

SAMPLE TEMPLATE

Note: If you use this template, be sure to customize it for your program by filling in all blanks, choosing options, deleting all references to shaded “notes” and any unselected “options,” and making all applicable selections for your program. You may also choose to develop a similar comprehensive program if this template is not used.

Abuse / Molestation Risk Management Program

Organization Name: _____

Address: _____

Effective Date: _____

A. Criminal Background Check on All Staff with Access to Youth

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

Our criminal background check vendor will, at a minimum, run a national database check that pulls criminal records (not limited to just sexual offender records) from state and county databases. In addition, we may or may not choose to pay extra to purchase the following enhancements from the vendor: social security # verification, address trace, social security # address trace, manual local county courthouse check based on intelligent choice of countries and national sexual offender registry check.

Note: See Risk Management section at www.sadlersports.com for "Types of Background Checks on Volunteers" and "Criminal Background Check Vendors."

All administrators and staff with access to youth including directors, officers, coaches, assistant coaches, managers, concession workers, field maintenance, etc. should have their backgrounds checked for acceptability prior to initial assignment of duties. Thereafter, a subsequent background check should be run every _____ year(s). **Note: options are every year, two years, or three years.**

Note: Certain employees or independent contractors from outside the sports organization may have access to youth. An example would be a janitor employed by the facility owner. Steps should be taken to make sure that a background check has been run on these individuals by their employer.

Our league should appoint a Conduct Official each season. **Note: the conduct official can be the Risk Management Officer (RMO) or any other responsible administrator capable of protecting the confidentiality of information and is not prone to gossip.**

Our Conduct Official should be responsible for implementing, monitoring, taking corrective action, disqualifying unfit candidates, and working with third party background check vendors on all issues related to our criminal background check program. The Conduct Official should maintain the confidentiality of all information to protect against possible claims of slander or libel. The Conduct

Official should 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

1. Disqualification Criteria: To make sure that all staff are treated fairly and consistently, we should use the following disqualification criteria:

Individual staff members found to be guilty of the following crimes should be disqualified as a staff member as outlined below.

- a) Ever found to be guilty of:
 - 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.
- b) Found to be guilty within the past 10 years of all felony offenses other than violence or sex including drug offenses, theft, embezzlement, fraud, child endangerment, etc.
- c) Found to be guilty within the past 7 years of all misdemeanor violence offenses including simple assault, battery, domestic violence, hit & run, etc.
- d) Found to be guilty within the past 5 years or multiple offenses in the past 10 years of misdemeanor drug and alcohol offenses including driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.
- e) 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 staff member including contributing to the delinquency of a minor, providing alcohol to a minor, theft- if volunteer is handling 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."

Should any of the pending charges described above be uncovered, or should any of the above charges be brought against an applicant during the season, the applicant should be suspended from serving until the charges have been cleared or dropped and the Conduct Official has approved reinstatement.

Note: This disqualification criteria is provided courtesy of Southeast Security Consultants, Inc. You may customize your own criteria to meet your specific needs. Another excellent, local source would be the disqualification criteria that is used by your school board.

2. Staff Applications: Prior to the running of any criminal background check, the applicant should complete a staff application form giving his or her consent to the running of such check.

Our form should be provided by our third-party vendor of criminal background checks. The legal department of the vendor can take on the risk of making sure that the form complies with the state and federal laws which frequently change.

The information obtained in the staff application/consent form as well as the results of criminal background checks should be held in strict confidence to protect the confidentiality of the information. It should be kept in a secure location with access by authorized staff only. Confidential information should not be disclosed outside of the league and should only be shared within the league with those 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.

3. Run Criminal Background Check: After collecting the staff application/consent forms, the Conduct Official should verify that they are complete and legible. Next, the applications or information therein should be forwarded to the selected criminal background vendor via fax, online entry, email, or other means.

4. Results: The results from the criminal background check vendor should be received by the Conduct Official. The Conduct Official may need the assistance of the vendor in interpreting the results against the predetermined disqualification criteria. In addition, the Conduct Official should ask the vendor about any first offender acts that may be applicable in a particular state that may disallow the use of the results in making a disqualification decision. All applicants who are disqualified should be provided with the following documents: 1) Fair Credit Reporting Act -- Summary Of Rights, 2) letter of disqualification, and 3) copy of the criminal background check results. The vendor should advise if there are any other requirements under state or federal law.

5. Appeals Process: Staff candidates disqualified due to an unsatisfactory criminal background check should be given a right to appeal if they notify the Conduct Official in writing. Such appeals should be heard by a three-person committee consisting of board members chosen by the board of directors. The appeals committee should decide whether to uphold the decision of the Conduct Official. As a compromise, the appeals 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 should be kept confidential.

The written appeal should include:

- Full name and address of the appellant (person making the appeal);
- 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, setting out any additional facts or factual errors in the decision;
- The particulars relevant to the appeal, describing any background fact relating to the appeal, including how the appellant is affected by the decision and a detailed description of the requested relief (i.e. what you want the board to do); and
- The signature of the appellant or the appellant's representative, and the date of the appeal.

B. Abuse / Molestation Policies

The following policies should help to reduce the risk of an incident: **Note: select the options that apply.**

- Physical, mental, verbal, or sexual abuse of any program participants is prohibited.
- Staff should never be alone with a single, unrelated child where you cannot be observed by others.
- More than one adult should be present at every activity.
- Avoid inappropriate touch of child. Limit touches to head or shoulders in appropriate situations.
- Overnight sleepovers should be prohibited.
- Overnight sleepovers should only be allowed during out-of-town competitions with the following precautions taken:
 - ⇒ Parents are encouraged to attend with their children
 - ⇒ if the child does not stay with his or her parent, each child should be supervised by at least two adults who are in each other's presence at all times.
- Administrators and staff should avoid socializing with participants outside of sponsored activities.
- Inappropriate comments, jokes, vulgarity, and profanity in the presence of children should be prohibited.
- Pick-up/take-home policy should establish zero tolerance policy for late pick up by parents.
- Distribution of personal information on participants (ex: addresses, phone, email) should be limited to those on need to know basis.
- Athlete-on-athlete hazing and initiations should be prohibited.
- Administrators and staff should be required to report known or suspected instances of child abuse and understand that failure to do so may be a violation of law.

Administrators, staff, and parents should report all violations of these policies to the Conduct Official.

C. Awareness Training

1. Administrators and Staff: All Administrators and staff should be required to review the following awareness training upon initial assignment of duties and every three years thereafter:

[Abuse / Molestation Awareness Training For Sports Organizations](https://www.sadlersports.com/child-abuse-molestation-awareness-training-sports-organizations/)
<https://www.sadlersports.com/child-abuse-molestation-awareness-training-sports-organizations/>

2. Parents/Guardians: All parents and/or guardians should be provided with the following information prior to every season which summarizes the abuse/molestation risk management program.

[Parent Guide To Abuse / Molestation Risk Management Program](https://www.sadlersports.com/riskmanagement/sports-insurance-parents.php)
<https://www.sadlersports.com/riskmanagement/sports-insurance-parents.php>

D. Dealing with Abuse/Molestation Incidents and Policy Violations

Instruct all administrators, staff and parents to report all concerns, complaints, allegations, and policy violations to the Conduct Official. If the Conduct Official is the alleged abuser, the report should be made to the league's president. The Conduct Official should immediately perform an investigation with the results brought to the attention of the board of directors. The investigation should include a gathering of all pertinent facts in a fair, respectful, and confidential manner including an interview with both the accuser and accused.

After the investigation, the Conduct Official should determine if the alleged acts were appropriate, but unappreciated; inappropriate, but not illegal; or illegal. If the Conduct Official has reasonable cause to believe that abuse has occurred, law enforcement should be immediately notified. At that point, the Conduct Official should immediately cease all investigation and let law enforcement do its job. The suspected staff member should be suspended pending the outcome of the investigation.

The Conduct Official and other staff members may be required by state law to report suspected cases of child abuse / molestation and may have criminal and civil liability for failure to do so. All persons reporting suspected cases should be given immunity from civil lawsuits if acting in good faith.

Short of an illegal act, the board should decide the appropriate action and can perform additional follow up investigation. Depending on the nature of the act, the board may decide to give an oral or written reprimand, suspend, or terminate the staff member.

Note: Employees have more legal rights than volunteers. Always consult with an attorney before taking action against an employee.

No Waiver of Discretion

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

Distribution/Acknowledgement/Documentation

A hard or electronic copy of this risk management program should be distributed to each administrator and staff member prior to the start of every season. Each should acknowledge in writing (wet or electronic signature) that they have received and carefully reviewed the entire program. The league should maintain documentation on an annual basis of the risk management plan that was distributed as well as the administrator and staff acknowledgements.

DISCLAIMER

THIS SAMPLE ABUSE / MOLESTATION RISK MANAGEMENT PROGRAM IS MEANT TO PROVIDE GENERAL INFORMATION ON SPORTS RISK MANAGEMENT AND IS NOT ALL ENCOMPASSING. NO SPECIFIC ADVICE IS BEING PROVIDED FOR ANY LEAGUE. EACH LEAGUE SHOULD CUSTOMIZE ITS OWN RISK MANAGEMENT PROGRAM BASED ON ITS OWN UNIQUE RISKS

AND NEEDS AND SHOULD REVIEW AND UPDATE ON A CONTINUAL BASIS. OTHER RISK MANAGEMENT SOURCES AND EXPERTS SHOULD BE REFERENCED.

NO LEGAL ADVICE IS PROVIDED. THE LAWS PERTAINING TO ABUSE / MOLESTATION SPORTS RISK MANAGEMENT VARY FROM STATE TO STATE. ALWAYS CONTACT A LOCAL ATTORNEY FOR APPROPRIATE LEGAL ADVICE IN YOUR STATE.

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