



## **Background Check Policy**

In order to ensure the safety of our participants, staff, and organization, criminal background checks including First Advantage national background check, MyCase state public records search, Exclusions Health and Human Services Database search and National Sex Offender Registry search are required for all employees, contracted employees, interns, and volunteers\*. Background checks must be completed prior to the individual's start date. Additionally all Foundation For Youth (FFY) staff will have an updated background check each year of employment; not to exceed twelve (12) months.

Foundation for Youth will carry out this requirement in a fair, consistent and non-discriminatory manner, complying with applicable state and federal laws and guidelines, including the Fair Credit Reporting Act and the Equal Employment Opportunities Commission.

### **At a minimum each individual background check shall include:**

- Verification of the individual's identity and legal aliases and a national search of criminal records; First Advantage
- A national search of sex offender registries; NSOPW
- A state public search of cases opened in Indiana; MyCase.IN.Gov
- A National public search of the Exclusions Health and Human Services Database; [exclusions.oig.hhs.gov](http://exclusions.oig.hhs.gov)
- Contacting local County Courthouse for Juvenile Background Check for individuals under the age of 18

Other data may be obtained, based on individual employee or volunteer duties or responsibilities.

Background check findings shall be reviewed in a fair, impartial and confidential manner. Certain actions and convictions for certain crimes serve to automatically disqualify applicants for employment or volunteer service at Foundation for Youth, as described below.

**A person will be ineligible for employment or volunteer service if such individual:**

- Refuses to consent to a criminal background check
- Makes a false statement in connection with such criminal background check
- Is registered, or is required to be registered on a State or National sex offender registry
- Has been convicted of a felony consisting of:
  - Murder
  - Crimes against Children; including child abuse, child pornography]
  - Violent Crimes; including physical assault, spousal abuse
  - Arson
  - Physical Assault, battery or drug related offenses
- Or has been convicted within the past 5 years of a misdemeanor involving:
  - physical assault or battery,
  - drugs or controlled substances, or
  - cruelty to animals

With respect to convictions for crimes not listed, any applicant with such a conviction shall be evaluated on an individual basis to determine whether they should be excluded from consideration based on the conviction. The following factors shall be considered:

- the nature and gravity of the offense;
- the time that has passed since the offense or completion of sentence;
- the nature of the job sought or held;
- the facts and circumstance surrounding the offense or conduct;
- the number of offenses for which the individual was convicted;
- the age of the individual at the time of conviction or release;
- evidence that the individual performed the same type of work, post-conviction, with the same or a different employer with no known incidents of criminal conduct;
- the length and consistency of employment history before and after the offense or conduct;
- rehabilitation efforts, e.g. education and/or training;
- employment or character references and any other information regarding fitness for the particular position; and
- Whether the individual is bonded under a federal, state or local bonding program

In the event of exclusion due to past criminal conduct, Foundation for Youth shall alert the applicant and provide the applicant an opportunity to submit an explanation. All personal data, background check data, and adverse action letters shall be treated as confidential and maintained in a secure location.

**The background check procedure is as follows:**

- Background check form is completed, including a copy of a valid photo ID, and permission signed by applicant or legal guardian of applicant before or during interview;
- Implications of background check explained before or during interview;
- All Background check forms are given to the Business Office Manager to be processed
- Background check results are given to the individual who requested the Background
- Job offers and volunteer positions are contingent on results of criminal history;
- Applicants can begin work or volunteer only after:
  - A clear check has been returned, or
  - Reported violations have been reviewed with the applicant. During this discussion, if special conditions are allowed, they must be in writing to the applicant. Special conditions may include, but are not limited to:
    - Probationary periods;
    - Restrictions regarding interaction with program participants, staff, and public;
    - Restrictions regarding use of vehicles and/or equipment;
    - Restrictions regarding compensation;
    - Consequences of further discovery;
    - Consequences of further illegal activity;

*\* Large Volunteer groups with no direct, repetitive contact with children can be exempted.*