



## **Process for Conducting a Risk Management Background Search**

1. NYSWYSA has established procedures to assure discretion and confidentiality at all levels of this process.
2. Individual fills out the Risk Management (RM) Form and sends it to the Club/League or Program Director, who in turn forwards it to the NYSWYSA State Office.
3. RM Assistant in State Office executes proper data entries from information provided on RM Forms to initiate the background search and/or issue a pass.
4. RM Assistant prints passes for coaches & managers and files copies of these passes along with the matching RM Forms in a locked, confidential filing cabinet in the State Office.
5. RM Assistant submits all names for a background search, initiates this search, a list of these names (one for coaches & managers and another for administrators & volunteers – including return mailing info for volunteers and administrators) by e-mail to the RM Director, and keeps a copy of these lists on file in the office. A name will not be submitted for a background search again until after a time period of four (4) years has elapsed.
6. RM Assistant mails passes for coaches & managers whose names were not submitted for a background search, and an accompanying cover letter to the proper Club/League or Program Director. Passes for coaches & managers whose names were submitted for a background search are held and not mailed out until the RM Director clears the issuance of these passes.
7. RM Director, upon receipt of background search results, will inform RM Assistant by email of passes that are cleared to be issued and approved applications for volunteers and administrators. The RM Assistant mails passes with the RM Pass Letter, and the RM Director mails the RM Search Letter to Club/ League or Program Director. RM Director will print out the search result information and follow the RM Search Notification Procedure for individuals whose background checks show possible cause for denying the application. This procedure consists of using either of two form letters – sent certified mail, receipt requested by the RM Director. One is based on results from searching the national sex offender and criminal files, and the other is based on a driver's license search. In both cases an extract of the search findings will be forwarded to the applicant who is asked to check the information for accuracy and provide proper documentation and/or a signed and notarized affidavit to verify any claims of inaccuracy in the extract. Written consent is also sought for the RM Director to check any claims of inaccuracy in the search results with the proper court(s). If no response or no consent is given within two (2) weeks of receipt of the letter, the application is deemed withdrawn. If a subsequent check with the court(s) conclusively shows that the affidavit is false, law enforcement officials will be notified. No-one with a documented sex offender or criminal violation will be issued a pass or registered or insured with NYSWYSA. Applications found to contain falsified information will be automatically denied. In the case of a driving violation (such as DUI) the final decision of whether to accept the application – along with the responsibility for proper notification – is left up to the Club/League or Program Director. Once a final determination is made as to whether an application is to be denied or deemed withdrawn, the RM Director will issue the proper notifications and inform the RM Assistant.
8. All RM computer work shall be done only on computers that are "power on" password protected, with the password known by the user only, but with a copy on file at the State Office.
9. Once the RM Director decides to deny an application or consider an application as withdrawn, all background search materials and any other relevant information shall be forwarded to the RM Assistant at the State Office in a sealed envelope marked with "CONFIDENTIAL RM INFORMATION" in the lower left front corner. Upon receipt of such envelope, the RM Assistant shall not open it, but place it directly in a locked, confidential and fire proof file.
10. All applicants who have an application denied have the right to appeal the decision in accordance with established NYSWYSA adjudication procedures.