

Minnesota American Legion Baseball
Youth Protection Policy

Effective: December 1, 2012
(Last Updated December 1, 2014)

Youth Protection Policy.

American Legion youth programs are intended to encourage safe, healthy, growth-oriented, and productive interaction between staff, volunteers, and children or youth. As such, in concurrence and in conjunction with Department of Minnesota and National American Legion policies, the Minnesota American Legion Baseball Program does not tolerate abuse in any form, whether it be physical, emotional, sexual, verbal or economic exploitation. Note: full review of the Minnesota (Department) Policy and the National Policy (available on the National American Legion's Baseball web site, under Resources) is strongly encouraged.)

This policy does not, and cannot, address every situation concerning the protection of children and youth. Just because certain actions or behaviors are not prohibited under this policy does not mean that they are acceptable behaviors. Program directors may be required to act with a certain degree of personal discretion, in the interest of helping to protect the welfare and well-being of children and youth. Minnesota American Legion Baseball, therefore, reserves the right to take disciplinary action against any Program participant(s), volunteer(s) or organization(s) whose actions or behaviors are deemed inappropriate and/or inconsistent with the Program's principles, objectives, rules, policies, or intent.

Youth Protection Safeguards.

While Minnesota American Legion Baseball has the utmost confidence in its staff and volunteers, the possibility of misconduct or abuse by adults who occupy authority or leadership roles in programs involving children and youth certainly exists. As a result, it is important that safeguards be present, to help protect the welfare and well-being of children and youth, which is of utmost priority to the Program. The use of criminal background screening is considered a standard protocol by youth-serving organizations. Volunteer program staff undergo criminal history screening for many of the same reasons employers conduct background checks -- the purpose is to verify identity and determine whether anything in the person's past might disqualify him/her from working with youth participants.

Background Screening Requirements. As such, all Designated Individuals associated with Minnesota American Legion Baseball shall be subject to annual background screening (prior to the start of each season) by the Designated Provider, before participating in any meetings, events, activities, practices and/or games that involve youth participants. (See Definitions section, below, for those deemed to be "Designated Individuals" and who are subject to the background screening requirement.) In accordance with National American Legion policy

A. Background screening will include the following:

- 1) Social security number verification and address history trace,
- 2) Alias names national search,
- 3) National sex offender registry search,
- 4) National criminal database search,
- 5) A county or statewide criminal court search, within those states known to have insufficient data contributed to the national criminal database (as specifically identified within National's Policy statement).

B. Background screening that yields one or more of the following disqualifying criteria will preclude an individual from participating as a Designated Individual (i.e., serving as a coach, manager, or in any volunteer staff role of leadership and/or authority:

- 1) Conviction of a felony,
- 2) Conviction of a crime involving a minor, regardless of the offense,
- 3) Conviction of a crime involving force or threat of force against a person
- 4) Conviction of a crime in which sexual behavior is an element,
- 5) Conviction of a crime involving controlled substances (not paraphernalia or alcohol)
- 6) Conviction of a crime involving cruelty to animals
- 7) Any sex offender registrant,
- 8) Refusal to undergo background screening, as mandated.

Note: An applicant will not be disqualified for a harassment or conspiracy conviction, unless it is presented in the context of one of the already existing disqualifying criteria listed above. Local ordinance violations are not considered a disqualifying criteria given their low-level of severity.

If there is need to substitute for -- or replace -- an American Legion Baseball Designated Individual during the season, the individual serving as the replacement or substitution shall not commence participation or assume any duties until after background screening has been successfully completed.

If information is acquired during a season that a Designated Individual (who successfully completed background screening prior to the start of the season) may have sustained one or more of the disqualifying criteria, that Designated Individual shall be prohibited from participating as a Designated Individual until accuracy of the information has been verified / validated through the background screening process.

Note: Minnesota American Legion Baseball also reserves the right to prohibit any individual from serving as a Designated Individual (or in any other role), if at any time the Program, in its sole opinion, deems the individual to be unfit, not properly qualified, or unsuited, to working with minors, children, youth.

Screening Provider. To maintain consistency and enhance confidentiality, although a Designated Individual may have the ability to provide proof of background screening for some other purpose or through some other source, all background screening for Minnesota American Legion Baseball Program will be conducted by the Designated Provider (the exclusive commercial vendor engaged by The American Legion National Headquarters to conduct background check screening for staff and volunteers of national youth programs of the American Legion.)

Screening Procedure. As part of the National American Legion Baseball team application and registration process, all Designated Individuals must complete a background screening application (on-line), directly with the Designated Provider. Failure to do so will result in the individual's inability to participate.

Minnesota On-line Background Screening Application for Designated Individuals:
<https://opportunities.averity.com/MNLegion>

Results / Findings. The Designated Provider shall submit the result of individual background screenings to the designated Youth Protection Policy Program Manager for Minnesota American Legion Baseball. Such results shall be in the form of a "pass or fail" indicator only; specific results are not revealed to the Program Manager. A "pass" indicator means that the background screen for a Designated Individual does not contain any disqualifying criteria, and thus, the individual may have contact with youth participants of the American Legion Baseball team; a "fail" indicator means that the background screen for a Designated Individual contains disqualifying criteria, and thus, the individual is prohibited from having contact with youth participants of the American Legion Baseball team, and the Youth Protection Policy Program Manager will notify the Designated Individual accordingly. (Note: When a background check reveals that there is a pending case or an active warrant for crimes involving the disqualifying criteria listed above, the Screening Provider will assign a "fail" indicator, until such time as legal adjudication is made and there is verification that a "pass" designator has been achieved.)

Appeals. If a Designated Individual has concerns or does not agree with the result of his/her background screen, he/she has the right to contact the Designated Provider directly to appeal the result or to provide additional / updated information. Designated Individuals may also independently seek to have disqualifying criteria removed from their record through legal or governmental avenues. The Designated Provider will submit a revised "pass or fail" indicator result, as applicable, to the Youth Protection Policy Program Manager for Minnesota American Legion Baseball.

Definitions.

Abuse:

- Physical Abuse - Injury intentionally inflicted.
- Economic Abuse/Exploitation - Deliberate temporary or permanent misuse of another's money or belongings.
- Emotional Abuse - mental or emotional injury inflicted resulting in an observable and material impairment in growth, development or psychological functioning.
- Neglect - Failure to provide basic needs of vulnerable individuals or protect them from harm.
- Sexual Abuse - contact or activity of a sexual nature, without consent, or when consent is not possible.
- Verbal Abuse - Use of words intended to cause harm or demean the person being spoken to.

Designated Provider: The exclusive commercial vendor engaged by The American Legion National Headquarters to conduct background check screening for staff and volunteers of national youth programs of the American Legion.

Effective October 17, 2012:
Priority Research Services, Inc., DBA "Protect Youth Sports."
14499 N. Dale Mabry Hwy, Ste 201S
Tampa, FL 33618
(877) 319-5587 (8 am to 6 pm EST)
www.protectyouthsports.com

Designated Individual: Individuals designated by Minnesota American Legion Baseball who are subject to background screening, prior to being eligible to participate in any meetings, events, activities, practices and/or games that involve youth participants. More specifically,

- An adult (18 years of age or older) staff person or volunteer, who occupies an authority, supervisory or leadership role with an American Legion Baseball team, and who has direct, regular one-on-one contact with youth participants. Examples include the following (or the equivalent titles for similar roles):
 - Team Manager/Director
 - General Manager
 - Manager/Head Coach
 - Head Coach
 - Assistant Head Coach
 - Pitching, Batting, Fielding and/or other specialty coach / instructor
 - Base Coach
 - Coach
 - Assistant Coach
 - Substitute / intermittent or part-time Coach or Assistant Coach
- An adult volunteer, who travels and/or lodges with an American Legion Baseball team as an official member of its staff, who occupies an authority, supervisory or leadership role with the team, and who has direct one-on-one contact with youth participants -- even though any/all of the preceding might be intermittent during the season. Such persons might include the following (or the equivalent titles for similar roles):
 - Team Van/Bus Driver
 - Team Business Manager
 - Sponsor Representative
 - Team Chaperon
 - Team Staff Member Clinic or Camp Director / Leader
 - Drill / Practice / Tryout Leader or Assistant
- State and District Directors, Vice-Directors, Program / League Directors
- State and/or District-invited Ambassador staff members
- State, District, Sub-District and Sub-State Tournament Directors and other designated official staff members (i.e., all persons designated to serve as tournament directors for Division I, Division II, and Junior Legion playoff tournaments)

The following are examples of those who are **not** considered to be Designated Individuals, (i.e., not normally subject to background screening), unless they also occupy a role described above on a dual or intermittent basis, occupy an authority, supervisory or leadership role with the team, and have regular direct one-on-one contact with youth participants:

- Team Volunteers who are less than 18 years of age.
- Player parents who might assist with team activities (such as fundraising, carpooling, etc.) and who do not otherwise occupy a role outlined above)
- Equipment Managers/Assistants
- Scorekeepers / Statisticians
- Field Maintenance Staff / Crew
- Announcers / Scoreboard Operators
- Gate / Concession Workers
- Fundraising / Event Coordinators
- Web Site Administrators
- Team Treasurers
- Team Clerical and Administrative Staff
- Drivers (or pilots) of commercial transportation services (Note: it is each team's responsibility to utilize service providers who conduct background screening on such personnel, and/or to request that background screening be conducted.)

Adult: Anyone 18 years of age or over.

Child/Minor/Youth: Anyone 17 years of age or under.

Youth Protection Policy Program Manager: The person designated by Minnesota American Legion Baseball to administer this policy, which includes receiving background screening results from the Designated Provider and notifying Designated Individuals accordingly.

Effective December 1, 2012:

Mike Perry, State Director, Minnesota American Legion Baseball
4810 Caribou Drive, Minnetonka, MN 55345
612-998-3636, mikeperry5@comcast.net

Costs.

Costs associated with the administration of this policy, including the cost of individual background screening for Designated Individuals, will be borne by Minnesota American Legion Baseball.

Reporting Violations and Abuse.

Any person who observes, or otherwise becomes aware of, any violation of this policy (including inappropriate or abusive behavior) has a responsibility to report his/her suspicion(s) or allegation(s) to the Youth Protection Policy Program Manager, in writing, which must include the following:

- Information about the individual who is being reported. (Full name, age/approximate age, gender, address and phone if available, team affiliation / position / how associated with the Minnesota American Legion Baseball Program.)
- Information about the alleged victim(s). (Full name, age/approximate age, gender, parent/legal guard name, address, and phone numbers.)
- Information about the incident being reported. (Type of offense, date, specific location where it occurred, full description of events -- who, what, when, where, names and contact information of other witnesses or persons who have knowledge / involvement.)
- Information about the person reporting the alleged violation, misconduct or inappropriate behavior. (Full name, address, phone numbers, email address, relationship to the alleged victim, how associated with the Minnesota American Legion Baseball Program, if applicable. (Note: because no person who reports an alleged violation he/she believes to be true has any reason to fear retribution or retaliation, anonymous reports will not necessarily be accepted as a legitimate report nor be investigated.)

If there is ANY reasonable suspicion that illegal child abuse has occurred, the observing and/or knowledgeable person must also immediately report such to law enforcement authorities, as well as to the youth participant's parent(s) or guardian(s). This reporting responsibility may not be abdicated to another individual; it is not to be assumed that law enforcement, parent(s), guardian(s), or the Youth Protection Policy Program Manager is already aware through other means. The accused individual shall be immediately suspended from all activities involving contact with youth participants, with such suspension continuing until the accused is cleared of all such allegations. If the allegations are proven correct, the accused shall be permanently removed from all participation in Minnesota American Legion Baseball.

General Team and Individual Responsibilities.

All Minnesota American Legion Baseball teams, as well as individual staff volunteers, have important responsibilities in the administration of this policy, as well as generally ensuring the safety and welfare of the American Legion Baseball program's youth participants. These responsibilities include the following:

- Ensuring that all Designated Individuals have successfully completed background screening, before their participation is permitted.
- Reporting suspected and/or confirmed abuse which is in violation of this policy.
- Taking appropriate steps at all times to protect the welfare and well-being of youth participants.
- In general, reviewing, understanding, and complying with this policy and all of its requirements.

Teams and/or individuals who fail to comply with this policy are subject to disciplinary action, including suspension or expulsion from the American Legion Baseball Program.