

Abuse / Molestation Risk Management Program

Guidelines for CKSwimming LLC

Effective Date: 01/01/2016

Last Updated: 02/14/2018

DISCLAIMER

THIS ABUSE / MOLESTATION RISK MANAGEMENT PROGRAM IS NOT ALL ENCOMPASSING. 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 will assist in interpreting results and in compliance with state and federal laws.

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.

Our organization should appoint a Conduct Official each season. This Risk Management Officer (RMO) should be 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:** In order 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. 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 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 year 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.

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 such time as 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 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 information obtained in the staff application / consent form as well as the results of criminal background checks should be held in strict confidence in order 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 sports organization and should only be shared within the sports organization with those on a "need to know" basis. 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: 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 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: 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 or not 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.

Note: Employees have more rights under the various applicable laws as compared to volunteers. Therefore, it is advisable to consult with an attorney before taking any adverse action against an employee.

B. Abuse / Molestation Policies

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

- * 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 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 others 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 ups by parents.
- * Distribution of personal information on participants (ex: addresses, phone, email) should be limited to those on need to know basis
- * Printing of athlete names on uniforms should be prohibited.
- * 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.

(Note: Parents / guardians should be provided with a handout that summarizes the abuse / molestation risk management program. We have a sample parent's handout under the risk management section of our website at www.sadlersports.com.)

C. Awareness Training (Optional)

- 1. Administrators And Staff:** All Administrators and staff should be given the following awareness training upon initial assignment of duties and every three years thereafter:

Abuse / Molestation Awareness Training For Sports Organizations -- can be found in video or hard copy under risk management section at www.sadlersports.com

- 2. Parents / Guardians:** All parents and/or guardians should be provided with the following handout prior to every season:

Parent Guide To Abuse / Molestation Risk Management Program -- can be found under risk management section at www.sadlersports.com

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 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, 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.