

BACKGROUND CHECK POLICIES

The Section requires criminal background checks for any individual that has been formally authorized, approved, or appointed (a) to a position of authority over, or (b) to have frequent contact with athletes in connection with Section sanctioned youth golf activities and events. The Section is considered to formally authorize, approve, or appoint an individual in instances where Section has control over the appointment process. Background checks shall be conducted and considered prior to authorization, approval or appointment of an individual and no less than once every year thereafter. The extent of the background checks conducted by Section shall be commiserate with the position being considered.

Section's criminal background check vendor will, at a minimum, run a national database check that pulls criminal records (not limited to just sexual offender records) from state and county databases. In addition, we may check: social security # verification, address trace, social security # address trace, manual local county courthouse check based on intelligent choice of countries and national sexual offender registry check.

Section will appoint one or more Conduct Officials each season.

Section's Conduct Official(s) are responsible for implementing, monitoring, taking corrective action, disqualifying unfit candidates, and working with third party background check vendors on all issues related to Section's criminal background check program. The Conduct Official(s) should maintain the confidentiality of all information to protect against possible claims of slander or libel. The Conduct Official should work with third party vendors for assistance in interpreting background check results and to protect against possible claims under the Fair Credit Reporting Act, First Offender Act, and all other state and federal laws protecting those who undergo criminal background checks.

Administration of Criminal Background Checks

1. Disqualification Criteria: To make sure that all individuals are treated fairly and consistently, Section will adopt disqualification criteria.

2. Results: The results from the criminal background check vendor should be received by the Conduct Official. The Conduct Official may need the assistance of the vendor in interpreting the results against the predetermined disqualification criteria. Individuals will be informed of the outcome of the interpretation of results against the predetermined disqualification criteria.

3. Appeals Process: Candidates disqualified due to an unsatisfactory criminal background check should be given a right to appeal if they notify the Conduct Official in writing. The written appeal should include:

- Full name and address of the appellant (person making the appeal);
- Full name and address of any person making the request for an appeal on behalf of the appellant;
- The grounds for the appeal providing a detailed explanation of the appellant's objections to the decision, setting out any additional facts or factual errors in the decision;

- The particulars relevant to the appeal, describing any background fact relating to the appeal, including how the appellant is affected by the decision and a detailed description of the requested relief (i.e. what you want the board to do); and
- The signature of the appellant or the appellant's representative, and the date of the appeal.

No Waiver of Discretion

Nothing in this program shall be construed as a waiver or limitation of the Section's discretion to disqualify an applicant for an employment or volunteer position for any lawful reason, when in the sole opinion of the Section, such disqualification is in the best interest of the Section or its program participants.

Administration of Criminal Background Checks

1. Disqualification Criteria: To make sure that all individuals are treated fairly and consistently, we should use the following disqualification criteria:

Individuals found to be guilty of the following crimes should be disqualified as a participant in any Section sanctioned youth golf activity as outlined below.

a) Ever found to be guilty of:

- All sex offenses including child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.
- All felony violence including murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, etc.

b) Found to be guilty within the past 10 years of all felony offenses other than violence or sex including drug offenses, theft, embezzlement, fraud, child endangerment, etc.

c) Found to be guilty within the past 7 years of all misdemeanor violence offenses including simple assault, battery, domestic violence, hit & run, etc.

d) Any other misdemeanor within the past 5 years that would be considered a potential danger to children or is directly related to the functions of the staff member including contributing to the delinquency of a minor, providing alcohol to a minor, theft- if volunteer is handling funds, etc.

Guilty means the applicant was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by the court's finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This policy does not apply if criminal charges resulted in acquittal, dismissal or in an entry of "nolle prosequi."

Should any of the pending charges described above be uncovered, or should any of the above charges be brought against an applicant during the season, the applicant should be suspended from serving until the charges have been cleared or dropped and the Conduct Official has approved reinstatement.

MANDATORY REPORTING

Under the Safe Sport Act, any “covered individual” is required to report suspected or actual child sexual abuse. A “covered individual” is:

...an adult who is authorized by an amateur sports organization that participates in interstate or international amateur athletic competition to interact with a minor or amateur athlete at an amateur sport organization facility or at an event (including travel, lodging, practice, competition, and health or medical treatment) sanctioned by such amateur sports organization.

The reporting requirement requires any “covered individual” who learns of facts that give reason to suspect an incident of child abuse, including sex abuse, physical or mental injury and negligent treatment as soon as possible (within a 24-hour period) to the appropriate law enforcement agencies, as determined by state or federal law. Reasonable, moderate and non-cruel discipline administered by a parent or legal guardian to their child does not have to be reported. A failure to make a required report may subject one to criminal penalties. A person will not be held liable if they make a report in good faith, including in situations where the reported incident is determined not to be child abuse.

States have laws related to mandatory reporting of child abuse and neglect. It is imperative that individuals engaging in youth sport activities understand the impact of the Safe Sport Act, as well as the respective state-specific obligations applicable to their participation.

REQUIRED REPORTING STANDARDS FOR SECTION OPERATED YOUTH PROGRAMS:

A. Where to Report

1. Appropriate law enforcement authorities; and
2. Section (via method outlined below).

B. How to Report

1. Section-Provided Form to Mike David, Executive Director, mdavid@indianagolf.org.
2. Local Law Enforcement (call local number) - It is important to note that submitting a report to the Section under method 1 does not relieve one from the obligation to report the incident to appropriate law enforcement authorities.

C. What to Report

1. The name(s) of the complainant(s);
2. The type of misconduct alleged;
3. The name(s) of the individual(s) alleged to have committed the misconduct;
4. The approximate dates the misconduct was committed;
5. The names of other individuals who might have information regarding the alleged misconduct;
6. A summary statement of the reasons to believe that misconduct has occurred.

D. What happens to a Report

All reasonable efforts should be made to ensure that any report received under this process should be forwarded to the appropriate law enforcement agencies within twenty-four hours from the time the incident is believed to occur.

PREVENTION POLICIES

The Safe Sport Act requires sports organizations to **establish reasonable procedures to limit one-on-one interactions between an adult and an amateur athlete who is a minor... without being in an observable and interruptible distance from another adult.**

1. The Section will develop and promulgate a written child abuse risk management plan that addresses the mandatory reporting, education, and prevention policies.
2. The Section will distribute the plan via paper or electronic format on an annual basis to all participating adults who are in regular contact with minor amateur athletes. Be able to obtain their written acknowledgment that they have received and completed the training and understand and will comply with Section policies.
3. Document compliance with 1 and 2.
4. Policy Considerations:
 1. All forms of abuse including sexual, physical, emotional, harassment, bullying, and hazing are prohibited.
 2. Prohibited sexual abuse physical acts include genital contact whether or not either party is clothed; fondling of a participant's breast or buttocks; sexual penetration; sexual assault, exchange of a reward in sport for sexual favors; lingering or repeated embrace that goes beyond acceptable physical touch; tickling, wrestling, or massage; and continued physical contact that makes a participant uncomfortable.
 3. Prohibited sexual abuse verbal acts include making sexually oriented comments, jokes and innuendo; staff member discussing his or her sex life with participant; asking about a participant's sex life; requesting or sending a nude or partial dress photo; exposing participants to pornographic material; voyeurism; and sexting with a participant.
 4. Any type of "grooming" behavior associated with sexual predators is prohibited.
 5. Prohibited forms of physical abuse include punching, beating, biting, striking, choking, slapping, or intentionally hitting a participant with objects or sports equipment; providing alcohol to a participant under legal drinking age; providing illegal drugs or non-prescribed medications to any participant; encouraging or permitting a participant to return to play after injury or sickness prematurely without clearance of a medical professional; prescribing dieting or other weight control methods for humiliation purposes; isolating a participant in a confined space; forcing participant to assume a painful stance or position for no athletic purpose; withholding, or denying adequate hydration, nutrition medical attention, or sleep.
 6. Prohibited emotional abuse includes a pattern of verbally attacking a participant personally such as calling them worthless, fat or disgusting; physically aggressive behaviors such as throwing or hitting objects; and ignoring a participant for extended periods of time or excluding them from practice.
 7. Bullying includes an intentional, persistent, or repeated pattern of committing or willfully tolerating (e.g., staff not preventing) physical, nonphysical, or cyber bullying behaviors that are intended to cause fear, humiliation, physical harm in an attempt to socially exclude, diminish, or isolate another person emotionally, physically, or sexually. It is often not the staff, but instead, other participants who are the perpetrators of bullying. However, it is a violation if the staff member knows or should have known of the bullying behavior but takes no action to intervene on behalf of the targeted participants.

8. Prohibited hazing includes any contact which is intimidating, humiliating, offensive or physically harmful. Hazing typically is an activity that serves as a condition for joining a team or being socially accepted by team members.
9. Two deep leadership is required where two adults (e.g., any combination of staff or parents) should be present at all times so that a minor participant can't be isolated with a single unrelated adult, except in the case of an emergency.
10. All electronic communications including email, texting, social media, etc. between the staff member and a minor participant should be limited strictly to the legitimate activities of the organization.
11. Any overnight travel exposure should prohibit adults spending the night in the same room as an unrelated minor participant; require grouping of participants of the same sex and age group in rooms; and provide adequate oversight with a same-sex chaperone for each group.
12. Take off/pick up of athletes by staff should be strongly discouraged because of the difficulty in limiting one-on-one contact. ***[Consider - Transportation is forbidden unless the staff is the parent, guardian or sibling of the applicable athlete.]***