

## Lexington County Recreation & Aging Commission

### Youth Sports Background Screening Policy:

#### **Purpose:**

It is the intent of this policy to establish certain guidelines wherein the Lexington County Recreation & Aging Commission and its affiliated youth sports leagues can seek to protect the children of the County by investigating the background of volunteers within sanctioned athletic programs.

#### **Guidance:**

The Lexington County Recreation & Aging Commission recognizes that youth sports are an integral part of the lives of many Lexington County's families. The Lexington County Recreation & Aging Commission has a desire to protect the safety and welfare of its youth during their participation in all sports or athletic activities that are co-sponsored by LCRAC. Recognizing the nation-wide incidence of crimes against children requires pro-active steps to provide protection to children participating in organizations involving sports and athletic competition.

As a condition of usage of Lexington County Recreation & Aging Commission facilities, all youth sports leagues are required to conduct a criminal background investigation prior to their participation as a head coach, assistant coach, board member or any other position acting in an official capacity with any organization directly overseeing any county sponsored youth sports or athletics activities. This should include anyone who will have repetitive access or contact with children. Youth Sports leagues are required to conduct a National Criminal Background Check, National Sex Offender Registry Check, Social Security Verification and Address History Trace annually on all volunteers.

#### **Procedure:**

In order for a background check to be conducted by LCRAC, volunteers are required to complete, sign and submit a National Background Check Authorization Form which will provide date of birth, social security number, and current address, authorizing LCRAC to order an individual criminal background check. All authorization forms must be submitted to LCRAC no later than five (5) days prior to the first day of practice. It is the intent of LCRAC to deny any person from coaching/volunteering at its facilities who does not meet the requirements set forth in this procedure. Criminal background investigations must be performed prior to the volunteer being assigned any duties or responsibilities at any county sports or athletic facilities.

Youth Sports Leagues are required to pay for all background checks. LCRAC will assist with performing background checks for Leagues that do not have the capabilities to do so at a cost of \$10.00 per inquiry. Payment must be made prior to the background checks being processed by LCRAC.

### **National Affiliated leagues:**

Nationally affiliated leagues play just as important a role in this screening program as does the Recreational Department. It is important for the integrity of the background screening program that all league presidents and personnel verify that only those persons who are screened and approved be allowed to coach. Also, all leagues should ensure that such persons are only active with the team or teams identified on the league rosters.

Nationally affiliated leagues may conduct their own background checks as long as they meet the background check standards outlined in this procedure. A signed and completed Youth Sports League Disclosure Compliance Form must be submitted five (5) days prior to the first day of practice along with a roster of all volunteers and league officers. Leagues must also show proof that background checks have been completed on all the volunteers. All background check results must be submitted five (5) days prior to the first day of practice. All leagues will be required to use the disqualifying factors (listed below in "Disqualifying Factor" section) set forth by LCRAC. Leagues may choose to add to the LCRAC disqualifying factors. However, all leagues must at least meet the LCRAC disqualifying factors. Any additional disqualifying factors or guidelines Leagues stipulate for volunteers, must be submitted to LCRAC at the annual presidents meeting.

All Leagues are required to complete, sign and submit the Youth Sports League Disclosure Compliance Form no later than five (5) days prior to the first day of practice and a roster of all volunteers and league officers. Leagues must continue this process with all new persons requesting to volunteer for the current season. Usage of an LCRAC facility is prohibited until LCRAC has confirmed that the League is in compliance with LCRAC Background Check Procedures as outlined in the LCRAC Independent Community Athletic Leagues Procedures Handbook.

## **Confidentiality:**

All information received as a result of any screening will be kept confidential and not disclosed to anyone outside of LCRAC. All authorization forms, records and reports shall be maintained in a confidential manner. LCRAC might, in special circumstances, have a duty to disclose to third parties, including government agencies, certain types of information when the law requires.

If any disqualifying information is found during a search conducted by LCRAC, LCRAC will be responsible for notifying applicant regarding disqualification in a confidential manner.

## **Appeals:**

Any coach denied by LCRAC or the Youth Sports League may request an interview/review by the “Background Check Sub-Committee” which will be determined by the LCRAC Executive Director. If the coach in question is from a Youth Sports League, the “background Check Sub-Committee” will also include the league president. The vote of the Sub-Committee regarding the appeal will be final.

## **How to Appeal:**

To appeal a decision, a person must file a notice of appeal. The notice of appeal must be mailed by registered mail to the Athletics Director within 30 days of receiving the background check notification letter. A copy of the decision that is being appealed should be included with the notice of appeal.

In order for the notice of appeal to be accepted, it must include:

1. The full name and address of the appellant.
2. The name of the person, if any, making the request for an appeal on behalf of the appellant (e.g., lawyer or spokesperson).
3. The address of the person making the request on behalf of the appellant.

4. The ground for the appeal (provides a detailed explanation of the appellant's objections to the decision; describe additional facts or factual errors in the decision.)
5. The particulars relevant to the appeal (describe any background facts that relate to the appeal including how you are affected by the decision.)
6. A description of the relief you request (what you want the Sub-Committee to do at the end of the process.)
7. The signature of the appellant or the appellant's representative.

In the event the applicant feels a mistake has been reported in their criminal background check, it is the applicant's responsibility to contact the reporting agency and resolve any issues. LCRAC and its employees are not responsible for errors or omissions that may be reported on background checks.

### **Disqualifying Factors:**

A person will be disqualified and prohibited from coaching/volunteering at an LCRAC facility if the person has been found guilty of the following crimes as identified below: Guilty means that a person was found guilty or convicted following a trial, entered a guilty plea, entered a no contest plea accompanied by a court finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt.

This list of offenses is not intended to be all-inclusive and in no way sets limits on the offenses that are deemed grounds for disqualifying an individual from volunteering with LCRAC or the Youth Sports League. Decisions on all offenses not otherwise described below will be made at the sole discretion of LCRAC or the Youth Sports League.

#### SEX OFFENSES

All sex offenses – Regardless of the amount of time since offense.

*Examples include:* child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, criminal sexual conduct, lewd act upon a minor.

#### FELONIES

All violent felony offenses – Regardless of the amount of time since offense.

*Examples include:* murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, etc. See Section 16-1-60 for a complete list of violent crimes defined by the State of South Carolina.

All felony offenses other than violence or sex – within the past 5 years\*. *Examples include:* drug offenses, theft, embezzlement, fraud, etc.

### MISDEMEANORS

All misdemeanor violence offenses – within the past 3 years\*. *Examples include:* simple assault, battery, criminal domestic violence, etc.

Two (2) or more misdemeanor drug & alcohol offenses – within the past 3 years\*. *Examples include:* driving under the influence, simple drug possession, drunk and disorderly conduct, public intoxication, possession of drug paraphernalia, etc.

\*Any felony or misdemeanor conviction, drug and alcohol included, that may indicate a lack of integrity and/or character of an applicant may lead to a disqualification of the applicant regardless of the time passed from the conviction.

### ANY OTHER FELONY OR MISDEMEANOR

Any that would be considered a potential danger to children - Regardless of the amount of time since offense.

In addition, applicants will be disqualified if they have:

Been adjudged liable for civil penalties or damages involving sexual or physical abuse of children.

Been subject to any court order involving sexual abuse or physical abuse of a minor, including but not limited to a domestic order or protection.

Had their parental rights terminated.

For all offenses listed above, the staff may consider accepting the applicant on a case by case basis. Careful consideration will be given to the nature of the offense, the rehabilitation of the individual, and the offense as it relates to the position being applied for and the potential risk to children. Applicants must follow the appeals process in order for consideration to take place.

### **Pending Cases:**

Anyone who has been charged for any of the disqualifying offenses, and the case(s) is pending in court, will not be permitted access until the official adjudication of the case. If the disposition of

the pending case does not meet the criteria for disqualification as listed above, the individual would then be cleared and reinstated.

If a volunteer is determined eligible for coaching and is later arrested or convicted of any of the above crimes, he/she is required to notify LCRAC and/or the Youth Sports League immediately. He/she will be removed immediately from his/her volunteer position until the case has been adjudicated. Failure to notify LCRAC or the Youth Sports League of any arrest or convictions from the list above will result in the volunteer being immediately suspended from all LCRAC and Youth Sports Leagues facilities. The volunteer must then petition LCRAC and the Youth Sports League for reinstatement once his/her case has been finally adjudicated.

**Disclaimer:**

LCRAC, and its employees, commissioners and Youth Sports Leagues are not responsible for errors or omissions that are reported on background checks. The national background check process is an ongoing process and is subject to review and changes as determined necessary by the Lexington County Recreation & Aging Commission.