

Crewe - Burkeville Youth Recreation Association

**CHILD ABUSE/MOLESTATION
RISK MANAGEMENT PROGRAM**

1. BACKGROUND

Child abuse/molestation in the world of youth sports has received much media attention over the past ten (10) years. A recent Sports Illustrated article and frequent problems within the churches and schools have heightened this awareness. The June 9, 2003 feature article in Forbes Magazine states “the next litigation goldrush: child sexual abuse. Never mind the church – the Boy Scouts, day care firms, and Hollywood may be next.” This article outlines disturbing litigation trends where non profit organizations like sports organizations and their directors and officers can be targeted as “deep pockets”. Medical professionals state that the effects of child abuse can surface decades later and often result in suicide, violence, delinquency, drug and/or alcohol abuse, and other forms of criminality that are child abuse related. There have been a number of multi-million dollar verdicts against coaches and associations for sexual abuse over the past several years and at least one child has been killed.

2. PURPOSE

The purpose of this program is to reduce the liability risk and related negative publicity, expense, and trauma to the local sports organization and of course the children they serve. The likelihood of such can be reduced by making the environment unsuitable for the sexual predator and/or abuser. This program will key in on the bare essentials of education, volunteer screening, policies, and program administration. The intent of this program is not to be all encompassing, but instead, to provide the framework of a basic workable program that is more likely to be implemented by a group of volunteers with limited resources and time. The simple framework of this program will not address all contingencies that are likely to be encountered. Therefore, the materials in the conclusion section should be available and consulted frequently.

3. DEFINITIONS

Child Abuse: Verbal abuse (ridicule or put-downs), physical abuse (any hurting touching or excessive exercise used as punishment), emotional abuse (threats to perform unreasonable tasks), and sexual abuse. **Sexual Abuse:** Refers to a wide spectrum of interactions including rape, physical assault, sexual battery, unwanted physical sexual contact, unwelcome sexually explicit or offensive verbal communication, coercive or expletive sexual contact, verbal sexual harassment, and/or sexualized attention or contact with a minor.

Conduct Official: Single person within the league who is appointed by the board to administer the Simplified Child Abuse/Molestation Risk Management Program. The Conduct Official is responsible for education, reviewing Volunteer Applications, checking references, conducting criminal background checks, handling appeals from disqualified candidates, conducting investigations on allegations of abuse, acting as liaison to local law enforcement, etc.

Volunteer: Citizens who perform the various functions entailed in the running of a league without pay including league officers and directors, committee personnel, commissioners, coaches, managers and scheduled umpires of the Crewe-Burkeville Youth Recreation Association who have regular access to or repeated contact with athletes.

Sexual Offender Registry Check (SOR):

SOR checks are currently available on the internet for free in 43 states. Each state determines its own definition of what constitutes a sex offender. As a result, some states only list high risk (level 3) sex offenders. SOR's rely on a third party to input the information and current media accounts indicate that SOR's in many states are more than 50% incomplete. SOR information only goes back to the mid 1990's in most states. SOR's will never indicate other serious criminal history such as murder, armed robbery, etc. For the reasons listed above, a sports organization should not rely on a SOR check. Instead, only a criminal background check (CBC) should be used.

Criminal Background Check (CBC):

CBC's will provide all misdemeanor and felony information (not just sex offenses) that a sports organization many want to take into account in the disqualification process. CBC's show offenses that go back a minimum of 7 years, but much longer in most cases. Also, CBC's do not rely on third parties to enter information into the database as this happens automatically as part of the judicial process. It is recommended that sports organizations use CBC's in the volunteer screening process instead of relying on the vastly inferior Sexual Offender Registry checks.

4. POLICIES ON CHILD ABUSE/MOLESTATION

Limit One On One Contact: It is this organization's policy that no activities shall take place involving one on one contact between a single, non-related league volunteer and a child, if such activities can be practically avoided. Instead, a "buddy system" is encouraged where two (2) adults should always be present during practices, games, carpooling, and special events.

It is the policy of CBYRA that at any CBYRA sanctioned game, practice or event, there must be at least 1(one) adult present who has successfully completed a criminal background check. If there is not 1 (one) adult present who has completed a CBYRA Background Check, the game, practice or event must be halted or postponed until such an adult is available

Prohibition of Sleepovers: All sports organization sanctioned team or league sleepover activities are prohibited whether overnight parties or traveling to away games. Exception: Teams traveling to far away tournaments can have sleepovers if each child is either

accompanied by his/her parent or is being supervised by two (2) adults who are in each other's presence at all times.

Touch Policy: Touch is acceptable only if it is "respectful and appropriate". Some experts have adopted a no touch policy, but most experts believe that "no touch" is an over-reaction and is ultimately damaging in itself and not practical.

Verbal Conduct Policy: Inappropriate comments of a sexual nature and suggestive jokes are prohibited.

Take Home/Pick-Up: Take home/pick-up of athletes by league personnel is strongly discouraged because of the difficulty in limiting one on one contact between adult and child (remember the Buddy System). Parent(s) should provide transportation for their own children to and from scheduled events. The league will clearly outline the expected start and end time for all events and communicate this with all parent(s). Parent(s) should be instructed to make back-up plans in the event they can't provide transportation. If parent(s) can't provide transportation they must communicate to the sports organization the name of the person(s) who are authorized to pick up the child. Such policy will help to protect against potential abductions or being thrust into the middle of any custody dispute.

Child Abuse Prohibition: All forms of sexual, physical, verbal and emotional abuse are prohibited.

Name Distribution: The distribution of directories/rosters with names, phone numbers, addresses, and pictures should be limited to persons on a "need to know" basis.

5. EXAMPLES OF ABUSE/MOLESTATION

Emotional Abuse: Yelling or making the following statements:

- You're stupid;
- You're an idiot;
- You're an embarrassment;
- You're not worth the uniform you play in; etc.

Physical Abuse: Besides the obvious examples of a coach hitting, kicking, throwing equipment, or shaking a player, watch out for the following:

- Behaviors seem violent versus disciplinary;
- Training practices become abusive
- Fighting is encouraged or ignored;
- Illegal moves, often associated with injuries are encouraged;
- Coaches teach improper techniques or encourage conduct which violates safety rules;
- Coaches allow athlete(s) to become physically or verbally abusive;
- Behaviors result in injuries to athlete(s); etc.

Sexual Abuse: An adult may not improperly sexualize touch by fondling instead of hugging (with permission), kissing, or seductive stroking of various body parts. On the

other hand appropriate touching can be used when a young child needs comfort, reassurance, and support. Appropriate touch is respectful of a person's personal boundaries and comfort level, public (done in front of others and not secretly), and nurturing (not sexualized).

- Misuse of power and authority;
- Misuse of love and affection;
- Manipulation or tricks:
 - * *This is love;*
 - * *This is what you need to be a part of the team;*
 - * *This is what we do for initiation*
- Grooming: desensitization that begins with appropriate touch, then the touch changes. Examples:
 - * *You liked the touch before;*
 - * *What's wrong? Don't you trust me?; or*
 - * *courting (gifts, time, attention);*
 - * *romancing (talking of love or attraction);*
 - * *line (you're special, I don't usually do this sort of thing, you're so mature, you're so attractive); or*
 - * *secrets (this is our special secret, others wouldn't understand, you or I would get in trouble)*

6. WARNING SIGNS OF ABUSE/MOLESTATION

With some forms of abuse, there maybe physical indicators (examples: with physical abuse, bruises, welts, broken bones) or with sexual abuse venereal diseases, genital swelling/soreness, difficulty sitting or walking, pain or itching when urinating or defecating, stomach aches, pain/itching in genital area, and frequently unexplained sore throats. But most often the effects of sexual abuse are less obvious. For example, sudden shifts in behavior or attitudes when outgoing child suddenly builds a protected, closed wall or a generally happy child becomes aggressive and angry or a trusting child becomes fearful may be an indication of abuse. In sports, this can show up as losing interest or wanting to drop out of sports or a sudden decline in ability or functions. Please note that no indicators or symptoms are absolute. Many of these could be indicators of problems other than child abuse. However, if some of these things are going on, consider them to be a red flag. One difficulty is that some signs are ambiguous. Children may respond in different ways and some may show no sign at all. Some indicators include:

- Disclosure by child. Most children won't just come out and say they have been abused, but instead, may hint at it.
- Observations, complaints, concerns, or allegations about league volunteers.
- Attitudes/behaviors expressed on the part of an adult that may be associated with inappropriate or abusive behavior (racist, poor sense of athlete development, raging temper, extremely controlling, jealous, hypersensitive, poor sexual boundaries, bullying, intimidating manner, unrealistic or inappropriate training practices and risks, etc.)
- Unexplained/unlikely explanation of injuries.
- Extreme fear of a league volunteer;
- Extreme low self-esteem, self worth;

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- A child's attachment to a coach/staff to the point of isolation from others;
- A coach/staff with an interest beyond caring concerns, special interest in a child (time, gifts, attention, obsession, unrealistic expectations)
- A child's desire to drop out without a clear explanation, or without one that makes sense;
- A child that misses a lot of practices or games with suspicious explanations or excuses.

Despite increased sensitivity to abuse, there is still a tendency to blame the victims instead of holding the person(s) accountable who:

- lost their temper;
- got a little out of control;
- were just having a dispute;
- misinterpreted the touch;
- is really a wonderful person; etc.

Listen to what the athlete is saying.

7. ALLEGATIONS OF ABUSE/MOLESTATION AND OTHER POLICY VIOLATIONS

Point of Contact: The Conduct Official is the appropriate person to whom all reports of child abuse/molestation should be reported. In the event that the Conduct Official is the alleged abuser/molester, the report should be made to the President of the sports organization.

Assessing the Seriousness of the Situation: It is useful to differentiate between:

Concern: When the person just needs to be heard and have some information clarified.

Complaint: When the person needs you to listen and may or may not want action taken if they feel you listened.

Allegation: Clarify if the allegation is:

- appropriate, but unappreciated act;
- inappropriate act, but not illegal act;
- illegal act that needs to be reported to law enforcement.

Disclosure: When the person tells you that abuse occurred or based on their actions gives you reason to believe abuse has occurred. The Conduct Official must take the appropriate action depending on where the situation falls in the above mentioned categories.

Information Gathering:

Upon receipt of a disclosure of child/sexual abuse or of a policy violation the Conduct Official should gather all pertinent facts in a fair, respectful, and confidential manner and review with both the accuser and accused. All such disclosures must be brought to the attention of the Board of Directors. The Conduct Official must immediately report to the authorities when there is reasonable cause to believe that physical abuse or sexual abuse has occurred. At this point, the Conduct Official should never investigate, as this is the role of the law enforcement authorities. Furthermore, allowing the law enforcement authorities to investigate helps to shield the Sports Organization against potential lawsuits for defamation of character.

Suspension/Termination: The findings of the Conduct Official should be reported to the Board of Directors and all proceedings should be confidential. If the alleged abuser or policy violator admits to the conduct, the Board can employ the most appropriate punishment. If the alleged abuser or policy violator denies the conduct, the Board can conduct further investigations (except when reasonable cause of physical or sexual abuse exists that should be reported to the authorities) deemed necessary prior to rendering any appropriate punishment or exoneration. Remember, the alleged violations range from inappropriate, but not illegal behavior to clear cut child/sexual abuse and the punishment must be tailored to the violation.

Suspension: Less egregious conduct on the part of the volunteer will result in a written reprimand. If more than two (2) written reprimands are received in a three (3) year time period, this will result in termination of the volunteer. Slightly more egregious conduct will result in both a written reprimand and suspension. Upon the second suspension in a three (3) year time period, the volunteer will be terminated.

Termination: All volunteers are subject to immediate termination based on the disqualification criteria outlined below.

Duty to Disclose/Immunity/Confidentiality:

All volunteers may be required by state law to report suspected cases of child/sexual abuse. Any person(s) who makes or participates in the making of a good-faith report of abuse/neglect, participates in the investigation, or in judicial proceedings shall in so doing be provided with complete and absolute immunity from civil liability. The identity of the Volunteer reporting a case of suspected child/sexual abuse should not be revealed. All records and reports concerning investigations and their outcome are protected by various confidentiality laws. Unauthorized disclosure of such records is a possible criminal offense which could subject the violator to fines an/or imprisonment.

8. VOLUNTEER SCREENING

Volunteer Application and Consent/Release Form: The attached application entitled “Volunteer Application” must be completed, signed, submitted, and processed on an annual basis before a volunteer will be allowed to work with athletes. All volunteers who have regular access to or repeated contact with athletes must complete the “Volunteer Application.” This includes all league officers and directors, commissioners, committee personnel, coaches, managers and scheduled umpires, etc. Refusal to comply will result in immediate dismissal from the sports organization even if the volunteer has been allowed to participate in the past. The Conduct Official will review all such applications, will conduct a Criminal Background Check according to the set guidelines, may conduct a follow-up interview to clarify questions, and will decide whether or not the candidate is disqualified based on this information.

Acknowledgment Of Training: All volunteers wanting to be considered for any position must read the Simplified Child Abuse/Molestation Risk Management Program (Safe At First) and must agree to abide by the rules.

Criminal Background Check: After receiving the “Volunteer Application”, the Conduct Official will conduct a Criminal Background Check with the selected vendor, Southeastern Security Consultants, Inc. (SSCI), who will search records in all current and past counties of residence of the applicant. Background Checks will be performed on all new applicants and every five years on returning applicants; furthermore, the Association reserves the right to conduct random checks on at least 25% of all applicants each year. This procedure is confidential and only the Conduct Official will have access to these records. The Conduct Official will decide whether or not the candidate is disqualified based on the findings and the predetermined disqualification guidelines that have been set in writing by the sports organization.

The Conduct Official shall notify the affected Applicant that a disqualifying entry was reported on the criminal background check and present the background report to the Applicant. 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.

Appeals: Candidate(s) disqualified due to an unsatisfactory Referral or Criminal Background Check and/or other reason(s) will be given the right to appeal upon written notification to the Conduct Official. The Board will appoint three (3) board members to hear the appeal and they will decide whether or not to uphold or overturn the decision of the Conduct Official. As a compromise, the appeal committee may decide to reassign a candidate to a more appropriate position or to place the candidate under a probationary period. The results of all criminal background checks and appeals will be kept confidential.

Disqualification Criteria:

Individual volunteers found to be guilty of the following crimes will be disqualified as a volunteer as outlined below. Guilty means the applicant was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by the court's finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This policy does not apply if criminal charges resulted in acquittal, dismissal or in an entry of "nolle prosequi":

1. Ever Found To Be Guilty Of:

- All sex offenses including child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.
- All felony violence including murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, etc.

2. Found To Be Guilty Within The Past 10 Years Of:

- All felony offenses other than violence or sex including drug offenses, theft, embezzlement, fraud, child endangerment, etc.

3. Found To Be Guilty Within The Past 7 Years Of:

- All misdemeanor violence offences including simple assault, battery, domestic violence, hit & run, etc.

4. Found To Be Guilty Within The Past 5 Years Or Multiple Offenses In The Past 10 Years Of:

- Misdemeanor drug and alcohol offenses including driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.

5. Any other misdemeanor within the past 5 years that would be considered a potential danger to children or is directly related to the functions of the volunteer including contributing to the delinquency of a minor, providing alcohol to a minor, theft – if volunteer is handling monies, etc.

Should any pending charges described in 1-3 above be uncovered, or should any of the above charges be brought against an applicant during the season, the applicant shall be suspended from serving until such time as the charges have been cleared or dropped and the Conduct Official has approved reinstatement.

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CBYRA VOLUNTEER APPLICATION

To Be Completed By All Volunteers Including League Officers and Directors, Committee Personnel, Commissioners, Coaches, Managers and Scheduled Umpires of the Crewe-Burkeville Youth Recreation Association who have regular access to or repeated contact with athletes and athletics with:

CREWE-BURKEVILLE YOUTH RECREATION ASSOCIATION
P. O. Box 395
Crewe, Virginia 23930

Personal Information

Date of Completion of This Form: ____/____/____

Your Full Legal Name: _____

Date of Birth: ____/____/____ Male or Female: ____ SSN: ____-____-____

Home Address: _____

Home Phone Number: (____)____-____ Cell Phone Number: (____)____-____
Work Phone Number: (____)____-____

Qualifications:

What position are you applying for?: _____

Have you ever been convicted of a crime?(if yes, explain) _____

Have you ever been refused participation in any other youth sports program? (if yes, explain) _____

Do you have children in the program? _____

Why do you want to be a volunteer? _____

Why are you qualified to coach, manage, umpire, etc.?:

Acknowledgement Of Training

I acknowledge that on _____ (date) I was given a copy of the CBYRA Simplified Child Abuse/Molestation Risk Management Program and that I have carefully reviewed it and voluntarily agree that as a condition of future participation, employment, or involvement in this organization, I will abide by all the terms, conditions, policies, and procedures contained within this program.

If I violate the policies, regulations, or spirit of this program, I will indemnify and hold harmless the CBYRA, its employees, board members, volunteers, and officials from any and all liability including negligence and any intentional tort claims.

I understand that my position is contingent upon adverse information about my background or character not being uncovered upon the performance of the above referenced checks. I also understand that regardless of my prior volunteer activities on behalf of the CBYRA, that the CBYRA is not required to allow my continued participation.

Signature _____

Date: ____/____/____

Background check completed by Conduct Official _____ Dated _____