



**December 2024**

**BACKGROUND CHECK POLICY**

**OF**

**U.S. Biathlon Association**

## 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:

- A. All Coach and Officials members of U.S. Biathlon Association;
- B. All U.S. Biathlon Association Staff and Board Members;
- C. All adult (as defined below) members of any U.S. Biathlon recognized national team;
- D. All adult athletes selected to participate on a national or international teams, or any Delegation events to which the USOPC sends athletes;
- 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 adult athletes, assistants and/or personal care assistants training at Olympic and Paralympic Training; and
- G. Other adults that may have contact with athletes, as determined by the CEO.
- H. 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.
- I. Individuals affiliated with the media, who are authorized or credentialed by the NGB to access a Training Site or attend a competition ran by the NGB are required to undergo a criminal background check if they have unsupervised one-on-one interactions with athletes.
- J. 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.
- K. 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. Definitions**

Adult:

Applies to any person eighteen (18) years of age or older.

### **4. Background Check Search Requirements**

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

- A. Social Security Number validation;<sup>1</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>2</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>3</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

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<sup>1</sup> Or suitable alternative identification verification process as determined by the background check vendor.

<sup>2</sup> Until the process is automated, this component will not be audited. .

<sup>3</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.

## 5. Policy Outline

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 for required individuals attending USBA sanctioned events must be completed at least one day prior to the official start of said event. If not complete, individuals will be denied credentials and/or access to the event depending on their role and event requirements.

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.

## 6. Flagged Offenses

Any results that meet the criteria set below will be reported to the CEO and Director of Operations. U.S. Biathlon will report as needed to the USOPC Office of Safety.

("Red Light" Finding):

- A. Any felony;<sup>4</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>5</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;
  - 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.

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<sup>4</sup> For purposes of these procedures, the term "felony" shall refer to any criminal offense punishable by imprisonment for more than one year.

<sup>5</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.

*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 [NGB] 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 may not reduce, limit or constrain any of the requirements in this policy.