

THE AMERICAN LEGION
NATIONAL EXECUTIVE COMMITTEE
INDIANAPOLIS, INDIANA
OCTOBER 17-18, 2012

RESOLUTION NO: 16

Mandatory Background Check Screening For Coaches, Managers and Volunteer Staff of Junior and Senior American Legion Baseball Teams

COMMISSION: Americanism/Finance

WHEREAS, The American Legion endeavors to protect the health and safety of its American Legion Baseball youth players; and

WHEREAS, The aftermath of numerous cases of child sexual molestation across the nation has demonstrated the importance for diligent protection of vulnerable populations, such as children and youth; and

WHEREAS, It is paramount The American Legion meet its moral and ethical responsibility to parents and guardians by protecting their children from abuse and harm when participating in youth programs under the Legion brand; and

WHEREAS, Since 1994, through S.A. Van Dyk, Inc., Agent of Record for The American Legion, K&K Insurance Group, Inc. has been the exclusive provider of liability insurance coverage for American Legion Baseball and Sentry Insurance Company has provided exclusive coverage in special risk accident insurance; and

WHEREAS, K&K Insurance Group, Inc. and Sentry Insurance Company each possess extensive knowledge and experience with endeavors to protect the health and safety of youth participants, volunteers and spectators through their longstanding service in providing insurance coverage to The American Legion, its departments, and American Legion Baseball teams; and

WHEREAS, K&K Insurance Group, Inc., now requires background check screening of coaches, team managers and volunteers who work directly with youth participants of American Legion Baseball teams in order to provide liability coverage at a level deemed prudent; and

WHEREAS, This resolution has been reviewed by the National Americanism Commission and with concurrence from the National Finance Commission, is recommended to the National Executive Committee for favorable action; now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana on October 17 - 18, 2012, That effective with the 2013 season, all coaches, managers, and volunteer staff for Junior and Senior American Legion Baseball teams must have background check screening conducted each season prior to any meetings, events, practices or games that involve youth participants; and, be it further

RESOLVED, That background check screening must be conducted at the following minimum level:

- 1) Social security number verification and address history trace**
- 2) Alias names national search**
- 3) National sex offender registry search**
- 4) National criminal database search**
- 5) A county or statewide criminal court search within those states known to have insufficient data contributed to the national criminal database (Delaware, Georgia, North Dakota, Kentucky, Massachusetts, South Dakota, Wyoming, and others as may be deemed in the future); and, be it further**

RESOLVED, That disclosure during background check screening that contains one or more of the following disqualifying criteria will preclude an individual from serving as a coach, manager or volunteer staff of an American Legion Baseball team:

- 1) Conviction of a felony**
- 2) Conviction of a crime involving a minor, regardless of the offense**
- 3) Conviction of a crime involving force or threat of force against a person**
- 4) Conviction of a crime in which sexual behavior is an element**
- 5) Conviction of a crime involving controlled substances (not paraphernalia or alcohol)**
- 6) Conviction of a crime involving cruelty to animals**
- 7) Any sex offender registrant**
- 8) Refusal to undergo background screening as mandated; and, be it further**

RESOLVED, That background check screening must be conducted by the exclusive commercial vendor engaged by National Headquarters for the screening of all coaches, managers and volunteer staff of Junior and Senior American Legion Baseball teams in order to provide screening consistency and enhanced confidentiality; and, be it further

RESOLVED, That during the online registration process for American Legion Baseball teams the National Organization of The American Legion will require an acknowledgment that each coach, manager or volunteer staff of an American Legion Baseball team has been verified as having successfully passed the mandated background check screening requirements for that upcoming season; and, be it further

RESOLVED, That if during the background screening process it is revealed that a team coach, manager or volunteer staff is charged with or has a case pending that involves any disqualifying criteria set out above, that individual will be prohibited from having contact with the American Legion Baseball team until legal adjudication has been made and the screening has been verified as successfully completed; and, be it further

RESOLVED, That a substitute or replacement for an American Legion Baseball team coach, manager or volunteer staff at any time during the season, cannot assume any duties until background check screening as mandated has been verified as successfully completed; and, be it further

RESOLVED, That if information is acquired during the playing season that a team coach, manager or volunteer staff may have sustained one of the disqualifying criteria in the interim after a required background check screening has been conducted, that individual will be

prohibited from having contact with the American Legion Baseball team until accuracy of the information has been validated so as to ensure the protection of the youth participants; and, be it further

RESOLVED, That it is strongly urged and recommended that the respective Legion department and/or Legion post or other organization sponsoring an American Legion Baseball team assume the responsibility for verifying that:

- 1) Each coach, manager or volunteer staff has successfully passed the mandated background check screening requirements for each upcoming season**
- 2) An individual charged with or having a case pending involving disqualifying criteria is prohibited from having contact with the team until legal adjudication has been made and the screening has been confirmed as successfully completed**
- 3) A substitute or replacement team coach, manager or volunteer staff does not assume any duties with the team until the background check screening is successfully completed**
- 4) Validity of information that a team coach, manager or volunteer staff may have sustained one of the disqualifying criteria in the interim after a required background check screening**
- 5) Non-screened adults removed from the field of play have successfully completed a background check screening prior to their return; and, be it further**

RESOLVED, That the National Organization of The American Legion will not fund or collect any costs associated with the mandatory background check screenings of coaches, managers and volunteer staff of American Legion Baseball teams; and, be it finally

RESOLVED, That coaches, managers and volunteer staff of American Legion Baseball teams must comply with the risk management policies of The American Legion established for the enhanced protection of children and youth.