



National Service Criminal History Check Consideration Policy



Acknowledgement of Criminal History Checks

1. I, _____, an applicant to the Iowa Department of Public Health (IDPH) AmeriCorps Mentoring Program, understand that my selection into this program is contingent upon a number of factors, including IDPH AmeriCorps Mentoring Program's review of my criminal history. I understand that IDPH AmeriCorps Mentoring Program has the right to perform a complete criminal history check at any point during my service term.

2. Specifically as it concerns criminal history:
 - a. IDPH AmeriCorps Mentoring Program will review whether I have been placed on the National Sex Offender Public Website (NSOPW) prior to starting my service. If I appear on the NSOPW, and it is determined to be me, I will not be able to participate in this Program.
 - b. In addition to the National Sex Offender Public Website Check, members will also be subject to State Criminal Registry Checks for the state of Iowa as well as the state where the member was residing during the time of the application to the program.
 - c. Members are subject to a Fingerprint-based FBI Criminal History Record Check due to members having recurring access to vulnerable populations (children age 17 and younger, person age 60 and older, or individuals with disabilities as defined by ADA).
 - d. Criminal history checks along with the fingerprint-based FBI Criminal History Record Check will be initiated prior to the start of any service activities including but not limited to the processing of additional state check paperwork, completion of finger print card information or other additional steps to complete the necessary checks beyond the completion of this waiver and acknowledgement form.
 - e. The "initiated by" date will be the date provided at the bottom of this form, certified by the initials of the program staff conducting criminal history protocol.
 - f. I agree that I will provide IDPH AmeriCorps Mentoring Program with any information and/or documents it needs to conduct these criminal history checks.
 - g. I understand that I must have my NSOPW checks and either my state or federal criminal history check completed with results received before I can serve in the presence of vulnerable populations without the physical accompaniment of an approved party. I will ensure that if accompaniment does need to take place pending all criminal history results that I will properly document this accompany as outlined in the Federal AmeriCorps guidelines.
 - h. IDPH AmeriCorps Mentoring Program defines the date in which a member applies to service as the date in which they officially completed the hard copy enrollment forms.

3. If IDPH AmeriCorps Mentoring Programs' review of the criminal history checks reveals information that it determines should prevent my selection into this program, I understand that it will advise me, in writing, of its proposed determination, and will provide me a copy of the information it has received (to the extent permitted by law). IDPH AmeriCorps Mentoring Program will allow me the opportunity to challenge the factual accuracy of the information, in writing, within 5 business days of its notifying me of its proposed determination. IDPH AmeriCorps Mentoring Program recognizes that individuals may not realize deferred sentences may appear on result checks and will provide members the opportunity to provide additional clarification to the circumstance without consequence if it appears that the member was not trying to intentionally mislead the program in regards to their criminal history. I also understand that at that time I may also provide any other written information that I believe will assist IDPH AmeriCorps Mentoring Program in its review.

4. I also acknowledge that I have received a copy of "How IDPH AmeriCorps Mentoring Program Evaluates Criminal Background Checks."

5. **During the time I applied to the program, I was a resident of _____.** Please reference section 2h. to review the program policy for what constitutes the "time of application".

Printed Name

Signature

Date

FOR PROGRAM STAFF ONLY:

Program staff initials: _____

Date NSHC was initiated: _____

How IDPH Mentoring AmeriCorps Program Evaluates Criminal History Checks

Prior to extending an offer to serve as an AmeriCorps member, each potential applicant will be advised that any offer is contingent upon the applicant being found suitable for the IDPH AmeriCorps Mentoring Program (hereinafter, "Program"), based on the Program's review of the applicant's criminal history, as described below.

If the applicant has not already done so, s/he will need to provide written authorization allowing the Program to conduct a criminal history check through the Iowa Division of Criminal Investigation.

Members will be subject to a Fingerprint-based FBI Criminal History Record Check due to having access to vulnerable populations (children age 17 and younger, person age 60 and older, or individuals with disabilities as defined by ADA).

If the applicant was a resident of a different state at the time of application to the Program, s/he will also need to provide any necessary authorization to allow the Program to conduct a criminal history check through the state in which the applicant resided at the time of application, as permitted by that state.

The Program will also conduct a check to determine if the applicant is listed on the National Sex Offender Public Website (NSOPW).

The Program's authorized agent (the Program Director, or his/her designee), will carefully review any records received from NSOPW and/or any appropriate state, to ensure that the record relates to the applicant. If the authorized agent is able to determine that the record does not relate to the applicant, the record shall in no way prevent the applicant from being offered a position with the Program.

If the Program reasonably believes the criminal and/or NSOPW record belongs to the applicant and is/are accurate, it will make a determination as to whether the applicant is nevertheless suitable for the Program. Unless otherwise provided by law, the Program will consider the following, and may request supplemental information from the applicant, orally or in writing, to aid in the determination process:

- Relevance of the crime to the position sought;
- The nature of the work to be performed;
- Time since the conviction;
- Age of the applicant at the time of the offense;
- Seriousness and specific circumstances of the offense;
- The number of offenses;
- Whether the applicant has pending charges;
- Any relevant evidence of rehabilitation or lack thereof; and
- Any other relevant information, including information submitted by the candidate, or requested by the Program.

If the Program is inclined to make an adverse decision based on the results of any part of the criminal background and/or NSOPW check, after completing the determination process described above, the Program will mail to the applicant's last known address a copy of the criminal record, a copy of this process, and will advise the applicant of the part(s) of the record that make the individual unsuitable for the position, and will advise the applicant that s/he has the right to dispute the accuracy and/or relevancy of the record, in writing, within 5 business days of receiving the notice. The Program will deem that the applicant received the information described herein within 3 business days of the mailing.

If the Program receives no additional information from the applicant within the above described time frame, it will notify the applicant that it has determined that the applicant has abandoned his/her application.

Upon receiving additional information from the applicant, the Program will carefully review the information, consistent with the provision above, and will promptly notify the applicant of the Program's decision. This decision shall be final.

Consistent with the requirements of the Corporation for National and Community Service, under no circumstance will an applicant who appears on the National Sex Offender Registry be offered a position with this Program.

The Program will, to the extent permitted by state and local law, maintain documentation for members and applicants covered by this provision in the member's file, and/or other appropriate file. Members who serve two consecutive terms with a break in service of less than 120 days do not require a second background check for a second term of service unless they had not received all required checks in their first term.

Member background check results are confidential.

Evaluation of Criminal History

AmeriCorps Member:

Project Site:

Term of Service:

NSCHC Checks Considered: NSOPW STATE FEDERAL

Date Completed: _____

Criminal Background Check Finding: _____ YES _____ NO

If Yes:

Criminal Charge(s) and Date(s): _____

- a) **Relevance of the crime to the position sought**
- b) **The nature of the work to be performed**
- c) **Time since the conviction**
- d) **Age of the applicant at the time of the offense**
- e) **Seriousness and specific circumstances of the offense**
- f) **The number of offenses**
- g) **Whether the applicant has pending charges**
- h) **Any relevant evidence of rehabilitation or lack thereof**
- i) **Any other relevant information, including information submitted by the candidate, or requested by the Program**

After reviewing the details of this offense or lack thereof, our program staff has determined that this criminal history

- Will**
- Will not** affect the applicant's ability to function as a successful member of our team.

Based on this determination, we have chosen to

- Retain**
- Reject** this AmeriCorps applicant.

Program Director signature

Date