

## **12.6 BACKGROUND CHECKS**

**12.6.1** When required by the OSYSA RM program or when otherwise prudent to do so in the best interest of the youth players and referees of OSYSA, the OSYSA RMC may conduct or cause to be conducted, background checks on those individuals as described in Section 12.3.

All costs of background checks will be paid by OSYSA.

The following types of background checks may be conducted as necessary to fulfill the requirements of the OSYSA RM program:

**12.6.1.1** Check for criminal convictions

**12.6.1.2** Check of sexual offender registries.

**12.6.2** If while conducting a background check, information is obtained that an individual for whom this Risk Management program is applicable was convicted of a misdemeanor crime that would lead to their disqualification under this program and that conviction was subsequently expunged or sealed by a court of law, then for the purposes of this Risk Management Program, that conviction shall be considered as to have not occurred.

## **12.7 DISQUALIFICATIONS**

**12.7.1** In the event the RMC has a reasonable belief either through the results of a background check or otherwise, that an individual to whom this Risk Management Program is applicable is being investigated by or has been arrested, charged, plead no contest to and/or convicted of, by an appropriate legal authority of a crime including, without limitation, those listed in Section 12.7.2 below, then the RMC shall immediately issue a disqualification of said individual from service with or involvement in OSYSA as described below in Sections 12.7.1.1, 12.7.1.2 and 12.7.1.3.

The following types of disqualifications are applicable to those individuals for whom the OSYSA Risk Management program applies.

**12.7.1.1** State mandated disqualifications are those disqualifications that are required of OSYSA pursuant to Ohio Revised Code 109.572, 109.574, 109.575 and 109.576. Those specific crimes are listed in Section 12.7.2.1.

**12.7.1.2** Conditional disqualifications are those disqualifications that are for an individual who have been arrested for and/or charged with a crime in a court of law or who the RMC has a reasonable belief is being investigated by a law enforcement agency and that if found guilty of that crime would be cause for a state mandated disqualification. If the criminal charge is subsequently dropped or if the RMC has a reasonable belief that the investigation is closed or lacked merit, the conditional disqualification shall be promptly rescinded and the individual shall be allowed to return to service with OSYSA. In such situations, a decision by the RMC to not allow the individual to return to service may be appealed to the OSYSA Conduct Committee.

**12.7.1.3** Supplemental disqualifications are those disqualifications that are for an individual who has been convicted of a crime other than a crime listed in Ohio Revised Code 109.572 but nevertheless was a crime

that that is contrary to the effective and proper management of OSYSA. Those crimes are listed in Section 12.7.2.2.

**12.7.1.3.1** In addition to, but not necessarily in conjunction with, any of the above listed causes for supplemental disqualification, a person may be disqualified pursuant to this section if by any act of omission or commission, a reasonable person would conclude, based upon available evidence, that serious physical and/or emotional harm was caused to any person which shocks the conscience of a reasonable, knowledgeable, and otherwise disinterested person. The supplemental disqualified individual or OSYSA shall have the right to appeal that disqualification to the conduct committee, and subsequently to the appeals committee, and ultimately to the Board of Directors. The appeals process applies as stated in Section 12.8, et seq.

**12.7.1.4** - Any person who is disqualified under 12.7, et seq., shall not be eligible to participate in any Ohio South sanctioned event in any official capacity whatsoever, including, but not limited to, a coach, administrator, club representative, player, official, field marshal, or any other volunteer position. If any member of Ohio South knowingly allows any person disqualified under the Ohio South Risk Management program to be involved in any official capacity at any Ohio South sanctioned event shall be subject to discipline, up to and including disqualification.

**12.7.2** The following list of specific crimes shall be grounds for disqualification under this Risk Management Program. Crimes may be added to or deleted from these lists only upon approval of the OSYSA Board of Directors.

**12.7.2.1** A conviction for any of the following offenses shall be sufficient cause to permanently disqualify a person from service within OSYSA as a state mandated disqualification:

- aggravated murder,
- murder,
- voluntary manslaughter,
- involuntary manslaughter,
- felonious assault,
- aggravated assault,
- assault,
- failing to provide for functionally impaired person,
- aggravated menacing,
- patient abuse or neglect,
- kidnapping,
- abduction,
- criminal child enticement,
- rape,
- sexual battery,
- corruption of a minor,
- gross sexual imposition,
- importuning,
- voyeurism,
- public indecency,
- compelling prostitution,
- promoting prostitution,
- procuring prostitution,
- disseminating matter harmful to juveniles,

- pandering obscenity,
- pandering obscenity involving a minor,
- pandering sexually oriented matter involving a minor,
- illegal use of a minor in nudity-oriented material or performance,
- aggravated robbery,
- robbery,
- aggravated burglary,
- burglary,
- abortion without informed consent,
- endangering children,
- contributing to unruliness or delinquency,
- domestic violence,
- carrying concealed weapons,
- having weapons while under disability,
- improperly discharging firearms at or into habitation or school,
- corrupting another with drugs,
- trafficking offenses,
- illegal manufacturing of drugs or cultivation of marijuana,
- funding of drug or marijuana trafficking,
- illegal administration or distribution of anabolic steroids,
- adulteration of food, felonious sexual penetration,
- child stealing,
- drug possession offenses that are not minor offenses.

**12.7.2.2** A conviction for any of the following offenses shall be sufficient cause to disqualify a person from service with OSYSA as a supplemental disqualification:

- theft of an amount that would constitute a felony
- embezzlement of an amount that would constitute a felony
- Felony Operating Vehicle under the Influence of alcohol or drugs – OVI
- Forgery that would constitute a felony

**12.7.3** A conviction of a crime that occurred outside the State of Ohio, similar in nature to those crimes listed in Section 12.7.2, shall be considered as if the crime had occurred in Ohio under a comparable Ohio statute. In addition, a conviction of a crime pursuant to a federal statute, similar in nature to those crimes listed in Section 12.7.2, shall be considered as if the crime had occurred under a comparable Ohio statute.

**12.7.4** Lesser included offenses of the crimes listed in 12.7.2 and 12.7.3 shall not be cause to disqualify an individual under this Risk Management Program.

**12.7.5** Individuals who are listed on any sexual offender registry shall be permanently disqualified from service with OSYSA.

**12.7.6** The OSYSA RMC shall notify any individual of a potential disqualification from service under this Risk Management program in writing via certified mail with a backup copy being also sent via U.S. Regular mail. Contained within the letter advising of the disqualification and/or through attachments to that letter, the RMC shall include the following:

- The reason for the potential disqualification.