

East Montgomery Baseball & Softball, Inc.

Abuse / Molestation Risk Management Program

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 LEAGUE, 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 STEPS OUTLINED IN THIS PROGRAM ARE VOLUNTARY GUIDELINES AND FAILURE TO IMPLEMENT ANY OF THESE STEPS IS NOT AN INDICATION OF NEGLIGENCE.

THIS POLICY DOES NOT REPLACE THE NEED FOR PARENTS TO BE AWARE OF THEIR CHILD'S SURROUNDINGS, ACTIVITIES AND SOCIAL INTERACTIONS. RULES AND PROGRAMS CANNOT REPLACE THE RESPONSIBILITY OF PARENTS AND GUARDIANS FOR THEIR CHILDREN AND THEIR SAFETY.

Criminal Background Check On All Volunteers With Access To Youth

We have selected KnowMyHire.com as our criminal background check vendor. All volunteers with access to youth including directors, officers, coaches, assistant coaches, managers, concession workers, field maintenance, etc. shall have their backgrounds checked for acceptability prior to initial assignment of duties and repeated annually.

Umpires contracted with the League, as well as employees and/or contractors of the City of Montgomery are not covered under this policy.

Our conduct official is the League Commissioner. Our conduct official is 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 volunteers are treated fairly and consistently, we will use the following disqualification criteria:

Individuals found to be guilty at any time of the following crimes will not be accepted for volunteer positions within the league. Guilty means the volunteer was found guilty following a trial, entered a guilty plea, and entered a no contest plea accompanied by the court's finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or withholding of guilt. This policy does not apply if criminal charges resulted in acquittal or dismissal.

- a. Felonious assault, murder, attempted murder, robbery, attempted robbery, or other felonies involving extreme violence.
- b. Sex offenses such as sexual assault, attempted sexual assault, lewd or lascivious acts, soliciting lewd acts, indecent exposure, or any other crime of sexual nature.
- c. Crimes involving obscenity or pornography.

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- d. Extortion, kidnapping and attempted kidnapping.
- e. Manslaughter and vehicular homicide.
- f. Sale/Furnishing or distribution of a controlled substance.
- g. All crimes against children including electronic enticement or child pornography

Individuals found to be guilty of the following crimes within the past 10 years immediately preceding his/her volunteer application will not be accepted for volunteer positions.

- a. Felonies involving possession or use of a controlled substance.
- b. Burglary (any degree)
- c. Felony possession of a concealed firearm or weapon.
- d. Felony assault
- e. Forgery or uttering a forged instrument
- f. Prostitution or solicitation of prostitution
- g. Identity Theft
- h. Unlawful use of a credit card
- i. Felony Theft
- j. Unlawful breaking & entering of a vehicle

Individuals found to be guilty of the following crimes within the past 5 years immediately preceding his/her volunteer application will not be accepted for volunteer positions.

- a. Misdemeanor or possession of a controlled substance or drug paraphernalia
- b. Assault
- c. Resisting arrest
- d. Domestic Violence
- e. Misdemeanor theft

Individuals found guilty of the following crimes will be considered on a case by case basis.

- a. Driving while under the influence of alcohol or a controlled substance within the last year (one incident only, more than one must show proof of rehabilitation.
- b. Sale or delivery of an alcoholic beverage to a minor
- c. Issuing a worthless check
- d. Disorderly conduct or disorderly intoxication
- e. Theft
- f. Multiple crimes
- g. Other crimes not listed above

Should a volunteer applicant have been found guilty of any of these crimes listed above, prior to the time period noted (if any), their application will be considered on a case by case basis. The Background Check Designees may consider accepting the volunteer after careful consideration is granted regarding the nature of the offense, the rehabilitation of the individual, and the nature of the offense as it relates to the volunteer position being applied for and the risk to children. Under no circumstances, will the volunteer be considered if the crime was one against children, involved violence, or was a sexual offense. Felony convictions of any nature will be reviewed with extreme caution. Misdemeanor convictions, particularly when remote in time, may be viewed with less caution, particularly where the applicant's conduct since the convictions indicates rehabilitation and lack of risk to children. Fraud or theft convictions may prevent the volunteer from any positions regarding handling money or property.

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 shall be suspended from serving until such time as the charges have been cleared or dropped and the Conduct Official has approved reinstatement.

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2. Volunteer Applications: All volunteers will be required to utilize the third party vendors web based application process in order to obtain the required background check.

The information obtained in the application / consent form as well as the results of criminal background checks will be held in strict confidence by the third party vendor in order to protect the confidentiality of the information. Confidential information received from a disqualified individual as part of the appeals process must not be disclosed outside of the sports organization and will 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: All Background checks are run by the third party vendor utilizing their web based application process.

4. Results: The results from the criminal background check vendor will be received by the Conduct Official. The third party vendor will provide a "pass or fail" result for each applicant. The third party vendor is responsible for providing each applicant who is disqualified 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: Candidates disqualified due to an unsatisfactory criminal background check will be given a right to appeal if they notify the Conduct Official. Such appeals will be considered by the Conduct Official and then presented to the board of directors. The results of all criminal background checks and appeals shall be kept confidential.

B. Abuse / Molestation Policies

The following policies, coupled with parental supervision, will help to reduce the risk of an incident:

- Physical, mental, verbal, or sexual abuse of any program participants is prohibited.
- Never be alone with a single, unrelated child where you cannot be observed by others.
- More than one adult shall be present at every activity.
- Avoid inappropriate touch of child. Limit touches to head or shoulders in appropriate situations.
- Overnight sleepovers are 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 must be supervised by at least two adults who are in each others presence at all times.
 - For hotel accommodations, three players with one adult chaperone per room. The chaperone should ensure that they are never alone in the room with a single child unless it is their own child.
- Inappropriate comments, jokes, vulgarity, and profanity in the presence of children are prohibited.
- Pick up / take home policy establishes zero tolerance policy for late pickups by parents. Parents are expected to be present at the conclusion of games and practices. The Police will be contacted for unattended children left in the park.

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- Limit distribution of personal information on participants (ex: addresses, phone, email) to those on need to know basis – this information should never be posted on websites or social media sites.
- Prohibit athlete on athlete hazing and initiations.
- Volunteers are required to report known or suspected instances of child abuse and understand that failure to do so may be a violation of law.

Volunteers and parents should report all violations of these policies to the Conduct Official.

C. Awareness Training

All Volunteers, Parent and Guardians: All individuals will be reminded of this policy at registration each year. The policy shall be available on the league's website. Parents, Coaches and Guardians can request a printed copy if they do not have internet access.

D. Dealing With Abuse / Molestation Incidents And Policy Violations

Instruct all volunteers 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 one of the League's Associate Commissioners. 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 must immediately cease all investigation and let law enforcement do its job. The suspected volunteer must 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 will be given immunity from civil lawsuits if acting in good faith.

Short of an illegal act, the board must 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.