

NATIONAL ASSOCIATION FOR SEARCH AND RESCUE
POLICY ON BACKGROUND CHECKS

- I. The National Association for Search and Rescue (NASAR) is bound by the National Child Protection Act and the similar laws of individual states. The act as amended encompasses the protection of children, the elderly and persons with disabilities.
- II. NASAR shall conduct, or have conducted, criminal background checks on all Instructors, Coordinators, Evaluators, Employees and Board Members in compliance with Item I. Additionally, all individuals wishing to enter into any of these categories shall also fall under these provisions.
- III. NASAR shall conduct interviews with potential employees, either paid or volunteer, to determine their suitability.
- IV. NASAR shall comply with the requirements of the Fair Credit Reporting Act as it applies.
- V. The Executive Director, or their designee, shall enter into negotiations with private contractors to provide these criminal background checks.
- VI. The Executive Director, or their designee, shall, within thirty (30) days of the Board's acceptance of this policy, present to the Board either a proposed contract with a private contractor or present a policy to enable FBI or State background checks as authorized under the National Child Protection Act.
- VII. Each person denoted in item II who falls within the guidelines of either the National Child Protection Act or the laws of any state where NASAR conducts business shall be presented with a waiver and authorization to conduct a criminal background check. As this background check is required by federal and state laws, their refusal shall be deemed as grounds for either non-continuation of employment, non-continuation of a contract position, or non-consideration of their application for any covered position within NASAR.
- VIII. For all current employees, both paid and volunteer, the required background checks will be completed within 120 days of implementation of either the private contract or State/FBI policy. New applicants will receive the waiver and authorization upon submitting their application. No final action may be taken upon their application until completion of the background check.
- IX. Any employee, paid or volunteer, who is found to have a criminal history, which would preclude them under either the National Child Protection Act or the laws of the various states, shall, within the guidelines of the Fair Credit Reporting Act, be either terminated if a paid employee or lose their status if a volunteer.
- X. No permanent action under item VIII shall be taken until the employee, paid or volunteer, has either exercised their rights under the Fair Credit Reporting Act, or the sixty (60) days allotted for disclosure has elapsed with no request having been implemented by the employee. In order to protect the public, an employee, paid or volunteer, shall be either temporarily suspended from status as an Instructor, Coordinator or Evaluator or, if a paid employee, have their

duties temporarily changed so that they may not come into any contact with any protected person.

- XI. Under the jurisprudence of the United States of America and its political subdivisions, a person is considered innocent until proven guilty by a court of competent jurisdiction. Therefore, NASAR will only consider convictions in determining a person's suitability for either paid or volunteer status with the organization.
- XII. In order to facilitate the required criminal history checks, NASAR shall implement an application supplement that requires, at a minimum, the following:
 - a. Individual's FULL name.
 - b. Individual's full date of birth.
 - c. Individual's social security number.
 - d. Individual's home address.
 - e. Signature of the individual and date of signing.
 - f. Witness signature and date of signing.
 - g. A release to conduct criminal history checks.
 - h. A signed statement verifying that the applicant understands that falsifying information is grounds for dismissal or rejection of the application.
 - i. Requirement for three personal references with a statement that references may be checked.
- XIII. Causes for automatic disqualification or dismissal shall be:
 - a. Conviction of a Felony as an adult.
 - b. Conviction of any crime, while an adult, involving a child, the elderly and/or a dependant adult.
 - c. Conviction of any violent crime within the 10 years preceding the individual's application.
 - d. Conviction of any crime, as set forth above, while an employee or volunteer of NASAR.
 - e. Conviction for any other crime deemed by the majority vote of the BOD of NASAR to be disqualifying.
 - f. Falsifying information on their application.
- XIV. A form letter shall be created which provides the individual about whom negative information has been provided with the following information.
 - a. The action being taken by NASAR.
 - b. The name, address and telephone number of the company which provided the report. (Toll free number if available)
 - c. A statement that the company providing the report did not make the adverse decision and is not able to explain why the decision was made.
 - d. A statement setting forth the individual's right to obtain free disclosure of the individual's file from the reporting company if the individual makes a request within sixty (60) days.
 - e. A statement setting forth the individual's right to dispute with the reporting company the accuracy or completeness of the information provided by the reporting company.

- f. a. and b. and c. apply in all cases. If the Criminal History Background Checks are conducted by the FBI or a State Agency, then d. and e. are per FBI or State policy.
- XV. In each individual's file, a Background Check Cover Page shall be added. This cover shall contain:
- a. The individual's name.
 - b. The name of the employee who conducted the background check.
 - c. The date of the background check.
 - d. The contractor from whom the data was obtained. (If a State or FBI check was conducted, list State or FBI)
 - e. A check box to indicate either "No Disqualifying Information Found" or "Disqualifying Information Provided"
 - f. Signature block attesting to the employee who obtained or received the information in item e. If "No Disqualifying Information Found":
 - i. For electronic background checks, no further action required.
 - ii. For hard copy, fingerprints, etc., destruction of hard copies is authorized with name of employee destroying hard copies and date of destruction.
 - g. If "Disqualifying Information Found" under item e.:
 - i. Date notification letter sent to individual.
 - ii. Name of employee sending letter to individual
 - iii. Date response received from individual or
 - iv. After sixty (60) days from notification with no response, date final action taken. (Name of employee receiving response under item iii or taking action under iv)
 - v. Final disposition with date.
- XVI. The Board may implement a background check fee which, if implemented, would be assessed to volunteer and contract employees. This fee would be collected at the time the covered individual submits their application. This fee shall be no more than the actual hard cost of having the required background check completed.

References: National Child Protection Act of 1993 as amended.
OJJDP Guidelines for Screening
BSA
NASAR Legal Council
Laws of MD, VA, FL, and TN