

## **Report of the Ad Hoc Background Investigation Committee July 2007 ARRL Board Meeting**

The Ad Hoc Background Investigation Committee is pleased to present its interim report for the July 2007 ARRL Board Meeting. Additionally, the committee will have a PowerPoint presentation at the board meeting to supplement this report. Board members are strongly encouraged to read the backup material attached to this report. Please treat this report and attachments as "Board Confidential".

This committee was formed as the result of The American Red Cross, one of our served agencies with whom we have a Memorandum of Understanding, announcing that mandatory background checks would be required of all paid staff and volunteers assisting the American Red Cross in disaster relief operations. The committee was charged with studying issues related to background investigations as they apply to Amateur Radio volunteers serving under the auspices of programs sponsored by the ARRL and to recommend a policy on background investigations which addresses the interests of both the league and its volunteers. The committee felt early on that it was important to get background check information from a number of our other national served agencies as well.

The American Red Cross announced in 2006 that mandatory background checks were required of their paid staff and volunteers and that the background checks needed to be completed by October 31, 2006. Apparently, the American Red Cross did not get enough staff and volunteers to complete the mandatory background checks by the original deadline, so two further extensions were granted. The completion deadline was extended to December 31, 2006 and a final deadline of March 31, 2007 was imposed.

The mandatory background checks had to be performed by a third party that Red Cross had engaged for this purpose called, mybackgroundcheck.com. The permission agreement that the candidate "signed" gave mybackgroundcheck.com and the American Red Cross the authorization to conduct a criminal background check, financial check and a mode of living check.

In February 2007, ARRL General Counsel, Chris Imlay W3KD attempted to communicate with the American Red Cross Corporate Counsel, Mary Elcano, by phone about ARRL concerns with the background checks. Unfortunately, Chris's messages were not returned. On February 20, 2007, Chris wrote and couriered a letter to Ms. Elcano at the American Red Cross Headquarters in Washington DC. (copy attached – Booth, Freret, Imlay & Tepper letter #1)

This letter caused a response from the Red Cross General Counsel's office and requesting a meeting. Nothing substantive resulted.

Noting the deadline date that the American Red Cross had imposed for the mandatory background checks to be completed by, the Ad Hoc Background Investigation Committee drafted a position paper for publication on the ARRL website. This committee felt it was important for our members to understand what might be required of them by a served agency. This committee further felt that it is up to each ARRL member to decide if the individual wants to complete the background check or not.

A courtesy copy was sent to the American Red Cross General Counsel's office for comment and possible revision. The American Red Cross General Counsel's office did not respond in a timely fashion.

This committee passed the proposed position paper to the Executive Committee for their review and approval. Having received approval, the position statement was published on the ARRL website on March 8, 2007. (copy attached – ARRL Position on the American Red Cross Background Check Policy)

ARRL General Counsel, Chris Imlay W3KD and ARRL Chief Technology Officer, Paul Rinaldo W4RI, met with two members of the American Red Cross General Counsel's office and two American Red Cross Disaster managers at Red Cross headquarters in Washington DC. The purpose of the meeting was to discuss the background check, however the American Red Cross team appeared to be more concerned with the ARRL & Red Cross Memorandum of Understanding which expires in September 2007. The ARRL team explained that they were not authorized to discuss the renewal of the MOU and that the American Red Cross background checks was of immediate concern. The ARRL team suggested possible alternatives to the American Red Cross background checks. The American Red Cross did not seem willing to accommodate any change to their current system.

This committee discussed the meeting Chris Imlay and Paul Rinaldo had with the American Red Cross staff and drafted a proposed update for publication on the ARRL website. The proposed update was passed to the Executive Committee for review and approval. Having received approval, the proposed update was published on the ARRL website on April 16, 2007. (copy attached – ARRL Update on Red Cross Background Investigations)

Chris Imlay received an email sent from American Red Cross's General Counsel's office – Chevanniese Smith on May 25, 2007, who sent a draft regarding the ARC Background Check program. (copy attached – re: Background check issue)

This committee discussed the draft and did not feel comfortable with it because it appeared that Red Cross was suggesting that the ARRL could conduct its own background checks and then certify to the Red Cross that certain ARES volunteers have successfully cleared an ARRL background check. This committee felt the ARRL should not conduct background checks on volunteers and certify them as having cleared such a check.

Several findings from this committee's work:

1. Our partnership with the American Red Cross is a long standing and valuable association.

2. American Red Cross association is important as this is the main credentialing organization that provides our disaster volunteers access into disaster affected areas at this time.
3. It is not the ARRL position to dictate to our members who members should or should not volunteer their services to.
4. However, the ARRL should have a policy on background check requirements which protects the interests of the League and volunteers serving in our programs, and the ARRL should rely on this policy when Memoranda of Understanding are negotiated with served agencies.

This committee will be introducing a motion regarding Memoranda of Understandings with served agencies at the board meeting.

Jay Bellows K0QB  
Karl Bullock WA5TMC  
Kay Craigie N3KN  
Bill Edgar N3LLR, Chairman  
Chris Imlay W3KD  
Dave Patton NN1N

**Ad Hoc Background Investigation Committee  
July 2007 ARRL Board Meeting**

Attachment #1

Booth, Freret, Imlay & Tepper letter

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# BOOTH, FRERET, IMLAY & TEPPER, P.C.

ATTORNEYS AT LAW

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February 20, 2007

Via Courier

Mary S. Elcano, Esquire  
General Counsel and Corporate Secretary  
Office of the General Counsel  
American Red Cross  
2025 E Street, N.W.  
Washington, D.C. 20006

Re: Background Checks for Volunteers

Dear Ms. Elcano:

The undersigned serves as General Counsel for ARRL, the National Association for Amateur Radio, also known as the American Radio Relay League, Incorporated. As I believe you may be aware, ARRL has long enjoyed a cooperative and mutually beneficial working relationship with the Red Cross, serving the common goal of disaster relief. ARRL is the principal representative of the more than 650,000 licensed Amateur Radio operators in the United States, and is party to a Memorandum of Understanding with the American Red Cross (ARC) that has been regularly renewed and utilized for many years. ARRL is proud to be associated with the Red Cross; indeed, many ARRL members, especially those dedicated in their radio avocational activities to disaster relief communications, public service and emergency communications, are also active volunteers in ARC chapters.

The purpose of this letter is to seek some clarification of the recently modified policy of the ARC with respect to background checks of volunteers. The ARC's recent decision to require background checks of its volunteers is apparently also applied to Amateur Radio operators who volunteer for emergency communications purposes as part of the Amateur Radio Emergency Service (ARES) program, sponsored by ARRL. ARRL is very much concerned about the background check requirement of the ARC, because as a practical matter it creates a strong disincentive for radio amateurs to participate in emergency communications and public service communications activities. It is necessary for us to have a clear understanding of exactly what the ARC is requiring by way of background checks, as we need to be able to advise many of our members who have inquired about it; hence this letter.

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Specifically, we have reviewed a memorandum sent to volunteers very recently by Mr. Jack McGuire, Interim President and CEO, and Kate Forbes, the National Chair of Volunteers on this subject. In it, Mr. McGuire and Ms. Forbes state that as of December 22, 2006, it was decided by the ARC that the background check deadline was to be extended to March 31, 2007. Further, there were certain key modifications to the program, specifically related to the consent form (providing consent to conduct the background checks). The modifications (as I have summarized them, except where quoted verbatim) were as follows:

1. A new consent form will be developed "that eliminates all references to credit checks and modes of living."
2. The Red Cross will not run future credit checks or modes of living checks on anyone who has signed a previous consent form, and those forms will be construed such that the consent to conduct credit check and mode of living checks will be deemed null and void. No credit checks will be conducted on those individuals who signed the earlier consent form unless a second consent form is obtained, and "mode of living checks will not be conducted under any circumstances."
3. Jane Gilbert, Senior VP, will convene a working group to establish a credit check policy to define positions which will require credit checks in the future and how they will be evaluated by ARC.

The above policy modifications seem reasonably straightforward as they are stated. The memo went on to note that after the March 31, 2007 deadline, any employees or volunteers who have not "cleared" a background check will no longer be able to serve with the Red Cross until they do so. The memo refers questions about the program and the above modifications to the National Background Check Office, and provides a web address ([backgroundchecks@usa.redcross.com](mailto:backgroundchecks@usa.redcross.com)) and an 800 telephone number.

What is not entirely straightforward is the modified consent form which is now in use. On February 6, 2007, a member of ARRL's Board of Directors, who is also an active Red Cross volunteer, contacted the National Background Check Office, and asked when the new consent form would be available for review. He was told in a reply e-mail the same day that the updated consent form was already posted on the web site <https://www.mybackgroundcheck.com/ArcVts/>, and that it included the modifications mentioned by Mr. McGuire and Ms. Forbes in their memo. Upon reviewing the modified, updated consent form, however, ARRL's Board member noted that the form was not changed significantly from its "pre-memo" iteration. He was confused because the form states, in relevant part, as follows:

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American Red Cross ("RED CROSS") will procure a consumer report and/or investigative consumer report on you for the limited purpose of evaluating you for a position with RED CROSS...

\*\*\*\*\*

The report will contain any written, oral or other communication of any information by a consumer reporting agency bearing on your character, general reputation, personal characteristics which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing your eligibility for (A) employment purposes; or (B) any other purpose authorized under section 604 of the Fair Credit Reporting Act. The types of information that may be obtained include, but are not limited to: social security number verification, criminal records checks, public court records checks, driving records checks, educational records checks, verification of employment positions held, personal and professional references checks, licensing and certification checks, etc.

\*\*\*\*\*

The nature and scope of this disclosure and authorization is all-encompassing, however, allowing RED CROSS to obtain from any outside organization all manner of consumer reports and/or investigative consumer reports now and, if you are hired, throughout the course of your employment or volunteer service to the extent permitted by law...

\*\*\*\*\*

I understand that the consent form was in fact altered from the prior version to the extent that it did earlier make reference to "credit checks" and "mode of living checks." However, the Federal Trade Commission's definition of an "investigative consumer report" is a "consumer report...in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained... However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer." Therefore, the consent form, the authorization for which is stated to be "all-encompassing" in fact still permits the ARC to obtain both mode of living and credit checks, as long as the credit checks are not obtained *directly* from the creditors of the individual being checked.

The National Background Check Office apparently takes the position that "consumer report" and "investigative consumer report" each refer only to criminal background checks. This seems to us an untenable position. According to the United

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States Code, 15 U.S.C. § 1681(a) dealing with credit reporting agencies, the term "consumer report" means 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 expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for [credit or insurance, employment purposes, or any other purpose authorized by 15 U.S.C. § 1681b]. The definition of "investigative consumer report" in that same statute is essentially identical to (and likely the source of) the definition used by the FTC, cited above. The term "criminal background check" appears nowhere in the definition of either term.

It would therefore appear that the old form and the new form for consent to the background checks required by the ARC are functionally identical, and that the policy change statement issued by Mr. McGuire and Ms. Forbes, though surely well-intentioned, has not in fact been effectuated. Anyone who signs the consent form agrees to both credit checks and mode of living checks as a matter of fact. If the ARC does not intend to require these checks, the consent form should be clarified to exclude them.

ARRL members who regularly provide communications services to ARC and other served agencies are not comfortable with the ARC's background check policy as a general matter, and ARRL is now attempting to develop its own position with respect to it, and to similar policies of other served agencies. We would very much appreciate any clarification that you can provide with respect to the ARC's background check policy, given all of the foregoing. That will enable ARRL to better advise its members about what, precisely, the ARC requires of them. Given the firm deadline of March 31, 2007 imposed by ARC for compliance with the background check policy, this matter is, to us, rather urgent, and your timely attention to this correspondence is appreciated in advance.

Yours very truly,



Christopher D. Imlay  
General Counsel, ARRL

Cc: Mr. David Sumner,  
Executive Vice President, ARRL

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**Ad Hoc Background Investigation Committee  
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Attachment #2

ARRL Position on the American Red Cross Background Check Policy

**Board Confidential**

FOR POSTING ON ARRL WEB SITE IMMEDIATELY

ARRL POSITION ON THE AMERICAN RED CROSS  
BACKGROUND CHECK POLICY

Last year, the American Red Cross announced that it was implementing a background check procedure which would be mandatory for its staff and volunteers. Many ARRL members, including those who are also Red Cross volunteers, and ARES members who provide emergency communications for the benefit of the Red Cross, have questions about this policy, and whether or not it applied to them. ARRL offers the following information on this subject, so that ARRL members can decide for themselves whether or not to participate in this program. This information is subject to change, however, as ARRL and the Red Cross have commenced some discussions about the application of the Red Cross policy to Amateur Radio operators providing emergency communications. Should any of the following information change, ARRL will modify this posting immediately, so please review this page periodically.

ARRL will not attempt to advise members what organizations they should or should not support, or the extent to which they should comply with policies that such an organization requires in order for them to accept volunteer Amateur Radio communication services. However, we feel compelled to caution ARRL members to read *very carefully* any request for, or consent to the collection or disclosure of, personal, normally private information from a served agency. ARRL members should carefully consider what is being requested; for what purpose the information is needed; to what use the information will be put; and to whom it will be disclosed.

While there have been conflicting statements by local chapters, the National Headquarters of the American Red Cross apparently intends to require that all radio amateurs who provide communications for the Red Cross submit to a background check. Their policy applies to all partner organizations that do not themselves conduct criminal background checks on their members. ARRL, of course, does not conduct background checks. Some ARRL members are willing to submit to a criminal background check in order to volunteer to provide communications for the benefit of the Red Cross. The Red Cross has delegated the conducting of the background checks to a separate, private company. The private company has a consent form which is a requirement for the background check. The deadline for compliance with this Red Cross requirement, twice postponed, is now March 31, 2007. After that date, the Red Cross indicates that they will not accept volunteer services from those individuals who have not complied.

Initially, the Red Cross' requirements included more than a criminal background check. Volunteers were also to be required to grant permission for the Red Cross' background investigation company to conduct a "credit check" and a "mode of living" check as well. Additionally, the Red Cross indicated that the only criminal background

check they would accept would be from its own investigation company, “mybackgroundcheck.com.”

On February 6, 2007, the Interim CEO and the National Chair of Volunteers of the Red Cross jointly announced that the policy had changed;<sup>i</sup> that only criminal background checks would be required of Red Cross volunteers; that credit checks would not be required except where separate permission was granted; and that mode of living checks would not be conducted on volunteers under any circumstances. However, the Red Cross’ investigation company consent form still includes consent to the conduct of an “investigative consumer report.” The Federal Trade Commission’s definition of that term specifically includes “mode of living” checks and certain credit checks. The consent form that is required by the Red Cross, therefore, would permit both credit checks and mode of living checks, and not just criminal background checks.<sup>ii</sup>

The new consent form used by “mybackgroundcheck.com” does not disclose to the person consenting to the search that he or she is in fact granting permission to have a credit check or mode of living check performed, but only makes reference to a “consumer investigative report”<sup>iii</sup> without explaining it.

Although the Red Cross promises that it will not conduct a mode of living check or a credit check of volunteers, its contractor continues to require permission to conduct such investigations. ARRL has inquired of the Red Cross as to the reason for this, but to date has not received a satisfactory explanation.

Should the Red Cross clarify or further modify its background check policy in response to ARRL’s written inquiry and the negotiations commenced thereby, we will provide that information immediately for the benefit of ARRL members and ARES participants.

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<sup>i</sup> That announcement was as follows:

The following message is from Jack McGuire, Interim President and CEO and Kate Forbes, National Chair of Volunteers:

On December 22, 2006, we announced that the background check deadline was extended until March 31, 2007 and that a leadership team would examine specific aspects of the program so that they were better understood and accepted across the organization. This week, we approved key modifications to the program, specifically related to the consent form. We believe these changes respond to legitimate concerns and still maintain a strong organization-wide background check program.

The following summarizes the changes:

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A new consent form will be developed that eliminates all references to credit checks and mode of living. The Red Cross will not run future credit checks or mode of living checks on anyone who has signed the previous consent form. The Red Cross will consider that consent form null and void as to the credit check and mode of living authorizations, and promises not to conduct a credit check on individuals unless we obtain a second consent form from them authorizing those checks. Mode of living checks will not be conducted under any circumstances. In an effort to establish and maintain consistency across the organization, Jane Gilbert, Senior Vice President, Service Area Support, will convene a working group to establish an ongoing credit check policy that will define which positions require a credit check in the future and how to evaluate credit checks for those positions.

You may be wondering why we made these changes and particularly, why now. We listened to your concerns and feedback and determined that adding another consent form in the event that a credit check is needed best met the needs of our volunteer force. This change does not reflect negatively upon the admirable efforts of the many units that worked extremely hard to meet the goals of this initiative by conducting background checks on their employees and volunteers. We believe it underscores the fact that an open dialogue on these issues is critical to the success of this program. These are positive changes that do not compromise the program, but rather advance our shared goal of having a consistent and standard background check program for all employees and volunteers who serve under the American Red Cross symbol. All other aspects of the program remain unchanged, including the deadline of March 31, 2007, by which all employees and volunteers must undergo and clear a background check.

Employees and volunteers who have not cleared a background check by this date will no longer be able to serve with the Red Cross until they do so.

We would also like to take this opportunity to thank the National Background Check Office for their hard work and dedication in assisting the implementation of the program across the organization. If you have questions, please contact the National Background Check Office at [backgroundchecks@usa.redcross.org](mailto:backgroundchecks@usa.redcross.org) or (800) 507-3960.

<sup>ii</sup> The following text is from the Federal Trade Commission website defining the term “investigative consumer report”:

(e) The term “investigative consumer report” means 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. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

<sup>iii</sup> The following text is from [mybackgroundcheck.com](http://mybackgroundcheck.com)'s website, which discusses the information that is being requested:

#### Disclosure Regarding Background Investigation

American Red Cross (“RED CROSS”) will procure a consumer report and/or investigative consumer report on you for the limited purpose of evaluating you for a position with RED CROSS. MyBackgroundCheck.com, LLC (“MBC”) an affiliate of Pre-employ.com, or any agent of MBC, will obtain the report for RED CROSS. MyBackgroundCheck.com is located at 2301 Balls Ferry Road, Anderson, California 96007 and can be reached at 800-300-1821.

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The report will contain any written, oral, or other communication of any information by a consumer reporting agency bearing on your character, general reputation, personal characteristics which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing your eligibility for (A) employment purposes; or (B) any other purpose authorized under section 604 of the Fair Credit Reporting Act. The types of information that may be obtained include, but are not limited to: social security number verification, criminal records checks, public court records checks, driving records checks, educational records checks, verification of employment positions held, personal and professional references checks, licensing and certification checks, etc.

The information contained in the report will be obtained from private and/or public record sources, including sources identified by you or through interviews or correspondence with your current or former employers, educational institutions. You understand that while the information contained in the report or reports provided has been obtained by various third parties from public record data sources deemed reliable, their accuracy cannot be guaranteed due to potential human error in the actual recording or retrieval of the record.

The nature and scope of this disclosure and authorization is all-encompassing, however, allowing RED CROSS to obtain from any outside organization all manner of consumer reports and/or investigative consumer reports now and, if you are hired, throughout the course of your employment or volunteer service to the extent permitted by law. As a result, you should carefully consider whether to exercise your right to request disclosure of the nature and scope of any investigative consumer report.

You are entitled to request more information about the nature and scope of such reports by submitting a written request to: MyBackgroundCheck.com, Compliance Department, P.O. Box 491570, Redding, Ca. 96049 or by fax to 888-999-3839.

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Attachment #3

ARRL Update on Red Cross Background Investigations

**Board Confidential**

## ARRL Update on Red Cross Background Investigations

NEWINGTON, CT, Apr 16, 2007 -- In March, the ARRL posted its [position statement](#) regarding the American Red Cross background check policy for volunteers. This updates information the League has obtained about that program.

ARRL General Counsel Chris Imlay, W3KD, and Chief Technology Officer Paul Rinaldo, W4RI, met March 20 at American Red Cross offices in Washington, DC, with two attorneys from the Red Cross General Counsel's office and two management-level staff members from Red Cross Disaster Services.

ARRL asked the Red Cross staff if ARRL ARES volunteers would be subject to the American Red Cross background check if they are providing communications for more than seven days. The position of the Red Cross is that ARES volunteers would not be permitted to provide communications at a disaster site for more than seven days without submitting to the Red Cross background check procedure.

Discussion was then held regarding the Red Cross announcement that credit checks and mode-of-living checks would not be conducted. ARRL's stated concern was that the ARC background investigation consent form states that a consumer report and/or an investigative consumer report -- which includes certain credit checks and includes mode of living checks -- *will be obtained* on the volunteer signing the form.

The ARRL team asked if the Red Cross would be willing to modify the consent form so that it limits the authority granted by the person signing the form to criminal background checks only. The Red Cross representatives did not indicate a willingness to modify the consent form.

The ARRL team also suggested alternatives to the Red Cross investigation firm, MyBackgroundCheck.com. ARRL was given an indication that the Red Cross is also unwilling to accept background checks conducted by other entities, because the Red Cross would be required to compare the methodologies of its selected entity with those of the alternative background-check provider.

ARRL reiterates its recommendation that members carefully review any consent document permitting a private organization to conduct a background investigation on that person. The current Red Cross background check consent form does include permission, *without further consent from the volunteer*, to conduct a consumer report and/or an investigative consumer report. The Federal Trade Commission and Federal statutes define investigative consumer reports as including a mode-of-living check as well as certain credit checks.

ARRL will not suggest what organizations or agencies should or should not be supported by volunteer Amateur Radio communications. ARRL does wish to facilitate the provision of volunteer services, however.

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Attachment #4

re: Background check issue

**Board Confidential**



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**From:** bfitpc@aol.com

**To:** background investigations committee <background@reflector.arrl.org>

**Subject:** Re: Background check issue

**Date:** Tue, 29 May 2007 5:13 pm

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Greetings, Chevanniese, and thanks for the e-mail. I am sorry that it required that you work late on the Friday before a holiday weekend! I have forwarded the draft as a confidential matter to one of the ARRL officers. Before I call you about this, I wanted to obtain the input of the ARRL First Vice President, who is our expert on emergency communications. I will ring you up later this week about the draft after I speak with her.

Again, thanks.

Kind regards, Chris Imlay

Booth, Freret, Imlay & Tepper, P.C.  
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Silver Spring, MD 20904-6011  
(301) 384-5525 telephone  
(301) 384-6384 facsimile  
[BFITPC@AOL.COM](mailto:BFITPC@AOL.COM)

-----Original Message-----

**From:** [SmithCheva@usa.redcross.org](mailto:SmithCheva@usa.redcross.org)

**To:** [bfitpc@aol.com](mailto:bfitpc@aol.com)

**Sent:** Fri, 25 May 2007 9:19 pm

**Subject:** Background check issue

Chris,

Attached please find a draft communication regarding the Background check program. Let's discuss next week. A few points. It has not yet determined who should be the signator of this communication. This is complicated somewhat by the fact that our Interim President has resigned and a new president starts next week. It will likely be signed by an executive in Disaster Response and/or the National Chair of Volunteers.

The communication has turned out to be longer than anticipated. I briefly entertained a much shorter announcement that generally refers to this longer communication but highlights the promise that we wont conduct "mode of living" checks, or credit checks without explicit authorization, notwithstanding the consent form. Let me know your thoughts on that approach or if you think this longer communication is okay on its own.

Regards, CS

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The American Red Cross greatly appreciates the long-standing partnership that it has with the ARRL, and recognizes the invaluable expertise and service that ARRL members have selflessly contributed to Red Cross operations during times of crisis and disaster.

We understand that ARRL and ARES members have raised several concerns about the background check initiative that the Red Cross implemented last year. It is our sincere hope that through this direct communication with the ARRL membership, we can allay any concerns about the background check program and reaffirm the spirit of cooperation that has existed between our respective organizations since before World War II.

As many of you know, in July 2006, the American Red Cross launched an organization-wide background check program. This initiative was driven by our dedication to providing the safest possible environment for our employees, volunteers, and clients, and by our commitment to safeguarding donated resources. We recognized that in order to maintain the trust of the American people who rely upon us during times of disaster, and to provide the best quality service, all Red Cross employees and volunteers must be background-checked utilizing consistent standards across the entire organization.

The background check program requires that all registered volunteers and employees successfully clear a background check comprised of the following components: verification of social security number; a search of the National Criminal File going back seven years; and a search of all state sex offender registries. If an individual is not able to successfully clear the background check, then he or she will not be permitted to serve as a Red Cross registered volunteer or employee.

We are aware that some ARRL and ARES members, particularly those who are not registered Red Cross volunteers, have raised concerns about how the background check program will impact them if they wish to support Red Cross disaster operations. After meeting with ARRL leadership, we understand that our prior communications may not have sufficiently addressed the concerns of the ARRL and ARES membership. We appreciate your feedback and have seriously considered the issues you have brought forward. The following questions and answers are a further attempt to respond to any remaining questions and to clarify any confusion that may have resulted as this program has evolved over the past several months.

***1. Must ARRL/ARES/RACES/NTS members who are not affiliated with a local Red Cross chapter submit to a background check prior to assisting on a disaster response?***

Like all Red Cross registered volunteers, any ARRL members who are also registered Red Cross volunteers must successfully complete a background check prior to assisting in disaster relief operations.

However, questions have arisen about ARRL members who are not formally affiliated with the Red Cross, but who may wish to assist with Red Cross relief operations in the event of a local disaster. The Red Cross recognizes that our programs cannot operate effectively without the help of individuals from the community who come forward for

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brief periods of time to help those in their community who are affected by disaster. Accordingly, “spontaneous volunteers” who desire to support Red Cross in disaster relief activities may do so for up to seven days without a background check. “Spontaneous volunteers” are individuals 18 and over with no prior Red Cross affiliation or service.

Short-term spontaneous volunteers and spontaneous volunteers waiting for background check results must be paired with an experienced Red Cross employee or a registered volunteer during the assignment. Spontaneous volunteers cannot work directly with vulnerable populations, in over-night dormitory situations, or with easily negotiable financial instruments. Further, until and unless a background check has cleared, spontaneous volunteers will not be permitted to wear Red Cross identification or clothing, including disaster relief vests. Finally, spontaneous volunteers who have not completed a background check will not be permitted to continue working beyond seven days of service.

## ***2. Must I submit to a Red Cross background check if I have already completed a state police background check in connection with my RACES membership?***

When working with partner organizations such as ARRL, the Red Cross does not require partner organization volunteers to submit to a Red Cross background check if the partner organization will certify that its members have successfully cleared a background check with standards comparable to that of the Red Cross program. It is our understanding that ARRL does not conduct background checks and that ARRL members therefore do not fall into this category.

However, we have received information suggesting that some RACES chapters require background checks that equal or exceed Red Cross standards. Under those circumstances, it may be possible for the local RACES and Red Cross chapters to enter into an agreement regarding volunteer service that does not require Red Cross background checks. Such an agreement is only possible if a local RACES organization is able to certify that its members deployed to serve on a Red Cross disaster have successfully cleared an appropriate background check.

## ***3. Who will have access to my personal information if I consent to a background check?***

We have been made aware that although most ARRL members accept and understand the need for the Red Cross background check program, concerns still linger about the handling of personal data, such as social security numbers, that are gathered for the purpose of conducting the checks.

Please be assured that the Red Cross has chosen its background check vendor in part because of its reputation for maintaining a high level of security. The vendor has been in business for twelve years in California and has never had a complaint filed against it with the Better Business Bureau. Also, the background check process itself is designed to maximize security. Each individual enters his or her own confidential information onto a

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secure website, and only authorized Red Cross personnel with password-protected access may view the results of the background check. Background checks are not provided or stored in a format that can be easily forwarded via email. Furthermore, social security numbers are encrypted immediately so that no one – including Red Cross program administrators – can view them.

#### ***4. If I agree to a background check, what checks will be performed by the Red Cross' background check vendor?***

Some ARRL members have raised concerns about the scope of the consent form and have questioned whether the Red Cross and/or its vendor will perform credit checks or “mode of living” checks.

When the background check program was first put into place, the standard consent form explicitly authorized credit checks and “mode of living” checks. On February 6, 2007, in response to feedback from our staff and after reexamining the goals of the background check program, Red Cross leadership announced that the consent form would be considered null and void as to the credit check and mode of living authorizations. We promised not to conduct “mode of living” checks on volunteers and pledged not to conduct credit checks unless we obtained a second consent form authorizing such a check. We revised the standard consent form and removed all references to credit checks and mode of living checks. We took these steps in a good faith effort to respond to questions about the need for checks above and beyond the criminal background check and social security verification.

Although we revised the consent form and it no longer refers to credit or mode of living checks, it does contain general authorization language. Some have pointed out that if the language is read broadly, it still authorizes the Red Cross or our background check vendor to run credit or “mode of living” checks.

We wish to reaffirm and pledge to the membership of the ARRL that notwithstanding the authorization language in the consent form, the American Red Cross will not, under any circumstances, conduct “mode of living” checks based upon an individual’s signing of the standard background check consent form. We further represent that we will not conduct any credit checks without first obtaining authorization on a separate consent form that explicitly authorizes a credit check. Nor will we direct or otherwise authorize our vendor to conduct “mode of living” checks under any circumstance, or to conduct credit checks without separate, explicit authorization from the volunteer.<sup>1</sup> A credit check will only be sought in cases where an individual wishes to serve in a role where credit history is relevant to the duties and responsibilities of the position.

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<sup>1</sup> Please note that our background check vendor, [mybackgroundcheck.com](http://mybackgroundcheck.com), may only conduct background checks of Red Cross employees and/or volunteers at the direction of the Red Cross. Accordingly, notwithstanding the language of the consent form, [mybackgroundcheck.com](http://mybackgroundcheck.com) has no legitimate business reason to conduct credit or “mode of living” checks of Red Cross staff, and cannot legally do so, unless it has received such direction from the Red Cross.

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Although the background check program does bring major change and has required many long-term Red Crossers to initiate background checks, we ultimately believe that it is a positive action that signals commitment to our clients and donors, as well as to our employees and volunteers. If you have questions, you may contact the National Background Check Office at [backgroundchecks@usa.redcross.org](mailto:backgroundchecks@usa.redcross.org) or 800-507-3960.

In closing, we would like to thank the ARRL for its ongoing collaboration and partnership. The hard work and dedication of the ARRL members has been an invaluable resource during times of disaster and the Red Cross appreciates the past contributions of ARRL members.