

Louis M. Fernandez
Director of Recreation and Parks



Town of Kent Recreation and Parks Department
25 Sybil's Crossing Kent Lakes, NY 10512

Telephone: (845) 531-2100

Fax: (845) 225-5130

Email: recreation@townofkentny.gov

Webpage: www.townofkentny.gov

Town of Kent Recreation and Parks

Coach Background Screening Policy

Implementation:

All Coaches and Assistant Coaches will be required to submit to background checks in order to be allowed to coach for the Town of Kent Recreation and Parks Department. Coaches and Assistant Coaches will be required to undergo background checks prior to the beginning of the sport or season they intend to coach. Coaches and Assistant Coaches will be required to complete annual background checks at the beginning of each calendar year. Once cleared for a calendar year, Coaches and Assistant Coaches will not have to submit a background check for subsequent sports coached unless new information is presented that gives the Town reason to believe an additional, or more comprehensive, check is needed. The Town reserves the right to require a Coach and/or Assistant Coaches to undergo an additional or more comprehensive background check.

The Town may utilize background check providers as it sees fit.

Background screenings will include, without limitation by reason of specification:

- National Criminal Database Search
- National Sex Offender Registry Search
- SSN Verification and Address History Trace
- Automatic Re-Verification of Records and Possible Records
- Automatic Maiden/Alias Name Search

Disqualification:

A person will be disqualified and prohibited from serving as a volunteer for the Town of Kent Recreation and Parks if he/she has been found guilty of the following crimes. Guilty means the individual was found guilty following a trial, entered a plea of guilty or nolo contendere, entered a no contest plea accompanied by a court's finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt or the record has been expunged. This policy does not apply if criminal charges resulted in acquittal or dismissal.

1. All sexual offenses, regardless of the amount of time since the offense. Examples include, but are not limited to:
 - o Child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure.
2. All felonies that constitute offenses against the person, regardless of the amount of time since the offense. Examples include, but are not limited to:
 - o Murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary.

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3. Any crimes involving children, regardless of the amount of time since the offense.
4. All felony offenses other than those against the person or sexual within the past 10 years.
Examples include, but are not limited to:
 - o Drug offenses, theft, embezzlement, fraud.
5. All misdemeanors that constitute offenses against the person within the past 7 years.
Examples include, but are not limited to:
 - o Simple assault, battery, domestic violence, hit & run.
6. All misdemeanor drug and alcohol offenses within the past 5 years or multiple of such offenses in the past 10 years.
Examples include, but are not limited to:
 - o Driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia.
7. Any other misdemeanor within the past 5 years that could be considered a potential danger to children or is directly related to the functions of the applicant. Example of this is theft if the person is handling money.

In addition, applicants will be disqualified and prohibited from serving as a volunteer for the Town of Kent Recreation and Parks if he or she has:

8. Been adjudged liable for civil penalties or damages involving sexual or physical abuse of children.
9. Been subject to any court order involving sexual abuse or physical abuse of a minor, including but not limited to a domestic order of protection.
10. Been found to have neglected a minor, however, the Town Board may consider accepting the applicant on a case-by-case basis.
11. Had their parental rights terminated. For offenses listed in numbers 4-7, prior to the time period noted, however, the Town Board may consider accepting the applicant on a case –by-case basis.

Where the Town Board determines to consider accepting an applicant consistent with paragraph numbers 10 and 11 above, careful consideration will be given to the nature of the offense, the rehabilitation of the individual, and the offense as it relates to the position being applied for and the potential risk to children.

Pending Cases:

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Anyone who has been charged for any of the disqualifying offenses or for cases pending in court should not be permitted to volunteer until a review is conducted following the official adjudication of the case.

Volunteer Disclosure Responsibility:

Any volunteer determined eligible to participate and subsequently arrested, charged, committed, and/or found guilty of any disqualifying offense shall immediately notify the Recreation and Parks Department. The volunteer shall be immediately removed from the voluntary position until the official disposition of the case is reviewed by the Town Board. Failure to notify the Recreation and Parks Department shall result in the volunteer being permanently disqualified for participation.

Appealing Decisions:

Any coach denied by the Town of Kent Recreation and Parks may request an interview and review by the Kent Town Board. The vote of the Kent Town Board regarding the appeal will be final.

How to Appeal:

To appeal a decision, a person must file a notice of appeal. The notice of appeal must be mailed by certified mail, return receipt requested, to the Kent Town Board and postmarked within thirty (30) days of receiving the background check notification letter. The applicant will be deemed to have received the background check notification letter three (3) days after the same has been mailed. A copy of the decision that is being appealed (e.g., the notification letter) should be included with the notice of appeal. In order for the notice of appeal to be accepted, it must 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 ground 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 the Board to do at the end of the appeal.)
7. The signature of the appellant or the appellant's representative.

A written decision by the Town Board will be rendered within thirty (30) days of receipt of the appeal by the Town Board are handled in the Town.

Handling of Information:

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The results of background checks will not be disclosed to anyone other than the administrative staff of the Recreation and Parks Department and the Kent Town Board.

Should information be found that would prevent a volunteer from being accepted, the Town of Kent Recreation and Parks Department will be responsible for issuing any required written notices to the volunteer in a confidential manner. The volunteer is responsible for taking appropriate actions to have the results of the criminal check report corrected if they believe information was reported in error.