

**Morrison Youth Baseball & Softball (MYBS)**  
***Child Safety Policy – 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 had a past criminal conviction. A CBC must be sufficiently comprehensive to ensure that all convictions are revealed. CBC should be conducted annually on all volunteers who have direct contact with youth participants that register in MYBS.

**Disqualification**

A person will be disqualified and prohibited from serving as a volunteer for MYBS 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 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: 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: a. Murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary.
- 3) Any crimes involving children, regardless of the amount of time since the offense.
- 4) All offenses other than those against the person or sexual within the past 10 years require a mandatory appearance before the MYBS President and the Background Check Subcommittee as defined below. Examples include, but are not limited to: 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: 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: Driving under the influence, simple drug possession, drunk and disorderly, public intoxication, 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. Example of this is theft if the person is handling money.

In addition, applicants will be disqualified if they have:

- 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 or protection.
- 10) Had their parental rights terminated.

For offenses listed in numbers 4-7, prior to the time period noted, the staff may consider accepting the applicant 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.

### **Appealing Decisions**

Any coach denied by MYBS may request an interview/review by the “Background Check Sub-Committee” which will consist of the MYBS President 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 must be mailed to the MYBS President within 10 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.

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
- 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 the Board to do at the end of the appeal.)
- 7) The signature of the appellant or the appellant’s representative.

### **Handling of Information**

The MYBS Background Check Sub-Committee will administer the process of background checks. The chair will be responsible for providing the Consent/Release Forms, providing the received Consent/Release Forms to MYBS, 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 MYBS and the appeal committee. Should information be found that would prevent a volunteer from being accepted, the MYBS President/or designee will be responsible for issuing any required written notices to the

volunteer 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 information was reported in error.

The MYBS President/or designee is 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. Should the background check indicate that a volunteer has criminal charges pending that fit the description of charges in our detailed infractions list; the volunteer may be rejected from coaching until there is a resolution of the charges. 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 MYBS, they will be required to immediately disclose the nature of the charges to the MYBS President and voluntarily terminate their coaching duties until a determination is made by MYBS regarding the effect of the pending charges on the volunteer's functions within the program.

**Non-waiver**

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