

# Girl Scouts of San Jacinto Council Criminal Background Check Policy

## Policy Statement

In order to ensure the safety and well-being of the girl and adult members, Girl Scouts of San Jacinto Council ("Council") reserves the right to disqualify, suspend or restrict the duties of any person who has been convicted of certain crimes; who has pled guilty or no contest to certain crimes; who has been placed on probation or deferred adjudication for certain crimes; who is under investigation or has been charged with certain crimes and/or who resides on the same premises as a registered sex offender.

The criminal background search is one component of the Council's Volunteer Placement Procedure, the goal of which is to screen prospective volunteers and place capable and qualified adults in all operational positions. Prospective Council volunteers must authorize the Council or its agents to conduct a criminal background search. Without completing this authorization, a person cannot serve in or be appointed to a volunteer position with the Council. The Council reserves the right to rerun a criminal background check on current volunteers based on state requirements and for any other reason, at the Council's discretion.

The Council will conduct a criminal background search on:

- troop/group leaders, and/or any other adult volunteers who work directly with girls in an on-going capacity in any pathway. This includes appointed volunteers, adults counted in the Safety-wise ratio, and all volunteers who participate in overnight Girl Scout activities.
- volunteers who handle Girl Scout funds (including at the troop/group level) and/or serve in product sales roles
- volunteers who handle confidential information
- volunteers who are responsible for Girl Scout facilities and assets such as reserve rangers
- volunteers who serve in elected or appointed roles

The Council's primary concern is always to safeguard the safety and best interests of its girl and adult members. The criminal offenses that will disqualify a person from volunteer participation in the Council, as well as the process used to determine disqualification of a person from volunteer participation, are set out in greater detail below. As a general matter, the decision whether to exclude altogether, temporarily suspend or limit a current or prospective volunteer's participation in the Council is exclusively within the discretion of the Council. Factors to be considered by the Council in making such determinations include, but are not limited to, the nature and severity of the criminal conduct or criminal investigation and or charges, and the length of time since the criminal conduct occurred.

## Criminal Background Check Procedure

- 1. Position Selection and Girl Scout Membership.** Volunteers must select or be appointed to a volunteer role and be a member in good standing for the membership year associated with their position. Financial aid is available.
- 2. Applicant Information Entry Form and Authorization** Volunteers must complete the applicant information entry form and authorization page provided by the screening agent, which provides reference information and authorization for the Council or its agents to search the records of the Texas Department of Public Safety and other reporting agencies in order to ascertain the applicant's criminal history record.
- 3. Accuracy of Application and Authorization Form.** Providing false information for the screening is grounds for automatic exclusion from participation in the Council, regardless of the result of the criminal background search.
- 4. Challenging the Accuracy of the Criminal Background Record.** Any applicant who disputes or desires to contest the information provided by reporting agencies must file a written notice with the Council or the Council's screening agent within 10 days of being notified that her or his application for volunteer participation has been denied. The volunteer will have an opportunity to review the Criminal History but will not be allowed to keep or photocopy the criminal history record transcript.

It is the applicant's responsibility to challenge the report received from reporting agencies and to arrange for any corrections, if necessary. The Council has no control over the information maintained by these reporting

agencies. The Council cannot be liable to any person or entity for the information provided by the DPS, or other reporting agencies, to the Council or its agents, or for any actions taken by the Council in reliance on such information. The Council is entitled to and shall rely upon the information contained in the criminal history report and other reporting agencies until such time as a corrected criminal history transcript has been provided. Even if an applicant submits corrected criminal background information, the Council retains exclusive discretion to exclude or limit an applicant's participation.

### **Disqualification From Volunteer Participation**

The following rules shall apply if the Council learns (via a criminal background search or otherwise) that a prospective or current volunteer has been convicted of, has pled guilty to, has received deferred adjudication for, is being investigated for or charged with or has pled no contest to one of the following crimes under the laws of the State of Texas, another State or the United States:

#### **1. Automatic disqualification:**

- Crimes against children
  - Felony offenses against persons
  - Felony offenses against the family
  - Crimes defined as public indecency
  - Crimes involving the use of weapons
  - Arson
  - Any violent crime or felony drug-related offense, other than those drug offenses specifically identified below
  - Residing on same premises as a Registered Sex Offender \*
- \* Registered sex offenders are not eligible for membership in Girl Scouts of the USA and may not participate in any capacity with the Council. Any adult living on the premises with a registered sex offender may participate only as a parent.

#### **2. Possible Disqualifications:**

- For a first offense DWI, DUI or possession of a controlled substance under two ounces, the decision whether to allow participation shall be within the absolute and exclusive discretion of the Council. The date of disposition and frequency will be the determining factors. For other than a first offense, that person shall not be allowed to serve in any capacity.
- Crimes involving theft, fraud, and forgery and all other criminal offenses (except traffic violations classified as Class C misdemeanors) will be reviewed on a case-by-case basis. The date of disposition, amount and frequency will be the determining factors.

The decision whether to allow service shall be within the absolute discretion of the Council. If a person is charged with any criminal offense, other than traffic violations classified as Class C misdemeanors, involvement with the Council as a volunteer will be temporarily suspended pending disposition of the case.

**Confidentiality.** The Council will maintain the confidentiality of all criminal background search information, including information regarding disqualification decisions. For current volunteers, only supervisory volunteers and staff will be notified of a disqualification in order to monitor compliance.

**Privacy Statement.** Volunteer records containing sensitive and confidential information, including social security and driver's license numbers, are kept in locked files in Volunteer Management Services. To protect privacy of volunteers, information is not placed in electronic storage with general access nor made available to volunteers or staff outside of Customer Service Department-Volunteer Management Services or any other entity outside of the Council.