

12.4 Background Check Forms

Instructions for Using Forms in Criminal and Other Background Checks

When conducting criminal and other background checks for an applicant/employee/volunteer, federal and state law mandates specific disclosures to and authorizations from that person. These are embodied in the forms listed below. Please be sure to insert your legal name in the blank on each form. To ensure your compliance with the law, please take the following steps related to these forms. (For simplicity, the term "applicant" will be used below for applicant, employee or volunteer, as applicable).

To be considered (or to remain) in any position working with children, the applicant will complete an employment or volunteer application. Existing workers need not complete a new application unless required by the manual. In addition, to be considered for such a position (or to remain in that position), the applicant must consent to a background check. Prior to that check, the applicant will be given and return to Foursquare the following two forms, signed and dated:

- **CONSUMER, INVESTIGATIVE, AND DIRECT REPORTS AUTHORIZATION, DISCLOSURE AND RELEASE.** Among other things, this form authorizes Foursquare to use an agency to perform a criminal records check and interview references, or to do these things itself. It also discloses the nature and scope of the reports and certain rights of the applicant, including the right to obtain a copy of the report the agency provides Foursquare. *Note: Though generally* not required to do so, Foursquare's current policy provides agency reports to all applicants. *(The three exceptions when Foursquare must provide such reports: 1) applicants residing in CA, MN, OK unless waived, 2) agency reports based on personal interviews, 3) reports resulting in adverse action against the applicant).*
- **CONSUMER, INVESTIGATIVE, AND DIRECT REPORTS DISCLOSURE.** This form discloses additional rights of the applicant, including a summary of rights provided by the Federal Trade Commission, and explains certain terminology related to the reports Foursquare may obtain on the applicant. It also lists obligations of Foursquare. *Note: If you use a different background check agency than Foursquare uses, please mark the appropriate box on the form, fill-in the contact information (including a toll free telephone number) and make arrangements to send a copy of the report directly to the applicant as soon as you receive it (for CA residents, it must be sent within 3 business days of your receipt; 5 days elsewhere). Some agencies will do this, if requested.*

If an applicant is a *California resident*, he/she must also be given and return a third form, signed and dated:

- **CONSUMER, INVESTIGATIVE, AND DIRECT REPORTS DISCLOSURE – CALIFORNIA ADDENDUM.** This form discloses certain rights of the applicant and obligations of Foursquare specific to California. Some are redundant with the forms above. *See note above.*

Finally, if you take any adverse action (decline to accept, discharge or reassign the applicant, etc.) based on a report you receive from the agency performing the check, you must communicate the information contained in the sample letter below to the applicant. It is recommended this be done either by delivering the letter to the applicant personally (and retaining an acknowledged copy) or mailing the letter to the applicant (preferably by certified mail). If you take adverse action based on a report of a public record you obtained yourself (not through the agency), you must promptly provide that report/record (not the letter) to the applicant.

- **ADVERSE ACTION NOTICE LETTER.** Among other things, this notifies the applicant you have taken adverse action based on an agency report you received and provides the applicant rights to dispute the information in the report.

Please review these forms and the letter carefully, since in addition to setting forth the applicant's rights, they set forth some of your obligations.

Background Check Forms, Cont.

Consumer, Investigative, and Direct Reports Authorization, Disclosure and Release

Name		Social Security no.		Date of birth (mm/dd/yyyy)*	
Street address		City		State	Zip Code
Driver's license no.	State of issuance	Any other names used			

By signing below, I hereby voluntarily authorize International Church of the Foursquare Gospel d/b/a _____ (legal name and code number of church, school, camp) ("Foursquare") to obtain "consumer reports" and "investigative consumer reports" about me from a "consumer reporting agency," and reports Foursquare may obtain directly, and to consider these reports when making decisions regarding my employment/volunteer position or potential position with Foursquare. The nature and scope of these reports are as follows. They may contain information on my character, general reputation, personal characteristics, and mode of living. They may also include, among other things, checks, records and/or information regarding: my criminal convictions (including, without limit, court, sex offender, incarceration and DMV records), social security number, current and prior employer(s)/supervisor(s) and/or references I provided, coworkers, neighbors, friends, associates or acquaintances, and verification of college degrees and professional licenses or certifications.

I understand that I have rights under the Fair Credit Reporting Act (and the California Investigative Consumer Reporting Agencies Act and other California law for California residents, the Government Data Practices for Minnesota residents, the Credit Services Organization Act for Oklahoma residents, the equivalent New York FCRA for New York residents, and the equivalent Maine FCRA for Maine residents) including the rights discussed in the separate disclosure statement(s) provided to me.

I authorize any governmental entity, law enforcement agency, institution, information service bureau, school, employer, supervisor, reference, or other person contacted by Church Volunteer Central (or other selected agency) or Foursquare, or their agents or volunteers, to furnish the information described herein.

I release and discharge from liability all persons, agencies, and entities providing the above information or reports about me to Church Volunteer Central (or other selected agency) and/or Foursquare. To the fullest extent permitted by law, I further release and discharge Foursquare and Church Volunteer Central (or other selected agency), and their agents, employees and volunteers, from any claims, damages, losses, liabilities, costs and/or expense arising from the retrieving and/or reporting of said information, including any consumer report or investigative consumer report.

I acknowledge a copy or telephonic facsimile of this document shall be valid as the original. If I am presently a resident of Maine or New York, I have reviewed the additional state law disclosure information attached.

Signature	Date
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If you would like a copy of any investigative consumer report sent to you at your address listed above, please check the box below.

- ☐ Yes, I would like to receive a copy of any investigative consumer report which may be obtained on me by a consumer reporting agency.
☐ If you would like to receive a copy via email, please provide your email address.

Your date of birth is requested to verify the information obtained is about you and not someone with the same or a similar name. It will not be used for employment purposes.

Background Check Forms, Cont.

Consumer, Investigative, And Direct Reports Disclosure

To be Completed by Staff

Check the investigative consumer reporting agency below that will be used to conduct the background investigation prior to giving to candidate.

☐ Church Volunteer Central, 1515 Cascade Ave., Loveland, CO 80539; 800-267-9040

☐

If using another agency, check and fill-in complete name, address, city, state, zip code and toll free telephone number.

To be Signed and Dated by Applicant

International Church of the Foursquare Gospel d/b/a _____

(legal name and code number of church, school, camp), when making a final decision whether to offer you employment or a volunteer position, when deciding whether to continue your employment or volunteer position (if you are accepted), and when making other employment/ volunteer related decisions directly affecting you, may wish to obtain and use a "consumer report" and/or an "investigative consumer report" from the consumer reporting agency listed above, or Foursquare may conduct its own investigation and obtain a direct report.

The terms "consumer report" and "investigative consumer report" are defined in the federal Fair Credit Reporting Act ("FCRA"), which applies to you. As an applicant for employment or as an employee of Foursquare, you are a "consumer" with rights under the FCRA.

A "consumer reporting agency" is a person or business that, for monetary fees, dues or on a cooperative nonprofit basis, regularly assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing "consumer reports" to others, such as Foursquare.

A "consumer report" is any written, oral or other communication of any information by a "consumer reporting agency" bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living which is used or collected for the purpose of serving as a factor in establishing the consumer's eligibility for employment or volunteer purposes.

An "investigative consumer report" is a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information. The Fair Credit Reporting Act provides you with the right to request, in writing within a reasonable amount of time, a disclosure of the nature and scope of the investigation requested (you can find disclosure of the nature and scope of the investigation in the separate form, "Consumer, Investigative, And Direct Reports Authorization, Disclosure And Release", you received with this Disclosure). You are also entitled to a written summary of your rights under the Fair Credit Reporting Act (enclosed) as prepared by the Federal Trade Commission. Keep the attached pages for future reference.

If Foursquare obtains a "consumer report" or "investigative consumer report" about you, and if Foursquare considers any information in the "consumer report" or "investigative consumer report" when making an employment/volunteer related decision that directly and adversely affects you, you will be provided with a copy of the "consumer report" before the decision is finalized. You also may contact the Federal Trade Commission about your rights under the FCRA as a "consumer" with regard to "consumer reports," "investigative consumer reports" and "consumer reporting agencies."

If Foursquare obtains a direct report of public record information about you and considers it when making an employment/volunteer related decision that directly and adversely affects you, you will be provided a copy of the report/record unless you waive it, except for California residents, who will be provided a copy whether or not they waive it.

Please sign and date below to signify your receipt of this Disclosure, including the FCRA summary of rights.

Signature _____	Date _____
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CALIFORNIA RESIDENTS ONLY: Complete this form and the form "Consumer, Investigative, and Direct Reports Disclosure - California Addendum."

Background Check Forms, Cont.

Consumer, Investigative, And Direct Reports Disclosure – California Addendum (for CA residents only)

To be Completed by Staff

Check the investigative consumer reporting agency below that will be used to conduct the background investigation prior to giving to candidate.

☐ Church Volunteer Central, 1515 Cascade Ave., Loveland, CO 80539; 800-267-9040

☐

If using another agency, check and fill-in complete name, address, city, state, zip code and toll free telephone number.

To be Signed and Dated by Applicant

International Church of the Foursquare Gospel d/b/a _____

(legal name and code number of church, school, camp) ("Foursquare"), when making a final decision whether to offer you an employment or a volunteer position, when deciding whether to continue your employment/ volunteer position (if you are accepted), and when making other decisions directly affecting your position or potential position with Foursquare, may wish to obtain and use an "investigative consumer report" as defined by the California Investigative Consumer Reporting Agencies Act (California Civil Code Sections 1786 et seq.).

The investigative consumer report may seek information on your character, general reputation, personal characteristics, and mode of living. The reports may also include, among other things, checks, records and/or information regarding: your criminal convictions (including, without limit, court, sex offender, incarceration and DMV records), social security number, current and prior employer(s)/supervisor(s) and/or references you provided, coworkers, neighbors, friends, associates or acquaintances, and verification of college degrees and professional licenses or certifications.

Foursquare obtains these reports from the investigative consumer reporting agency listed above or Foursquare may obtain reports on its own. Pursuant to California Civil Code Section 1786.53, if Foursquare directly obtains a report of information about you that is a matter of "public record," then Foursquare will provide a copy of the information to you within seven days after Foursquare receives it.

Information about Investigative Consumer Reports (California Civil Code Section 1786.22)

An investigative consumer reporting agency shall supply the files and information it is required to maintain (under California Civil Code Section 1786.10) during normal business hours and on reasonable notice.

Files maintained on you (if an investigative consumer report is obtained) must be made available for your visual inspection, as follows:

- In person, if you appear in person and furnish proper identification. A copy of your file shall also be available to you for a fee not to exceed the actual costs of duplication services provided.
- By certified mail, if you make a written request, with proper identification, for copies to be sent to a specified addressee. Investigative consumer reporting agencies complying with requests for certified mailings under this section shall not be liable for disclosures to third parties caused by mishandling of mail after such mailings leave the investigative consumer reporting agencies.

A summary of all information contained in files on you and required to be provided (by California Civil Code Section 1786.10) shall be provided by telephone, if you have made a written request, with proper identification for telephone disclosure, and if the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

The term "proper identification" as used above means that information generally deemed sufficient to identify a person. Such information includes documents such as a valid driver's license, social security account number, military identification card, and credit cards. Only if you are unable to reasonably identify yourself with the information described above, is an investigative consumer reporting agency allowed to require additional information concerning your employment and personal or family history in order to verify your identity.

The investigative consumer reporting agency is required to provide trained personnel to explain to you any information furnished to you (pursuant to California Civil Code §1786.10).

The investigative consumer reporting agency is required to provide a written explanation of any coded information contained in files maintained on you. This written explanation shall be distributed whenever a file is provided to you for visual inspection as required under California Civil Code §1786.22.

You may be accompanied by one other person of your choosing, who can be required to furnish reasonable identification. An investigative consumer reporting agency may require you to furnish a written statement granting permission to the consumer reporting agency to discuss your file in such person's presence.

Please sign and date below to signify your receipt of this Disclosure.

Signature _____

Date _____

Para informacion en español, visite www.ftc.gov/credit o escriba a la FTC Consumer Response Center, Room 130-A 600, Pennsylvania Ave. N.W., Washington, DC 20580.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to www.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, DC 20580.**

• **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address and phone number of the agency that provided the information.

• **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your "file disclosure"). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:

- A person has taken adverse action against you because of information in your credit report;
- You are the victim of identity theft and place a fraud alert in your file;
- Your file contains inaccurate information as a result of fraud;
- You are on public assistance;
- You are unemployed but expect to apply for employment within 60 days.

In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit for additional information.

• **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

• **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.

• **Consumer reporting agencies must correct or delete inaccurate, incomplete or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

• **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

• **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.

• **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.ftc.gov/credit.

• **You may limit "prescreened" offers of credit and insurance you get based on information in your credit report.** Unsolicited "prescreened" offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-567-8688.

• **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.

• **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are:

TYPE OF BUSINESS

Consumer reporting agencies, creditors and others not listed below

National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)
Federal credit unions (words "Federal Credit Union" appear in institution's name)

State-chartered banks that are not members of the Federal Reserve System

Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission
Activities subject to the Packers and Stockyards Act, 1921

CONTACT

**Federal Trade Commission
Consumer Response Center – FCRA**
Washington, DC 20580
1-877-382-4357

Office of the Comptroller of the Currency
Compliance Management,
Mail Stop 6-6
Washington, DC 20219
800-613-6743
Federal Reserve Board
Division of Consumer & Community Affairs
Washington, DC 20551
202-452-3693
Office of Thrift Supervision
Consumer Complaints
Washington, DC 20552
800-842-6929

National Credit Union Administration
1775 Duke Street
Alexandria, VA 22314
703-519-4600

Federal Deposit Insurance Corporation
Consumer Response Center
2345 Grand Avenue, Suite 100
Kansas City, Missouri 64108-2638
1-877-275-3342

Department of Transportation
Office of Financial Management
Washington, DC 20590
202-366-1306

Department of Agriculture
Office of Deputy Administrator - GIPSA
Washington, DC 20250
202-720-7051

12.5 Procedures for Conducting Criminal Background Checks

Submitting a Request

In accordance with the policies set forth in Section 2 of the *Child and Youth Protection Policy Manual* (the *Manual*), all workers including volunteers who have access to children and youth will have a Social Security-based (or comparable) criminal background check performed every three (3) years.

The local church may continue using its already-established criminal background check program as long as it is consistent with at least the minimum standards detailed herein. Criminal background checks that are requested and processed through Foursquare's insurance department will use the following procedures:

1. Prior to requesting a criminal background check, have the consent form located in Section 12.5 completed and signed by the volunteer or staff member.
2. Send the completed consent form to the insurance department via fax, U.S. mail, or e-mail (PDF document):

Foursquare Insurance Department
PO Box 26902
Los Angeles, CA 90026-0176
Fax: 213-989-4531
E-mail: Insurance@foursquare.org

3. The insurance department will request the report within 24 hours of receipt of the signed consent form.
4. Upon receipt of the report, the insurance department will mail via U.S. Mail a copy of the report to the local church, school, or camp. It is imperative that all reports be retained in strict confidentiality at the local church.

Criminal background checks cannot be requested over the phone, with a promise to send a consent form. The insurance department must have the signed and completed form prior to ordering the report. There can be no exceptions to this policy.

The charge for each report
will be billed to the location requesting the report.

As a condition to ordering and obtaining reports through the insurance department, you (local church, school or camp) agree as follows:

1. Each report will be used solely for employment/volunteer purposes and for no other purpose. Employment/volunteer purposes include the evaluation of the subject of the report for an employment/volunteer position, reassignment, or retention.

Procedures for Conducting Criminal Background Checks, Cont.

2. Prior to ordering the report or causing it to be ordered, the local church, camp, or school will provide the applicant with clear and conspicuous written disclosure that a criminal background check will be performed.
3. The applicant's written authorization is required in order to obtain the report. Completion of the attached consent form satisfies this requirement.
4. Prior to taking any adverse action based in whole or in part on the report, the local church, camp, or school will provide the applicant with all applicable documents, as detailed below, as well as sufficient time, as defined below, to dispute the accuracy and completeness of the information.

If a Conviction is Revealed

If a criminal background check reveals a conviction that bars the applicant from serving, the insurance department will notify the staff member who has been pre-designated by the church to receive these notices. The obtaining and dissemination of information from this source falls under the jurisdiction of the Fair Credit Reporting Act, 15 USC 1681. The fraudulent or improper use of information received can subject a church to fines and penalties, as well as possible litigation.

It is important that churches who obtain background check services through another company follow the procedures detailed in this section, as well as any additional procedures detailed in Section 12.5 of this manual, for responding to applicants who have convictions.

The Foursquare Church requires a person with a prior conviction for molestation or other abuse against a minor NOT be placed in any position within the church, school, or camp that has access to children. Refer to Section 16.6.5 of the *Handbook* for detailed instructions regarding ministering to persons convicted of sexual crimes against children. This protects the children, the person, and the church, school or camp.

Prior to finalizing any adverse action based in whole or in part on the criminal background report, provide the subject of the report the following (this does not prevent taking intermediate steps to insure the safety of the child(ren) or other person):

1. A copy of the report, which will have been sent to the church.
2. A reasonable amount of time after the applicant receives the reports (approximately 10 days) to dispute the accuracy and completeness of the information.

Adverse actions would include failure to hire an applicant or termination of an existing staff member's employment, based in whole or in part on the report.

If adverse action is taken, also provide the subject of the report the following:

1. Notice of the adverse action, including denial of the position or termination.

**Procedures for Conducting
Criminal Background Checks, Cont.**

2. Name, address and toll-free telephone number of the company that performed the background check.
3. A statement that the company referenced in 2, above, did not make the decision to take the adverse action and is unable to provide the specific reason why the action was taken.
4. Notice of the subject's right to obtain a free copy of the report from the company referenced in 2, above, if after 60 days of receipt of the notice he/she requests a copy from that company.
5. Notice of the subject's right under the Fair Credit Reporting Act to dispute with the company referenced in 2, above, the accuracy or completeness of any information in the report.

The entire process is to be well documented. Documentation would include, but not necessarily be limited to, copies of the report, copies of the consent form, copies of the written notice of adverse action, memos of all verbal communications. It is essential that all records be permanently maintained in a safe location at the local church. For the protection of the church and the applicant or employee, keep all information strictly confidential.