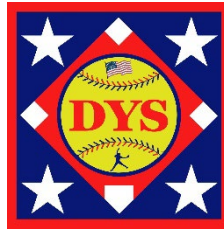




Diamond Youth Softball Child Protection Plan



Safe Sport Act Federal Law Applies to DYS Franchised Leagues

In 2018, Congress enacted a new Federal law (Public Law 115-126) which establishes a nationwide standard **“duty to report”** suspected child abuse. The **“Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017”** (**“Safe Sport Act”**) specifically applies to all franchised leagues of Diamond Youth Softball (a DYB, Inc. program) and the leagues sponsoring organizations. All Diamond Youth Sports (**DYS**) leagues must comply with the following provisions of the **Safe Sport Act**:

- 1) **Duty to Report Child Abuse** – **DYS** franchised leagues and/or their sponsoring organizations whose membership includes any adult who is in regular contact with an amateur athlete who is a minor must report suspected child abuse, including sexual abuse, within 24 hours to law enforcement. Please review the **“Abuse Reporting Guidelines”** under the **League Risk Management** tab on the **DYS** website at www.dysusa.org,
- 2) **Limit One-On-One Interaction with Minors** – **DYS** franchised leagues and/or their sponsoring organizations must establish procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult (who is not the minor’s legal guardian) at a facility under a jurisdiction of the league without being in an observable and interruptible distance from another adult, except in emergency circumstances.
- 3) **Training for Adults and Minors** - **DYS** franchised leagues and/or their sponsoring organizations must offer and provide consistent training to all adult members who have regular contact with amateur athletes who are minors, and subject to parental consent, to members who are minors, regarding prevention and reporting of child abuse to allow a complainant to report easily an incident of child abuse to appropriate persons.
 - This Plan will serve as awareness education training for all league officials and staff who agree to educate themselves on all forms of misconduct and to refrain from engaging in such misconduct and in violating the policies herein. Leagues may adopt this Plan or adopt a similar plan which complies with Federal law.
 - The **Safe Sport Act** requires sports organizations including **DYS** franchised leagues and/or their sponsoring organizations to provide training to minors on preventing and reporting of child abuse. **DYS** league organizations shall provide all parents of minor children access to the **“Abuse Avoidance Training for Minors”** or a similar document from another source to each parent with a strong recommendation that each parent should review this document with their minor child. Under the **League Risk Management** tab on the **DYS** website at www.dysusa.org, please review the **“Abuse Awareness Training -Minors”**.
- 4) **Prohibit Retaliation** - **DYS** franchised leagues and/or their sponsoring organizations must prohibit retaliation against any individual who makes a report required under the **Safe Sport Act**.



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DYS Child Protection Plan

(a child abuse/molestation risk management plan)

This **DYS Child Protection Plan** is designed to meet the requirements of the Safe Sport Act and has the following components:

- **DYS Child Protection Plan** – A detailed child abuse/molestation risk management plan (or similar comprehensive plan) adopted and implemented by all **DYS** franchised leagues;
- **Background Check Guidelines** – Guidelines for leagues conducting third-party criminal background checks which, at a minimum, search the National Criminal Database and the National Sex Offender Registry in all 50 states.
- **Abuse Reporting Guidelines** - Guidelines for compliance with Federal law for reporting sexual abuse of minors. Individuals who fail sexual abuse of minors to the appropriate child services organization and/or local law enforcement are subject to criminal penalties;
- **Abuse Training for Minors** – On a voluntary basis, recommended information for parents to discuss age appropriate content with their children based on the child's age and maturity level relating to the prevention and reporting of child abuse.

Purpose

The safety and well-being of all participants is paramount in the **DYS** program. **DYS** wants all youth to participate in a safe environment. **DYS** leagues and/or their sponsoring organizations have the responsibility to protect the children playing in its local program.

The purpose of this risk management plan is to reduce and/or prevent the occurrences of misconduct in **DYS** affiliated leagues baseball programs as well as to reduce the liability potential for **DYS** leagues and/or sponsoring organizations. Misconduct can negatively impact participants, league official/staff members, family, friends, and the sport.

Definitions

Participant: Any athlete or non-athlete participant who participates in any tryouts, practices, drills, instructional sessions, competitions, camps, clinics, tournaments, or non-sport outings including travel, lodging, and health or medical treatment sponsored by the league.

Child, Children, Minor, and Youth: Anyone under the age of 18. These terms are used interchangeably throughout this Plan .

Manager or Coach: Any adult who has or shares the responsibility for instructing, teaching, schooling, training, or advising athletes of the league.

Misconduct: Behavior that results in harm, the potential for harm, or the imminent threat of harm. Age is irrelevant to misconduct. There are six primary types of misconduct in sports: sexual (including grooming behavior), physical, emotional, bullying, harassment, and hazing.

League: Local league organizations which affiliate with Diamond Youth Softball that adopt this Plan .

League Official/Staff Member: Any paid or unpaid member providing service to the league including officers, directors, administrators, coaches, assistant coaches, trainers, and team parents.



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Types of Misconduct and Examples

The following six types of misconduct are prohibited by the league:

1. Sexual Misconduct, including Child Sexual Abuse

Sexual misconduct is defined as:

- Any sexual interaction, whether non-touching or touching, that is forced or perpetrated in an exploitative, harassing, aggressive, or threatening manner.
- Any sexual interaction between a participant and an individual with direct, indirect, or evaluative authority. Such relationships usually involve power imbalance; disparity in age, development, size, or intellectual capabilities; the existence of an aggressor; and are likely to impair judgment or be exploitative.
- Any conduct or acts defined under state or federal law as sexual abuse or misconduct.

Sexual misconduct can be between adults, between adults and minors, or between minors. Minors don't have the legal capacity to consent to sexual activity with an adult, and as a result, any sexual interaction between a minor and adult is strictly prohibited.

Types of sexual misconduct include:

- Sexual assault
- Sexual harassment
- Sexual abuse
- Any other equal intimacies that exploit an athlete

Touching offenses include:

- Fondling a participant's breasts or buttocks;
- Providing a sports-related reward (ex: playing time, position, lessons, award, praise) in exchange for sexual favors;
- Sexual penetration and sexual touching;
- Genital contact whether or not either party is clothed
- Any intimacies or sexual relations between a league official/staff member and participant when the league official/staff member is in a position of authority, trust, control, or evaluative decision making over the participant.

Permissible Physical Contact

Some level of physical contact between a coach and a participant may be appropriate, such as in instruction, celebration, or consolation of a distraught participant who has been injured or after losing a competition.

Appropriate physical contact in training and instruction consists of the following elements:

- The physical contact takes place in public.
- There is no potential for or actual, physical, or sexual intimacies during the physical contact.
- The physical contact is for the benefit of the participant and not to meet an emotional or other need of an adult.

Prohibited forms of physical contact include:

- Lingering or repeated embrace that goes beyond acceptable physical touch.
- Tickling, horseplay, or wrestling.
- Continued physical contact that makes a participant uncomfortable.



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Non-touching offenses include:

- Making innuendos, comments, or jokes of a sexual nature about a participant or other behavior that is sexually harassing.
- A league official/staff member referencing his or her sexual activities with a participant.
- Questioning a participant about his or her sexual activities.
- A league official/staff member requesting or sending a revealing or nude photo to a participant.
- Exposing participants to pornographic material.
- Voyeurism
- Sending participants communications or photos, whether electronic (e.g. sexting) or otherwise, of a sexually suggestive or explicit nature.
- Intentionally exposing a participant to sexual acts.
- Intentionally exposing a participant to nudity (except for shared changing areas or locker rooms).
- Non-verbal or verbal communication of a sexual nature; physical advances; or sexual solicitation.

The following defenses are not allowed under any circumstances to an allegation of sexual misconduct: (1) the consent of a minor, mistaking the age of a participant, or (2) that the interaction did not occur during a sanctioned event of the league.

Peer-to-Peer Child Sexual Misconduct

Approximately one-third of all cases of sexual abuse are child peer-to-peer. Whether or not sexual interaction between children constitutes child sexual abuse turns on the existence of an aggressor, the age difference between the children, and/or whether there is an imbalance in power and/or intellectual capabilities. Allegations or suspicions of peer-to-peer child sexual abuse must be reported to the child abuse officer or a board member.

Grooming

Grooming is an intentional and effective strategy that sexual predators use to set up and prepare victims, parents, league officials and staff to gain a position of trust and lower their defenses, which assists in the perpetration of misconduct.

The steps taken in the grooming or seduction process are:

- Identify a child and determine his or her vulnerable areas (ex: being misunderstood, lack of attention from parents, lack of spending money, absent parents, etc.)
- Through careful observation of the target, determine their needs to fill what is missing.
- Fill the needs to create a special bond and to gain their trust. Examples are providing gifts and spending money, helping with homework, providing transportation, special consideration on the team such as more playing time, special attention, sharing secrets, etc.
- Spend a disproportionate amount of time with the family to gain their trust.
- Isolate the victim from their peers to create situations where they are alone.
- Gradually introduce sexual interplay that may start with conversations of a sexual nature (in person, texting, and social media), providing alcohol and drugs to lower inhibitions, watching pornography, sharing nude photos, tickling, horseplay, massages, and other boundary invasions that lead to sexual touching and nudity.
- Maintaining control and silence to continue and keep the sexual abuse hidden.
- Use shame or fear as motivating factors to continue the relationship.

League official/staff and parents who understand the grooming process and the policies that are meant to prevent it through education are likely to identify it and notify the League or a board member of suspicious behavior.



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One-on-One Interactions

Two-Deep Leadership: Two adults (ex: any combination of coach(es), volunteer(s), parent(s)) should be present at all times so that a minor cannot be isolated one on one with an unrelated adult. This also helps to protect the league official/staff member from false accusations.

Individual Meetings: An individual meeting to address a participant's concerns may be necessary on occasion. During such meetings, the following guidelines shall be observed:

- Any individual meeting should occur when others are present and where interactions can be easily observed.
- Where possible, an individual meeting should take place in a publicly visible and open area, such as in the corner of a building.
- If the meeting takes place in an office or a locker room, the door should remain unlocked and open.
- If a closed-door meeting is necessary, the league official/staff member should inform another league official/staff member and ensure the door remains unlocked.
- **Individual Training Sessions:** When necessary or requested, parent/guardian written consent should be obtained and a parent/guardian encouraged to attend.

Prohibited One-on-One Interactions: Except as provided above with regard to individual meetings, individual training, or emergency situations, any one-on-one interaction between an adult and an unrelated minor participant should be avoided. A possible exception may occur if the minor is stranded and the adult must be present so that the minor will not be left unattended or unsupervised. In such cases, the adult and minor shall remain in the open until another adult arrives.

2. *Physical Misconduct*

Physical misconduct includes:

- Intentional physical contact or threat of such that causes or has the potential to cause personal injury or bodily harm to the participant.
- Any act or conduct described as physical abuse under state or federal law, such as assault, child neglect, and child abuse.

Examples of prohibited physical misconduct:

Contact offenses

- Punching, beating, biting, striking, choking, or slapping an athlete
- Intentionally hitting an athlete with objects or sporting equipment
- Providing alcohol to a participant who is under the legal drinking age
- Providing non-prescription or illegal drugs to any participant
- Encouraging or permitting an athlete to return to play after an injury (e.g. concussion) or sickness prematurely or without clearance from a medical professional
- Prescribing diet or other weight control methods for humiliation purposes and without regard for the health of the athlete (e.g. public weigh-ins or caliper tests)

Non-contact offenses

- Isolating an athlete in a confined space (e.g. locking an athlete in a confined space)
- Forcing an athlete to assume a painful stance or position for no athletic purpose (e.g. requiring the athlete to kneel on a hard surface)
- Withholding, recommending against or denying adequate hydration, nutrition, medical attention, or sleep

Physical misconduct does not include physical contact that is a professionally-accepted coaching method for teaching skill enhancement, physical conditioning, team building or appropriate discipline.



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3. Emotional Misconduct

Emotional misconduct involves a pattern of intentional, noncontact behavior that causes or has the potential to cause psychological or emotional harm to a participant. Physical acts, verbal acts, or acts that deny support or attention are included in these behaviors.

Examples of prohibited emotional misconduct:

- **Verbal Acts:** A pattern of verbal behaviors that personally attack a participant (e.g. calling them disgusting, worthless, or fat) or repeatedly screaming at participants in a way that does not serve a legitimate motivational or training purpose.
- **Physical Acts:** A pattern of physically aggressive behaviors, such as throwing or punching sports equipment or other objects in the presence of participants.
- **Acts that Deny Support or Attention:** A pattern of ignoring or excluding a participant during practice or team discussions for an extended period of time.

Emotional misconduct does not include generally-accepted and age-appropriate coaching methods of skill enhancement, physical conditioning, motivation, team building, appropriate discipline or improving athletic performance. Note that a single incident such as a verbal outburst may be inappropriate but does not constitute emotional misconduct, which requires a pattern of harmful behaviors over time.

4. Bullying

Bullying involves an intentional and repeated pattern of committing or intentionally allowing or not preventing behaviors that are intended to cause physical harm, fear or humiliation in an effort to socially isolate, diminish or exclude another participant physically, emotionally, or sexually.

Bullying can occur through verbal, written or electronic communications or by means of a physical gesture or act.

Examples of prohibited bullying behavior:

Physical: Hitting, pushing, punching, beating, biting, striking, kicking, choking, spitting, or slapping; throwing objects such as sports equipment at another participant.

Verbal: Teasing, ridiculing, taunting, name-calling, or intimidating, or threatening to cause harm.

Social, including Cyberbullying: Using electronic communication, social media or similar to harass, frighten, intimidate, or humiliate someone; using rumors or false statements about someone to diminish that person's reputation; socially excluding someone and asking others to do the same.

Sexual: Teasing, ridiculing, or taunting based on gender or sexual orientation (real or implied), gender traits or behavior (e.g., taunting someone for being too effeminate or too masculine), or teasing someone about their looks or behavior as it relates to sexual attractiveness.

It is often not the staff, but other participants who perpetrate bullying. However, it is a violation if a league official/staff member knows or should have known of bullying behavior but takes no action to intervene on behalf of the targeted participant(s).

A participant or parent/guardian who participates in any act of bullying is subject to appropriate disciplinary action including but not limited to suspension, permanent ban, and referral to law enforcement authorities.

Difference Between Mean, Rude, and Bullying Behavior

Mean is defined as purposefully saying or doing something to hurt someone very infrequently. Rude is defined as inadvertently saying or doing something that hurts someone else. Bullying is defined as intentionally aggressive behavior repeated over time that involves an imbalance of power. Mean or rude conduct does not rise to the level of bullying absent the imbalance of power. Bullying does not include group or team behaviors to encourage a culture of team unity and/or harder training effort.



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5. Harassment

Harassment is a pattern of physical or nonphysical behaviors that cause annoyance, fear or humiliation; degrade or offend; reflect a discriminatory bias; or create a hostile environment for the purpose of creating superiority, dominance, or power over an individual participant or participants based on gender, gender identity, gender expression, sexual orientation, ethnicity, race, culture, national origin, race, or physical or mental disability. It also includes any conduct or acts defined as harassment under state or federal law.

Examples of prohibited harassment:

Name calling, taunts, threats, belittling, stalking, unwelcome advances and requests for sexual acts, as well as undue threats to perform or succeed.

Sexual harassment is conduct towards a participant that includes sexual advances, requests for sexual favors, or other verbal or physical behaviors of a sexual nature and is sufficiently severe, persistent or pervasive and objectively offensive that it negatively affects an individual's performance.

6. Hazing

Hazing includes any behavior which is physically harmful, humiliating, intimidating, or offensive. Hazing typically is an initiation activity that is a precondition for being socially accepted or joining a team. It also includes any act that is described as hazing under federal or state law.

Examples of hazing include:

- Using force or peer pressure to require the consumption of alcoholic beverages or illegal drugs
- Restraining a person through tying or taping
- Requiring simulations of acts of a sexual nature.
- Depriving one of sleep
- Withholding water and/or food
- Requiring public actions that are illegal, embarrassing, or socially unacceptable (e.g. public nudity)
- Paddling, branding, beating or other forms of physical assault
- Requiring excessive training

Hazing occurs even when the participant agrees to cooperate.

Willfully Tolerating Misconduct

It is a violation when a league official/staff member knows of prohibited misconduct but takes no action to intervene to protect participants or other league officials/staff members. It is also a violation to observe illegal and prohibited misconduct and not report it in a timely manner to the appropriate entity or law enforcement authorities.

Social Media and Electronic Communications

Electronic communications and social media interactions between league officials/staff and participants and their parents/guardians is essential with regard to activities, schedules, and administrative issues. Furthermore, social media touting the positive aspects of competition and club promotion should be encouraged. However, the potential for misconduct exists including sexual abuse, emotional abuse, bullying, harassment, and hazing.

Social Media, including, Facebook, Twitter, Instagram, Snapchat, etc.

The league may create an official social media account which may connect with other staff, participants, and parents/guardians for the purpose of official league communications about activities, motivation, team building, and answering posts from staff, participants, and parents/guardians.

League Officials/Staff and minor participants should not connect on social media outside of the league's official social media account.



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Email, Texts, and Instant Messaging

A league official/staff member and minor participant may communicate via email, text, or instant message if the communication is about official league activities. A parent/guardian of minor participants should be copied on all such communications sent by a league official/staff member.

Digital Photos and Videos

Leagues frequently publish photos and videos of activities on their website and social media accounts, and transmit via email to various media outlets. Before publishing a photo or video of any participant, the league should obtain an image release agreement signed by the parent/guardian. Also, all photos and videos should be taken in public view and should be appropriate and in the best interest of the participant and the league.

League official/staff should immediately honor any request from parent/guardian to discontinue all digital communications or imagery with a minor participant without any repercussions.

Violations of the league's electronic communications and social media policy should be reported to the League or a board member for appropriate disciplinary action including but not limited to suspension, permanent suspension and/or referral to law enforcement.

Travel

Travel to and from practices and competitions subjects participants to risk not only from auto accidents, but also makes them more vulnerable to misconduct, particularly during overnight stays. During overnight stays, participants are away from their families and support networks and find themselves in unfamiliar and less structured settings, such as locker/changing rooms, sports facilities, autos, and hotel rooms.

Local travel is not planned or supervised by the league, but parent/guardian for each participant is responsible for making the travel arrangements. Local travel occurs when minor participants are driven to and from practices and local competitions, usually by parents/guardians in a carpool setting. The guidelines for local travel are as follows:

- Drivers should have a valid driver's license, meet state insurance requirements, and operate a well-maintained vehicle in accordance with state laws.
- League official/staff drivers providing local transportation should not ride alone with an unrelated minor participant. There should either be at least two other participants or another adult in the vehicle at all times unless otherwise agreed to in writing by the parent/guardian of the participant.
- League official/staff drivers who are also the parents/guardians of a minor participant may provide shared transportation but should always pick up their own child first and drop him/her off last.
- League official/staff drivers should have the parent/guardian of participants sign a parental authorization and release form.

Team travel usually requires overnight stays and occurs when the team plans and supervises transportation for local, regional, or national competitions. For greater travel distances, league officials/staff and chaperones will often travel with the participants in order to provide adequate supervision. To follow are guidelines on team travel:

- All drivers should have a valid driver's license, meet state insurance requirements, and operate a well-maintained vehicle in accordance with state laws.
- Be sure to maintain appropriate adult-to-minor ratios, which will vary with the age of the participants.
- Hotels and air travel should be booked in advance with schedules published for all league officials/staff and parents/guardians.
- Participants should share rooms with 2 to 4 participants per room depending on room size. Participants should be grouped according to sex and age group.



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- Attempts should be made to have one chaperone of the same sex for each group.
- No chaperone or other league officials/staff members should spend the night in the same room with any unrelated minor participants.
- Chaperones must be cleared by a criminal background check and undergo awareness training before having any appropriate one-on-one interactions with a minor participant.
- The league should ask the hotel to block pay-per-view channels in the rooms of each participant.
- Meetings should not occur in rooms and a large room or suite should be rented so that league officials/staff can meet and socialize as a group with minor participants.
- Family members attending the event should be encouraged to stay in the same hotel as participants.

League Officials/Staff and Chaperone Responsibilities

- Brief participants and parents/guardians prior to travel on policy guidelines, expectations, and travel and competition schedules.
- Follow all policies on preventing misconduct including travel, locker/changing rooms, and two-deep leadership.
- Assist participants in preparing for competitions.
- Encourage minor participants to engage in daily communications with parent/guardian.
- Set curfews based on age and competition schedule.
- No use of alcohol or drugs by chaperones in the presence of minors and they should not be under the influence while performing duties.
- Chaperones should make sure that league officials/staff comply with all travel and other misconduct policies.
- Immediately report any violation of travel or misconduct policy to the League or a board member.
- Notify parent/guardian not traveling with the minor participant of any injuries, discipline problems, or any other concerns.

Reporting Child Sexual and Child Physical Abuse

Congress enacted a new Federal law in 2018 which establishes a nationwide *standard "duty to report"* suspected child abuse. **Public Law 115-126 "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017"** ("Safe Sport Act") specifically mandates that all amateur sports organizations, which participate in an interstate or international amateur athletic competition and whose membership includes any adult who is in regular contact with an amateur athlete who is a minor must report suspected child abuse, including sexual abuse, within 24 hours to law enforcement. The duty to report extends to all youth baseball programs and affiliated leagues.

The new Federal law provides that:

- An individual who is required, but fails, to report suspected child sexual abuse is subject to criminal penalties.
- If an individual reasonably suspects a case of abuse within their league, they should report it to the appropriate child services organization and/or local law enforcement, as well as, their League MO, the League President and District Director.

The League or a board member should separately report such allegations to the appropriate law enforcement authorities as required by state and federal law. Failure to report such abuse may be a violation under state and/or federal law. Those making such reports may have civil and criminal immunity as long as the report was made in good faith. An attorney should be consulted prior to reporting for currently applicable state and federal law.

Participants and parents are also encouraged to report any reasonable suspicions of child sexual and child physical abuse to the League or a board member.



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Resources for assistance with state and federal reporting requirements:

- Child Welfare Information Gateway: www.childwelfare.gov
- Mandatory Reporters of Child Abuse and Neglect http://www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm
- State Statute Search: http://www.childwelfare.gov/systemwide/laws_policies/state/

After Reporting to Law Enforcement

After a report of reasonable suspicion of misconduct to law enforcement has been made, whether for reasons of child sexual abuse, child physical abuse, or other illegal reportable misconduct, the League should take the following actions:

- Do not engage in any internal investigations or attempt to investigate the credibility of any such allegation. An independent investigation may interfere with the investigation of law enforcement. Allow law enforcement to conduct its own investigation. However, the League may ask a few clarifying questions of the complainant or minor(s) involved to adequately report the suspicion to law enforcement.
- To the extent permitted by law and appropriate, the League and/or a board member shall protect the names and confidentiality of the complainant (if requested), the accused, and the victims.
- Immediately remove the accused league official/staff member from his/her duties. No hearing is required and the accused has no right to defend himself/herself because the safety and wellbeing of the participant is of utmost importance. The League may simply notify the accused league official/staff member that he/she is no longer eligible to participate in the league's activities.
- After consulting with legal counsel, the League may decide at their discretion to inform other league officials/staff members, parents, and participants of any child sexual abuse or child physical abuse allegations that law enforcement is actively investigating, in an effort to find out if there may be other cases of child abuse that shall also be reported to law enforcement.
- Once the investigation by law enforcement has concluded, the League may reconvene to determine whether or not the accused can be reinstated or reassigned. Even if the investigation is inconclusive, the League may use its discretion in deciding on reinstatement or reassignment.

Reporting Other Misconduct, including Emotional Abuse, Bullying, Harassment, Hazing, or Grooming Behavior

Any league official/staff member, participant, or parent who has a reasonable suspicion of emotional abuse, bullying, harassment, hazing, or grooming behavior shall report within 24 hours such misconduct to the League or a board member. Depending on the severity and nature of the allegations, the League shall determine whether to immediately report such allegation within 24 hours to the appropriate law enforcement authorities as required by state or federal law.

How to Report All Misconduct to the League

Reports of all misconduct made to League or to any board member may be made orally or in writing. The information required is the name of complainant(s) making the report, the type of misconduct alleged, the name(s) of the accused league officials or staff members who allegedly engaged in the misconduct, the approximate dates of misconduct, and any other relevant information.

Responding to Misconduct and Policy Violations

Upon receiving a report of emotional abuse, bullying, harassment, hazing, or grooming behavior that is not reportable to law enforcement under state or federal law, the League shall investigate and take appropriate action.

Factors to be considered in an investigation include the age of the alleged victim, the age of the alleged perpetrator, and the extent, nature, and scope of the allegations. Before taking any disciplinary action, the accused shall have an opportunity to present his/her defense. If the accused is a staff member such as a coach, the board shall be notified of the pending investigation. If the accused is a minor, his or her coach and parents shall be notified in advance.



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The confidentiality of the complaint, complainant, victim, and accused shall be protected by the organization until the outcome of the proceedings is finalized. Notice shall be given about any sanction. The investigator shall not discuss the ongoing investigation with anyone other than for the purposes of gathering information related to the investigation unless requested otherwise by law enforcement or child protective services. Likewise, participants in the hearing shall be requested to keep all information confidential unless requested by law enforcement or child protective services.

Sanctions applied shall be appropriate and reasonable under the circumstances.

Sanctions that may be applied against a league volunteer or staff member:

- Referral to law enforcement authorities if a crime is believed to have been committed
- Dismissal in the event of extreme cases
- Temporary suspension.
- Reassignment of duties.
- Formal warning.
- Place under the supervision of another staff member.

Sanctions that may be applied against a participant:

- Revocation of membership or participation in competitions
- Suspension of membership or participation in competitions
- Verbal/written warning
- Provided additional education and guidance\

Additional Reporting to DYB, Inc. dba DIAMOND YOUTH SOFTBALL

In addition to the reporting requirements above, all **DYS** Leagues shall report to DYB Inc. dba Diamond Youth Sports at softball@dysusa.org: The identity of any person (coaches, volunteers, etc.) affiliated with it or any of its members who is convicted of, or pleads guilty to, or who is charged with and pleads guilty to a lesser offense, any crime of child abuse and/or crimes of a sexual nature, and the identity of any person (coaches, volunteers, etc.) who is permanently banned from participation in its activities or the activities of any of its members as a result of a claim of child abuse or as a result of a claim of sexual abuse. Any individual reported by a League to **DYS** shall be reported to USA Baseball.

Dealing with the Media

In the event of media inquiries involving an allegation of misconduct, a single board member or attorney shall be appointed as the sole media contact and any comment shall be based on the following principles:

- The league has notified the proper law enforcement authorities.
- The league is following its internal policies and procedures regarding the allegation(s).
- The privacy of all involved individuals shall be respected and protected throughout the proceedings.
- The identity of any accused perpetrator shall not be disclosed unless 1) law enforcement is actively investigating, and the name is a matter of public record; 2) law enforcement believes that the accusation is likely valid; and 3) the league has taken action to sanction or remove the alleged perpetrator.

Whistleblower Protection and Bad Faith Allegation

Whistleblowers who report misconduct suspicions in good faith shall be protected against any retaliation, punishment, and other harm regardless of the outcome of any investigation. To allow otherwise would defeat the purpose of this Plan. Anyone who retaliates is subject to disciplinary action. Likewise, complainants who act in bad faith in making malicious or frivolous allegations are subject to civil and criminal actions and disciplinary action by the league.



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Screening Volunteers

The league shall select a criminal background check vendor that will run background checks and assist in interpreting results and in compliance with state and federal laws.

The criminal background check vendor shall, at a minimum, conduct a third-party criminal background check which searches the National Criminal Database and the National Sex Offender Registry in all 50 states (not limited to just sexual offender records) from state and county databases on all managers, coaches and other authorized adult participants in the league who have repetitive access to and close contact with minor athletes. After the initial background check, the league should run a subsequent background check at least every three years or more often as the league deems appropriate.

“The League at its discretion may require any other adult worker who does not have repetitive access to and close contact with minor athletes to submit to a background check based on a reasonable suspicion of possible prior criminal activity.” Note: Certain employees or independent contractors from outside the league may have repetitive access in close contact with youth. Steps shall be taken to make sure that a background check has been run on these individuals by their employer.

The League shall be responsible for implementing, monitoring, taking corrective action, disqualifying unfit candidates, and working with third-party background check vendors on all issues related to the criminal background check program. The League shall maintain confidentiality to protect against possible claims of slander or libel. The League shall work with third-party vendors for assistance in interpreting background check results and to protect against possible claims under the Fair Credit Reporting Act, First Offender Act, and all other state and federal laws protecting those who undergo criminal background checks.

Administration of Criminal Background Checks

Disqualification Criteria: To make sure that all individuals are treated fairly and consistently, the following disqualification criteria shall be used: **Note:** *Each league may customize its own criteria to meet the league’s specific policies. Another excellent source would be the disqualification criteria used by the local school board.*

Individuals in the league who are found to be guilty of the following crimes shall be disqualified as a manager/coach or other position in the league as outlined below.

- All sex offenses including child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.
- All felony violence including murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, etc.
- Found guilty within the past 10 years of all felony offenses other than violence or sex including drug offenses, theft, embezzlement, fraud, child endangerment, etc.
- Found to be guilty within the past 7 years of all misdemeanor violence offenses including simple assault, battery, domestic violence, hit & run, etc.
- Found guilty within the past 5 years of misdemeanor drug and alcohol offenses (or multiple offenses in the past 10 years) including driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.
- Any other misdemeanor within the past 5 years that would be considered a potential danger to children or is directly related to the functions of the official/staff member, including contributing to the delinquency of a minor, providing alcohol to a minor, theft (if volunteer handles funds), etc.

Guilty means the applicant was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by the court’s finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This policy does not apply if criminal charges resulted in acquittal, dismissal or in an entry of *nolle prosequi*.

Shall any of the pending charges described above be discovered or shall any of the above charges be brought against an applicant during the season, the applicant shall be suspended from serving until the charges are cleared or dropped and the League approves reinstatement.



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League Manager/Coach/Volunteer Application: Prior to the running of any criminal background check, the applicant shall complete a league official/staff application form giving his or her consent to the running of such check. This form shall include a question about the existence of any prior criminal convictions. A “yes” answer shall require a detailed explanation including the type of offense, locations, and dates.

An application under the League Risk Management tab on the **DYS** website may be used or the league may develop its own application. The application form shall be provided by the third-party criminal background check vendor. The vendor’s legal department can take on the risk of ensuring the form complies with the state and federal laws, which change frequently.

The information obtained in the application/consent form, as well as the results of criminal background checks, shall be held in strict confidence to protect the confidentiality of the information. It shall be kept in a secure location with access by the League only. Confidential information shall not be disclosed outside of the league and shall only be shared within the league on a need-to-know basis. However, under certain circumstances, the league may have a legal duty to disclose certain types of information to government agencies or law enforcement.

Run Criminal Background Check: After collecting the league application/consent forms, the League shall verify that they are complete and legible. Next, the applications or information therein shall be forwarded to the selected criminal background vendor.

Results: The results from the criminal background check vendor shall be received by the League. The League may need the assistance of the vendor in interpreting the results against the predetermined disqualification criteria. In addition, the League shall ask the vendor about any applicable first-offender acts in a particular state that may disallow the use of the results in making a disqualification decision. All disqualified applicants shall be provided with the following documents:

- 1) Fair Credit Reporting Act: Summary of Rights
- 2) Letter of disqualification
- 3) Copy of the criminal background check results.

The vendor shall advise if there are any other requirements under state or federal law.

Appeals Process: Official/staff candidates disqualified due to an unsatisfactory criminal background check shall be given a right to appeal if they notify the League in writing. Such appeals shall be heard by a three-person committee appointed by the league. This Committee shall decide whether to uphold the decision of the League. As a compromise, the Committee may decide to reassign the applicant to a more appropriate position or to place the candidate under a probationary period. The results of all criminal background checks and appeals shall be kept confidential.

The written appeal shall include:

- Full name and address of the appellant;
- Full name and address of any person making the request for an appeal on behalf of the appellant;
- The grounds for the appeal, providing a detailed explanation of the appellant’s objections to the decision, additional facts, or factual errors in the decision;
- The relevant particulars to the appeal, providing any background facts relating to the appeal including how the appellant is affected by the decision and a detailed description of the requested relief (i.e. what appellant wants the League to do);
- The signature of the appellant or the appellant’s representative, and the date of the appeal.



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Monitoring and Supervision Compliance

The league shall monitor and supervise the implementation and compliance of this Plan as follows:

- Require all league officials and staff to review the Plan and agree to abide by its guidelines and requirements.
- Require all league officials and staff having repeated access to youth to undergo and pass a criminal background check.
- Promptly address any reports of child abuse or other misconduct and take appropriate action.
- Observe and periodically spot check compliance with interactions at practice and games, locker/changing rooms, travel arrangements, and social media.
- Stay in touch with other league officials/staff members, participants and parents to learn of any potential instances of misconduct.

Distribution

A paper or electronic copy of this adopted Child Protection Plan or a similar comprehensive plan shall be distributed to each authorized adult participant in the league annually.

This plan was adopted by _____
League Name

on _____
League Official

The league and/or sponsoring organization shall adopt this Plan or a similar comprehensive plan and certify such adoption in their annual franchise renewal .

Sources

- U.S. Center For SafeSport; SafeSport Code For the U.S. Olympic And Paralympic Movement; 12-28-2017
- U.S. Center For SafeSport; Practices And Procedures; 3-3-2017
- SafeSport Program Handbook; U.S. Figure Skating; 1-1-2018
- USA Basketball SafeSport Program Handbook; 11-9-2017
- Model Youth Football Safe Sport Policy; USA Football; 2-20-2015

DISCLAIMER: THIS CHILD PROTECTION PLAN IS MEANT TO PROVIDE GENERAL AWARENESS AND EDUCATION ON THE TOPIC OF MISCONDUCT IN YOUTH BASEBALL PROGRAMS AND SUGGESTED POLICIES COMPILED FROM VARIOUS RESOURCES AND IS NOT TO BE CONSTRUED AS ALL-ENCOMPASSING. THIS PLAN MAY CONTAIN INCORRECT INFORMATION AND MAY OMIT CRITICAL INFORMATION. BASEBALL PROGRAMS SHOULD INDEPENDENTLY RESEARCH VARIOUS AUTHORITY SOURCES SUCH AS U.S. CENTER FOR SAFESPORT AND UPDATE AND CUSTOMIZE THIS PLAN, AS NECESSARY. NO SPECIFIC ADVICE OR LEGAL ADVICE IS BEING PROVIDED. ALL DYS LEAGUES ARE SUBJECT TO FEDERAL LAW (PUBLIC LAW 115-126) - The "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017" ("Safe Sport Act"). LAWS PERTAINING TO CHILD ABUSE AND OTHER MISCONDUCT VARY FROM STATE TO STATE. ALWAYS CONTACT A LOCAL ATTORNEY FOR LEGAL ADVICE IN YOUR STATE. SADLER & COMPANY, INC.; dba SADLER SPORTS & RECREATION INSURANCE AND DYB, INC. dba DIAMOND YOUTH SPORTS DISCLAIM ANY AND ALL LIABILITY RESULTING FROM THE PUBLICATION AND USE OF THIS AWARENESS AND EDUCATIONAL RISK MANAGEMENT PLAN. IN EXCHANGE FOR RECEIPT OF THIS INFORMATION, RECIPIENT AGREES TO HOLD HARMLESS AND INDEMNIFY SADLER & COMPANY, INC.; dba SADLER SPORTS & RECREATION INSURANCE AND DYB INC. dba DIAMOND YOUTH SPORTS AND ITS RESPECTIVE DIRECTORS, OFFICERS, AND EMPLOYEES FOR ANY CLAIMS OF BODILY INJURY, PROPERTY DAMAGE, OR OTHER DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, TO THEMSELVES OR THIRD PARTIES.