



## Background Check Policy

### Tri-Cities Baseball Softball Association

#### *Revised as of August 5, 2024*

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#### **I. Policy Statement**

Background screening on all volunteer applicants, including Board Members, Managers, and Coaches, is conducted by a Screening Committee as set forth in the Tri-Cities Baseball Association (“TCBSA”) Governing Bylaws and policy herein to protect the children and families who participate in organized baseball, softball, and related activities associated with TCBSA.

To ensure continuous monitoring, volunteers, including Board Members, Managers and Coaches, shall have background screenings conducted every two years in accordance with this policy. Background screening is mandatory, no exceptions. Additional background checks may be run at any time at the discretion of the Board.

#### **II. Definitions**

TCBSA recognizes a Board Member as any person who has either been elected or appointed by the members of this association to the Board of Directors (“Board”). A Manager (i.e., Head Coach) is any person who is responsible for the business, communication, and participation of a specific team registered with TCBSA. A Coach (i.e., Assistant Coach) is any person who attends practices and/or games and is involved in assisting the Manager with his/her duties.

#### **III. Procedure**

All volunteer applicants, including those for the positions mentioned above, must complete an online background check form, providing sufficient personal information to verify criminal history and social security numbers. Applicants must also provide a current driver’s license or ID. Anyone who has lived outside Texas in the past seven years is subject to a nationwide search. An external agency contracted by TCBSA conducts these searches and reports the results back to TCBSA.

Only Board Members authorized by the Board and the TCBSA Screening Committee review the obtained data, which is processed discreetly and kept strictly confidential. Potential reasons for declining an applicant are included in this policy, but the Board reserves the right to decline volunteers for reasons not explicitly stated.

After the background check is completed by the external agency, the Registrar or delegated Board Member (“Delegate”) reviews the results. If there is no criminal history, the Registrar or Delegate marks the applicant as eligible in the background check system and other relevant tracking systems. If there is a criminal history, the Registrar or Delegate forwards the information to the Screening Committee for review.

The TCBSA Screening Committee, chaired by the President of TCBSA, reviews criminal history background check information to determine eligibility according to this policy. The Screening Committee consists of the President, Vice President of Baseball, Vice President of Softball, Director of Rules and Protest – Baseball, and Director of Rules and Protest – Softball. The Registrar or Delegate provides information to the Screening Committee and participates in the review as a non-voting member. If a listed Board Member cannot participate, the TCBSA President may appoint another Board Member to serve in their place.

The Screening Committee reviews applicants and votes on their eligibility to serve as Board Members, Managers, Coaches, or other volunteers with TCBSA. If deemed eligible, the Registrar or Delegate updates the background check system and other relevant tracking systems. If an applicant is found ineligible, they are notified in writing of the decision and their right to appeal to the Board of Directors, as outlined in the TCBSA Governing Bylaws and this policy.



#### IV. Offenses

**A. Offenses Resulting in an Automatic Denial of Eligibility** - A conviction for one of the following offenses shall prohibit an applicant from participation as a Board Member, Manager, Coach, or other volunteer for TCBSA:

- Abandoning or Endangering a Child, Elderly Individual, or Disabled Individual
- Aggravated Assault
- Aggravated Robbery
- Boating While Intoxicated with Child Passenger
- Child Grooming
- Criminally Negligent Homicide
- Criminal Solicitation of a Minor (including Online Solicitation of a Minor)
- Driving While Intoxicated with Child Passenger
- Electronic Transmission of Certain Visual Material Depicting Minor
- Employment Harmful to Children
- Enticing a Child
- Failure to Stop or Report Aggravated Sexual Assault of a Child
- Indecent Assault
- Injury to a Child, Elderly Individual or Disabled Individual
- Kidnapping (including Aggravated Kidnapping)
- Manslaughter (Including Intoxication Manslaughter)
- Murder (including Capital Murder)
- Obscenity under Section 43.23 of the Texas Penal Code
- Possession or Promotion of Child Pornography
- Possession or Promotion of Lewd Visual Material Depicting Child
- Prohibited Sexual Conduct
- Prostitution (including solicitation of, promotion of, online promotion of, aggravated promotion of and compelling prostitution)
- Providing Alcohol to a Minor
- Sale, Distribution or Display of Harmful Material to Minor
- Sale or Purchase of a Child
- Sexual Assault (including Aggravated Sexual Assault, Sexual Assault of a Child or Rape)
- Sexual Performance by a Child
- Sexual Offenses under Title 5, Chapter 21 of the Texas Penal Code (including but not limited to Continuous Sexual Abuse of a Child, Public Lewdness, Indecent Exposure, Bestiality, Indecency with a Child, Improper Relationship between Educator and Student, Invasive Visual Recording, Voyeurism, Sexual Coercion, or Unlawful Disclosure or Promotion of Intimate Visual Material, or Unlawful Production, Distribution or Electronic Transmission of Sexually Explicit Material)
- Stalking
- Trafficking of Persons

If the Screening Committee determines that an applicant has been convicted of any of the listed offenses, the applicant will be deemed ineligible and notified in writing of the decision and their right to appeal. Convictions for additional offenses involving the safety of a child, as determined by the Board, will also result in ineligibility. For this policy, a conviction does not include deferred adjudication, dismissed cases, or judgments that are set aside or overturned.



**B. Offenses Which May Result in Denial of Eligibility** – The Screening Committee may deem an applicant ineligible to serve as a Board Member, Manager, Coach, or other volunteer for TCBSA if they have been charged with or convicted of any violation of the Texas Penal Code or other criminal statutes. For offenses listed in Subsection A, the Screening Committee may determine ineligibility even if the applicant was charged but not convicted. Additional offenses that may result in ineligibility include, but are not limited to, the following:

- Arson
- Assault
- Boating While Intoxicated
- Burglary
- Continuous Violence Against the Family
- Criminal Nonsupport
- Cruelty to Animals (Livestock and Non-Livestock)
- Deadly Conduct
- Delivery of Marijuana
- Dog or Cock Fighting
- Driving While Intoxicated
- Fraud
- Harassment
- Manufacture of or Delivery of a Controlled Substance or Dangerous Drug
- Possession of a controlled substance of Illegal Drug
- Possession of Marijuana
- Robbery
- Terroristic Threat
- Theft
- Violation of a Protective Order

In determining an applicant's eligibility, the Screening Committee may consider the facts and severity of the offense, the time elapsed since the offense, mitigating factors, and any other relevant information. Prior eligibility may be considered but does not guarantee future eligibility, even if the criminal history is unchanged.

If additional information is needed, the committee may request it from the applicant.

The Screening Committee may impose written conditions on a volunteer's participation (e.g., prohibiting transporting TCBSA players other than their own child).

If deemed eligible after review and vote, the Registrar or Delegate will update the background check system and other relevant tracking systems. If deemed ineligible, the applicant will be notified in writing of the decision and their right to appeal.

## **V. Notification of Subsequent Arrest or Conviction**

All Board Members, Managers, Coaches, and other volunteers must notify the TCBSA Board President and Registrar immediately after an arrest or conviction for any offenses listed in Section IV of this policy. Upon notification, the Screening Committee will review the volunteer's eligibility and decide on termination. Failure to report an arrest or conviction will automatically forfeit eligibility. Any volunteer arrested for a criminal offense, other than a traffic violation, while representing TCBSA will immediately forfeit eligibility until court disposition.



## **VI. Right to Appeal Eligibility Determination**

Any applicant turned down by the Screening Committee has the right to appeal in person before the Board of Directors. To appeal, the applicant must provide written notice within seven (7) days of being notified of their ineligibility. An in-person appeals hearing will be scheduled within ten (10) days of the notice of appeal.

During the hearing, the results of the criminal history check will be discussed, with at least one Screening Committee member present to explain the reasons for rejection. The applicant will have the opportunity to state their case and provide additional information, such as mitigating circumstances. Appeals hearings can be conducted at regular Board Meetings or special meetings called for this purpose. The TCBSA President will act as Chairman and may impose restrictions on the length and structure of the hearing.

At the conclusion of the hearing, the Board will vote on the applicant's eligibility. The Registrar or Delegate will mark the applicant as eligible or ineligible within the background check system and communicate the results of the meeting to the applicant in writing.