

## Vestavia Hills Parks & Recreation

### Background Check Policy

3-20-18

The Vestavia Hills Parks and Recreation Department, pursuant to its By-laws, promotes and encourages to the fullest extent possible and practical the services of both paid employees/coaches and volunteers (non-paid workers/coaches) in all phases of its operations. The Vestavia Hills Parks and Recreation Board is aware of the extensive use of volunteer services and the fundamental need for volunteers for successful park and recreation programs.

In light of this recognition, the Board desires to ensure that all employees and volunteers are qualified to assist and support Parks and Recreation Department Programs, including with regard to the character and fitness of such employees and volunteers.

In order to ensure the character and fitness of such employees and volunteers, the Board hereby implements the following Background Check Policy:

1. **Application of Policy.** The provisions of paragraphs 2 through 9 of this Policy shall apply to all Vestavia Hills Parks and Recreation Programs where the employees and volunteers involved in such programs have contact with minors (children and teens under the age of 19) (“Youth Programs”). Paragraphs 2 through 9 of this Policy shall not apply to Parks and Recreation programs that do not have contact with minors (“Other Programs”), but the individuals involved in leadership of Other Programs should take all reasonable steps to ensure that the employees and volunteers of such Other Programs maintain a level of character and fitness that will avoid danger to others and also avoid placing the City of Vestavia Hills and its Parks and Recreation Department in a negative light.
2. **Covered Volunteers.**
  - a. The respective governing body or individual in charge of any Youth Program shall ensure that all employees and volunteers who have direct contact with minors relating in any way to the operation of the program or access to funds (“Applicants”) are subject to a criminal and personal background check that meets the guidelines set forth in this Policy (“Background Check”). For greater certainty, individuals who have no more contact with minors than any other parent or guardian of a participant, such as attendance at practices, games or other activities of the Youth Program shall not be subject to a Background Check. For example, an officer, board member, employee or volunteer of a Youth Program involved in administration of the Youth Program who does not coach or otherwise participate in the implementation of activities of the Youth Program will not be subject to the requirements of paragraphs 2 through 9 so long as such individual has no more contact with minors than any other parent or guardian of participants. However, such officer, board member, employee or volunteer should meet the standard set forth in paragraph 1 above for Other Programs that do not involve minors.

- b. Each Youth Program or Director of Officials shall provide the Parks and Recreation Superintendent (the “Superintendent”) with a list of the specific categories/positions of employees or volunteers within its organization subject to Background Checks pursuant to this policy. Each Youth Program or Director of Officials shall also include in its by-laws a list of those categories of employees/volunteers which are subject to Background Checks in order to ensure consistency on an annual basis.
3. **Scope of Background Check.** The Board shall offer to all Youth Programs or Director of Officials and other programs the ability to use a contractor selected by the Parks and Recreation Department to perform Background Checks (the “Contractor”). The cost of providing the Background Checks shall be paid by the Youth Programs or Director of Officials. Such payment shall be made directly by the Youth Program or Director of Officials to the Contractor for such services. Any Youth Program or Director of Officials may use other third parties to perform its Background Checks. However, all Youth Program or Director of Officials Background Checks must conform to the minimum standards set forth in this Policy, and each Youth Program or Director of Officials must certify in writing, annually or more often as needed, to the Parks and Recreation Superintendent, its compliance with this Policy. Background Checks must be conducted prior to the beginning of activities that involve minors and shall be valid for two years. A Background Check performed by one Youth Program or Director of Officials shall meet the requirements of the Policy for the volunteer’s participation in other Youth Programs so long as the Background Check was completed within the two year period prior to the employee or volunteer’s involvement with the subsequent Youth Program. For example, a Background Check performed on an individual for a fall Youth Program shall be valid for a spring Youth Program so long as the Background Check is not more than two years old.
4. **Minimum Standards.** The minimum standards for Background Checks are as follows:
  - a. Social Security Number Verification and address trace;
  - b. State of Alabama Criminal history check through Alacourt;
  - c. Nationwide Sex offender search;
  - d. The ability to check criminal history in other states if necessary. (For example, if the initial check shows that the volunteer has prior addresses in other states and/or the individual is not generally known in the community, the Youth Program or Director of Officials should use its discretion to determine whether a criminal history from certain other states or from all states is necessary).
5. **Negative Findings by the City’s Contractor:**
  - a. If the Youth Program or Director of Officials uses the City’s Contractor, the Contractor shall notify the Superintendent of any negative findings relating to an Applicant. If the Youth Program or Director of Officials uses its own contractor, the Youth Program or Director of Officials shall notify the Superintendent of any negative findings.

- b. Absent extenuating circumstances, any negative findings falling into the following categories shall disqualify an Applicant for participation with the Youth Program or Director of Officials:
  - i. Felony arrest;
  - ii. Sex offender violations;
  - iii. Any other arrest for an offense (whether felony or misdemeanor) involving violence.
  
- c. If the Superintendent receives a finding falling into one of the categories listed in paragraph 5(b) above, the Applicant shall be disqualified for service, (the “Disqualification”) and the following procedures shall be used for notification of the Disqualification:
  - i. The Superintendent (or the Youth Program or Director of Officials if it uses its own contractor) shall first notify the Applicant.
  - ii. The Applicant shall have 24 hours to either dispute the accuracy of the negative finding or withdraw his or her application with the Youth Program.
  - iii. If the Applicant does not respond to the Superintendent within 24 hours, then the Superintendent shall notify the Park Board President (the “President”) and the President of the Youth Program or Director of Officials of the Disqualification, but shall not disclose any details of the negative finding. (If the Youth Program or Director of Officials uses its own contractor and the Applicant does not respond to the Youth Program or Director of Officials disputing the accuracy of the finding or withdrawing his or her application, the Youth Program or Director of Officials shall notify the Superintendent and the Park Board President of the Disqualification). Once the Superintendent, President and the Youth Program President or Director of Officials are notified of this information, they shall keep all information related to the Disqualification or negative finding strictly confidential and shall further disclose such information only with authorization from the Applicant.
  - iv. If the Applicant disputes the accuracy of the negative finding within the 24 hour period, the Superintendent shall notify the City’s Contractor of the dispute and the dispute shall be handled according to the Contractor’s dispute resolution policy. (If the Youth Program or Director of Officials uses its own contractor, the Youth Program or Director of Officials shall request that its contractor resolve the dispute in accordance with its contractor’s dispute resolution policy).
  - v. After the completion of the dispute resolution process, the City’s Contractor (or the contractor for the Youth Program or Director of Officials as the case may be) shall report the results of the dispute resolution process to the Applicant. If the Applicant desires to proceed forward with the application, he or she shall notify the Superintendent (or the Youth Program or Director of Officials as the case may be) and the application shall proceed in accordance with the provisions of this Policy.

- d. If there is a negative finding that does not fall into one of the categories listed in paragraph 5(b) above, the Parks and Recreation Superintendent shall communicate the finding to the Youth Program officer/representative or Director of Officials. The Youth Program or Director of Officials shall then determine whether the Applicant is fit for service, considering the health, safety and welfare of its participants.

6. Appeals:

- a. If the Youth Program President or Director of Officials believes there are extenuating circumstances involved in the negative finding, he or she may request an appeal of the Disqualification, with permission from the Applicant (“Appeal”).
- b. If the Applicant desires for the Youth Program or Director of Officials to proceed with an Appeal of the Disqualification, the Applicant shall authorize the President and Youth Program President or Director of Officials, in writing, to disclose information to the Park Board and to members of the Youth Program Board or Director of Officials Board, as necessary for purposes of the appeal. Authorization by electronic mail shall be sufficient.
- c. As part of the appeal process, the Youth Program or Director of Officials Board, or a representative thereof, shall be required to attest, in writing, to the character and fitness of the Applicant.
- d. The President shall appoint a special committee of three Park Board Members to hear the appeal. The President may appoint himself/herself to the special committee. The appeal shall take place at a meeting attended by the special committee, the Applicant, and any representatives of the Youth Program or Director of Officials designated in writing by the Applicant, through electronic mail to the President. The President may allow others to appear at the meeting if requested by the Applicant, subject to the President’s discretion.
- e. The special committee shall assess whether there are extenuating circumstances that warrant an exception to the Disqualification. Extenuating circumstances shall include, but not be limited to the following:
  - 1. The time period elapsed since the actions giving rise to the negative finding;
  - 2. The age of the Applicant at the time of the actions giving rise to the negative finding;
  - 3. The special committee’s perceived severity of the negative finding; and
  - 4. Any other mitigating circumstances presented by the Applicant.
- f. Following the appeal meeting, the special committee shall make a recommendation to the Park Board as to whether the Disqualification should be reversed. The

recommendation shall be in writing and shall state the reasons for the special committee's recommendation. The Park Board shall vote to either accept the special committee's recommendation or to reject it. If the special committee recommends reversing the Disqualification, and the Park Board approves the recommendation, the Disqualification shall be reversed and the Youth Program or Director of Officials shall have the option of accepting the Applicant for service.

7. **Procedure for using a Contractor hired by the Youth Program or Director of Officials:** In the event a Youth Program or Director of Officials chooses to perform its own Background Checks or uses its own contractor to perform Background Checks, it shall comply with paragraphs 4 and 5(b), (c) and (d). However, there shall be no obligation to notify the Parks and Recreation Superintendent of negative findings unless such findings fall into the categories listed in paragraph 5(b). The Youth Program or Director of Officials shall certify its compliance with this Policy in writing to the Parks and Recreation Superintendent.
8. **Umpires and Referees:** The Youth Program shall not itself be required to conduct Background Checks on Umpires, Referees or other individuals whose sole involvement is to officiate sports games or activities ("Officials") unless the Youth Program provides its own Officials, in which case, Background Checks shall be required. However, all Youth Programs shall ensure that any organization or third party providing Officials is under obligation to perform background checks sufficient to ensure the health, safety and welfare of minor participants in a manner consistent with this Policy. As set forth in paragraph 3, each Youth Program must certify in writing, annually or more often as needed, to the Parks and Recreation Superintendent, its compliance.
9. **Confidentiality:** The Parks and Recreation Department and the Youth Programs shall keep all Background Check information confidential and such information shall be disclosed to the Superintendent and/or Board Members and Programs only on a need to know basis in order to make appropriate decisions relating to employees and volunteers of the Programs. The Parks and Recreation Department Programs are directed by this Policy to keep Background Check information strictly confidential.

City of Vestavia Hills Parks and Recreation Board

Date: March 20, 2018