



## BACKGROUND SCREENING REVIEW PROCESS

**Policy Owner:** Compliance and Membership Services Manager, USABS

**Effective Date:** December 1, 2022

### Introduction

USABS initiated background screening that results in a report of a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty,[1] for any of the below criminal offenses will be subject to USABS's determination as to the individual's level of access and involvement in USABS.

1. Any felony;[2] and
2. Any misdemeanor involving:
  - All sexual crimes, criminal offenses of a sexual nature including 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;[3]
  - Any drug related offenses;
  - Harm to a minor and 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;
  - Violence against a person (including crimes involving firearms and domestic violence);
  - Stalking, harassment, blackmail, violation of a protection order and/or threats;
  - Destruction of property, including arson, vandalism, and criminal mischief; and
  - Animal abuse or neglect.

[1] 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.

[2] For purposes of these procedures, the term "felony" shall refer to any criminal offense punishable by imprisonment for more than one year.

[3] Any participant 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 report this to USABS. USABSs will report the same to USOPC.

## **Background Screening Procedures**

A. Individuals will receive two separate Green Light/Red Light notifications: one for their criminal check and one for their driving history check (if applicable). In the event of a Red Light, USABS's background screening provider, National Center for Safety Initiatives (NCSI), will send an adverse action letter to the individual.

B. After receiving notification of a Red Light Review, the USABS Review Panel will determine if and to what degree the individual will be: (a) affiliated with the USABS, (b) granted access to an Olympic and Paralympic Training Center, (c) permitted to participate in a Delegation Event, or (d) granted driving privileges in accordance with the Background Screening Policy and these procedures.

C. USABS will notify the USOPC of any decision reached by USABS, that has the effect of allowing an individual covered by USABS's Background Screening Policy to reside, train or compete at an Olympic and Paralympic Training Center or participate in a Delegation Event, if the individual's background screen was flagged for any disposition or resolution of a criminal proceeding, other than an adjudication of not guilty for any of the below crimes:

Any felony involving:

1. Violence against a person within the previous ten (10) years;
2. Violent crimes involving weapons (including armed robbery and aggravated assault with a weapon) within the previous ten (10) years; and
3. Animal abuse, cruelty or neglect.

As well as any felony or misdemeanor involving:

4. All sexual crimes and criminal offenses of a sexual nature to include, but not limited to: rape, child molestation, sexual battery, lewd conduct, possession or distribution of child pornography, possession and distribution of obscene material, and any sex offender registrant (excluding prostitution, indecent exposure, and public indecency);
5. Drug offenses including: drug distribution, intent to distribute, manufacturing, trafficking, or sale within the previous 7 years (excluding crimes for drug use or possession); and
6. 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, providing alcohol to a minor, and DUI with a minor.

## **Background Screening Review Panel**

USABS's Background Screening Review Panel shall consist of the following people:

1. USABS CEO;
2. USABS Compliance and Membership Services Manager; and

3. Retired Athlete Representatives (2) as determined by the USABS Athlete Advisory Council (AAC) to adhere to the athlete representation requirement.

A. The USABS Review Panel will conduct a hearing. The individual will be notified of a specific date and time so that they may participate if they wish.

Unless the Review Panel requires the individual to attend the hearing in person, the individual may appear by telephone conference call. The individual has the right to be represented by legal counsel at the hearing.

At the hearing, the individual will be allowed to present any evidence or argument that he or she wishes the Review Panel to consider. The Review Panel may require that documentary evidence and the names of any witnesses be disclosed prior to the hearing internal and/or external medical expertise.

Upon the request of the individual, and if it is necessary to expedite the proceeding in order to resolve a matter relating to training or a competition that is scheduled, the Review Panel may render an expedited determination.

B. A determination of the individual's involvement with USABS will be made based on a majority vote of the Review Panel and may include interim measures. In rendering its finding, the Review Panel shall consider the following:

1. The legitimate interest of USABS in providing a safe environment for athletes and other individuals involved in the sport;
2. The seriousness of the criminal offense or act;
3. The time which has elapsed since the occurrence of the criminal offense or act;
4. The age of the person at the time of occurrence of the criminal offense or act;
5. The bearing, if any, the criminal offense or act has on the individual's ability to perform the necessary functions of their role or otherwise be a representative of the USABS;
6. Any information produced by the individual, or produced on behalf of the individual with respect to the individual's rehabilitation and good conduct;
7. Any voluntary restrictions on access proposed by the individual;
8. Any other information in the determination of the Review Panel would bear on whether or not the individual should represent USABS.

C. The Review Panel will communicate its findings to the individual. If the individual disagrees with the finding of the Review Panel, they may appeal the decision by filing a demand for arbitration with the American Arbitration Association (AAA) within thirty (30) days of the Review Panel's decision. A decision rendered by the AAA shall be final and binding on all parties.

## **Payment Information**

In cases where the USABS: (a) directly assigns or nominates an individual to serve in a Delegation Event role or to be a member of the official Games Delegation, or (b) USABS staff, payment for the background screening will be the responsibility of USABS or other third party. In all other instances, payment for the background screening will be arranged by the individual.