RISK MANAGEMENT POLICIES
OF
THE AMERICAN LEGION
FOR THE
ENHANCED PROTECTION
OF
CHILDREN AND YOUTH
(Updated December 2017)

COACHES, MANAGERS, AND VOLUNTEER STAFF
OF
JUNIOR AND SENIOR
AMERICAN LEGION BASEBALL TEAMS

TABLE OF CONTENTS

INTRODUCTION……...……...……2

DEFINITIONS…….……...……4

SCREENING……...6

Designated Individuals to be Screened……..6

Authorized Background Check Provider……..6

Applicability of Background Checks…….6

Frequency of Background Checks…….6

Level of Information to be Checked…….……6

Costs Associated with Conducting Background Checks…….7

Background Check Disqualifying Criteria……...……7

Findings…….…….…..7

Pre-Adverse Action Notice…….8

Initiating and Verifying Background Checks……..8

Verifications……...…….……8

Appeals……...…….……9

Copies of Reports……....9

Removal from Record……....9

PROTECTION POLICIES AND SAFEGUARDS…….....…….....11

Youth Protection Policy……...……11

Youth Protection Safeguards…….……...11

Conduct…….…….11

POSSIBLE SIGNS OF ABUSE……..……..13

RESPONDING TO CHILD ABUSE / SUSPECTED CHILD ABUSE……..……..…....14

Reporting…….14

AWARENESS AND ORIENTATION…….....16

APPENDIX A: Resolution. No. 16 NEC Oct 2012……..…….....17

APPENDIX B: REPORTING FORM - CHILD ABUSE/SUSPECTED CHILD ABUSE…….20

APPENDIX C: ACKNOWLEDGMENT AND UNDERSTANDING FORM…….……....23

RECORD OF CHANGES……..24

INTRODUCTION

Thousands of Legionnaires and members of the Legion family throughout the nation donate countless volunteer hours each year for Baseball, Oratorical, Boys State/Nation, Junior Shooting Sports, Youth Cadet Law Enforcement Program and Scouting. Our youth programs teach young people a variety of practical skills, as well as developing leadership, teamwork, discipline and self-confidence. Our programs encourage a strong sense of citizenship, patriotism and good-living. Every youth program of The American Legion relies heavily upon dedicated volunteers willing to contribute time and skills for conducting essential functions of the programs. What motivates these selfless volunteers is an innate desire to give back to their communities and to help nurture those young Americans whose impressions of this country are still developing.

Although the occurrence of events such as those referenced below are overall relatively infrequent, youth programs have proven they can be a high-risk environment for misconduct by adults in positions of authority and leadership who have sometimes misused their positions by exerting various forms of abuse. This may include physical abuse, verbal abuse, emotional abuse or sexual abuse. The aftermath of numerous events throughout the nation involving the sexual molestation of youth by a trusted authority figure has served to prominently illustrate the need and importance for protecting the welfare of vulnerable populations, such as minor children, as well as the need for protection from liability those organizations and volunteers that serve them.

In November 2011, representatives for the insurance agent of record for The American Legion and the provider of liability insurance approached The American Legion National Headquarters to advise that implementation of risk management policies, to include a background screening/monitoring program for coaches, managers, and volunteer staff of Junior and Senior American Legion Baseball teams, was necessary to continue liability insurance coverage at its current and prudent level.

While The American Legion has the utmost trust and confidence in its volunteers, the need for implementing such measures is a stark manifestation unfortunately reflective of today's social reality. Any organization entrusted with the safety and welfare of youth must mitigate its overall risk and liability, and that of its participants and volunteers, by taking measures aimed at sustaining program integrity and safety.

Prevention is key to being proactive in mitigating abuse in youth programs. A comprehensive child protection program will incorporate: (1) screening; (2) established policies and safeguards; and (3) awareness and oversight.

Screening

Use of current, dependable, and complete criminal history information is considered a critical screening protocol for any youth-serving organization. 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 a potential staff member may have anything in their past that might disqualify them from working with youth participants.

Handling of sensitive information during the screening process should receive the utmost attention to discretion and confidentiality so as not to damage one's reputation or career. All coaches, managers and volunteer staff of Junior and Senior American Legion Baseball teams will be screened each year prior to conducting any meetings, events, practices or games that involve youth participants.

Policies and Safeguards

Policies and safeguards should be clearly established by an organization that reinforces a positive environment, safe interactions and appropriate conduct among program staff, volunteers, and youth participants. Providing coaches, managers and volunteer staff of Junior and Senior American Legion Baseball teams an awareness of the policies established for acceptable/unacceptable behavior minimizes opportunities for misconduct and helps prevent unfounded allegations. It is just as vitally important that policies and procedures for reporting and responding to suspected abuse, misconduct, or policy violations are clearly established as well.

Awareness and Oversight

Awareness is a key element to any prevention strategy. Awareness and orientation on safeguards, policies and procedures are instrumental in contributing toward a knowledge and prevention of various forms of abuse. Awareness and orientation can be disseminated in a variety of ways and should be made available to all coaches, managers and volunteer staff of Junior and Senior American Legion Baseball teams prior to conducting any meetings, events, practices or games that involve youth participants, regardless of how experienced they may be.

It is strongly urged and recommended that the respective American Legion department and/or Legion post or other organization sponsoring an American Legion Baseball team assume responsibility for ensuring their coaches, managers and volunteer staff of a Junior or Senior American Legion Baseball teams have the skills, knowledge, materials, equipment, facilities, etc. needed to do the job. It is absolutely essential that every coach, manager and volunteer staff of an American Legion Baseball team know who they should to go to with questions or problems.

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.

Adult: Anyone 18 years of age or over.

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

"Provider": The exclusive commercial vendor engaged by The American Legion National Headquarters to conduct background check screening of coaches, managers and volunteer staff of Junior and Senior American Legion Baseball teams:

Priority Research Services, Inc., DBA "Protect Youth Sports"
14499 N. Dale Mabry Hwy, Suite 201S
Tampa, FL 33618
(877) 319-5587 (8:30am to 4:30pm Eastern Time)
www.protectyouthsports.com

"Designated Individual(s)": Designated Individuals of the American Legion Baseball program are coaches, managers and volunteer staff of Junior and Senior teams.

"Organization": The American Legion National Headquarters.

"Reporter": An individual reporting suspicions or allegations of child abuse.

"Team Sponsor": The Legion post or other organization sponsoring a Junior or Senior American Legion Baseball team.

"Verifier": Those who are assigned responsibility for making verifications as noted below. It is strongly urged and recommended that the respective Legion department and/or Legion post or other organization sponsoring an American Legion Baseball team assume the responsibility for verifying that:

1) Each coach, manager or volunteer staff has successfully passed the mandated background check screening requirements for each upcoming season
2) An individual charged with or having a case pending involving disqualifying criteria is prohibited from having contact with the team until legal adjudication has been made and the screening has been confirmed as successfully completed
3) A substitute or replacement team coach, manager or volunteer staff does not assume any duties with the team until the background check screening is successfully completed
4) Validity of information that a team coach, manager or volunteer staff may have sustained one of the disqualifying criteria in the interim after a required background check screening
5) Non-screened adults removed from the field of play have successfully completed a background check screening prior to their return.

SCREENING

Resolution No. 16 NEC Oct 2012, *"*Mandatory Background Check Screening For Coaches, Managers and Volunteer Staff of Junior and Senior American Legion Baseball Teams*"* (Appendix A) mandates that coaches, managers and volunteer staff of Junior and Senior American Legion Baseball teams must have background check screening conducted each season prior to any meetings, events, practices or games that involve youth participants, and must comply with the risk management policies of The American Legion established for the enhanced protection of children and youth.

Background Checks

Designated Individuals to be Screened. Background check screening will be conducted on all coaches, managers and volunteer staff of Junior and Senior American Legion Baseball teams, hereafter referred to as "Designated Individuals".

Authorized Background Check Provider. All background checks for Designated Individuals will be conducted by the exclusive commercial vendor engaged by The American Legion National Headquarters to conduct background check screening of Designated Individuals, and is hereafter referred to as the "Provider":

Priority Research Services, Inc., DBA "Protect Youth Sports"
14499 N. Dale Mabry Hwy, Suite 201S
Tampa, FL 33618
(877) 319-5587 (8:30am to 4:30pm Eastern Time)
www.protectyouthsports.com

In addition to conducting background checks, the Provider provides screening and reporting of background check results in accordance with criteria established by The American Legion National Headquarters, hereafter known as the "Organization". The Provider is responsible for complying with the Fair Credit Reporting Act, storage of information and records consistent with applicable laws, and maintaining confidentiality of information obtained through the background check process.

Applicability of Background Checks. Although a Designated Individual may have the ability to provide proof of a background check having been previously conducted through a source other than the Provider, background check screening as mandated in Resolution No. 16 NEC Oct 2012, *"*Mandatory Background Check Screening For Coaches, Managers and Volunteer Staff of Junior and Senior American Legion Baseball Teams*"* will still be conducted by the Provider in order to provide screening consistency and enhanced confidentiality.

Frequency of Background Checks. Background checks will be conducted on all Designated Individuals each baseball season prior to any meetings, events, practices or games that involve youth participants.

Level of Information to be Checked. All background check screenings conducted on Designated Individuals will include:

- Social security number verification and address history trace
- Alias names national search
- National criminal database search

- National sex offender registry search

A few select states that are designated as having insufficient data in the national database must select the "Plus Package" option when applying for a background check with the Provider so as to have a county or statewide court search additionally conducted, thereby ensuring an adequate level of background screening is commensurate with other states. **Those designated states are: Alabama, Colorado, Delaware, Georgia, Hawaii, Kentucky, Maine, Massachusetts, Nevada, South Dakota, Virginia, Wyoming** and others as may be deemed in the future.

Remaining states not designated above will select the "Basic Package" option, but may select the "Plus Package" option if so desired.

Costs Associated with Conducting Background Checks. The Organization will not fund or collect any costs associated with conducting mandatory background check screenings of coaches, managers and volunteer staff of Junior and Senior American Legion Baseball teams. Information regarding costs associated with conducting background check screening of coaches, managers and volunteer staff of Junior and Senior American Legion Baseball teams within a particular department must be obtained from the Provider. The Organization has negotiated with the Provider to ensure the best pricing possible without sacrificing the integrity or quality of services.

Background Check Disqualifying Criteria. Disclosure during a background check screening that contains one or more of any of the following disqualifying criteria will prohibit an individual from serving as a coach, manager or volunteer staff of a Junior or Senior American Legion Baseball team:

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; including "victimless" crimes of a sexual nature (including pornography)
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

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.

Findings. The Provider grades (adjudicates) and assigns either an "accept" or "reject" designator to a background check application from an individual of The American Legion. An "accept" designator means the background check of a Designated Individual does not contain disqualifying criteria previously set forth and may have contact with youth participants of the American Legion Baseball team. A "reject" designator means the background check of a Designated Individual contains disqualifying criteria and that individual is prohibited from having contact with youth participants of the American Legion Baseball team. The Provider sends the results of that adjudication to the account manager/Legion department that has been designated; a full copy of the report is not revealed to the Legion during that process. This system of reporting eliminates the need to disclose specific criminal history details to the Legion.

When a background check reveals there is a pending case or an active warrant for crimes involving the disqualifying criteria listed, the Provider will assign a "reject" designator. Doing so supports the Organization's mandate of prohibiting an applicant from having contact with any youth program participants until such time legal adjudication is made and there is verification that an "accept" designator is then achieved.

Pre-Adverse Action Notice. The Provider has a system in which they are automatically aware that a "reject" designator has been reported for an individual. The Provider will email to that individual a copy of their full report, along with a "Pre-Adverse Action Notice" and a copy of the Summary of Rights as mandated by the Fair Credit Reporting Act.

At this point the Provider allows five (5) business days for the individual to contact them in order to file a dispute or request a recheck, should the individual disagree with the outcome of the report. If contacted, the Provider will follow its normal re-check procedure and will send out an updated report, should one be needed at the completion of the recheck/dispute.

If an individual should ultimately deem that after re-check/dispute that the situation has been resolved, the individual at that time may submit a brand new, fresh application to the Provider in order to provide confirmation of an "accept" designator to their account manager.

If 5 business days pass with no communication from the individual, the Provider will then issue, via email, a final Adverse Action letter and a copy of the Summary of Rights to the individual. There is no report sent with this phase.

Initiating and Verifying Background Checks. Each Legion department is urged to establish a system for oversight and management of background check screening for coaches, managers and volunteer staff of junior and senior American Legion Baseball teams that will best suit the needs of the department for: 1) initiating background checks of Designated Individuals; 2) conducting background check verifications of Designated Individuals; 3) assigning Verifier(s); and 4) managing costs. The Provider will discuss the management solution options they have available to help determine what will best suit the needs and available resources within a department.

Verifications. During the online American Legion Baseball registration process the Organization will require acknowledgment that all Designated Individuals of a Junior or Senior American Legion Baseball team have been verified as having successfully passed the mandated background screening requirements. It is urged and recommended that the respective Legion department and/or Team Sponsor be assigned responsibility for conducting that verification ("Verifier"). The online registration process for ALB will be unable to continue until such time the acknowledgment statement is checked off that all required background checks have been verified as successfully complete and an electronic signature of the verifier provided.

If during the background screening process it is revealed that a Designated Individual is charged with or has a case pending that involves any disqualifying criteria as previously set forth, that individual will be prohibited from having contact with the American Legion Baseball team until legal adjudication has been made and the screening has been confirmed/verified as successfully completed; it is strongly urged and recommended that the respective Legion department and/or Team Sponsor assume responsibility for oversight of an appropriate disposition in this situation ("Verifier").

If information is acquired during the playing season that a Designated Individual may have sustained one of the disqualifying criteria in the intervening period after a required background check has been conducted, that individual will be prohibited from having contact with the American Legion Baseball team until accuracy of the information has been validated so as to ensure the protection of the youth participants; it is strongly urged and recommended that the respective Legion department and/or Team Sponsor assume responsibility for oversight of an appropriate disposition in this situation ("Verifier").

A replacement or substitute for a Designated Individual at any time during the season cannot assume any duties until background check screening as mandated has been confirmed as successfully completed; it is strongly urged and recommended that the respective Legion department and/or Team Sponsor assume responsibility for oversight of an appropriate disposition in this situation ("Verifier").

The American Legion at any level may reserve the right to prohibit an individual from serving as a coach, manager or volunteer staff of a Junior or Senior American Legion Baseball team if at any time it is deemed the individual is unfit to work with minors.

Appeals. The Organization will not intercede if a Designated Individual has concern with the outcome of their background check report of findings; it is strongly urged and recommended that they be referred directly to the Provider for discussion.

Copies of Reports. Should an individual who receives an "accept" designator desire to receive a full copy of their background check report, that individual should directly contact the Provider to make that request and pay the fee associated with doing so since the routine release of a full report is not an obligatory requirement of the contractual agreement established between the Organization and the Provider.

There are three ways an individual may request a copy of their background check report from the Provider:

1. **Fax:** By faxing a request letter to 800-319-5582
2. **Email:** By emailing a request to support@protectyouthsports.com
3. **Mail:** By mailing a request letter to: Protect Youth Sports Compliance Department, 14499 N. Dale Mabry Hwy, Suite 201S, Tampa, FL 33618

The following information should be included with each request:

- Full name
- Social Security Number (do not provide if sending via email)
- Daytime phone number
- Copy of driver license or photo ID (please enlarge and ensure copy is clear and legible)
- Secondary form of ID
- Report ID (if available)
- Mailing Address. (Please note: The report will be sent certified mail)
- Signature

Removal from Record. As a possible recourse, individuals may independently seek having disqualifying criteria removed from their record through legal or governmental avenues. This may not

always be an option, but if an individual can have disqualifying criteria removed from his/her record and then achieve an “accept” designator through background screening with the Provider, they may then be considered qualified to serve as a Designated Individual for American Legion Baseball.

PROTECTON POLICIES AND SAFEGUARDS

American Legion youth programs are designed to encourage safe interaction between staff, volunteers, and children or youth. Parents and families trust Legion programs to provide a safe and healthy environment for all participants.

Youth Protection Policy. **The American Legion does not tolerate abuse in any form, whether it is physical, emotional, sexual, verbal or economic exploitation.**

Youth Protection Safeguards. The following safeguards are intended to first and foremost place the welfare and well-being of children and youth in the highest priority, and to assist in employing and monitoring behaviors and interactions with children and youth so as to avoid, recognize or stop those that are harmful. These safeguards do not and cannot address every situation that could be encountered. Just because a certain action is not prohibited in this section does not mean it is acceptable behavior. Staff may be required to act with a certain degree of personal discretion.

Conduct. The following guidelines and expectations have been established for persons serving in volunteer and staff roles for youth programs of The American Legion.

General conduct:

- Demonstrate behavior appropriate for a role model for youth; be courteous, fair, and unbiased in your treatment of all children and youth.
- Put the welfare and well-being of children and youth first.
- Treat all children and youth with dignity and respect.

Drugs, tobacco, alcohol and sexually explicit materials:

- Do not possess, distribute, use or allow others to use alcohol or drugs during operation of national youth programs.
- The use of tobacco at national youth programs is prohibited in the presence of children or youth.
- Do not be in the possession of any sexually orientated materials when conducting business as staff of a national youth program.

Use of Language:

- Do not use harsh, inappropriate, offensive, profane or degrading language in the presence of children or youth.
- Do not discuss sexual history, preferences or fantasies with or in the presence of children or youth.

Physical contact:

- Do not use restraint or any type of restraining device as punishment or behavior management.
- Do not use physical punishment in any form (e.g. slap, push, hit, kick, etc.). Use of the most minimal physical force necessary is only acceptable to save one from serious harm or death when the actions of a child or youth is placing themselves or others at immediate risk.
- Do not participate in or allow others to engage in hazing or any activities involving harassment, humiliation, teasing, ridicule or abuse.
- Do not have sexual contact with children or youth.
- Do not engage in sexual activity in the presence of children or youth.
- Remain alert to the appropriateness (see below), context, and location of any physical contact with children and youth; any physical contact only takes place in public.

- Do not dress, undress, shower or bathe with or in the presence of children or youth.
- Do not have sleeping locations with children or youth.
    - *Sleeping room assignments involving youth program participants should be so that no participant of an adult age (18 years of age or older) is rooming with a participant who is a child/minor/youth (17 years of age and below).*
- Have contingency plans in place for separating those program participants who may become involved in youth-on-youth/child-on-child harassment.
- Do not be alone with a child or youth when transporting them in a vehicle.

Appropriate forms of contact:

- Brief hug (e.g., a "shoulder-to-shoulder" hug of celebration or appreciation).
- Pats on shoulder or back.
- Handshakes.
- "High-fives".
- Holding hands during prayer.

Inappropriate forms of contact:

- Lengthy, fully engaged embraces or "bear hug".
- Kisses on the mouth.
- Touching of buttocks, breasts or genital area.
- Occupying same bed as a child or youth.
- Any type of massage.
- Snapping of bras or giving wedgies or similar touching of underwear, whether covered by other clothing or not.
- Private meals with a child or youth.
- Giving gifts to, or receiving gifts or money from children or youth.
- Any form of unwanted affection.

Communication:

- Do not be alone with a child or youth when one-on-one discussion or counseling is necessary; one-on-one interaction with a child or youth will only take place in a publicly visible and open area that allows for private conversation and while still remaining in the presence of another staff member.
- Electronic text or image communications (email, electronic text, social media, videos, digital photos, etc.) with a child or youth under the age of 18 must copy or include the minor's parents or guardians.

Safety:

- Plan for adequate staff-to-participant ratios that are appropriate to the nature of the youth program, the activities involved, and the age of program participants.
- Keep medical and emergency contact details for youth program participants readily available at all times in the event of an emergency.
- Immediately obtain or provide appropriate medical assistance in the event of an injury.

POSSIBLE SIGNS OF ABUSE

These signs do not necessarily indicate that a child has been abused, but they may help adults recognize the possibility that something is wrong.

Possible signs of physical abuse:

- Frequent suspicious or unexplained injuries out of the norm for those normally associated with childhood activities, e.g., burns, deep bruising, etc.
- Improbable excuses or refusal to explain injuries.
- Wears inappropriate clothing to cover injuries, e.g., long sleeves or pants on a hot day.
- Injuries appearing to have a pattern, such as a handprint or belt.
- Fear of medical treatment or examination.
- Aggression toward others.
- Shrinks back from touch.
- Refusal to change for gym or athletic activities.
- Rebels against authority.

Possible signs of emotional abuse:

- Excessively withdrawn or fearful.
- Continual self-deprecation, e.g., “I’m ugly”, “I’m stupid”, etc.
- Overreaction to mistakes.
- Emotionally abuses others.
- Extreme sensitivity to criticism.
- Extreme fear of new situations.
- Extremes of passivity or aggressiveness.
- Continuous unwillingness to develop relationships.

Possible signs of sexual abuse:

- Difficulty walking or sitting.
- Makes strong efforts to avoid a person without explanation or strong reluctance to interact with a person.
- Fear of touch.
- Wearing excessive amounts of clothing.
- Isolation or withdrawal.
- Insecure or clinging.
- Extreme personality changes.
- Sudden loss of appetite or compulsive eating.
- Inability to concentrate.
- Being overly affectionate or acting out sexually.

RESPONDING TO CHILD ABUSE / SUSPECTED CHILD ABUSE

Anyone having knowledge of, or a reasonable cause to suspect, that abuse of a child or youth has occurred, has a personal, ethical, and often legal, obligation to make a report. The definition of a "mandated reporter" for suspected child abuse can vary from state-to-state, with the applicability of who should report being defined more broadly in some states more than others. But remember, it is the responsibility of all individuals and community members — not just mandated reporters — to respond to the suspected maltreatment of any child or youth. No matter the state laws, learning the appropriate ways to respond to suspected abuse and becoming an informed and involved are important steps toward protecting children. **All coaches, managers and volunteer staff of Junior and Senior American Legion Baseball teams are required to immediately report all cases of abuse or suspected abuse involving a child or youth.** Any individual reporting suspicions or allegations is hereafter referred to as the "Reporter".

If a child or youth tells you about abuse:

- Remain calm and reassuring.
- Find a quiet place to talk.
- Believe in what you are being told.
- Don't jump to conclusions.
- Reassure the child or youth they did the right thing by telling you.
- Reassure the child or youth that they will be protected and supported.
- Be discreet.
- Call 911 if medical treatment is necessary.
- *Report the concern immediately to the proper law enforcement authorities*. The law requires only that you have a reasonable suspicion that a child or youth is being abused.
- Do not discuss the concern or share information with anyone other than those having a "need to know."

Reporting

When anyone, including coaches, managers and volunteer staff of a Junior or Senior American Legion Baseball team, observes or are made aware of any inappropriate behavior(s) or behavior(s) inconsistent with those detailed in the "Protection Policies and Safeguards" section of this guide, they must immediately report their suspicion(s)/allegation(s) to their respective Legion department and/or Team Sponsor.

In ALL cases involving ANY reasonable suspicion that child abuse has occurred, a report must immediately be made to law enforcement authorities and notification to the youth participant's parent(s) or guardian(s). This reporting responsibility may NOT be abdicated to another individual. The assumption should NOT be made that law enforcement authorities, parent(s)/guardian(s), etc., have already learned of a situation through other venues – report immediately upon becoming aware of suspected child abuse.

It is strongly urged and recommended that respective Legion departments and/or Team Sponsors implement use of the written report form found in Appendix B entitled "REPORTING FORM", and after having immediately contacted law enforcement authorities and parent(s)/guardian(s) in cases involving child abuse or suspected child abuse, the Reporter then offer a copy of this completed form to law enforcement authorities, and provide a copy to the respective Legion department and/or Team

Sponsor, if considered necessary. All information regarding alleged child abuse must be maintained under strict confidentiality and communicated only to those having a “need-to-know”.

AWARENESS AND ORIENTATION

All Designated Individuals must comply with the "Risk Management Policies of The American Legion for the Enhanced Protection of Children and Youth" set forth in this manual. The Organization will provide online accessibility to "Risk Management Policies of The American Legion for the Enhanced Protection of Children and Youth", but does not have responsibility for ensuring that Designated Individuals receive the information. It is strongly urged and recommended that Legion departments and/or Team Sponsors implement a system for ensuring availability of "Risk Management Policies of The American Legion for the Enhanced Protection of Children and Youth" to Designated Individuals each season.

It is strongly urged and recommended that each season the respective Legion department and/or Team Sponsor require and maintain a record of submission of the statement form contained in Appendix C that acknowledges receipt and understanding of the "Risk Management Policies of The American Legion for the Enhanced Protection of Children and Youth" from Designated Individuals, or maintain documentation through management solutions that may be established through the Provider.

THE AMERICAN LEGION
NATIONAL EXECUTIVE COMMITTEE
INDIANAPOLIS, INDIANA
OCTOBER 17-18, 2012

RESOLUTION NO: 16

Mandatory Background Check Screening For Coaches, Managers and Volunteer Staff of Junior and Senior American Legion Baseball Teams

COMMISSION: Americanism/Finance

WHEREAS, The American Legion endeavors to protect the health and safety of its American Legion Baseball youth players; and

WHEREAS, The aftermath of numerous cases of child sexual molestation across the nation has demonstrated the importance for diligent protection of vulnerable populations, such as children and youth; and

WHEREAS, It is paramount The American Legion meet its moral and ethical responsibility to parents and guardians by protecting their children from abuse and harm when participating in youth programs under the Legion brand; and

WHEREAS, Since 1994, through S.A. Van Dyk, Inc., Agent of Record for The American Legion, K&K Insurance Group, Inc. has been the exclusive provider of liability insurance coverage for American Legion Baseball and Sentry Insurance Company has provided exclusive coverage in special risk accident insurance; and

WHEREAS, K&K Insurance Group, Inc. and Sentry Insurance Company each possess extensive knowledge and experience with endeavors to protect the health and safety of youth participants, volunteers and spectators through their longstanding service in providing insurance coverage to The American Legion, its departments, and American Legion Baseball teams; and

WHEREAS, K&K Insurance Group, Inc., now requires background check screening of coaches, team managers and volunteers who work directly with youth participants of American Legion Baseball teams in order to provide liability coverage at a level deemed prudent; and

WHEREAS, This resolution has been reviewed by the National Americanism Commission and with concurrence from the National Finance Commission, is recommended to the National Executive Committee for favorable action; now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana on October 17 - 18, 2012, That effective with the 2013 season, all coaches, managers, and volunteer staff for Junior and Senior American Legion Baseball teams must have background check screening conducted each season prior to any meetings, events, practices or games that involve youth participants; and, be it further

RESOLVED, That background check screening must be conducted at the following minimum level:

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 (Delaware, Georgia, North Dakota, Kentucky, Massachusetts, South Dakota, Wyoming, and others as may be deemed in the future); and, be it further**

RESOLVED, That disclosure during background check screening that contains one or more of the following disqualifying criteria will preclude an individual from serving as a coach, manager or volunteer staff of an American Legion Baseball team:

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; and, be it further**

RESOLVED, That background check screening must be conducted by the exclusive commercial vendor engaged by National Headquarters for the screening of all coaches, managers and volunteer staff of Junior and Senior American Legion Baseball teams in order to provide screening consistency and enhanced confidentiality; and, be it further

RESOLVED, That during the online registration process for American Legion Baseball teams the National Organization of The American Legion will require an acknowledgment that each coach, manager or volunteer staff of an American Legion Baseball team has been verified as having successfully passed the mandated background check screening requirements for that upcoming season; and, be it further

RESOLVED, That if during the background screening process it is revealed that a team coach, manager or volunteer staff is charged with or has a case pending that involves any disqualifying criteria set out above, that individual will be prohibited from having contact with the American Legion Baseball team until legal adjudication has been made and the screening has been verified as successfully completed; and, be it further

RESOLVED, That a substitute or replacement for an American Legion Baseball team coach, manager or volunteer staff at any time during the season, cannot assume any duties until background check screening as mandated has been verified as successfully completed; and, be it further

RESOLVED, That if information is acquired during the playing season that a team coach, manager or volunteer staff may have sustained one of the disqualifying criteria in the interim

after a required background check screening has been conducted, that individual will be prohibited from having contact with the American Legion Baseball team until accuracy of the information has been validated so as to ensure the protection of the youth participants; and, be it further

RESOLVED, That it is strongly urged and recommended that the respective Legion department and/or Legion post or other organization sponsoring an American Legion Baseball team assume the responsibility for verifying that:

1) **Each coach, manager or volunteer staff has successfully passed the mandated background check screening requirements for each upcoming season**
2) **An individual charged with or having a case pending involving disqualifying criteria is prohibited from having contact with the team until legal adjudication has been made and the screening has been confirmed as successfully completed**
3) **A substitute or replacement team coach, manager or volunteer staff does not assume any duties with the team until the background check screening is successfully completed**
4) **Validity of information that a team coach, manager or volunteer staff may have sustained one of the disqualifying criteria in the interim after a required background check screening**
5) **Non-screened adults removed from the field of play have successfully completed a background check screening prior to their return; and, be it further**

RESOLVED, That the National Organization of The American Legion will not fund or collect any costs associated with the mandatory background check screenings of coaches, managers and volunteer staff of American Legion Baseball teams; and, be it finally

RESOLVED, That coaches, managers and volunteer staff of American Legion Baseball teams must comply with the risk management policies of The American Legion established for the enhanced protection of children and youth.

THE AMERICAN LEGION NATIONAL HEADQUARTERS
REPORTING FORM
CHILD ABUSE / SUSPECTED CHILD ABUSE

This section is <u>about the individual you are reporting</u>. Please provide as much information as possible.

1. Name of the individual you are reporting (first and last):

2. Age or approximate age:

3. Circle gender: Male Female

4. Address (City and State required)

5. Program position(s) this individual held at time of the incident:

This section asks questions <u>about the incident(s)</u> you are reporting. Please provide as much information as possible.

6. Type of offense (e.g., what is being suspected or alleged)

7. During which national youth program did the incident(s) take place?

8. What is the location of where the incident(s) took place? (include city, state and any other available location information)

9. Describe what happened (include who, what, when, where) (continue on reverse side if necessary)

This section is for information <u>about the victim(s)</u>.

10. Name (first and last)

11. Age or approximate age:

12. Circle gender: Male Female

13. Parent/Guardian name:

14. Parent/Guardian address:

15. Parent/Guardian phone numbers: Cell: Home:

This section is <u>your information</u>. A person reporting alleged misconduct should not fear any retribution and/or consequence when filing a report he/she believes to be true.

16. Name (first and last)

17. Email address:

18. Phone numbers: Cell: Home:

19. Address:

20. Program position you were holding at time of the incident:

21. Relationship to victim (if any):

It is strongly urged and recommended that respective Legion departments and/or Team Sponsors implement use of this written report form entitled "REPORTING FORM", and after having immediately contacted law enforcement authorities and parent(s)/guardian(s) in cases involving child abuse or suspected child abuse, the Reporter then offer a copy of this completed form to law enforcement authorities, and provide a copy to the respective Legion department and/or Team Sponsor, if considered

necessary. All information regarding alleged child abuse must be maintained under strict confidentiality and communicated only to those having a “need-to-know”.

ACKNOWLEDGMENT AND UNDERSTANDING OF RISK MANAGEMENT POLICIES OF THE AMERICAN LEGION FOR THE ENHANCED PROTECTION OF CHILDREN AND YOUTH

If you have any uncertainty or questions regarding the content of the Risk Management Policies of The American Legion for the Enhanced Protection of Children and Youth, you are required to consult the American Legion Baseball Program Director at National Headquarters prior to signing and acknowledging this agreement.

"I have read and understand the 'Risk Management Policies of The American Legion for the Enhanced Protection of Children and Youth' and agree to abide by its terms and conditions. I understand that my failure to follow the terms of this policy could result in disciplinary action up to and including termination of serving as a coach, manager or volunteer staff of a Junior or Senior American Legion Baseball team".

_____

Signature of Volunteer

_____ _____

Printed Name Date

_____

Team Name

_____

Team Sponsor Name

_____

Legion Department

RECORD OF CHANGES
FOR
RISK MANAGEMENT POLICIES OF THE AMERICAN LEGION FOR THE ENHANCED PROTECTION OF CHILDREN AND YOUTH
FOR
Coaches, Managers, and Volunteer Staff of Junior and Senior American Legion Baseball Teams

December 2016

Page 7 – Delete Montana from the list of designated states for "Plus Package".

Page 7 – Add Virginia to the list of designated states for "Plus Package".

Page 7 – Delete (effective with the 2016 season).

December 2017

Page 4 – Update "Provider" hours of service.

Page 6 – Update "Provider" hours of service.

Page 7 – Add Alabama and Colorado to the list of designated states for "Plus Package".