

Recommended Guidelines and Best Practices

Background Screening in Youth-Serving Organizations
Third Edition



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Introduction

Youth sports are a staple in many communities across the country. Young people participating in neighborhood programs is a rite of passage and a source of community cohesion and pride. Assuring the safety of young people and applying the highest level of integrity to business practices establishes youth-serving organizations as a trusted community institution. Maintaining and continuing to build trust requires daily attention to standardized business practices.

Identifying the right staff and volunteers to work with youth athletes is one of the most important business decisions youth organizations will make. The relationship between caring adults and youth athletes is foundational to ensuring young people receive the youth development outcomes we all seek. Hiring the right person or selecting the right volunteer requires a systematic approach to be effective. Organizations must lead with a strengths-based approach with potential candidates and at the same time look for red flags, misleading or contradictory information that may raise concerns.

Every child deserves to play in a safe and welcoming environment. Creating a safe environment demands a considerable investment of thought, time and resources. Most harmful incidents can be prevented with reasonable awareness and planning. Background screenings are the first line of defense in a sound safety program.

Failure to provide a safe environment, free of physical, sexual and emotional abuse, stops young people from reaching their full potential. Sexual abuse of children has major health impacts with long-lasting implications including emotional and mental health problems, academic underperformance, increased teen pregnancy, delinquency, crime and substance abuse. A few stats:

700,000

children are abused each year

1 in 10

children will be sexually abused before their 18th birthday. Townsend & Rheingold, 2013

65% of abuse cases

involve sexual abuse

20%

of children sexually abused are abused before the age of eight

90%

of victims know their abuser

60%

of children sexually abused are abused by people the family trusts. Finklehor, 2012 [WM1]

All stats are from Darkness to Light:

http://www.d2l.org/wp-content/uploads/2017/01/all_statistics_20150619.pdf

Safety in youth sports continues to evolve and expand with notable legislative and policy activities. Examples of key legislation include:

- In 2017, in reaction to recent abuse cases in youth sports, the United States government established the Safe Sport Act of 2017 that mandates new safety requirements that aim to protect youth athletes through abuse prevention training and mandated reporting.
- In 2019, the United States Olympic & Paralympic Committee implemented a background screening policy that establishes minimum requirements and requires national governing bodies to align with a standardized screening requirement.
- In 2020, S.2330 - Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020 was signed into law and establishes safeguards to protect amateur athletes from abuse, including sexual abuse, by coaches and employees in U.S. Olympic and Paralympic sports.

Our Shared Responsibility

In response to our recognition of the safety challenges undermining youth sports participants and their communities, the National Council of Youth Sports (NCYS) is issuing a Call to Action on behalf of America's youth. The safety of young people should be our collective top priority. Youth who participate in safe spaces are better able to grow and thrive. We have outlined a strategic direction calling for sports to be used as a tool for youth development and community preservation. Sport-based youth development is a proven strategy to create healthier youth, protect against risky behaviors, develop transformational leaders, and globally-minded graduates – all serving to address many of our nation's social and economic challenges. However, the youth development outcomes we seek cannot be obtained without removing inappropriate conduct and equipping youth organizations with the resources to help young people develop social-emotional skills.

The youth sports industry has continued to evolve. In addition to following these principles and guidelines, youth sports organizations are encouraged to explore comprehensive safety programs that provide protection beyond background checks. NCYS's engagement for the last 30 years has helped keep America's youth safe. In keeping with the evolution, NCYS has updated its recommendations and guidelines in this third edition.

Immediate and thoughtful action is encouraged to protect your staff, volunteers, organization, and children. Please take time to review your organization's safety programs, policies, and procedures.

Recommended Guidelines and Best Practices

Within the membership of the National Council of Youth Sports (NCYS), there is a broad range of organizations from small local programs to large national associations. Each organization has its own governance and operational structure. For this reason, each organization will need to develop a policy that is customized to its own specific circumstances.

NCYS, through this national template, seeks to establish the minimum industry standard that a youth-serving organization should incorporate when establishing its own policy to protect the interests of youth participants they serve. This document sets forth the standards NCYS incorporated into its background screening guidelines including:

1. ORGANIZATIONAL POLICIES

2. JOB DESCRIPTIONS

3. BACKGROUND CHECK SEARCH COMPONENTS.

4. PRACTICES FOR DISCREPANCIES

5. TRAINING

Practice One

UPDATE THE ORGANIZATION'S POLICIES REGARDING SCREENING AND SELECTION.

The organization should have in place written policies and procedures, reviewed by their legal counsel, that address:

1. How it will conduct volunteer and staff screening in a fair, consistent, non-discriminatory, and legal manner
2. How it will safeguard personal information obtained during screening in a confidential, secure and legal manner
3. How it will comply with governing regulations for conducting background checks, interpreting criminal records, or other screening procedures
4. How the screening process will be reviewed and enforced to ensure compliance and consistency with all written procedures
5. A description of any hiring and selection exclusions that would prohibit a volunteer or staff from having direct and repetitive contact with youth athletes, whether the person is a new applicant or an existing volunteer or employee.

Practice Two

ESTABLISH DESCRIPTIONS FOR EACH CATEGORY OF POSITION ASSOCIATED WITH THE ORGANIZATION

Each job description should address:

1. Duties and responsibilities
2. Required training, education and experience
3. Required level of background screening
4. Professional and ethical requirements
5. The importance of preventing injuries to players and others
6. The duty to report suspected child abuse, as mandated by state law.

Practice Three

ESTABLISH, IMPLEMENT AND MAINTAIN A BACKGROUND SCREENING PROCESS WITH THE FOLLOWING COMPONENTS:

1. Conducting background checks on all adult volunteers and employees who have direct and repetitive contact with youth, inclusive of the following search components:
 - Social Security number
 - Name/Address history search
 - Multi-jurisdictional criminal database search covering 50 states, DC, Guam and Puerto Rico
 - County Criminal Record search for each name used and county where the individual currently or has lived for up to the last seven years and going back to the length of time records are available and reportable for each county searchCounty criminal records for names/ counties where individual lives or has lived for up to the last seven years
 - Federal district court search for each name used and county where the individual currently or has lived for up to the last seven years and going back to the length of time records are available and reportable for each county search
 - Sex Offender Registry database searches of all available state, DC, Guam and Puerto Rico
 - Motor vehicle record search for individuals involved in the transportation of youth
2. Requiring any partnering organizations or third-party contractors with direct and repetitive contact with youth to conduct background checks that align with the components outlined above.
3. Renewing background screening on all adults with direct and repetitive contact with youth at a minimum of every two years.

Additional searches to consider built on a risk-based approach include:

1. Professional credential searches for individuals providing professional services, including but not limited to, athletic trainers, physical therapists, physicians, etc.
2. International Record Searches for individuals who have lived outside the United States during the past seven years
3. Social media searches

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.

For more details and guidance on how to implement a background screening program, please [CLICK HERE](#)

Practice Four

ESTABLISH WRITTEN PROCEDURES TO EVALUATE DISCREPANCIES, IRREGULARITIES, MINOR CRIMINAL RECORDS, OR OTHER CONCERNS.

Each applicant represents a unique situation and selection decisions should be based on a complete review of the person’s qualifications, experiences, and organizational fit. If an otherwise acceptable applicant has a criminal record that is “Flagged” the organization should designate a process to make the final selection decision.

1. NCSI will provide a “Flagged/Clear” determination for each background check. A “Clear” indicates that no reportable criteria-related convictions or pending dispositions were found in the screening process and information needed to complete the background check was received. A “Flagged” determination means one or both of the following:
 - Information is required to complete the screening process and/or
 - Criteria-related records or pending records were found and verified in the screening process.

If a question arises concerning a background check, the individual should be contacted directly by

NCSI and allowed to correct any potential discrepancies or to provide additional information.

2. A reportable record or disclosure that contains a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty, or the existence of pending charges, for any of the below criminal offenses should be reported as “Flagged” which means it does not meet the Recommended Minimum Screening criteria of:
 - Any felony
 - Any misdemeanor involving all sexual crimes, criminal offenses of a sexual nature to include but not limited to, rape, child molestation, sexual battery, lewd conduct, possession and distribution of child pornography, possession and distribution of obscene material, prostitution, indecent exposure, public indecency and any sex offender registrant
 - Any misdemeanor drug-related offenses less than seven years
 - Harm to a minor or vulnerable person including, but not limited to, offenses such as child abandonment, child endangerment/neglect/abuse, contributing to the delinquency of a minor, and DUI with a minor
 - Violence against a person, force or threat of force including crimes involving weapons and domestic violence
 - Destruction of property, including arson and vandalism, and
 - Animal abuse, cruelty, or neglect
3. For those authorized to transport people in any motor vehicle for business purposes, a record that contains the following information will be flagged for review:
 - No valid driver’s license or an expired driver’s license
 - A suspended or revoked driver’s license
 - More than two moving violation and/or accidents within the prior two years
 - A conviction for a major moving violations within the prior two years including, but not limited to, DUI/DWI, possession of an open container, any drug-related motor vehicle incident, leaving the scene of an accident, assault by use of a motor vehicle and reckless driving
 - A pending traffic offense and
 - An individual is under 21 years of age
4. Background Check Procedures
 - The organization will be notified of “Flagged” and “Clear” status. Individuals will receive two separate notifications including their (1 criminal check and (2 driving record (if applicable). In the event of a “Flagged,” NCSI will contact the authorizing organization to request authorization to send an adverse action letter on behalf of the organization, and if authorized, will send an adverse action letter to the individual.
 - An applicant is entitled to obtain a copy of their criminal history information and to 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 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 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 commercial 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.

Practice Five

ESTABLISH ANY SPECIFIC POSITION-RELATED TRAINING THAT IS REQUIRED AND ENSURE IT IS CONDUCTED AND WRITTEN ACKNOWLEDGMENT IS RECEIVED, WHICH MAY INCLUDE:

1. Code of ethics and conduct
2. Athlete protection policies, which incorporate the Minor Athlete Abuse Prevention Program, established by the US Center for SafeSport, (for more information visit www.safesport.org):
 - Appropriate and inappropriate behaviors with athletes
 - Definition of harassment
 - Incident reporting responsibilities
 - One-on-one contact guidelines
 - Athletes’ rights
3. Harassment and Abuse Prevention Training. Each adult associated with your organization should be considered a “mandated reporter of suspected child abuse” by your organization, whether or not they are considered so by your state’s laws. The abuse prevention training should address:
 - State law on reporting abuse and your organization’s requirements
 - How child sexual abuse occurs and recognizing the signs of abuse
 - Recognizing sexual harassment
 - Grooming as a prelude to sexual harassment and abuse
 - How and to whom to report
 - Investigation protocol relating to a report of abuse or inappropriate behavior
 - Notification responsibilities internally and to authorities, if appropriate
 - Confidential reporting channels

Resources

Know that you are not alone in this venture. In addition to this document and NCYS staff, the National Center for Safety Initiatives (NCSI) is an expert resource and partner to rely on and partner with for a comprehensive safety program. If you are ready to start your own safety program, we've compiled a list of recommended offerings and providers for you to [EXPLORE](#).

As well, a quick reference to these and other national organizations is listed below:



**CHILDHHELP NATIONAL CHILD
ABUSE HOTLINE**



DARKNESS TO LIGHT



**NATIONAL CENTER FOR MISSING AND
EXPLOITED CHILDREN**



**NATIONAL CENTER FOR SAFETY
INITIATIVES**

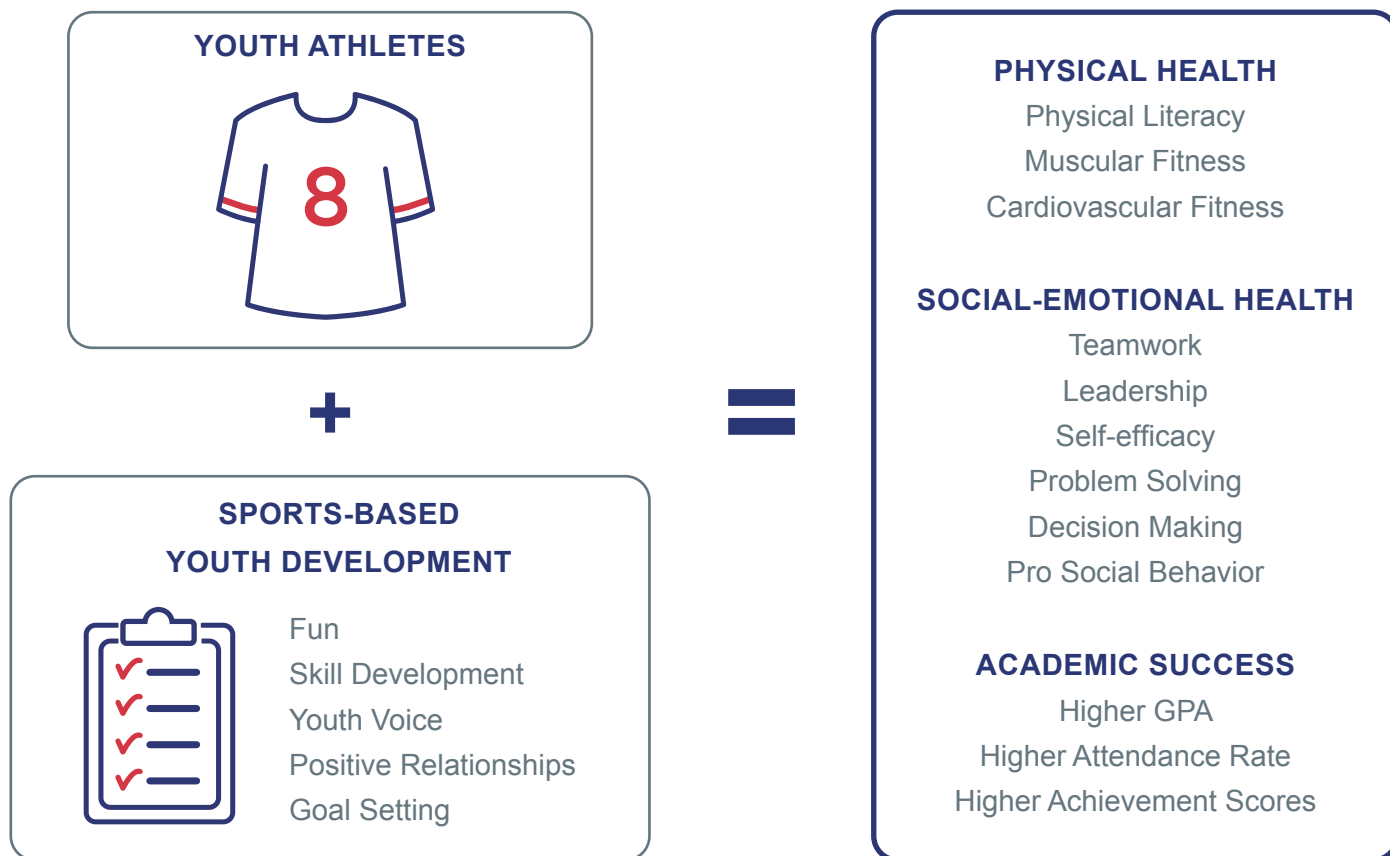


About the National Council of Youth Sports

NCYS's mission is to unite and lead our community to realize the positive power of youth sports. NCYS is uniquely positioned to lead a bold national agenda that will improve the lives of America's youth athletes and contribute to the quality of life in their communities.

NCYS members comprise the Who's Who in the youth sports industry. The NCYS membership includes national community-based organizations, local unaffiliated community-based organizations, National Governing Bodies, Parks & Recreation Departments, and Destination Marketing Organizations. The NCYS organizations serve some 60 million youth registered in organized sports in every state and U.S. Territory.

NCYS has committed to better understand the strategies and practices that youth organizations can use to produce outcomes for children and adolescents. NCYS has reviewed youth development research to identify the key elements of sports-based youth development that help youth achieve important outcomes. Impact on youth is dependent on the degree to which five key sports-based principles are intentionally implemented.



NCYS will continue to support robust safety promising practices to help keep young people safe. A history of the origins of our efforts to implement a safe environment for youth sports is below:

2002

An industry-wide initiative began to protect the interests of youth through criminal background checks and other services for volunteers and employees of youth-serving organizations.

2003

Research begins to find online criminal background screening companies that can provide reliable, rapid, comprehensive, up-to-date checks at a reasonable cost.

In partnership with the U.S. Senate and U.S. House of Representatives Judiciary Committees to amend the Child Protection Act of 1993.

President Bush signed the "PROTECT Act of 2003" into law naming NCYS as a participant in the federal legislation.

2004

Under the U.S. Protect Act of 2003, NCYS is authorized to conduct a pilot program to investigate the effectiveness of the FBI's fingerprint background screening system

National Center for Safety Initiatives (NCSI) is established through a partnership with NCYS

2005

"The Recommended Guidelines for Background Screening in Nonprofit Youth-Serving Organizations" are completed in their final draft form.

National Center for Safety Initiatives (NCSI) is announced at an Insurance Industry Summit.

2006

The STRIVE Award is established to recognize organizations with exemplary practices in keeping youth sports safe.

2012

Revisions are made to the original "Recommended Guidelines and Best Practices" document to expand the policies, procedures, tools and resources in the second edition.

2018

SportsEngine becomes a partner to provide a wholistic safety program and the technology to manage it to youth sports organizations

2019

NCYS, with the support of NCSI and SportsEngine, organized a Congressional briefing on youth sport safety

2020

NCYS advocates for the COVID-19: Youth Sports and Working Families Act sponsored by Re. Max Rose (D-NY)

Acknowledgements

The National Council of Youth Sports (NCYS) gratefully acknowledges the contributions of the National Center for Safety Initiatives (NCSI) for its years of loyalty and steadfast dedication serving as our country's premier resource in an overall effort to eradicate harm to children. NCYS respects the partnership and appreciates NCSI's passionate commitment to promoting safety while protecting children and athletes. NCYS also provides a sincere thank you to SportsEngine for its partnership in helping make the youth sports sector safer.

NCYS also thanks the following organizations and individuals that have contributed to our background screening and safety-related efforts. With their help, NCYS is stronger, more productive, relevant and influential. We sincerely appreciate the confidence and support of:

PRIVIT

NATIONAL FITNESS FOUNDATION

ACTIVE POLICY SOLUTIONS

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