

The Parents of Latin American Children

Background Check Policy

[Adopted by the Board of Directors February 19, 2017]

Statement of Principles

It is in the best interests of the organization, the children who participate in La Semana Camp, Corazon Latino Dance Troupe and the adult volunteers who staff these programs, to institute a background check policy.

While under Minnesota law non-profit organizations are not required to conduct background checks on volunteers who interact with children, performing and reviewing background checks will benefit the organization by providing a level of protection to the participants, the children, and the organization. Such a policy is also consistent with the best practices of non-profit organizations in Minnesota that provide programming for children.

The Parents of Latin American Children organization is committed to implementing a background check policy that is applied fairly and consistently, and that provides a high level of comfort and safety to all those involved in PLAC programs. To that end, the PLAC Board of Directors retains the discretion to make final decisions about whether or not to accept any volunteer application, the extent of involvement permitted by any volunteer, and to revoke an individual's volunteer status at any time.

However, background checks do not provide any guarantee of safety, and additional reasonable practices should also be in place to provide the safest environment possible for everyone involved (e.g., policies regarding adult interaction with children), such as the Code of Conduct.

Persons Subject to a Background Check

All individuals who wish to participate in PLAC activities must agree to a background check and provide information with their registration sufficient to permit a background check to be conducted. This policy includes all PLAC Board of Directors, all volunteers, paid staff and teens 18 years old or older during PLAC activities. Background checks must be completed every three years on all who wish to continue to participate in PLAC activities, regardless of whether they have participated in the interim years.

PLAC Officers' Background Check Review

- The PLAC Officers will review only those records flagged by the agency as having criminal conviction data.
- Background flags will be communicated every 2 days (48 hours) to the PLAC Secretary so they may be addressed in a timely basis.
- Appropriate measures are taken to safeguard PLAC's passwords and access to view or print background check results from the McDowell website.
- Any records on individuals that are printed will be shredded as soon as a determination is made about the individual by the PLAC Officers.

The PLAC Officers will review the background checks per the guidelines provided below and will decide the following:

- if the applicant associated with the record will be allowed to participate in PLAC activities and if so, if there are any restrictions on the type of activity the applicant can perform;
- if the denied applicant is permitted to attend any PLAC activities not as a volunteer but as an observer or audience member;
- if the child/ren of the denied applicant will be permitted to participate in programs either with another parent/adult volunteer (if applicable); and
- whether the child/ren of the denied applicant will be allowed to attend camp by paying a higher fee that offsets the lack of parental involvement as a volunteer.

The decisions of the PLAC Officers should be unanimous if possible, but a decision can be reached in accordance with Section 3.13 of the Bylaws of the Parents of Latin American Children, by majority vote. The current Chair of the appropriate program will be informed of the PLAC Officers' decision as to what capacity the applicant will be allowed to participate.

Communicating Decisions to Affected Applicants

A formal letter will be sent to the applicant from the President of the Board, with the decision made. The letter will include the following information:

- that the review process was confidential and will remain completely confidential.
- the extent of the denial, including whether the denied individual can be a part of PLAC activities as a parent (if applicable) but will not be allowed to volunteer, whether the child(ren) of the denied parent will still have the opportunity to participate in activities (and any additional fee that may be imposed); and whether another parent or guardian may volunteer in place of the rejected applicant.
- the length of the ban, including if it is permanent.
- that the denial itself is confidential,
- that the applicant may take advantage of rights under the Fair Credit Reporting Act.
- that the decision is final as to the current year, but that if the applicant were able to successfully challenge an item on his/her criminal record with the appropriate jurisdiction, then the applicant may re-apply the following year.

Guidelines for Assessing Background Check Results:

1. PLAC shall not knowingly permit any person convicted of any of the crimes listed below within the last 15 years to become associated with or remain in any volunteer position for the organization. If the PLAC background check reveals convictions of any of these crimes within the past 15 years from the date of application, the person's application shall be rejected or s/he will be dismissed from any position s/he holds in the organization. Any convictions occurring more than 15 years previous may be considered by the PLAC Officers in determining whether to deny the volunteer application, but will not automatically disqualify the applicant.

Convictions of the following or similar crimes mean that an individual will not be allowed to be a PLAC volunteer in any capacity:

- Any Assault Against a Minor
- Controlled Substance Crimes Against a Minor Victim
- Solicitation of a Minor to Engage in Sexual Conduct
- Child Pornography
- Child Abuse
- Kidnapping
- Felony Assault
- Criminal Sexual Conduct
- Manslaughter
- Murder

2. Convictions of the following or similar crimes within the past 5 years from the date of application, mean that an individual may not be allowed to be a volunteer with PLAC or that the individual may have conditions placed upon their involvement with PLAC or its programs, at the sole discretion of the PLAC Officers:

- Domestic Assault or Abuse
- Assault
- Contributing to the Delinquency of a Minor
- Child Neglect
- Malicious Punishment of a Child
- Felony DUI/DWI (only for non-driving volunteer positions)
- Violation of a Restraining Order
- Harassment
- Controlled Substance Crimes
- Embezzlement
- Felony Theft
- Indecent Exposure

Revoking an Individual's Volunteer Status Following an Initial Acceptance

If complaints or information about an individual at a PLAC activity are received by the Board after an initial acceptance (including during that activity), that are of a nature that call into question whether the individual should, the PLAC Officers should convene (in person or by telephone) to discuss the nature of the information received, the validity of that information, and any other information that seems reasonably relevant. If, at the sole discretion of the PLAC Officers, the participant should no longer remain in a their capacity, the President of the Board will communicate this decision directly to that person.