

# Special Olympics Kansas Athlete Participation, Eligibility, Code of Conduct, Disciplinary and Criminal History Policies

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## PARTICIPATION POLICY

A person's participation in Special Olympics, as an athlete or volunteer, is an opportunity and a privilege; it is not an entitlement. Special Olympics Kansas reserves the right to limit, or exclude, an individual's participation in an activity and/or the program for behavior that is deemed to be inappropriate, illegal and/or potentially harmful. If in the opinion of the Board of Directors, any athlete or volunteer in the program poses a threat to others, they may be expelled.

### Standard 1: Athlete Eligibility

Athletes must meet Special Olympics eligibility standards to participate in Special Olympics.

### Standard 2: Athlete Registration

Every athlete who is training and competing in Special Olympics must have valid SOKS Medical, Release Form & Communicable Disease Waiver on file in the SOKS office. Every athlete in the Young Athletes Program must have a Young Athletes Registration Form on file in the SOKS office. Athlete registration forms can be found at <https://soks.org/get-involved/join-the-kansas-special-olympics/>

### Standard 3: Code of Conduct

Athletes, volunteers, family members and staff are expected to maintain high standards of moral and ethical conduct.

- All athletes must adhere to Special Olympics Kansas Athlete Code of Conduct.
- All athletes, volunteers and staff must comply with the policies and rules of Special Olympics Kansas and Special Olympics, Inc.
- All athletes, volunteers and staff must comply with all laws of the State of Kansas.

### Standard 4: Violation of Special Olympics Kansas and/or Special Olympics, Inc. policies

The penalties outlined below deal with situations in which the health, safety and well-being of athletes, volunteers, staff or others may be at risk, whether or not a criminal charge has been made or could result.

Actions taken will be predicated on a good faith belief that the disciplinary action is appropriate and corresponds to the seriousness of the infraction. Actions that may be taken include: warning, probation, suspension or expulsion from Special Olympics Kansas. Any of these disciplinary actions may be reconsidered at the discretion of the Board of Directors.

## **Athlete Eligibility**

To be eligible to participate in Special Olympics, athletes must be at least 8 years old and identified by an agency or professional as having one of the following conditions: intellectual disability; a cognitive delay as determined by standardized measures such as intelligence quotient or other generally accepted measures; or a closely related developmental disability, i.e., functional limitations in both general learning and adaptive skills.

There is no maximum age limitation. The minimum age requirement for participation in Special Olympics competition is 8 years of age. For children with intellectual disabilities ages 2 through 7 there is a Young Athletes Program.

Special Olympics uses the definition of intellectual disabilities provided by the World Health Organization (WHO), the United Nations' specialized agency for health. According to the WHO, intellectual disability is a condition of arrested or incomplete development of the mind characterized by impairment of skills and overall intelligence in areas such as cognition, language, and motor and social abilities. Intellectual disability can occur with or without any other physical or mental disorders. Although reduced level of intellectual functioning is the characteristic feature of this disorder, the diagnosis is made only if it is associated with a diminished ability to adapt to the daily demands of the normal social environment. (Visit [www.who.int](http://www.who.int) for more information.)

A person is considered to have an intellectual disability for purposes of determining their eligibility to participate in Special Olympics if that person satisfies any one of the following requirements:

- The person has been identified by an agency or professional as having an intellectual disability as determined by their localities; or
- The person has a cognitive delay, as determined by standardized measures such as intelligent quotient or "IQ" testing or other measures that are generally accepted within the professional community in that Accredited Program's nation as being a reliable measurement of the existence of a cognitive delay; or
- The person has a closely related developmental disability. A "closely related developmental disability" means having functional limitations in both general learning (such as IQ) and in adaptive skills (such as in recreation, work, independent living, self-direction, or self-care). However, persons whose functional limitations are based solely on a physical, behavioral, or emotional disability, or a specific learning or sensory disability, are not eligible to participate as Special Olympics athletes.

Persons who have multiple handicaps may participate in Special Olympics provided they are eligible as noted above.

### **Additional Athlete Eligibility Standards:**

- Special Olympics Kansas is open to all eligible participants without fee.
- Every athlete who is training and competing in Special Olympics must have valid SOKS Medical, Release Form and Communicable Disease Waiver on file in the SOKS office. Every athlete in the Young Athletes Program must have a Young Athletes Registration Form on file in the SOKS

office. Athlete registration forms can be found at <https://soks.org/get-involved/join-the-kansas-special-olympics/>

- No Special Olympics Kansas program may exclude or isolate from participation in any training or competition any athlete who is known to be a carrier of a blood-borne contagious infection or virus, or otherwise discriminate against such athletes solely because of that medical condition.
- Participation is open to all eligible athletes regardless of race, religion, gender or national origin.
- Athletes charged or convicted of a criminal offense are subject to the conditions in the SOKS Participation Policy Below.

## **Athlete Code of Conduct and Disciplinary Policy**

Special Olympics Kansas prides itself in sponsoring high-quality physical fitness training and sports competitions for people with intellectual disabilities. The primary purpose of the Code of Conduct is to establish a high standard of athlete behavior which will ensure the safety and well-being of all athletes involved in training and competition. All athletes are expected to abide by the Code of Conduct and standards of behavior as established by Special Olympics Kansas. While representing, attending, or participating in, or traveling to or from any Special Olympics activity or competition, all Special Olympics athletes and Unified Sports partners will obey the Athlete Code of Conduct. If there is reason to believe any athlete has a criminal history that could implicate this Code of Conduct, a background check may be issued or requested by Special Olympics Kansas, at which time the individual must submit their full name, social security number and birth date. Each situation will be assessed case by case and the appropriate decision regarding participation will be made by Special Olympics Kansas at its sole discretion.

### **The Code**

All Special Olympics athletes and Unified Sports partners agree to the following code:

#### **Sportsmanship**

I will practice good sportsmanship.

I will act in ways that bring respect to me, my coaches, my team and Special Olympics.

I will not use bad language.

I will not swear or insult other individuals.

I will not fight with other athletes, coaches, volunteers or staff.

#### **Training and Competition**

I will train regularly.

I will learn and follow the rules of my sport.

I will listen to my coaches and the officials and ask questions when I do not understand.

I will always try my best during training, divisioning and competitions.

I will not "hold back" in preliminaries just to get into an easier final heat.

#### **Responsibility for my Actions**

I will not make inappropriate or unwanted physical, verbal or sexual advances on others.

I will not drink alcohol, smoke or take illegal drugs while representing Special Olympics at training sessions, competitions or during Games.

I will not take drugs for the purpose of improving my performance.

I will obey all laws and Special Olympics rules.

I understand that if I do not obey this Code of Conduct, Special Olympics Kansas may not allow me to participate and I may be subject to other disciplinary actions referred to in this Code of Conduct.

### **Disciplinary Actions for Violating the Athlete Code of Conduct**

The following progressive disciplinary actions may be taken by a Local Program and/or Special Olympics Kansas state office. Depending upon the nature of the incident, any actions may be bypassed in the disciplinary process. Physical aggression toward another athlete, coach, community member, volunteer or staff will result in accelerated disciplinary action. An Incident Report Form should be completed and kept on file for any athlete or volunteer with whom there are ongoing behavioral or safety concerns, and must be completed immediately if it is suspected further disciplinary action may be needed. Copies of Incident Report Forms should be forwarded as soon as completed to the Regional Director for your region or to the state office. Regional Directors and Local Program Coordinators must involve Special Olympics Kansas State Office staff prior to suspension or release of a volunteer or athlete.

**Action One:** A verbal warning will be given to the athlete and documented on an Incident Report Form with the Local Program and SOKS State Office.

**Action Two:** A written warning will be given to the athlete. Prior to this action being taken, an Incident Report Form must be completed and sent to the SOKS State Office. Subsequent to its receipt, the written warning will be given to the athlete with a copy to the appropriate individuals.

**Action Three:** Personal meeting with the athlete to review unacceptable behavior and work out a plan for improvement. If the athlete is under age 18, he/she will be accompanied by his/her parent/guardian or caseworker. If the athlete is over age 18, a third person selected by the athlete will attend the meeting. The meeting will be documented in writing and copies distributed to the athlete, SOKS President/CEO, Local Program file, parent/guardian or caseworker.

**Action Four:** Suspension from practices or competition during the specific sport season. The Special Olympics Kansas State Office must be contacted before a Local Program suspends an athlete. A representative from the SOKS State Office will discuss the circumstances with the Local Program and approve the action. The action will be documented in writing and presented to the athlete, parent/guardian and a copy will be filed at the State Office. Any further action must be referred to the SOKS President/CEO who will approve further action. Further action could be, but is not limited to:

- Suspension for more than one sport season.
- Expulsion for one year or more and even lifetime ban to protect volunteers, athletes and other community members.

Special Olympics Kansas (SOKS) desires to provide a safe environment for participants at all SOKS events. Upon further investigation, SOKS reserves the right to permanently bar the athlete from participation or attendance at any SOKS event. In the event that an athlete is suspended or expelled under this Policy, the athlete (including the athlete's guardian) will receive written notice of the suspension or expulsion from SOKS. The subject athlete may appeal the decision to suspend or expel to the Board of Directors of SOKS, and the notice of appeal should be submitted in writing to the SOKS President & CEO within ten (10) days of receipt of notice of suspension or expulsion.

# **Athletes with Criminal Histories and/or a History of Violent/Abusive Behaviors**

## **Principles**

Special Olympics is an athlete-centered movement that welcomes athletes with intellectual disabilities of all abilities to participate in sports training and competition. Special Olympics is inclusive for all persons with intellectual disabilities over the age of eight and offers a Young Athletes program for individuals with intellectual disabilities between the ages of two and seven.

The health and safety of all Special Olympics participants is of paramount importance to Special Olympics. Participants should feel that every Special Olympics event is a safe and positive experience and should not be fearful of other athletes, coaches or volunteers.

Because of our inclusive philosophy, the issue of how to treat athletes who have been convicted of violent crimes or who engage in violent, abusive, or disruptive behavior is particularly sensitive. Special Olympics Programs must balance the principles of inclusiveness and of providing a safe environment for all athletes, volunteers and staff members.

It is incompatible with Special Olympics principles to exclude athletes from participation based solely on a criminal conviction or a sexual abuse incident. Special Olympics accepts individuals with intellectual disabilities as they are: Special Olympics needs to understand each athlete's mental handicap, applaud and nurture each athlete's abilities, and evaluate each athlete with a criminal record or behavioral problem individually. Hard and fast rules deny many potential Special Olympics athletes an opportunity to compete, to be accepted and to feel joy.

## **No Mandatory Criminal Background Checks of Athletes**

Consistent with the above principles, and after consulting with outside risk management experts, SOI does not recommend that Programs conduct criminal background checks of Special Olympics athletes. While Special Olympics is not requiring that Programs conduct criminal background checks on all current and potential athletes, Programs are not prohibited from conducting a check. For example, if a Program is made aware of an athlete who may have a violent or abusive background (for example, notification from a concerned parent, newspaper article, etc.), the Program may determine it is necessary to conduct a criminal background check.

Athletes who apply to volunteer for Special Olympics, however, should be treated the same as all other volunteer applicants. Therefore, if the athlete is applying to be a Class A volunteer, the athlete is subject to the Special Olympics US Volunteer Screening Policy.

If an individual with intellectual disabilities is rejected by a Program as a volunteer, that individual may apply to be an athlete, in which case the Program would evaluate the individual in compliance with its policy on athletes with criminal histories and violent/abusive behaviors.

## Policy

SOKS will use the criteria or options below to review each case. When dealing with athletes with violent criminal records or with a history of violent, abusive, or disruptive behavior, Special Olympics Kansas will consider several factors when determining the severity of an incident and what, if any, action needs to be taken. The criteria established must be applied on a case-by-case basis. At a minimum, the criteria will include the following:

1. Type of Offense/Incident - Violent behavior that damages property, while not to be ignored, will not be accorded to the level of seriousness as behavior that injures or is intended to injure a person, such as a physical assault or sexual assault.
2. Time of the Offense/Incident Occurred - A recent offense or incident is of greater concern than one that took place many years ago (assuming no further incidents). SOKS will recognize that an individual can change and merit re-evaluation.
3. Number of Offenses - Has the athlete committed multiple offenses or incidences of a similar nature, or are there a few isolated incidences?
4. Athlete Capacity - Is the athlete high or low functioning? We will determine if the athlete understood his/her conduct at the time of the offense/incident.
5. Medication - Was medication a cause of the behavior, either through its omission or its effect on the athlete? Adjustments in medications or protocols could reduce the risk or potential for adverse behaviors.
6. Athletes on the Sex Offender Registry- any athlete who is on the sex offender registry, published or unpublished, will not be allowed to participate or volunteer in the program.

Depending on the facts, SOKS may immediately move to suspend an athlete or take other action it deems necessary to protect all of its athletes, volunteers, and staff.

1. Allow the athlete to participate on a probationary basis. This gives the program, the athlete, and the family a chance to review conduct on a systematic basis and to make any changes the program deems necessary. The athlete and the parent/guardian will be informed from the outset that participation is conditional upon continued satisfactory behavior, what the probationary period is, and the system for review.
2. Ensure there is a one-on-one volunteer to chaperone the athlete. The volunteer must be informed of the athlete's past behavior (without violating any privacy laws) and should be capable of helping the athlete avoid situations that may trigger unacceptable behavior. If the athlete participates as part of a group home or other type of facility, the program may require that home or facility to provide the volunteer.
3. Require the athlete attend counseling or Anger Management Courses. Athletes exhibiting certain types of behavior may respond well to counseling services including anger management, stress reduction, or psychotherapy. Special Olympics Kansas cannot provide these services; however, we can require that the athlete attend such meetings or sessions as a condition of participation.
4. Require the athlete attend counseling or prohibit athletes with histories of violent behavior from overnight trips. This option is less desirable than assigning a one-on-one volunteer to an athlete who has previously engaged in inappropriate behavior or violent behavior, but would be appropriate when the risk to others cannot be sufficiently eliminated by a volunteer.

5. When an athlete is found to be listed on the criminal sexual assault registry the athlete is excluded from all Special Olympics participation.
6. Restrict the sports in which an athlete may compete. Some sports, such as soccer and basketball, involve physical contact and emotion that can agitate an athlete to the point that he/she has a violent reaction. One option is to steer the athlete into sports such as track or swimming with a lower likelihood of physical contact.
7. Suspend the athlete temporarily. A temporary suspension for a defined period of time may be the best solution depending on the seriousness of the behavior. The program will make clear to the athlete and parent/guardian what steps must be taken for reinstatement, including when the review will take place, by whom, and what factors will be considered.
8. Expel the athlete from or deny participation in Special Olympics. This is the last, and least desirable option, in as much as it is the harshest for an athlete and is the most likely to lead to litigation. Thus, expulsion or denial of participation must be subject to due process safeguards, including a hearing and right to appeal, in order to protect the athlete and the program.
9. If an Athlete on the sex offender registry has made an appeal through the court system and has the charges expunged from their records, they may ask for an appeal to participate in the program.

### **Liability**

Special Olympics Kansas will take reasonable precautions to protect the health, safety, and rights of all who participate in Special Olympics. Special Olympics Kansas is not obligated by law to permit a potential athlete with a criminal record or a history of violent or abusive behavior to participate. However, if we conclude that the athlete should participate, the program will be acting prudently within its rights as a Special Olympics Program.