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Background and Reference Checks and Required SafeSport Training of "Covered Individuals"

The adoption and implementation of policies and procedures that adequately ensure that volunteers and employees successfully pass background and reference checks that identify individuals with past histories of sexual abuse of minors, inappropriate relationships with athletes, substance abuse and other disqualifying offenses is an essential "standard of care" obligation.

All paid and volunteer coaches, the trusted parent the club should designate to assist athletes in filing complaints, and other staff or volunteers working directly with children or young adult participants should be required to have finger print criminal background checks. Any individual convicted of, pleading guilty or no contest to, receiving a deferred sentence for, or currently being charged with any felony, offense involving the use, distribution, or possession of illegal or performance-enhancing drugs or substances, any crime involving sexual misconduct or any criminal offense against a minor should not be employed or affiliated with the youth sport organization.

It is also important for organizations, especially non-profit organizations or businesses, to know that criminal background checks don't always access all governmental databases or contain cases in progress not yet decided. Thus, in addition to formal criminal background checks by dependable third parties, every volunteer or position applicant who has direct supervisory or evaluative control, is in a position of power or trust over or has frequent contact with athletes, should be asked to complete a disclosure statement that includes a description of all:

a. prior criminal convictions;
b. pending criminal charges;
c. disciplinary actions taken by any previous employer or sports organization for which the individual worked or volunteered;
d. findings of civil liability related to misconduct resulting in harm to others;
e. arrests or citations involving driving under the influence of alcohol or drug use; and
f. misconduct based on moral turpitude;

Included in the self-disclosure statement should be the volunteer or position applicant's statement that he/she understands that failure to accurately disclose the requested information will result in immediate termination of affiliation or employment and the obligation to report any future charges under the above

listed headings.

Last, reference checks should include the individual's last three employers and youth sports program affiliations. One of the challenges faced by sports organizations is the pedophile or coach engaging in improper behavior with one of his players, who may or may not have been an adult, being released by the former organization on the basis of parent or athlete informal complaints with no formal investigation, adjudication or reports to the police. The previous sports organization may not want adverse media coverage that negatively impacts athlete participation and damages their reputation. Or, the pedophile or perpetrator is smart enough to foresee the dangers involved in formal complaints or investigations and simply resigns and moves to the next town and the next victim. Thus, checking with any previous affiliation with a youth sports program is essential.

It is also critical for all leaders of open amateur sport organizations at every level to familiarize themselves with the new federal law (S.534, the "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017") that mandates that all adults who interact with a minor or amateur athlete are obligated to report any allegation of child abuse to the US Center for Safe Sport and law enforcement. If you are involved in school or college sport and a team registers with a National Sport Governing body to participate in local open amateur competition or NGB championships, this new law and training requirements apply to such teams. The US Center for Safe Sport online training program for "covered individuals" is excellent and though required for NGB affiliated clubs, should be a requirement for every adult working in open amateur or school sport.

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