



THE AMERICAN LEGION

Department of North Carolina

RISK MANAGEMENT GUIDEBOOK

For The Enhanced Protection of Children
& Youth Programs

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INTRODUCTION

Thousands of Legionnaires and members of the American Legion Family throughout North Carolina donate countless volunteer hours each year for American Legion Baseball, Oratorical, Boys State, Junior Shooting Sports, Student Trooper and Scouting programs. Our youth programs teach young people a variety of practical skills, as well as developing leadership, teamwork, discipline, and self-confidence. Our programs encourage a strong sense of citizenship, patriotism and good living. Every youth program of The American Legion relies heavily upon dedicated volunteers willing to contribute time and skills for conducting essential functions of the programs. What motivates these selfless volunteers is an innate desire to give back to their communities and to help nurture those young Americans whose impressions of this country are still developing.

Although the occurrence of events such as those referenced below are overall relatively infrequent, youth programs have proven they can be a high-risk environment for misconduct by adults in positions of authority and leadership who have sometimes misused their positions by exerting various forms of abuse. This may include physical abuse, verbal abuse, emotional abuse or sexual abuse. The aftermath of numerous events throughout the nation involving the sexual molestation of youth by a trusted authority figure has served to prominently illustrate the need and importance for protecting the welfare of vulnerable populations, such as minor children, as well as the need for protection from liability for those organizations and volunteers that serve them.

In February 2018, the “Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017” (Public Law 115-126) was signed into law. The bill amends the victims of Child Abuse Act of 1990 to extend the duty to report suspected child abuse, including sexual abuse, immediately to law enforcement and adults who are authorized to interact with minor or amateur athletes by an amateur sports organization that participates in interstate or international amateur athletic competition.

While The American Legion has the utmost trust and confidence in its staff and volunteers, the need for implementing such measures is a stark manifestation unfortunately reflective of today’s social reality. Any organization entrusted with the safety and welfare of youth must mitigate its overall risk and liability, and that of its participants and volunteers, by taking measures aimed at sustaining program integrity and safety.

Prevention is key to being proactive in mitigating abuse in youth programs. A comprehensive child protection program will incorporate: (1) screening; (2) abuse awareness training; (3) established policies and safeguards; and (4) awareness and oversight.

SCREENING

Use of current, dependable, and complete criminal history information is considered a critical screening protocol for any youth-serving organization. Volunteer program staff undergo criminal history screening for many of the same reasons employers conduct background checks – the purpose is to verify identity and determine whether a potential staff member may have anything in their past that might disqualify them from working with youth participants.

Handling of sensitive information during the screening process should receive the utmost attention to discretion and confidentiality so as not to damage one’s reputation or career. **All department youth program staff having contact or access to youth will be screened each year prior to conducting the youth program they have been invited to support.**

ABUSE AWARENESS TRAINING

Federal law (Public Law 115-126) titled “Protecting Young Victims From Sexual Abuse and Safe Sport Authorization Act of 2017” has been enacted requiring amateur youth sports organizations affiliated with a national governing body or non-affiliated organizations to develop policies and procedures to prevent the emotional, physical and sexual abuse of amateur athletes, including mandated abuse awareness training. While P.L. 115-126 applies primarily to The American Legion’s youth baseball and junior shooting sports programs, the National Organization recognizes the relevance of risk management as it applies to all of its national and department level youth programs. American Legion Resolution No. 32 passed by the National Executive Committee at its October 2020 meeting titled “Risk Management Mandates for National Youth Programs” states that under the advice and guidance of the compliance and risk manager of the national organization and the national judge advocate, policies and procedures are required beginning in 2021 mandating sexual abuse awareness training and criminal history background check screening for those selected to staff national tournaments of American Legion Baseball, the American Legion Boys Nation program, the American Legion National Oratorical Contest, the American Legion Junior Shooting Sports Shoulder-to-Shoulder National Championship, and National Boy Scouts of America Jamborees. The Department of North Carolina will also follow Nationals mandate.

POLICIES AND SAFEGUARDS

Policies and safeguards should be clearly established by an organization that reinforces a positive environment, safe interactions and appropriate conduct among program staff, volunteers, and youth participants. Providing program staff and volunteers an awareness of the policies established for acceptable/unacceptable behavior minimizes opportunities for misconduct and helps prevent unfounded allegations. It is just as vitally important that policies and procedures for reporting and responding to suspected abuse, misconduct or policy violations are clearly established as well.

AWARENESS AND OVERSIGHT

Awareness is a key element to any prevention strategy. Awareness and orientation on safeguards, policies and procedures are instrumental in contributing toward a knowledge and prevention of various forms of abuse. Awareness and orientation can be disseminated in a variety of ways and should be made available to all staff members prior to conducting any meetings or events that involve youth participants, regardless of how experienced they may be.

This awareness training will be required for those adults who participate in the department youth programs. It is essential that youth program staff members know who they should go to with questions or problems should they arise.

DEFINITIONS

Abuse:

Physical Abuse – injury intentionally inflicted.

Economic Abuse/Exploitation – Deliberate temporary or permanent misuse of another’s money or belongings.

Emotional Abuse – mental or emotional injury inflicted resulting in an observable and material impairment in growth, development, or psychological functioning.

Neglect – failure to provide basic needs of vulnerable individuals or protect them from harm.

Sexual Abuse – contact or activity of a sexual nature without consent or when consent is not possible.

Verbal Abuse – use of words intended to cause harm or demean the person being spoken to.

Adult: Anyone 18 years of age or over.

Child/Minor/Youth: Anyone 17 years of age or under.

Designated Individual: Those individuals who are subject to risk management mandates of the Organization. Designated Individuals of Department youth programs of The American Legion include the following:

1. North Carolina American Legion Baseball and Softball
 - a. Umpires
 - b. All volunteer staff as deemed necessary by the Organization.
 - c. Locally selected volunteer staff as deemed necessary by the Organization.
2. Department Oratorical Contest
 - a. Moderators
 - b. Monitors
 - c. Escorts
 - d. Judges (excludes final round judges due to total segregation from youth participants)
 - g. All other volunteer staff as may deemed necessary by the Organization.
3. Junior Shooting Sports
 - a. All volunteer staff allowed access ahead of the “red line.”
 - b. All other volunteer staff as deemed necessary by the Organization.
4. Boys State and Student Trooper
 - a. All volunteer staff as deemed necessary by the Organization.
5. Boy Scout Jamborees

- a. All volunteer staff as deemed necessary by the Organization (further detailed on page 5).
8. Department Headquarters professional staff are also subject to screening each year.

Department Youth Programs of The American Legion Department of North Carolina

Headquarters

- North Carolina American Legion Baseball (NCALB) and Softball
 - » Junior and Senior tournament sites – locations vary
- Boys State – Varies
- Junior Shooting Sports State Championship – Varies
- North Carolina Oratorical Contest – Varies
- Through its longstanding relationship with the Boy Scouts of America, The American Legion provides volunteer support at Boy Scout Jamborees.
- Student Trooper - Raleigh NC

Organization: The American Legion Department of North Carolina Headquarters

Program Manager: Staff member of The American Legion Department of NC Headquarters assigned responsibility for the planning, management, and execution of all department youth programs of the Department of North Carolina.

Provider: The exclusive commercial vendor engaged by The American Legion National Headquarters and Department of North Carolina to conduct background check screening for staff and volunteers of youth programs of the American Legion Department of North Carolina.

Priority Research Services, Inc., DBA “Protect Youth Sports”

14499 N. Dale Mabry Hwy, Suite 201S

Tampa, FL 33618

(877) 319-5587 (8:30am to 4:30pm Eastern Time)

www.protectyouthsports.com

Reporter: An individual reporting suspicions or allegations of child abuse

SCREENING

Resolution No. 32 was passed by the National Executive Committee of The American Legion at its October 2020 meeting titled, “Risk Management Mandates for National Youth Programs.” The resolution states that under the advice and guidance of the compliance and risk manager of the national organization and the national judge advocate, policies and procedures are required beginning in 2021 mandating sexual abuse awareness training and criminal history background check screening for those selected to staff national tournaments of American Legion Baseball, the American Legion Boys Nation program, the American Legion National Oratorical Contest, the American Legion Junior Shooting Sports Shoulder-to-Shoulder National Championship, and National Boy Scouts of America Jamborees, or who are adults and have regular contact with program participants who are minors. The Department of North Carolina will also mandate the same screening for our programs.

BACKGROUND CHECKS

Authorized Background Check Provider. All background checks on Designated Individuals will be conducted by the exclusive commercial vendor engaged by The American Legion National Headquarters. Protect Youth Sports located in Tampa, Fla., hereafter referred to as the Provider.

In addition to conducting background checks, the Provider provides screening and reporting of background check results in accordance with criteria established by the Organization. The Provider is responsible for complying with the Fair Credit Reporting Act, storage of background check records consistent with applicable laws, and maintaining confidentiality of information obtained through the background check process.

Designated Individuals to be Screened. Background checks will be conducted on staff of national and department youth programs who directly supervise, have close contact or are in a position of trust with youth program participants.

1. North Carolina American Legion Baseball and Softball
 - a. Umpires
 - b. All volunteer staff as deemed necessary by the Organization.
 - c. Locally selected volunteer staff as deemed necessary by the Organization.
2. North Carolina Oratorical Contest
 - c. Moderators
 - d. Monitors
 - e. Escorts
 - f. Judges (excludes final round judges due to total segregation from youth participants)
 - g. All other volunteer staff as may deemed necessary by the Organization.
3. Junior Shooting Sports
 - d. All volunteer staff allowed access ahead of the “red line.”
 - e. All other volunteer staff as deemed necessary by the Organization.
4. Boys State and Student Trooper
 - e. All volunteer staff as deemed necessary by the Organization.

5. Boy Scout Jamborees

- g. Boy Scouts of America currently does the vetting and gives approval to the list of volunteers selected/submitted by the Organization to staff an exhibit booth at a Boy Scout Jamboree. It is a requirement of the Boys Scouts of America that all its adult Scouts undergo annual background screening as a matter of routine and further requires that Jamboree booth staff be Scouts.

Department Headquarters professional staff are subject to screening each year.

Applicability of Background Checks. Although a Designated Individual may have the ability to provide proof of a background check having been previously conducted through a source other than the Provider, the Department Organization requires that background checks as mandated in Resolution No. 32 NEC Oct. 2020 “Risk Management Mandates for National Youth Programs” must be conducted by the Provider in order to provide screening consistency and enhanced confidentiality.

Frequency of Background Checks. Background checks will be conducted on all Designated Individuals on an annual basis prior to the start of the national youth program they have been selected to staff.

Initiating Background Checks. When so directed by a Program Manager, each Designated Individual is responsible for accessing the Provider’s link that will be provided and electronically entering the required disclosure information for purposes of conducting the actual background check.

Once a Designated Individual has completed the online application for a background check, the Program Manager will receive email notification that an application is pending. The Program Manager must log on to provide approval of that application before the Provider will proceed in conducting the background check screening.

Level of Information to be Checked. All background checks conducted on Designated Individuals shall at a minimum include:

- Social Security Number verification and address history trace
- Alias names national search
- National criminal database search
- National sex offender registry search

There are select states that are designated as having insufficient data in the national database. They must have the “Plus Package” option selected when applying for a background check with the Provider to have a county or statewide court search additionally conducted, thereby ensuring an adequate level of background screening is commensurate with other states. Please review the map provided to determine the appropriate search to request.

The map can be viewed online at [criminal-background-checks.info](https://www.legion.org/central-services/criminal-background-checks).

Background Check Disqualifying Criteria. A record or disclosure from a Designated Individual’s application or background check containing one or more of any of the following disqualifying offenses will lead to a determination of “reject” indicating that individual is prohibited to serve as a volunteer staff of Department of North Carolina youth programs:

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, including “victimless” crimes of a sexual nature (including pornography)
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

An applicant will not be disqualified for a harassment or conspiracy conviction unless it is presented in the context of one of the already existing disqualifying criteria listed above.

Local ordinance violations are not considered disqualifying criteria given their low-level of severity.

Findings. The Provider grades (adjudicates) and assigns either an “accept” or “reject” designator to a background check application from a Designated Individual. The Program Manager/Director will receive email notification from the Provider when a background check screening has been completed. The Program Manager/Director will then log on to obtain background check findings. The background check findings generated by the Provider will reflect an “accept” or “reject” designator. An “accept” designator means the background check of a Designated Individual does not contain disqualifying criteria previously set forth and may serve as staff of a department or national youth program. A “reject” designator means the background check of a Designated Individual contains disqualifying criteria and that individual is prohibited from serving as staff of a department or national youth program. This system of reporting eliminates the need to disclose specific criminal history details to The American Legion. The Program Manager/Director will follow-up with each Designated Individual to advise the outcome of either an “accept” or “reject” designator.

When a background check reveals there is a pending case or an active warrant for crimes involving the disqualifying criteria listed, the Provider will assign a “reject” designator. Doing so supports the Organization’s mandate of prohibiting an applicant from having contact with any youth program participants until such time legal adjudication is made and there is verification that an “accept” designator is then achieved.

If the Organization becomes aware of information that a youth program volunteer may have sustained one of the disqualifying criteria in the interim after a required background screening has been conducted, that individual will be prohibited from having contact with youth program participants until accuracy of the information has been validated by the Program Manager via the Provider; the individual should be returned home during the validation process as necessary. If the disqualifying criteria is validated, that Designated Individual will immediately be removed and prohibited from serving as staff of department or national youth programs.

The Organization may reserve the right to prohibit any individual from volunteering as staff of its department youth programs if at any time the Organization in its opinion deems the individual unfit to work with minors.

Pre-Adverse Action Notice. The Provider has a system in which they are automatically aware that a “reject” designator has been reported for an individual. The Provider will email to that individual a copy of their full report, along with a “Pre-Adverse Action Notice” and a copy of the Summary of Rights as mandated by the Fair Credit Reporting Act.

At this point the Provider allows five (5) business days for the individual to contact them to file a dispute or request a recheck, should the individual disagree with the outcome of the report. If contacted, the Provider will follow its normal re-check procedure and will send out an updated report, should one be needed at the completion of the recheck/dispute.

If an individual should ultimately deem that after re-check/dispute that the situation has been resolved, the individual at that time may submit a new application to the Provider in order to provide confirmation of an “accept” designator to their account manager.

If five (5) business days pass with no communication from the individual, the Provider will then issue, via email, a final Adverse Action letter and a copy of the Summary of Rights to the individual. There is no report sent with this phase.

Appeals. If a Designated Individual has concern with the outcome of their background check report, they should contact the Provider directly to dispute. The Organization will not disclose or discuss specific report results other than “accept” or “reject” and will only disclose those results to parties deemed by the Program Manager/Director as having a “need to know”.

Copies of Reports. Should an individual who receives an “accept” designator desire to receive a full copy of their background check report, that individual should directly contact the Provider to make that request and pay the fee associated with doing so since the routine release of a full report is not an obligatory requirement of the contractual agreement established between the Organization and the Provider.

There are three ways an individual may request a copy of their background check report from the Provider:

1. Fax: By faxing a request letter to 800-319-5582
2. Email: By emailing a request to support@protectyouthsports.com
3. Mail: By mailing a request letter to: Protect Youth Sports Compliance Department, 14499 N. Dale Mabry Hwy, Suite 201S, Tampa, FL 33618
4. Website: compliance.protectyouthsports.com/

The following information should be included with each request:

- Full name
- Social Security Number (do not provide if sending via email)
- Daytime phone number
- Copy of driver license or photo ID (please enlarge and ensure copy is clear and legible)
- Secondary form of ID

- Report ID (if available)
- Mailing Address. (Please note: The report will be sent certified mail)
- Signature

Removal from Record. As a possible recourse, individuals may independently seek having disqualifying criteria removed from their record through legal or governmental avenues. This may not always be an option, but if an individual can have disqualifying criteria removed from his/her record and then achieve an “accept” designator through background screening with the Provider, they may then be considered qualified to serve as a Designated Individual for a national youth program.

ABUSE AWARENESS TRAINING

Upon successfully completing the background check process, Designated Individual will proceed to the designated web site offered to complete the mandated abuse awareness training.

The authorized training site is: **PROTECT YOUTH SPORTS**

Upon submitting background check information, the applicant will receive an e-mail from Message@VeritySecure.com with the subject being “Child Safety Training.” The applicant will complete the “Volunteer” version of the training.

Once a Designated Individual completes their abuse awareness training and prints off their Certificate of Completion they will have proof of completion. Please retain a copy of your Certificate of Completion for your own records. **The American Legion mandates that each Designated Individual renew their abuse awareness training certificate annually.**

Abuse awareness training completed through the U.S. Center for SafeSports or USA Baseball within the previous 12 months is also acceptable. Proof of training must be provided to the respective youth program manager at Department Headquarters or their designated representative.

If there should be a question regarding this training requirement, **please contact The American Legion Department of North Carolina with an email addressed to the Program Manager Mark Cauble at mcauble@nclegion.org.**

PROTECTION POLICIES AND SAFEGUARDS

American Legion Department of North Carolina youth programs are designed to encourage safe interaction between staff, volunteers, and children or youth. Parents and families trust our programs to provide a safe and healthy environment for all participants.

Youth Protection Policy. The American Legion does not tolerate abuse in any form, whether it is physical, emotional, sexual, verbal or economic exploitation.

Youth Protection Safeguards. The following safeguards are intended to first and foremost place the welfare and well-being of children and youth as the highest priority, and to assist in employing and monitoring behaviors and interactions with children and youth so as to avoid, recognize or stop those that are harmful. These safeguards do not and cannot address every situation that could be encountered. Just because a certain action is not prohibited in this section does not mean it is acceptable behavior. Staff will be required to act with a certain degree of personal discretion. The Organization reserves the right to take disciplinary action against any program staff member whose actions are deemed inappropriate, regardless of whether they appear in this guidance or not.

Conduct. The following guidelines and expectations have been established for persons serving in staff roles for national youth programs of the Organization.

General conduct:

- Demonstrate behavior appropriate for a role model for youth; be courteous, fair, and unbiased in your treatment of all children and youth.
- Put the welfare and well-being of children and youth first.
- Treat all children and youth with dignity and respect.

Drugs, tobacco, alcohol, and sexually explicit materials:

- Do not possess, distribute, use, or allow others to use alcohol or drugs during operation of national youth programs.
- The use of tobacco at national youth programs is prohibited in the presence of children or youth.
- Do not be in the possession of any sexually orientated materials when conducting business as staff of a national youth program.

Use of Language:

- Do not use harsh, inappropriate, offensive, profane, or degrading language in the presence of children or youth.
- Do not discuss sexual history, preferences, or fantasies with or in the presence of children or youth.

Physical contact:

- Do not use restraint or any type of restraining device as punishment or behavior management.
- Do not use physical punishment in any form (e.g., slap, push, hit, kick, etc.). Use of the most minimal physical force necessary is only acceptable to save one from serious harm or death when the actions of a child or youth is placing themselves or others at immediate risk.

- Do not participate in or allow others to engage in hazing or any activities involving harassment, humiliation, teasing, ridicule, or abuse.
- Do not have sexual contact with children or youth.
- Do not engage in sexual activity in the presence of children or youth.
- Remain alert to the appropriateness (see below), context, and location of any physical contact with children and youth; any physical contact only takes place in public.
- Do not dress, undress, shower, or bathe with or in the presence of children or youth.
- Do not have sleeping locations with children or youth.
 - » Sleeping room assignments involving youth program participants will be so that no participant of an adult age (18 years of age or older) is rooming with a participant who is a child/minor/youth (17 years of age and below).
- Have contingency plans in place for separating and/or reassigning those program participants who may become involved in youth-on-youth/child-on-child harassment.
- Do not be alone with a child or youth when transporting them in a vehicle.

Appropriate forms of contact:

- Brief hug (e.g., a “shoulder-to-shoulder” hug of celebration or appreciation may be acceptable, where a prolonged, lingering, embracing bear hug is inappropriate).
- Pats on shoulder or back.
- Handshakes.
- “High-fives”.
- Holding hands during prayer.

Inappropriate forms of contact:

- Lengthy, fully engaged embraces.
- Kisses on the mouth
- Touching of buttocks, breasts, or genital area.
- Occupying same bed as a child or youth.
- Any type of massage.
- Snapping of bras or giving wedgies or similar touching of underwear, whether covered by other clothing or not.
- Private meals with a child or youth.
- Giving to or receiving gifts or money from children or youth.
- Any form of unwanted affection.

Communication:

- Do not be alone with a child or youth when one-on-one discussion or counseling is necessary; one-on-one interaction with a child or youth will only take place in a publicly visible and open area that allows for private conversation and while still remaining in the presence of another staff member.

Electronic Media:

- As part of The American Legion Department of NC youth programs emphasis on minor safety, all electronic communications between minor youth and staff members, or other adults who have regular contact with minor youth, must be professional in nature and for the purpose of communicating information about program activities. This policy applies to all staff and other adults who have regular contact with minor youth.

American Legion Department of North Carolina youth program electronic communication policy:

- Content of any electronic communication should be readily available to share with the minor youth's family or North Carolina American Legion youth program representatives upon request. Any request under the electronic communication policy must include copies of any email, electronic text, social media post, or similar communication, and to be sent to either the minor youth's parent/legal guardian or American Legion representative.
- Social Media. Staff members, or other adults who have regular contact with minor youth, are not permitted to maintain social media connections with minor youth. Staff members, or other adults who have regular contact with minor youth, are not permitted to accept any new personal requests on social media platforms from minors. Existing social media connections with youth who are minors shall be discontinued. The American Legion will monitor its organizational social media pages and remove any post that violate policies and practices for appropriate behavior. Minor youth or parent/legal guardian of minor youth will be informed of any inappropriate posts.
- Email. Minor youth and staff members, and other adults who have regular contact with minors, may use email to communicate. All email content between staff members, or other adults who have regular contact with minors, and minor youth must be professional in nature and for the purpose of communicating information about program events. Emails must come from an account that can be monitored by the Department of North Carolina youth programs. The Department of North Carolina youth program personnel and a parent/legal guardian must be copied when communicating with a minor youth through email.
- Texting. All text messages between staff members, or other adults who have regular contact with minors, and minor youth must be professional in nature and for the purpose of communicating information about the youth program. Text messages cannot be sent to one (1) individual minor youth; a text message must go to entire group or must have additional staff member included.
- Request to Discontinue All Electronic Communications. The parent/legal guardian of a minor youth may request in writing that their child not be contacted through any form of electronic communication by the Department of North Carolina youth organization staff member.
- Electronic communications must only be sent between the hours of 8:00 a.m. and 8:00 p.m.

Safety:

- Plan for adequate staff-to-participant ratios appropriate to the nature of the youth program, the activities involved and age of program participants.
- Always keep medical and emergency contact details for youth program participants readily available in the event of an emergency.
- Immediately obtain or provide appropriate medical assistance in the event of an injury.

POSSIBLE SIGNS OF ABUSE

These signs do not necessarily indicate that a child has been abused, but they may help adults recognize the possibility that something is wrong.

POSSIBLE SIGNS OF PHYSICAL ABUSE.

- Frequent suspicious or unexplained injuries out of the norm for those normally associated with childhood activities, e.g., burns, deep bruising, etc.
- Improbable excuses or refusal to explain injuries.
- Wears inappropriate clothing to cover injuries, e.g., long sleeves or pants on a hot day.
- Injuries appearing to have a pattern, such as a handprint or belt.
- Fear of medical treatment or examination.
- Aggression toward others.
- Shrinks back from touch.
- Refusal to change for gym or athletic activities.
- Rebels against authority.

POSSIBLE SIGNS OF EMOTIONAL ABUSE.

- Excessively withdrawn or fearful.
- Continual self-deprecation, e.g., “I’m ugly”, “I’m stupid”, etc.
- Overreaction to mistakes.
- Emotionally abuses others.
- Extreme sensitivity to criticism.
- Extreme fear of new situations.
- Extremes of passivity or aggressiveness.
- Continuous unwillingness to develop relationships.

POSSIBLE SIGNS OF SEXUAL ABUSE.

- Difficulty walking or sitting.
- Makes strong efforts to avoid a person without explanation or strong reluctance to interact with a person.
- Fear of touch.
- Wearing excessive amounts of clothing.
- Isolation or withdrawal.
- Insecure or clinging.
- Extreme personality changes.
- Sudden loss of appetite or compulsive eating.
- Inability to concentrate.
- Being overly affectionate or acting out sexually.

RESPONDING TO CHILD ABUSE / SUSPECTED CHILD ABUSE

Anyone having knowledge of, or a reasonable cause to suspect that abuse has occurred has a personal, ethical, and often legal, obligation to make a report. The definition of a “mandated reporter” for suspected child abuse can vary from state-to-state, with the applicability of who should report being defined more broadly in some states more than others. But remember, it is the responsibility of all individuals and community members – not just mandated reporters – to respond to the suspected maltreatment of any child or youth. No matter the state laws, learning the appropriate ways to respond to suspected abuse and becoming an informed and involved individual are important steps toward protecting children. **All paid and volunteer staff of department youth programs of the Organization are required to report cases of suspected abuse involving a child or youth.** An individual reporting suspected child abuse are hereafter referred to as the Reporter.

If a child or youth tells you about abuse:

- Remain calm and reassuring.
- Find a quiet place to talk.
- Believe in what you are being told.
- Do not jump to conclusions.
- Reassure the child or youth they did the right thing by telling you.
- Reassure the child or youth that they will be protected and supported.
- Be discreet.
- Call 911 if medical treatment is necessary.
- Report the concern immediately to the proper law enforcement authorities. The law requires only that you have a reasonable suspicion that a child or youth is being abused.
- Do not discuss the concern or share information with anyone other than those having a “need to know.”

REPORTING

When anyone observes or are made aware of any inappropriate behavior(s) or behavior(s) that are inconsistent with those detailed in the “Protection Policies and Safeguards” section of this guide, they are required to report their suspicion(s) or allegation(s) to their Program Manager/Director.

In ALL cases involving ANY reasonable suspicion that child abuse has occurred, a report must immediately be made to law enforcements authorities and the youth participant’s parent(s) or guardian(s). This reporting responsibility may NOT be abdicated to another individual. The assumption should NOT be made that law enforcement authorities, parent(s)/guardian(s), etc., or the Program Manager/Director have already learned of a situation through other venues – report immediately upon becoming aware.

Program Managers/Directors will mandate the use of the written report found in Appendix B titled “REPORTING FORM” for documentation purposes. After contacting appropriate law enforcement authorities and parent(s)/guardian(s) in cases involving child abuse or suspected child abuse, the

Reporter will then provide a copy to the respective Program Manager/Director and a copy offered to the law enforcement authorities. All information regarding alleged child abuse must be maintained under strict confidentiality and communicated only to those having a “need-to-know”.

During a period of investigation by law enforcement authorities, the accused individual will be immediately suspended from all activities and contact involving children. The suspension will continue until the person is cleared or allegations are proven; the individual will be returned home during the investigation period as necessary. If the allegations are proven correct, the individual will be permanently removed from all participation in any capacity of youth programs of the Organization.

AWARENESS AND ORIENTATION

All Designated Individuals must comply with the “Risk Management Guidebook of The American Legion Department of North Carolina for the Enhanced Protection of Children and Youth” set forth in this guidebook. Program Managers/Directors of every youth program of the Organization will provide awareness, orientation and information to all program staff and volunteers at the onset of each program every year. This will include orientation and dissemination of:

- Program overview
- Job description information
- Organizational chart of the program
- Program schedule
- “The American Legion Department of North Carolina Risk Management Guidebook for the Enhanced Protection of Children and Youth”

In addition, all Department Baseball and Softball team managers and/or head coaches will be required to read and sign the Code of Ethics and Conduct form. Appendix C

APPENDIX A

NATIONAL EXECUTIVE COMMITTEE OF THE AMERICAN LEGION

October 14-15, 2020

Virtual

Resolution No. 32: Risk Management Mandates for National Youth Programs

Origin: Americanism Commission

Submitted by: Americanism Commission

(As amended)

WHEREAS, Resolution No. 4 of the National Executive Committee, May 2012, titled “Background Screening Of Staff For National Youth Programs” initially mandated background check screening of staff of American Legion national youth programs in order to uphold the integrity and safety of youth and to mitigate the risk and liability to an organization; and

WHEREAS, Resolution No. 16 of the National Executive Committee, October 2012, titled “Mandatory Background Check Screening for Coaches, Managers and Volunteer Staff of Junior and Senior American Legion Baseball Teams” initially established policy and procedures for mandatory background screening for coaches, managers and volunteers of junior and senior American Legion Baseball teams; and

WHEREAS, Federal law (Public Law 115-126) titled “Protecting Young Victims From Sexual Abuse and Safe Sport Authorization Act of 2017” has been enacted requiring amateur youth sports organizations affiliated with a national governing body or non-affiliated organizations to develop policies and procedures to prevent the emotional, physical, and sexual abuse of amateur athletes; and

WHEREAS, American Legion Baseball is affiliated with the national governing body of USA Baseball; and

WHEREAS, USA Shooting is a National Governing Body member of the U.S. Center for SafeSport; and

WHEREAS, USA Shooting is the organization upon which The American Legion patterns its American Legion Junior Shooting program; and

WHEREAS, Because the American Legion Junior Shooting Sports National Tournament is administered by the national organization, the national organization therefore possesses the authority to impose mandates for the protection of minor children participating in that national tournament; 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 legal, moral and ethical responsibility to parents and guardians by protecting their children from abuse and harm when participating in any and all youth programs under the Legion brand; now, therefore, be it

RESOLVED, By The National Executive Committee of The American Legion in regular meeting assembled virtually on October 14-15, 2020, That The American Legion, under the advice and guidance of the compliance and risk manager of the national organization and the national judge advocate, shall have policies and procedures established beginning in 2021 which mandates sexual abuse awareness training and criminal history background check screening for:

- **American Legion Baseball program staff (coaches, managers and volunteers 18 years of age or older) who have regular contact with players who are minors**
- **Coaches, managers and volunteers 18 years of age or older who have regular contact with minors who are in clubs affiliated with an American Legion post and who are participating in the American Legion Junior Shooting Sports National Tournament**
- **Those selected to staff national tournaments of American Legion Baseball, the American Legion Boys Nation program, the American Legion National Oratorical Contest, the American Legion Junior Shooting Sports Shoulder-to-Shoulder National Championship, and National Boy Scouts of America Jamborees, or who are adults and have regular contact with program participants who are minors; and, be it further**

RESOLVED, That the national adjutant, after legal review and approval of the national judge advocate, be and is hereby authorized and directed to execute such contract(s) as may be necessary to support the execution of criminal history background check screening and/or sexual abuse awareness training; and, be it further

RESOLVED, That departments of The American Legion are strongly urged and encouraged to establish procedures and policies for sexual abuse awareness training and criminal history background check screening similar to those of the national organization for those adults who are selected to support youth programs conducted within their departments; and, be it finally

RESOLVED, That Resolution No. 4 of the National Executive Committee, May 2012, titled “Background Screening Of Staff For National Youth Programs” and Resolution No. 16 of the National Executive Committee, October 2012, titled “Mandatory Background Check Screening for Coaches, Managers and Volunteer Staff of Junior and Senior American Legion Baseball Teams” are hereby superseded and rescinded.

APPENDIX B



THE AMERICAN LEGION
National Headquarters

REPORTING FORM CHILD ABUSE / SUSPECTED CHILD ABUSE

This section is about the individual you are reporting. Please provide as much information as possible.

INDIVIDUAL		
Name of the individual you are reporting (first and last)		
Age or approximate age	Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female
Street Address		
City	State	ZIP
Program position(s) this individual held at time of the incident		

This section asks questions about the incident(s) you are reporting. Please provide as much information as possible.

INCIDENT(S)		
Type of offense (e.g., what is being suspected or alleged)		
During which national youth program did the incident(s) take place?		
What is the location of where the incident(s) took place? (include city, state and any other available location information)		
Street Address		
City	State	ZIP
Other location information		
Describe what happened (include who, what, when, where) (continue on reverse side if necessary)		

This section is for information about the victim(s).

VICTIM(S)		
Name (first and last)		
Age or approximate age	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	
Parent/Guardian name		
Parent/Guardian Address		
City	State	ZIP
Parent/Guardian phone numbers		
Cell	Home	

This section is your information. A person reporting alleged misconduct should not fear any retribution and/or consequence when filing a report, he/she believes to be true.

YOUR INFORMATION		
Name (first and last)		
Email address		
Cell	Home Phone	
Address		
City	State	ZIP
Program position you were holding at time of the incident		
Relationship to victim (if any)		

It is strongly urged and recommended that respective American Legion departments and/or Team Sponsors implement use of this written report form entitled "REPORTING FORM", and after having immediately contacted law enforcement authorities and parent(s)/guardian(s) in cases involving child abuse or suspected child abuse, the Reporter then offer a copy of this completed form to law enforcement authorities, and provide a copy to the respective American Legion department Junior Shooting Sports chairman and/or Team Sponsor, if considered necessary. All information regarding alleged child abuse must be maintained under strict confidentiality and communicated only to those having a "need-to-know".

In the event of a report, the department Junior Shooting Sports chairman is responsible to notify the appropriate parties at The American Legion's National Headquarters to the attention of the Americanism Division

American Legion Baseball

TEAM MANAGER/COACH

CODE OF ETHICS & CONDUCT

Baseball is a game played at numerous levels including professional, collegiate, interscholastic, community, and recreational from the local to international levels of competition. The function of all players, coaches, umpires, officials and workers is to abide by only the highest level of sportsmanship and conduct.

The coach must be aware that he or she has tremendous influence, either good or bad, in the development of the baseball player, and thus, shall never place the value of winning above instilling the highest desirable ideals of character.

The coach must constantly uphold the honor and dignity of the Profession. In **all personal contact** with the athletes, umpires, officials, administrators, state and national organizations, the media, and the public, the coach shall strive to set an example of the highest ethical and moral conduct.

1. "Bench jockeying" will not be allowed.
 - a) Coaches are to prohibit bench jockeying, which would include personal and malicious remarks, cursing and obscene language towards opponents, umpires or spectators.
2. The coach shall take an active role in the prevention of drug, alcohol and tobacco abuse and under no circumstances should authorize their use.
3. The coach **shall not use** alcohol or tobacco products when in contact with players.
4. Coaches do not make statements that are false, deceptive, misleading, or fraudulent concerning work activities, personal and organization affiliations.
5. The coach shall be thoroughly acquainted with American Legion Baseball rules and **is responsible for their interpretation to team members**.
 - a) The spirit and letter of rules should be regarded as mutual agreements.
 - b) The coach shall not try to seek an advantage by circumvention of the spirit or letter of the rules.
 - c) Coaches **shall not permit** ineligible player(s) to participate, practice or be a part of any team function without first discussing eligibility with a previous Legion coach & securing permission, in writing, the proper forms from the State Baseball Chairman.
 - d) Players should be taught to respect the dignity of the game, umpires and opponents.
6. I have read and understand National Executive Committee Resolution No. 16: Expectations for Rendering Proper Respect when Participating in Programs of The American Legion, October 2016 (copy of which is available at www.archive.legion.org) and agree to be bound to the terms of said resolution.
7. Coaches agree the final interpretation of national and department American Legion Baseball rules and regulations shall be determined by the National Baseball Appeals Board and their ruling shall be final without any rights of appeals. In addition, their ruling shall be considered that of an arbitrator to which the parties agree is a final adjudication of all matters in controversy. Procedures for filing an appeal to the National Baseball Appeals Board are outlined in National Rule 10 of the American Legion Baseball Rule Book.
8. Coaches should confine their discussion to the rules and not challenge umpire decisions involving judgment.
9. Coaches shall actively use their influence to enhance sportsmanship by their athletes and spectators.
 - a) **Before** and **after** contests, rival coaches should meet and exchange friendly greetings in order to set the correct tone for the game.
10. Contest umpires will be treated with respect and support by the coach.
 - a) The coach shall not indulge in conduct, which will incite players or spectators against the umpires.
 - b) Public criticism of umpires or players is unethical.
11. Coaches should expect from the umpires a courteous and dignified attitude towards themselves and the players.
12. Coaches do not engage in sexual harassment, abuse, or any other harassment.
13. Coaches should develop and promote a spirit of cooperation among the baseball family, including sponsors and any person connected with the program.

Baseball is a game of fun, designed for enjoyment of youngsters, not to be a hobby for adults coaching them.

I recognize the responsibility encumbered upon me to model ethical behavior. **I pledge myself to observe, practice and maintain this code of ethics.**

Signed Team Manager and Head Coach

Signed American Legion Post Officer

RECORD OF CHANGES

Edition 1

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