

### **Background Screening of Volunteers – Rationale and Purpose:**

The saying that a “bad volunteer is better than no volunteer” is untrue, dangerous and should never be considered appropriate. While Habersham County Park and Recreation Department “HCPRD” depends heavily upon volunteerism, failing to take appropriate steps to screen volunteers places volunteers and participants at greater risk. While no screening process can offer absolute assurance, our screening policies and procedures will engender public confidence and lessen the risk of exposure to liability due to a lack of knowledge regarding our volunteers’ backgrounds. More specifically, our screening process will:

- Raise public awareness of the quality of offered programs.
- Establish as the top priority the safety of our participants, particularly the most vulnerable groups including, but not limited to, children, the elderly and the mentally challenged.
- Prevent association with people who have a history of inappropriate behavior or who are unfit for the program.
- Identify the “most qualified” volunteers.

Since HCPRD and every user group utilizing public spaces are responsible for maintaining safe environments within all programs, we must be aware of the potential risks and safeguards to protect the participants. The time, energy, and financial investment of prevention strategies, such as conducting a proper background screening, represent but a fraction of the time, energy, and financial investments that “impact incidents” (such as sex abuse, violence, neglect, or other crimes and abuses) have on our participants, organization, and community.

### **The Screening Process:**

Volunteers will be given the same scrutiny and recruited, screened, trained, supervised, and evaluated with the same rigor as paid staff. Liability wise, there is no difference between paid or volunteer staff. Volunteer background screening will include all volunteers, not just those who have contact or access to vulnerable individuals including, but not limited to, young, elderly or disabled individuals participating in HCPRD programs. Random or select screening is not an option as it is dangerous, ineffective and can lead to increased liability.

### **Screening Policy:**

All employees, independent contractors, and volunteers who coach or otherwise work in any program operated under the authority of the HCPRD must submit to criminal background checks as set forth herein.

A. Rules relating to Athletic Leagues: It is the responsibility of the approved head coach to identify to HCPRD each and every assistant coach and assisting volunteer participating in the program with the designated head coach. The assistant coach and all other persons identified must complete the background check. Failure of the head coach to make the proper identification will result in his/her suspension from coaching any sport or activity for a period of one year.

B. Rules relating to non-athletic programs: The approved manager for that program will be responsible for identifying, distributing, collecting, and notifying the volunteers of the results of a background check.

Each volunteer shall be screened on an annual basis. It is also the responsibility of the volunteer to ensure that they have a valid background check on file prior to coaching or working as a volunteer in any activity. Failure to maintain a valid background check shall result in a suspension from volunteering until the background check is completed and updated.

C. Rules relating to exclusion of volunteers:

**A person should be disqualified and prohibited from serving as a volunteer if that person has been found guilty\* of any of the following crimes:**

**Sex Offenses**

**-All sex offenses – regardless of the amount of time since offense.** Examples include, but are not limited to: child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation and indecent exposure.

**Felonies**

**-All felony involving violence – regardless of the amount of time since offense.** Examples include, but are not limited to: murder, manslaughter, aggravated assault, kidnapping, robbery, and aggravated battery.  
**-All non-violent or non-sexual felony offenses within the last 5 years.** Examples include, but are not limited to: drug offenses, theft, burglary, embezzlement, fraud and child endangerment.

**Misdemeanors**

**-All misdemeanor offenses involving violence within the past 5 years.** Examples include, but are not limited to: simple assault, simple battery and domestic violence.  
**-All misdemeanor drug and alcohol offenses within the past 2 years or multiple offenses in the past 10 years.** Examples include, but are not limited to: driving under the influence, simple drug possession, drunk and disorderly, public intoxication and possession of drug paraphernalia.  
**-Any misdemeanor within the past 5 years that would be considered a potential danger to children or is directly related to the function of the volunteer.** Examples include, but are not limited to: contributing to the delinquency of a minor, providing alcohol to a minor, theft and elder abuse .

**Pending cases**

Anyone who has been charged for any of the disqualifying offenses listed above shall be disqualified and prohibited from serving as a volunteer until the official adjudication of the case results in an acquittal, nolle prose or dismissal or until the passage of the required time for those offenses which are temporarily disqualifying depending on the passage of time.

***\*“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 definition does not include criminal charges resolved by acquittal, nolle prose or dismissal.***

**Confidentiality:**

Background screens will include, but are not limited to, obtaining and reviewing records of the Habersham County Sheriff's Department, the Georgia Crime Information Center and the National Crime Information Center. These records will be maintained in the custody and control of HCPRD and shall not be subject to an Open Records Act request except as authorized therein.

All records will remain the property of HCPRD and will be inviolate. No portion of any record will be disseminated in any way, except to county employees or agents as may be necessary to administer this policy, or when disclosure is required by the Georgia Open Records Act.

The HCPRD will follow the following data flow procedure to ensure a volunteers' confidentiality.

- Distribute the consent/release forms to volunteers
- Collect all completed (legible) consent/release forms by pre-determined dates
- Send forms to the Sheriff's Department
- Receive the screening results from the Sheriff's Department
- Make appropriate notifications to any volunteer who is disqualified

HCPRD will limit the individuals handling background screening data to the person specifically designated to process the background checks, the person designated to review the results and the director of HCPRD.

**Appeal Process:**

All persons whose applications are denied shall have the right, upon written request within ten days of being denied, to review the records that form the basis for the denial by HCPRD. All written requests must be sent first class U.S. mail, return-receipt requested, addressed to:

**Director, Habersham County Parks and Recreation Department  
120 Paul Franklin Road  
Clarkesville GA 30523**

As part of the appeal process set out in this paragraph, the applicant shall have the right to:

- a. Be given a copy of any background check report,
- b. Challenge the accuracy and completeness of information in any such report by filing such challenge with the HCPRD Director within ten days of receipt of any background check report, who shall review the challenge and rule thereon with five business days, and
- c. If dissatisfied with the ruling of the Director of HCPRD, request a hearing before the HCPRD Recreation Board. A request for a hearing shall be filed in writing no later than ten days following the ruling by the Director upholding the denial of the application. A reversal by the Director is not reviewable.

Any application under appeal from an applicant, still under review, or not yet complete prior to the start of any given activity will require that the applicant remain inactive. This period of inactivity will remain in effect until such a time as the background check and any appeal have been completed and the coach/volunteer has been officially approved to participate in any program of HCPRD as a volunteer.