

Subject: Screening of Youth Sports Volunteers
Effective: February 8, 2007
Supersedes: All Previous Policies Relating to Subject

1. Purpose

As our society increases its awareness of the problems associated with situations where children are placed at risk of abuse, organizations involved with America's youth must work diligently to provide them with a safe environment. Therefore, the Hillsborough County Parks, Recreation and Conservation Department (Department) shall conduct criminal background checks of all youth sports volunteers and shall not knowingly allow any volunteer found guilty of the disqualifying offenses defined in this policy, or having committed any acts that would indicate behavior that would have a detrimental effect on children, to be placed in a position that may involve contact with children.

2. Applicability, Approval, and Enforcement

This policy shall apply to the following volunteers who may come into contact with children, including but not limited to coaches, assistant coaches, administrators, board directors, referees, and other youth sports volunteers. No person covered by this policy shall participate as a volunteer until he/she is approved by the Department to participate. Individuals and organizations failing to comply with this policy may be precluded from utilizing County facilities.

3. Disqualifying Offenses

To serve as a youth sports volunteer, a person shall not have been found guilty of the following offenses:

- a. 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.
- b. All felony violence offenses regardless of the amount of time since offense. Examples include, but are not limited to, murder, manslaughter, aggravated assault, kidnapping, robbery, and aggravated battery.
- c. All felony offenses within the past ten (10) years (other than violence or sex). Examples include, but are not limited to, drug offenses, theft, embezzlement, fraud, and child endangerment.

d. All misdemeanor violence offenses within the past seven (7) years. Examples include, but are not limited to, simple assault, battery, domestic violence, and hit and run.

e. All misdemeanor drug and alcohol offenses within the past five (5) years or multiple (more than one) offenses in the past ten (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.

f. Any other offense, whether misdemeanor or felony, misdemeanor within the past fifteen (15) years that would be considered a potential danger to children or directly related to the functions of that volunteer. Examples include, but are not limited to, contributing to the delinquency of a minor, child endangerment, and aiding and abetting a minor to commit a violation of the law.

4. General

The list of disqualifying offenses contained in this policy is for illustrative purposes only and shall not be construed as a limitation on those criminal activities, violations, or other acts that the Department determines would be grounds to disqualify a person from assisting with youth sports programs. If there is a reasonable doubt as to the question of whether the volunteer meets the criteria set forth in this policy, the Department will err on the side of the safety of children rather than placing children at risk.

5. Definition of Guilty

For the purpose of this policy, guilty means that a person was convicted following a trial; or entered a guilty or nolo contendere (no contest) plea, regardless of whether there was an adjudication of guilt or a withholding of adjudication. This definition does not include criminal charges which resulted in successful completion of a pre-trial intervention program where there was no plea to the charge; acquittal; nolle prosequere; or dismissal of all charges. In addition to being found guilty as defined in this paragraph, having facts that the applicant committed or admitted to committing one of the excluding offenses in paragraph 3 above, which are in the possession of the Department and after presentation to the applicant, resulting in a finding that the applicant committed the offenses beyond the preponderance of evidence, will also be grounds to exclude such applicant from participating in Hillsborough County sporting activities as a volunteer.

6. Pending Cases

Anyone, including a previously approved volunteer, who is arrested or charged for any disqualifying offense and is awaiting disposition of the case shall not be permitted to participate as a volunteer until the official disposition of the case is reviewed by the Department and a decision is made as to the volunteer's continued status under this policy.

7. Offenses Following Approval

Any volunteer determined eligible to participate in youth sports and subsequently arrested, charged, committed, and/or found guilty of any disqualifying offense (as defined above) shall immediately (1 calendar day) notify the Department. The volunteer shall be immediately removed from the voluntary position until the official disposition of the case is reviewed by the Department. Failure to notify the Department immediately shall result in the volunteer being disqualified for participation in youth sports programs for a minimum of fifteen (15) years from the date the failure to notify was discovered.

8. Appeals Process

If a volunteer's criminal background includes actions or a charge set forth on the list of disqualifying offenses above, the Department shall immediately disqualify him/her from volunteering and shall send written notification of the disqualification to the individual. There shall be no appeal of a decision to disqualify a volunteer if the relevant criminal history or factual evidence is accurate. All decisions shall be final. If a volunteer wishes to dispute the accuracy of the criminal history or evidence in the possession of the Department, the volunteer shall contact the Department Director, or his/her designee, within ten (10) calendar days by submitting all matters for consideration in writing. The volunteer shall be responsible for providing all documentation to support his/her claim.

9. Prior Disclosure

It is important that any question regarding criminal history be answered completely and truthfully when completing the volunteer application or other required documents. Failure to do so shall be considered negligent or an intentional effort to conceal information and shall result in the denial of the privilege to serve as a volunteer.

10. Review Process

The background screening process is an ongoing process and shall be subject to review and changes by the Department at any time.

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and Conservation Department

Date