity for the applicant to challenge the factual accuracy of the results, the applicant may be disqualified from service with the Grinnell AmeriCorps Partnership.

Consistent with the requirements of the Corporation for National and Community Service, under no circumstance will an applicant who appears on the National Sex Offender Public Website be offered a position with this program. The Corporation for National and Community Service policies explicitly excludes prospective members from service for the following reasons if the prospective member:

1. Is registered, or required to be registered, on the sex offender registry;
2. Has been convicted of murder, as defined in section 1111 of title 18, United States Code;
3. Refuses to consent to the state and/or FBI criminal history check;
4. Make a false statement in connection with a grantee's inquiry concerning the individual's criminal history.

Due to the nature of the services performed by AmeriCorps members, the Grinnell AmeriCorps Partnership also excludes prospective members from service for the following reason:

1. If the prospective member has been convicted of a violent crime against a child or youth (anyone under 18 years of age).

If the Grinnell AmeriCorps Partnership reasonably believes any criminal and/or FBI fingerprint check results belong to an applicant and are accurate, the program will make a determination as to whether the applicant is suitable for the Grinnell AmeriCorps Partnership program. Unless otherwise provided by law, the Grinnell AmeriCorps Partnership will consider the following, and may request supplemental information from the applicant, orally or in writing, to aid in the determination process:

- a. Relevance of the crime to the position sought;
- b. The nature of the work performed;
- c. Time elapsed following the conviction;
- d. Age of the applicant at the time of the offense;
- e. Seriousness and specific circumstances of the offense;
- f. The number of offenses;
- g. Whether the applicant has pending charges;
- h. Any relevant evidence of rehabilitation or lack thereof;
- i. Any other relevant information, including information submitted by the candidate, or requested by the Grinnell AmeriCorps Partnership.

If the program is inclined to make an adverse decision based on the results of any part of the criminal history and/or NSOPW check and/or FBI fingerprint check, after completing the determination process described above, the Grinnell AmeriCorps Partnership will mail a copy of the criminal record and a copy of this process to the applicant's last known address. The Grinnell AmeriCorps Partnership will also notify the applicant of the part(s) of the record that make the individual unsuitable for the position and will notify the applicant of their right to dispute the accuracy and/or relevancy of the record, in writing, within five (5) business days of receiving the notice. The Grinnell AmeriCorps Partnership will deem that the applicant received the information described here within three (3) business days of the mailing. The applicant will have three (3) business days to provide additional information to refute the accuracy and/or relevancy of the findings.

Upon receiving additional information from the applicant, the Grinnell AmeriCorps Partnership will carefully review the information, consistent with the provisions above, and will promptly notify the applicant of the Grinnell AmeriCorps Partnership's decision. This decision shall be final. If the Grinnell AmeriCorps Partnership receives no additional information from the applicant within the time frame described above, the program will notify the applicant that it has determined that the applicant has abandoned the application.

#### **VI. Confidentiality**

The Grinnell AmeriCorps Partnership will, to the extent permitted by state and local law, maintain confidential documentation for members and applicants covered by this provision in the member's file, and/or other appropriate file.

#### **VII. Renewal**

Members who serve two consecutive terms with the same Grinnell AmeriCorps Partnership site, where the break in service is less than 120 days, do not require additional criminal history checks for an additional term of service, as long as the original check is a compliant check for the covered position in which the individual will be serving following the break in service.