



# **TEXAS ASA Softball**

**ASA Youth Softball**

# **BACKGROUND CHECK POLICY**

## **PURPOSE/GOALS/OBJECTIVES**

Texas ASA is committed to creating and upholding traditions of excellence in softball by building and maintaining a supportive and nurturing environment in which children and youth may grow, develop, and prosper. Texas ASA seeks to attract qualified staff and volunteers, and exclude those who would do harm to the children and organization. It is the policy of Texas ASA that there shall be no abuse, physical, mental, emotional, or sexual, of any participant involved in any Texas ASA program. We take all allegations of abuse seriously and recommend all our associations to report any allegations to local or state law enforcement authorities.

Youth sports, is becoming a playground of chaos, violence and mean-spiritedness. Physical and emotional abuse of children, rampant cheating and total disrespect of opponents and officials are a few of the unacceptable behaviors currently being tolerated. Youth sports are one of the greatest tools to help children develop positive character traits and life values but the sports playing field is becoming an increasingly hostile environment that's ultra-competitive and rewards a win-at-all-cost approach.

It is time to stop placing blame and take, the responsibility for the care and protection of the children, who simply want to learn, make friends and enjoy the relatively short period of time they have to participate in organized youth sports.

Texas ASA and its' local associations reserve the right to screen any and all volunteers, umpires, coaches, and or employee who have routine access to children in Texas ASA programs. Reasonable efforts will be made to exclude from our programs any adult with a legally documented record of crimes against children, sexual crimes, or other crimes or incidents that could bring unnecessary risk to the health and safety of program participants. Associations may set up any additional criteria they deem necessary to protect their youth. While Texas ASA remains committed to providing open access to persons who want to participate, Texas ASA believes reasonable restrictions should be undertaken to minimize risk to child participants.

**Volunteer coaches and umpires will be required to have undergone a background check prior to their continued participation.**

Texas ASA is also committed to providing all persons with a full and fair opportunity to be heard and to have any grievance addressed. Therefore, procedures will be implemented to provide persons with an opportunity to challenge the accuracy of any background check results prior to any final determination being made by Texas ASA.

# **CRIMINAL BACKGROUND CHECKS**

## **BENEFITS**

To: Protect young athletes from individuals preying on children.

1. **APPLICATION FORM:** All persons directly involved in coaching, umpiring or supervising, in a Texas ASA Youth Program, MUST complete a B/G Check Application. Failure to do so will disqualify the applicant. The application must contain the following:

- a. Name
- b. Address
- c. Date of birth
- d. Social Security Number
- e. Driver's license number
- f. Criminal history check consent form
- g. List of states resided in
- h. Questions regarding convictions of a felony/certain misdemeanors?
- i. Youth sports experience
- j. Youth sports related references
- k. References other than relatives

## 2. **CRIMINAL HISTORY CHECKS**

- a. All applicants must have address verification prior to conducting criminal history check. Address verification must go back a minimum of seven years.
- b. Types of crimes that may disqualify a person from coaching/supervising organized youth sports activity:
  1. Registered Sex offender (**Mandatory**)
  2. Felony convictions.
  3. Misdemeanor violent crimes against another person.
  4. Misdemeanor sex related crimes.
  5. Misdemeanor drug/alcohol related crimes.

Overseeing supervisors will have the authority to evaluate each "red flag" situation on a case-by-case basis (utilizing a great deal of consistency) and a determination will be made as to whether the applicant may continue to participate.

- c. Local authorities may participate in developing additional criteria.
- d. Criminal history checks are intended to be done on an annual or bi-annual basis.
- e. Addresses appearing on the address verification report should be checked in all jurisdictions corresponding with address verification.
- f. Some or all of the following methods may be used to complete criminal history checks:
  1. State Police
  2. Local Law Enforcement Agency
  3. Federal Bureau of Investigations
  4. Commercial Information Systems
  5. Public Data.Com
  6. Check available sex offender registries.
- g. Background checks will be kept confidential.
- h. Only persons directly involved in the background check process and evaluation process will be privy to the information obtained.
- i. All records and information will be kept in a secure location.

## **Process/Privacy**

### **Due Process:**

All Volunteers/Applicants will be given a consent/release form, which shall be completed, signed, and turned in to the local association. A conviction for a crime should not automatically disqualify the individual. All applications will be considered on a case-by-case basis. Individual circumstances, such as the nature and severity of the crime, the factual background, the number of convictions, and how long it has been since the conviction occurred will be considered. The association may have a list of offenses/crimes in addition to the following, which may automatically disqualify a person.

### **Mandatory Rejection includes the following:**

- Murder
- Voluntary manslaughter
- Reckless Homicide
- Aggravated Assault
- Rape
- Child Molesting
- Child Solicitation
- Sexual Misconduct with a Minor
- Arson
- Criminal Deviate Conduct
- Child Seduction
- Contributing to Delinquency of Minor
- Robbery
- Registered Sex Offender
- Kidnapping
- Burglary
- Aggravated Domestic Violence
- DUI- 3 or more in less than 7 years
- Felony and Class A/B drug offenses
- Sexual assault
- Embezzlement
- Felony Theft
- Injury to a Child
- Child pornography

If a criminal conviction or other questionable conviction or offense is found, the volunteer/employee will be given a copy of the criminal history report. The volunteer/employee will have an opportunity to challenge the accuracy of the report or to set forth any additional facts he/she wishes to be considered prior to any final decision. If the person disagrees with the accuracy of the report, he or she should be placed on interim administrative probation, until the information on the report can be verified. This could include no further contact with any youth team pending the outcome of the investigation. The investigation should proceed as quickly as possible during any interim probation period. The employee/volunteer must provide the association any and all documentation to support his or her claims. The association will then make a final decision and provide an updated report. The employee/volunteer will have the right to appeal any determination made. All appeals and decisions should be completed in a timely manner pursuant to procedures set by the association.

### **Privacy:**

The privacy of the information obtained by any Texas ASA Association through the background check will be respected and not distributed or posted in public forums except as may be required by law. Information gathered by the local designated person may be shared with other association members or with their legal consultants; to the extent such persons are involved in the background check investigation or evaluation process.

# TEXAS ASA

## CONSENT AND AUTHORIZATION FOR CRIMINAL BACKGROUND HISTORY CHECK

### WAIVER and INDEMNITY and RELEASE

I hereby give permission for Texas ASA or any of its associations or leagues to obtain information relating to my criminal history record or background. The criminal history record, as received from the reporting agencies, may include any arrest and conviction data, a check of sex offender registries, child abuse offenses, as well as plea bargains and deferred adjudication. Background investigations may include address verification and other information verification. I understand that the information will be used in part, to determine my eligibility for an employment/volunteer/contractor position with this organization. I also understand that as long as I remain an employee/volunteer/contractor here, the criminal history records check may be repeated at any time and for any reason. I understand that I will have an opportunity to review the criminal history check and a procedure is available to me to dispute or clarify any information obtained from a background check. Texas ASA may end the relationship if I have made any false statements or material misrepresentations, written or verbal.

I, the undersigned, do for myself, my heirs, executors and administrators, hereby remise, release, and forever discharge and agree to indemnify the Texas ASA and its affiliates, contractors and each of its officers, directors, employees, and agents and any organization or contractor that may have provided such information or conducted such an investigation, harmless from and against any and all causes of actions, suits, liabilities, costs, debits, and sums of money, claims, and demands whatsoever, and any and all related attorney's fees, court costs, and other expenses resulting from the investigation of my background in connection with my application to become an employee/volunteer/contractor.

---

**SIGNATURE OF APPLICANT**

---

**Please Print Name**

---

**Date**

# TEXAS ASA SOFTBALL

## COACH/UMPIRE/VOLUNTEER/STAFF APPLICATION

**Position (check all that apply)** Coach\_\_ Umpire\_\_ Volunteer\_\_ Other\_\_ Staff\_\_

Name\_\_\_\_\_ Social Security Number\_\_\_\_\_

Birth Date\_\_\_\_\_ Drivers License #\_\_\_\_\_ Issuing State\_\_\_\_\_

Other Names Used\_\_\_\_\_

U.S. Citizen Yes\_\_ No\_\_ If no, List the Country of Citizenship and Visa/Work Permit #\_\_\_\_\_

Current Martial Status Married\_\_ Single\_\_ Divorced\_\_ Sex: Male\_\_ Female\_\_

No. of Children Living with You\_\_\_\_\_ Are They members of ASA Teams? Yes\_\_ No\_\_

### Employment History

Current Employer\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

Telephone #\_\_\_\_\_-\_\_\_\_\_

Previous Employer\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

Telephone #\_\_\_\_\_-\_\_\_\_\_

### Address Verification:

**List all previous home addresses for the past 7 years:**

**Date began residence:**\_\_\_\_\_

**Current Address**\_\_\_\_\_ **City**\_\_\_\_\_ **State**\_\_\_\_\_ **Zip**\_\_\_\_\_

Date: From \_\_\_\_\_ To:\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

Date: From \_\_\_\_\_ To:\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

Date: From \_\_\_\_\_ To:\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

Date: From \_\_\_\_\_ To:\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

### **References other than Relatives:**

Name\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

Telephone #\_\_\_\_\_-\_\_\_\_\_

Name\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

Telephone#\_\_\_\_\_-\_\_\_\_\_

Name\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

### **Youth Sports Related References:**

Name\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

Telephone #\_\_\_\_\_-\_\_\_\_\_

Name\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

Telephone #\_\_\_\_\_-\_\_\_\_\_

Name\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ State\_\_\_\_\_ Zip\_\_\_\_\_

Telephone #\_\_\_\_\_-\_\_\_\_\_

Have you ever voluntarily resigned, been removed from a position of authority, or arrested for, moral turpitude or dishonesty? Yes \_\_\_\_\_ No \_\_\_\_\_

Have you ever been refused participation in any other youth program? Yes\_\_\_\_ No\_\_\_\_

Have you ever been convicted of or pled guilty to any felony or class A or B misdemeanor under the Texas Penal Code, equivalent federal law, equivalent law of another state, or equivalent Code of Uniform Military Justice: Yes\_\_\_\_ No\_\_\_\_

If yes, describe each in full: *(Attach additional pages if needed)*.

Do you currently have pending against you any criminal charges of any type or are you currently on "deferred adjudication" for any criminal offense? Yes\_\_\_\_ No\_\_\_\_

If yes, describe each in full: *(Attach additional pages if needed)*.

Are you a registered Sex Offender? Yes\_\_\_\_ No \_\_\_\_

Have you ever been convicted of any crime involving or against a minor? Yes\_\_\_\_ No \_\_\_\_

I certify that all of my statements on this application, the information provided, and attachments hereto, are true and complete to the best of my knowledge.

**Applicant Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Applicant Name (Print)** \_\_\_\_\_

**Note:** Texas ASA will not discriminate against any person on the basis of race, creed, color, national origin, marital status, gender, sexual orientation or disability.

**Note:** Copies of background check results will be maintained for the duration of the volunteer's service to the league.

**League/Association Use Only.** Please print the name of the individual who completed the background check on the volunteer.

Background check completed by Association Officer \_\_\_\_\_

Or

Background check completed by League Officer \_\_\_\_\_

Or

Completed by: \_\_\_\_\_ Date Completed: \_\_\_\_\_

*System(s) used for background check (minimum of one must have "X"):*

Online Multi-State Database: \_\_\_\_\_ State/Local Criminal History Records: \_\_\_\_\_

State Sex Offender Registry: \_\_\_\_\_

Other: (please Explain) \_\_\_\_\_

Attach to this application, copies of all background check reports received for this applicant.

**Note: All completed checks must be kept in a secured location.**

## **FOOTNOTE**

Please remember that while ASA has a legitimate interest in excluding persons that may be a risk, ASA must also be sensitive to the requirements in the Federal National Governing Body Act, that require that access to the organization remain “open”. Therefore, if Texas ASA begins excluding people too broadly (i.e. someone who committed a minor property offense 23 year ago), someone could assert that ASA does not provide open access as is required by the Amateur Sports Act. Please, do not, worry about this too much, we just must be aware of this issue and be sensitive to overreacting by excluding too many people (for just being bad people, as opposed to a legitimate risk to participants).