

## Volunteer Screening Guideline

### **1. Purpose**

In an effort to protect the participants in recreational programming with the Town of Fuquay-Varina the Fuquay-Varina Parks, Recreation & Cultural Resources Department (Department) shall conduct criminal background checks of all youth sports volunteers and shall not knowingly allow any volunteer found guilty of the disqualifying offenses defined in this policy, or having committed any acts that would indicate behavior that would have a detrimental effect on children, to be placed in a position that may involve contact with children.

### **2. Applicability, Approval, and Enforcement**

This policy shall apply to the following volunteers who may come into contact with children, including but not limited to coaches, assistant coaches, administrators, referees, and other youth sports volunteers. No person covered by this policy shall participate as a volunteer until he/she is approved by the Department to participate. Individuals and organizations failing to comply with this policy may be precluded from utilizing Town facilities.

### **3. Definitions**

"Felony violence" means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

"Guilty" means (for the purpose of this policy) that a person was convicted following a trial; or entered a guilty or nolo contendere (no contest) plea, regardless of whether there was an adjudication of guilt or a withholding of adjudication. This definition does not include criminal charges which resulted in successful completion of a pre-trial intervention program where there was no plea or a plea of innocent to the charge; acquittal; nolle prosequere; or dismissal of all charges. In addition to being found guilty as defined in this paragraph, having facts that the applicant committed or admitted to committing one of the excluding offenses in paragraph 4 below, which are in the possession of the Department and after presentation to the applicant, resulting in a finding by the preponderance of evidence that the applicant committed the offenses will also be grounds to exclude such applicant from participating in Hillsborough County sporting activities as a volunteer.

"Preponderance of the evidence" means the trier of fact must be persuaded that the facts are more probably one way than another.

### **4. Disqualifying Offenses**

To serve as a youth sports volunteer, a person shall not have been found guilty (as defined by this policy) of the following offenses:

a. All sex offenses regardless of the amount of time since offense. Examples include, but are not limited to, child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, and indecent exposure.

- b. All felony violence offenses regardless of the amount of time since offense. Examples include, but are not limited to, murder, manslaughter, aggravated assault, kidnapping, robbery, and aggravated battery.
- c. All felony offenses within the past eight (8) years (other than violence or sex). Examples include, but are not limited to, drug offenses, theft, embezzlement, fraud, and child endangerment.
- d. All misdemeanor violence offenses within the past six (6) years. Examples include, but are not limited to, simple assault, battery, domestic violence, and hit and run.
- e. All misdemeanor drug and alcohol offenses within the past two (2) years or multiple (more than one) offenses in the past six (6) years. Examples include, but are not limited to, driving under the influence, simple drug possession, drunk and disorderly, public intoxication, and possession of drug paraphernalia.
- f. Any other offense, whether misdemeanor or felony, within the past fifteen (15) years that would be considered a potential danger to children or directly related to the functions of that volunteer. Examples include, but are not limited to, contributing to the delinquency of a minor, child endangerment, and aiding and abetting a minor to commit a violation of the law.

## **5. Disqualification**

- a. If a volunteer's criminal background includes actions or a charge set forth on the list of disqualifying offenses above, the Department shall immediately disqualify him/her from volunteering and shall send written notification of the disqualification to the individual.
- b. The list of disqualifying offenses contained in this policy is for illustrative purposes only and shall not be construed as a limitation on those criminal activities, violations, or other acts that the Department determines would be grounds to disqualify a person from assisting with youth sports programs. If there is a reasonable doubt as to the question of whether the volunteer meets the criteria set forth in this policy, the Department will err on the side of the safety and best interests of children.

## **6. Pending Cases**

Anyone, including a previously approved volunteer, who is arrested or charged for any disqualifying offense and is awaiting disposition of the case shall not be permitted to participate as a volunteer until the official disposition of the case is reviewed by the Department and a decision is made as to the volunteer's continued status under this policy.

## **7. Prior Disclosure**

It is important that any question regarding criminal history be answered completely and truthfully when completing the volunteer application or other required documents. Failure to do so shall be considered negligent or an intentional effort to conceal information and shall result in the denial of the privilege to serve as a volunteer.

## **8. Offenses Following Approval**

A volunteer determined eligible to participate in youth sports and subsequently arrested, charged, committed, and/or found guilty of any disqualifying offense (as defined above) shall immediately (7 calendar days) notify the Department. The volunteer shall be immediately removed from the voluntary position until the official disposition of the case is reviewed by the Department. Failure to notify the Department immediately shall result in the volunteer being disqualified for participation in youth sports

programs for a minimum of fifteen (15) years from the date the failure to notify was discovered. (Denial for failure to notify the Department as required may be appealed.)

#### **9. Inaccurate Information**

Persons believing that the Department relied upon inaccurate information in making its decision shall contact the Department within thirty (30) calendar days of receipt of the denial notice. The Department may decline to consider information received beyond thirty days.

#### **10. Appeals Process**

a. Persons wishing to appeal a denial of coaching/volunteer privileges shall submit an appeal request in writing within 7 days of denial.

b. Persons submitting an appeal to the Department have the burden of setting forth sufficient documentary evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which a reversal is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the volunteer since the incident, or any other evidence or circumstances indicating that the volunteer will not have a detrimental effect on children if volunteering is allowed.

c. The Department will make its decision as soon as practicable. The decisions shall be final.

#### **11. Review Process**

At the discretion of the Department, this policy may be amended or repealed at any time.