

# Background Screening Implementation Guidance

NCYS endorses National Center for Safety Initiatives (NCSI) as its authorized provider for background screening. Organizations are encouraged to use NCSI who is, without exception, the youth sports industry leader on complete and comprehensive criminal background screening programs. NCSI provides a comprehensive search with the assurance of the highest quality information available, plus all administrative benefits and features to help programs meet the “NCYS Recommended Guidelines”. NCSI is the trusted provider to the most renowned and reputable youth sports organizations in the country and provides fully managed “turnkey” programs that handle all aspects of the screening process from start to finish. NCSI’s programs are designed to align with NCYS standards, and save organizations time and money, while addressing the compliance issues associated with the many liabilities involved in background screening.

## RECOMMENDED MINIMUM SEARCH COMPONENTS

- Social Security Number Validation
- Name/Address History Search
- Multi-jurisdictional criminal database search (covering 50 states, plus DC, Guam and Puerto Rico)
- National sex offender registry search (covering all 50 states, plus DC, Guam and Puerto Rico)
- County criminal records for names/counties where individual lives or has lived for at least the past five years
- Federal district court search of names/counties where individual lives or has lived for at least the past five years

Additional searches to consider:

- International Records Search for Individuals who have lived outside the United States during the past seven years
- Motor vehicle record search for Individuals involved in transportation of youth
- Professional credential searches for individuals providing professional services, including

athletic trainers, physical therapists, physicians, etc.

- Social media search

Background screens should be conducted at least every two years, ideally with interim recheck(s) conducted.

## **RECOMMENDED MINIMUM SCREENING CRITERIA**

Any reportable and sourced criminal offense with an adjudication other than not guilty, including pending cases, should be “flagged” and reviewed for participation, including:

1. Any felony (any crime punishable by confinement greater than one year)
  - Defined on the basis of exposure for the offense for which the defendant was convicted, pled guilty, pled nolo contendere, or which is pending a disposition. If pled down, then the crime for which the defendant ultimately was convicted.
  - Defined as all crimes punishable by greater than one year in jail or prison, regardless of how characterized by jurisdiction. If range, alternate sentencing, or indeterminate sentencing, outer range greater than one year.
2. Any crime involving force or threat of force against a person.
3. Any crime of a sexual nature or classified as a sex offense including but not limited to “victimless” crimes of a sexual nature such as prostitution, pornography, indecent exposure; and crimes in which sexual relations is an element.
4. Any crime involving controlled substances (not paraphernalia or alcohol).
5. Any crime involving cruelty to animals.
6. Any sex offender registrant.
7. Any crime involving harm to a minor.
  - Organizations may choose to apply time limits to the recommended screening criteria based upon their internal review and consultation with legal counsel relating to the criteria’s relevance to specific positions.
  - Applicant Motor Vehicle records criteria and screening should be considered for any position which will involve the driving of the organization’s minor members and/or the use of the organization’s vehicles.

- Professional licensure checks are recommended for those providing medical or other professional services to youth.

## **RECOMMENDED MINIMUM SCREENING CRITERIA**

### **FLAGGED:**

- Flagged means: “does not meet the criteria”
- Based upon reportable records or registration (sourced criminal record, registration or applicant disclosure) of any criterion offense, registration or a pending case without disposition for any criterion offense (1-7)

### **CLEAR:**

- Clear means: “meets the criteria”
- Applicant has no sourced records/registrations, or
- The reportable crime for which the applicant was convicted or has a pending case without disposition is not a criterion offense

### **Other Considerations:**

- The fitness determination is only one part of an organization’s overall review and selection process. The absence of a criminal record does not ensure that an Individual should be considered “safe” or will be accepted by the organization.

## THE APPLICANT'S RIGHTS AND LEGAL COMPLIANCE

An applicant is entitled to (a) obtain a copy of his/her criminal history information and (b) challenge the accuracy and completeness of the criminal history information. The criminal history records disseminated for review and subsequent determinations based upon such information are very sensitive and may be used solely for purposes of the fitness determination authorized. Requesting, obtaining, or disseminating this information for any other purpose may subject an offender to criminal penalties under federal and/or state law, as well as civil liability for defamation. In appropriate circumstances, such liability may extend to the organization. As a consequence, it is extremely important to (1) keep this information confidential, including retaining it in a secure file; (2) discussing it only with the record subject and those members of your organization involved in applicant screening; and (3) using it only for implementing the criminal history background check with your organization.

When an organization uses a third-party vendor to conduct criminal history record checks, the resulting report is considered a "consumer report" as defined by the Fair Credit Reporting Act (FCRA) and applicable state laws. Under the FCRA and applicable state laws, employers have specific responsibilities and applicants have specific rights. It's important to know the applicable laws or partner with a responsible vendor who can assist.

# How do I build my own safety program?

## Select a safety partner

Step one is to research and identify a safety partner with experience serving the youth sports industry. One such example is the National Center for Safety Initiatives (NCSI). NCSI is a trusted partner of NCYS and is recognized as a leader in youth sports safety.

NCSI advocates for the youth of today, advancing safety policy through influence and education while supporting youth-centered organizations with in-depth background checks and comprehensive safety services.

NCSI background checks search more than twice the number of records that other background screening providers search—uncovering pivotal information other screenings may miss—including two independent multi-jurisdictional searches, containing over 800 million records.

In addition to background checks, NCSI helps youth sports organizations further protect athletes with important safety training.

**NCYS RECOMMENDS:** NCSI <https://solutions.ncsisafe.com>

## Require abuse prevention training

Keeping athletes safe from harm starts with prevention and training. Cases of sexual abuse related to youth sports are becoming increasingly commonplace—provide the training your staff needs to identify warning signs of abuse and how to report suspicious activities.

Find an abuse prevention training program that meets the safety requirements for youth sports organizations established by the Safe Sport Act of 2017.

### **NCYS RECOMMENDS:**

SafeSport Training through US Center for Safe Sport

Abuse Prevention Systems through NCSI and SportsEngine

[www.sportsengine.com/solutions/capabilities/eligibility/safety-training](http://www.sportsengine.com/solutions/capabilities/eligibility/safety-training)

## Provide further safety training

1 in 5 high school athletes will get a concussion and more than 2.5 million young people suffer a concussion in the United States each year. With proper care, most concussions can heal within a couple of weeks, but the overwhelming majority of students, parents, and coaches are unaware of the latest science about the prevention and treatment of concussions. If not treated properly, a concussion may have lasting physical, emotional, and cognitive effects.

It is crucial for youth sports organizations to have proper education, training, and requirements to ensure coaches and volunteers are able to identify and properly handle head injuries and concussions.

**NCYS RECOMMENDS:** TeachAids and InjureFree

## Protect investments

Injuries and unforeseen circumstances happen every year, jeopardizing the investment families make at the time of registration. Alleviate the stress of difficult refund conversations and safeguard your funds by offering third-party insurance options and collecting waivers during program registration.

**NCYS RECOMMENDS:** SportsEngine

[www.sportsengine.com/solutions/capabilities/eligibility/insurance-waivers](http://www.sportsengine.com/solutions/capabilities/eligibility/insurance-waivers)

## Monitor and confirm eligibility

Ensuring every coach, manager, volunteer, and athlete has completed the requirements to qualify for play is key to creating safe sports experiences. SportsEngine HQ makes it easy to assign tasks, track progress, and confirm eligibility—all in one place.

**NCYS RECOMMENDS:** SportsEngine

<https://www.sportsengine.com/solutions/capabilities/finance/eligibility>