



**NORTH DAKOTA AMATEUR
HOCKEY ASSOCIATION (NDAHA)**

**SEXUAL AND PHYSICAL ABUSE SCREENING
POLICY**

August 2008

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Section 1: Intent

- A. The intent of these rules is to reduce the risk of NDAHA participants becoming the victim of sexual or physical abuse.
- B. The intent is that all background screenings be done prior to the screened person having contact with minor participants.

Section 2: Uniformity of Standard

- A. All personnel of NDAHA associated organization shall be screened pursuant to these rules.
- B. All affiliates are responsible for submitting the screening forms two-weeks prior to the screened person having contact with minor participants. NDAHA will utilize the team registration process to ensure compliance of screening policy.

Section 3: Applicability of Standard

- A. The personnel of all NDAHA associated organizations shall be screened pursuant to these screening rules.
- B. For purposes of these screening rules, NDAHA associated organizations shall include, but not necessarily be limited to, NDAHA (the officer and directors of NDAHA and the members of all of its committees.) Affiliated community hockey associations, other affiliates, teams of Affiliates, all teams or organizations registered with NDAHA and USA Hockey Inc festivals and development camps.
- C. For the purpose of these screening rules, personnel shall include officers, members of boards of directors, coaches, team managers, referees and coaching or referee instructors. Other personnel may be included at the discretion of the State Risk Manager or the NDAHA Screening Committee.
- D. For the purposes of these screening rules, the personnel required to be screened under these screening rules shall collectively be referred to as "member".
- E. For the purposes of these screening rules, participation as such members (including participation by other personnel screened who thereby become members) shall collectively be referred to as "screened activities".
- F. NDAHA Affiliates or associated organizations may, at their discretion, apply the requirements of these screening rules to other volunteer personnel not carried on roster or registered by means of USA Hockey Individual Member Registration form(or by electronic registration) and not specifically mentioned herein.

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- G.** All persons subject to these screening rules shall be randomly screened at least once every three years, absent special circumstances requiring more frequent screening. Special circumstances requiring discretionary screening would include, but not be limited to; the situation in which NDAHA or NDAHA associated organizations becomes aware that a person subject to these rules has recently been convicted of crime which may render that person ineligible to participate in activities of NDAHA and its associated organizations. It is also intended that members identified as new coaches, team managers, or referees each year shall also be identified each season and screened before they are allowed to participate in NDAHA screened activities where they would have direct contact with minor participants.
- H.** A member who does not consent to be subject to the application of these screening rules and to provide the NDAHA Screening Committee with complete and accurate identifying information as requested, shall not be allowed to participate in screened activities. For purposes of this policy, it is determined that, at a minimum, members shall be required to provide the following information.
1. First, full middle and last name.
 2. Any previous names used, including but not limited to maiden name or nickname.
 3. Current and any other residence addresses for the last ten years.
 4. Date of Birth
 5. Social Security number.
 6. Home telephone number
 7. Any past criminal convictions or civil actions which may disqualify that member under Section 4 of this policy.
 8. Such other identifying information as shall be specified in North Dakota Hockey Confidential Screening and Consent Form adopted by the NDAHA.

Section 4: Standard for Participation of NDAHA and NDAHA Associated Organizations.

- A.** A person **shall be** disqualified and prohibited from participating in screened activities, if the member has been convicted of any “Background check crime” or any “ Child Abuse crime” as defined in North Dakota State Law or and/or any of the following crimes as they may be defined in any jurisdiction:
1. Murder, Manslaughter, Assaults, Arson, Criminal Sexual Assaults, Controlled Substance crimes, Mistreatment of resident or patients, Criminal abuse of vulnerable adult, Kidnapping, Abduction, Solicitation of children to engage in sexual conduct, Malicious punishment of a child, or Neglect or Endangerment of a child.

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- B.** A person **may be** disqualified and prohibited from participation in screened activities if:
1. The member has been convicted, (including crimes the record of which has been expunged and pleas of “no contest” of any crime of violence against minors, or any crime which indicates the person may pose a risk to the safety and well-being of players under his/her direction or stewardship, including but not to all felonies not described in A, above, domestic assault, indecent exposure, and multiple convictions for operating a motor vehicles or watercraft while under the influence of alcohol or controlled substances : or
 2. It is determined that he/she has been adjudged liable for civil penalties or damages involving sexual or physical abuse of children, is subject to any court order involving sexual abuse or physical abuse of a minor, including but not limited to, domestic order for protection, has had his/her parental rights terminated for reasons involving sexual or physical abuse of children : or
 3. NDAHA or any of its Affiliates comes into possession of verified information that he/she has a history with another organization (as a volunteer, employee or otherwise) of complaints of physical or sexual abuse of minors, resigned, been terminated or been asked to resign from a position, whether paid or unpaid, due to complaint(s) of sexual or physical abuse or minors.

Disqualification under this section 4B shall be at the discretion of the NDAHA Screening Committee after due consideration of relevant information.

- C.** Notwithstanding the provisions of Sections 4A and 4B above:
1. In the event that person has been convicted on any “Background check crime” or any “Child Abuse Crime” as defined by North Dakota Law or any of the crimes enumerated in Section 4A and this conviction was entered more the ten (10) years before the beginning of the current hockey season (September 1), the committee may utilize its discretion whether to disqualify that person under the Policy: and
 2. In the event that a person has been disqualified under Section 4A above, that person may apply, in writing to the NDAHA Screening Committee for reinstatement when either of the following is true:
 - a. More than ten years have elapsed since the conduct of which the disqualification was based occurred: or
 - b. In the event that the disqualifying conduct occurred ten years or more before the disqualification. More than ten years have elapsed since disqualification was made by the Screening Committee.
 3. In the event that a person has been disqualified under Section 4B above, said person may apply in writing to the NDAHA Risk Manager for reinstatement when either of the following is true:
 - a. More than ten years have elapsed since the conduct on which the disqualification was based occurred: or

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- b. The disqualifying conduct occurred three years or more before the disqualification, and more than three years have elapsed since the disqualification was made by the Screening Committee.
4. In the case of subparagraph 2 or 3, above, the Screening Committee shall review the applicant's criminal record and overall conduct in the relevant period and may exercise its discretion to either reinstate or again disqualify the applicant.
5. Nothing in Section 4C shall prevent the Screening Committee from disqualifying an applicant under either Section 4A or 4B in the exercise of its discretion after reviewing the record of conduct of the applicant.
6. Any decision by the Committee pursuant to Section 4C shall be appeal able by the applicant as provided in Section 7 below.

Section 5: Screening Procedure

A. Individual Members.

Each person seeking to participate in NDAHA shall consent to be screened as provided by these screening rules and shall sign a consent form provided by NDAHA before participating in screened activities. Such forms shall be signed each year, and it shall authorize NDAHA or its designee to perform one or more background checks to determine whether the signer is the subject of any reported criminal conviction or otherwise poses a risk to the safety and well-being of participants under his/her direction or stewardship. The consent form shall be provided at the time or times requested by NDAHA.

B. Local Affiliation Registration Requirements

Screening forms and related instructional material is provided by NDAHA on the NDAHA website www.ndaha.org under Risk Management.

1. Local Association registration coordinators, ACE Coordinators, NDAHA event and camp directors shall each collect the signed consent screening forms from all members and submit those forms in a timely manner through the team registration process to the NDAHA Screening Committee for review. Event or camp registrars shall have the same responsibility.
2. At the local association level, it shall be the responsibility of the local association registration coordinator to identify any new coaches and team managers. For purposes of the Screening Policy, a "new coach" or "new team manager" is either an individual who did not participate at all in NDAHA activities in the preceding season.
3. Obtain the necessary identifying information for screening from said coach, team manager and Board Member on a signed NDAHA Confidential Screening and Consent form.
4. For purposed of the foregoing, if the local registration coordinator is not in place, it shall be the responsibility of the local Association President or Chair to comply with the foregoing and provide the necessary information and screening forms to the NDAHA Screening Committee.

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C. Referees

1. All referee registration, training and certification programs shall include a process whereby signed NDAHA Confidential Screening and Consent forms are collected from all referees each season and submitted in a timely manner to the NDAHA Screening Committee.
2. New referees shall be identified by the District Supervisors of Officials (or their designees) at the time of registration and training. Referees shall fill out a NDAHA Screening form before those referees are allowed to participate in screened activities where they would have direct contact with minor participants.

D. Board Presidents or Chairs or Program Directors. The Chief Officer of each NDAHA associated organization shall:

1. Compile a list of names of all members from such organization to be screened according to this policy (including coaches, team manages, and board members)
2. Submit the list of names and consent corms to the NDAHA Screening Committee.

E. District Risk Managers

1. It shall be the responsibility of the NDAHA District Risk Managers to oversee the timely collection and submission of screening information according to his policy.
2. To be a member of the NDAHA State Screening Committee.

F. Screening Committee.

1. The NDAHA Screening Committee shall consist of the NE District Risk Manager, NW District Risk Manager, SE District Risk Manager, SW District Risk Manager and the NDAHA State Risk Manager.
2. Collect all verified lists of members to be screened, signed consent forms, and construct a computer data base of all members.
3. Promptly conduct background checks on the selected members.
4. Receive and review the information disclosed by the background checks, applying the criteria for disqualification specified in this policy.
5. If the relevant information, as defined by Section 4 of this policy is received concerning a member, promptly review and discuss the information, and determine whether the member is eligible to participate in activities of NDAHA or its associated organization.
6. If the NDAHA Screening Committee determines that the member is disqualified and prohibited from participating in screened activities, the NDAHA State Risk Manager shall notify in writing the member, the member's Affiliate that the member is not eligible to participate in screened activities. The notice to the disqualified member shall provide instructions for an appeal of the decision.
7. Schedule and conduct appeals to the Screening Committee.
8. Maintain and update the data base to indicate when the criminal background check was made on each member, and all information received.

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9. Safeguard all information, so as to comply with all statutory data privacy requirements, and the member's personal right to privacy.
10. Seek better methods of implementations and assist members in implementing these rules.

Section 6: Appeals

- A. Members who are determined to be ineligible to participate in the screened activities may appeal in writing such determination of the Screening Committee within 10 days of receipt of the Notice of Ineligibility. The appeal shall be in writing addressed to the State Risk Manager, at the address given in notice of ineligibility.
- B. The Screening Committee shall hear all appeals within 30 day of receipt of the written appeal. The appeal shall be heard at a place and time determined by the State Risk Manager.
- C. A member whose appeal results in an adverse ruling may appeal to the Screening Appeals Committee of the NDAHA. The Screening Appeals Committee shall consist of three NDAHA members appointed by the NDAHA President.

Section 7: Complaints of Sexual and/or Physical Abuse

- A. Complaints concerning violations of the provisions of this Article and/or NDAHA Sexual and Physical Abuse Policy, shall be in writing addressed to the President of NDAHA, and shall be signed by the complainant.
- B. Upon receipt of such written complaint, the NDAHA President shall then refer the matter to the NDAHA Screening Committee for its review. All credible complaints shall be referred to the appropriate law enforcement officials.

Section 8: Penalties

- A. Coaches and Team Managers, who fail to submit a NDAHA Consent and Screening form before October 1 of the current hockey season, shall receive a 30 day suspension from NDAHA screened activities.
- B. An Affiliate Board Member who fails to submit a NDAHA Consent and Screening form before November 1 of current hockey season, shall have his/her affiliation be asset a \$250.00 fee by NDAHA.