

## **City of Mt. Pleasant Recreation Department Volunteer Background Check Policy**

Volunteer service is a way to give back to the community as well as gain valuable experience for the future. Mt. Pleasant Parks & Recreation appreciates our volunteers because they contribute their time, knowledge, enthusiasm, talents and past experiences to aid in enhancing the programs and services we offer to the community.

Mt. Pleasant Parks and Recreation Department values the safety of those who use our park facilities and take part in programs, either as partner agencies, participants, employees, or volunteers. To this end, we strive to take sound measures to protect our employees, volunteers, and those we serve from potential harm.

We have special regard for children and individuals with special needs, who trust in our ability to provide them with wholesome, safe recreational experiences. One specific measure is to perform background checks on employees and volunteers who have contact with program participants. Background checks are also required for independent contractors who have regular or intermittent unsupervised contact with children through shared programming.

We also desire to preserve the resources of our department for their proper use; therefore, we also perform background checks on employees and volunteers who have duties that include driving City vehicles, handling department funds or have access to equipment, supplies, and materials.

In order to protect participants in Mt. Pleasant Parks and Recreation programs and protect the integrity of the City, the following Volunteer Background Check Policy has been established.

### **Fair Credit Reporting Act (FCRA)**

The City of Mt. Pleasant, when considering your application for volunteering, may wish to obtain and use a consumer report from a consumer reporting agency. As an applicant to volunteer for the City, you are a consumer with rights under the Fair Credit Reporting Act. These terms are defined in the Fair Credit Reporting Act (FCRA) which applies to you.

Consumer reports falling under the umbrella of the FCRA include criminal background checks, credit checks, driving record histories, educational, personal, and employment background investigations, and internet and social media checks. This information will be used or collected solely for the purpose of serving as a factor in establishing the consumer's eligibility for volunteer purposes. Certain reports are exempted from this definition.

An investigative consumer report is a consumer report in which information about your character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with your neighbors, friends, or associates with whom you are acquainted or who may have knowledge of such information. Certain reports are exempted from this definition.

A consumer reporting agency is a person or business that, for monetary fees, dues, or on a cooperative non-profit basis, regularly assembles or evaluates consumer credit information or

other information on consumers for the purpose of furnishing consumer reports to others, such as the City of Mt. Pleasant.

If the City of Mt. Pleasant obtains a consumer report about you, and if the City of Mt. Pleasant considers any information in the consumer report when making a volunteer related decision that directly and adversely affects you, you will be provided with a copy of the consumer report before the decision is finalized. If a consumer report results in a volunteer opportunity being denied, you may request, in writing, more information about the report within 60 days. You also may contact the Federal Trade Commission about your rights under FCRA as a consumer with regard to consumer reports and Consumer reporting agencies.

### **Volunteer Applicant Responsibility**

Prospective volunteers must complete a Fair Credit Reporting Act Disclosure & Authorization and Criminal History Background Check Authorization Form. The following information will be collected from volunteers to initiate the screening process:

1. First Name, Last Name, Middle Initial
2. Race (for identity verification) and gender
3. Date of Birth
4. Driver License Number
5. Signature authorizing permission to run the background check
6. Response (Yes or No) to having ever pleading guilty or no contest to a crime
7. Response (Yes or No) to having any pending charges
8. Validation of and/or submit picture ID for staff verification
9. Dept. of Human Services Central Registries Clearance Letter (PEAK volunteers only)

Prospective volunteers over the age of 18 who have lived outside of the state of Michigan will be asked to provide the dates applicant resided in another state(s) and which state(s). A social security number is also required for out-of-state verifications. *Out-of-state verification will be conducted one time only.*

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 to serve as a volunteer

### **Who Will Be Screened**

All volunteer applicants who will work without direct, on-site supervision of a full-time recreation coordinator, recreation intern, site coordinator and/or designee (examples: coaches, assistant coaches, team parents) will be screened.

### **Recreation Service Partners**

Partnership agreements will require the Partner Agency's contracted staff to be screened. When the Partner Agency has a background check policy in place that is at least as restrictive as the City's, the Partner Agency will complete the background checks. The Partner Agency will

provide a copy of the background check policy to the City to be kept on file. (Examples: tennis lessons, golf, soccer camps, bowling, hockey) When the Partner Agency does not have a background check policy in place, the City of Mt. Pleasant's policy will be followed.

### **Background Screening Process**

All volunteers are required to complete a Criminal History Background Check Authorization Form. Upon receipt of this form, a background check will be conducted using the following:

**Driver License Verification-** This verifies the volunteer's name against the driver license number provided. This helps to eliminate the possibility of false names and/or information.

**The Internet Criminal History Access Tool (ICHAT)** - Allows the search of public records contained in the Michigan Criminal History Record maintained by the Michigan State Police, Criminal Justice Information Center. All felonies and serious misdemeanors that are punishable by over 93 days are required to be reported to the state repository by law enforcement agencies, prosecutors, and courts in all 83 Michigan counties.

**Michigan Public Sex Offender Registry (MPSOR)** - This registry is made available through the Internet with the intent to better assist the public in preventing and protecting against the commission of future criminal sexual acts by convicted sex offenders.

*In addition to the above*, prospective volunteers over the age of 18, who indicate having lived outside the state of Michigan in the last 7 years, will have their backgrounds checked using one of the following (**sex offender registry**, in those states where available, will also be checked):

**Address Trace-** This verifies the volunteer's current address and identifies previous addresses. This information is used to determine the jurisdiction in which the background screening is conducted.

**State or County "Smart Check"**– A Statewide or Countywide (depending on the jurisdiction) criminal record check is performed to capture all misdemeanor and felony convictions in that jurisdiction. Utilizing the "Smart Check" the search is conducted in the jurisdiction with the longest and most current residency.

**Let's Check for America** - Provides access through The National Background Directory™ to criminal data from 47 states where more than 75 percent of the nation's population lives (currently over 151 million records). When a record is found through this search, a further search will be conducted at that state's county level too.

Volunteer applicants will be screened on an annual basis. Screening will be conducted prior to the start of the program. The records will remain in a personnel/volunteer record/file/database, upon termination plus 5 years.

## **Volunteer Qualification Criteria**

Mt. Pleasant Parks and Recreation wants to be sure that every decision made about an individual's eligibility to volunteer is correct. Mt. Pleasant Parks and Recreation will carefully consider all the information before any decisions are made that affect an individual's eligibility.

Any crime, misdemeanor or felony where you are the perpetrator, involving children as either a victim or an accomplice is cause for exclusion. The following disqualifiers will be used as a guide in determining the volunteer's eligibility.

### **Guilty or Plea of guilty or no contest regardless of adjudication to the following:**

1. All Sex Offenses (no time limit)
2. All Felony Violence (no time limit)
3. All Felony Offense (past 10 years)
4. All Misdemeanor Violence (past 7 years)
5. All Misdemeanor Drug and Alcohol (3 years or multiple in past 10 years)
6. Any other Misdemeanor (past 3 years)
7. A documented pattern of irresponsible behavior.

Upon finding a record that may result in an ineligible determination, Mt. Pleasant Parks and Recreation will contact the volunteer to make certain all information provided is accurate. The volunteer's information will be investigated to confirm the accuracy of the information before a determination is reached. If a volunteer's background check includes a charge set forth on the list of disqualifiers above, Mt. Pleasant Parks and Recreation shall immediately disqualify that individual from volunteering.

### **Appeal Process for Ineligibility**

Volunteer applicants who are determined ineligible will receive a letter of denial. The letter will reference the City's background check policy and the disqualifier that led to the decision. Mt. Pleasant Parks and Recreation will ensure every volunteer who wishes to work with Mt. Pleasant Parks and Recreation youth programs has a fair and equitable opportunity to do so. In the event a volunteer wishes to challenge the results of a background screen, he/she will be granted the right to appeal as outlined in the letter of denial.

To appeal a decision, a person must file a notice of appeal by submitting all matters for consideration in writing. The volunteer shall be responsible for providing all documentation to support his/her claim.

The notice of appeal must be received by the City of Mt. Pleasant within 30 days of receiving the background check notification letter. A copy of the decision that is being appealed (e.g., the notification letter) should be included with the notice of appeal. The notice of appeal should include:

1. The full name and address of the appellant.

2. The name of the person, if any, making the request for an appeal on behalf of the appellant (e.g., lawyer or spokesperson)
3. The address of the person making the request on behalf of the appellant.
4. The grounds for the appeal (provide a detailed explanation of the appellant's objections to the decision; describe additional facts or factual errors in the decision.)
5. The particulars relevant to the appeal (describe any background facts that relate to the appeal including how you are affected by the decision.)
6. A description of the relief requested (what do you want to see happen at the end of the appeal.)
7. The signature of the appellant or the appellant's representative.

The City will generally respond within 10 days of receipt of an appeal.

### **Awaiting Disposition of Offense**

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 Mt. Pleasant Parks and Recreation Department and a decision is made as to the volunteer's continued status under this policy.

### **Volunteer Disclosure Responsibility**

Any volunteer determined eligible to participate in youth programs and subsequently arrested, charged, committed, and/or found guilty of any disqualifying offense (as defined above) shall immediately (the next business day) notify Mt. Pleasant Parks and Recreation Department. The volunteer shall be immediately removed from the voluntary position until the official disposition of the case is reviewed by Mt. Pleasant Parks and Recreation Department. Failure to notify the Department immediately shall result in the volunteer being permanently disqualified for participation in youth programs.