

POLICY ON BACKGROUND CHECKS FOR AVGC

I. PURPOSE AND SCOPE

A. **Purpose:** To establish minimum standards for the appropriate acquisition and use of background records to support safe and secure programs involving minor children.

B. **Scope:** Applies every 2 years to all Board of Directors, Range Chairs, Directors of Junior Programs, Range Safety Officers participating in Junior Programs, and any other individuals regularly volunteering in events that consistently have minor participation where there could be an on-going relationship with potential for grooming.

II. DEFINITIONS

- A. **Commercial Background Check:** A background check completed by a commercial entity through a review of publicly available law enforcement, court, and other records as appropriate. A commercial background check typically, is based upon identifying information regarding the individual, but does not utilize fingerprints.
- B. **Minor:** An individual under the age of 18.
- C. **Permissive Background Check:** A commercial background check that is not required by law but is permitted at AVGC's discretion.
- D. **Program Involving Minors:** For the purposes of this policy, a program or event hosted by or closely associated with AVGC in which:
1. The program's purpose is to provide benefit, service, or activity to or for minors;
 2. AVGC personnel have significant roles or regular contact with minors; and
 3. Not including spontaneous gatherings or single social events open to and attended by both minors and adults.

III. ACQUISITION OF BACKGROUND RECORDS

- A. **Mandatory Background Checks.** Under state and federal law, institutions are required to obtain and review criminal background checks under the following circumstances:
1. **Certain Programs Involving Minors.** As of January 12, 2021, California mandates background checks of non-school associated activities for volunteers of youth sports and athletics.

Bus. & Prof. Code § 18900

A "community youth athletic program" must provide written notice to the parent or guardian of a youth participating in the program regarding the program's policies relating to criminal background checks for volunteers and hired coaches in the program. If criminal background checks are obtained for hired or volunteer coaches, the written notice shall contain both of the following: (A) a statement regarding whether the criminal background check includes state and federal

criminal history information and whether the program obtains subsequent arrest notification for those individuals and (B) contact information regarding where the parent or guardian of a child participating in a “community youth athletic program” can obtain additional information about the program’s background check policy, such as the entity providing the criminal background check or the nature of the type of offenses the program searched. Written notice is satisfied by a posting on the “community youth athletic program’s” website. A “community youth athletic program” is defined as an organization that: (A) has a primary purpose of the promotion or provision of athletic activities for youth under 18 years of age and (B) has adult employees who have supervisory or disciplinary power of children.

B. **Permissive Background Checks.** In addition to the circumstances under which AVGC must obtain and review a background check, described in section III.A, above, AVGC also has the discretion to require background checks of other volunteers.

1. AVGC may elect to obtain background checks with respect to any position.

Examples include:

- a. Volunteers in facilities and programs other than those for which such background checks are mandatory, if the volunteer’s duties involve contact with minors, and
- b. Volunteers who have access to minors in AVGC’s activities and programs.

IV. PROPER USE OF BACKGROUND CHECKS

A. **Background Check Considerations.** AVGC’s use of background checks in making volunteer decisions must be tailored to meet legitimate business needs, taking into consideration at least:

1. The nature and extent of the volunteer’s past criminal activities;
2. The time elapsed since the activities took place; and
3. The nature, duties, and functions of the volunteer work.

B. **Nondiscrimination.** The use of background checks in AVGC’s volunteer decisions must be impartial, with no difference in their acquisition or use based on race, sex, religion, ethnicity, sexual orientation, gender identity, or other factors that might promote or imply discriminatory practice.

1. Even a neutral policy or practice regarding background checks that has the potential to have a disparate impact on a class of individuals must be:
 - a. Related to specific job duties, and
 - b. Consistent with business necessity.
2. No volunteer may be excluded from participation based upon generalized institution policies or practices regarding the use of background checks without an individual assessment that includes the factors described in this section.

C. **Commercial Background Checks.** If AVGC denies a volunteer based upon background check information provided by a commercial vendor, AVGC shall:

1. Notify the volunteer, and
2. Provide the volunteer with a copy of the report.