



Glenn A. Morris, an adjunct professor of strength at Metropolitan State College of Denver, teaching a young woman the finer points of a power clean. Metro State has an outstanding sports liability program run by Dr. Rabinoff that discusses issues such as screening individuals for coaching positions.

THE DARK SIDE OF SPORTS

The Truth about *Background Checks*

What coaches, parents and administrators need to know about this screening method

BY DR. MARC RABINOFF

Many national sports governing bodies are performing background checks on their members – and not just on coaches but also on judges and even volunteers. Doing background checks may seem to be adequate insurance that those who are working with young athletes do not have a history of behavior that

could put these young people at risk. However, that complacent attitude is a serious mistake.

Don't get me wrong. It's important for any organization to have policies in place to make sure its members are safe. But sometime those policies fail miserably. During the past decade 36 members of USA Swimming have

been banned for life from the organization due to sexual misconduct. A recent investigative news feature on ABC described the situation as a "culture of sexual misconduct," and stories were uncovered about young swimmers allegedly being secretly videotaped, abused sexually and even impregnated by coaches who were

members of USA Swimming. Some critics of the organization, claiming that USA Swimming has not taken this issue seriously, have drawn parallels between the organization's attitude and the sexual abuse issues that have been associated with the Catholic Church.

This is a public relations nightmare. It certainly discourages parents from having their children involved in swimming, and it has huge financial ramifications in terms of potential sponsors. How quickly do sponsors react to bad press? Just ask Tiger Woods. And despite one's popularity, it may not be possible to recover from bad press. Mel Gibson's movies have earned more than \$2 billion just in the US. Chris Brown's album *Exclusive* has sold three million copies (and counting). And John Edwards raised over \$23 million in campaign contributions when he ran for the presidency in 2008. Although these individuals certainly have enough money to live out the rest of their lives comfortably, there is nothing they can buy, do or say to overcome the negative publicity from their behavior.

Black and White, or Gray?

What a background check does is show what kind of legal action has been taken against a person. If they've had a felony conviction, even if it was 20 years ago and they've paid their debt to society, it would show up.

In most organizations, you only have to do a background check every two years. With USA Gymnastics, we discussed the issue of performing background checks for many, many years and in 2008 established a policy that required mandatory background checks of their coaches every two years. With USA Gymnastics, basically you'd do a background check yourself. On

the organization's website, you'd go to the section about background checks, put in the necessary information – which includes your social security number – pay your 20 bucks with a credit card, and within the next few days you'd receive a document with the results. Other organizations may or may not do it that way.

Let's say you are a school principal who needs to hire a bus driver. In that situation it will be important to know if any of the candidates have had a DUI. A past DUI may or may not affect someone's ability to be hired – but certainly it's something you want to be aware of. What if one candidate is 50 years old and had a DUI when they were 18, but has had no incidences since and has been a model citizen? Is 34 years enough time for redemption?

It's true that some employers consider any criminal action a deal breaker for prospective employees. But in some fields, popularity seems to



BFS clinician Paula Davis working with a young athlete. Coach Davis is one of the 50 certified teachers who are part of the BFS team that conducts sports training and character education seminars.

override questionable behavior. Let's say an individual has a history of substance abuse that resulted in jail time. Let's say the job is acting, the actor is Robert Downey, Jr., and the role is a movie called *Iron Man*. Or let's say the charge was a DUI, your name is Dick Cheney and the job is vice president of the United States. Or perhaps your name is George W. Bush and the job is the president. Cheney had two DUIs, at age 21 and 22; and Bush had one, at age 30.

So this is where we stand so far: The background check is used to determine if there has been a conviction. It provides a first look at whatever illegal went on in a person's life up to the present. That's all a background check does – with a few exceptions, it should not be used as the sole determining factor as to whether or not someone should be hired, or for that matter if that individual is a risk for coaching young athletes.

Yes, a background check will certainly indicate if someone has been convicted of child molestation. If a pedophile is interested in applying for a position as a coach with a youth sports program such as Little League or Pop Warner football, even up to the high school level, that's something you want to know. And a background check would show that. But as USA Swimming is learning, background checks may not be enough.

In one lawsuit for which I was hired as a consultant the employer not only didn't do a background check, they never even checked the person's resume. A background check can create a false sense of security about the people you are hiring. What I've found in four sports that I've been researching is that a background check is not an incontestable defense that you did everything you could to prevent a

kid from being sexually abused. The background check, by itself, may not be enough because it will only show if a predator was arrested, tried and convicted – that’s all a background check does. But consider the factor of time.

A background check is generally performed every two years, but that doesn’t mean that the company conducting this service is continually informing the hiring organization about the subsequent criminal activity of its employees – or, in the case of a sports organization, of all its coaches and others involved with working hands-on with young people. What happens when a coach comes through squeaky clean in a background check, but gets convicted of a sex crime involving a minor a month after you’ve completed the background check? You will have to wait 23 months until the next background check is performed to hear about it.

It’s critical to understand that in the hiring process, a personnel file is considered a private document that is protected by privacy laws. Is the information discoverable in litigation? Yes, but exposing it to the general public is not allowed. A sports organization may think it’s doing a great service by releasing on a website or other method of communication that someone has a jail record, or even a serious medical condition, but they cannot release this information. Not only is it unethical, but it may be illegal and could result in huge lawsuits.

The Total Picture

If an individual is being considered for a job, or even a volunteer coaching position, a background check is just one aspect of the hiring process. It’s a starting point. Let me cover a few other aspects.

First, there are resumes and

references to consider. Perhaps the coach you want to hire was fired from their previous coaching position for making inappropriate advances to other coaches on the staff, and the organization agreed not to file charges if the person simply quit – a background check wouldn’t reveal this information. In fact, you may also find that in researching the resume, a coach may have lied about his or her previous employment – that should be a red flag in regard to the character of this individual.

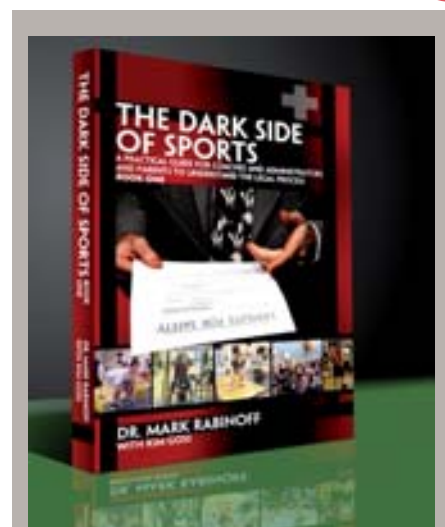
If you’re an employer or perhaps involved with an organization that is simply trying to recruit volunteers for positions that involve working with young people, spend some time calling the references – it may take an hour or so. Ask the hard questions so you get a good grasp of an individual’s character. In one case I was asked to review, the employer called only one reference out of the six provided. That’s unconscionable. Further, coaches should be made aware of the behavior standards expected of their coaching staff and should be required to sign a document showing that they agree to these standards. USA Soccer has produced several such documents that can be used as templates for any youth sports or fitness organization, and USA Gymnastics has a newsletter that frequently discusses these issues. However, having such documents is not enough – sports organizations must ensure that these documents are read and understood by their members. It is also a good idea to have workshops on these topics, just as many businesses have workshops on topics such as sexual harassment.

Sports organizations also should establish a mentoring program for new coaches, especially younger ones just entering the field. In fact, all new

coaches should undergo a probationary period until they have proven they can be trusted without question.

Next, parents must be vigilant about monitoring who is coaching their children. If you’re a parent, get to know your kids’ coaches – don’t just drop your kids off at practice and cheer them on in sporting events. The more that parents attend games and practices, the less likely there will be opportunities for questionable behaviors to take place. Further, parents need to communicate with other parents about the behaviors of their coaches, and they also need to communicate with their children about anything unusual that is going on in practice or games.

We live in a society in which there are people who can harm young athletes, physically and mentally. A background check is just one step in the process of helping to prevent these individuals from putting young people at risk, and there’s more that needs to be done. To keep kids safe, it’s important to be thorough when vetting prospective coaches and volunteers. **EF**

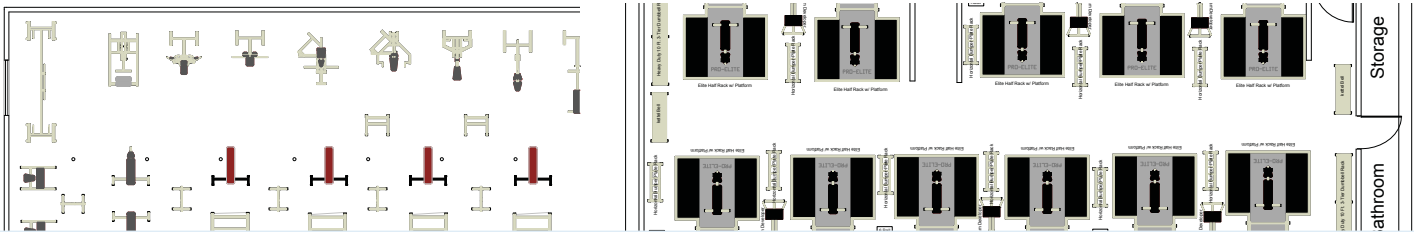


The Dark Side of Sports: Book One is the first in a series of books by Dr. Rabinoff that discusses the legal process in sports. It is available through our e-store at biggerfasterstronger.com.

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