



AmeriCorps Staff Development Series

July 12, 2018

NSCHC – Advanced Topics



Welcome!

NSCHC - Advanced Topics



*We'll get started in just
a couple of minutes.*

*Please be sure to
access the Audio link in
Adobe Connect.*

Technology Check

- Check the Connect Web Links to access today's PPT and training evaluation.
- Today's presentation is being recorded, and it will be posted on the Knowledge Network in late July:
www.nationalservice.gov/resources/americorps
- We will use the Chat box throughout today's presentation. Let's test the Chat feature; please type a short greeting to your colleagues now.

Purpose of the Staff Development Webinars

- In general, the 2018 AmeriCorps Staff Development Series is designed to build knowledge in core program and grant management areas to support strong service across the network.
- The webinars are intended to give commission and program staff a break from the day-to-day demands of grant management and focus on broader, longer-term issues.

AmeriCorps Staff Development Series

The 2018 webinar series includes:

- Continuity Planning
 - How to Review Data Collection Plans
- Orientations for New Commission and Program Staff
 - Financial Management
- ***Criminal History Checks – Advanced Topics***
 - AmeriCorps Member Orientation and Training
- Member and Site Monitoring and Reporting Requirements
 - Submitting Grantee Progress Reports
 - Data Quality Monitoring

Today's Target Audience

- AmeriCorps national/multi-state and tribal program staff who are new to their jobs and/or directly involved in conducting National Service Criminal History Checks (NSCHC), and/or monitoring programs, subgrantees, or sites for compliance with the requirements.



LIZ JUNG **FINANCIAL AND MANAGEMENT** **ANALYST**

- ✓ On CNCS staff since 2013
- ✓ Former AmeriCorps VISTA Recruitment Specialist and New Jersey State Office Program Officer
- ✓ VISTA Alum with the Billings, Montana Metro VISTA Project
- ✓ Master's degree in public policy from the University of Chicago

Today's Agenda

- Why NSCHC?
- Review of Advanced Topics:
 - Enforcement Guide
 - Mitigation Matrix
 - Fieldprint
- Q&A
- Resources and Wrap-up

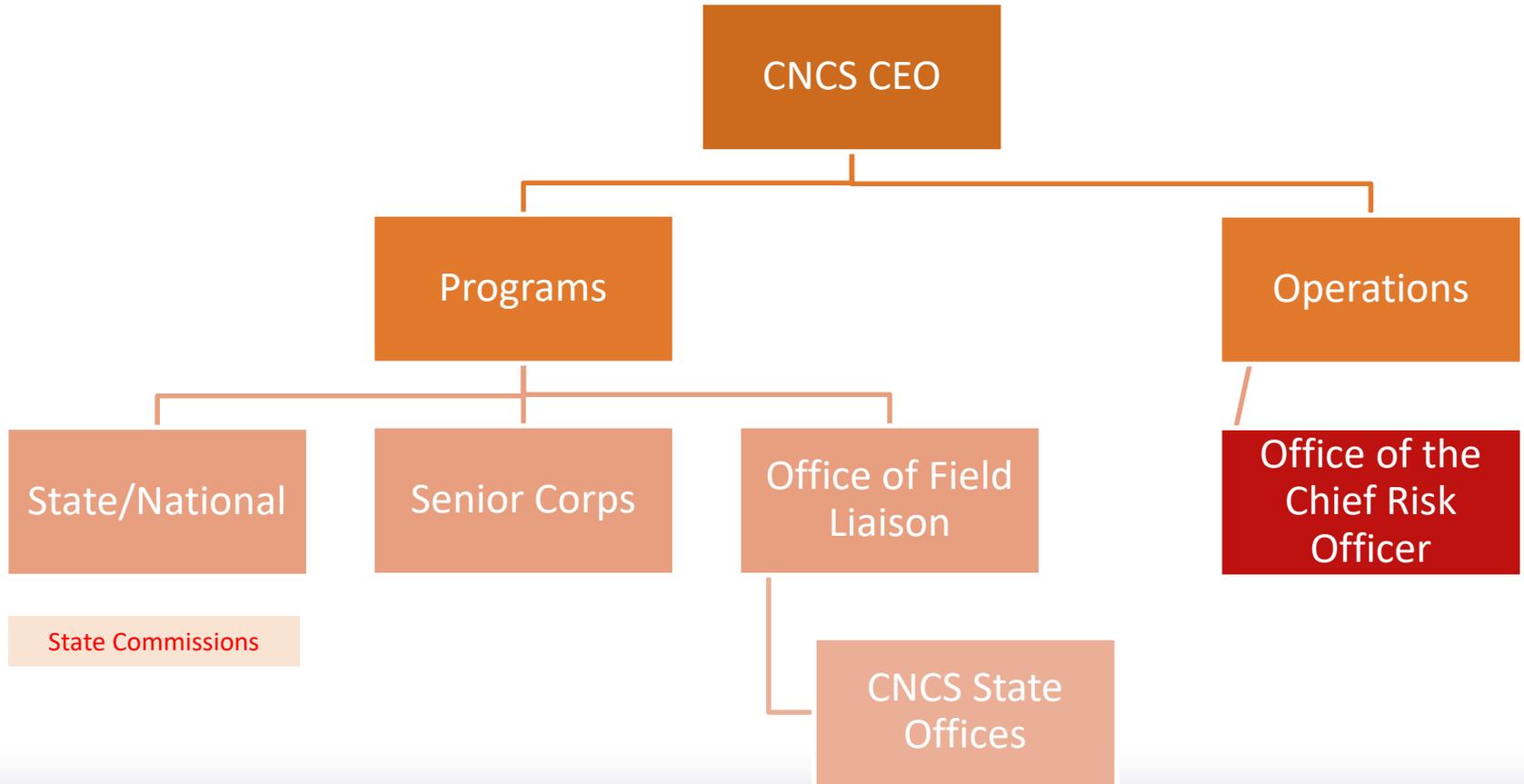
Outcomes



As a result of today's presentation, participants will:

- Understand what NSCHC resources are available to help grantees comply with requirements
- Be able to ask questions of CNCS experts on NSCHC and clarify guidance on the requirements

Office of Chief Risk Officer and CNCS



Develop a culture where abuse is discussed, addressed, and prevented

- Screening and selecting employees and volunteers
- Guidelines on interactions between individuals
- Monitoring behavior
- Ensuring safe environments
- Responding to inappropriate behavior, breaches in policy, and allegations and suspicions of abuse
- Training about abuse prevention

Source: Preventing Child Sexual Abuse within Youth-serving Organizations: Getting Started on Policies and Procedures:

<https://www.cdc.gov/violenceprevention/pdf/preventingchildsexualabuse-a.pdf>

Overcoming Challenges



- Beliefs that hinder abuse prevention
 - Abuse couldn't happen in my organization
 - Offenders are monsters-not my staff, volunteers, etc.
 - If we focus on abuse then it must happen here
- Structural issues that hinder prevention
 - Poor employee/volunteer retention
 - Limited/inadequate resources (no time, money, personnel, expertise)
 - Difficult to adopt abuse prevention policies and procedures

Source: Preventing Child Sexual Abuse within Youth-serving Organizations: Getting Started on Policies and Procedures:

<https://www.cdc.gov/violenceprevention/pdf/preventingchildsexualabus-e-a.pdf>

Resources to Support Strong Risk Management

Nonprofit Risk Management Center Staff Screening Toolkit:

<https://www.nationalservice.gov/sites/default/files/resource/r3300-staff-screening-tool-kit.pdf>

Preventing Child Abuse:

- **National Sex Offender Public Website:** <https://www.nsopw.gov/en/Education>
- **Centers for Disease Control and Prevention:** <https://www.cdc.gov/ViolencePrevention/>
 - [Rape Prevention and Education Program](#) encourages the development of comprehensive prevention strategies through a continuum of activities that address all levels of the social ecological model.
 - Sexual [Violence section](#) provides general and scientific information, risk factors, protective strategies, consequences, applicable reports/studies, and featured resources.
 - Preventing Child Sexual Abuse within Youth-serving Organizations: Getting Started on Policies and Procedures: <https://www.cdc.gov/violenceprevention/pdf/preventingchildsexualabuse-a.pdf>
- **[Darkness to Light \(D2L\)](#)** is a nonprofit organization with the mission of reducing the incidence of child sexual abuse through public awareness and education. The D2L programs raise awareness of the prevalence and consequences of child sexual abuse by educating adults about the steps they can take to prevent, recognize, and react responsibly to the reality of child sexual abuse.
- **[Enough Is Enough®](#)** (EIE) is a nonprofit organization focusing its efforts on confronting online pornography, child pornography, child stalking, sexual predation, and other forms of online victimization. [Internet Safety 101® multimedia program](#)

CNCS does not endorse, approve, certify, or control external websites.

Resources to Support Strong Risk Management—Continued

- [The Joyful Child Foundation](#) is dedicated to preventing crimes against children through programs that educate, empower, and unite families and communities. A Parent's Guide to Prevention ([PDF](#)|[HTML](#))
- **National Center for Missing and Exploited Children**
 - [National Center for Missing & Exploited Children \(NCMEC\)](#) is an organization that serves as the nation's resource leader on the issues of missing and sexually exploited children. The information and resources provided are for law enforcement, parents, children, and victims.
 - NCMEC [Child Safety Publications](#) offer easy-to-use safety resources to help address prevention education topics. It is most beneficial to help build children's confidence and teach them to respond to a potentially dangerous situation, rather than teaching them to look out for a particular type of person.
- The [radKIDS®](#) life skills safety program is available for providing holistic, practical, and realistic information for children and parents. [Bring radKIDS® to You](#)
- [Stop It Now!](#) is an organization committed to preventing the sexual abuse of children by mobilizing adults, families, and communities to take actions that protect children before they are harmed. [Learn Everyday Actions to Keep Kids Safe](#)
- [Stop the Silence: Stop Child Sexual Abuse, Inc.](#) is an organization of multiethnic and state groups aimed to increase awareness and conduct programming to address the prevention and treatment of child sexual abuse.

Preventing Elder Abuse:

- **National Center on Elder Abuse:** <https://ncea.acl.gov/>
- **Centers for Disease Control and Prevention** <https://www.cdc.gov/features/elderabuse/index.html>

CNCS does not endorse, approve, certify or control external websites.

Common Compliance Findings

Time

- Failure to perform the search of individuals on the national sex offender public website BEFORE service begins;
- Failure to initiate State/FBI checks on time.

Documentation

- Failure to document their own review of check results and grantee suitability considerations, as necessary;
- Failure to document the initiation of State/FBI checks;
- Failure to retain results of State/FBI checks.

Understanding

- Failure to assess and hire vendors who can perform fully compliant checks;
- Lack of awareness that checks are required for their own staff;
- Lack of compliance with accompaniment requirements (staff who work with vulnerable populations and whose checks are pending must be accompanied by a cleared individual until the check is complete);
- Inability to update grantee specific NSCHC policies to coincide with the revised CNCS regulations.

CHC Verification

Programs will complete SSN, criminal history, and citizenship verification in the enrollment form:

- Certify NSOPW is complete
- Certify State/FBI checks are initiated, per CNCS regulations
- Press Save button in the MyAmeriCorps Member Portal

The screenshot shows a web form for CHC Verification. At the top, there are several checkboxes for social media and recruitment sources: College Resource Fair, Facebook ad or on Facebook in general, Twitter, Other social media platform (with a text input field), AmeriCorps online recruitment system, Job search Web page, and State Service Commission. Below this is a section titled "SSN, Citizenship, and Criminal History Verification" with instructions: "Before a member may be enrolled into the National Service Trust they must have: 1) their SSN and Citizenship status be in a Verified or Manually Verified status; 2) a completed National Sex Offender Public Website check (NSOPW.gov); and, 3) the program initiated state of service and state of residence checks and FBI check, as appropriate, required for this individual." The form shows "SSN Status: Pending 05/20/2018" and "Citizenship Status: Pending 05/20/2018". A red box highlights the certification section: "NSOPW Check: [] I certify that I have conducted, reviewed, and adjudicated the results of a nationwide NSOPW.gov check (with all jurisdictions on NSOPW.gov reporting) for this individual. Bruce Wayne - 05/20/2018. []" and "Initiation: [] I certify that I have initiated the state of service and state of residence checks and FBI check, as appropriate, required for this individual. Bruce Wayne - 05/20/2018. []". Below this is a note: "* Please click 'save information' after clicking the certification checkboxes in this section." The "Placement Information" section includes a warning: "A member's start date may not be earlier than any of the following: the date you receive confirmation that the member's SSN is correct; the date you receive confirmation of a member's citizenship eligibility; the certification date for completion of the NSOPW; the certification date for the state of service/residence and/or FBI check initiation. In addition, you have five (5) days from the member's start date to certify the member's enrollment." Fields for "Start Date", "Program Year" (2017), "Program Title" (CCC-Camarillo Center Education Awards Program - Camarillo, CA), "Service Location" (CCC-Camarillo Center), and "Slot Type" are visible. At the bottom, there is a checkbox for "I, SEIES, certify this form as of 05/25/2018. []" and a disclaimer: "I understand that a knowing and willful false statement on this form can be punished by one or more of the following: a fine or imprisonment or both under Section 1001 of Title 18, U.S.C., exclusion from participation in federal programs, and forfeiture of benefits I may receive as a result of my enrollment or other actions authorized by the Civil Fraud Remedies Act, 31 U.S.C. 3801-3812." Buttons for "cancel", "save information", and "enroll member" are at the bottom right.

Enforcement Guide



Ineligibility

- Reporting and documentation requirements
- Remove from service and disallow all costs

Monitoring responsibilities

- Expansion of scope

Calculating Disallowance

- Mitigation Matrix

Self Reporting

- Documentation requirements
- Self-reporting rate

Disallowance and payment procedures

- Required documentation
- Debt Notification Letter to Prime Grantee
- Payment cannot come from federal funding source

Self-Reporting

- Self-reporting is intended to incentivize identification of the noncompliance by the recipient.
- Self-reporting means that a recipient reports its own noncompliance to a Monitoring Official **before it receives a written notice of a future oversight or monitoring activity (e.g. IPERIA sampling, IG audit or investigation, site visit, desk review, etc.)**.
- A prime recipient reporting to CNCS that it discovered noncompliance at its subrecipients is not considered self-reporting.
 - Monitoring officials: Program Officers and Grants Officers of the Corporation for National and Community Service (CNCS), State Commission staff, Social Innovation Fund intermediary staff, other recipient staff members responsible for monitoring and enforcing compliance, and any other individuals who monitor and enforce compliance with the NSCHC requirements.

When to Use Enforcement Guide

- When to use the Enforcement Guide
 - Ineligibility
 - Noncompliance (Self-Reported or Monitoring Action)
- Use Mitigation Matrix
 - When file is noncompliant
 - As of January 1, 2013, all individuals in a covered positions are required to have at least a search of the NSOPW. If a file does not have a mitigating sex offender check or any other mitigating factors, the file, by definition, has a low mitigation rating.
- Corrective Action is required
 - Appendix B

NSCHC MITIGATION MATRIX

Disallowance for each individual for whom...	Self-Reporting	Standard Disallowance
	↓	↓
High Mitigation is present	\$250	\$500
Moderate Mitigation is present	\$500	\$1000
Low Mitigation is present	\$750	\$1500

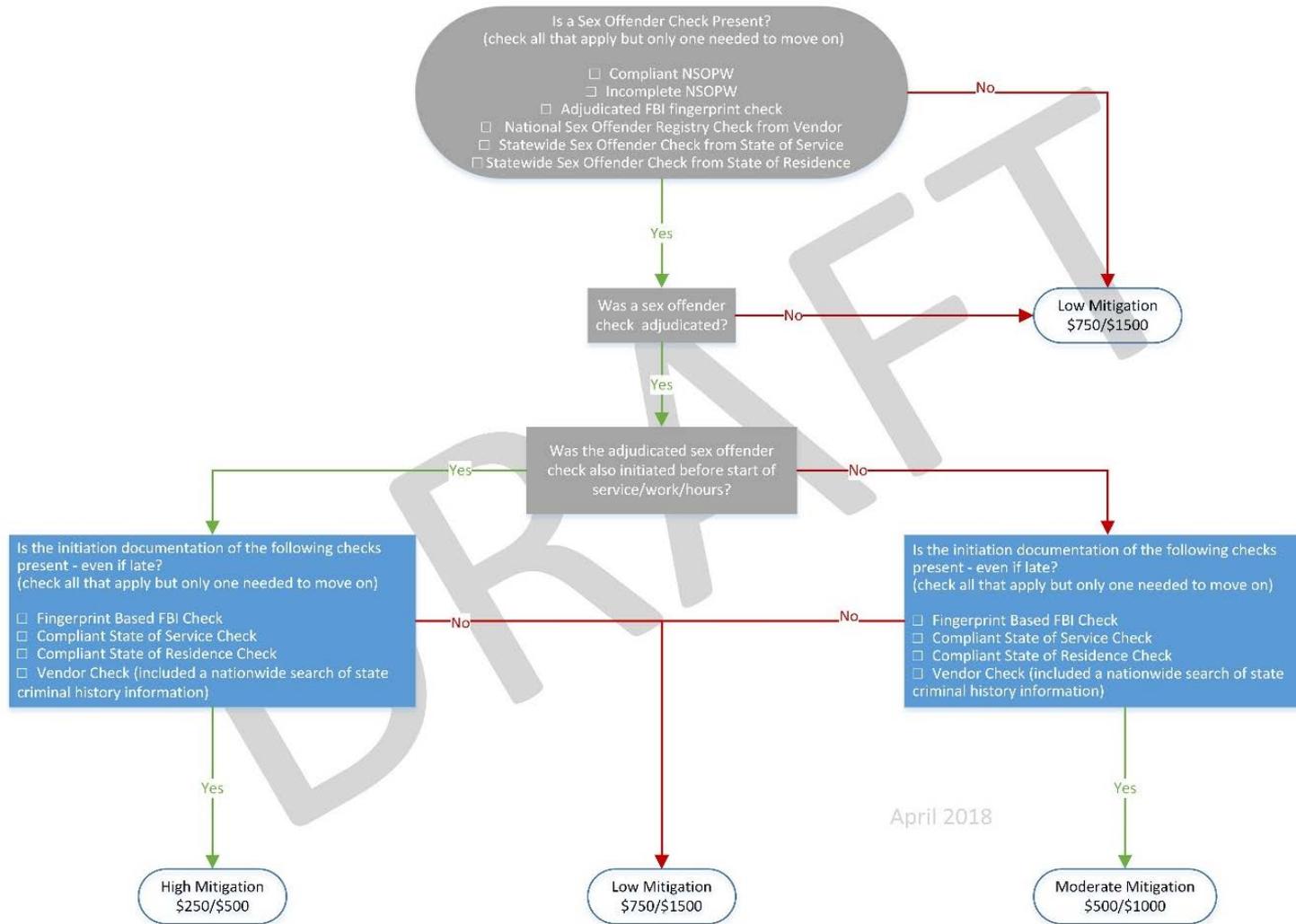
MITIGATION RATING	NO ACCESS OR EPISODIC ACCESS TO VULNERABLE POPULATIONS	RECURRING ACCESS TO VULNERABLE POPULATIONS
High Mitigation	<p>Program adjudicated a sex offender check before the individual began work or started service on the grant AND at least one of the following is <i>present, even if late:</i></p> <ul style="list-style-type: none"> • Initiated a vendor check that included a nationwide search of state criminal history information; OR • Initiated the State of Service or State of Residence check through CNCS designated sources; OR • Initiated a fingerprint-based FBI check. 	<p>Program met the requirements of 1, 2, and 3:</p> <ol style="list-style-type: none"> 1. Performed accompaniment (if required); AND 2. Adjudicated a sex offender check <i>before</i> the individual began work or started service on the grant; AND 3. <i>Initiated</i> one of the following <i>on time:</i> <ul style="list-style-type: none"> • A vendor check that included a nationwide search of state criminal history information; OR • A State of Service or State of Residence check through CNCS designated sources; OR • A fingerprint-based FBI check.
Moderate Mitigation	<p>Program adjudicated a sex offender check AND at least one of the following is <i>present, even if both are late:</i></p> <ul style="list-style-type: none"> • Initiated a vendor check that included a nationwide search of state criminal history information; OR • Initiated the State of Service or State of Residence check through CNCS designated sources; OR • Initiated a fingerprint-based FBI check. 	<p>Program met the requirements of 1 or 2:</p> <ol style="list-style-type: none"> 1. Performed accompaniment (if required) AND <i>initiated one of the following on time:</i> <ul style="list-style-type: none"> • A vendor check that included a nationwide search of state criminal history information; OR • A State of Service or State of Residence check through CNCS designated sources; OR • A fingerprint-based FBI check. 2. Adjudicated a sex offender check before the individual began work or started service on the grant AND at least one of the following is <i>present, even if late:</i> <ul style="list-style-type: none"> • A vendor check that included a nationwide search of state criminal history information; OR • A State of Service or State of Residence check through CNCS designated sources; OR • A fingerprint-based FBI check.
Low Mitigation	Any other combination of factors that does not meet the requirements for Moderate Mitigation or High Mitigation.	

This Matrix does not preclude CNCS from implementing other remedies for noncompliance or taking other measures as authorized by law. CNCS may update this Matrix at any time. The disallowance amount is a remedy for noncompliance per 2 C.F.R. § 200.338.



MITIGATION MATRIX FLOW CHART: No access/episodic access to vulnerable populations

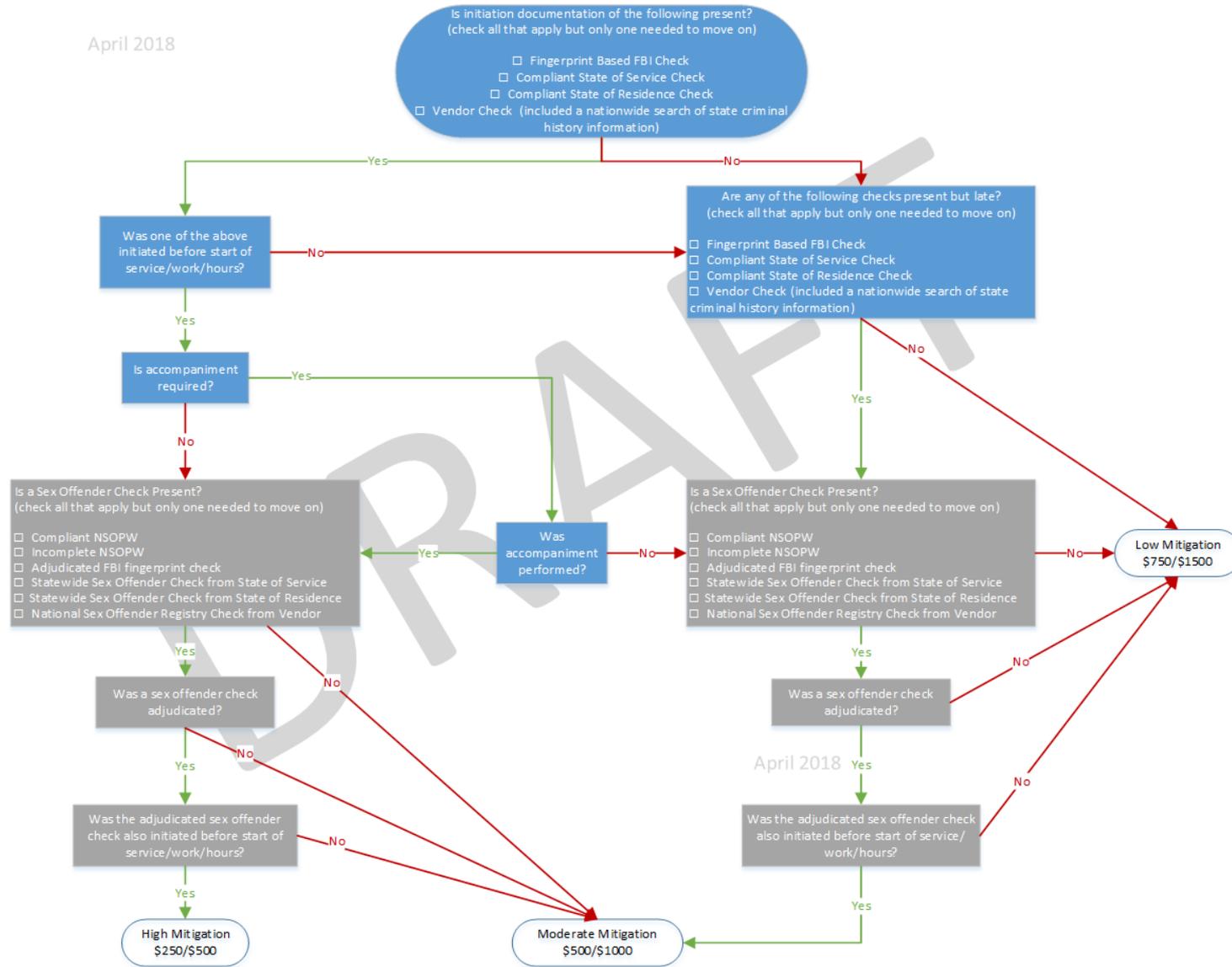
April 2018



April 2018

MITIGATION MATRIX FLOW CHART: Recurring access to vulnerable populations

April 2018



Mitigation Matrix Examples

- Access to vulnerable populations
- Start date: 5/12/2018
- FBI Initiation: 5/1/2018
- FBI Adjudication: 5/10/2018
- State Initiation: 5/1/2018
- State Adjudication: 5/1/2018
- NSOPW: Missing

Mitigation Rating: High (\$250/500)

Mitigation Matrix Examples

- No access to vulnerable populations
- Start date: 1/12/2018
- FBI Initiation: 1/12/2018
- FBI Adjudication: 1/12/2018
- NSOPW: 1/11/2015
 - Not adjudicated

Mitigation Rating: Moderate (\$500/1,000)

Mitigation Matrix Examples

- Access to vulnerable populations
- Start date: 12/11/2017
- FBI Initiation: 12/12/2017
- FBI Adjudication: 12/12/2017
- State Initiation: 12/12/2017
- State Adjudication: 12/12/2017
- NSOPW: 12/12/2017
 - Missing FL

Mitigation Rating: Low (\$750/1,500)

Vendor Checks



- Compliant vendor check must provide evidence that the data is not time limited in any way – that is, the data goes back as far as the data held by the designated state repository.

Vendor Checks—Continued

- If the vendor gives only a pass/fail adjudication, it must be based on information that is not time-limited and that is based on:
 - Nationwide check of the NSOPW that is completed before the start of work or service (before any hours are accrued)
 - Compliant State Check that is initiated no later than the first day of work or service through the CNCS-designated repositories in the States of Service and Residence
 - Compliant fingerprint-based FBI Check that is initiated no later than the first day of work or service through the CNCS-designated repositories, CNCS-designated channeler, or the departmental orders (DO) method submitted directly to the FBI

Accompaniment



- If an individual is in a covered position and has recurring access to vulnerable populations, the individual must be accompanied while their State and/or FBI checks are pending whenever they are anticipated to be in contact with vulnerable populations.
- “Accompanied” means they’re in the physical presence of someone who meets the definition of “compliant accompanier” below. Once results clear (through either the state check(s) or the FBI check), accompaniment can cease.
- When the state of residence differs from the state of service, then both checks must be cleared to cease accompaniment.
- Accompaniment is not an alternative to late or noncompliant checks.
- Accompaniment must be documented as outlined below.

Accompaniment—Continued

- Compliant Accompanier
 - An employee or representative of a placement site may provide accompaniment if that individual's clearance was established under the placement site's rules. For example, if an individual is going to serve in a nursing home, any staff not on a CNCS grant that the nursing home has cleared for access can accompany them.
 - Parents and guardians of an individual who is a member of a vulnerable population may also provide accompaniment, as appropriate for the program design.
 - If the individual who provides accompaniment is in a covered position on a CNCS grant, they must be cleared by the CNCS NSCHC requirements for access to vulnerable populations.
 - Anyone who has cleared, and maintained a compliant NSCHC, regardless of whether or not that individual is in a covered position on a CNCS grant.
- Compliant Accompaniment Documentation
 - Accompaniment must be documented contemporaneously. Documentation must include the time, date, and name of the accompanying individual. If accompaniment does not meet the criteria above, it is not compliant.
- Recipients must have policies and procedures that clearly describe their accompaniment guidelines and the compliant procedures for documenting accompaniment.

ASPs/Exemption

- If the file is out of compliance with the terms of a pending or approved ASP/Exemption, the Monitoring Official should assess the mitigation for that position without regard to the terms of the ASP/Exemption.

Fieldprint: www.fieldprintcncs.com

- FBI Channeler approved by CNCS to provide adjudicated FBI checks
- \$27.50
- Turnaround time: 48 hours
- Locations in all 50 states, DC, Guam, Puerto Rico and Virgin Islands
- Electronic Live Scan
- Schedule appointments online

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Toll-free phone: (877) 614-4364
CustomerService@fieldprint.com

Fear and Fraud



- Noncompliant NSCHC will result in a financial disallowance.
- Monitoring emphasis on NSCHC noncompliance
- Fraud happens
- DO NOT COMMIT FRAUD out of fear of disallowance.
- Fraud is reported to the Office of Inspector General (OIG). The OIG will investigate the grantee.

Develop a culture where abuse is discussed, addressed, and prevented

- Safety is not a new requirement for the grant
 - 2007: National Risk Management Center Staff Screening Toolkit
- Connect safety to your current practices
- What you should consider when developing strategies to protect your community:
 - Organization's mission and individual activities
 - Culture and language of beneficiaries served by organizations
 - Insurance requirements
 - Available resources
 - State and national laws

Resources to Support CHC Compliance

1. CNCS Knowledge Network

- Annually required E-course for CNCS staff and grantees
- FAQs
- State by State Guide and repository list
- FBI and Fieldprint guidance
- Enforcement Guide
- Enforcement Guide Tools and Templates
- Vendor Guidance
- Checklists

2. CNCS Program Officer

<http://www.nationalservice.gov/resources/criminal-history-check>

What questions do you have?



Wrap-up for Today



- Please share feedback on today's webinar:
www.surveymonkey.com/r/CHCJuly12
- The recording of today's presentation will be posted on the Knowledge Network in late July:
www.nationalservice.gov/resources/americorps

Next Staff Development Webinar

- Next AmeriCorps Staff Development Webinar:

July 26, 3:00 – 4:30 pm Eastern

Topic:

Financial Grants Management – Building and Sustaining a Strong Foundation

Thank you!

