

EL PASO VOLLEYBALL OFFICIALS ASSOCIATION, INC.
SPORTS OFFICIALS CRIMINAL BACKGROUND CHECK POLICY

The following criminal background policy for sports officials who are members of El Paso Volleyball Officials Association, Inc. ("EPVOA"), shall be effective immediately:

(1) Termination of Membership

A. Criminal Background Checks

As described below, a sports official's membership with EPVOA may be terminated and that official disqualified from officiating or otherwise working a UIL game or event based upon the information revealed by a criminal background check or for failure to report convictions as required under this section. A sports official whose membership is terminated under this process may, after one year, reapply for membership with EPVOA. For purposes of criminal background checks, the terms "sports official" is defined pursuant to Section 33.085(2) of the Texas Education Code.

B. Initial Processing; Errors in the Results

As part of a sports official's membership with EPVOA, EPVOA shall conduct a criminal background check. After a sports official's initial criminal background check that does not result in termination and/or denial of membership, a sports official is only required to submit to a criminal background check every other year. EPVOA may enter into agreements with recognized sports officials association and other appropriate third parties to implement this section.

- i. In cases where the criminal background check reveals information that, if true, would require, based on the criteria below, further review of the sports official, EPVOA shall give the sports official notice of the information revealed by the background check and provide the sports official five (5) business days from the date of such notice to correct to correct any factual errors in the criminal background check results, such as mistaken identity or dates.
- ii. The information contained in government records or documents will be presumed to be factually correct absent clear and convincing evidence to the contrary. The mere assertion that the information revealed by the criminal background check is in error or mistaken is, by itself, insufficient to rebut this presumption.
- iii. A sports official who claims a factual error in the information revealed in the criminal background check bears the burden of proof to the show the error by clear and convincing evidence. The factual error raised by a sports official must be material to the determination of the sports official's termination of membership with EPVOA and disqualification from officiating or otherwise working UIL games or events.
- iv. Consideration of a claim by a sports official that the criminal background check revealed factually incorrect or mistaken results does not require a hearing and may be done by written submission.

Any written material must be submitted to EPVOA within five (5) business days of the date the sports official received notice of the results of the criminal background check. A final decision on the material submitted shall be provided to the sports official by EPVOA within two (2) business days following submission of the written material. Should the sports official request a hearing, such request shall be made in writing to EPVOA within five (5) business days of the date the sports official received notice of the results of the criminal background check. Any written material the sports official desires to submit to EPVOA in connection with the requested hearing must be submitted to EPVOA simultaneously with the hearing request. The decision on whether or not to conduct a hearing shall be final and within the sole discretion of EPVOA. A decision by EPVOA regarding the sports official's hearing request shall be provided to the sports official within two (2) business days of such request.

- v. If, after receiving notice of the criminal background check, the sports official does not respond in writing within five (5) business days with a claim or challenge to the factual accuracy of the criminal background check's results, the results of such background check shall be presumed to be factually accurate.

C. Review Criteria and Process

1. Review Criteria. A sports official membership with EPVOA shall be subject to termination when the results of a criminal background check show that:

- i. The sports official has been convicted or placed on deferred adjudication for: (1) a sex offense as defined pursuant to Chapter 21 of the Texas Penal Code; (2) an offense that would require the individual to register as a sex offender under the laws of the State of Texas or any other state or country; (3) continuous sexual abuse of a young child or children, public lewdness, indecent exposure, indecency with a child, improper relationship between educator and student, improper photography or visual recording, sexual assault, or aggravated sexual assault. In such cases, in accordance with the procedures outlined herein, EPVOA shall terminate the sports official's membership and such sports official shall be disqualified from officiating or otherwise working UIL games or events.
- ii. The sports official has been convicted of a felony involving theft, bodily injury or threats of bodily injury, weapons and destruction of property, drug or alcohol, or DWI during the prior seven (7) year period. In such cases, in accordance with the procedures outlined herein, EPVOA shall terminate the sports official's membership and such sports official shall be disqualified from officiating or otherwise working UIL games or events.

2. Process. Upon resolution of any issues or complaints concerning the factual accuracy of the results of criminal background check in accordance with the procedure outlined above, EPVOA shall review the information revealed through the criminal background check along with any other relevant information and make a determination as to whether the sports official's membership in EPVOA shall be terminated and the official disqualified from officiating or otherwise working UIL games or events. The decision to terminate a sports official's membership in EPVOA and to disqualify such official from officiating or otherwise working a UIL game or event may be appealed by the sports official to the UIL in accordance with the policies, procedures and rules established by the UIL. An appeal by a sports official to the UIL does not stay in any manner the decision by EPVOA to terminate a sports official's membership in EPVOA or the decision to disqualify such official from officiating or otherwise working a UIL event of game.
- D. Self Reporting Requirement. A sports official who is a member of EPVOA must report to EPVOA within 72 hours of the conviction date any conviction that could terminate the official's membership with EPVOA and/or result in the disqualification of such official's right to officiate or otherwise work a UIL game or event. Failure to report such convictions within the time period specified herein may cause the sports official to be subject to discipline in accordance with the policies of EPVOA to include the policies provided herein.