

# Chambers County Youth Baseball (“CCYB” or “ECYB”)

## Child Safety Policy Regarding Criminal Background Checks

**Purpose:** Criminal Background checks will be used to determine if any youth sports volunteer has a criminal history that could jeopardize the safety and welfare of any child participating in any League on any team Background checks and coaching certification will help to improve the quality of volunteers that serve the youth sports programs.

**Description:** A criminal background check (CBC) is a manual or data base search of state and/or local government files to determine if the individual applying to volunteer has a previous criminal conviction. Such CBC must be sufficiently comprehensive to ensure that all convictions are revealed. For example, a check of records in only one state will likely not reveal a conviction that occurred in another state where the individual previously lived. Further, a check only for child molestation convictions will likely not uncover a burglary or assault conviction. A CBC should be conducted annually on all volunteers who have direct contact with youth participants that register in CCYB. The CBC should include any state where the volunteer / applicant currently resides, or previously resided, or has been charged with any criminal offense, other than simple traffic offenses and/or violations of the transportation code not involved with any criminal offense listed below.

**Rationale:** Parents enroll their children in a league fully expecting that they will be safe from harm. Conducting a CBC is one of several actions that youth administrators must take to protect their participants from abuse. Other actions include training and certifying their volunteers, setting guidelines on parental behavior and direct supervision of the league or program being conducted.

To be effective, a CBC must be conducted before the volunteer is permitted to associate with children and must be conducted annually on all volunteers, regardless of their position or the number of years the volunteer has been involved in the league.

### **Mandatory Disqualification for Service as Volunteer**

A person will be disqualified and prohibited from serving as a volunteer for CCYB if he/she has been found guilty of the crimes listed in numbers 1, 2, and 3, below. For purposes of these guidelines, “guilty” has the following meanings:

- A. Finding of guilt following a bench trial or jury trial;
- B. Entry of a plea of guilty, or a plea of nolo contendere (no contest), accompanied by court’s finding of guilty, *regardless* of whether there was an adjudication of guilt (final conviction) or a withholding of guilt or the record has been expunged.

The policy of mandatory disqualification does not apply if criminal charges ultimately resulted in acquittal or dismissal. However, CCYB retains the right, after careful consideration, to determine the volunteer’s fitness for service.

1. All sexual offenses, regardless of the amount of time since the offense. Examples include, but are not limited to, child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, and indecent exposure.

2. All felonies constituting offenses against the person, regardless of the amount of time since the commission of the offense. Examples include, but are not limited to, murder, manslaughter, aggravated assault, kidnapping, robbery, and aggravated burglary.

3. Any crimes involving children, regardless of the amount of time since the commission of the offense.

### **Potential Disqualification for Service as Volunteer**

A person may be disqualified and prohibited from serving as a volunteer for CCYB if he/she has been found guilty of any criminal offense listed in numbers 4, 5, 6 and 7, below.

The staff, in its complete and sole discretion, may consider accepting the applicant. Such consideration shall be on a case-by-case basis. 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. Such offenses shall require a mandatory appearance before the CCYB representative and the Background Check Subcommittee as defined below.

4. All offenses, other than those sexual offenses or offenses against the person, within the past ten (10) years. Examples include, but are not limited to, drug offenses, theft, embezzlement, and fraud.

5. All misdemeanors that constitute offenses against the person within the past 7 years, examples include, but are not limited to, simple assault, battery, domestic violence, and 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, driving under the influence (DUI/DWI), simple drug possession, drunk & disorderly, public intoxication, and possession of drug paraphernalia.

7. Any other misdemeanor with the past 5 years that could be considered a potential danger to children or is directly related to the functions of the applicant. An example is theft by a person who is handling money.

In addition, applicants will be disqualified if a background check discloses / reveals any of the following about the applicant:

- A. A Judgment in any state finding the applicant liable for civil monetary penalties, damages, or restitution involving sexual or physical abuse of children; or
- B. Applicant has been the subject of any court order involving sexual abuse or physical abuse of a minor, including, but not limited to, a domestic order or a protective order; or

- C. Applicant’s parental rights have been terminated by a court.

### **Appealing Decisions**

Any coach denied by CCYB may request an interview/review by the “Background Check Sub-Committee” which will consist of the CCYB, Represented and the background check sub-committee. The vote of the committee 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 shall be mailed to the CCYB, Representative within 30 days of the date the applicant receives 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.

In order for the notice of appeal to be accepted for consideration, it must include:

1. The full name and address of the appellant;
2. The full name and address of any person making the request for an appeal on behalf of the appellant;
3. The ground for the appeal, providing a detailed explanation of the appellant’s objections to the decision, setting out any additional facts or factual errors in the decision;
4. The particulars relevant to the appeal, describing any background facts relating to the appeal, including how you are affected by the decision;
5. A detailed description of the requested relief requested (i.e. what you want the Board to do); and
6. The signature of the appellant or the appellant’s representative, and the date of appeal.

### **Handling of Information by CCYB**

The CCYB Background Check Sub-Committee chairman will administer the process of background checks as follows:

He/she will be responsible for providing the Consent/Release Forms, providing the received Consent/Release Forms to CCYB, and reviewing all information received. All information received as a result of the screening process will be kept confidential.

The results will not be disclosed to anyone other than the administrative staff of CCYB and the appeal committee.

Should information be found that would prevent a volunteer from being accepted, the CCYB, Representative/or designee will be responsible for issuing any required written notices to

the volunteer, and will do so in a confidential manner. The volunteer is responsible for taking appropriate action to have the results of the criminal check report corrected if they believe that information was reported to CCYB in error.

The CCYB, its Representative(s) /or designee(s) is/are also responsible for securing the written results of the criminal background checks in a safe and secure location, and keeping them for the time period required by law, or six years, whichever is greater.

In the event that the background check indicate that a volunteer has criminal charges pending that fit the description of criminal offenses as stated in our detailed infractions list, the volunteer may be rejected from coaching until there is a complete resolution of the charges; At that time, if the volunteer has been found not guilty or the charge has been dismissed, the CCYB shall decide upon the volunteer's fitness for reinstatement.

Should an approved volunteer subsequently have any criminal charges brought against him/her that are listed in the detailed disqualification list during their term of service to CCYB, they will be required to immediately disclose the nature of the charges to the CCYB, and/or its Representative and voluntarily terminate the volunteer's coaching duties until a determination is made by CCYB regarding the effect of the pending charges on the volunteer's functions within the program.

#### **No CCYB Waiver of Discretion**

Nothing in this policy shall be construed as a waiver or limitation of the discretion of CCYB to disqualify an applicant for an employment or volunteer position when, in the sole opinion of CCYB, such is in the best interest of CCYB or its program participants.