

POLICY NO. 33
GUIDELINES FOR ADULTS WORKING WITH KIWANIS
PROGRAMS FOR YOUTH UNDER THE AGE OF 18

- 33.1 Youth deserve the best Kiwanis has to offer. This includes the relationship and interaction between youth impacted by Service Leadership Programs and those adults who so generously give of themselves to assure the success of Kiwanis leadership development. *It also includes the relationship and interaction between youth impacted by other Kiwanis-sponsored projects and those adults involved in the activities of those projects.*
- 33.2 All adults working with Kiwanis programs for youth under the age of 18 are expected to read, understand, and agree to abide by the guidelines *in this Policy*.
- 33.3 **Chaperone:** A chaperone shall be defined as a Kiwanis member, faculty member, parent, legal guardian, or person who is in *loco parentis*, over the age of twenty-one (21), approved by the school, and registered with and accompanying the youth at a specific event.
- 33.4 **Alcoholic beverages:** While attending any project, meeting, social event, or other gathering that is produced primarily by or for the benefit of youth, adults are expected to refrain from consumption of alcoholic beverages during any portion of the event.
- 33.5 **Use of tobacco:** While attending any project, meeting, social event, or other gathering that is produced primarily by or for the benefit of youth, adults are expected to refrain from the use of tobacco products in the presence of youth.
- 33.6 **Overnight stays:** While attending an event that requires overnight stay in a hotel or camp/conference setting, adequate adult chaperoning is expected and should 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 with a child of the parent, no adult should share a hotel or dormitory sleeping room 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.
- 33.7 **Transportation:** Adults transporting youth in a motor 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 car at all times, is recommended.
- 33.8 **Medications:** The possession of prescription and nonprescription medications by youth at an event should be permitted only by permission of the parent/guardian.
- 33.9 **Background checks:** Background checks for adults working with youth shall be required and should conform to applicable local and state laws and requirements. In the absence of local or state regulations, Kiwanis clubs are required to undertake confidential background checks for all adults who will be working directly with youth under the age of 18. *See Policy No. 34.*
- 33.10 **Conflicts with other rules:** Whenever these guidelines may conflict with local school policies or rules, or local, state, or national laws or regulations, the highest applicable standards for conduct are expected to prevail.
- 33.11 **Personal information:** All documents bearing personal information, including registration forms, medical information forms, permission to treat forms, etc., should be treated as being confidential. Processes that protect this information should be created, including minimizing

the number of people who have access to any such documents. The documents should be maintained a minimum of three years or as required by applicable state laws and regulations if longer. After the maintenance period has expired, the documents should be destroyed in a way that maintains confidentiality, such as shredding. It is also expected that the disposal and destruction of all confidential information will conform to applicable state laws and regulations.

33.12 **Education:** Every Kiwanis club is expected to inform and educate its members on these guidelines and best practices annually.

POLICY NO. 34 **CRIMINAL BACKGROUND INVESTIGATIONS**

34.1 This Policy outlines responsibilities and procedures for Texas-Oklahoma District completion of Criminal Background Investigations (CBI).

34.2 Definitions:

- A. **Criminal records** – A criminal record is a report obtained from law enforcement agencies and county courthouses listing all criminal offenses committed by an individual during a given period of time. Offenses which are found on the criminal record fall into the following three categories:
 - a. Traffic offenses – Normally, the only traffic offenses that show on a criminal record would be serious offenses such as “driving under the influence” or “hit and run” violations.
 - b. Misdemeanors – Usually considered a less serious or minor offense, the misdemeanor is a crime punishable by incarceration, typically in a local confinement facility. The maximum incarceration period is usually limited to one year or less.
 - c. Felonies – These offenses are considered more serious than the previous two categories. Typically, a felony carries a penalty of incarceration from one year to life in a state prison, to the death penalty.
 - d. Civil cases – Lawsuits between individuals or corporations and bankruptcies are not included on the criminal records.
- B. **Qualified Investigating Organization (QIO)** – An organization licensed by the State to use State databases to check criminal records, driving records, and verify identity.
- C. **Criminal Background Investigation (CBI)** – A review of all available records by a “qualified investigating organization” responsible for returning an accurate evaluation of the individual reviewed.
- D. **Fair Credit Reporting Act (FCRA)** – A federal law under the provisions of which written authorization from an applicant must be obtained before a background investigation or check may be requested. The authorization document for conducting a background investigation must be on a document that is separate from all other documents, e.g. employment applications, membership applications, or other application documents.

34.3 The Texas-Oklahoma District Secretary will:

- A. Publish the procedures for receiving requests from individuals or Kiwanis Clubs for a CBI (Criminal Background Investigation) and forwarding these requests to a QIO (Qualified Investigating Organization).
- B. Be responsible for developing a secure database in which to record investigation requests, dispositions, and results of investigations.
- C. Advise the Club Secretary when a favorable investigation report has been received.
- D. Upon receipt of an unfavorable report, immediately notify the Governor (see Policy 34.5.A).
- E. Receive required fees from the individual or Club for the reports requested and be the central billing office for the investigating organization

34.4 Clubs are expected to:

- A. Establish a policy that requests a District CBI for each club member working directly with students under the age of 18.
- B. Assist Kiwanians who will be working directly with youth under the age of 18 to complete the Texas-Oklahoma District CBI application form.
- C. Establish their own system for collecting fees for CBIs. Fees for a CBI will be sent to the District Office with completed application and consent forms.
- D. Effective January 1, 2009, submit applications for CBIs to the District Office for any club member who will be working directly with youth under the age of 18.
- E. Establish a policy that requests a District CBI on the two year anniversary date of a CBI for each club member working directly with students under the age of 18.

34.5 The Governor is responsible for:

- A. Reviewing the results of CBIs that contain information.
- B. Communicating any failure on a background check to the individual who requested the CBI.
- C. Assure the applicant that he/she may work with the QIO for a period of 30 days to correct the report should there be an error.
- D. Overseeing the appeal process should a member with an unfavorable report elect to appeal the determination. The appeal process will follow these steps:
 - a. Applicant must confidentially bring the appeal to a Special Committee consisting of the Governor-elect, Immediate Past Governor, and District Treasurer.
 - b. The burden of proof would rest on the person bringing the appeal to convince the Special Committee that the findings of the Governor were incorrect and should be reversed.

- c. The results of the appeal shall be communicated to the appellant by the Governor-elect.

34.6 The Texas-Oklahoma District will:

- A. Request a District CBI each October 1 for the following:
 - a. District Governor
 - b. District Governor-elect
 - c. District Lieutenant Governors
 - d. Any District Chairperson involved with or implementing a program for youth under the age of 18.
 - e. Those individuals serving consecutive terms will have the CBI every other year.
- B. Be responsible for the cost of the above investigations and will include such cost in the District's administrative budget.
- C. Require a completed District CBI before any Kiwanian may attend any District events for youth under the age of 18. These events include but are not limited to:
 - a. Weekend Of A Lifetime
 - b. Key Club District Convention
 - c. Circle K District Convention
 - d. Any workshops or meetings sponsored by Kiwanis, CKI, or Key Club for youth under the age of 18.

34.7 The Texas-Oklahoma District Application for a Criminal Background Investigation (CBI) shall be as shown in Policy 34.9A or 34.9B. (34.9A is the form individuals should use if they don't have access to a computer and 34.9B is the form to use for those individuals that do have access to a computer and can submit their application in a secure online environment.)

34.8 The form for the consent to perform a Criminal Background Investigation in compliance with the Fair Credit Reporting Act (FCRA) will be as shown in Policy 34.10.

34.9A TEXAS-OKLAHOMA DISTRICT OF KIWANIS INTERNATIONAL APPLICATION FOR A CRIMINAL BACKGROUND INVESTIGATION (CBI)

Kiwanis Club of _____ Key Number _____

Club Secretary _____ Division _____

Mailing Address _____

City, State, Zip _____

Email _____ Telephone _____

Name of individual requesting CBI:

_____ Last name First name MI

Nickname(s): _____

Social Security Number: _____ Date of Birth ___/___/___ (Required)

City of Birth _____ State of Birth _____ Gender: M / F

Race: Anglo, African Am., Am. Indian, Asian, Hispanic, Other _____

Address _____ Street Apt

_____ City State Zip Code

Driver's License Number _____ State of issue _____

Telephone number where you can best be reached: _____

I hereby certify that the information provided above is true, correct, and complete.

Signature of person requesting CBI _____

Date signed _____

Information provided on this form is for the sole purpose of obtaining results of a Criminal Background Investigation for the Texas-Oklahoma District of Kiwanis International. Investigation results will be maintained at the Texas-Oklahoma Kiwanis District Office and will not be disseminated to individuals or clubs other than a one word result: favorable or unfavorable. All information provided on this sheet will be destroyed (shredded) once the report is received. The only information retained at the District Office (for 2 years) will be the signed consent form.

34.9B **TEXAS-OKLAHOMA DISTRICT OF KIWANIS INTERNATIONAL SECURE ONLINE APPLICATION FOR A CRIMINAL BACKGROUND INVESTIGATION (CBI)**

Kiwanis Club of _____ Key Number _____

Club Secretary _____ Division _____

Mailing Address _____

City, State, Zip _____

Email _____ Telephone _____

Name of individual requesting CBI:

_____ Last name First name MI

EMAIL ADDRESS: _____
(Required)

Address _____
Street Apt

_____ City State Zip Code

Telephone number where you can best be reached: _____

YOUR DATE OF BIRTH ___/___/_____

I hereby certify that the information provided above is true, correct, and complete.

Signature of person requesting CBI _____

Date signed _____

Upon receiving these signed forms (34.9B & 34.10) and payment of \$7.30 the person requesting the CBI will be emailed a link to a secure website where they can enter their personal information for the background check. The background check is then performed in a secure online environment. After the person enters their information and clicks on the APPLY key, their personal information is automatically encrypted and will not be re-entered or seen by anyone in the District Office or the Qualifying Investigation Organization again.

*Information provided on this form is for the sole purpose of obtaining results of a Criminal Background Investigation for the Texas-Oklahoma District of Kiwanis International. Investigation results will be maintained at the Texas-Oklahoma Kiwanis District Office and will not be disseminated to individuals or clubs other than a one word result: favorable or unfavorable. **All information provided on this sheet will be destroyed (shredded) once the report is received. The only information retained at the District Office (for 2 years) will be the signed consent form.***

**34.10 CONSENT TO PERFORM CRIMINAL BACKGROUND INVESTIGATION
IN COMPLIANCE WITH THE FAIR CREDIT REPORTING ACT (FCRA)**

I, _____ am an applicant to work directly with youth under the age of 18 in the Texas-Oklahoma District of Kiwanis and have been advised that as a part of this application process, a criminal background investigation will be conducted and a report issued. Such investigation may include, but is not limited to, verification of identity, driver's record, and criminal background records.

I hereby release all persons or entities from liability from any alleged damage that may result from furnishing accurate information in good faith to the Texas-Oklahoma District of Kiwanis International. I do hereby consent for the Texas-Oklahoma District to use any information provided during the application process in performing the criminal background report. I have been informed that I have the right to review and challenge any negative information that would adversely impact a decision for membership. In addition, I have been informed that I will have a reasonable opportunity to clear any mistaken information reported within a reasonable time frame established within the sole discretion of the Texas-Oklahoma District of Kiwanis International. Under the Fair Credit Reporting Act, I have been advised that upon request I will be provided the name, address, and telephone number of the reporting agency as well as the nature, substance, and source of all information.

Information provided on this form is for the sole purpose of making a determination of the ability to work with youth who are under the age of 18 in a relationship under the auspices of a Kiwanis Club of the Texas-Oklahoma District of Kiwanis International. Investigation results will not be disseminated to individual clubs other than one-word results: favorable or unfavorable. If an unfavorable report is received, an applicant may appeal to a Special Appeal Committee of the Texas-Oklahoma District. All information is confidential.

In addition, I agree to permit the Texas-Oklahoma District of Kiwanis International to release the results of this investigation to Kiwanis International should I request permission to attend any International event pertaining to youth under the age of 18.

Applicant's signature

Date

Applicant – PRINT NAME HERE

**(Form 34.10 should accompany
34.9A or 34.9B. Please staple them
together.)**

District Officer entering information

Date

Make checks payable to ***Texas-Oklahoma District of Kiwanis International***

Mail check for \$7.30 and forms to:

***Texas-Oklahoma District of Kiwanis
Attn: Rick M. White
624 Six Flags Drive, Suite 265
Arlington, TX 76011-6342***

***May send one check with
multiple forms.***