

LMYA	Section: Administrative	Number: 105 Issued: 12/09
Policies and Procedures	Subject: Background Screening	Effective: 12/10/09 Revised: 11/13/11 Supersedes: New

I. Purpose

The purpose of this policy is to authorize background checks on all individuals who, in the performance of their duties as a member or volunteer of LMYA, have a likelihood of unsupervised children under their care. LMYA's goal is to preserve the safety and well-being of children served by LMYA. LMYA will not permit individuals to work with children if they have demonstrated past conduct that is incompatible with service to, or care of, children.

II. Definitions

- A. *Barrier Crimes:* A crime that makes one ineligible for employment or volunteering in areas such as child care, elder care, and domestic aid.
- B. *Screen:* A background check performed by a third party service provider including a social security number verification, a national criminal file search, and a national sex offender registry search.
- C. *Reviewer:* The individual appointed by the Board to coordinate and conduct screenings and review those screenings, typically the executive director.

III. Overview

A. Annual checks

Each year, LMYA will use a third party service provider approved by the Executive Board to perform screens on any and/or all members.

All coaches for all teams in all sports (a minimum of two per team), will be screened. Trainers will be screened. Coaches/Trainers below the age of 18 will not be screened. (In such situations, the sport coordinator must ensure at least one screened adult is present with LMYA players at all times.) Selection of additional screenings will be decided by the Executive Board.

Screening will be coordinated by the Reviewer.

- B. Authorizing / permitting a screen will be a prerequisite to coaching or volunteering within the LMYA program for any individual who in the performance of their duties as a member or volunteer of LMYA, has a likelihood of unsupervised children in their care.
- C. Results of the Screenings will be reviewed by the Reviewer. If any screen contains a conviction of a Barrier Crime or a pending charge of a Barrier Crime involving a minor, the respective individual will be informed he/she cannot participate as a coach or

volunteer in LMYA. If any screen contains a pending charge of a Barrier Crime (except if involving a minor), or a conviction or a pending charge of another crime, the respective individual will be informed and given the opportunity to withdraw him/herself from consideration or present evidence of any mitigating circumstances. The Reviewer will then present the screen and the evidence of mitigating circumstances to the executive board for a final decision as to whether or not the respective individual can participate as a coach or volunteer in LMYA. The Reviewer will communicate the decision of the executive board to the respective individual.

IV. Implementation

- A. The LMYA Board shall implement and administer this policy. Each LMYA Officer, Director, instructor coach or assistant coach whose duties may require unsupervised children in their care, shall be required as a condition to participate in LMYA activities, to submit to authorize a release of information form. Failure to authorize that release shall disqualify the individual from participation. The Release of Information form is automated and available on LMYA's web site.
- B. Each year, select release forms shall be processed through the screening. Each screen shall be reviewed by the Reviewer, including the names of all individuals who have had their background investigation completed and who are eligible for participation in LMYA.
- C. Screen checklist:
 - LMYA will make the Background Check policy publicly available
 - Individuals will log onto the third party service provider website and complete the online consent Reviewer will receive screening results
 - Reviewer will make appropriate notifications to any coach or volunteer who is disqualified
 - LMYA will provide the disqualified applicant with the following documents:
 - Letter of disqualification
 - Copy of actual screening report
 - LMYA will notify all volunteers that are approved
- D. Individuals may begin participating prior to the completion of a background investigation if they have completed a release.
- E. If an individual is found eligible, no further action is necessary. If an individual is found ineligible due to a conviction or pending charge of a Barrier Crime, the Reviewer will inform the respective individual of their ineligibility. If an individual's eligibility is questionable due to the conviction or pending charge of another crime, the Reviewer will inform the respective individual and present the option of their withdrawing or presenting mitigating circumstances. The Reviewer will present all questionable eligibilities to the executive board along with the screen and all information provided as mitigating circumstances by the respective individual. The executive board shall make a final decision by majority vote.

- F. The LMYA executive board may implement a system-wide random screening for all LMYA coaches, volunteers, and other association representatives if they deem such a process appropriate.
- G. An individual's screen may be viewed as having a lifespan of three (3) years.
- H. All trainers arranged for the benefit of LMYA players must submit to providing information for a screen upon request. Trainers will be charged the cost of the screen.
- I. Individuals must notify their Sports Coordinator immediately if they are charged with any of the disqualifying crimes.

V. Barrier Crimes

No individual shall be permitted to participate in an LMYA sponsored program if the results of the screen show that the person has ever been convicted of any of the following crimes:

A. Crimes Against People

1. Murder and manslaughter
2. Malicious wounding by mob
3. Abduction
4. Felony assault and bodily wounding
5. Robbery
6. Carjacking
7. Extortion and other threats
8. Sexual assault
9. Felony stalking
10. Any other felonies against the person as defined by the Code of Pennsylvania
11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

B. Crimes Against Property

1. Felony arson
2. Burglary
3. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

C. Crimes Involving Health and Safety

1. Felony conviction relating to distribution of drugs.
2. Felony possession of drugs within eight (8) years of the date of application
3. Drive-by shooting
4. Use of a machine gun in a crime of violence
5. Aggressive use of a machine gun
6. Use of a sawed off shotgun in a crime of violence
7. Felonious discharge of firearms within or at occupied dwellings
8. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

D. Crimes Involving Morals and Decency

1. Failing to secure medical attention for an injured child
2. Pandering
3. Crimes against nature involving children
4. Taking indecent liberties with children
5. Abuse and neglect of children
6. Obscenity offenses
7. Possession of child pornography or electronic facilitation of pornography
8. Incest
9. Abuse or neglect of incapacitated adults
10. Employing or permitting a minor to assist in an act constituting an obscenity offense
11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

E. Crimes Against Minors – Any conviction for a crime against the person of a minor, felony or misdemeanor, inclusive of the crimes set forth above, which involves sexual or physical misconduct.

VI. All Other Crimes

- A. All pending charges for a Barrier Crimes (except crimes involving minors) and convictions for other crimes revealed through a screen shall be reviewed on a case-by-case basis to determine if the individual poses a safety risk to the children involved in the program. No individual may be found ineligible because of pending charges, except for barrier crimes involving a minor. However, an individual may ultimately be found ineligible if the previously pending charge results in a conviction which indicates that the individual poses a safety risk to children. Any pending charges, felony or misdemeanor, against minors, shall render the individual ineligible unless or until charges are subsequently dismissed or the individual is found not guilty.
- B. All cases under this section shall be considered anonymously by the executive board when forwarded by the Reviewer.
- C. If, upon review of the screen, the executive board determines that the individual is eligible to participate, no further action is necessary.
- D. If, upon review of the screen, the executive board determines that an individual should be disqualified from participating, the individual will be contacted directly by the Reviewer, advised of the executive board's concerns and given an opportunity to withdraw from consideration or provide evidence of any mitigating circumstances prior to a final decision being made by the executive board concerning the individual's eligibility to participate.
- E. Among factors that the executive board may consider in deciding whether an individual should be permitted to coach or volunteer, the executive board may consider the nature and character of the past conduct, the length of time since the offending conduct, rehabilitation of the individual, if applicable; and how such conduct affects the integrity of the program.

F. The executive board's decision to disqualify an individual must be a majority vote.

VII. Confidentiality

All persons receiving information regarding an individual shall maintain the confidentiality of such information in accordance with applicable law. All information obtained in response to the screen or disclosed in the review process shall be kept confidential and not disclosed or discussed outside of the review process. Once the review process has been completed, and a final decision has been made regarding eligibility of an individual to participate in LMYA; LMYA shall destroy all criminal background information.