

North St. Paul Athletic Association BACKGROUND CHECK POLICY

Section 1- Purpose:

The purpose of this policy is to establish authority and procedures for collecting and evaluating background information regarding NSPAA Adult Volunteers and paid employees, such as public and private information held by investigating and other resources available to the association such as the Minnesota Bureau of Criminal Apprehension. NSPAA Adult Volunteers are North St. Paul Athletic Association Board members, Commissioners, Head Coaches, Assistant Coaches and other adults that may have unsupervised contact with minors registered to participate in NSPAA activities. Paid employees include Umpires, officials; pull tab sellers and other Charitable Gambling individuals paid by NSPAA for services rendered. An adult is defined as any person 18 years of age or older.

Section 2 – Policy

NSPAA will obtain records and information relative to an individual's personal background from any number of resources available to the Association on each NSPAA Adult Volunteer and paid employee. Each NSPAA Adult Volunteer and paid employee is required to submit the completed Informed Consent Form (attached as attachment "A") that authorizes NSPAA to conduct the Background Check. Information obtained in this process will be reviewed by the NSPAA Executive Committee (President, Vice President, Secretary and Treasurer) to determine eligibility. These will be performed on a yearly basis at a minimum.

Convictions for crimes of violence, crimes against persons and criminal sexual conduct shall result in automatic ineligibility to continue or be approved as an NSPAA Adult Volunteer and or employee. Other information contained in the background check report, including all felonies, misdemeanors or arrests, regardless of whether against persons or property, may result in ineligibility after a review by the NSPAA Executive Committee.

Crimes included but not limited to in background check under Minnesota Statutes Chapter 299C that will result in automatic ineligibility;

- * Murder
- * Criminal Sexual Conduct
- * Any Assault Crime Against a Minor
- * Any of the following child abuse crimes committed against a minor victim, constituting a violation of Minnesota Statutes sections:
 - * 609.185,(5) Murder in the 1st degree
 - * 609.221 Assault in the 1st degree
 - * 609.222 Assault in the 2nd degree
 - * 609.223 Assault in the 3rd degree
 - * 609.224 Assault in the 4th degree
 - * 609.225 Assault in the 5th degree
 - * 609.2242 Domestic Assault
 - * 609.322 Solicitation, Inducement and Promotion of Prostitution
 - * 609324 Other prohibited acts of Prostitution
 - * 609.342 Criminal Sexual conduct in the 1st degree
 - * 609.343 Criminal Sexual conduct in the 2nd degree
 - * Felony Level Assault
 - * Manslaughter
 - * Prostitution Related Crime
 - * Kidnapping
 - * Arson
 - * Controlled Substance Abuse
 - * 609.344 Criminal Sexual conduct in the 3rd degree
 - * 609.345 Criminal Sexual conduct in the 4th degree
 - * 609.352 Solicitation of children to engage in sexual conduct
 - * 609.377 Malicious Punishment of a Child
 - * 609.378 Neglect or Endangerment of a Child
 - * 152.021, subd. 1,(4) Controlled Substance Abuse in the 1st degree
 - * 152.022, subd. 1,(5) or (6) Controlled Substance Abuse in the 2nd degree
 - * 152.023, subd. 1,(3) or (4) Controlled Substance Abuse in the 3rd degree
 - * 152.024, subd. 2,(4) or (6) Controlled Substance Abuse in the 3rd degree
 - * 152.025, subd. 1,(2), (3) or (4) Controlled Substance Abuse in the 4th degree

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The following crimes are intended as a guideline of offenses that MAY result in ineligibility based on review by the Executive Committee;

*DWI, DUI (not on probation) *Theft (if more than five years ago and not on probation)
*Possession of a controlled substance (not on probation)

*If a first offense and not currently under probation – eligible
If 2 or more violations have occurred and not currently on probation – reviewed by Executive Committee for Eligibility. If currently on probation for any of the above – NOT Eligible.

This list of offenses is not intended to be all-inclusive and in no way sets limits on the offenses that are deemed grounds for ineligibility. Decisions on all other crimes or offenses not otherwise described above will be made at the sole discretion of NSPAA.

If an NSPAA Adult Volunteer or paid employee is determined eligible for service and is later arrested for a felony or convicted (including a plea of guilty) of any of the above fore mentioned crimes, he/she is required to notify NSPAA. He/She will be removed immediately from his/her volunteer or paid position until a review of the felony arrest and/or conviction is completed by the NSPAA Executive Committee. Failure to notify NSPAA of any felony arrests, convictions or guilty plea's from the list above will result in the NSPAA Adult Volunteer or paid employee being immediately removed from all duties for a minimum of 12 months beginning on the date the failure to notify was discovered. Reinstatement is not guaranteed.

Section 3 – Notification of Ineligibility & Appeal of Decision:

If the NSPAA Executive Committee determines an NSPAA Adult Volunteer or paid employee is ineligible, the NSPAA Executive Committee will notify the Adult Volunteer or paid employee regarding his/her ineligibility and afford the Adult Volunteer or paid employee the opportunity to appeal or correct the Background check Report or withdraw his/her application for consideration prior to and without further NSPAA action.

If an Adult Volunteer or paid employee requests to appeal or correct a background check report, the NSPAA Executive Committee shall meet with the individual to determine continued eligibility for NSPAA service. If a member of the NSPAA Executive Committee is being reviewed, then the remaining members of the NSPAA Executive Committee will make the determination.

An ineligibility decision must be appealed within ten (10) calendar days of the notification. The ineligible NSPAA adult volunteer or employee will be allowed to present their appeal or request or correction to the NSPAA Executive Committee, along with in-person supporting endorsements, if desired. After any and all appeals are made the Executive Committee shall decide, by majority vote, any continued actions. The results of this vote shall be final and without appeal. The NSPAA Executive Committee shall notify the Adult Volunteer or employee of the final decision within 24 hours of the vote.

During any appeal of ineligibility decision, the NSPAA Adult Volunteer or employee may not participate in any NSPAA events (events include practice, games, reporting to work or other activities or programs sponsored, supported or offered by NSPAA).

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Section 4 – Enforcement

All NSPAA Board of Directors and Commissioners shall submit and Informed Consent Form and undergo a Background Check within 30 days of being elected, appointed or confirmed. Head Coaches, Assistant Coaches and all other NSPAA Adult Volunteers and Employees shall submit an Informed Consent Form and undergo a Background Check prior to coaching an NSPAA sponsored team or performing other services for NSPAA. The Informed Consent Form is to be complete along with an Application Form (attached as attachment "B"). All NSPAA Adult Volunteers and Paid Employees undergo the Background on a yearly basis.

NSPAA Board Members (Officers and Commissioners) who fail to comply with this NSPAA Background Check Policy shall be removed from their board responsibilities until such time compliance has been received by NSPAA. Where a Board members compliance is not forthcoming, said member shall be removed from office. Other NSPAA Adult Volunteers or Employees who willfully fail to comply with this NSPAA Background Check Policy shall be barred from their responsibilities until such compliance has been received or be deemed ineligible/terminated.

Section 5 – Background Check Report Retention:

All completed Background Check Reports, Informed Consent Forms, Applications and related supporting documentation will be retained by NSPAA for a period of 3 years.

This policy supersedes the Background Check Policy adopted by the Board of Directors on August 8, 2002

Adoption by the NSPAA Board of Directors

Date: December 20, 2008

Signed: Douglas C. Van Duyne

Title: President