

**Criminal Background, Public Records Checks for Officer Candidates
and Credit Checks for President-Elect Candidates**

I-138

Optimist International will require that any candidate or appointee being considered for an International Office (President-Elect, Vice President-Elect or Board of Director) authorize a criminal history background and public records check as part of the eligibility criteria to hold that office. Optimist International will require that any candidate for the International Office of President-Elect authorize a credit check as part of the eligibility criteria to hold that office.

Successful completion of the background and public records check (a “clear check”) is based on verification that none of the convictions stated in Procedure or similar thereto have been determined for that person. For specified officers, a clear check is necessary to be an eligible candidate and thus must be completed before elections are held or appointment is made.

In the United States, Optimist International recognizes only its own criminal history background and public records check, process as valid. All reports shall be confidentially secured by the Chief Financial Officer and reviewed and evaluated by the Candidate Qualifications Committee to determine if whether clear or not clear, based on the criteria stated in Procedure. An individual may receive a copy of his/her background and/or public records check by requesting it in writing.

Canadian and Caribbean candidates will secure their own checks and submit original copies to the Candidate Qualifications Chair. The International Board of Directors shall be advised if a report pertains to an officer or officer-designate that:

- A. Indicates a problem or concern that requires further investigation; or
- B. Is determined to be not clear and thus causes automatic denial of the right to hold office.

In either case, the Candidate Qualifications Chair shall notify such person.

Background and public records checks are valid for a period of two years. All relevant persons who have not had a clear criminal history background check conducted and verified by Optimist International within the past two years at any given time are subject to a new check.

A criminal history background check is considered “not clear” if it indicates: a felony or misdemeanor involving moral turpitude; a felony or conviction or registration of a violent and/or sexual nature, involving any type of abuse of a child, involving threatening or intimidating behavior, or otherwise of a physical nature; or a felony related to larceny or theft. Following are examples of these types of convictions; however, this list does not constitute the full breadth of convictions:

1. Felonies or convictions of a physical nature, including but not limited to:
 - Abuse, aggravated abuse, or neglect of an elderly person or disabled adult

- Adult abuse, neglect, or exploitation of aged persons or disabled adults
 - Aggravated assault
 - Aggravated battery
 - Battery
 - Carjacking
 - Child abuse, aggravated child abuse, or neglect of a child
 - Contributing to the delinquency or dependency of a child
 - Drug Offenses
 - Embezzlement
 - Exploitation of an elderly person or disabled adult
 - False imprisonment
 - Fraud
 - Home-invasion robbery
 - Incest
 - Kidnapping
 - Leading, taking, enticing or removing a minor beyond the state limits or concealing the location of a minor with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor
 - Lewdness and indecent exposure
 - Luring or enticing a child
 - Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child
 - Homicide
 - Obscenity
 - Possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property
 - Prostitution
 - Resisting arrest with violence
 - Robbery
 - Sexual activity with or solicitation of a child by a person in familial or custodial authority Sexual battery
 - Sexual misconduct
 - Unlawful sexual activity with minors
 - Voyeurism
 - Disorderly conduct
 - Domestic violence
2. Felonies related to larceny, theft, or moral turpitude (“contrary to community standards of justice, honesty, or good morals”):
- Any crime involving a child
 - Coordinating the commission of theft
 - Dealing in stolen property

- Larceny and grand larceny
- Identity theft
- Arson
- Arrest without violence
- Contraband
- Driving while intoxicated
- Extortion
- Forgery
- Theft
- Exhibiting weapons or firearms at school events, on school property, or within 1,000 feet of a school
- Trespassing
- Vehicular homicide
- Violence
- Welfare and unemployment fraud

3. Misdemeanors:

- Any crime involving a child
- Battery, if the victim of the offense was a minor
- Drugs or paraphernalia
- Concealed weapon

4. Other Types of Convictions:

Other types of felony convictions will be reviewed on a case-by-case basis by the Candidate Qualifications Chair or designee.

5. Legally Reversed or Overturned Convictions:

Any conviction legally reversed or overturned by the proper authorities may be considered when evaluating the background check.

6. Discipline:

Individuals with a background check determined to be not clear will be subject to the following actions:

- A. Current specified officers will be disciplined as determined by the International Board, including but not limited to suspension or removal from office.
- B. Candidates for a specified office will be considered disqualified as a candidate.

7. Procedure for Filing Confidential Criminal Background and Public Records Checks:

A. In the United States:

1. Candidates for international office will be asked to return completed forms that authorize a criminal background and public records check. When the authorization forms are received at international headquarters in the office of the Executive Director, the routing of the forms will be:
2. Executive Assistant to the Executive Director will forward the forms to the Chief Financial Officer for Optimist International, who will prepare the necessary paperwork/payment to submit for the checks.
3. Completed background and public records checks will be received by the Chief Financial Officer and forwarded immediately to the Chair of the Candidate Qualifications Committee (electronic and/or paper).
4. The Chair will review the reports and share findings with members of the Candidate Qualifications Committee.
5. When no longer needed to determine eligibility, reports will be forwarded to the Executive Assistant to the Executive Director and filed in the confidential folders located in the President's Office.

B. In Canada:

1. Optimist International will issue a letter of request to the individual requesting a criminal record check (including vulnerable persons check) and a police records check.
2. The individual must take the letter to their local police force (RCMP, Provincial Police Force, or local Municipal Police force) for completion.
3. The individual will then return the completed check to the Optimist International Office. (Failure to do so may indicate that there are issues on the documents).

C. Candidates from other countries will follow local laws/procedures when securing background public records checks and should notify the Chief Financial Officer as to the procedure.

D. Failure of a candidate to provide Optimist International with the requested Authorization Form or required documents within 60 days after receiving request will forfeit their nomination for office.

E. Additionally, Optimist International will require that any candidate for the office of President-Elect shall authorize a current credit report for review. Credit reports are considered current for a period of one year from the date of the report.

The Chair of the Candidate Qualifications Committee shall review the Credit Reports of finalists and nominees for the position of President-Elect, noting any areas of concern, and notifying the entire CQ Committee of such. Areas of concern would include:

- Bankruptcy (prior, current, or initiated)
- Foreclosure
- Foreclosure proceedings initiated
- Repossession
- Tax liens
- Judgments
- Collection action
- Charge-off or Compromise/settlement of obligations
- Late or delinquent payment of obligations
- High levels of personal debt (possibly necessitating further explanation)
- Patterns of the above over time

All members of the Candidate Qualifications Committee which utilize such information should be advised that such reports only detail information for the previous two to seven years, depending upon applicable laws that can vary by locale. Information contained in these should be considered in such context and in conjunction with the review of all relevant information and factors considered by the Candidate Qualifications Committee in the process of their process and deliberations.

The International Board of Directors shall be advised if a report of a potential President-Elect:

- A. Indicates a problem of concern that requires further investigation; or
- B. It is determined to have areas of concern sufficient to cause automatic denial of the right to hold this office.

In either case, the Candidate Qualifications Chair shall notify such person.

The Candidate Qualifications Committee may utilize this information in its deliberations, shall discuss any areas of concern with the candidate for explanation, and provide wise and appropriate counsel to candidates regarding the implications of such directly with the candidates, in the best interests of Optimist International. The Candidate Qualifications Committee (and the Board of Directors when applicable) shall maintain the highest level of confidentiality in such dealings, in accordance with Board Policy I-130 - Candidate Qualifications Guidelines.

(July 2012; Feb 2013; Dec 2013; July 2014; Apr 2016; Jun 2016)