1. **Purpose**

The purpose of this policy is to authorize background checks on all individuals who, in the performance of their duties as a member or volunteer of NLYAA, have a likelihood of unsupervised children under their care. NLYAA ‘s goal is to preserve the safety and well-being of children served by NLYAA. NLYAA will not permit individuals to work with children if they have demonstrated past conduct that is incompatible with service to, or care of, children.

1. **Definitions**

A. *Barrier Crimes:* A crime that makes one ineligible for employment or volunteering in areas such as child care, elder care, and domestic aid.

B. *Screen*: All prospective volunteers must obtain the following certifications:

• Report of criminal history from the Pennsylvania State Police (PSP); and

• Child Abuse History certification from the Department of Human Services (Child Abuse).

C. *Reviewer*: The individual appointed by the Board to coordinate and conduct screenings and review those screenings, typically the NLYAA vice president and/or the NLYAA President.

III. **Overview**

1. Annual checks

Each year, NLYAA Executive Board may request to perform screens on any and/or all members. All coaches for all teams in all sports will be screened. Coaches below the age of 18 will not be screened. (In such situations, the sport director must ensure at least one screened adult is present with NLYAA players at all times.) Selection of additional screenings will be decided by the Executive Board. Screening will be coordinated by the Reviewer. All volunteers will be required to obtain certifications every 57 months.

1. Authorizing / permitting a screen will be a prerequisite to coaching or volunteering within the NLYAA program for any individual who in the performance of their

duties as a member or volunteer of NLYAA, has a likelihood of unsupervised children in their care.

1. Results of the Screenings will be reviewed by the Reviewer. If any screen contains a conviction of a Barrier Crime or a pending charge of a Barrier Crime, the respective individual will be informed he/she cannot participate as a coach or volunteer in NLYAA. Unless it was a misdemeanor conviction that happened more than 5 years ago, or a felony conviction that happened more than 10 years ago. A review of patterned behavior will be considered when reviewing the results. If any screen contains a pending charge of a Barrier Crime, or a conviction or a pending charge of another crime, the respective individual will be informed and given the opportunity to withdraw him/herself from consideration or present evidence of any mitigating circumstances. The Reviewer will then present the screen and the evidence of mitigating circumstances to the executive board for a final decision as to whether or not the respective individual can participate as a coach or volunteer in NLYAA. The Reviewer will communicate the decision of the executive board to the respective individual.

**IV. Implementation**

A. The NLYAA Board shall implement and administer this policy. Each NLYAA Officer, Director, coach or assistant coach, whose duties may require unsupervised children in their care, shall be required as a condition to participate in NLYAA activities, to submit to authorize a release of information form. Failure to authorize that release shall disqualify the individual from participation. The Release of Information form is automated and will be available on NLYAA’s web site.

B. Each year, select release forms shall be processed through the screening. Each screen shall be reviewed by the Reviewer, including the names of all individuals who have had their background investigation completed and who are eligible for participation in NLYAA.

C. Screen checklist:

* NLYAA will make the Background Check policy publicly available
* Individuals will obtain a Report of criminal history (Act 24) from the Pennsylvania State Police (PSP); and Child Abuse History certification (Act 151) from the Department of Human Services (Child Abuse).
* **Clearance through the Federal Bureau of Investigation (FBI), is required for any volunteer who has NOT been a resident of Pennsylvania the entirety of the previous ten-year period.**
* Sign and return the DISCLOSURE STATEMENT APPLICATION FOR VOLUNTEERS Required by the Child Protective Service Law 23 Pa. C.S. Section 6344.2 (relating to volunteers having contact with children)
* Reviewer will make appropriate notifications to any coach or volunteer who is

disqualified.

* NLYAA will provide the disqualified applicant with the following:

Letter of disqualification

* NLYAA will notify all volunteers that are approved

D. Individuals may begin participating prior to the completion of a background investigation if they have completed a release.

E. If an individual is found eligible, no further action is necessary. If an individual is found ineligible due to a conviction or pending charge of a Barrier Crime, the Reviewer will inform the respective individual of their ineligibility. If an individual's eligibility is questionable due to the conviction or pending charge of another crime, the Reviewer will inform the respective individual and present the option of their withdrawing or presenting mitigating circumstances. The Reviewer will present all questionable eligibilities to the executive board along with the screen and all information provided as mitigating circumstances by the respective individual. The executive board shall make a final decision by majority vote. 3

F. The NLYAA executive board may implement a system-wide random screening for all NLYAA coaches, volunteers, and other association representatives if they deem such a process appropriate.

G. An individual’s screen may be viewed as having a lifespan of 57 months.

H. Individuals must notify their Sport Director immediately if they are charged with any of the disqualifying crimes.

**V. Barrier Crimes**

No individual shall be permitted to participate in an NLYAA sponsored program if the results of the screen show that the person has ever been convicted of any of the following crimes: (Unless it was a misdemeanor conviction that happened more than 5 years ago, or a felony conviction that happened more than 10 years ago. A review of patterned behavior will be considered when reviewing the results.)

A. Crimes Against People

1. Murder and manslaughter

2. Malicious wounding by mob

3. Abduction

4. Felony assault and bodily wounding

5. Robbery

6. Carjacking

7. Extortion and other threats

8. Sexual assault

9. Felony stalking

10. Any other felonies against the person as defined by the Code of Pennsylvania

11. Convictions of any attempts or conspiracies to commit any of the aforesaid

crimes

B. Crimes Against Property

1. Felony arson

2. Burglary

3. Larceny-theft

4. Motor vehicle theft

5. Bribery

6. Counterfeiting and forgery

7. Vandalism

8. Embezzlement

9. Extortion

10. Fraud

11. Convictions of any attempts or conspiracies to commit any of the aforesaid

crimes

C. Crimes Involving Health and Safety

1. Felony conviction relating to distribution of drugs.

2. Felony possession of drugs

3. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

D. Crimes Involving Morals and Decency

1. Failing to secure medical attention for an injured child

2. Pandering

3. Crimes against nature involving children

4. Taking indecent liberties with children

5. Abuse and neglect of children

6. Obscenity offenses

7. Possession of child pornography or electronic facilitation of pornography

8. Incest

9. Abuse or neglect of incapacitated adults

10. Employing or permitting a minor to assist in an act constituting an obscenity offense

11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

E. Crimes Against Minors – Any conviction for a crime against the person of a minor, felony or misdemeanor, inclusive of the crimes set forth above, which involves sexual or physical misconduct.

**VI. All Other Crimes**

A. All pending charges for a Barrier Crimes (except crimes involving minors) and convictions for other crimes revealed through a screen shall be reviewed on a case-by-case basis to determine if the individual poses a safety risk to the children involved in the program. No individual may be found ineligible because of pending charges, except for barrier crimes involving a minor. However, an individual may ultimately be found ineligible if the previously pending charge results in a conviction which indicates that the individual poses a safety risk to children. Any pending charges, felony or misdemeanor, against minors, shall render the individual ineligible unless or until charges are subsequently dismissed or the individual is found not guilty.

B. If, upon review of the screen, the executive board determines that the individual is eligible to participate, no further action is necessary.

C. If, upon review of the screen, the executive board determines that an individual should be disqualified from participating; the individual will be contacted directly by

the Reviewer, advised of the executive board’s concerns and given an opportunity to withdraw from consideration or provide evidence of any mitigating circumstances prior to a final decision being made by the executive board concerning the individual’s eligibility to participate.

D. Among factors that the executive board may consider in deciding whether an individual should be permitted to coach or volunteer, the executive board may consider the nature and character of the past conduct, the length of time since the offending conduct, rehabilitation of the individual, if applicable; and how such conduct affects the integrity of the program.

E. The executive board’s decision to disqualify an individual must be a majority vote.

**VII. Confidentiality**

1. All persons receiving information regarding an individual shall maintain the confidentiality of such information in accordance with applicable law. All information obtained in response to the screen or disclosed in the review process shall be kept confidential and not disclosed or discussed outside of the review process.