

		<b>Volunteer Background Checks</b>			
Owner:	HR Manager	Approving Position:	Common Council	Pages:	5
Issue Date:		Revision Date:		Review Date:	
Special Instructions:	New policy. This policy will be incorporated into the Recruitment and Selection Policy upon final approval of that policy.				

#### I. PURPOSE

With the objective of preserving the safety and well-being of youth participating in City-sponsored youth sports programs, the City of Whitewater will not knowingly allow any person convicted of a crime indicating a pattern of behavior detrimental to children to be placed in a position that would involve direct contact with children. Direct contact with children refers to any role requiring close interaction, supervision or responsibility over minors.

#### II. POLICY

Any individual applying to be considered as a volunteer coach (head or assistant) for any youth sports program/league sponsored by the City will be required to submit to an annual criminal background check prior to receiving a team coaching assignment. The requirements of the background check will be consistent with the process utilized for other Department employees.

#### III. PROCEDURE

##### A. Administration

1. All individuals applying to be considered as a volunteer coach will be required to sign a written authorization form allowing the City of Whitewater to process an individual criminal background check. All authorization forms must be turned in to the Parks and Recreation Department by a designated due date. Failure to provide the appropriate form by the designated deadline and/or failure to disclose past criminal history may disqualify the volunteer from coaching. The City of Whitewater Human Resources Department will administer the process of the criminal background screening/check through the Whitewater Police Department.
2. If the background screening/check reveals a conviction that is detailed under "Disqualifications or Exclusions" below or convictions that display a pattern of behavior that may have a detrimental effect on children, that individual will receive a written notice from the City that they are not eligible to begin or continue in their role as a volunteer coach. Determination of eligibility will be made by the Parks and Recreation Director in consultation

with the Human Resources Manager and potentially the Police Chief.

B. Confidentiality of Information

1. All forms and information submitted and/or received as a part of the background screening/check process will be kept confidential and retained in a safe and secure location in the Human Resources Department for a time period required by law, or six years, whichever is greater.
2. The results will not be disclosed to anyone other than the Parks and Recreation Director and applicable staff of the Human Resources Department and the Police Department unless required to do so by law.
3. Criminal histories are a matter of public record. If an individual is disqualified and/or excluded from volunteer coaching in a City sponsored youth sports program/league, the City cannot guarantee that this type of information, once discovered, will be kept confidential.

C. Disqualifications/Exclusions

1. A Coach will be disqualified, and prohibited from serving as a Coach, if the person has been convicted of the crimes listed below where the circumstances of the offense are substantially related to the services of a Coach. This policy does not apply if criminal charges resulted in acquittal or dismissal, or to any arrest that has not resulted in a conviction, other than an arrest on a pending charge. No applicant for a position as Coach, or any other position, shall be asked to provide information regarding any past arrest, which resulted in acquittal or dismissal other than information relating to a pending charge.
  - a. All sexual offenses, regardless of the amount of time since the offense. Examples include, but are not limited to: Child molestation, sexual assault, sexual battery, statutory rape, prostitution, solicitation, indecent exposure.
  - b. All felonies that constitute offenses against the person, regardless of the amount of time since the offense. Examples include, but are limited to: Murder, manslaughter, aggravated assault, kidnapping, robbery.
  - c. Any crimes against children, regardless of the amount of time since the offense.
  - d. All felony offenses other than crimes against the person or sexual crimes within the past ten (10) years. Examples include, but are not limited to: Drug offenses, theft, embezzlement, fraud, burglary.
  - e. All misdemeanors that constitute offenses against the person within the past seven (7) years. Examples include, but are not limited to: Simple assault, domestic violence, hit & run.
  - f. All misdemeanor drug or alcohol offenses within the past five (5) years or multiple of such offenses in the past ten (10) years. Examples include, but are not limited to: Driving under the influence, simple drug possession, disorderly conduct, public intoxication, possession of drug paraphernalia.

- g. Any other offense within the past five (5) years that could be considered a potential danger to children or demonstrates a propensity for violence.
  - 2. Should the background check indicate that a Coach has criminal charges pending alleging a violation of one or more of the disqualifying crimes listed in this policy, and if the Director determines the circumstances alleged are substantially related to the individual's qualification to serve as a Coach, the individual, whether or not serving as a Coach, may be disqualified until there is a resolution of the charges.
  - 3. Nothing in this Policy shall be construed as a waiver or limitation of the discretion of the Director to disqualify a Coach for reasons other than pending charges or conviction record when, in the sole opinion of the Director, disqualification is in the interest of the City or the program participants.
- D. Correcting Errors and Appealing Disqualifications
- 1. If the subject of any background check contends that the information provided in a background check report is erroneous, the Director shall use reasonable efforts to confirm the information and, if the information is determined to be inaccurate, reconsider the determination of disqualification.
  - 2. A volunteer coach applicant disqualified/excluded by the City may request an interview/review with the Parks and Recreation Director to appeal the decision. Further appeals may be presented to the City Manager whose decision will be final.
    - a. To appeal a decision, a notice of appeal must be submitted to the Parks and Recreation Department within 30 days of receiving the background check notification letter to include:
      - 1) Full Name and address of individual appealing
      - 2) Full Name and address of any person representing the individual
      - 3) A copy of the decision that is being appealed (i.e. the notification letter)
      - 4) Written description for the appeal to include particulars relevant such as facts or additional information
      - 5) Signature of the individual appealing.

IV. JOB AIDS - Background Authorization Form  
Coach Written Notification Letter

CITY OF WHITEWATER AUTHORIZATION FOR RELEASE OF INFORMATION & WAIVER OF LIABILITY

I, \_\_\_\_\_, fully recognize that the City of Whitewater has the need to conduct reference checks to verify information regarding a candidate for appointment that cannot be verified through examination. I understand that a reference check into all aspects of my qualifications will be conducted. I understand that although some of the information is a matter of public record, or would otherwise be accessible to me, this information will be inextricably interwoven with other confidential data to which I would not be privy, in compliance with and pursuant to Section 103.13 of the Wisconsin State Statutes.

By signing the release and waiver below, I respectfully request and hereby authorize the City of Whitewater, or any representative thereof, to be provided and view any and all information you may have from or concerning the following:

- Employment history, including without limitation all disciplinary records, performance evaluations, sick leave records, and any other matters contained in my personnel file;
- Scholastic records, from any school, college, university and other educational institutions;
- Records from Municipal, State and Federal agencies;
- Law enforcement agencies, including arrest, criminal and driving records. (Such records will not necessarily bar employment, and factors such as the age of the offense, seriousness and nature of the violation, relation to the job applied for, and evidence of rehabilitation will be taken into consideration);
- Credit agencies, shall be conducted in accordance with the Fair Credit Reporting Act and amendments thereto;
- Medical tests and records, in compliance with the Americans with Disabilities Act, upon conditional offer of employment, physical examinations, drug tests, etc. shall be conducted, with medical information maintained as confidential;
- Reference checks and background investigations.

The undersigned hereby authorizes any person or legal entity who may be contacted by the City of Whitewater to release and transmit any information, data, or opinions they may have. The undersigned further agrees to hold harmless and release from liability under any and all causes of legal action the City of Whitewater, its agents and employees, as well as persons, companies, schools, and others supplying such information, for any statements, acts, or omissions in the course of the investigation into the above referenced categories.

On behalf of myself, my heirs, assigns and successors interest, I forever hereby release and hold harmless from liability or damage whatsoever, which may result because of responses to this request for information under any and all possible causes of legal action, by any and all persons who shall request and or furnish any information.

I believe to the best of my knowledge that all information I have provided is accurate, true and correct and that I fully understand the terms of this release. I hereby knowingly, voluntarily, specifically, and permanently waive any rights I may have to examine, review, or to otherwise discover the contents of this reference and all documents related thereto, whether by request, appeal, grievance, or by legal process.

A photocopy reproduction of this request shall be for all intents and purposes as valid as the original. This release remains effective until you receive signed written instructions to the contrary. You may retain this form in your files.

*Please list all of the addresses you have lived at over the last five years.*

**APPLICANT—PLEASE COMPLETE THE FOLLOWING:**

\_\_\_\_\_  
Signature Today's Date  
\_\_\_\_\_  
Print Name: (First) (Middle) (Last) (Maiden)

Other Names Used: \_\_\_\_\_

*Please list all of the addresses you have lived at over the last five years.*

Current Address _____	City: _____	State: _____	Zip Code: _____	Since: _____ (Mo/Yr)
Address #2 _____	City: _____	State: _____	Zip Code: _____	Dates: _____ to _____
Address #3 _____	City: _____	State: _____	Zip Code: _____	Dates: _____ to _____
Address #4 _____	City: _____	State: _____	Zip Code: _____	Dates: _____ to _____
Address #5 _____	City: _____	State: _____	Zip Code: _____	Dates: _____ to _____

*The following information is required by law enforcement agencies and other entities for positive identification purposes when checking public records. It is confidential and will not be used for any other purposes.*

\_\_\_\_\_  
Date of Birth Social Security Number  
\_\_\_\_\_  
State: \_\_\_\_\_

**Driver's License Number**

Have you ever been charged with or convicted of any crime, traffic violation or violation of a municipal ordinance (excluding parking tickets)? No \_\_\_\_\_ Yes \_\_\_\_\_ If yes, please provide city and state of conviction and details of conviction: \_\_\_\_\_

*Once completed, please return this form Human Resources.*

**Office Use Only** Department to Charge: \_\_\_\_\_



Date:

Subject: Volunteer Coach Application Status

Dear [Applicant's Name],

Thank you for your interest in volunteering as a coach with the City of Whitewater. We appreciate the time and effort you invested in completing the process and undergoing the necessary background check.

After careful review of your background check results (see attached), we regret to inform you that we are unable to proceed with your application at this time. Our organization prioritizes the safety and well-being of our participants, and our background check criteria play a crucial role in ensuring a safe environment for everyone involved.

Please understand that this decision was not taken lightly, and it is based solely on the results of the background check. A volunteer coach applicant disqualified by the City may request a review with the Parks and Recreation Director to appeal the decision. Further appeals may be presented to the City Manager whose decision will be final.

To appeal a decision, a notice of appeal must be submitted to the Parks and Recreation Director within 30 days of receiving the background check notification letter to include:

- Full Name and address of individual appealing
- Full Name and address of any person representing the individual
- A copy of the decision that is being appealed (i.e. the notification letter)
- Written description for the appeal to include particulars relevant such as facts or additional information
- Signature of the individual appealing.

We wish you the best in your future endeavors and thank you again for your interest in volunteering with us.

Sincerely,