

Youth Exchange Certification Frequently Asked Questions

August 2006



Youth Exchange certification supports student safety by establishing minimum requirements for youth protection and best practices in exchange program operation. This list of Frequently Asked Questions responds to common requests for clarification regarding the requirements and the process for certifying districts whose policies meet the minimum requirements.

Program Administration

How does administration of Youth Exchange change under the certification program?

Youth Exchange has been a structured program of Rotary International since 1974. Districts and clubs retain direct administration of the program, keeping responsibility for activities such as selection of host families, orientation of students, and establishment of international contacts for student placement. RI collects information about district and club activities, and administers certification to districts that meet RI requirements. The *2006-07 List of Youth Exchange District Committee Chairs and Multidistrict Officers* includes only those districts that are certified or provisionally certified.

What support materials will RI provide?

Currently available support materials include:

- *Abuse and Harassment Prevention Training Manual and Leaders' Guide* (English only, will be available in nine languages in October 2006),
- *Sample District Youth Exchange Abuse and Harassment Prevention Policy*, with appendices,
- *Use and Protection of the Rotary Marks* (2004 *Manual of Procedure*, Pt. 5), and
- *Youth Exchange Handbook* (746)

These and other youth protection resources are available for download from the RI Web site, www.rotary.org. From the RI home page, select "RI Programs" from the bar near the top of the page. Then choose "Youth Exchange" at left, then select "Rotarians." Finally, select "Resources." The youth protection resources are located in the upper right corner of the page.

Additional materials in development include updated student application forms (available December 2006) and new Youth Exchange promotional materials.

My district has received many documents related to youth protection and certification for Youth Exchange. Which policy elements are requirements, and which are recommended guidelines?

The *Youth Exchange 2006-07 Certification Application* lists required policy elements drawn from *Rotary Code of Policies*, Sections 2.110 and 41.080. Other mandatory items listed in the Certification Application include reporting criminal allegations and serious incidents to RI within 72 hours, completion of the Annual Survey, maintaining general liability insurance, and incorporating districts, multidistricts, or Youth Exchange programs.

The *Youth Exchange Sample District Abuse and Harassment Prevention Policy* and its appendices and the *Abuse and Harassment Prevention Training Manual* are recommended resources developed to assist districts in implementing or revising policies and procedures to help protect Youth Exchange students.

If you have specific questions about whether a particular policy element is a requirement or a recommended guideline, please contact the RI Youth Exchange staff.

Do the abuse and harassment prevention measures apply to other Rotary youth programs?

The provisions of *Rotary Code of Policies*, section 2.110, apply to all club and district activities. However, specific references to the certification program pertain only to Youth Exchange.

The *Abuse and Harassment Prevention Training Manual and Leaders' Guide* was designed as a resource for districts to use for all Rotary youth programs. It may also be modified to include other vulnerable persons such as the elderly or disabled based on the needs and activities of your district.

Selection, Training, and Support

Are unannounced home visits for host families required?

Yes. Announced and unannounced (unscheduled) home visits prior to and during the exchange are part of the certification program. An unannounced or unscheduled home visit is a visit to the host family while the family is at home, conducted without planning the visit in advance. The intent of unscheduled home visits is to help ensure that the host home is evaluated based on real day-to-day living conditions rather than on idealized living conditions that may be created in advance of a scheduled home visit. The requirement is also meant to institute monitoring throughout the exchange that will help ensure that appropriate standards are maintained for the duration of the student's stay in the home.

In some areas, families who accept responsibility for youth may be expected to agree to requirements not normally acceptable under general social norms. If unscheduled home visits are not acceptable according to local practice for organizations that place youth in host families,

foster homes, or other live-in arrangements, your district should develop an alternative that meets the intent of the requirement. For example, the unscheduled home visits may be replaced with visits conducted on short notice, such as calling to plan a visit later the same day. If your district plans to implement an alternative to the unscheduled home visits, please provide a written explanation to RI.

The Rotary Code of Policies states that students must be given contact information for two non-Rotarian resource persons (one male and one female). What is the role of a non-Rotarian resource person, and who should these people be?

The two non-Rotarian resource persons should be individuals to whom students can go with concerns if they feel they cannot talk to their club or district Youth Exchange contacts or Rotary in general. In addition to having resources in case of emergency, students should have people they can talk to if they have a non-emergency concern or if they are afraid to talk with a medical professional, law enforcement, etc. While students can generally have this need met within the club or district Youth Exchange structure, there could be many reasons students may feel they cannot find help within the program.

Typical examples for non-Rotarian contact persons would be a school counselor, a teacher, or a former Youth Exchange student. Districts may choose to provide the same two non-Rotarian contacts to all students. The contact persons need not be full participants in the district Youth Exchange program the way a Rotarian counselor or a club Youth Exchange chair is; rather, they should provide an outside perspective for students who need it.

I understand that each student must have a counselor who will maintain regular contact with the student throughout the exchange. Must the counselor be a Rotarian?

Yes. The Rotary Code of Policies, section 41.080, states that “for both the long-term and short-term exchange programs, the sponsoring and hosting Rotary club must select an individual Rotarian counselor for each exchangee to be in regular contact with the exchangee and to serve as a liaison between the exchangee and the Rotary club, natural family, host family and community at large.” There may be circumstances in which a club may choose to select a spouse or other non-Rotarian to serve in a co-counselor role, working together with a Rotarian counselor. For example, this may be an option when clubs and districts determine that the counselor should be the same gender as the student, but do not have enough members of a particular gender to match all students. It may be a method for involving non-Rotarians who have the skills and interest to be part of a strong support system for students.

The Youth Exchange 2006-07 Certification Application states that districts must provide a “hotline”. What does this mean?

Districts must maintain an emergency telephone number or other means for ensuring that students can contact a district representative by telephone at all times. To meet this requirement,

the telephone must be more than a phone number for one individual, as every person has times during which he or she cannot be reached (vacation/holiday, work hours, etc.). However, a system in which there is always an individual “on call” to respond to a district mobile phone or pager may provide the necessary support for the student. Each district should develop a method appropriate to its local needs and resources.

Incident Handling

My district cannot guarantee that it will report all serious incidents and allegations of abuse or harassment to RI within 72 hours because the district may not learn of the incident until more than 72 hours have passed. What should my district do?

All serious incidents (such as accidents, deaths, early returns, crimes, etc.) and allegations of abuse or harassment must be reported to RI *within 72 hours of the time a district officer learns of the incident*. In the case of early returns, the district must notify RI within 72 hours of making the decision to send the student home early. Prompt notification provides RI with information necessary for responding to the incident or allegation and ensures that RI does not first learn of incidents when contacted by a parent, news reporter, or other interested party. Background information about the allegation or incident allows RI to provide better support to the district and coordinate an appropriate response.

What does it mean to remove an adult against whom an allegation of abuse or harassment is made from all contact with youth?

If there is an allegation of abuse or harassment by an adult involved in Youth Exchange, the adult must be removed from contact with youth through Rotary until the matter is resolved. The prohibition of contact with youth extends beyond the particular young person involved in the incident to include all youth participants in Rotary club and district activities (other Youth Exchange students, Interact and RYLA participants, etc.). RI policy does not require districts or clubs to monitor the adult’s personal conduct to prevent contact with youth outside the district’s or club’s authority. For example, RI policy does not require the district to remove the adult from a community sports coaching position that has no connection to Rotary. Each district is encouraged to consult a local legal professional to determine appropriate action when there is an allegation against a volunteer.

What is Rotary International’s zero-tolerance policy on abuse and harassment?

Zero tolerance means that your district considers even one incident of abuse or harassment to be unacceptable, and commits to treating every incident as a serious matter.

The *Youth Exchange Sample District Abuse and Harassment Prevention Policy* states that all cases of sexual abuse or harassment must be immediately reported to the appropriate law enforcement authorities. Does this mean that the police must be notified when a student reports that a Youth Exchange volunteer told the student an inappropriate joke?

Rotarians bear responsibility for the safety and well-being of Youth Exchange participants. A district's approach to reports of abuse or harassment is an essential element in supporting and protecting students.

All allegations of abuse or harassment in Youth Exchange must be reported to appropriate law enforcement authorities. What constitutes an appropriate law enforcement authority may vary from one community to another. In some areas, locally applicable law may designate a government agency for youth protection to receive reports of abuse or harassment, while police may be the appropriate authority in other areas. Some districts may determine that local law and practice permits the district to designate a trained youth protection officer to receive reports within the district and take responsibility for conveying reports to the appropriate authorities.

At times, a student may report being uncomfortable with conduct that does not rise to the level of reportable harassment under local law. It is important to remember that any behavior of a sexual nature between a youth and a volunteer, regardless of age or majority of the student, is inappropriate. It is also important to remember that people who abuse youth often use jokes, sexually suggestive language, and other seemingly mild techniques to groom their victims. Most Rotarians and other adults involved in Youth Exchange are not trained professionals with expertise in determining the seriousness or legal implications of an allegation; therefore, they should not decide whether an allegation constitutes abuse or harassment unless the decision is made in close consultation with youth protection service agencies, law enforcement, or a district youth protection officer trained in handling allegations of abuse or harassment toward young people.

For instances in which such consultation results in a determination that the conduct does not rise to the level of harassment, each district must document specific procedures to follow in addressing non-reportable allegations. Action must be taken to bring a stop to the inappropriate behavior and to prevent it from occurring in the future. All accusations and the steps taken to resolve them should be recorded so that behavior patterns can be tracked, and the perspectives of all parties involved in the incident should be documented. Districts should have policies for addressing patterns of problematic behavior that may emerge.

Each district is encouraged to consult a local legal professional regarding obligations and procedures for handling allegations of abuse and harassment.

Rotarians and other Youth Exchange volunteers should always remember that Youth Exchange students are entrusted to their care, and the students' safety and well-being is the first priority. When there is doubt about whether to report an incident, the incident should be reported.

When there is an allegation of abuse toward a student, must the student’s parents or legal guardian be notified?

Yes. In many instances, a student who reports abuse is a minor according to the laws of the host and/or sponsor country. Even if the student is not a minor, parents place their children in the care of the district Youth Exchange program. Parents or legal guardians must be notified when there is a report of abuse or harassment regardless of the student’s wishes. Also, the district is encouraged to secure written approval from the student’s parents or legal guardians to remain on the exchange.

My district cannot complete an independent and thorough investigation of any reports of abuse or harassment because investigations must be done by law enforcement or legal authorities. What follow-through on reports of abuse or harassment should Rotarians conduct?

The investigation requirement does not mean that districts are responsible for investigating the criminal case itself; rather, districts should follow-through on every allegation to determine appropriate internal action. Rotarians should not interfere in any way with on-going investigations by law enforcement or legal authorities. District follow-through should meet the following goals:

- confirm that student safety was the highest priority in handling the incident;
- verify that all district policies were followed, and determine appropriate follow-up action under district policies with regard to alleged offender, student, and others involved;
- ensure that district policies are adequate to protect youth in the future; and
- make recommendations for future actions that could strengthen the district’s response .

If law enforcement authorities decide not to investigate the incident, district follow-through is still necessary.

I understand that clubs and districts must provide support services for a student who reports abuse or harassment. Does this mean that my district must appoint a lawyer for the student?

Each district is encouraged to consult local social service agencies to discuss local standards and resources for providing support to young people who report abuse or harassment. Districts are encouraged to establish parameters for what the district is willing and able to cover in providing or initiating contact with an independent lawyer, therapist, or counselor. Note that districts are not specifically required to hire a lawyer for a student.

Incorporation

My district has incorporated. Must the Youth Exchange program be incorporated separately?

Generally no. RI policy states that “[e]ach district Youth Exchange program is required to incorporate or establish itself as a similar formal legal entity (Ltd., etc.)” *Sample District Abuse and Harassment Prevention Policy*, section 3. This requirement may be met by incorporating the Youth Exchange program as a separate entity or by establishing a formal legal entity for the district or a group of district programs. Some districts have expressed plans to incorporate all of their youth activities as a group.

My district belongs to an incorporated multidistrict Youth Exchange program. How does this affect compliance with the requirement to incorporate our Youth Exchange program?

Districts belonging to an incorporated multidistrict need not incorporate their district Youth Exchange programs separately, so long as the district conducts its program within the scope of the multidistrict program. The multidistrict’s incorporation documents must specify that the multidistrict’s activity includes your district.

My district includes clubs in more than one country or state/province. How can we incorporate under these circumstances?

Rotary Code of Policy, section 17.020.3 provides guidance for incorporation of districts with clubs in more than one jurisdiction. This section states:

17.020.3. Districts with Clubs in More Than One Jurisdiction

A district with clubs in more than one jurisdiction may incorporate in any of the jurisdictions and shall take such further steps to register in the other jurisdiction(s) as appropriate.

No district with clubs in more than one jurisdiction shall incorporate in a jurisdiction that would favor one club or Rotarian over another, or would place any limitations on the ability of any club or Rotarian to exercise all of the rights and privileges afforded them under the constitution, bylaws, or policies of RI. (*March 2005 Mtg., Bd. Dec. 199*)

Insurance

Districts should consult with local insurance professionals and attorneys to assess risks and insurance options. Questions related to insurance coverage or the U.S. Rotary Club & District General Liability Insurance Program may be directed to the RI Risk Management Department [Email: insurance@rotary.org; fax: 1.847.866.6632]. Details on the U.S. Rotary Club & District General Liability Insurance Program can be found on the RI website (<http://www.rotary.org/support/insurance/index.html>).

Districts in the United States are already covered under the U.S. Rotary Club & District General Liability Insurance Program. Does this meet the Youth Exchange general liability insurance requirement?

Yes. Districts located entirely within the United States need not obtain additional general liability insurance for their Youth Exchange programs in order to meet this requirement. Districts located partly within the United States must obtain general liability insurance covering the Youth Exchange activity of clubs located outside the United States.

I have heard that incorporating a district or a district program will cause it to no longer be covered under the U.S. Rotary Club & District General Liability Insurance Program. Is this true?

No. All club and district organizations in the United States that participate in the Rotary Youth Exchange program in accordance with RI policy are insured, regardless of whether they are incorporated. This also includes multi-district Youth Exchange organizations.

Background Checks

Who must submit to background checks?

Background checks, including law enforcement public record checks and reference checks, must be conducted for *all adult participants in the program who have direct unsupervised contact with one or more Youth Exchange students*. Unsupervised contact refers to contact without other adults present.

A *participant* in the district Youth Exchange program is a person who fills a particular role within the club or district program. This may include, for example, Rotarian counselors, host families, and club and district Youth Exchange committee members. In general, “participant” does not include members of the host community whom a student may meet through his or her daily activities, such as teachers, neighbors, friends from school or community sports coaches. A “participant” generally does not extend to those without direct contact, such as club secretaries.

All adult volunteers must complete the *Youth Volunteer Affidavit* form (or a modified version of it) and authorize the district to conduct a background check, including a law enforcement public record check and a reference check (subject to local laws and practices).

In general, background checks generally do not be conducted for adults who will have only casual or occasional group interactions with Youth Exchange students. This may include, for example, Rotarians present at a club meeting attended by Youth Exchange students.

Many Rotarians have inquired about Rotarians transporting students to and from Rotary club meetings. Students are particularly vulnerable when they are alone with one adult in a vehicle, making adequate screening of those adults critical. It is recommended that a smaller number of club members be screened to assume this role or that arrangements be made to avoid a situation in which one adult drives one student. One way this could be accomplished includes arranging for an adult driving students to be accompanied by another adult.

Background checks must be conducted periodically for returning volunteers, but the frequency will vary based on local laws and the recertification schedule.

What level of law enforcement public record check is sufficient to meet the RI requirement?

For purposes of district certification a law enforcement public record check will, at minimum, provide information on an individual's criminal record as reported by governmental authorities so that a decision may be made as to the appropriateness of a volunteer candidate. This may come in the form of a complete record of criminal activity or as a "yes or no" recommendation issued by a government agency, based on criminal records maintained by governmental sources.

Each district should determine, based on local law and practice, what level of record check meets the minimum requirement in an appropriate way. Districts are encouraged to consult a local legal professional to ensure that their screening procedures adhere to local law and practice. Districts may also wish to communicate with local youth-serving organizations to learn about the resources available in the community for screening volunteers.

Additionally, there are a number of companies that provide law enforcement public record checks. These companies charge varying amounts and provide information on criminal histories based on information in their databases. To qualify as a satisfactory source for record checks, the provider must obtain its information from government sources.

Rotary International does not have information on the effectiveness of various background check levels in each community participating in Youth Exchange. In some areas, local law and practice may indicate that a state/province level check is appropriate, for example; in other areas, local law and practice may indicate that a national check is appropriate.

When a law enforcement public record check reveals a criminal history, how should my district decide which offenses will disqualify a volunteer applicant from participating in our district Youth Exchange program? May my district accept applicants who were convicted for minor crimes many years ago?

These determinations will vary from one district to another, and may also vary depending on the specific volunteer role. Based on local law and practice, each district should decide what kinds of convictions will prevent an applicant from being selected to serve in various roles in the district Youth Exchange program. Care should be taken to consider other circumstances that may be

relevant. For example, a district may wish to prohibit someone convicted of financial impropriety from holding a position with access to district funds. Districts may wish to also consider offenses such as driving under the influence of alcohol or drugs, theft, and fraud.

The following information from the Nonprofit Risk Management Center based in Washington, DC, USA, offers some general guidance on relevant offenses and factors that some organizations consider in making these decisions. The information is provided as a resource only and is not specifically endorsed by Rotary International.

For positions that require substantial direct contact with children or other vulnerable populations, personal safety concerns are paramount. Therefore, the focal points of criminal history record checks for these individuals are crimes against persons.

Youth-serving organizations generally agree that individuals should be permanently disqualified from holding positions that require substantial contact with children if their criminal records include any of the following:

- Past history of sexual abuse of children.
- Conviction for any crime in which children were involved.
- History of any violence or sexually exploitive behavior.

Offenses become relevant based upon the nature of the position...

When establishing criteria for evaluating criminal history records, [organizations] should consider what, if any, other factors should be taken into account. The five items listed below offer examples of circumstances [organizations] may consider when evaluating criminal history records...

- The recency of and circumstances surrounding the conduct in question...
- The age of an individual at the time of the offense...
- Societal conditions that may have contributed to the nature of the conduct...
- The probability that an individual will continue the type of behavior in question...
- The individual's commitment to rehabilitation and to changing the behavior in question...

This advice is excerpted with permission from *Criminal History Record Checks* by John C. Patterson, senior program director, Nonprofit Risk Management Center, www.nonprofitrisk.org, a nonprofit serving other nonprofits through articles, books, online training, workshops, conferences, and consulting with a nonprofit's slant on managing risk.

How long should my district retain information gathered during the volunteer selection process, such as results of background checks?

While not required, Rotary International suggests that districts maintain all records of background checks, waivers, and screening for adults working with minors in perpetuity. This recommendation is in place to help ensure that districts will have as much information as possible should reports of abuse or harassment be raised many years after an exchange has been completed. Districts should consider how privacy laws and statutes of limitations might influence record maintenance. Each district is encouraged to consult a local legal professional and adopt an appropriate procedure.

Certification Process

My district did not submit a 2006-07 Certification Application. What must my district do to become certified?

In order to become certified, your district must implement all requirements in the certification application checklist and submit a complete application to Rotary International. A complete application includes:

- A copy of the application form completed and signed by your 2006-07 district governor and 2006-07 district Youth Exchange chair (available from Youth Exchange staff)
- District abuse and harassment prevention or youth protection policy developed according to RCP 2.110 and 41.080
- Documentation that your Youth Exchange program is incorporated or established as a similar formal legal entity (Ltd., etc)
- Documentation that your district Youth Exchange program carries adequate general liability insurance with coverage and limits appropriate for its geographic location (for example, a certificate of insurance, proof of insurance, or evidence of coverage)

Your district must also submit the Youth Exchange annual survey to Rotary International.

Once the above materials have been received, RI will review the application and notify your district of its certification status. If your district wishes to become certified but has not yet implemented minimum certification requirements, please send an explanation of your progress to RI as soon as possible.

Some requirements in the Rotary Code of Policies may not be permissible under local law or are not available in my country or state/province. What must my district do?

The *Rotary Code of Policies*, Section 41.080, indicates that should local circumstances prevent a district from meeting any one of the requirements, such as criminal background checks, the district must notify the general secretary in writing, provide documentation, and propose alternate procedures.

The alternatives must maintain the intent of the requirement that they are proposed to replace. Also, these alternatives must go beyond the other elements already required. For example, conducting a home visit for a prospective host family is not an adequate alternative to conducting background checks because home visits are part of the regular screening requirements and therefore do not add an additional level of screening.

Determinations on whether the alternative arrangements maintain the intent of the guidelines will be made on a case-by-case basis.

In my district, the long-term and short-term Youth Exchange programs are administered separately. I am the chair for one of the two programs. Can I assume that the district chair for the other program completed a certification application?

No. Each district should have submitted one application and will receive a single certification status, so it is important that long-term and short-term chairs work together to ensure that both programs meet the certification requirements. For each requirement marked as complete in the application form, verify that the requirement is met by both the long and short-term programs. If necessary, separate policies and other documentation should be sent to RI. District governors and Youth Exchange chairs are encouraged to verify that both the long-term and short-term programs in the district have been involved in the process of developing and implementing abuse and harassment prevention policies.

My district is located partly or entirely within the United States, and I recently learned that the US Department of State has imposed new requirements for secondary school student exchanges. How does this affect my district's obligations to implement abuse and harassment prevention measures?

Each district is responsible for carrying out its Youth Exchange program in accordance with locally applicable law and RI policy. RI abuse and harassment prevention policies are not related to and were not written in response to the US State Department regulations governing secondary school exchange programs in the US made effective on 4 May 2006. Where the two sources set forth incompatible or conflicting requirements, locally applicable law prevails and the district should explain these circumstances to RI. Where one source sets forth stricter requirements than the other, the more stringent requirement should be applied. Refer to appropriate local authorities or experts regarding laws applicable in your area. For questions regarding the US State Department regulations, contact your district's Responsible Officer (for US districts) or the US State Department, www.state.gov.