

Abuse and Molestation Risk Management Program For Northern Kentucky Fast Pitch League (NKFPL)

DISCLAIMER

DISCLAIMER: THIS IS A VERY BASIC ABUSE / MOLESTATION RISK MANAGEMENT PROGRAM THAT IS NOT ALL ENCOMPASSING. THE SOLE PURPOSE OF THIS BASIC ABUSE / MOLESTATION SPORTS RISK MANAGEMENT PROGRAM IS TO REDUCE THE RISK OF LIABILITY TO THE SPORTS ORGANIZATION, ITS ADMINISTRATORS AND VOLUNTEERS AS WELL AS RELATED INSURANCE CARRIERS. THIS PROGRAM IS BY NO MEANS A SAFETY PROGRAM AND DOES NOT GUARANTEE THE SAFETY OF SPECTATORS, PARTICIPANTS, OR OTHER THIRD PARTIES. THE GUIDELINES OUTLINED IN THIS PROGRAM ARE FOR AWARENESS AND TRAINING PURPOSES ONLY AND FAILURE TO IMPLEMENT ANY OF THESE GUIDELINES IS NOT AN INDICATION OF NEGLIGENCE.

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 assist in interpreting results and in compliance with state and federal laws.

All administrators and volunteers with access to youth including directors, coaches, assistant coaches, and managers, will have their backgrounds checked for acceptability prior to initial assignment of duties. Thereafter, a subsequent background check will be run every 4 years.

Our organization appoints a Conduct Official each season. They are 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 will maintain the confidentiality of all information to protect against possible claims of slander or libel. The Conduct Official will 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: In order to make sure that all staff are treated fairly and consistently, we will use the following disqualification criteria:

Individual volunteers found to be guilty of the following crimes will be disqualified as a staff member as outlined below. 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":

- 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 7 years of:
 - All misdemeanor violence offenses including simple assault, battery, domestic violence, hit & run, etc.

- c) 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.

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 will be suspended until the charges have been cleared or dropped and the Conduct Official has approved reinstatement.

2. Staff Applications: Prior to the running of any criminal background check, the applicant should complete a volunteer application form giving his or her consent to the running of such check. After collecting the volunteer's application/consent forms, the Conduct Official will verify that they are complete and legible. The information obtained in the volunteer application / consent form as well as the results of criminal background checks will be held in strict confidence and the information will be kept in a secure location with access by authorized league staff only. However, under certain circumstances, the sports organization may have a legal duty to disclose certain types of information to government agencies or law enforcement.

3. Run Criminal Background Check: The league will contract with a third party vendor who allows each individual to process their own background request information online.

4. Results: The results from the criminal background check vendor will be received by the Conduct Official. In the event of an unfavorable response, the Conduct Official may need the assistance of the vendor in interpreting the results against the pre determined 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: Volunteers disqualified due to an unsatisfactory criminal background check will be given a right to appeal if they notify the Conduct Official in writing within 5 days of receiving the disqualification notice. Such appeals will be heard by a three person committee consisting of current board members. The appeals committee should decide whether or not to uphold the decision of the Conduct Official. As a compromise, the appeals committee may decide to place the candidate under a probationary period. The results of all criminal background checks and appeals will be kept confidential.

B. Abuse / Molestation Policies

The following policies should help to reduce the risk of an incident:

*We will implement the “3 person rule” which ideally prohibits one adult from being alone with one youth –there should always three or more people together. Such as, a second adult if there is one child, or two or more children with one adult. Ideally, there are two adults present at all times there are children around. A child should not be requested to stay late or come early to an activity, (practice or game etc.) when there will be only one adult present.

- * Physical, mental, verbal, or sexual abuse of any program participants is prohibited.
- * Volunteers should never be alone with a single, unrelated child where you cannot be observed by others.
- * Two adults must be present for all practices and games.
- * Avoid inappropriate touching of the children. Limit touches to head or shoulders in appropriate situations only.
- * Inappropriate comments, jokes, vulgarity, and profanity in the presence of children is prohibited. NO alcoholic beverages are permitted in the dugouts.
- * Distribution of personal information on participants (ex: addresses, phone, email) will be limited to those on need to know basis
- * Administrators and volunteers 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.

C. Dealing with Abuse / Molestation Incidents and Policy Violations

All administrators, volunteers and parents should 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 organization'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, the league attorney may be notified. At that point, the Conduct Official will immediately cease all investigation and the suspected volunteer will 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 volunteer.

Distribution / Acknowledgement / Documentation

A hard or electronic copy of this risk management program will be distributed to each administrator and volunteer 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. NKFPL will maintain documentation on an annual basis of the risk management plan that was distributed as well as the administrator and volunteers acknowledgements.