

SEXUAL ABUSE, PHYSICAL ABUSE AND CRIMINAL BACKGROUND SCREENING POLICY

Revised June 2009

Section 1: Intent

The intent of these rules is to reduce the risk of a MH participant becoming the victim of sexual or physical abuse.

Section 2: Uniformity of Standard

All personnel of MH and of its affiliates are subject to this screening standard.

Section 3: Applicability of Standard

- A. The personnel of all MH associated organizations shall be screened pursuant to these screening rules.
- B. For purposes of these screening rules, MH associated organizations shall include, but not necessarily be limited to, MH (the officers and directors of MH and the members of all of its committees), affiliated community hockey associations, other affiliates, teams of affiliates, affiliated girl's/women's programs, all teams or organizations registered with MH, and Team Minnesota, USA Hockey/MH festivals and development camps.
- C. For purposes of these screening rules only, on-ice officials who officiate games for MH teams shall be considered personnel of an MH associated organization.
- D. For purposes of these screening rules, personnel shall include officers, members of boards of directors, coaches, team managers, referees and coaching or referee instructors, whether or not they receive compensation for their services. Other personnel may be included at the discretion of the MH Screening Committee.
- E. For purposes of these screening rules, the personnel required to be screened under these screening rules shall collectively be referred to as "members."
- F. For purposes of these screening rules, participation as such members (including participation by other personnel screened who thereby become members) shall collectively be referred to as "screened activities."
- G. MH affiliates or associated organizations may, in their discretion, apply the requirements of these screening rules to other volunteer personnel not carried on rosters or registered by means of a USA Hockey Individual Member Registration form (or by electronic registration) and not specifically mentioned herein.
- H. All persons subject to these screening rules shall be randomly screened at least once every three years, absent special circumstances requiring more frequent screening. Each year the MH Screening Committee shall divide the group of persons subject to these rules into three approximately equal sized groups for screening. In each year, it shall screen one such group, plus such other persons which it shall identify, in its sole discretion. Special circumstances requiring discretionary screening would include, but not be limited to, the situation in which MH or a MH associated organization becomes aware that a person subject to these rules has recently been convicted of a crime which may render that person ineligible to participate in activities of MH and its associated organizations. It is also intended that members identified as new coaches, team managers or referees each year shall also be identified each season and screened before they are allowed to participate in MH screened activities where they would have direct contact with minor participants.
- I. A member who does not consent to be subject to the application of these screening rules and to provide the MH Screening Committee with complete and accurate identifying information as requested, shall not be allowed to participate in screened activities. For purposes of this policy, it is determined that, at a minimum, members shall be required to provide the following information:
 1. First, full middle and last name;
 2. Any previous names used, including but not limited to maiden name or nickname;
 3. Current and any other residence addresses for the last ten years;
 4. Date of birth;
 5. Social Security number;
 6. Home telephone number;
 7. Any past criminal conviction or civil action which may disqualify that member under Section 4 of this policy; and
 8. Such other identifying information as shall be specified in a Minnesota Hockey Confidential Screening and Consent Form adopted by the Board of Minnesota Hockey from time to time.

Section 4. Standard for Participation of MH and its associated organizations.

- A. A person **shall be** disqualified and prohibited from participating in screened activities, if the member has been convicted of any "Background check crime" or any "Child Abuse crime" as defined in Minn. Stat. § 299C.61, and/or any of the following crimes as they may be defined in any jurisdiction:

Murder in the first, second or third degree	Mistreatment of residents or patients
Manslaughter in the first or second degree	Criminal abuse of a vulnerable adult
Assault in the first, second, third, or fourth degree	Kidnapping
Arson in the first or second degree	Abduction
Controlled substance crime in the first, second, or third degree	Solicitation of children to engage in sexual conduct
Great bodily harm caused by distribution of drugs	Malicious punishment of a child
Crime committed for the benefit of a gang	Neglect or endangerment of a child
Criminal sexual conduct in the first, second, third, fourth or fifth degree	

- B. A person **may be** disqualified and prohibited from participating in screened activities if:
1. The member has been convicted (including crimes the record of which has been expunged and pleas of "no contest") of any crime of violence against minors, or any crime which indicates the person may pose a threat of harm or risk to the safety and well-being of players, parents, organization or others under his/her direction, stewardship or relationship. Such crimes include but are not limited to all felonies not described in A. above, domestic assault, indecent exposure, and multiple convictions for operating motor vehicles or watercraft while under the influence of alcohol or controlled substances; or
 2. It is determined that he/she has been adjudged liable for civil penalties or damages involving sexual or physical abuse of children, is subject to any court order involving sexual abuse or physical abuse of a minor, including, but not limited to, domestic order for protection, has had his/her parental rights terminated for reasons involving sexual or physical abuse of children; or
 3. MH or any of its affiliates comes into possession of verified information that he/she has a history with another organization (as a volunteer, employee or otherwise) of complaints of physical or sexual abuse of minors, resigned, been terminated or been asked to resign from a position, whether paid or unpaid, due to complaint(s) of sexual or physical abuse of minors.
- Disqualification under this section 4.B. shall be at the discretion of the Screening Committee after due consideration of relevant information.

- C. Notwithstanding the provisions of Sections 4.A. and 4.B. above:
1. In the event that a person has been convicted of any "Background check crime" or any "Child Abuse Crime" as defined in Minn. Stat. § 299C.61 or any of the crimes enumerated in Section 4.A., and this conviction was entered more than ten (10) years before the beginning of the current hockey season (on or after September 1), the committee may utilize its discretion whether to disqualify that person under the Policy; and
 2. In the event that a person has been disqualified under Section 4.A. above, that person may apply, in writing, to the Committee for reinstatement when either of the following is true:
 - a. more than ten years have elapsed since the conduct on which the disqualification was based occurred; or
 - b. in the event that the disqualifying conduct occurred ten years or more before the disqualification, more than ten years have elapsed since the disqualification was made by the Committee.
 3. In the event that a person has been disqualified under Section 4.B. above, that that person may apply, in writing, to the Committee for reinstatement if more than ten years have elapsed since the conduct on which the disqualification was based occurred.
 4. In the case of subparagraph 2. or 3. above, the Committee shall review the applicant's criminal record and overall conduct in the relevant period and may exercise its discretion to either reinstate or again disqualify the applicant.
 5. Nothing in this Section 4.C. shall prevent the Committee from disqualifying an applicant under either Section 4.A. or 4.B. in the exercise of its discretion after reviewing the record of conduct of the applicant.
 6. Any decision by the Committee pursuant to this Section 4.C. shall be appealable by the applicant as provided in Section 7. Below.

Section 5. Screening Procedure

- A. Individual Members. Each person seeking to participate in MH activities shall consent to be screened as provided by these screening rules and shall sign a consent form provided by MH before participating in screened activities. Such form shall be signed each year, and it shall authorize MH or its designee to perform one or more background checks to determine whether the signer is the subject of any reported criminal conviction or otherwise poses a risk to the safety and well-being of participants under his/her direction or stewardship. The consent form shall be provided at the time or times requested by MH.
- B. Registration Personnel
1. Minnesota District Registrar and Associate Registrars. Screening forms and related instructional materials shall be provided by the MH Screening Committee to the Minnesota District Registrar in time for distribution of them with registration materials. The Minnesota Registrar and/or Associate Registrars shall distribute the screening forms and instructional materials to the MH associated organizations when registration materials are distributed to them.
 2. Local Association registration coordinators, ACE Coordinators, MH event and camp directors.
 - a. Except as directed below for new coaches and new team managers, MH associated organizations shall each collect the signed consent forms from all members and submit those forms in a timely manner through the team registration process to the MH Screening Committee for review. Event or camp registrars shall have the same responsibility.
 - b. At the local association level, it shall be the responsibility of the local association registration coordinator to:
 - 1) Identify any new coaches and team managers. For purposes of this Screening Policy, a "new coach" or "new team manager" is either an individual who did not participate at all in MH activities in the preceding season or who did participate, but with a different MH associated organization or who participated previously as a minor and now has reached majority.

- 2) Obtain the necessary identifying information for screening from that coach or team manager on a signed Minnesota Hockey Confidential Screening and Consent Form and provide it to the local registration coordinator before those new coaches or team managers are allowed to participate in screened activities where they would have direct contact with minor participants.
 - c. It shall be the responsibility of the local registration coordinator (or the Association President or Chair) to transmit the necessary identifying information for new coaches and new team managers electronically to the MH Screening Committee immediately upon receipt, but in any event before the new coach or new team manager is allowed to participate in screened activities where they would have direct contact with minor participants. Concurrent responsibility for this restriction shall rest with the local association's president with the assistance of the local ACE Coordinator or coach-in-chief.
 - d. For purposes of the foregoing, if a local registration coordinator is not in place, it shall be the responsibility of the local Association President or Chair to comply with the foregoing subparagraphs a-c and provide the necessary information and screening forms to the MH Screening Committee.
- C. MH Referee Section Director. At the direction of the Referee Section Director:
1. All referee registration, training and certification programs shall include a process whereby signed Minnesota Hockey Confidential Screening and Consent Form are collected from all referees each season and submitted in a timely manner to the MH Screening Committee for review.
 2. New referees shall be identified by the MH District Supervisors of Officials (or their designees) at the time of registration and training. It shall be the responsibility of the MH District Supervisors of Officials or his designee to obtain and transmit the necessary identifying information for new referees electronically to the MH Screening Committee immediately upon receipt or before those new referees are allowed to participate in screened activities where they would have direct contact with minor participants. For purposes of this policy, a "new referee" is either an individual who did not participate at all in MH activities in the preceding season or who did participate, but with a different MH associated organization, or who participated previously as a minor and now has reached majority.
- D. Board Presidents or Chairs and Advance Program Directors. The chief officer of each MH associated organization or Advance Program shall:
1. Compile a list of names of all members from such organization to be screened according to this policy (including coaches, team managers, and board members).
 2. Certify in writing that the list of names is complete for the current season, by sending a copy of that list to the MH Screening Committee.
 3. Submit the certified list of names and signed consent forms to the cognizant MH District Director or Advance Program coordinator at the time of team registration. Partial lists of names of members and partial groups of signed consent forms may be submitted at different times, but such partial lists and groups, taken together, shall comprise a complete list of the names of all members to be screened, and the certification shall state that the lists taken together comprise a complete list of the names of all members to be screened.
 4. As to new coaches and new team managers, assist the local registration coordinator in identifying those individuals and transmitting their identifying information to the Screening Committee before those members are allowed to participate in MH activities where they would have direct contact with minor participants.
 5. In recognition of special circumstances arising in the timing of identifying coaches for Advance Program tryout festivals, application may be made to the MH Vice President for Hockey Operations for an extension of time to transmit the identifying information to the Screening Committee so that a coach may be allowed to participate in screened activities where they would have direct contact with minor participants pending completion of screening of that coach. The MH VP of Hockey Operations shall have discretion to grant a reasonable extension after consideration of relevant information.
- E. MH District Directors. It shall be the responsibility of the MH District Directors to oversee the timely collection and submission of screening information according to this policy. Upon receipt of verified lists, the MH District Directors shall forward them to the MH Screening Committee. District Directors shall not authorize a team roster for which there is not a signed consent form for each coach or team manager. The signed consent forms shall be collected by, or delivered to, the cognizant MH District Director, who shall promptly forward them to the MH Screening Committee within 10 days of a team's roster authorization.
- F. Screening Committee. The Screening Committee shall consist of the MH Women's Director, the Minnesota District Risk Manager, the Minnesota District Registrar, and four or more other members appointed by the MH President. No MH District Director shall serve on the Screening Committee. The Screening Committee shall:
1. Collect all verified lists of members to be screened and signed consent forms, and construct a computer data base of all members.
 2. Promptly conduct background checks on the selected members utilizing a database service appropriate to the purposes of this policy.
 3. Receive and review the information disclosed by the background checks, applying the criteria for disqualification specified in this policy.
 4. If relevant information, as defined by Section 4 of this policy is received concerning a member, promptly review and discuss the information, and determine whether the member is eligible to participate in activities of MH or its associated organizations.

5. If the Screening Committee determines that the member is disqualified and prohibited from participating in screened activities, its Chair shall notify in writing the member, the member's affiliate, the Minnesota District Registrar and the cognizant MH District Director that the member is not eligible to participate in screened activities. The notice to the disqualified member shall provide instructions for an appeal of the decision.
6. Schedule and conduct appeals to the Screening Committee as provided in Section 7 of this policy.
7. Maintain and update the data base to indicate when the criminal background check was made on each member, and all information received.
8. Safeguard all information, so as to comply with all statutory data privacy requirements, and the member's personal rights to privacy.
9. Seek better methods of implementation and assist members in implementing these rules, and with the approval of the MH Executive Committee, audit affiliates to gather data on compliance with these rules.
10. If the screening committee employs persons or companies to assist in obtaining and reviewing background check information, such persons or companies shall observe standards of strict confidentiality concerning his, her or its work, and shall reveal the screening information only to the Screening Committee.

Section 6. Awareness Program

MH shall incorporate into its various literature and clinic programs education/awareness information as developed by the Screening Committee or by USA Hockey, or other authoritative sources as pertinent information become available.

Section 7. Appeals

- A. Members who are determined to be ineligible to participate in the screened activities may appeal in writing such determination of the Screening Committee within 10 days of receipt of the notice of ineligibility. The appeal shall be in writing addressed to the Chair of the Screening Committee, at the address given in notice of ineligibility.
- B. The Screening Committee, or a designated subcommittee thereof consisting of not less than three members, shall hear all such appeals within 30 days of receipt of the written appeal. The appeal shall be heard at a place and time determined by the Screening Committee, and shall be conducted in accordance with the practices of MH as set forth in Article 6 of the By-Laws of MH. The appealing member shall be given reasonable notice of the time and place of the hearing, and shall be invited to attend. A decision on the appeal shall be given in writing, signed by the Chair of the Screening Committee (in the case of a subcommittee, by the chair of the subcommittee), and shall be rendered within 10 days of the hearing.
- C. A member whose appeal to the Screening Committee results in an adverse ruling may appeal to the Screening Appeals Committee of MH within 10 days of the receipt of the adverse ruling by the Screening Committee. The Screening Appeals Committee shall consist of five members, who shall be the MH President, the Minnesota or MH Risk Manager, and three members appointed by the MH President. No MH District Director shall serve on the MH Screening Appeals Committee. The appeal shall be in writing addressed to the MH President. The Screening Appeals Committee shall hear such appeal within 30 days of the receipt of the written appeal. The appeal shall be heard at a place and time determined by the Screening Appeals Committee, and shall be in accordance with the rules and practices of MH, as set forth in Article 6 of the MH By-Laws. A decision on the appeal shall be given in writing, signed by the President of MH, and shall be rendered within 10 days of the hearing.

Section 8. Complaints of Sexual and/or Physical Abuse

- A. Complaints concerning violations of the provisions of this Article and/or of MH's Sexual and Physical Abuse Policy (By-laws, Article 14) shall be in writing addressed to the President of MH, and shall be signed by the complainant. The complaint shall state in full and complete detail the basis of the complaint concerning the alleged violations.
- B. Upon receipt of such written complaint, the President shall refer the matter to the Screening Committee for its review. All credible complaints of sexual and/or physical abuse shall be referred to the appropriate law enforcement officials by the President after the Screening Committee review.
- C. The Screening Committee or a subcommittee of the Screening Committee consisting of at least five members may, in its discretion, initiate administrative action against the member against whom the complaint was made pursuant to the applicable sections of the By-laws and Rules of MH, including this Article.
- D. The member may appeal any adverse decision or other action of the Screening Committee in writing within ten days of the receipt of the decision to the Screening Appeals Committee. Such appeal shall be processed in accordance with Section 7.C. of these Screening Rules. A written decision signed by the Chair of the Screening Committee (or in the case of a decision by a subcommittee, by the chair of the subcommittee) shall be considered *prima facie* evidence of the facts stated therein, and the burden of proof as to why the member should become eligible for participation in screened activities shall be upon the appealing member in any hearing before the Screening Appeals Committee.