

BACKGROUND CHECK POLICY
TIFT COUNTY RECREATION DEPARTMENT
Adopted by Official Vote 11/09/09 TCBOC, Amended September 10, 2018 TCBOC

If information requested on Background Check or Coaches Application is incorrect or not completed your application will not be processed. More importantly, if false information is provided, applicant will be suspended from program once discovered. Further penalty/ies may be determined by AAC.

Criteria for Exclusion – Definitions are taken from NRPA recommended Guidelines for Credentialing Volunteers.

A person should be disqualified and prohibited from serving as a volunteer 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. This recommendation does not apply if criminal charges resulted in acquittal, Nolle Pros, or dismissal.

SEX OFFENSES

➤ **All Sex Offenses include:** *child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.*

FELONIES

➤ **All Felony Violence –include:** *murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated Burglary, etc.*

➤ **All Felony offenses other than violence or sex include:** *drug offenses, theft, embezzlement, fraud, child endangerment, etc.*

MISDEMEANORS

➤ **All misdemeanor violence offenses include:** *simple assault, battery, domestic violence, hit & run, etc.*

➤ **All misdemeanor drug & alcohol offenses include:** *driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.*

➤ **Any other misdemeanor** that would be considered a potential danger to children or is directly related to the functions of that volunteer.
Example include: contributing to the delinquency of a minor, providing alcohol to a minor, theft – if person is handling monies, etc.

PENDING CASES

Anyone who has been charged for any of the disqualifying offenses or for cases pending in court ***should not be permitted to volunteer*** until the official adjudication of the case.

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WHEREAS, Tift County by and through the Tift County Recreation Department currently has a procedure whereby all volunteer coaches and other persons who undertake responsibilities involving unsupervised access to children participating in Recreation Department programs must first submit to a criminal history background check; and

WHEREAS, Tift County and the Tift County Recreation Department adopted certain policies related to the use and interpretation of the results of criminal history background checks regarding volunteer coaches and other persons who undertake responsibilities involving unsupervised access to children participating in Recreation Department programs; and

WHEREAS, in order to create predictability and consistency in the processing of volunteer applications and to promote efficiency and reduce costs, and otherwise to promote the public health, safety, and general welfare of Tift County and its citizens;

NOW THEREFORE, the Tift County Recreation Department does hereby rescind all prior policies related to volunteer criminal background checks and hereby adopts the following document as the Tift County Recreation Department Background Check Policy Statement:

1. Prior to undertaking the supervision of children, each volunteer coach and other person participating in Recreation Department Programs must first submit to a criminal history background check.
2. The Tift County Recreation Department will institute its background check procedure at the beginning of each sport season, but in any event, not less often than every eighteen (18) months. Volunteer coaches or any other persons having access to children participating in Recreation Department programs shall be required to complete a coach's application and submit to a background check for each sport each season.
3. All results of background checks undertaken with consent for the purposes above, including, but not limited to, printouts of GCIC and NCIC records, will be maintained in the custody and control of the Director of the Tift County Recreation Department.
4. All records related to said background checks will remain the property of the Tift County Recreation Department and will be held inviolate. No portion of said documents shall be disseminated in any way, except that the Tift County Recreation Department Personnel, the Tift County Athletic Executive Committee, the Tift County Athletic Advisory Committee, County Manager and County Attorney shall have access to said records where the eligibility and suitability of any candidate/applicant is called into question following a records check. Upon request of applicant and after completion of the Background Check Release Request form, an applicant may obtain a copy of his or her background check from the Tift County Recreation Department. Once a report is released to an applicant, the confidentiality of that report becomes the sole responsibility of the applicant.
5. There is now in existence an entity known as the "Tift County Recreation Department Executive Committee" which is composed of the Past Chair of the Athletic Advisory Committee, Present Chair of the Athletic Advisory Committee, Vice-Chair of the Athletic

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Advisory Committee, and Secretary of the Athletic Advisory Committee. As outlined below, this Committee shall make a determination as to whether an applicant is eligible and suitable to participate in Tift County Recreation Department Programs and serve as a volunteer. The Present Chair is to act as Chairman of the Executive Committee and shall abstain from voting unless another member of the committee is absent from the meeting. The Director of the Recreation Department and Program Manager of the Recreation Department may also attend Executive Committee meetings but shall not be considered members and will not have the capacity to vote in these meetings.

6. The Director of the Recreation Department shall review each application according to the standards set out below and make a recommendation to the Executive Committee concerning acceptance or denial of each volunteer. The Executive Committee shall review the results of all background checks and shall determine an applicant's eligibility and suitability to participate in Tift County Recreation Department Programs to serve as a volunteer and be considered for approval by the Tift County Recreation Athletic Advisory Committee to participate as a volunteer.
7. A quorum must be present for conducting meetings of the Executive Committee. Three members will constitute a quorum. Approval of an application shall require an affirmative vote of the majority of the committee at a meeting at which a quorum is present. The Executive Committee Members must abstain from a vote if he or she has a conflict of interest which would prevent him from making a decision in a fair and legal manner. Any abstention shall be counted as a negative vote.
8. The Director and Executive Committee shall review the results of all background checks and shall determine an applicant's eligibility and suitability to participate in Tift County Recreation Department Programs within the following parameters:

Criteria for Exclusion – Definitions taken from NRPA Recommended Guidelines for Credentialing Volunteers.

A person **should be disqualified and prohibited from serving** as a volunteer 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. This recommendation does not apply if criminal charges resulted in acquittal, Nolle Pros, or dismissal.

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➤ All misdemeanor violence offenses *include: simple assault, battery, domestic violence, hit & run, etc.*

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➤ Any other misdemeanor that would be considered a potential danger to children or is directly related to the functions of that volunteer.

Example include: contributing to the delinquency of a minor, providing alcohol to a minor, theft – if person is handling monies, etc.

PENDING CASES

Anyone who has been charged for any of the disqualifying offenses or for cases pending in court *should not be permitted* to volunteer until the official adjudication of the case.

- A. If an applicant has been convicted, arrested or is currently charged with the following crimes, he/she may be summarily disqualified from participating in Recreation Department Programs:
- i. simple battery, where the victim is a minor; **(immediate dismissal)**;
 - ii. aggravated battery, where the victim is a minor; **(immediate dismissal)**;
 - iii. cruelty to children; **(immediate dismissal)**;
 - iv. any sexual offense; **(immediate dismissal)**;
 - v. crimes involving family violence; **(immediate dismissal)**;
 - vi. murder or felony murder; **(immediate dismissal)**;

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- vii. criminal attempt to commit any above-named offense(s); **(immediate dismissal)**;
 - viii. violation of any controlled substances act; **(felony in previous ten (10) years warrants immediate dismissal)**; other charges are to be dealt with at the discretion of the Committee);
 - ix. alcohol related violations; **(one alcohol related violation in previous twelve (12) months prior to date of application will constitute immediate dismissal; two or more alcohol related violations in the previous five years will constitute immediate dismissal)**; other alcohol related violations are to be dealt with at the discretion of the Committee);
 - x. contributing to the delinquency of a minor; **(one violation within the last five years constitutes immediate dismissal)**; other violations are to be dealt with at the discretion of the Committee);
 - xi. any felony not listed above **(if within previous five years constitutes immediate dismissal)**; other felony charges outside of the five year time period are to be dealt with at the discretion of the Committee); and
 - xii. **any other crime that the Executive Committee determines to bear upon the volunteer's fitness to have responsibility for safety and well-being of children.**
- B. If an applicant has been convicted, arrested or is currently charged with any of the above named crimes, the Committee shall consider:
- i. the date/age of each conviction, arrest and/or charge;
 - ii. the disposition of each conviction, arrest and/or charge as shown on a NCIC or GCIC printout which has been provided to the Tift County Recreation Department by the Tift County Sheriff's Office or other authorized source;
 - iii. the number and frequency of each conviction, arrest and/or charge; and
 - iv. whether an applicant is still on **active probation** or other court supervision as a result of the conviction, arrest and/or charge; and
 - v. if an applicant has any prior criminal history the committee should consider whether such history bears upon an applicant's eligibility and suitability to have **unsupervised access** to children participating in Recreation Department Programs.

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9. After having considered the factors set out in this policy, the Tift County Executive Review Committee may, in their sole discretion:
 - A. Allow an applicant/volunteer to participate in Recreation Department Programs; or
 - B. Disqualify an applicant for enumerated offenses outlined in paragraph (8), subsection (a) which constitute immediate dismissal; or
 - C. Disqualify an applicant/volunteer from participating in Recreation Department programs who might otherwise not be subject to automatic disqualification under paragraph (8), subsection (a);
 - D. Disqualify an applicant where the Board has specific knowledge that a member of the applicant's immediate family has been convicted, arrested, or is currently charged with a violation of the enumerated offenses outlined in paragraph (8), subsection(a). For purposes of this subsection the term "immediate family" shall include applicant's mother, father, spouse, brother, sister or child.

10. All persons whose applications are denied shall have the right, upon written request within ten (10) days of being denied, to appeal the denial to the Tift County Recreation Athletic Advisory Committee. All requests for appeal must be in writing and sent First Class U.S. Mail, Return Receipt Requested, addressed to the Director of the Tift County Recreation Department. As a part of the appeal process set out in this paragraph, the applicant shall have the right to:
 - A. obtain a copy of any background check report; and
 - B. challenge the accuracy and completeness of any information contained in any such report; and
 - C. request a hearing before the Tift County Recreation Athletic Advisory Committee pursuant to a request for reconsideration of the denial of the application.

11. The Tift County Recreation Athletic Advisory Committee has full discretion to deny applications based on any legal reason, even if an individual's background check is approved. Coaching is a privilege and not a right. All decisions regarding denial of applications by the Tift County Recreation Athletic Advisory Committee are final.

This Policy is made effective this 10th day of September—2018 and supersedes any other policy regarding the Background Check Policy for the Tift County Recreation Department.

(signatures on following page)

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STEVE HYMAN, Chairman
Tift County Recreation Department
Athletic Advisory Committee

SCOTT BURGESS, Vice Chairman
Tift County Recreation Department
Athletic Advisory Committee

JEFF ROBBINS, Secretary
Tift County Recreation Department
Athletic Advisory Committee

CRAIG SOWELL, Director
Tift County Recreation Department

GRADY THOMPSON, Chairman
Tift County Board of Commissioners

Date Signed - TCBOC