



Cherokee Recreation & Parks Background Screening Policy for Volunteers

Approved Revisions on 11/16/21



Administrative Policy:

1. To preserve the safety and well-being of children, persons with a disability and seniors participating in Cherokee Recreation & Parks programs as well as those participating in programs administered by approved groups, organizations and associations using facilities under the control of this agency, Cherokee Recreation & Parks hereby adopts the following policy requiring background screening for all staff and volunteers 18 years of age and older before being granted one-on-one access to our most vulnerable populations. Specifically:
 - a. Team Manager, Head Coaches and Assistant Coaches of youth sports teams ¹
 - b. Association Board Members
 - c. Association Commissioners / Assistant Commissioners
 - d. Cherokee Recreation & Parks and Association Staff
 - e. Game Officials ²

¹ A manager/ coach is any person designated by the league or association who will be alone with players, or responsible for a team or a portion of a team during a game or practice or have significant financial duties.

² Any approved groups, organizations and associations utilizing game officials that do not belong to an officiating association that conducts annual background checks must conduct their background checks through Cherokee County. The officials' association must provide written verification stating background checks are conducted annually to the association and Cherokee Recreation & Parks.

2. Each approved group, organization, and association using facilities under the control of this agency will enforce the penalties resulting from a negative background screening report. Failure to do so is grounds for automatic suspension of the Facility Use Permit.
3. The approved group, organization, and association will not accept, or allow to be accepted, any individual who refuses to consent to the background screening procedures.
4. Each individual assigned to a position that has been determined to first require background screening, will be screened on an annual basis. Applicants that fail the background screening procedure cannot reapply for another screening for one year.
5. Each approved group, organization, and association may also choose to require other members of their organization to submit to and pass this background screening procedure in order to become affiliated with them.

Confidentiality:

1. In respect of the individual and their privacy, all personal information is closely protected, not disclosed outside of this agency, shared within this agency only on a need to know basis, and used solely for the purpose of conducting the background check. In special circumstances, this agency acknowledges a duty to disclose to third parties, including government agencies, certain types of information when the law requires that the information be disclosed.

Appeals:

1. In the event the applicant feels a mistake has been reported in their criminal background check, it will be the applicant's responsibility to protest directly with the approved Background Screening Provider any finding that they wish to dispute. Cherokee Recreation & Parks shall not have any input or oversight into any disputed matter between the applicant and the approved Background Screening Provider.
2. Cherokee Recreation & Parks and its' employees are not responsible for errors or omissions that may be reported on background check profiles. Further, Cherokee Recreation & Parks will not "re-try" the case previously heard and resolved in a court of law and now a part of the individual's permanent criminal record.
3. If there is an indisputable disqualifying offense included by the approved Background Screening Provider on the individual's record, the disqualification will stand without further appeal.
4. Each approved group, organization, and association is required by this policy to accept the findings of Cherokee Recreation & Parks approved Background Screening Provider and enforce the disqualification.

Non-Waiver:

1. Nothing in this policy shall be construed as a waiver or limitation of the discretion of Cherokee Recreation & Parks or any approved group, organization and association to disqualify an applicant for a position when, in their sole opinion, it is in the best interests of Cherokee Recreation & Parks or the approved group, organization and association or its program participants.

Penalty:

1. Failure of an approved group, organization, and association to request background screening or enforce disqualification is cause for Cherokee Recreation & Parks to impose penalties. The minimum penalty shall be suspension of the Facility Use Permit until background screening and enforcement requirements are met. Additional measures may include financial penalties and/or extended suspensions against disqualified individuals and/or the group, organization or association.

Criteria for Exclusion:

1. A person shall be disqualified and prohibited from serving in one of the above positions if the person has been found guilty of the following crimes:

Guilty means that a person was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by a court finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt, including reportable deferred adjudications that result in completion/closure as a non-conviction or dismissal.

- a. Applicants will be disqualified with a **lifetime ban** from the above positions if they are guilty of the following:
 - i. A violent felony, or
 - ii. Any sexual felony offenses.

Examples include but are not limited to: child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated Burglary, etc.

iii. Registered sexual offenders.

b. Applicants shall be disqualified if they have been guilty of the following within the past **ten (10) years**:

- i. All other felonies.
- ii. More than one alcohol or drug related offense.

Examples include but are not limited to: drug offenses, theft, embezzlement, fraud, child endangerment, driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.

c. Applicants shall be disqualified if they have been guilty of the following within past **seven (7) years**:

- i. Any violent misdemeanor.

Examples include but are not limited to: simple assault, battery, domestic violence, hit & run, etc.

- ii. Any sexual misdemeanor offenses.

d. Applicants shall be disqualified if they have been guilty of the following within past **three (3) years**:

- i. Any alcohol or drug related misdemeanor.
- ii. Any other misdemeanor that is a potential danger to children or directly related to the functions of the volunteer.

Examples include but are not limited to: driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, contributing to the delinquency of a minor, providing alcohol to a minor, theft, etc.

2. Pending Cases/**Cases Older Than 25 Years**

a. Applicants who have been charged for any of the disqualifying offenses or for cases pending in court will not be allowed to serve in one of the above positions until the official adjudication of the case.

b. Should an approved individual subsequently have any criminal charges brought against him/her that are listed in the detailed list of disqualifiers, during their term of service to Cherokee Recreation & Parks or approved group, organization and association, they will be required to immediately disclose the nature of the charges to Cherokee Recreation & Parks, and voluntarily terminate their duties until a determination is made by Cherokee Recreation & Parks regarding the effect of the pending charges on the individual's functions within the program.

c. When a conviction occurred no less than twenty-five (25) years ago in time and where the applicant's conduct since the conviction(s) indicates rehabilitation and a lack of risk to the County and the program, some discretionary latitude may be provided, but only

with the formal recommendation by the Cherokee Recreation & Parks Advisory Board to the Cherokee Recreation & Parks Director and or his/her designee.