

# THSBOA

## Background Check Review Criteria

Friday, August 22, 2014

### **BACKGROUND CHECKS**

#### **(From 2014-15 UIL C&CR, Section 1204)**

##### (C) Review Criteria and Process

(i) *Review Criteria.* A sports official shall be subject to review when the results of a criminal background check show that:

(aa) The sports official has been convicted or placed on deferred adjudication for an offense that would require the individual to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure, which includes but is not limited to, such offenses as continuous sexual abuse of a young child, sexual assault, aggravated sexual assault; or an offense under the laws of another state or federal law that is equivalent to an offense requiring registration. In such cases, the sports official shall be reviewed by the sports officials chapter or association of which the official is a member and shall be disqualified from officiating or otherwise working UIL games or events unless a compelling justification to waive this standard is articulated in writing by the sports officials' chapter or association. The written request for an exception to this standard must be approved by the UIL Sports Officials Committee and in accord with the rules and policies of The University of Texas at Austin, including UTS 124, Criminal Background Checks.

<http://www.utsystem.edu/bor/procedures/policy/policies/uts124.html>

(bb) The sports official has been convicted of a felony involving theft, bodily injury or threats of bodily injury, weapons and destruction of property during the prior seven year period.

(cc) The sports official has been convicted of drug or alcohol-related felony offenses in the prior seven-year period. In such cases, the sports official shall be reviewed by the sports officials chapter or association in which the sports official is a member and may be disqualified from officiating or otherwise working at UIL games or events.

(ii) *Process.* Upon Resolution of any issues or complaints concerning the factual accuracy of the results of the criminal background check, if the review criteria is met, the sports officials' chapter or association in which the official in question is a member shall review the information produced by the background check, along with any other relevant information, and make a determination as to whether the official should be disqualified from officiating or otherwise working UIL games or events. The sports officials chapter or association shall make this determination in a manner that is consistent with its established disciplinary process or policy regarding criminal background history and shall provide a clear process in its by-laws or other governance documents; making sure to provide notice of the process to all its members. Any sports official whose background check reveals information

that causes that official to be subject to review and possible disqualification must be given any notice required by law and at a minimum given the results of the background check along with any other relevant evidence and be provided an opportunity to respond to the decision maker(s), either in person or in writing, in a timely fashion prior to a decision being made. All such reviews must be done on a case-by-case basis.

Except in cases involving review for convictions or deferred adjudication that would require registration as a sex offender under chapter 62, Texas Code of Criminal Procedure and similar offenses as set out above, a sports official who is the subject of review bears the burden of showing that the official does not pose an unreasonable risk of harm to the health, safety or welfare of any participants, spectators or other persons involved with or attending a UIL game or event or to any property or equipment that would be reasonably associated with the game or event. A determination that a sports official is disqualified from officiating or otherwise working a UIL game or event must be based on the available, credible, evidence, including but not limited to the results of a criminal background check.

(D) Self-Reporting Requirement. A sports official who is registered with the UIL must promptly report to the sports officials chapter or association in which the official is a member any conviction that would make the official subject to review under this section. Any such conviction will cause the sports official to be reviewed as set forth in this section. Failure to promptly report such convictions may cause the sports official to be subject to discipline as set forth in this section.

(E) Appeal to the UIL. Any sports official who has been determined by a sports officials chapter or association to be disqualified from officiating or otherwise working UIL games or events based on the information revealed by the criminal background check may appeal to the UIL Sports Officials Committee. The committee's decision on an appeal is final and is not subject to further UIL review. The committee shall adopt an appeals process for receiving, considering and deciding appeals made by sports officials who have been disqualified from officiating or otherwise working UIL games or events. The appeals process adopted by the committee must include provisions that give the appealing sports official reasonable notice of the date and time of any hearings or other relevant deadlines as well as provisions for providing copies of any evidence relied on or submitted to a sports officials chapter or association as part of its review process.

(F) Membership in Sports Officials Chapter or Association. Any language in this section notwithstanding, sports officials chapters and associations control their terms of membership. All decisions regarding membership in a sports officials chapter or association are to be determined by the chapter or association.