



Wisconsin Hockey Officials Association, Inc.

BACKGROUND SCREENING POLICY

A. General: WHOA has implemented a Background Screening Program that complies with the current USA Hockey SafeSport Screening Policy. All registered on-ice officials who have reached the age of majority (18 years of age) as of August 1 of the current year must successfully complete the WHOA Background Screening Program every two seasons. All first year on-ice officials who have reached the age of majority as of August 1 of the current season will have their seminar attendance information held by the WHOA until they have successfully completed the entire background screening process. Further, it is a WHOA By-Law that all on-ice officials registered with WHOA complete this two-season screening process as a condition of their membership. Amendments to this Policy can be made by a majority vote of the WHOA Board of Directors.

B. Deadlines: All registered on-ice officials who have reached the age of majority (18 years of age) as of August 1 of the current year must successfully complete the WHOA Background Screening Program every two seasons prior to registering for a USA Hockey Officiating Seminar or participating in any USA Hockey/WAHA/WHOA activity. All first year on-ice officials who have reached the age of majority will have their seminar attendance information held by the WHOA until they have successfully completed the entire background screening process. No walk-up Seminar registrations will be permitted for those officials subject to the WHOA screening requirement unless they have successfully completed the entire background screening process.

If an on-ice official who has reached the age of majority as of August 1 of the current year requests permission from WHOA to attend a seminar outside the State of Wisconsin, they must successfully complete the WHOA Background Screening Program prior to being granted permission to attend the seminar.

On-ice official's background screening application process is considered complete when the WHOA receives documentation from the WHOA designation background screening company. Documentation is generally received by WHOA within seven days of completion of a background screen.

C. Disqualifying Events: An individual may be disqualified and prohibited from serving as an on-ice official, if the person has:

- (i) Conviction of (including crimes of which have been expunged and pleas of no contest) of a crime of child abuse, sexual abuse of a minor, physical abuse, causing a child's death, neglect of a child, murder, manslaughter, felony assault, any assault against a minor, kidnapping, arson, criminal sexual conduct, prostitution related crimes or controlled substances;
- (ii) Adjudged liable for civil penalties or damages involving sexual or physical abuse of children;
- (iii) Subjected to a court order involving any sexual abuse or physical abuse of a minor including, but not limited to, domestic orders or protections of a minor;
- (iv) Termination of parental rights;
- (v) Any history with another organization (whether volunteer, employment, or independent contractor) of complaints of sexual or physical abuse of minors;

- (vi) Resignation or termination or a request to resign from any position, paid or unpaid, due to complaints of sexual or physical abuse of minors;
- (vii) Has a history of other behavior that indicates they may be a danger to children in USA Hockey/WAHA/WHOA.

Any individual who is subject to the provisions of this screening policy will be summarily suspended if convicted by a Municipal, County, Circuit, State or Federal Court of Law on charges which fall into the categories covered by the policy. The person shall remain suspended until the WHOA Screening Dispute Resolution Committee or WAHA convenes a hearing.

D. Screening Results and Appeal Procedure: Each screened individual will be advised of any adverse information as a result of the screening process (“Pre-Adverse Action Notice”) by the WHOA Screening Administrator and will be notified of any adverse decision by WHOA (“Adverse Action Notice”). All notifications shall be in writing and shall be sent by certified mail. Individuals may appeal adverse decisions to the WHOA Screening Dispute Resolution Committee. Such appeals must be filed within ten (10) calendar days of receipt of notification of decision. For purposes of the WHOA screening policy, receipt of all notices shall be presumed to occur the third (3) calendar day after mailing of the notice by certified mail. The WHOA Screening Dispute Resolution Committee shall meet within thirty (30) calendar days to hear all appeals and render a decision.

If the adverse action is upheld by the WHOA Screening Dispute Resolution Committee or upon the expiration of the appeal period if the adverse action is not appealed, WHOA shall notify USA Hockey and WAHA that, pursuant to the WHOA Background Screening Program and policy, the individual does not meet the qualifications to participate in WHOA, WAHA or USA Hockey activities. No details of the nature of the disqualification will be disclosed except as otherwise required by law.

Individuals may appeal the decision of the WHOA Screening Dispute Resolution Committee to WAHA. Such appeals must be filed with the President of WAHA within ten (10) days of receipt of the decision. Receipt of notice shall be presumed to occur the third (3) calendar day after mailing of the notice by certified mail. The decision of WAHA shall be considered final and no appeal will be permitted. In the event of an appeal to WAHA, confidentiality will not be guaranteed; however, mitigating controls will be employed to prevent unauthorized access to sensitive information.

E. Compliance: Each on-ice official required to be screened shall comply with the WHOA screening policy and must be screened through the WHOA Background Screening Program.

F. Screening Procedure and Instructions: The WHOA Background Screening Program instructions for completing the WHOA screening process can be downloaded from the WHOA website or can be obtained from WHOA. WHOA may prepare and distribute additional rules and procedures to implement this screening policy.

G. Refusal to Be Screened: Any individual required to be screened and who does not consent to be screened and complete the entire WHOA Background Screening Program as required is immediately suspended and shall not be allowed to participate in any WAHA, WHOA or USA Hockey sanctioned activities including, but not limited to, all team or officiating activities and any other “on ice” or “off ice” hockey activities.

H. Re-Screening Cycle: Re-screening of all members who have reached the age of majority will be completed on a two-season cycle. The WHOA may adjust this re-screening period by approval of the WHOA Board of Directors.

Standard for Participation

- A. A person **shall be** disqualified and prohibited from participation if the person has been convicted of any “Child Abuse crime” or any of the following crimes, as they may be defined in any jurisdiction:

- Murder in the first, second or third degree
- Manslaughter in the first or second degree
- Assault in the first, second, third or fourth degree
- Arson in the first or second degree
- Criminal sexual conduct in the first, second, third, fourth or fifth degree
- Controlled substance crime in the first, second or third degree
- Great bodily harm caused by the distribution of drugs
- Crime committed for the benefit of a gang
- Mistreatment of residents or patients
- Criminal abuse of a vulnerable adult
- Kidnapping
- Abduction
- Solicitation of children to engage in sexual conduct
- Malicious punishment of a child
- Neglect or endangerment of a child

1. If 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
2. WHOA 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, or has resigned, been terminated or been asked to resign from a position, whether paid or unpaid, due to complaint(s) of sexual or physical abuse of minors.

- B. A person **may be** disqualified and prohibited from participation if:

1. The person 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 or officials under his/her direction or stewardship, including but not limited to all felonies not described in A. above, domestic assault, indecent exposure and multiple convictions for operating 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. WHOA 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, or has resigned, been terminated or been asked to resign from a position, whether paid or unpaid, due to complaint(s) of sexual or physical abuse of minors.

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

C. Notwithstanding the provisions of Sections A. and B. above:

1. In the event that a person has been convicted of any "Child Abuse Crime" or any of the crimes enumerated in Section A., and this conviction was entered more than ten (10) years before the beginning of the current hockey season (on or after 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 4.A. above, that person may apply, in writing, to the Committee 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
 - b. in the event that the disqualifying conduct occurred ten years or more before the disqualification, more than ten years have elapsed since the disqualification was made by the Committee.
3. In the event that a person has been disqualified under Section B. above, that person may apply, in writing, to the Committee for reinstatement when either of the following is true:
 - a. more than three years have elapsed since the conduct on the disqualification was based on occurred; or
 - b. in the event that the disqualifying conduct occurred three years or more before the disqualification, more than three years have elapsed since the disqualification was made by the Committee.
4. In the case of subparagraph C.2. or C.3. above, the Committee shall review the person's criminal record and overall conduct in the relevant period and may exercise its discretion to either reinstate or again disqualify the person.
5. Nothing in this Section C. shall prevent the Committee from disqualifying a person under either Section A. or B. in the exercise of its discretion after reviewing the record of conduct of the person.