

VILLAGE OF WELLINGTON POLICY

Subject: Background Screening Policy – YOUTH SPORTS VOLUNTEERS AND INDEPENDENT CONTRACTORS

Revision Date: November 5, 2007

I. Purpose

To establish a policy on Background Screening for Sports Providers, Recreation Volunteers and Independent Contractors.

II. Scope

The purpose of this policy is to secure the safety of our community and of our workplace by establishing clear guidelines for background screening of Sports Providers, Recreation Volunteers and Independent Contractors who are at least 16 years of age.

III. Responsibility

The Leisure Services Department shall oversee the administration of the Background Screening Results Criteria Policy for Sports Providers, Recreation Volunteers and Independent Contractors

IV. Policy

The Village of Wellington is committed to the safety and security of our community. The criteria to follow when obtaining results from background screening of Sports Providers, Recreation Volunteers and Independent Contractors (including, but not limited to QuickScreens and Fingerprinting) serves as a protective measure for both our employees and for residents of the communities we serve.

V. Qualifying Events

To be eligible for consideration to work as an Independent Contractor, Sports Provider Volunteer, Youth Sports Volunteer Board Member, Head Coach, Commissioner, Official, Scorekeeper, Team Parent Assistant Coach and/or Recreation Volunteer with minors for the Village, or with any of the Village's Recognized Youth Sports Providers, the applicant must not have entered a plea of nolo contendere or guilty to or have been found guilty of, regardless of adjudication, any criminal offense or conduct including, but not limited to the following:

- a. Murder
- b. Manslaughter
- c. Abuse, exploitation, or neglect of a person
- d. Assault or Battery on a minor
- e. Kidnapping
- f. Sexual Battery
- g. Incest
- h. Lewd or lascivious behavior
- i. Possessing or dealing in obscene material relating to or involving minors
- j. Negligent treatment of a child

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In addition, applicants may be disqualified if they have been convicted of any criminal offense or conduct within the past seven (7) years, or have entered a guilty or nolo contendere plea, or have been found guilty of, regardless of adjudication, any criminal offense or conduct including, but not limited to the following:

- a. Lewdness and indecent exposure
- b. Aggravated Assault and Battery
- c. Theft, robbery and related crimes
- d. Sale or possession of controlled substances
- e. Contributing to the delinquency or dependency of a child
- f. Domestic violence/battery
- g. Prostitution and/or Solicitation
- h. DUI, if the offence was a felony
- i. Any felony conviction
- j. Any crime involving moral turpitude

Both lists (as provided above) are not exhaustive as the Village cannot always cover every possible situation that may disqualify an applicant to be eligible for the positions as provided for in this policy.

The applicant is obligated to report any pending criminal charges. Should any pending charges of the crimes (as identified in the lists above) be uncovered, or should any of the charges be brought against an applicant during an instructor's class session, the sports season or during the Board Member's term, the applicant shall be suspended from serving in said capacity until such time as the charges have been cleared or dropped and the applicant has been reinstated by a majority vote of the Background Screening Committee. The applicant is obligated to bring any pending charges of the crimes (as identified in the lists above) immediately to the attention of the Leisure Services Director or designee.

VI. Disqualification

All prospective volunteers or independent contractors shall be disqualified from eligibility to work or volunteer with children if the individual fails to:

- a. Consent to or participate in the background screening.
- b. Fails to meet the standards of the Village set forth above.

All applicants shall provide truthful, correct and complete information as requested. Failure to do so may result in disqualification from volunteering, as determined by the Leisure Services Department.

If the Leisure Services Department determines that the applicant is ineligible, the applicant will be notified that a "qualifying event" was reported on the criminal background screening. The applicant may:

- a. Withdraw his/her name from consideration.
- b. Provide the appropriate documentation to the Leisure Services Department designee to determine if the applicant does meet the Village criteria.
- c. Request his/her case be heard before the Background Screening Committee at a Public Meeting.

Factors that may be considered in deciding whether an applicant should be permitted to volunteer, include, but are not limited to:

- a. The nature and character of the past conduct.
- b. How the past conduct relates to the particular functions of the Applicants position.

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- c. The length of time since the offending conduct.
- d. Rehabilitation of the applicant, if applicable.
- e. The applicant's performance record; and how such conduct affects the integrity of the program.

If the applicant chooses a review hearing:

- a. The Leisure Services Director will notify the official liaison of the Recognized Sports Provider (if applicable) that the applicant has requested a hearing and is ineligible to coach pending the decision of the Committee.
- b. The Leisure Services Department Director or designee shall call a "Special Meeting" of the Background Screening Committee, as subject to the applicable procedures relating to the Florida "Sunshine" Law.
- c. The Leisure Services Department Director or designee shall notify the affected applicant of the special meeting date and time.
- d. The applicant may prepare a written statement of the extenuating circumstances surrounding the particular situation that caused his/her application to be denied. This statement shall be submitted to the Background Screening Committee as part of the review process.
- e. The Background Screening Committee shall review the appropriate documentation to determine if any exception should be granted.
- f. The applicant is encouraged to attend the special meeting and provide any additional information as he/she chooses.

The Background Screening Committee shall be a designated sub-committee of the Parks and Recreation Advisory Board composed of three (3) members and two (2) alternates. The Leisure Services Department Director or designee will serve as moderator of the Committee. The Committee will review the disqualification to determine if an exception should be granted. The committee must determine whether or not the past conduct of the applicant is compatible with working with juveniles. The decision of the Committee shall be final and will be based on a majority vote of the Committee members in attendance at the special meeting. The Leisure Services Department Director or designee shall notify the applicant of the decision of the Background Screening Committee. The Leisure Services Director or designee shall notify the Recognized Youth Sports Provider (if applicable).

The Committee shall exercise discretion in a uniform manner so that similar situations and circumstances result in similar treatment. Any pending claims that meet the disqualifying criteria above shall render the applicant ineligible until such time that the claims are dismissed or the applicant is found not guilty.

VII. Commencement of Service

a) New Youth Sports Volunteers or Independent Contractors

All new volunteers or independent contractors are defined as those individuals who have never participated as a Village of Wellington volunteer, sports provider volunteer or independent contractor. Additionally, applicants defined as new volunteers or independent contractors who have not been subject to a background screening check or have not participated as a volunteer or independent contractor within the past twelve (12) months for the Village of Wellington. All new volunteers and independent contractors shall be subject to a background screening process that includes a Quick-Screen and Fingerprinting.

No prospective youth sports volunteer or independent contractor shall commence any service with children on behalf of the Village until the Leisure Services Department designee has

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notified the Leisure Services Director or designee that the initial "quick screening" has been completed and the applicant is eligible. Should the background screening process reveal a qualifying event, the Leisure Services Department designee shall notify the ineligible applicant and the applicant will be removed from his/her position immediately. The Leisure Services Director or designee shall notify the official liaison of the appropriate Recognized Sports Provider (if applicable) that the applicant is ineligible.

b) Existing Youth Sports Volunteers and Independent Contractors

An existing youth sports volunteer or independent contractor has worked for the Village's recreation programming system in the last twelve (12) months. Existing youth sports volunteers and independent contractors shall be subject to an annual quick screen and bi-annual fingerprinting

No existing/returning youth sports volunteer or independent contractor shall commence any service with children on behalf of the Village until the Leisure Services Department designee has been notified that the quick screen (and/or fingerprinting if applicable) has been completed and the applicant is eligible.

VIII. Cost

The cost of the background screening shall be paid by the Recognized Sports Provider to the Village of Wellington in accordance with the Village of Wellington's Financial policy. All fees must be paid to the Village of Wellington within two weeks of submitting the background check paperwork.

Current fees are established by the Florida Department of Law Enforcement (fingerprinting) and Southeastern Security Consultants, Inc. (quick screens) and are subject to change.