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BOY SCOUTS OF AMERICA

North Brunswick • New Jersey 08902 • 201 249-6000

INTRAORGANIZATION COMMUNICATION

December 4, 1972

PERSONAL AND CONFIDENTIAL

TO ALL SCOUT EXECUTIVES:

SUBJECT: Maintaining Standards of Leadership

The attached information on Maintaining the Standards of Leadership of the Boy Scouts of America has been carefully developed as a guideline for Scout Executives.

This is the first time such information has been printed, and because of the misunderstandings which could develop if it were widely distributed, we suggest that after you have read it, you file it with other policy statements without making photocopies or sharing it beyond the top management of your council.

If you have any questions, please do not hesitate to write or call us.

Sincerely,

Paul I. Ernst, Executive
Registration and Subscription

cm

cc: Regional Directors
Management Staff
Attachment

MAINTAINING STANDARDS OF LEADERSHIP

Since its inception, the BSA has maintained its right to set standards of leadership in the areas of age, citizenship, sex, education, morals and emotional stability. This position is set forth in the Bylaws:

Article II, Section 2, Clause 3 "No person shall be approved as a leader unless, in the judgment of Boy Scouts of America, he possesses the moral, educational, and emotional qualities deemed necessary for leadership and satisfies such other leadership qualifications as it may from time to time require."

Other supporting Articles are listed in Appendix A.

The local council and the National Council must approve all applications (Bylaws Article XVIII, Section 1, Clause 3).

These standards were developed solely to protect the youth of America and their enforcement in no way infringes on the rights of any individuals, nor is refusal of registration to be construed as persecution or defamation of character. All leaders register for a limited term (usually one year) and reregistration at the end of that period is also subject to approval (Bylaws, Article XV, Section 4).

When a registered leader commits an act or conducts himself in a manner that would seem to cause him to be unfit as a leader or an associate of boys, the Scout Executive should take the following steps:

- 1) Inform the Registration and Subscription Executive at the National Office of the general nature of the allegations.
- 2) Secure hard evidence about the situation (signed statements by principals, police reports, court records, newspaper clippings, etc.).
- 3) Submit evidence and the confidential record sheet to Registration and Subscription.
- 4) Upon notification from Registration, write a letter to the individual (Appendix B) and hand deliver it along with a volunteer.
- 5) After the letter has been read, verbally tell the person the reasons for refusal to register. Make no accusations -- say we have evidence to convince us that your --(financial affairs) (moral life) (lack of leadership ability) do not meet the standards for leadership in the BSA. Indicate that the BSA is not sharing this information with anyone and only wish him to stop all Scouting activity.

After this visit, write down the main parts of the conversation, who was present and the date, and mail this to Registration and Subscription.

- 6) If the individual persists, the following review steps are to be taken as required:
 - A) Initial Step -- The president of the local council will appoint three volunteers to act as a committee to review the case.
 - B) (If Step A does not resolve matter) -- The Regional President will appoint a review committee if the person is not satisfied with the council's decision.
 - C) (If Step B does not resolve matter) -- The President of the BSA will appoint a review committee if the individual is not satisfied with the Region's decision.

When a Scout Executive receives a confidential inquiry from Registration and Subscription about a person attempting to register, he should take the following steps:

- 1) Secure as rapidly as possible the necessary answers on the questionnaire and return to Registration and Subscription.
- 2) If it is not the same person, the registration certificate will be sent to the council.
- 3) If it is the same person, Registration and Subscription will write to the Scout Executive, indicating that the BSA is unwilling to register that person because information we have indicates that he fails to meet our standards of leadership. If the individual questions the statement the Scout Executive may ask him if he has ever been in Scouting in the past and been refused membership.

If the answer is yes, the Scout Executive may say the reasons remain the same.

If the answer is no, and the individual insists there has been a mistake, the Scout Executive should instruct him to send a complete statement covering his adult years, including address and dates lived there, occupations and dates, and names of spouse and children to the Registration and Subscription Executive.

In certain cases, an individual who failed to meet the standards of leadership in the past wishes to register and the circumstances are changed sufficiently that the BSA is willing to accept the registration on a trial basis. The Scout Executive will be notified in this situation, and requested to keep a close watch on the individual for one year and then give a brief report to Registration and Subscription.

All cases are reviewed periodically in reference to the seriousness of the offense and the passage of time, and when the standards of leadership seem to be satisfactorily met, cases are cancelled.

Many times an individual comes to a council seeking registration with the BSA and something unusual causes concern that further checking should be done before registration is completed.

When you find yourself in this situation, we ask that you write or phone directly to Registration and Subscription, asking that we check for any information that might be on file concerning the individual in question. This will immediately help you in your relationships with the individual and give you information as to whether registration should be completed before you do a lot of unnecessary work and make any commitments which could prove embarrassing.

Appendix A

Article III, Section 2, Clause 1
Article X, Section 5, Clause 1
Article XII, Section 2
Article XII, Section 3
Article XII, Section 4
Article XV, Section 2, Clause 2, 3, 4, 6, 7
Article XVI, Section 6, Clause 4
Article XVIII, Section 2, Clause 1
Article XVIII, Section 3, Clause 2
Article XVIII, Section 4, Clause 1 - 7
Article XVIII, Section 5, Clause 1 - 2
Article XVIII, Section 7, Clause 1 - 2
Article XVIII, Section 9, 10, 11, 12

-5-

Appendix - B

Dear

After a review of your past history with the Boy Scouts, it has been decided not to accept your registration. Registration with the Boy Scouts of America is not automatically granted to everyone. It is a privilege and we reserve the right to refuse registration whenever there is any reason for concern related to the person's association with members or leaders of the Boy Scouts of America.

We, therefore, at this time desire to have you sever your relationship with the Boy Scouts of America. We are making no accusations and will not release this information to anyone, so our action in no way will affect your standing in the community.

Very truly yours,

Scout Executive

dw

1976

PROCEDURES FOR
MAINTAINING STANDARDS OF LEADERSHIP

General Information

Since its inception, the BSA has maintained its obvious right to set standards of leadership in the organization. This position is set forth in the bylaws:

Art. VIII, Sect. 1, "No person shall be approved as a leader unless, in the judgment of the corporation, that person possesses the moral, educational, and emotional qualities deemed necessary for leadership and satisfies such other leadership qualifications as it may from time to time require."

These standards were developed solely to assure the youth of America the best possible leadership, and the enforcement of these standards should in no way be construed to suggest that the individual in question is not a decent citizen.

All leaders register for a limited term (usually 1 year) and must reregister at the end of that period. (Rules & Regulations, Art. XI, Sect. 3, Clause 5). The local council and the national office must approve all registration and re-registration applications.

Problem Involving a Presently Registered Leader

When a registered leader commits an act of an unacceptable nature or conducts himself or herself in a manner that would appear to cause him or her to be unfit to be a leader of youth, the Scout executive should promptly take the following steps:

1. Inform the director of the Registration and Subscription Service at the national office of the general nature of the allegations.
2. Attempt to secure hard evidence about the situation (signed statements by principals, police reports, court records, newspaper clippings, etc.).
3. Submit the evidence and the confidential record sheet (Appendix A) to both (a) Registration and Subscription Service and (b) the authorities responsible for registration in the local council.

BSA's experience usually has been that the Scout executive learns of improper conduct only after the individual in question has dropped out of Scouting or has been removed by the responsible local BSA chartered organization. However, if the individual has not withdrawn from a leadership position and if the unit committee of the chartered organization has not taken steps to remove the individual from leadership, the authorities responsible for registration at the local council should decide whether the conduct in question is so serious as to necessitate requesting the individual's immediate suspension as a leader, or whether to wait until the individual's registration lapses and not approve his or her application for

renewal. In this regard, the Scout executive should consult the director of the Registration and Subscription Service.

If the local council decides that the individual should immediately be suspended as a leader, the Scout executive should take the following steps:

1. Prepare a letter (Appendix B) for signature by the president of the local council.
2. Along with a volunteer, hand deliver the letter.
3. After the letter has been read, verbally tell the person the reasons for refusal to register, make no accusations. Merely say the local council has evidence to convince it that the individual's (financial affairs) (moral life) (lack of leadership ability) does not meet the standards for leadership in the BSA. Indicate BSA is not sharing this information with anyone and only wishes the individual to stop all Scouting activity. Inform the individual of the right to seek review of his or her case (see 5 below).
4. After this visit, write a memorandum of the conversation, including who was present and the date, and mail this to the director of the Registration and Subscription Service.
5. If the individual seeks reversal of the decision to suspend or not to register, he or she is entitled to review proceedings; first by the local council, then by the region and, finally by the national council. The procedures which should be followed in conducting these review proceedings are described in Appendix C. Applicant should follow procedure as listed in Appendix D.

Refusal to Grant New Registration

Steps 1 - 5 listed above should also be taken if a new registration for adult leadership is determined to be not acceptable.

Inquiries From Registration and Subscription

When a Scout executive receives a confidential inquiry from the Registration and Subscription Service about a person attempting to register, he should as rapidly as possible secure the necessary answers on the questionnaire (Appendix E) and return it to the Registration and Subscription Service.

Should the inquiry pertain to a different person, the registration certificate will be sent to the local council.

If it is the same person, Registration and Subscription Service will write to the Scout executive, indicating that BSA is unwilling to register that person because information BSA has received indicates that he or she fails to meet our standards of leadership.

If the individual questions the statement, the Scout executive may ask if the individual was previously registered in Scouting and was refused membership.

If the answer is "yes," the Scout executive may state that reasons for refusing registration remain the same.

If the answer is "no," and the individual insists there has been a mistake, the Scout executive should instruct him or her to send a complete statement covering his or her adult years, including addresses and dates, occupations and dates, and names of spouse and children to the director of the Registration and Subscription Service.

Probationary Registration

In certain cases, an individual who failed to meet the standards of leadership in the past wishes to register, and the circumstances are changed sufficiently so that the BSA is willing to accept the registration on a trial basis. In this situation the Scout executive will be notified, requested to keep a close watch on the individual for one year, and then to give a brief report to the director of the Registration and Subscription Service.

Review of Cases

All cases on file are reviewed periodically. The seriousness of the offense and the passage of time are weighed, and when appropriate standards of leadership seem to be satisfactorily met, denial of registration is rescinded.

Check Concerns With Registration and Subscription

An individual may come to a council seeking registration with the BSA and something unusual arouses concern. Further checking should be done. The Scout executive should write or phone directly to the Registration and Subscription Service, asking for a check on information that might be on file concerning the individual. Such a check should be completed before any commitments are made that could prove embarrassing.

CONFIDENTIAL RECORD SHEET
REGISTRATION AND SUBSCRIPTION SERVICE
BOY SCOUTS OF AMERICA

Appendix A

DATE _____

FULL NAME _____
(No initials if you can possibly give full name)

ADDRESS: _____

CITY _____ STATE _____ ZIP CODE _____

DATE OF BIRTH _____ (This is important and should be exact)

APPROXIMATE AGE _____ (To be used ONLY when date of birth is not known)

RELIGION _____ NATIONALITY _____

OCCUPATION _____

EDUCATION _____

WEIGHT _____ HEIGHT _____ RACE _____

COLOR OF HAIR _____ COLOR OF EYES _____

OUTSTANDING CHARACTERISTICS OR INTERESTS _____

MARRIED OR SINGLE _____ CHILDREN _____

WIFE'S NAME _____

SCOUTING CONNECTIONS:

<u>UNIT #</u>	<u>CITY</u>	<u>STATE</u>	<u>OFFICE</u>	<u>DATE REGISTERED</u>	<u>DATE RESIGNED</u>
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SPECIAL RECOGNITION _____

SUSPENDED OR DENIED REGISTRATION FOR FOLLOWING REASONS:

SPECIFY THE FACTS WHICH LEAD YOU TO RECOMMEND DENIAL OF REGISTRATION AND ATTACH SUPPORTING DOCUMENTS: (STATE ONLY KNOWN FACTS, NOT IMROR, CONJECTURE OR SPECULATION):

Signed _____
SCOUT EXECUTIVE

Council _____

DELIVER
BY HAND

Appendix B

Dear _____:

After careful review, we have decided that your registration with the Boy Scouts of America should (be suspended) (not be accepted). We are therefore compelled to request that you sever any relations that you may have with Boy Scouts of America.

You should understand that BSA leadership registration is a privilege and is not automatically granted to everyone who applies. We reserve the right to (suspend) (refuse) registration whenever there is a concern that an individual may not measure up to the high standards of leadership which BSA seeks to provide for American youth. Please also understand that this decision and the reasons for it will be maintained as confidential.

If you wish to have this decision reviewed, please write to me, explaining your version of the facts supporting your claim that your registration as a BSA leader should be granted or reinstated.

Sincerely yours,

sk - 9/29/76

Appendix C

RECOMMENDED PROCEDURES FOR REVIEWING DENIAL OF LEADER REGISTRATION.

A. Procedure to be followed by local council

1. The local council review proceedings shall be initiated only upon receipt by the council of a written request from the party who has been denied leader registration, (herein referred to as the "applicant"), which request shall include the applicant's version of the facts supporting his claim that registration should not have been denied. Copy of Appendix "D" should be sent to applicant.
2. Promptly upon receipt of a request for review in proper form the president of the local council shall appoint three volunteers (at least one of whom should be a lawyer) to act as a review committee.
3. The Scout executive shall promptly prepare and submit to the local council president and to each member of the review committee the applicant's request for review and the Scout executive's written report on the confidential record sheet (Appendix A). Specification of the facts which led to the denial of registration shall be included in the report, as well as the names and addresses of any persons who have information regarding these facts. Any substantiating documents should be summarized in the report and attached thereto.
4. The Scout executive and the president of the council may be expected to participate at all phases of the review procedure, other than the review committee's actual decision.
5. The task of the review committee is to investigate the matter, to decide whether the denial of registration was appropriate, and to submit a written report setting forth its decision (which may include re-registration, probationary registration or confirmation of the denial of registration) and the facts considered in reaching that decision. The committee has the difficult task of being fair to applicant and at the same time assuring that the applicant meets our standards of leadership.
6. The basic standards which review committee must apply are set forth in Article VIII, of BSA's Rules & Regulations. The basic question that the committee must decide is whether the applicant "possesses the moral, educational and emotional qualities" necessary to afford positive leadership to youth.* This standard presupposes that the committee members will make common sense judgments based on their own experience as to the personal attributes necessary to meet our standards of leadership.

* Since these standards are designed to afford the best possible leadership to the youth of America, a negative determination should not be construed as a finding that the applicant is not a decent citizen.

7. It is, of course, possible that the applicant may exhibit characteristics which would be dangerous in a leader of youth. In these situations it is frequently difficult to prove specific malfeasance conclusively; however, improper character or conduct would entitle the review committee to deny registration. Such grounds may include community reputation or appearance of serious impropriety.
8. The review hearings are not adversary in nature. Thus, neither BSA nor any participant will be formally represented by counsel. However, the applicant should be told at the outset of the hearing the specific reasons for, and facts in support of, denial of registration which are set forth in the confidential record sheet. The applicant normally will not be told the source of statements made regarding him.
9. In order to accomplish its task, the review committee must consider whether the file submitted by the Scout executive is sufficient in and of itself to substantiate a denial of registration, e.g., a record of conviction of a serious crime. It is possible, however, that the committee, after considering the written file, will need to interview the applicant and other persons with knowledge of the case.* Before hearing witnesses proposed by the applicant, the review committee should ask the applicant to summarize what these witnesses will say and the review committee shall determine thereafter whether or not to interview such persons.
10. The review committee should meet and formulate its questions in advance of the hearing. At the hearing itself, a member of the review committee must take notes. At the conclusion of the hearing, the review committee should meet, review the notes taken, and reach a decision by a majority vote. One member of the majority should then draft a memorandum of decision, setting forth the findings of fact and the decision of the review committee.
11. It cannot be over-emphasized that all persons concerned should treat the facts presented to the review committee as confidential and as not to be disclosed except on a "need to know" basis within BSA.
12. Any questions regarding procedures of the local council review proceedings should be discussed with the Registration and Subscription Service at the national office.
13. The above hearing procedure should be conducted with dispatch. If possible, within a two-month period after receipt of a written request for review.

* First-hand knowledge of facts by witnesses is desirable; however, the committee should not be afraid to interview persons with reliable second-hand information. Involvement of persons under the age of 18 should be avoided as a rule.

14. This memorandum decision of the review committee shall be sent to the applicant under cover of a letter from the president of the local council. The letter shall indicate that the decision of the review committee is subject to review by a review committee established at the regional level, but that the applicant must write to the regional president (indicate name and address) explaining why the applicant believes the memorandum decision is in error before review proceedings will be initiated by the region.

B. Procedures to be followed by region

1. Promptly upon receipt by the regional president of a written request pursuant to paragraph A-14, the president shall appoint three volunteers, at least one of whom shall be a lawyer, to act as a regional review committee. One member of the committee shall be appointed by the regional president to serve as chairman.
2. The regional director and the regional president may be expected to participate at all phases of the review procedure other than the review committee's actual decision.
3. The regional director shall collect and submit to the regional president and to each member of the regional review committee (a) the entire file submitted to the local council review committee, (b) the local council's memorandum decision, and (c) the applicant's written request referred to in paragraph A-14. Only in exceptional cases, where fairness or expediency requires, should any further hearing be held or any further evidence or testimony be taken by the regional review committee. If the applicant requests a personal interview, the committee should afford it.
4. The regional review committee shall as a rule limit its review to the materials described in paragraph B-3 and to its reading of the applicable BSA standards of leadership. Based on these sources, the committee shall determine whether the decision of the local council review committee was supported by the record before it and is consistent with BSA standards of leadership. The regional review committee should reverse the decision of the local council review committee only where procedures of that committee are clearly defective or where the decision of the local council review committee is clearly erroneous or unsupported by the evidence before it. If the facts or reasons provided by the local council review committee are inadequate, but its decision not clearly in error, the proper course is to refer the matter back with instructions for further explanation by the local council review committee. If the decision of the local council review committee and the procedures it followed are not clearly erroneous, the decision should be affirmed.
5. The regional review committee should follow the procedures outlined in paragraphs A-8, 11, 12 and 13.
6. After reviewing the materials and taking any additional evidence, the regional review committee shall meet and reach a decision by a majority vote. Thereafter, the regional review committee shall draft a memorandum

Appendix D

APPLICANT'S PROCEDURES FOR REQUESTING REVIEW
OF DECISION WHICH DENIES REGISTRATION

1. If registration is refused, the applicant may request a review of this decision. This request must be in the form of a written report from the individual, which includes his or her version of the facts supporting the claim that registration should not have been denied.
2. Upon receipt of the request for review in proper form, the president of the local council shall appoint a committee to review the situation.
3. The appointed committee should review the facts as presented, and in addition may interview any persons whose testimony might assist the committee in discovering the truth and arriving at a correct decision.
4. A confidential report will be given to the applicant setting forth the decision of the committee.
5. The applicant may, if he does not agree with the decision, request a review from the regional office.
6. If the regional review does not satisfy the applicant, he may ask for further review by the national council. The decision of the review by the national council is final.