

# SEXUAL ABUSE, EMOTIONAL ABUSE, PHYSICAL ABUSE AND CRIMINAL BACKGROUND SCREENING POLICY

Revised June 2016

## Section 1: Intent

These rules intend to reduce the risk of a MH participant becoming the victim of sexual, emotional or physical abuse.

## Section 2: Uniformity of Standard

- A. All personnel of MH and of its affiliates are subject to this screening standard.
- B. MH may require players 18 and over in any Disabled Hockey classification to be screened in accordance with USA Hockey's SafeSport Program and MH's Screening Policy prior to participation with that team.

## 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 this policy, 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 girls/women's programs, all teams or organizations registered with MH, and Team Minnesota, USA Hockey/MH festivals and development camps.
- C. For purposes of this policy only, on-ice officials who officiate games for MH teams shall be considered personnel of an MH associated organization.
- D. For purposes of this policy, personnel shall include any officer, board of directors member, coach, team manager, official or coaching/official instructor, whether or not they receive compensation for their services. Other personnel may be included at the discretion of the MH Screening Committee ("the Committee").
- E. For purposes of this policy, the personnel required to be screened shall be referred to as "members."
- F. For purposes of this policy, 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 screened at least once every two years, absent special circumstances requiring more frequent screening. The Committee shall maintain data bases containing those members who were screened and approved the previous year as well as the current year. 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 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 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, Social Security number, and home telephone number;
  - 5. Any past criminal conviction or civil action which may disqualify that member under Section 4 below; and
  - 6. 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, emotional 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 Committee after due consideration of relevant information.

C. Notwithstanding the provisions of Sections 4.A. and 4.B. above:

1. If 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. If 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. if the disqualifying conduct occurred three years or more before the disqualification, more than ten years have elapsed since the disqualification was made by the Committee. Further, the Committee may, in its discretion, review any reinstatement requests from disqualifications based on section 4.B.
3. If a person has been disqualified under Section 4.B. above, 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, or the Committee, at its sole discretion, believes special circumstances related to said disqualification warrant review.
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. Decisions by the Committee under this Section 4.C. are appealable as provided in Section 7. below.

### **Section 5. Screening Procedure**

- A. Each person seeking to participate in MH activities shall consent to be screened as provided by these screening rules and shall complete the screening application available on the MH website, located under the SafeSport heading. Such application shall be completed every other 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 application shall be completed at the time or times requested by MH.
- B. The MH Screening Policy mandates that members, as defined in Section 3 herein, over the age of 18 years that will have regular, routine or frequent access to youth participants must be screened prior to such members having such access. Approved screens are valid for two years, absent special circumstances. All previously screened persons must be rescreened every two years. MH shall manage and directly supervise the screening program. MH will select one or more screening vendors or methods and shall require all local programs have their members screened through MH's vendors and methods in compliance with this screening program. Those members who will have regular, routine or frequent access to, or supervision over minor participants must include a national screen that covers a national criminal database, the sex offender registries for all fifty states, and every county database in which the applicant has lived during the previous five years. MH or its vendor shall verify the identity of the screened individual through a social security number verification or other acceptable identity verification process. MH shall have a Screening Coordinator or Chair, who may also be the MH SafeSport Coordinator, who is responsible for monitoring and reporting on compliance with the screening policy by MH and its local programs. Those members, as defined by Section 3 herein who do not have regular, routine and frequent access to the minor participants shall not require a "national" screen as detailed above, but will be screened every two years for crimes of record occurring in Minnesota.
- C. The USAH Registrar/Associate Registrar shall not authorize a team roster for which there is not a record in the data base of each coach or team manager having been screened and approved.
- D. Screening Committee. The 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 Committee. The Committee shall:
  1. Collect all verified lists of members to be screened and construct a computer database 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 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 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 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 Committee.

#### **Section 6. Awareness Program**

MH shall incorporate into its various literature and clinic programs education/awareness information as developed by the 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 Committee within 10 days of receipt of the notice of ineligibility. The appeal shall be in writing addressed to the Chair of the Committee, at the address given in notice of ineligibility.
- B. The 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 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 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 Committee results in an adverse ruling due to factual or procedural errors 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, and must detail the factual or procedural error(s) which occurred. 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.
- 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 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 what factual or procedural error(s) occurred shall be upon the appealing member in any hearing before the Screening Appeals Committee.

#### **Section 8. Complaints of Sexual, Emotional and/or Physical Abuse**

- A. Complaints concerning violations of the provisions of this Article and/or of MH's Sexual, Emotional and Physical Abuse Policy (By-laws, Article 14) shall be in writing addressed to the MH SafeSport Coordinator, and although preferably signed by the complainant, may be submitted anonymously. 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 SafeSport Coordinator shall review the complaint and determine who will conduct the ensuing investigation of the allegations pursuant to the USAH SafeSport Policy Handbook. As a mandatory reporter, all credible complaints of sexual, emotional and/or physical abuse shall be referred to the appropriate law enforcement officials by the SafeSport Coordinator.
- C. The SafeSport Coordinator may initiate administrative action against the member against whom the complaint was made pursuant to applicable sections of the By-laws and Rules of MH, including this Article.