

# Rechecks of Criminal Backgrounds Explained

You might have seen an email announcing that the Boy Scouts of America will be performing periodic rechecks of criminal backgrounds of all volunteers.

Without dedicated volunteers, Scouting wouldn't be the great, life-changing program it is today. You help make Scouting happen. You can also help make Scouting a safe place for our Scouts.

The BSA is committed to youth safety, so before your 2020 annual registration can be processed, you've got to review the disclosure documentation and sign a background check authorization as detailed in the email.

To get some additional clarity on the topic, we talked to Steve McGowan, General Counsel for the Boy Scouts of America.

"We recognize this requires some extra steps for all of us who are volunteers, but it's one more way we are committed to putting youth safety first," McGowan says.

He also mentioned that the organization had received some questions about this initiative, so he has helped put together this FAQ so volunteers could get answers to their questions.

## FAQs on background checks

### **1. Is the BSA doing credit checks on volunteers?**

No. The BSA will only use these signed authorization forms for approval to obtain a criminal background check. State and federal laws regulating background checks also regulate consumer credit checks. Both items are mentioned on the form in order to be compliant with these laws that regulate both types of checks. Again, the BSA is only using this form for authorization to obtain a criminal background check.

### **2. Why is this being done now?**

Starting in 2020, rechecks will be performed every five years, but it will take several years to recheck all leaders. Unfortunately, technical limitations and changes in the law over the last five years prevent us from using existing authorizations from older applications. As such, new disclosure had to be sent and new signed authorization forms obtained. Rechartering provides the best window to collect and verify they have been received before the council processes the recharter application.

### **3. What about volunteers that are not registered with units?**

All currently registered adults and employees who have not had a criminal background check in the last five years will be rechecked after their next registration renewal. Council registrars will individually track district and council registered employees and leaders to be sure an authorization is in hand before renewing any council or district registration in 2020. (That should also include merit badge counselors). Those registered only at the National Council level will receive instructions on where to submit their authorization forms.

### **4. What about those who did not get the forms by e-mail?**

Scout executives were provided with advance instructions on how to ensure every volunteer receives this information. They have the forms, which should be printed and passed out at roundtables or other meetings. It is important that each volunteer receives both the disclosure form as well as the authorization form. However, only the authorization must be turned in with the charter renewal form for units. District and council volunteers should submit the authorization to the council service center unless the council issues other instructions.

### **5. What about those with multiple registrations?**

Only one authorization form per person needs to be collected and retained by the council.

### **6. What happens if a unit leader does not provide an authorization?**

Leaders who do not provide new authorization will not be able to renew their registration. Council registrars should be instructed not to renew any adult without first confirming that a new signed authorization form is on file at the council service center.

### **7. Why can't the volunteer just reply to the original e-mail and attach their signed authorization form?**

The best way for us to ensure compliance is to require that the council registrar verify that a signed authorization form is physically in hand before processing a unit's recharter. This removes much of the potential error and associated penalties that could result from other methods. We recommend that the registrar retains background check authorizations forms in a separate straight alphabetical file separate from your current background authorization file. This will facilitate the process of ensuring that a current form is on file at the council service center before posting their registration.

### **8. Are there different forms for different states?**

Federal and state laws prescribe what must be in the disclosures and how they are to be provided. A form compliant with federal and various state laws was sent to all volunteer leaders except those in California. Leaders with a California home address or whose council territory includes California received California-specific forms due to the specific requirements of California law.

**9. Can the council accept a faxed copy or scanned copy sent via email of the signed authorization?**

Yes, so long as it is legible and is sent by the individual who signed it. It must be printed and saved the same as an original.

**10. Can the council accept an electronic signature?**

Digital signatures from third-party providers are acceptable. They must be printed and stored the same as the original. E-mail confirmations, permissions or typed names on the form are not acceptable substitutes for wet signatures.

**11. What about unit renewals that have already been processed or will not recharter until after January 1?**

For unit renewals that have already been posted because the unit renewal date was prior to the email notification or the unit renewal date is after January 1, authorization forms still need to be collected as soon as possible. Recognizing the potential logistical issues with units who will not recharter until sometime in 2020, the authorizations from leaders in those units can be turned in at rechartering and background rechecks will not be performed until after the unit recharters.

**12. Can the council require the forms be collected at the unit level?**

Yes. The council can require the forms be collected at the unit level or by a designated unit representative.