

SBMSA Policy Regarding Background Checks

Beginning with the Fall 2009 sports, the Spring Branch Memorial Sports Association ("SBMSA") will not permit any individual who has been

- (a) convicted of or pled guilty to any offense described below, or
- (b) found civilly liable for conduct described below

to participate in any manner with an SBMSA team.

In order to implement this policy, SBMSA will require background checks on directors, commissioners, managers, coaches, assistant coaches, volunteers, hired workers, and any other persons

(hereinafter referred to collectively as "Applicants") who provide regular service to SBMSA or an SBMSA team and who have repetitive access to, or contact with, SBMSA players.

In order to manage, coach, or otherwise be involved with an SBMSA team, Applicants will be required, at the beginning of each sport/season, to complete and submit SBMSA's Volunteer Registration Form (which may be done through the on-line registration system) and submit to a criminal background check. Refusal to submit a fully completed Volunteer Registration Form and/or submit to a criminal background check shall result in the immediate disqualification of the Applicant from being involved with any SBMSA team or SBMSA until such time as the Applicant submits such a fully completed Volunteer Registration Form and/or submits to a criminal background check.

Upon receipt of a Volunteer Registration Form from an Applicant, SBMSA will at a minimum conduct a criminal background check, including a check of the government state-wide Sexual Offender Registry. SBMSA may also employ any other reasonable means to check an Applicant's background.

If the background check reveals information that the Applicant has been convicted of or pled guilty to a crime listed below, or found civilly liable for the same conduct, SBMSA will contact the applicable government agency or court to confirm the accuracy of the information. If the applicable government agency or court confirms the accuracy of the information, SBMSA will contact the Applicant to confirm the information. Upon confirmation of a conviction for or guilty plea to any crime listed below, or upon confirmation of a finding of civil liability for the same conduct, including but not limited to any against or involving a minor, SBMSA shall not permit the Applicant to participate in any manner with any SBMSA team.

The following disqualifies an Applicant from being involved with an SBMSA team:

- (a) a conviction for or pleading guilty to any sexual offense involving a minor;
- (b) a conviction for or pleading guilty to any crime enumerated under Title 5 of the Texas Penal Code;
- (c) a finding by a civil court of liability for any sexual misconduct with a minor.

The vice-president of the SBMSA Board of Directors will maintain the records relating to criminal background checks and will share personal information contained in the Volunteer Registration Form, background check, or other information obtained through the screening process with the Program Director of the sport involved and, in the event that expulsion is warranted, the SBMSA Board of Directors in order to make personnel decisions only as it involves those criminal and civil offenses listed above. SBMSA will maintain records relating to conviction or a guilty plea to a crime listed herein, or a finding of civil liability for same conduct, including but not limited to any crime involving or against a minor, and records relating to Volunteer Registration Forms, for a period of five years.

Passing a background check does not guaranty that an Applicant will be allowed to participate in an SBMSA program, and SBMSA retains the right not to allow an Applicant's participation for any non-discriminatory reason.