



United States Biathlon Association

Safe Sport Policy

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*US Biathlon Association: SafeSport Policy*

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## INTRODUCTION

The U.S. Biathlon Association (“USBA”) is committed to creating a safe and positive environment for athletes and participants involved in the sport of biathlon. It is also committed to creating an atmosphere free of misconduct, including child physical and sexual abuse and other forms of misconduct that do not necessarily involve children. In this Safe Sport Policy (collectively, the “Policy”) USBA will identify the primary types of misconduct, discuss USBA’s efforts to curb misconduct, and enumerate USBA’s safe sport requirements for certain individuals involved with USBA. For further information, participants can refer to the USBA Minor Athlete Abuse Prevention Policy (MAAPP) found on our website.

USBA reserves the right to amend this Policy from time to time as it deems necessary.

### PART 1: DEFINITIONS

**Adult Participant:** Any adult (18 years of age or older) who is:

- a. A current member of USBA;
- b. An employee, including interns, or board member of USBA or a LAO;
- c. Within the governance or disciplinary jurisdiction of USBA;
- d. Authorized, approved, or appointed by USBA and/or LAO to have regular contact with or authority over Minor Athletes.<sup>1</sup>

**Amateur Athlete:** An athlete who meets the eligibility standards established by USBA.

**Authority:** When one person’s position over another person is such that, based on the totality of the circumstances, they have the power or right to direct, control, give orders to, or make decisions for that person. Also see the [Power Imbalance definition in the SafeSport Code](#). Within USBA membership levels this includes, but is not limited to, Coach/Official/Trainer/Technical Delegate, Coach/Competitor, Lifetime Coach and any Volunteer Members as designated by LAOs or USBA. Please see the chart under “Regular Contact” for more information.

**Background Screening Criteria and Review Process:** The criteria USBA will use for and the process by which it will assess the findings of an individual’s background screen.

**The Center or USCSS:** The U.S. Center for SafeSport

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<sup>1</sup> This may include volunteers, medical staff, trainers, chaperones, monitors, contract personnel, bus/van drivers, officials, adult athletes, staff, board members, and any other individual who meets the Adult Participant definition.

**Close-in-Age Exception:** An limited exception applicable to certain policies when an Adult Participant does not have authority over a Minor Athlete *and* is not more than four years older than the Minor Athlete (e.g., a 19-year-old and a 16-year-old). Note: this exception *only* applies within the prevention policies and *not* regarding conduct defined in the SafeSport Code.

**Delegation Event:** International sporting events as designated by the USOPC, including, but not limited to, the Olympic, Paralympic, Pan American, Parapan American, and Youth Olympic Games.

**Dual Relationships:** A limited exception applicable to certain policies when an Adult Participant has a dual role or relationship with a Minor Athlete and the Minor Athlete's parent/guardian has provided written consent at least annually authorizing the exception.

**In-Program Contact:** Any contact (including communications, interactions, or activities) between an Adult Participant and any Minor Athlete(s) related to participation in sport.

Examples of In-Program Contact include, but are not limited to: competition, practices, camps/clinics, training/instructional sessions, pre/post game meals or outings, team travel, review of training/competition video, team- or sport-related relationship building activities, celebrations, award ceremonies, banquets, team- or sport-related fundraising or community service, sport education, or competition site visits.

**Jurisdiction:** Authority or control.

**Local Affiliated Organization (LAO):** A regional, state, or local club or organization that is directly affiliated with USBA or that is affiliated with USBA by its direct affiliation with a regional or state affiliate of USBA.

**MAAPP:** The Minor Athlete Abuse Prevention Policies.

**Minor Athlete:** An Amateur Athlete under 18 years of age who participates in, or participated within the previous 12 months in, an event, program, activity, or competition that is part of, or partially or fully under the jurisdiction of, USBA.

**Partial or Full Jurisdiction:** Includes any sanctioned event (including all travel and lodging in connection with the event) by USBA, USOPC, or LAO, or any facility that USBA, USOPC, or LAO owns, leases, or rents for practice, training or competition.

**Adult Participant Personal Care Assistant:** An Adult Participant who assists an athlete requiring help with activities of daily living (ADL) and preparation for athletic participation. This support can be provided by a Guide for Blind or visually impaired athletes or can include assistance with transfer, dressing, showering, medication administration, and toileting. Personal Care Assistants are different for every athlete and should be individualized to fit their specific needs. When assisting a Minor Athlete, Adult Participant PCAs must be authorized by the athlete's parent/guardian.

**Regular Contact:** Ongoing interactions during a 12-month period wherein an Adult Participant is in a role of direct and active engagement with any Minor Athlete(s). Please refer to the chart below for information pertaining to individuals with regular contact and/or authority.

ADULT PARTICIPANTS	REGULAR CONTACT	AUTHORITY
US Biathlon Staff		X
LAO Staff		X
Coaches	X	X
Officials		X
Adult Athletes on Teams with Minor Athletes	X	
Certain Volunteers (ie, doping chaperones, locker room monitors, anyone with one-on-one contact with minor athletes)		X
Medical Professionals	X	
Interns		X
Volunteers (ie, course workers, range workers, and others working in open, public areas where athletes may or may not be present)		

**U.S. Olympic & Paralympic Committee (USOPC):** A federally chartered nonprofit corporation that serves as the National Olympic Committee and National Paralympic Committee for the United States.

*Nothing contained in this policy is intended to supersede, replace, or otherwise abrogate the USBA Bylaws, the Ted Stevens Olympic and Amateur Sports Act, or the U.S. Center for SafeSport Code for the U.S. Olympic and Paralympic Movements as updated from time to time.*

## **PART 2: SAFE SPORT POLICY**

### **A. APPLICATION**

This Policy applies to all individuals defined above as “Adult Participants.”

### **B. PROHIBITED CONDUCT**

Participants shall refrain from all forms of misconduct, which include:

- Criminal Charges or Dispositions
- Child Abuse
- Bullying Behavior
- Emotional and Physical Misconduct, including Stalking, Bullying, Hazing and Harassment
- Aiding and Abetting
- Misconduct Related to Reporting
- Misconduct Related to the U.S. Center for SafeSport’s Process
- Sexual Misconduct
- Other Inappropriate Conduct
- Violation of Minor Athlete Abuse Prevention Policies / Proactive Policies

**All forms of prohibited conduct are intolerable and in direct conflict with the Olympic Ideals.**

Definitions of the foregoing, examples and exceptions may be found in the U.S. Center for SafeSport Code <https://uscenterforsafesport.org/response-and-resolution/safesport-code/>

### **C. BACKGROUND SCREENING**

USBA requires criminal background screening at least every two years for:

- Employees;
- Individuals USBA (or a LAO) formally authorizes, approves or appoints to (1) serve in a position of authority over or (2) have frequent contact with athletes. This shall include, but is not limited to, staff, coaches, judges/officials, board members, coordinators, trainers, local affiliated administrators/directors, medical personnel, independent contractors and volunteers;<sup>2</sup>
- Assistants, or personal care assistances who are funded, have a contractual obligation with, or are credentialed by USBA, or otherwise have regular contact with USBA athletes;

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<sup>2</sup> Volunteers who only have incidental and observable contact with athletes at events are exempt from this requirement.

- All athletes who are selected by USBA to participate in national or international teams or Delegation Events<sup>3</sup>;
- All athletes that are selected by USBA to train at any Olympic & Paralympic Training Center or USOPC High Performance Training Center;
- Individuals affiliated with the media who are authorized or credentialed by USBA to access a training site or attend a competition run by USBA if such individual has unsupervised one-on-one interactions with athletes; and
- Other individuals who have regular contact with athletes as determined by USBA, in its sole discretion and/or as required by USOPC.

For purposes of clarification, USBA is considered to “formally authorize, approve or appoint” an individual in instances where the USBA has control over the appointment process.

In USBA’s discretion it may bypass this background screening requirement for those people in the Safe Sport Background Screening Pool who are under 18 years of age.

All of the above persons will be collectively referred to as, the “Safe Sport Background Screening Pool”.

As to members of the Safe Sport Background Screening Pool that are attending a USBA conducted activity or Delegation Event, USBA requires background screening prior to the commencement of the activity or event.

As to members of the Safe Sport Background Screening Pool newly taking a role, the USBA requires background screening prior to the commencement of the new role.

USBA will also perform supplemental (off-year) background screens on the Safe Sport Background Screening Pool.

USBA will track all Safe Sport Background Screening Pool background screening and perform periodic checks to ensure compliance with this policy.

If you have a question about background screening, please contact USBA at [info@USBiathlon.org](mailto:info@USBiathlon.org).

Due to the limitations of background screening, it is but one factor USBA will use in assessing the appropriateness of an individual’s level or access and/or involvement with USBA. The USBA Background Screen Review Process is set forth on Exhibit A, attached hereto.

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<sup>3</sup> Individuals referenced in this subsection shall have 45 days after reaching the age of majority (18 years of age), to come into compliance with this background screening requirement.

## **D. EDUCATION AND TRAINING**

USBA requires safe sport education and training for all adult participants who have either authority and/or regular contact with minor athletes (please refer to the chart under “Regular Contact” definition on page 5 of this policy. The training is located at: <https://safesport.org/training>. USBA also encourages all athletes, parents, and anyone else involved in this sport to take the training. If you are under the age of 18, parental consent is required in order to take the training.

As to members of the Safe Sport Training Pool newly taking a role, USBA requires completion of the education and training prior to contact with athletes begins, and in any event within forty-five (45) days of the commencement of the new role.

USBA will track all Safe Sport Training Pool education and training and perform periodic checks to ensure compliance with this policy.

If you have questions about training, please contact USBA at [info@usbiathlon.org](mailto:info@usbiathlon.org).

## **E. INTERFERENCE/RESTRICTIONS/ENFORCEMENT**

USBA will not interfere or attempt to influence the outcome of any Prohibited Conduct investigation regardless of jurisdiction.

USBA prohibits any individual who is an employee, agent, or contractor, from assisting a member or former member in obtaining a new job (except the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor.

If an USBA Participant is sanctioned or subject to Temporary Measures under the USOPC Athlete Safety Policy, that sanction(s) or Temporary Measure(s) will be reciprocally enforced by and between USBA and its LAOs.

## **PART 3: INVESTIGATION AND RESOLUTION AUTHORITY / U.S. CENTER FOR SAFESPORT**

USBA and its Constituents are subject to the U.S. Center for SafeSport (the “Center”) Code <https://safesport.org/files/index/tag/policies-procedures>. The Center has the exclusive jurisdiction to investigate and resolve allegations of sexual misconduct of a Constituent. The Center also has discretionary jurisdiction to investigate and resolve allegations of other forms of abuse and any prohibited conduct under the Code. If the Center does not have exclusive jurisdiction or take discretionary jurisdiction over a matter, it will fall within USBA’s jurisdiction to address. Employee/volunteer matters will be handled pursuant to employee policies and procedures, and issues falling under the Ted Stevens Olympic and Amateur Sports Act (the “TSOASA”) will,



after a preliminary determination (described below), be handled pursuant to the Hearing Procedures in the Complaint and Grievance Policy, found on the USBA website.

### **Reporting**

US Biathlon members must report any concerns or violations to U.S. Biathlon and/or the US Center for SafeSport. To report a MAAPP violation to U.S. Biathlon, please email [usbasafesport@usbiathlon.org](mailto:usbasafesport@usbiathlon.org). You may also report anonymously using this form: <https://forms.gle/NS8y5QYbXZJSFqnQA>. Reports to The Center can be made by going to <https://uscenterforsafesport.org/report-a-concern/>. U.S. Biathlon will report allegations that fall within The Center's exclusive jurisdiction (see below) to The Center immediately upon receiving such complaints.

The US Center for SafeSport has exclusive jurisdiction in cases as outlined in the SafeSport Code (<https://uscenterforsafesport.org/response-and-resolution/safesport-code/>) including: Sexual Misconduct, including without limitation child sexual abuse and any misconduct that is reasonably related to an underlying allegation of Sexual Misconduct; Criminal Charges or Dispositions involving Child Abuse or Sexual Misconduct; Misconduct Related to Reporting, where the underlying allegation involves Child Abuse or Sexual Misconduct; Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the Center's process; Other Inappropriate Conduct, as defined in the code. The Center may also exercise discretionary jurisdiction in other cases including: Non-sexual Child Abuse; Emotional and physical misconduct, including stalking, bullying behaviors, hazing, and harassment; Criminal Charges or Dispositions not involving Child Abuse or Sexual Misconduct; Minor Athlete Abuse Prevention Policy or other similar Proactive Policy violations; Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the processes of the USOPC, an NGB, an LAO, or any other organization under the Center's jurisdiction.

U.S. Biathlon reminds members of their obligation to report all suspicions of child abuse to local authorities as well as The US Center for SafeSport *immediately* after becoming aware of the allegation. Members should comply with applicable local and federal law in reporting all suspicions of child abuse and sexual misconduct.

### **Preliminary Determination**

On receipt of a disclosure and/or other information alleging misconduct, if the USBA CEO or Chairman of the Board is satisfied, in the exercise of his or her discretion, that there is a sufficient reasonable, reliable and persuasive evidence to support the complaint alleging emotional, physical or sexual misconduct, he or she shall notify the Review Panel. The CEO will also promptly inform the reporting party of its jurisdictional determination regarding the report.

This communication will happen regardless if US Biathlon accepts jurisdiction, refers it to The Center, or is being referred to the local affiliate organization. The Review Panel will consist of the CEO or his/her designee, the Chair of the USBA Board of Directors or his/her designee, the Chair of the Ethics Committee, the USBA AAC representative, and legal counsel as determined by the Chair of the Board. The review panel shall determine if a Grievance exists and recommend either that the CEO attempt to resolve the matter informally as outlined in Chapter 32, Section 10 of the USBA Bylaws or whether the matter requires referral to the Hearing Committee and creation of a Hearing Panel as described in Chapter 33 of the USBA Bylaws (a summary of which is below – nothing contained therein is intended to supersede, replace or otherwise abrogate the USBA Bylaws).

### **Minor Witnesses**

If the complainant/alleged victim(s) is a minor, the investigator's or other factfinder's report may substitute for the minor witness's direct testimony, provided that the accused had an opportunity to present and respond to relevant information collected during the investigation and before the report was transmitted to the Review Panel (discussed above).

The Hearing Panel may proceed in the accused individual's absence if it cannot locate the individual or if the individual declines to attend the hearing.

### **Sanctions**

Any sanctions imposed by the Hearing Panel against the individual will be proportionate and reasonable, relative to the content that is found to have occurred. The decision regarding the appropriate sanction shall be up to the panel deciding each complaint. In imposing a sanction, the Review Panel shall consider:

- a) The seriousness of the offense or act;
- b) The age of the accused individual and alleged victim when the offense or act occurred;
- c) Any information produced by the accused individual, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct;
- d) Whether the individual poses an ongoing concern for the safety of USBA athletes and participants; and
- e) Any other information, which in the determination of the Panel, bears on the appropriate sanction.

Sanctions may range from a warning and a reprimand to suspension from sport involvement with USBA for a period of time. Suspensions from sport involvement with USBA may be temporary or permanent. The most severe sanction possible to impose will be permanent suspension from

sport involvement and expulsion from USBA activities and facilities. In the event that the allegation is made against an athlete, the Hearing Panel will communicate its findings to USOPC for a determination concerning continued access to an OTC.

USBA may maintain a publicly-available list of those individuals who have been sanctioned by the Center, the USOPC and/or USBA.

### **Interim Measures/Suspension before Final Resolution**

If the reported complaint indicates that a Participant's continued employment, membership or participation poses a material risk of ongoing physical or emotional harm, USBA may institute interim measures and/or preliminarily suspend the accused individual pending final resolution of the complaint to eliminate any potential for danger to an athlete, sport participant or other individual. Except for employee/volunteer issues (over which USBA has absolute discretion), where the measure materially affects the right to participate (e.g., suspension) USBA will provide the Participant with notice and offer her/him an opportunity to contest the suspension.

Interim measures may include, but are not limited to, measures such as: altering training schedules, providing or requiring chaperones, implementing limitations on contact and/or one-on-one interactions, suspensions, etc. USBA may modify an interim measure at any time. The Participant to whom the interim measure applies may be required to arrange and pay for some or all of the measures.

For the purposes of this Policy, a suspension from sport involvement shall mean that for the duration of the period of suspension, the accused individual may not participate in any capacity or in any role in the business, events, or activities of USBA. In the event that the allegation is made against an athlete, USBA will communicate its findings to USOPC for a determination concerning continued access to an OTC.

### **Appeal Right**

Any Ted Stevens Olympic and Amateur Sports Act suspension before final resolution may be appealed to the American Arbitration Association (AAA) at the written request of the accused individual within 20 days of the suspension as further detailed in Chapter 33, Section 8 of the USBA Bylaws.

US Biathlon expressly prohibits retaliation before, during, and after the process of resolution, whether the process is led by The Center or by U.S. Biathlon.

## **PART 4: NON-INTERFERENCE AND EXECUTIVE LIMITATIONS**

### **Non-Interference**

U.S. Biathlon, nor any of its officers nor staff, shall interfere in, attempt to interfere in, or attempt to influence the outcome of, any Center investigation.

### **Executive Limitations**

No individual who is an employee, member, or contractor of U.S. Biathlon may assist a member or former member of U.S. Biathlon in obtaining a new job (excluding the routine transmission of administrative or personnel files) if the individual knows that the member or former member:

- a) Violated the policies or procedures of the U.S. Center for SafeSport related to sexual misconduct; and/or
- b) Was convicted of a crime involving sexual misconduct with a minor in violation of applicable law or the policies and procedures of the U.S. Center for SafeSport.

## **EXHIBIT A**

### **U.S. Biathlon Background Check Policy**

#### **1. Purpose**

The U.S. Biathlon Association (USBA) is committed to the safety of athletes and participants involved in sport. USBA requires background checks in order to (a) foster a safe environment at all competition and training environments sanctioned and/or overseen by USBA; (b) create a safe living, training, and competition environment for athletes and other individuals associated with USBA; and (c) protect persons at risk, including, but not limited to, minors and vulnerable adults.

This policy sets forth the USBA's background check standards and outlines the guidelines for the use of background checks to determine eligibility for USBA membership and for participation in USBA programs and services.

#### **2. Applicability of Policy**

This policy applies to the following groups and individuals that are 18 years of age or older:

- A. All Coach and Officials members of U.S. Biathlon Association;
- B. All USBA Staff and Board Members;
- C. All members of any U.S. Biathlon recognized national team;

- D. All athletes and alternates, training partners, and guides who are selected by USBA to participate on a national or international teams, or any Delegation events to which the USOPC sends athletes<sup>4</sup>;
- E. All individuals that U.S. Biathlon formally authorizes, approves or appoints to (a) serve in a position of authority over or (b) have regular contact with athletes. This shall include, but is not limited to, staff, officials, coaches, board members, coordinators, local affiliated administrator/directors, trainers, independent contractors, volunteers, training partners, guides and medical personnel, and other individuals authorized or nominated by USBA to work with athletes or other participants while at an USBA Training Site or competition event to which USBA sends athletes;
- F. All athletes, alternates, training partners, guides, assistants and/or personal care assistants selected by USBA to train at any Olympic and Paralympic Training Center, USOPC high Performance Training Center, or USBA Training Site; and
- G. Other adults who have regular contact with athletes, as determined by the CEO.
- H. Local affiliated USBA member club administrator/directors.
- I. Each USBA member club shall require criminal background checks in compliance with the background search components, for those individuals it formally authorizes, approves or appoints (a) to serve in a position of authority over athletes, or (b) to have regular contact with athletes.
- J. Individuals affiliated with the media, who are authorized or credentialed by USBA to access a Training Site or attend a competition ran by USBA are required to undergo a criminal background check if they have unsupervised one-on-one interactions with athletes.
- K. Contracts with third-party vendors/contractors that are (a) in a position of authority over or (b) in regular contact with athletes must include the background check requirements set forth in this policy. The contracts shall also specify that certification must be provided by the vendor/contractor upon request by USBA, to establish that the mandated background checks were conducted.
- L. When partnering with community organizations (i.e. YMCA, Boys and Girls Club) for events, USBA shall ensure that the partnership agreement includes language regarding background check requirements. The agreements shall also specify that certification must be provided by the community organization upon request by USBA, to establish that the mandated background checks were conducted.

*Note: Applicability of this policy does not supersede or replace applicability to USOPC Background Check requirements or state law. Some members of USBA may be subject to this policy that are not subject to the USOPC policy and vice versa.*

### **3. Background Check Search Requirements**

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<sup>4</sup> Individuals reference in this section have 45 days after reaching the age of majority (18 years of age), to come into compliance with this background check policy.

The following search requirements will be used for any Background Check called for in this policy:

- A. Social Security Number validation;<sup>5</sup>
- B. Name and address history records;
- C. Two independent Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;
- D. Federal District Courts search for each name used and district where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable;
- E. County Criminal Records for each name used and county where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable for each county searched;
- F. National Sex Offender Registry database search of all available states, plus DC, Guam, and Puerto Rico;
- G. Multiple National Watch Lists;
- H. SafeSport Disciplinary Records;<sup>6</sup>
- I. Comprehensive International Records search for persons who have lived outside of the United States for six consecutive months in any one country, during the past seven years;<sup>7</sup>
- J. Motor Vehicle Records of at least a 3-year history in the state of licensure; (if driving is required for position);

**Supplemental Background Checks.** All supplemental off-year background check screens will be conducted using at least the following search components:

- A. Multi-Jurisdictional criminal database covering 50 states plus DC, Guam, and Puerto Rico
- B. Sex Offender Registry database searches of all available states, plus DC, Guam, and Puerto Rico; and
- C. SafeSport Disciplinary Records

#### **4. Policy Outline and Timeframes**

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<sup>5</sup> Or suitable alternative identification verification process as determined by the background check vendor.

<sup>6</sup> Until the process is automated, this component will not be audited. .

<sup>7</sup> International record checks vary from country to country. The background check vendor will provide comparable search components depending on the laws of that specific country.

No person may be a member of USBA or have contact with athletes if they do not pass the applicable background check.

A background check shall be conducted prior to the commencement of a new role or competition for all applicable individuals and shall be completed no less than every two (2) years thereafter with supplemental background checks in the off-years.

Background checks may be conducted more frequently as part of routine background check updates and/or if a permissible purpose (as defined by state law) has been determined.

## **5. Flagged Offenses**

Any background check that results in a report of a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty,<sup>8</sup> for any of the below criminal offenses will be reported to the CEO and Director of Operations.

### (“Red Light” Finding):

A. Any felony;<sup>9</sup> and

B. Any misdemeanor involving:

- i. All sexual crimes, criminal offenses of a sexual nature to include but not limited to; rape, child molestation, sexual battery, lewd conduct, possession and distribution of child pornography, possession and distribution of obscene material, prostitution, indecent exposure, public indecency, and any sex offender registrant;<sup>10</sup>
- ii. Any drug related offenses;
- iii. Harm to a minor or vulnerable person, including, but not limited to, offenses such as child abandonment, child endangerment/neglect/abuse, contributing to the delinquency of a minor, and DUI with a minor;

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<sup>8</sup> A “disposition or resolution of a criminal proceeding, other than an adjudication of not guilty” shall include, but is not limited to: an adjudication of guilt or admission to a criminal violation, a plea to the charge or a lesser included offense, a plea of no contest, any plea analogous to an Alford or Kennedy plea, the disposition of the proceeding through a diversionary program, deferred adjudication, deferred prosecution, disposition of supervision, conditional dismissal, juvenile delinquency adjudication, or similar arrangement, or the existence of an ongoing criminal investigation, a warrant for arrest, or any pending charges.

<sup>9</sup> For purposes of these procedures, the term “felony” shall refer to any criminal offense punishable by imprisonment for more than one year.

<sup>10</sup> Any covered individual that has been convicted of, received an imposition of a deferred sentence for, or any plea of guilty or no contest for any sexual crime, criminal offense of a sexual nature, and/or is a sex offender registrant must be reported to the U.S. Center for SafeSport.

- iv. Violence against a person, force, or threat of force (including crimes involving deadly weapons and domestic violence);
- v. Stalking, harassment, blackmail, violation of a protection order, and/or threats;
- vi. Destruction of property, including arson, vandalism, and criminal mischief; and
- vii. Animal abuse, cruelty, or neglect.

*Note: Any person's participation in a USOPC event or competition will be subject to appropriate USOPC Background Checks and potentially to a USOPC Secondary Review of previously completed USBA Background Checks.*

#### Offense Preliminary Review

In the event of “Red Light” finding, the CEO, or designee, shall make a preliminary ruling on the disqualification or conditional status of membership or participation in USBA activities. Should the finding involve the CEO or if the CEO is conflicted, in keeping with the USBA Conflict of Interest Policy, the Nominating, Governance and Ethics Committee shall act in his or her place.

The CEO's determination in relation to a background check finding includes, but is not limited to:

- a. Disqualification for membership;
- b. Probationary status for membership;
- c. Restrictions on membership, including, but not limited to:
  - a. Prohibition from driving vehicles (including privately owned) while conducting any membership role; and
  - b. Prohibition from being a signing officer for USBA or a member non-profit organization and/or having financial oversight, including cash handling.

#### Review of Preliminary Ruling

Individuals may request a hearing before the Complaint and Grievance Committee to contest the preliminary ruling, including the disqualification from membership as a result of a “Red Light” finding. Any such hearing would be in keeping with the Grievance Procedures.

An applicant may also dispute the accuracy of the reported information with NCSI.

### **7. Limitations on Action**

#### Screening Reviews Conducted in Relation to Nominations

In addition to reviews above, the results of a pre-appointment review of a candidate for a governance position may be considered by the Nominating, Governance and Ethics Committee at their discretion. The Committee may not reduce, limit or constrain any of the requirements in this policy.



### CEO Discretion in Requiring Background Checks

The CEO (or, the Board in a situation where the CEO is involved or conflicted) may require background check requirements beyond those mandated in this policy at his or her discretion and in conformance with state or federal law.

The CEO (or, the Board in a situation where the CEO is involved or conflicted) may not reduce, limit or constrain any of the requirements in this policy.