

NEW ENGLAND and BERMUDA DISTRICT OF KIWANIS POLICY MANUAL

**ARTICLE XXIII. SLPS AND YOUTH and/or AKTION CLUB MEMBERS
RISK MANAGEMENT POLICIES**

**SECTION A. REQUIREMENTS FOR ADULTS WORKING WITH KIWANIS
PROGRAMS FOR YOUTH UNDER THE AGE OF 18 AND/OR AKTION
CLUB MEMBERS**

Purpose of Policy: The children, youth, and adults with disabilities we serve deserve the best Kiwanis has to offer. It is our duty, collectively and individually, to keep those we serve through our Service Leadership Programs, and through other Kiwanis-sponsored programs and projects, safe from harm. This policy seeks to ensure safety by establishing clear rules governing the relationships and interactions between adult Kiwanis Club members and non-member adult volunteers and the children, youth, and adults with disabilities with whom we interact.

1. It is the Policy of the New England and Bermuda District of Kiwanis (NE-BDK) that certain District leadership, enumerated below, shall have Criminal History Backgrounds Checks every two years by a KI-approved vendor. If a Kiwanian has had a background check that includes a criminal history background check from another organization (e.g., a school) within the past two years, that may be acceptable; however they must present a “Clear” CHBC statement from the school or other program. A “Clear” CHBC is required for the person to continue in their District role.
2. This policy, and related procedures apply to all NE-BDK officers (excepting Governor, Governor-elect, Governor-elect candidates, the District Risk manager, and the District Youth Protection Manager – all of whom are covered on this topic by KI policies and procedures), Lt. Governors, and District Committee and sub-committee chairs.
3. All those District leaders enumerated above are required to read, understand, and agree to abide by the requirements in this Policy, and to sign a NE-BDK document (See Section C) attesting that they have read, do understand, and agree to abide by requirements in this Policy.
4. All those District leaders enumerated above are required to:
 - a. Immediately notify the NE-BDK District Secretary, and either the Club President or Club Secretary upon learning, via publicly available information, of a NE-BDK Club member allegedly being currently involved in, documented as having been involved in, or accused of being involved in any of the crimes listed in Section B.7, Crimes and Convictions that Cause Ineligibility. Guidance on Public Relations on such matters is Section F and Section G.

- b. Immediately notify the NE-BDK Kiwanis District Secretary, and either the Club President or Club Secretary, and law enforcement personnel as appropriate, upon observing, hearing, or being told by a youth, Aktion Club member, or fellow Kiwanian or a non-Kiwanian adult, of a behavior or language that is or appears to be in conflict with our duty to protect youth and Aktion Club members from harm. All local, state and federal laws regarding reporting must be followed.
5. All non-Kiwanian adults (for example, but not limited to, chaperones, parents, guardians) at a NE-BDK district event where youth and/or Aktion Club members are present, shall be instructed to notify a Kiwanian at the event upon personally observing, hearing, or being told by a youth, and/or Aktion Club member, of behavior or language that is or appears to be in conflict with Kiwanis' duty to protect youth and/or Aktion Club members from harm. All local, state and federal laws regarding reporting must be followed.
6. (Available for future use)
7. The NE-BDK Governor and Secretary may utilize available records by a qualified investigating organization and/or other responsible agency reports (e.g. courts or sex offender registries) responsible for returning an accurate evaluation of the individual reviewed to verify if any Kiwanians' names are on those organizations' lists convicted sex offenders. If a Kiwanian's name appears in the information accessed, then the procedures in Section A.4 (above) and in Section B.4 and Section B.5 are to be followed.

8. Guidelines for Adults Working with Youth and/ or Aktion Club Members

- a. All adults working with for youth under the age of 18, and Aktion Club Members in certain cases as laid out below, at any NE-BDK district event are expected to read/understand, agree to, and abide by these guidelines. (1/07) (1/13)
- b. **Chaperone:** A chaperone shall be defined as any Adult or Kiwanis member, faculty member, parent, legal guardian, or person who is in *loco parentis*, over the age of twenty-one (21), who has been approved by the school or agency and registered with the school or agency to accompany the youth members at the specific event. (1/07) (1/13)
- c. **Use of Alcoholic beverages and Tobacco:** While attending any NE-BDK district event 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 and/or tobacco products during any portion of the event. (1/07) (1/13)
- d. **Reporting:** If a Kiwanian observes troubling behavior involving a youth or Aktion Club member at a NE-BDK district event or becomes aware of a situation that is illegal or potentially unsafe for a young person or Aktion Club member at a NE-BDK district event, he/she must immediately contact the appropriate personnel at the event as well as provide notification to law enforcement personnel as appropriate. All local, state, provincial, and federal laws regarding reporting must be followed. (1/13)

- e. **Overnight stays:** While attending a NE-BDK district event that requires an overnight stay(s) in a hotel or camp/conference setting, adequate adult chaperoning is required, and must 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 or legal guardian sharing a sleeping room or other sleeping quarters (e.g., tent) with his/her own child, no adult shall share a hotel or dormitory sleeping room or other sleeping quarters 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. (1/07) (1/13)
- f. **Transportation:** It is required that adults transporting youth, or and/or an, Aktion club member in a motor vehicle should do so with a second adult, or a second youth/Aktion Club member, in the vehicle, or in hardship cases, a single adult shall use the “rule of threes”, meaning at least three people must be in the car at all times, All transportation decisions shall be made in accordance with local laws and school policies. A consent form, signed by a parent or legal guardian, and stating that the adult driver driving each youth in the motor vehicle has the parent’s or legal guardian’s agreement to do so. Once the specified trip is over, the signed forms shall be given to, and maintained by, the District Secretary for a minimum of three years or as required by applicable state laws and regulations, if longer. (1/07) (1/13)
- g. **Medications:** The possession of prescription and nonprescription medications by youth at an event shall be permitted only by dated, written permission of the parent or legal guardian.
- h. **Criminal History Background checks:** Criminal history background checks for adults working with youth, and Aktion Club members at NE-BDK district events shall be required and shall conform to applicable local, state, and national laws and regulations. .
 - (i) All adults working with youth at all Kiwanis International-sponsored events including Key Club International Convention, Key Club Governor and Administrator training conference, and Key Club International Leadership Conference, and any Key Leader weekend, must have a background check that is approved or conducted by Kiwanis International. (1/07) (4/12) See Kiwanis International Policy B and Procedure 197 for complete information regarding criminal history background checks. (4/12)
 - (ii) **Responsibility for Costs:** With the exceptions stated in Section B, each individual subject to a criminal history shall be responsible to pay the charges for the criminal history background check. Checks shall be conducted by the District’s “qualified investigating organization” (QIO) as inexpensively as reasonably possible to assure accurate results. A Club may choose to pay for the cost of a member’s criminal history background check, and/or it may include the cost in the Club’s dues structure.
- i. **Conflicts with other rules:** Whenever these requirements appear to conflict with local school policies or rules, or local, state, or national laws or regulations, the highest

applicable standards for conduct are to prevail. Please contact the District Risk Manager if there are questions.

- j. **Personal information:** All documents bearing a youth's or Aktion Club member's personal information, including registration forms, medical information forms, permission to treat forms, etc., must be treated as confidential by the District. Processes that protect this information are to be created, including minimizing the number of people who have access to any such documents. The documents are to be maintained a minimum of three years, or longer as required by applicable state and national laws and regulations. After the maintenance period has expired, the documents are to be destroyed in a way that maintains confidentiality, such as shredding. It is also required that the disposal and destruction of all confidential information will conform to applicable state and national laws and regulations. (1/07) (1/13)
- k. **Youth and Social Media:** For any social networking site that involves requesting a connection (such as inviting someone to be a friend on Facebook), adults working with youth and Aktion Club members at NE-BDK district events shall not initiate such connections with youth. If a youth requests such a connection from such an adult, he/she should use their best judgment in responding. Such adults should treat their interaction with youth on social networking sites as though the interaction were occurring in public, in front of other adults and young people. In other words, if it would not be appropriate to say something to a young person in public, it should not be said as a comment on a social networking site either. Such adults should refrain from interactions that can be seen as excessive (such as constantly "liking" or commenting on a person's posts on Facebook). Prior to posting any media online, such as photographs, such adults should obtain permission from any and all individuals (or parents for minors) that appear in that media; it could be illegal to do otherwise. (4/12) (1/13)
- l. **Behavioral or Health Issues:** Kiwanians are often seen by a young person as an adult to trust with personal and/or sensitive information. Kiwanians working with youth and Aktion Club members at NE-BDK district events should refrain from counseling youth and should instead find, or assist the young person in finding, appropriate expert assistance. (4/12) (1/13)
- m. **Education:** The NE-BDK will endeavor to provide annually at its district convention or another district conference an educational forum or workshop on guidelines and best practices for adults working with youth and Aktion Club members, using materials provided by Kiwanis International. District CLE training programs should also include training on these policies and requirements.

SECTION B. CRIMINAL HISTORY BACKGROUND INVESTIGATIONS

Purpose of Policy: This Policy outlines responsibilities and procedures for New England and Bermuda District (NE-BDK) completion of Criminal History Background Checks (CHBC).

1. To ensure the highest standards of leadership, the NE-BDK requires a favorable criminal history background check for this policy, and related procedures apply to all NE-BDK officers (excepting Governor, Governor- elect, Governor-elect candidates, the District Risk manager, and the District Youth Protection Manager – all of whom are covered on this topic by KI polices and procedures), Lt. Governors, and District Committee and sub-committee chairs, as part of the eligibility criteria to hold such positions.
2. Additionally, to ensure that adults working with youth and/or Aktion Club members, are of the utmost moral fiber, the NE-BDK requires a “Clear” criminal history background check for any Kiwanian or adult nonmember participating in or staying overnight at any event organized by the District involving youth under age 18 and/or Aktion Club members.
3. **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 categories:
 - (i) 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.
 - (ii) 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.
 - (iii) 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.
 - (iv) 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, or other governing body, to use State, or other governing body, databases to check criminal records, driving records, and to verify identity. These are commonly known as “CORI”

checks. Currently, the NE-BDK has chosen KI's recommended vendor, Safe Hiring Solutions, Inc. ,as the District's QIO.

- c. **Criminal History Background Check (CHBC)** – A review of all available records by a “qualified investigating organization” responsible for returning an accurate evaluation of the individual reviewed.

4. The New England and Bermuda District Secretary will perform the following duties:

- a. Develop and publish the procedures for receiving requests from individuals or Kiwanis Clubs for a CHBC and forwarding these requests to the QIO , the NE-BDK has chosen to perform the CHBCs.
- b. Be responsible for developing a secure database in which to record investigation requests, dispositions, and results of investigations.
- c. Advise the District Governor and Risk Manager, and/or the Club President (or Club Secretary in the President's absence) when a favorable investigation report has been received.
- d. Upon receipt of an unfavorable report, immediately notify the Governor and Club President (or Club Secretary in the President's absence), and the individual who requested the CHBC. If required by Kiwanis International Policy or procedures, the Governor shall notify the responsible Kiwanis International person.
- e. Receive required fees from the individual or Club for the required reports and act as the central payment office for the Qualified Investigating Organization's invoices.

5. The NE-BDK District Secretary is responsible for:

- a. Reviewing the results of CHBCs that contain information of an unfavorable nature.
- b. Communicating any failure on a background check to the individual who requested the CHBC.
- c. Assure the applicant that he/she may work with the QIO, or other responsible reporting agency, for a period of 30 business days to correct the report should the applicant believe there is 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:
 - (i) Applicant must confidentially bring the appeal to a Special Committee consisting of the Governor, Governor-elect, and Immediate Past Governor. The Special Committee Role and procedures must be explained to the member appealing the determination.

- (ii) The burden of proof rests on the person bringing the appeal to convince the Special Committee that the findings in the CHBC to the District Secretary were incorrect and that the determination should be reversed.
- (iii) The results of the appeal shall be communicated to the applicant by the Governor.
- (iv) All appeal decisions shall be made solely made by the Special Committee and shall be considered final.

6. The New England and Bermuda District will:

- a. Require a District CHBC prior to each October 1 for the following:
 - (i) District Lt. Governors
 - (ii) All District Officers, Chairpersons and sub-committee chairpersons, and those involved with or implementing a program for youth under the age of 18, and/or programs for Aktion Club members, as part of the eligibility criteria to hold such positions.
 - (iii) Those District Lt. Governors and District Chairpersons serving consecutive terms are required to have a CHBC performed 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 favorable District CHBC before any adult may attend any District event for youth under the age of 18, and/or for Aktion Club events. These events include but are not limited to:
 - (i) Key Leader
 - (ii) Key Club District Convention
 - (iii) Circle K District Convention
 - (iv) AKTION Club Convention
 - (v) K-Kids District gatherings
 - (vi) Builder's Club District gatherings
 - (vii) Any conferences, workshops, or meetings sponsored by Kiwanis, CKI, or Key Club for youth under the age of 18, or for Aktion Club members.
- d. With the exception of Key Leader chaperones (whose CHBCs are paid for by Kiwanis International), the adult(s) planning to attend items c.(i) -c.(vii) above are responsible for the cost of the required investigations.
- e. Require a completed, favorable NE-BDK CHBC for any individual running for, elected to, or appointed to, the office of Lt. Governor-elect, or any individual nominated for a position of Administrator/Chair prior to the commencement of service in such position.
- f. Transitional Rule: To implement the Criminal History Background Check (CHBC) Policy for the 2013-2014 and 2014-2015 administrative years:

- (i) District Lieutenant Governors, District Officers, Chairpersons and sub-committee chairpersons for the 2013-2014 administrative year may continue to serve without a CHBC until the end of the current administrative year.
- (ii) District Lieutenant Governors, District Officers, Chairpersons and sub-committee chairpersons for the 2014-2015 administrative year shall:
 - (1) Complete the Application for a CHBC no later than October 1, 2014; and
 - (2) Receive a favorable CHBC no later than December 1, 2014.
- (iii) Except as permitted by this Transitional Rule, no District Lieutenant Governor, District Chairperson or sub-committee chairperson shall perform any of their official duties until receiving a favorable CHBC.

7. Convictions that Cause Ineligibility

A criminal history background check is considered “not favorable” if it indicates: a felony or misdemeanor involving moral turpitude; a felony or conviction or registration of a violent and/or sexual nature, involving any type of abuse of a child, involving threatening or intimidating behavior, or otherwise of a physical nature; or a felony related to larceny or theft.

Other types of felony convictions will be reviewed on a case-by-case basis by the District Secretary. Any conviction legally reversed or overturned by the proper authorities shall not be considered when evaluating the background check.

A. Conviction(s) within the past ten years

Arson

Arrest without violence

Contraband

Disorderly conduct

Domestic violence

DUI – three (3) or more incidents

Extortion

Forgery/repeated insufficient funds check-writing

Misdemeanor drug or paraphernalia

Misdemeanor of a concealed weapon

Petty theft

Exhibiting weapons or firearms at school events, property or within 1,000 feet of a school

Trespassing

Vehicular homicide

Welfare and unemployment fraud

B. Conviction(s) with no time limit

Abuse, aggravated abuse, or neglect of an elderly person or disabled adult

Adult abuse, neglect, or exploitation of aged persons or disabled adults
Aggravated assault
Aggravated battery
Battery
Carjacking
Child abuse, aggravated child abuse, or neglect of a child
Contributing to the delinquency or dependency of a child
Exploitation of an elderly person or disabled adult
False imprisonment
Felonies or registrations of a physical nature
Home-invasion robbery
Incest
Kidnapping
Leading, taking, enticing or removing a minor beyond the state limits or concealing the location of a minor with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor
Lewdness and indecent exposure
Luring or enticing a child
Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child
Homicide
Obscenity
Possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property
Prostitution
Resisting arrest with violence
Robbery
Sexual activity with or solicitation of a child by a person in familial or custodial authority
Sexual battery
Sexual misconduct
Unlawful sexual activity with certain minors
Voyeurism

Felonies related to larceny or theft

Coordinating the commission of theft in excess of \$3,000
Dealing in stolen property
Larceny and grand larceny
Identity theft

Misdemeanors

Battery, if the victim of the offense was a minor
Luring or enticing a child

**SECTION C. SIGNATURE FORM FOR ATTESTING TO REQUIREMENTS FOR
ADULTS WORKING WITH KIWANIS PROGRAMS FOR YOUTH
UNDER THE AGE OF 18 AND/OR AKTION CLUB MEMBERS**

The person who has signed below attests that he/she has read, understands, and agrees to abide by the requirements delineated in **Policy No. XXIII**.

Printed Name Signature Date Signed

Kiwaniis Member # Kiwaniis Club

This signed form shall be maintained by the District Secretary for a minimum of three years.

SECTION E. Education Curriculum: Guidelines for Adults Working with Youth and/ or Aktion Club Members

1. The NE-BDK Governor shall direct the appropriate District resources to develop and implement the Education Curriculum. These resources shall also develop necessary supporting materials for use in CLE training, and in programs at the District conventions and conferences. The training programs shall include training on the policies and requirements spelled out in these pages, and any updates from Kiwanis International on this topic.

SECTION F. Statements for Use by District Governor and Club President or Public Relations Chairperson

“The New England and Bermuda District and the Kiwanis Club of _____ have been made aware of this situation. To our knowledge, none of the allegations relate to this individual’s membership or role in our fraternal organization. We understand that this matter is being investigated by the authorities in _____ (Enter TOWN, STATE) and any further questions should be directed to them. The District and the Club are cooperating fully with the investigation. Please keep in mind that these allegations have been made against one person and should not reflect on the entire club.”

SECTION G. Statement for Use by Club President or Public Relations Chairperson

“We are saddened and deeply disappointed by the allegations facing (ENTER Club Name of Kiwanis member) XXX YYY. Our thoughts and prayers are with the alleged victims during this difficult time. We expect all of our members to act professionally, morally and ethically in all of their interactions with children, colleagues and community members. Please keep in mind that these allegations have been made against one person and should not reflect on the entire club.

We will not tolerate any conduct that is inappropriate and unbecoming of a New England and Bermuda Kiwanian. The Club and the District are cooperating fully with the investigation being conducted by the authorities in _____ (Enter TOWN, STATE). Any further questions should be directed to them.

The Kiwanis Club of _____ will take corrective action and all disciplinary measures under organization by-laws whenever there is evidence of any misconduct. We encourage members of the New England and Bermuda District and the community to support each other through this difficult time, and continue to work together to create a more positive future for our children and our community.”