

# **Mountain View Athletic Association**

## **Criminal Background Check Policy – revised Feb 10, 2020**

### **Background Screening Overview**

For the safety and wellbeing of each and every child participating in the Mountain View Athletic Association (MVAA), it shall be the policy of the Association as of 8-24-15 and last amended on 7-8-2019 to obtain and utilize Background Checks for screening potential coaches, “official” assistant coaches, Board members, commissioners, and/or any other authoritative position (all referred to later as Volunteer) that makes application to the Association. Any person who will be acting in a capacity as coach, or who may be alone with players, or responsible for a team at games or practices shall be included in this process. Official assistant coaches are defined as those whose names appear on the roster for a respective team. No Volunteer will be allowed to assume their responsibilities before they have completed the Background Check process, unless specifically noted.

A written authorization form shall be submitted to MVAA, signed, physically or electronically, by Volunteer, allowing the Association to order an individual criminal Background Check. Any Volunteer that fails to submit the signed consent form shall forfeit their consideration for a position. The process and deadline for submitting the consent forms are detailed below in the section on Procedures and Timing. In addition, MVAA will reserve the right to conduct random checks on at least 25% of all volunteers each year.

Background checks will be performed by NCSI, utilizing a consent form provided by them, “Background Consent” and shall be reviewed only by a designated committee “Background Screening Committee” and current Sports Directors so as to assure applicants’ privacy, as well as assure that all background checks are reviewed properly and with objectivity as may be required. Any change in the reporting agency used shall require a majority vote of the Board of Directors.

It should be noted that MVAA’s provider treats us as a “Youth” organization, so we may be provided with information not included in other Background Screenings.

### **Policy**

A person should be disqualified and prohibited from severing as a volunteer if the person has been found guilty of the following crimes:

For purposes of this policy; Guilty shall mean that a person was found guilty following trial, entered a guilty plea, entered a no contest plea accompanied by a court finding of guilt (regardless of adjudication), or received court directed programs in lieu of conviction.

- ❖ Any felony offense involving violence, regardless of time elapsed

- ❖ Any type of crime against children, regardless of time elapsed
- ❖ Any crime of a sexual nature, regardless of time elapsed
- ❖ Any combination or multiple convictions of like or different **felonies**, regardless of time elapsed.

In addition, Volunteer applicants shall be disqualified if they have been found guilty of the following within the past seven (7) years:

- ❖ Any felony conviction
- ❖ More than one drug or alcohol related crime, including but not limited to DUI, DWI or other such offenses related to the operation of a moving vehicle while impaired.
- ❖ Any other guilty finding involving “moral turpitude,” as defined by a majority vote of the Board of Directors, which shall be reviewed upon a case-by- case basis, and any and all decisions shall be at the discretion of the Background Check Committee and shall be final.

Furthermore, any candidate or volunteer who has served in any capacity of incarceration **resulting from a guilty finding** shall not be eligible for a position as a Volunteer in MVAA until a minimum of five (5) years has elapsed from the date of release until the date of application.

While not specifying each and every crime, any offense that may fall under these categories should be deemed as such that the candidate would be inappropriate for any position where he or she is in extended contact or is responsible for any child for any period of time.

Should an existing Volunteer be charged with any of the above crimes after a Background Check has been performed and/or during a respective season, the Volunteer shall be suspended immediately and indefinitely. Should a disqualifying entry be revealed during a random background check for any Volunteer during their time in position, that Volunteer shall be immediately removed from the position.

It shall be the policy of the Association to maintain these records for a period of at least five years. NCSI maintains records of screened applicants for a period of seven years, and MVAA may access those records as needed.

The MVAA Executive Board shall pay for all Background Screenings and assess Executive Board fees to the various sports as necessary to cover this expense.

## **Background Screening Committee**

The Background Screening Committee shall consist of the President, and four other members designated by a majority vote of the Board of Directors. Two of the members will be “Reviewers” and two will be “Collectors”. Reviewers will assist with the confidential review of applications and the communication of results to applicants and the applicable Sports Directors. The Collectors will assist with the collection of background screening information from individual coaches and they may also attend practices/games to ensure that only cleared coaches are interacting with the children in a volunteer capacity.

The duty of the committee will simply be to receive Background Consent forms, order Background Screening on Volunteers, and then notify any person whose background check reveals a disqualifying entry on the background check report. **It will be the applicant’s responsibility to protest directly with NCSI any finding that they wish to dispute.**

**Neither the Background Screening Committee, nor MVAA shall have any input nor oversight into any disputed matter between the applicant and NCSI.**

All information obtained in response to the background check or disclosed in the review process shall be kept confidential and not disclosed or discussed outside of the review process. MVAA and its members are not responsible for errors or omissions that may or may not have been reported on background checks.

## Procedures & Timing

The following outlines the procedures and timing for background checks for the various groups of Volunteers at MVAA.

Board positions - any newly elected or appointed member must submit a Background Screening within 3 days of election/appointment.

- The nominating committee shall be responsible for providing a list of all election winners and email addresses to the BG Committee.
- Sports Directors are responsible for providing emails for any newly appointed board members.

Head Coaches / Assistant Coaches / Team Parents (Volunteers)

- Sports Directors shall submit selected volunteers for Background Screening that includes their full name and also their email address in the format of the Background Screening Tracking Form
- The Background Committee will then review the list and clear anyone who has a valid check
- The Committee will then notify via email, any volunteer who does not have a valid check that they must submit an application;
  - Any head coach not submitting an application in 3 days shall be relieved of their coaching duties and may be subject to forfeiture of their practices/games until an application is submitted
  - Any Assistant Coach / Team Parent who has not submitted an application within the 14 day grace period from when practices begin, shall not be allowed to assist until an application has been submitted
  - Some Volunteers may be identified during the season.
    - In such cases, the Sports Director is responsible for submitting the volunteer's full name and email address immediately
    - The Background Committee will then determine if they are cleared
    - If they don't have a valid screening, they will be notified and required to submit an application within 3 days; failure to do so will result in suspension of all volunteer duties until the application has been submitted