

## CIAC Officials' Association Meeting Summary - Sub-Committee - Background Checks February 4, 2009

Members present: Bruce Brenia, Joe Delbuono, Ray Faustich, Patricia Javorski, Jay Kelleher, Dave Leete, Joe Perry, and Joe Tonelli, CIAC staff.

### Meeting Summary- November 19, 2008

The summary from the first meeting of the committee was distributed. It is also posted on [www.ciacofficialsassociation.org](http://www.ciacofficialsassociation.org) website.

### Background Committee Formed to Help Local Boards

It was emphasized that the committee was formed to help local boards by providing as much information on background screening of officials as possible and provide some recommendations for your consideration. This information is based on NFHS surveys, information gathered at local, regional and national meetings, research from other states, recent articles written in Referee Magazine, other publications, and most importantly, from the committee discussions. The CIAC wants to work with local boards on this issue, rather than take a "hands off" approach, and leaving boards on their own to deal with whatever comes down the pike on this issue. It is evident that there is an increase in the number of states who are doing background screening of their officials, and as one committee with extensive experience on the topic stated, "This is like a slow curve ball, and it just a matter of time before it approaches the plate and we have to deal with it". Therefore, the CIAC Advisory Board and the Background Check Committee agree that being proactive is the best approach in order to be better prepared, if background checks become a reality in Connecticut.

### Research Done After Last Meeting

#### **NASO POSITON - NOTES FROM THE NASO CONVENTION - REFEREEE MAGAZINE ARTICLE**

The NASO notes and the Referee Magazine article were distributed to the committee.

In its background check policy statement, the National Association of Sports Officials (NASO) supports a group's right to implement background checks. Raymond Jacobs, a licensed private detective and vice president of a company that provides a background screening service for officials, is considered an expert in the field and was a featured speaker at the NASO Convention. **He stated to the attendees and in a follow-up article in Referee Magazine that background checks are becoming the norm, rather than the exception. He further states that organizations need to be aware of how to balance their needs while remaining vigilant about the risks some individuals pose to the safety of others around them..... "Conducting a background check is prudent and certainly advisable."**

**NFHS SURVEYS-** Two NFHS surveys were reviewed. One 2008 NFHS survey indicated that all but four of the 35 states that responded have a conviction policy that applies to officials. The policies in most states mirror the criterion used for teachers and coaches. Connecticut is currently one of the states without a definitive policy. The surveys give us a snapshot of what other states are doing relative to background screening which has been helpful in obtaining excellent information that we can discuss and share.

**WEBSITES-** Joe T reviewed many of the websites of our CIAC counterparts around the country which also provided some good information.

**PERSONAL CONTACT-** Joe T spoke with his counterparts in Oregon, Illinois, New Jersey, Rhode Island, and New York. All of these states have been conducting background screening for several years. In Oregon, Joe spoke with Executive Director Tim Welter, Assistant Director, Brad Garrett, and Director of Officials, Jack Folliard. Jack is also a Pac 10 football official and an attorney who specializes in defending insurance companies against liability claims. They have been doing background checks on officials for more than 7 years. Joe also spoke with Larry Rutter the president of the company that Oregon uses to execute the database search of all their officials. Collectively, all the contacts provided very useful information, but the info we received from Oregon was outstanding.

Joe T also spoke with John Black, legal counsel for the NCAA and The NFHS who provided additional insight.

**CIAC LOBBYIST- MARSHALL COLLINS-** We are utilizing Marshall to alert CIAC to any proposed legislation regarding background checks for officials. Thus far in this session, there are no specific bills relative to officials. We did learn that the PUBLIC SAFETY COMMITTEE is looking into several groups who are involved with youth activities, but there is nothing definitive regarding officials to date.

**MEMBERSHIP APPLICATIONS FOR BOARDS-** We learned that many boards don't have an application, and those that do, simply ask for contact information. Because of this, it was decided to put on hold the idea of providing you with an optional application for consideration.

However, we did receive the unanimous support of the advisory board and the background check committee to add 3 fields to the contact information that boards provide to CIAC on the membership template when registering their officials. The additions will be date of birth, male or female and maiden name.

For those that are interested, here are some things that were included on the membership applications that we researched, aside from the contact information.

List 2 references,

Statement that attests to the veracity of the information,

Giving Consent for a background check,

Statement that applicant agrees to abide by the application rules and regulations and agrees to submit additional info, if requested.

Questions included on some applications...Have you ever been convicted of a felony?

Are you on the sex offender registry?

Important Caution – If you ask questions on the application regarding a person's criminal history, you need to have some criteria and due process procedures in place to deal with someone that may answer "yes".

**MEMBER IN GOOD STANDING** - The committee discussed the concept of a "member in good standing" that is included in the constitution of most boards. Some committee members acknowledged that in the past they have disciplined members of their respective boards for violating rules and regulations or for conduct unbecoming an official. It was also mentioned there have been cases when an official committed a serious crime which became public knowledge and the boards dealt with these issues discretely. In some situations the board took away the officials schedule or put the member on probation. The point that this illustrates is that most boards used common sense when confronted with issues of this nature and did what they thought was reasonable. If the member in question disputed the charged, it was mentioned that boards would set up a meeting with the executive board which provided due process.

#### **OBLIGATION OF OFFICIALS' BOARDS TO THE SCHOOLS THEY SERVE -**

All agreed that it would be inappropriate and an embarrassment to any board to have a sex offender or an official who has been recently convicted of a serious felony assigned to a high school game. If this occurred, it would place the organization in jeopardy, could pose a risk to the safety of others, and place the organization in the unenviable position of having to explain why we did not know the person's criminal history.

The issue of "due diligence" and "liability" was discussed. The research indicates that a board's liability would be much greater if they took the "Don't ask, don't tell" approach as opposed to taking reasonable steps to be vigilant in screening their membership. It could be a "phase in" approach starting with the newest members.

It was mentioned that because local boards now have a greater awareness of this issue, some boards are taking initial steps to begin to address this concern. Here are a few of the things that some boards are considering...

Requiring new members to have a background check

Checking to see if new members are on the sex offender registry in CT

Checking to see if any of their members are on the sex offender registry

Including questions on an application that asks about the criminal history

Requiring members to inform their boards if they get arrested for a criminal offense

#### **CONCLUDING REMARKS**

Everyone agreed that since criminal history screening is a complex issue, we should proceed deliberately. The two meetings of the committee provided a wealth of thought provoking information. It also raised some questions and concerns. The bottom line is that the committee believes that we do have an obligation to the schools we serve, the participants, and to society, but most boards acknowledged

that they don't have the work force or the resources to initiate comprehensive background checks for all their members. No committee member is opposed to a criminal history screening procedure for officials, but their hope is that the CIAC or the CIAC Officials' Association will decide to take a leadership role in the administration of this initiative.

The next meeting of the committee will be held in the spring at a date to be determined.