

**Rosemount Area Athletic Association
Adult Volunteer Background Check Policy**

Approved – December 2009

In order to preserve the safety and well being of youth participating in youth sport programs offered by Rosemount Area Athletic Association (RAAA), the Board of Directors hereby adopts the following policy applicable to all board members, program directors, head coaches, assistant coaches, and any other individual who may be alone with the youth.

1. Risk Subcommittee of RAAA Board of Directors.

a. Purpose.

The Risk Subcommittee of the RAAA Board of Directors is responsible for the oversight and execution of this policy. The Risk Subcommittee operates within the boundaries outlined within this policy and reports its actions and elevates issues to the RAAA Board of Directors who has ultimate and final decision.

Article VII – Special Committees

b. Membership.

President of the RAAA Board of Director and other

One member of the Risk Subcommittee will be appointed Chairperson.

c. Meeting.

The Risk SC will meet monthly or as determined appropriate to execute the responsibilities outlined within this policy.

d. Reporting.

The Chairperson will report to the RAAA Board of Directors the organization's compliance with this policy, any background checks requiring RAAA Board of Directors action and general status of ongoing work as necessary.

2. Background Checks.

a. Implementation.

Background checks are mandatory for all head coaches, assistant coaches, program directors and any individual who may be alone with youth (hereinafter referred to as a "Volunteer" and collectively referred to as "Volunteers"), beginning August 1, 2009. All head coaches, assistant coaches, program directors and other volunteers are covered by the Volunteer Policy regardless of whether they receive compensation. Initially, all Volunteers will be required to undergo a national background check prior to the beginning of the sport,

season or activity in which they intend to become involved.

b. Validity Period.

Each year all returning Volunteers will be required to have a background check conducted prior to the beginning of the sport, season or activity in which they intend to become involved. Volunteers who continue to participate will be required to have a background check conducted every one (1) calendar year. In addition, RAAA reserves the right to conduct random background checks of Volunteers at any time prior to or during the sport, season or activity in which the volunteer is involved.

c. New Criminal Charges.

Should an approved Volunteer subsequently have any criminal charges brought against him/her that are listed in the detailed disqualifications list (Section xx), during their term of service as a Volunteer, they are required to immediately disclose the nature of the charges to the RAAA Risk Subcommittee and they may be disqualified until there is a resolution of the charges.

d. Informed Consent.

All Volunteers will be required to sign, either physically or electronically, an informed consent form allowing RAAA to order an individual criminal background check. Failure to complete the informed consent may disqualify the Volunteer from participation.

e. Background Check Fees.

RAAA pays for all fees associated with performing the background checks from the general fund.

3. Screening Process and Handling of Information.

a. Responsibilities.

- The RAAA Board of Directors will be responsible for selecting a reporting agency or method to conduct the background checks.
- The RAAA Risk Subcommittee will administer the process of the background checks.
- The Program Directors are responsible for ensuring compliance with the Volunteer Policy within their respective programs.
- The RAAA Risk Subcommittee is responsible for securing the results of the background checks in a safe and secure location and keeping them for the period required by law, or six years, whichever is greater.
- The RAA Board of Directors will be responsible for hearing and deciding any Volunteer Appeals.

b. Background Check Review.

The Risk Subcommittee reviews each released background check to determine if the results includes any of the listed disqualifications.

c. Notification of Disqualification.

Upon the finding of a disqualifying offense, the Risk Subcommittee will disqualify the individual in accordance with these policies and, therefore, the individual will not be allowed to participate in the youth sports program. The individual, who has been disqualified, will receive written notification informing the individual of his/her disqualification and the method for disputing the results of the background check and his/her right to appeal. Under no circumstances will a Volunteer be considered if the Volunteer has been found guilty or entered a plea of guilty or nolo contendere (no contest) of a crime that was one against children, involved violence, or was a sexual offense.

In addition to informing the disqualified individual, the RAAA Board of Directors and affected Program Director should be informed of the disqualification.

d. Volunteer Privacy.

When individual background checks are being reviewed and discussed in either the RAAA Risk Subcommittee or RAAA Board of Directors, the meeting should be closed to the public. Should be conducted with Minnesota's open meeting laws as documented here <http://www.house.leg.state.mn.us/hrd/pubs/openmtg.pdf>.

Under no circumstances should the contents of any background check be shared with anyone who not directly involved with reviewing or approving the volunteer application.

4. Disqualification.

A Volunteer will be disqualified and prohibited from servicing if the individual has been found guilty of the offenses listed below. Guilty means the person was found guilty following a trial, entered a guilty plea, or entered a no contest plea, regardless of the adjudication or whether the record has been expunged. This policy does not apply if the criminal charges resulted in acquittal or dismissal.

- a. All sexual offenses, regardless of the amount of time since the offense. Examples include, but not limited to:
 - Child molestation, rape, sexual assault, sexual battery, statutory rape, prostitution, solicitation, indecent exposure

- b. All felonies that constitute offenses against the person, regardless of the amount of time since the offense. Examples include, but not limited to:
 - Murder, manslaughter, aggravated assault, kidnapping, robbery

- c. All misdemeanors that constitute offenses against the person or sexual within the past ten (10) years. Examples include, but not limited to:
 - Drug offenses, theft, embezzlement, fraud, burglary
- d. All misdemeanors that constitute offenses against the person within the past seven (7) years. Examples include, but not limited to:
 - Simple assault, domestic violence, hit and run
- e. All misdemeanor drug and alcohol offenses within the past five (5) years or multiple of such offenses in the past ten (10) years. Example include, but not limited to:
 - Driving under the influence, simple drug possession, disorderly conduct, public intoxication, possession of drug paraphernalia
- f. Any other offense within the past five (5) years that could be considered a potential danger to children or demonstrates a propensity for violence.

Nothing in this policy shall be construed as a waiver or limitation of the discretion of the RAAA Risk Subcommittee or RAAA Board of Directors to disqualify a Volunteer where, in the sole opinion of RAAA, such is the interest of the youth participants.

5. Correcting Errors and Appealing Disqualification

The Volunteer is responsible for contacting the reporting agency and taking appropriate action to have the result of the background check report corrected if he or she believes information as reported in error. RAAA, its volunteers, its employees and its Service Providers are not responsible for errors or omissions that may be reported on background checks.

Any Volunteer applicant who is disqualified may appeal the disqualification to the RAAA Board of Directors, who has the sole authority to overturn the disqualification for good cause shown based upon demonstrable proof that, under the circumstances, the offense resulting in disqualification does not, at the time of appeal, justify disqualification on the basis that the applicant would pose a risk of harm to children or others. The vote of the RAAA Board of Directors regarding the appeal will be final. The RAAA Board of Directors will meet to consider the appeal within forty-five (45) days of receipt of the appeal at which time the Volunteer applicant will have an opportunity to appear before the RAAA Board of Directors along with his/her representative.

The RAAA Board of Directors shall render its decision on the appeal within five (5) business days of the appeal hearing.

6. Appeal Process

If a Volunteer would like to appeal a disqualification, the Volunteer must submit a Notice of Appeal and a copy of the decision that is being appealed (e.g. the notification letter). The notice of Appeal must be mailed to:

Risk Subcommittee Chairperson
Rosemount Area Athletic Association
PO Box 134
Rosemount, MN 55068

The Notice of Appeal must contain:

- a. The full name and address of the appellant
- b. The name and address of the person, if any, making the request for an appeal on behalf of the appellant (e.g. lawyer)
- c. The grounds for the appeal (provide a detailed explanation of the appellant's objections to the decision; describe additional factors or factual errors in the decision).
- d. The particulars relevant to the appeal (describe any background facts that relate to the appeal including how you are affected by the decision).
- e. The signature of the appellant or the appellant's representative.