

MADISON PARKS AND RECREATION

BACKGROUND CHECK POLICY

Revised
7/29/2015

The following policy is implemented for programs/events that utilize Madison Parks and Recreation Facilities.

Section 1 – Purpose of Screening Volunteers/Contractors/Staff

Volunteers/Contractors/Staff (for the rest of the document will be referred to as support staff) are depended upon to operate many programs that take place at Madison Parks and Recreation facilities/property. Failing to take the steps to screen individuals places the organization, the individual, and most importantly the participants at greater risk. While no screening process offers absolute assurances, we hope by implementing the following guidelines for background screening to strengthen public confidence and minimize the risk of exposure to liability due to the lack of knowledge regarding an individual's background. More specifically, an effective screening process will assist Madison Parks and Recreation and its auxiliary organizations to:

1. Promote confidence in programs offered by the various organizations that operate at Madison Parks and Recreation facilities.
2. Make the safety of all participants, particularly the most vulnerable groups (children, elderly, mentally challenged, etc.) a top priority.
3. Keep people who have a history of inappropriate behavior or who are deemed "socially unfit" from working in Parks and Recreation programs/facilities.
4. Select quality individuals to work within recreational programs/facilities.

What is a background check? (CRIMINAL HISTORY)

A criminal background check is a manual or database search of federal, state, and/or local government files to determine if the individual applying to work has had a past criminal conviction. A criminal background check must be sufficiently comprehensive to ensure that all convictions are revealed. It is our intent to search all states the potential support staff has resided over the past 10 years to be classified in confidence as a comprehensive search

Defining "Criminal History"

"Criminal history" means a county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or felony, that indicates if the potential support staff poses a threat to the physical safety of participants or personnel, or has demonstrated that he/she does not have the integrity to fulfill his or her duties as a volunteer.

Why are background checks important?

Parents/guardians enroll their children in a program fully expecting that they will be safe from harm. Conducting a criminal background check is one of several actions that organization administrators must take to protect their participants from potential harm. To be effective, a criminal background check must be conducted before the support staff is permitted to associate with children/ special population and must be done annually on all support staff regardless of their position or the number of years they have been involved with an organization.

Section 2 – The Screening Process

Since auxiliary organizations use Parks and Recreation facilities to operate their programs, the following support staff screening guidelines must be followed to operate programs on City property.

1. **Social Security Validation**
Reveals the state and year the social security number was issued. Verifies the applicant's name with their given social security number. This helps to eliminate the possibility of false names and/or information.
2. **Criminal Records Search**
County criminal records are hand searched at the county level. The standard county level search includes a recent 10-year history. State criminal records are searched through state level repositories.
3. **Address History Trace**
The address history trace determines the appropriate jurisdictions in which to perform a comprehensive search. Verifies the current address and identifies any previous address of every volunteer.
4. **Sex Offender Registry Search**
Search of 50 state and/or county repositories for known sex offenders.

Section 3 – Who will be screened?

Not all support staff/volunteers will be screened through this policy. Only support staff/volunteers that meet any of the following criteria will be screened:

1. Support staff that will be working independently from supervision within a program that involves youth or special population.
2. All support staff that work with programs that involve youth or special population participants and may have the opportunity to be alone with them.
3. Any support staff that will be handling the collection of monetary funds on behalf of the City of Madison.
4. Any support staff position an agency deems necessary to have a background check conducted.

The lists below are programs offered by Madison Parks and Recreation or auxiliary organizations for which screening will be required:

1. Madison Youth Football and Cheer (MYFC)
2. Madison Athletic Association Football (MAA)
3. Madison Baseball Association (MBA)
4. American Youth Soccer Association (AYSO)
5. Huntsville Futbol Club (HFC)
6. Madison City Volleyball
7. Madison Swim Association (MSA)
8. Madison Dolphins Swim Team
9. Madison Softball League

10. Madison Youth Basketball

11. Madison Parks and Recreation Programs

It is relevant to note some organizations will conduct their own background checks. However, all organizations conducting background checks must sign a contract use agreement that they will comply with City of Madison Parks and Recreation background check policy.

Section 4 – Responsibility of Conducting Background Checks

Parks and Recreation Background Checks

Madison Parks and Recreation will administer the background screening process for the City sponsored programs/events utilizing support staff. The City of Madison will use the National Recreation and Parks Association (NRPA) background check program to conduct screening. Auxiliary organizations not using their own screening service may utilize the City's screening service.

Any potential support staff meeting the criteria in Section 3 of this document will be required to consent to authorize a background investigation. Failure to consent will disqualify any staff member from working/volunteering with Madison Parks and Recreation or auxiliary organization. All individuals must provide truthful, correct, and complete all information in the background check process. Failure to do so will result in disqualification as an employee/volunteer.

Those organizations which do not conduct their own background checks will use the City of Madison's service at a fee on \$19 per check. Volunteers will be responsible for entering the required information into a designated background check service website. Each organization using the City service will be responsible for coordinating the staff/volunteers to enter the required information into the secure background check system. The organization will also be responsible for ensuring those needing to be screened are checked. (Note: No person may begin volunteering or working until the background checks are completed and verified.) Organizations must provide Madison Parks and Recreation with the names of all staff/volunteers meeting the background check criteria.

Once an individual has been found eligible to participate in an activity, the individual's name shall be placed on a list of individuals eligible for activities with the Parks and Recreation Department. Eligibility will last one calendar year from the background check being completed and verified. Each year all support staff will be required to follow the same procedure to be eligible to serve as a staff member. Support staff are responsible for alerting the Parks and Recreation Department of any new charge, pending charge, or conviction that occurs during the one year period of eligibility since the last background check was completed.

Independent Auxiliary Organization Background Checks

Organizations choosing to use their own selected service to screen individuals must sign an agreement with the City of Madison stating their service complies with this policy.

Section 5 – Confidentiality

To maximize the chances of obtaining honest and accurate information from an individual during the screening process, Madison Parks and Recreation will have a third party contracted company research an applying person's background for programs. Madison Parks and Recreation respects the privacy of all program support staff and would like to inform applicants that information received during the person's screening process will not be disclosed outside of the organization only on "a need to know" basis. Madison Parks and Recreation acknowledges that the organization might, in special circumstances, have a duty to disclose to third parties, including government agencies, certain types of information when the law requires that information be disclosed. Once again, every measure will be taken to ensure the privacy of support staff applicants.

1. Applicant will enter their information directly into a secure website of a third-party investigation company.
2. A report will be returned to the Director of Parks and Recreations that includes the results of the background check.
3. The Parks and Recreation Director will notify the organization if the applicant has been cleared or not cleared to work. If the applicant is not a cleared a certified-letter will be sent to applicant informing them they did not pass the background check.
4. Parks and Recreation will provide a listing to organizations showing which staff members have been checked.

Section 6 – Responsibilities of Madison Parks and Recreation

1. Responsible for removing individuals that do not meet with the background screening guidelines from Madison Parks and Recreation programs. Notifying Madison Parks and Recreation auxiliary organizations of the individual applicants that did not meet background screening guidelines.
2. Distributing an individual's credentials to approved support staff member.
3. Monitor and evaluate program and make necessary adjustments when needed.
4. Enforce all background screening policies.

Section 7 – List of Criteria for Exclusion

This section outlines many criminal offenses and the time period associated from which a guilty charge was rendered. "Guilty" means that a person was found guilty following trial, entered a guilty plea, or entered a no contest plea accompanied by a court finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or withholding of guilt. This does not apply if criminal charges resulted in acquittal, Nolle Prose or dismissal.

Felony Convictions

Candidates that have been found "guilty" of the following felony offenses shall be FOREVER banned from serving in a support staff capacity with Madison Parks and Recreation or auxiliary organization:

- Sex offenses involving adults or youth (this includes but is not limited to child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, pornography)
- Assault/Battery
- Child Endangerment
- Kidnapping
- Manslaughter
- Murder
- Robbery/Burglary

Candidates that have been found "guilty" of following felony offenses over the past 10 YEARS from the conviction date shall be banned for that period from serving in a support staff capacity with Madison Parks and Recreation and Madison Parks and Recreation auxiliary organizations:

- Drug Charges – Possession, Distribution, or Paraphernalia
- Habitually Driving While Impaired
- Hit & Run

Misdemeanor Convictions

Candidates that have been found "guilty" of the following misdemeanor offenses over the past 7 YEARS from conviction date shall be banned for that period from serving in a support staff capacity with Madison Parks and Recreation and Madison Parks and Recreation auxiliary organization:

- Providing Alcohol to a Minor
- Assault/Battery
- Domestic Violence
- Drug Charges: Possession, Distribution, or Paraphernalia
- Drunk & Disorderly
- Embezzlement
- Fraud
- Hit & Run
- Robbery/Burglary
- Driving While Impaired
- Public Intoxication
- Any other misdemeanor convictions not directly listed in a category above will be classified with 1 year ban period. Excluding minor traffic violations and other violations deemed not to propose a risk to a participant.

Repeat Offense Clause

This policy outlines timelines for a single criminal conviction of a crime whether it is a felony or misdemeanor. However, multiple charges of the offense within a 10 year period will not be tolerated. Therefore, if a candidate is convicted of the same offense (or repeat offense) within a 10-year period, they will be ineligible to serve as a support staff member for a 10-year period from the most recent conviction.

Pending Charges/Cases

Anyone who has been charged for any of the disqualifying offenses or has a case pending in court is not permitted to support staff member until the official adjudication of the case.

Section 8 – Disputes for Ineligibility

Any individual who disputes the results of the background check and would like to challenge them can do so by following these procedures:

1. Contact the contracted background investigation company. They will then inform the individual of the information gathered and discuss it with each individual applicant.
2. The contracted background investigation company will then provide an updated profile report to the Director of Parks and Recreation at which time a decision will be made to allow or disallow a volunteer to participate based on the findings and criteria for exclusion.
3. Any appeal will be handled by the Director of Parks and Recreation to determine the final status of the individual within the organization.

Section 9 – Conclusion

Madison Parks and Recreation would like to take this time to thank you for your dedicated commitment to the City of Madison programs/events. Because of citizens like you, the quality of life of our citizens is improved. With the process of conducting background screening, we feel comfortable in knowing that we made every effort to ensure the safety precautions within the environment surrounding our participants.