# WRITTEN REQUEST DETERMINATION OF SUITABILITY TO INTERACT WITH PARTICIPATING MINORS

Pursuant to requirements by Department of Justice, STOP VAWA and VOCA-funded employees (those paid from the grant and those used as match for a grant), volunteers, consultants and contractors who interact with minors must have a criminal background check every five years.

Requirements can be found at <https://ojp.gov/funding/Explore/Interact-Minors.htm> and at: <https://www.iowaattorneygeneral.gov/manual/chapter-5-policies-and-procedures/agency-policies-and-procedures>.

Please read the requirements in their entirety before completing this form and performing the criminal background checks.

List the criminal background website(s) used to determine suitability to interact with participating minors:

1)

2)

3)

Name of Individual: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Is this person an employee, volunteer, consultant or contractor? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of criminal background check: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date the next background check is due: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Senior HR Director), certify that criminal background checks have been performed on the above named individual and the above named individual is designated as suitable to interact with participating minors pursuant to the condition found at: <https://ojp.gov/funding/Explore/Interact-Minors.htm> and at <https://www.iowaattorneygeneral.gov/manual/chapter-5-policies-and-procedures/agency-policies-and-procedures>.

\_\_\_Criminal background checks were checked for all aliases provided by the individual.

\_\_\_Criminal background checks were done for all states in which the individual lived, worked or went to school the 5 years prior to the background check.

\_\_\_\_Those receiving background checks were provided with written notification to give the individual the opportunity to provide the required information for the criminal background check, pursuant to the subrecipient’s written policies and procedures.

\_\_\_ I understand that criminal background checks are required every five years.

\_\_\_ Individuals will not be found suitable to interact with minors for activities funded with STOP VAWA or VOCA grant funds if an individual:

a) Withholds consent to a criminal history search as required;

b) Knowingly makes (or made) a false statement that affects, or is intended to affect, any search required by this condition;

c) Is listed as a registered sex offender on the National Sex Offender Public Website;

d) Has been convicted whether as a felony or misdemeanor under federal, state, tribal or local law for any of the following crimes:

1) Sexual or physical abuse, neglect, or endangerment of an individual under 18 at the time of the offense;

2) Rape/sexual assault, including conspiracy to commit rape/sexual assault;

 3) Sexual exploitation, such as through child pornography or sex trafficking;

4) Kidnapping;

5) Voyeurism; or

6) Is determined by a federal, state, tribal, or local government agency not to be suitable.

Victim Services (formerly CVAD) is required to monitor compliance with this grant condition.

Signed this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Senior HR Director

This form is to be completed for every employee, volunteer, consultant and contractor as applicable. A copy of this file is to be kept in each person’s personnel file or work file. When requested, this form will be uploaded into IowaGVS per monitoring requirements.

EXAMPLE POLICY:

**Policy for response to workplace incidents of sexual misconduct, domestic violence and dating violence**

**POLICY**

**I. Purpose**

The Iowa Attorney General (AG) institutes this policy as part of its commitment to a safer and more supportive organizational climate and to the prevention and reduction of the incidence and effects of sexual misconduct, stalking, domestic violence and dating violence [hereinafter “violence”] at the workplace.

The AG recognizes that sexual misconduct, stalking domestic violence and dating violence present unique issues for its workforce. Such violence is a workplace issue even if incidents occur elsewhere. Therefore, the AG will take every appropriate measure to prevent and/or address such violence in the context of:

* Subordinate/superior relationships;
* Heterosexual and same-sex intimate partner relationships, including marital, cohabiting, or dating;
* Heterosexual or same sex non-intimate partner relationships, such as between coworkers;
* Parent/child relationships; and
* Violent acts of others that could potentially occur within the workplace.

The purposes and goals of this policy are to:

1. Support a comprehensive workplace education and training program to prevent violence and promote healthy relationships for employees and their families;
2. Create a supportive and healthful work environment that helps employees to avoid the use of violence in any context;
3. Institutionalize responsive policies and procedures to assist employees who are impacted by violence, including the provision of training on this policy to employees and management;
4. Provide assistance to employees who are perpetrators of violence and take disciplinary action to hold them accountable for violent behavior; and
5. Provide immediate assistance and support to survivors of violence, such as information and referrals to community resources, to facilitate safety and support for survivors and fellow employees.

**II. Definitions**

1. *Survivor or victim*: An individual who is currently subject to, or has in the past been subjected to, sexual misconduct, domestic violence, dating violence or other forms of violence.

2. *Perpetrator*: An individual who commits or threatens to commit an act of sexual misconduct, domestic violence, dating violence or other forms of violence.

3. *Domestic Violence and Dating Violence*: Domestic violence is a pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a current or former spouse, family member, intimate partner, or person with whom the perpetrator shares a child in common. Domestic violence includes, but is not limited to: physical violence, injury, or intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; stalking; or economic abuse and control. Dating violence is any such domestic violence that occurs in an intimate or dating relationship

4. *Sexual Misconduct*: Sexual misconduct includes a range of behaviors, including but not limited to: sexual harassment; a completed nonconsensual sex act (i.e., rape); an attempted nonconsensual sex act; abusive sexual contact (i.e., unwanted touching); and noncontact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal harassment). Some or all of these acts may also be addressed in the AG’s Sexual Harassment Policy. Sexual violence is any sexual act or behavior that is perpetrated against someone’s will when someone does not or cannot consent. Consent is not given when a perpetrator uses force, harassment, threat of force, threat of adverse personnel action, coercion, or when the survivor is asleep, incapacitated, or unconscious.

5. *Stalking*: Stalking refers to harassing, intimidating or threatening conduct that causes the survivor to fear for his or her safety or the safety of a family member, or would cause a reasonable person in a similar situation to fear for his or her safety. Stalking conduct includes, but is not limited to: following or spying on a person; appearing at a person’s home or work; engaging in unwanted, harassing, or threatening phone calling, emailing, texting, etc.; waiting at places in order to make unwanted contact with the survivor or to monitor the survivor; leaving unwanted items, presents, or flowers for the survivor; and posting information or spreading rumors about the survivor on the internet, in a public place, or by word of mouth. Stalking may occur through use of technology including, but not limited to email; voicemail; text messaging; and use of GPS and social networking sites.

6. *Protection or Restraining Order*: Protection orders, sometimes called restraining orders or stay away orders, allow a survivor to petition the court for protection from a perpetrator, as well as establish custody and visitation guidelines and provide for other forms of support, like rent or mortgage payments, as appropriate, which last for the duration of the order. Protection orders may also be issued in criminal cases as a condition of probation or condition of release particularly in a domestic violence, sexual violence, dating violence, or stalking-related crime.

7. *Workplace-Related Incidents*: Workplace-related incidents of sexual misconduct, stalking, domestic violence and dating violence include acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety or well-being of any person associated with an employee of the AG, regardless of whether the act occurred in or outside the agency’s physical workplace. An employee is considered to be in the workplace while in, or utilizing the resources of the employer, including but not limited to facilities, work sites, equipment, or vehicles, or while on work-related travel.

8. *Non-Workplace Incidents*: Non-workplace incidents of sexual misconduct, stalking, domestic violence and dating violence include acts, attempted acts, or threatened acts by or against any person that occur anywhere outside the agency’s physical workplace, and/or while an employee is not engaged with or traveling for the AG.

9. *Workplace Safety Plan*: A workplace safety plan is a strategy developed in collaboration with a survivor and victim service provider to implement workplace safety options, including but not limited to: handling of court protection orders; procedures for alerting security personnel of threats or incidents; temporary or permanent adjustments to work schedules, locations, contact information, change in parking spots, and requests for escorts to and from workplace facilities.

**III. Persons Covered by this Policy**

Persons covered by this policy include full and part-time employees, interns, contractors, consultants, volunteers, or temporary workers engaged by the AG or in any workplace location *who are supported by OVW grant funding or who work on OVW grant funded or grant supported activities*.

**IV. Statement of Confidentiality**

The AG recognizes and respects an employee’s right to privacy and the need for confidentiality and autonomy. The AG shall maintain the confidentiality of an employee’s disclosure regarding violence to the extent allowed by law, and unless doing so would result in physical harm to any person, and/or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals within the workplace, the AG shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others, and to comply with the law. The AG shall provide notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The AG shall also provide the employee with the name and title of the person to whom the AG intends to share the employee’s statements and shall explain the necessity and purpose regarding said disclosure.

**V. Employer Responses to Violence**

A. Responses to Survivors

1. Non-Discrimination and Non-Retaliation: The AG will not discharge or in any manner discriminate or retaliate against an employee merely because of the employee’s status as a survivor of sexual misconduct, stalking, domestic violence, or dating violence, if the survivor provides notice to the organization of the status, or the organization has actual knowledge of the status.

2. Leave and Other Reasonable Accommodations and Assistance: The AG recognizes that survivors of sexual misconduct, stalking, domestic violence and dating violence may need time off work to obtain or attempt to obtain a protection or restraining order or any other legal assistance to help ensure his or her health, safety, or welfare or that of his or her child. The AG will work in collaboration with the employee to provide reasonable and flexible leave options when an employee or his or her child is a survivor of sexual misconduct, stalking, domestic violence and/or dating violence. The AG will work with the employee to provide paid leave first before requiring an employee to use unpaid leave. An employee must provide reasonable notice to their supervisor of the need to take time off unless advance notice is not feasible. The AG may require the employee to provide documentation or other certification verifying that the employee was a survivor of violence.

The AG will also provide reasonable accommodations for a survivor of sexual misconduct, stalking, domestic violence or dating violence who requests an accommodation for their safety or to maintain work performance while at work.

3. Access to Unemployment Insurance Benefits: The AG recognizes that in certain situations it is no longer feasible for an employee who is a survivor of violence to continue working for the AG. In such circumstance, the AG shall provide to the employee information regarding access to unemployment insurance benefits.

4. Work Performance: The AG recognizes that employees who are survivors of violence may experience temporary difficulty fulfilling job responsibilities. If the AG becomes aware that an employee’s work performance or conduct has been impacted by sexual misconduct, stalking, domestic violence and/or dating violence, the AG will work in collaboration with the employee to address the issues in accordance with established policies within the workplace.

5. Protection and Restraining Orders: The AG recognizes that a survivor of violence may seek or receive a protection or restraining order, as part of efforts to become safe and as part of a workplace safety plan. The AG recognizes that the workplace may or may not be included on an order as a location from which a perpetrator must remain away. If an employee chooses to disclose the existence of a protection or restraining order to the AG, the AG may, wherever possible, assist the employee to enforce the order and shall archive said order in a confidential and separate file from employee’s personnel file and destroy the order upon dismissal or expiration.

B. Reporting by Employees with Information About Violence

Employees who have information about or witness an act of violence perpetrated by an employee, or who have information about or witness violence against an employee, are required to report all information to the designated person in the AG’s office. The AG will not retaliate against, terminate, or discipline any employee merely for reporting information about alleged incidents of violence, as defined in this policy that may have been committed by any other employee, including a member of management.

C. Responses to Workers Who Commit Violence

If the AG receives information that alleges or states that an employee has committed an incident of workplace-related or non-workplace violence, as defined in this Policy, or if any supervisor receives information that any employee has engaged in any incident of workplace-related or non-workplace violence, the matter shall be referred to the designated executive for the purpose of investigating the information or allegation. The AG shall conduct an immediate investigation of the information or allegation, which investigation shall be completed within 45 days of receipt of the information or allegation concerning the alleged incident of violence. Every employee shall have a duty to cooperate with the investigation and failure to do so may result in disciplinary action being taken against the uncooperative employee, up to and including termination.

At the conclusion of the investigation conducted by the AG, the investigator shall report her or his findings to the designated official and/or the human resources personnel. If the investigator concludes, by a preponderance of the evidence, that an employee has engaged in a workplace-related incident or non-workplace incident, as defined in this Policy, that employee may be subject to disciplinary action, up to and including termination.

If an employee, contractor, consultant, intern or volunteer is determined by a judge or mediator in any legal process to have used violence as defined in this policy, that person will be prohibited from occupying positions that could undermine the ability to carry out OVW-funded projects. The AG, at its discretion, may choose to enter into a future agreement with said employee, contractor, consultant, intern or volunteer after an so long as the AG can establish that said individual has met the following qualifications:

* No victim/survivor of violence perpetrated said individual, nor any family member or friend of the victim/survivor, will encounter said individual in any OVW AG-controlled capacity;
* Said individual has demonstrated evidence of accountability, restoration, and rehabilitation; and
* The AG’s mission would benefit from said individual’s skills and/or experience.

Employees, contractors, consultants, interns and volunteers are prohibited from using any workplace resources, such as work time, phones, email, computers, fax machines or other means to threaten, harass, intimidate, embarrass or otherwise harm another person. An employee, contractor, consultant, intern or volunteer who is subject to a protection or restraining order, or a named defendant in a criminal action as a result of a threat or act of violence as defined by this Policy must notify the AG human resources department immediately. Failure to disclose the existence of such criminal or civil actions in these circumstances may result in disciplinary action, up to and including termination from employment.

**VI. Reporting by Employees Who are Survivors**

Employees who are survivors of violence as defined in this Policy, and employees who are concerned about coworkers who might be survivors, are encouraged to provide a report to the CVAD director. The AG has designated the CVAD director as the person to whom such reports should be made and shall provide community referrals and resources to employees in order to assist employees with their concerns or experiences regarding violence.

**VII. Reporting Violation of Policy**

A person who wishes to report a violation of this policy should contact the AG’s chief deputy or the CVAD director. The AG will not subject employees who report violence or report a violation of this policy to work-related or personal retaliation, as described in Section 5(B). Any allegations of violations of this policy will be immediately investigated in accordance with the timeline and procedure outlined in Section 5(C).

Adopted: February 22, 2022

 Date