

Overview

Each year, millions of children and adults participate in amateur sports activities around the United States. The goals differ from player to player. For most, the objectives range from the desire to learn to play a sport, to a love of competition, to getting in a good workout. However, for a small segment of these participants, their enjoyment of the sport will be marred by some form of abuse – sexual, physical or mental – from a coach, a volunteer, another player or staff member.

Providing sports activities for children and adults brings with it numerous responsibilities. The number one responsibility is to protect the safety and welfare of the athletes and participants in a sports program. One area of safety that is often overlooked is the prevention and awareness of abuse of players and participants.

Background

Physical Abuse is non-accidental injury which is inflicted by another person and may include severe beatings, burns, human bites or serious internal injuries.

Neglect is the withholding of or failure to provide a child with the basic necessities of life – food, clothing, shelter, medical care, attention to hygiene or supervision needed for optimal physical growth and development.

Emotional Abuse is a chronic attack on a child's self-esteem; it is a psychologically destructive pattern of behavior by a person in a position of power, authority or trust. Examples of emotional abuse are terrorizing, corrupting, ignoring, isolating, degrading, rejecting and exploiting.

Sexual Abuse is any form of behavior that relates to or infers sexual connotations. It is exploitation of a child for sexual gratification. Sexual abuse can occur with or without contact

Contact - includes fondling, kissing, having vaginal, anal or oral intercourse with a child or the use of the child for pornographic materials.

Non-contact- includes exhibitionism, speaking or communicating sexually or seductively with a child.

Child Abuse can come from any source such as family, relatives, friends, coaches, teachers, leaders or from sport and development organizations set up to improve the life of the child. A person is considered a child below the age of 18 years. However in some countries the age may vary depending on territorial legislation.

Source: Prevent Child Abuse America - <http://www.preventchildabuse.org/index.shtml>

Protocol Application

1. This protocol applies to all AVP/AVPFirst members and all other people or organizations which by agreement or otherwise, are bound to comply with this protocol (including contractors, Board Directors, Regional Network representatives, employees, officials, coaches, administrators, volunteers, program partners and attendees at functions of AVPFirst).
2. This policy applies to behavior and practices occurring during the course of AVP & AVPFirst business, activities, competitions and events

Responsibilities

AVPFirst's role in making this protocol work is to:

1. prepare a protocol statement as part of AVPFirst abuse & molestation procedures
2. Utilize available resources like *Prevent Child Abuse America* to ensure that everyone in the organization knows:
 - what are the various types of abuse
 - how to recognize the signs
 - the procedures for overseeing programs with children

This will be achieved by:

- including education and training as part of the employee orientation/on-boarding process
- distributing this protocol to all program partners
- ensuring all AVPFirst personnel are educated and trained with the protocol
- including a copy of the protocol and links to the online *Prevent Child Abuse America* resource center on the AVPFirst website

The AVPFirst program partners and members roles and contribution is to:

1. Comply with this protocol and ensure information is made available
2. Ensure all significant personnel are familiar with the protocol and required procedures at each AVPFirst related activity.
3. Collaborate with AVPFirst staff to implement best practice
4. Report any areas of concern to AVPFirst immediately

Sexual Abuse & Molestation Management Protocol

1. notifying participants in all AVPFirst activities and/or events that they will be required to comply with this policy
2. promote education to all members through the AVPFirst communication networks
3. promote external resources to all members through AVPFirst communication networks
4. maintain and monitor report forms throughout the year
5. promote and foster an open communication policy amongst the coaches, participants and staff.
6. adopt a "See something, Say something!" culture
7. ensure no child is ever unsupervised at an AVPFirst function.
8. set the standard that no coach or staff member should ever transport or be left alone one on one with a youth participant
9. require each and every adult volunteer, staff member, official, coach or representative of AVP/AVPFirst to complete a comprehensive background check prior to working with youth.
10. Employ a compliance officer to ensure all checks are being completed and protocols are being met.

Policy Statement

AVPFirst will take all breaches of the policy seriously and will ensure they are dealt with promptly, sensitively and confidentially. Disciplinary action may be taken against a person who is found in breach of this policy.

Background Check Procedures:

To describe the terms and conditions under which background checks are conducted. AVP/AVPFIRST has an obligation to its athletes, fans and supporters to conduct its operations and maintain its events in a manner that provides reasonable safety. Background checks serve as an important part of furthering this goal.

Scope:

AVP/AVPFIRST employees, prospective employees, certain non-employees including contractors, volunteers, athletes, athlete coaches, and referees.

Definitions:

- (a) "Background Check" Any or all parts of the candidate's employment, education, criminal, sex and violent offender, credit and license history. The nature and scope of the background check will be determined by AVP/AVPFIRST and will be appropriate to the position.
- (b) "Consumer Report" Any communication of information by a Consumer Reporting Agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, or personal characteristics. This may include background check information such as criminal history, sex offender registry checks, motor vehicle record checks, educational checks, etc.
- (c) "Consumer Report Agency" Any person or entity which regularly engages in the practice of assembling or evaluating consumer credit information, for the purpose of furnishing Consumer Reports to third parties. For the purposes of this policy, a Consumer Reporting Agency refers to the vendor used by AVP/AVPFIRST to conduct Background Checks.
- (d) "Criminal History Check" Report of the individual's criminal convictions in any jurisdiction where he or she has resided or where he or she currently resides.
- (e) "Employee" Considered to be any person whose wages are paid directly by AVP/AVPFIRST, whether full-or part-time, contracted or volunteers and regardless of whether the position is benefits-eligible. This includes athletes, athlete coaches, and referees.
- (f) "Minor" Persons under the age of eighteen (18).
- (g) "Paid Non-employees" Contractors, athletes, athlete coaches, and referees who conduct their work or services on premise of any AVP/AVPFIRST or who represent AVP/AVPFIRST at non-event locations. Such individuals receive payment either from AVP/AVPFIRST (such as through an independent contractor relationship) or a third-party.
- (h) "Sex and Violent Offender Registry Check" A national search to verify that the selected individual does not have undisclosed convictions of certain sex and violent crimes.
- (i) "Standard background check" Requests for background information from reporting agencies that may include information as to one's general reputation, character, personal characteristics, mode of living, work habits, job performance and experience along with reasons for termination of past employment from previous employers. The information obtained may include, but are not limited to: social security number verifications; credit reports; criminal records checks; public court records checks; driving records checks; educational records checks; employment verifications; personal and professional references checks; licensing and certification records checks; and drug testing results. The type of information requested when conducting a Standard background check may change from time to time based on AVP/AVPFIRST discretion and/or best practices.
- (j) "Successful background check" A background check of any kind that returns no criminal convictions or incidents that bear a demonstrable relationship to successful performance of the position being sought, or the work or service being performed. Assessment of whether the results of a background check are job-related and necessitate a candidate's exclusion from consideration are made by the Compliance Officer.

(k) “Unpaid Non-employees” Volunteers, athletes, athlete coaches, and referees who conduct their work or services on premise of any AVP/AVPFIRST or who represent AVP/AVPFIRST at non-event locations. Such individuals do not receive payment either from AVP/AVPFIRST (such as through an independent contractor relationship) or a third-party.

Policy

I. In conducting background checks for various individuals (or having such checks conducted on its behalf), assessing the results of background checks or requiring background checks, it is AVP/AVPFIRST’s policy to comply with all applicable federal and state laws, regulations and guidance. Background checks will be conducted for any individual (those over the age of eighteen (18)), paid or unpaid, engaged by AVP/AVPFIRST in any service capacity in compliance with the following:

Background checks will be used to evaluate candidates’ eligibility to be engaged in any work or service capacity by AVP/AVPFIRST, and will not be used to discriminate on the basis of age, race, color, creed, religion, ancestry, national or ethnic origin, sex/gender, sexual orientation, disability, genetic information, military status, veteran status, familial status or any other protected category under applicable local, state or federal law, ordinance or regulation.

Adverse disclosures and/or findings will not automatically disqualify an individual from employment, employment consideration, or eligibility to be engaged in any work or service capacity by AVP/AVPFIRST. AVP/AVPFIRST will consider the nature and gravity of the offense(s); time since conviction; completion of sentence or any other remediation; relevance to the position for which the candidate is being considered, the position the employee is performing, or the position for which the individual is offering his or her services; and discrepancies between the background check and what the candidate/employee self-reported.

Background checks for employment decisions at AVP/AVPFIRST will be facilitated by the Compliance Officer on the position description, job responsibilities or other service requirements or expectations. A successful background check must be completed prior to the first day of work/engagement with AVP/AVPFIRST in the position identified. Any exceptions to this pre-engagement background check must be approved in consultation with the Compliance Officer, as applicable.

Individuals who undergo background checks do so at their own risk. That is, they may face adverse action should negative information be listed on their results. AVP/AVPFIRST, in its sole discretion, retains the right to require a background check in any and all cases.

II. Background Checks Conducted by the Compliance Officer.

A. “Standard” Background Checks

1. PROSPECTIVE EMPLOYEES

Prospective employees or candidates for employment will be informed that any offer of employment is contingent on a satisfactory background check that will be conducted by a consumer reporting agency for review by AVP/AVPFIRST. Candidates for employment who fail to participate fully or who provide inaccurate information in a standard background check may have any offer for employment rescinded. When an offer is rescinded, the candidate may not reapply for any AVP/AVPFIRST position until one year has passed since the candidate was notified of the adverse background check information. Candidates may decline to authorize a background check; in such cases, no background check will be performed, but the candidate will not be considered further.

A background check is required for all staff rehires that have been separated for longer than 90

days; the Compliance Officer will determine whether a “separation” exists or whether an exception to the general 90-day rule is justified.

2. UNPAID NON-EMPLOYEES AND PAID NON-EMPLOYEES

Unpaid non-employees and paid non-employees must undergo a standard background check; perform their services alone/unchaperoned at AVP/AVPFIRST events; are performing services on site at events. Such individuals can fulfill this background check requirement if their employer or agency can verify that they have undergone successful background checks (per the protocol of their respective employer or agency) that meet or exceed the background check standards of AVP/AVPFIRST. Such third-party non-employees’ employer or agency must be able to furnish such records upon request. If they cannot verify such records, then standard background checks may be conducted on third-party non-employees at the discretion of the Compliance. Whether a background check meets or exceeds the standards of AVP/AVPFIRST will be determined by the Compliance Officer.

B. “Sex and Violent Offender Registry Check”

All AVP/AVPFIRST employees, prospective employees, certain non-employees including contractors, volunteers, athletes, athlete coaches, and referees will be subjected to being background check through “Sex and Violent Offender Registry Check”.