



The following outlines the background screening policy and procedures for the National Collegiate Rugby Organization. Policy and procedures were established June 2020:

NCR will implement, and maintain a volunteer, contractor, and employee screening policy that:

- A. Identifies classes of volunteers, contractors, and employees for which a background check is required taking into consideration the following:
  - (1) Volunteers contractors, and employees who have any of the following relative to minor participants:
    - Regular contact
    - Authority or supervision
    - Opportunity to establish a position of trust
    - Opportunity for one-on-one contact
- B. Defines the type/level of background check that is required
  - (1) NCR recommends securing a background check that is as broad as possible given the financial, administrative, and operational circumstances of the organization.
  - (2) Items to consider in determining the "breadth" and "depth" of a background check:
    - Number and type of records accessed
    - Geographic location (records available in volunteer's current place of residence, records available nationally and internationally)
    - Length of history to be searched
    - Quality of National Criminal Databases searched County Searches (Due to database limitations NCR recommends that organizations order, at a minimum, single county criminal record searches on an individual covering the counties in which that individual has resided within the past five to seven years.)

- C. For implementation purposes, provides a timeline and frequency for screening of current and new volunteers, contractors and employees.

The criteria for criminal offenses that result in a review and disqualification of volunteers, contractors, or employees for participation ("Fitness Criteria")

- A. Organizations may have different philosophies, or volunteer/employee/contractor roles and responsibilities that will influence what qualifies as a review or automatic disqualification for participation. In addition, some organizations have a greater ability to oversee and direct volunteer activities than others.
- B. Therefore, these best practices guidelines do not set forth one standard that will necessarily satisfy the requirements of all organizations.
- C. However, through the National Center for Safety Initiatives (NCSI), NCR does provide a list of disqualifying criteria which is used in the PROTECT Act by the FBI and the National Center for Missing and Exploited Children as a guideline that can be adapted based on the circumstances and requirements of individual organizations by working with NCSI.

Procedures for conducting and reviewing background checks.

- A. NCSI is responsible for:
  - Conducting the checks
  - Reviewing the criminal history records
  - Determining fitness
  - Notifying the volunteer of the decision
  - Managing legally compliant notices, and the dissemination, control, storage and destruction of information gained in background check
- B. NCSI will take measures to implement the procedures as broadly as possible within the organization by providing resources to membership such as:
  - Administrative guidelines and materials
  - Training opportunities
  - Codes of Conduct

NCR implements legally compliant practices related to background screening:

- A. Current best practices and legal compliance as established in that using a National Criminal Database criminal record as the basis for a disqualification for a position without further verification of accuracy is not an appropriate practice. Therefore, NCR insures that in designing their background screening program they are including a verification process. NCSI will assist NCR in establishing such a program.
- B. Work with legal counsel and NCSI to implement legally compliant procedures regarding Fair Credit Reporting Act (FCRA) and State or local law requirements for consents and authorizations, notices, disputes of accuracy, and other required practices including but not limited to a process to enable individuals to dispute the results of a background check (e.g. identity error).

- C. Internal review procedures for any individual with “employee” status who does not meet the screening criteria to ensure that the criminal history which may disqualify the individual for the position sought meets the current federal and state legal standards as relevant to the role and responsibilities of the position.

## PROCESS, PROCEDURES AND GUIDING PRINCIPLES

At the request of an applicant, a criminal history background check will be conducted to determine the fitness of an individual to serve NCR. The National Center for Safety Initiatives (NCSI) will perform the criminal history record check and the determination will be communicated to the organization. Prior to, and after the completion of the background check, the organization may choose to deny an individual access to participants in its program. The final decision regarding disposition toward an individual’s participation remains with the requesting organization. At the organization’s request, NCSI will administer all communications and legal compliance responsibilities relating to the screening process.

## THE DETERMINATIONS: Red Light, Green Light

### RED Light:

- ◆ Worded: “does not meet the criteria”
- ◆ 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 (R1-R7)

### GREEN Light:

- ◆ Worded: “meets the criteria”
- ◆ Applicant has no record/registration, or
- ◆ The reportable crime for which the applicant was convicted or has a pending case without disposition is not a criterion offense

### Other Considerations:

- ◆ NCR can consider whether they want to request NCSI, in addition to making a determination, to provide the organization with information regarding any reportable criminal charge of a violent felony or involving harm to a minor in cases of a disposition favorable to the applicant. In some cases this may be relevant to participation in certain roles after review with the organization’s legal counsel. In the event the organization is faced with an inquiry about the matter after permitting participation, the organization will be informed about the disposition.
- ◆ Of course, fitness determination is only one part of an organization’s applicant review and the absence of a criminal record does not ensure that a volunteer, contractor, or employee will be considered acceptable by the organization.

## 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.

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 NCR:

- R1. Any felony (any crime punishable by confinement greater than one year)
  - a. 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.
  - b. 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.
- R2. Any lesser crime involving force or threat of force against a person.
- R3. 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.
- R4. Any lesser crime involving controlled substances (not paraphernalia or alcohol).
- R5. Any lesser crime involving cruelty to animals.
- R6. Any sex offender registrant.
- R7. Any lesser crime involving harm to a minor.
  - ◆ Organizations may choose to apply time limits to the recommended screening criteria based upon their internal review and consultation with legal counsel relating to the criteria's relevance to specific positions.
  - ◆ Applicant Motor Vehicle records criteria and screening should be considered for any position which will involve the driving of the organization's minor members and/or the use of the organization's vehicles.