

USA DIVING, INC.

BACKGROUND SCREENING POLICY

Part I. Screening

1. Individuals Subject to Background Screening

USA Diving requires criminal background screenings ('background screening' or 'background check') for individuals involved with its programs as part of a greater effort to promote a safe environment for diving participants. Background screenings must be completed as a condition for participant membership in USA Diving for all individual participant members over the age of 18. In addition, background screenings must also be completed for the following:

all USA Diving Board Members, staff members, officials, coach members, athlete members (and guides) that are 18 and over, medical staff members (including trainers), independent contractors, volunteer members and other individuals authorized or nominated by NGB to work with athletes or other sport participants while at an NGB Training Site or competition event to which the NGB sends athletes and any other individuals designated by USA Diving who have regular contact with or authority over minor athletes, and any other members/individuals designated by USA Diving at its sole discretion.

2. Search Organization

A. The National Center for Safety Initiatives (NCSI) is the search organization that performs background screenings for USA Diving. NCSI is a full-service screening organization that works in a manner consistent with the Recommended Guidelines established by the National Council on Youth Sports (NCYS).

B. In addition to conducting background screening, NCSI is responsible for interpreting, and communicating with the applicant regarding, the screening results. NCSI reports those results to and assists USA Diving with Fair Credit Reporting Act compliance, including all required disclosure notices, and maintaining the confidentiality of information obtained throughout the background screening process.

3. Frequency of Background Screening

A. Background screening must be performed upon application for membership and every two (2) **membership cycles** thereafter; and for USA Diving Board and staff members, upon initial appointment, election, or hire and every two (2) **membership cycles** thereafter. Full background checks will be completed prior to the commencement of a role or competition for all applicable individuals.

B. Annual re-screening: During the 24-month period that an individual's background screening authorization is valid, NCSI will conduct an automatic re-screen at or about one year from the applicant's initial background screening registration date. Individuals who are no longer members of USA Diving during this 24-month period may request to cease the annual re-screen by notifying USA Diving's Member Services in writing. The automatic re-screen will cease approximately thirty (30) days following notice; however, based on the timing of the notices, the re-screen may occur following the notice.

4. Registration for Background Screening

NCSI has developed a background screening Consent and Authorization Form for USA Diving applicants via a secure website. Persons undergoing background screening must complete the online background screening Consent and Authorization Form and registration information.

5. Information to be Checked

All individuals will undergo background screening that includes:

- Two multi-jurisdictional databases;
- Two sex offender registries of all available states;
- Social Security Number validation;
- Name and address verification;
- Federal terrorist database search;
- Local level searches – County Criminal Records search for name used and county where the individual currently lives or has lived during the past 7 years
- Federal District Courts searches – For name used and district where the individual currently lives or has lived during the past 7 years

Part II Findings and Determinations

1. Findings

A. NCSI will issue results to the applicant and USA Diving based upon a Red Light/Flagged Green Light/Cleared system.

1. A Green Light/Cleared or “meets the screening criteria” finding indicates an individual meets the background-screening requirement for participation in USA Diving.

2. A Red Light/Flagged finding means criminal history has been sourced that “does not meet the screening criteria.”

B. When NCSI sources criminal history information as outlined above and attributable to the applicant, NCSI will send that information to the applicant. Pursuant to the Fair Credit Reporting Act, that individual will be provided with an opportunity to correct potential errors in their record or to provide additional information. NCSI will research issues that are raised and revise the report if any inaccuracies are found. The applicant will be notified accordingly.

C. The search guidelines have been developed by the United States Olympic & Paralympic Committee (USOPC) and adopted by USA Diving. An adjudication other than non-guilty will be reported for any of the following offenses or registrations and will result in a Red Light/Flagged decision:

1. Any felony (any crime punishable by confinement of greater than one year)

2. Any misdemeanor involving:

a. 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;

b. Any drug related offenses;

c. 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;

d. Violence against a person (including crimes involving firearms and domestic violence);

e. Stalking, harassment, blackmail, violation of a protection order, and/or threats;

f. Destruction of property, including arson, vandalism, and criminal mischief;

g. Animal abuse, cruelty, or neglect

2. Background Screening Findings

USA Diving will use the findings provided by NCSI to establish an individual's eligibility for membership in USA Diving in accordance with USA Diving established policies. USA Diving will comply with the USOPC Background Check Policy and Procedures.

3. Review of Red Light Findings/USA Diving' Determination

Except as stated in this section, once USA Diving is informed of an applicant's Red Light finding, the applicant will be prevented from proceeding with the membership application process. USA Diving will inform the applicant of that disposition. If the Red Light determination is due to non-criminal activity, such as a speeding ticket, USA Diving may, in its sole and absolute discretion, administratively close the matter and allow the applicant to proceed with the membership application process.

4. Appeals of a Red Light Determination

A. If an individual wishes to contest a Red Light finding that prevents the individual from proceeding with the membership application process, the individual has the right to appeal the determination to USA Diving's Board of Review.

B. An individual will have thirty (30) days from the date that he or she was notified of such a Red Light determination to inform USA Diving of the intent to appeal. Individuals who do not request an appeal, or fail to request an appeal within the thirty (30) day time limit, are deemed to have waived their right to an appeal and will not be permitted to re-apply for membership in USA Diving for a period of two (2) years.

C. An individual who requests an appeal agrees to grant written permission for his or her complete criminal background screening findings to be provided to USA Diving.

5. Appeal Requirements

Appellants will be required to provide the Board of Review with the following to appeal a Red Light Determination:

A. A letter requesting a review of the Red Light determination. Accompanying that letter, the appellant must provide:

1. A certified copy of the Probable Cause Affidavit, Charging instrument and judgment of conviction from their underlying conviction.
2. A statement of why the appellant believes he or she should receive the privilege of USA Diving membership.
3. A verified copy of the full background screening report from NCSI

B. Any other official documentation the applicant feels will support his or her appeal request.

C. A \$50 filing fee payable to USA Diving

An individual will be issued a final determination in writing regarding the status of his or her appeal approximately thirty (30) days from receipt of the requested materials.

6. Review Panel

A. Composition of the Review Panel

1. The Board of Review Panel is selected by the Board of Review Committee and will consist of:

- a. A non-voting panel Chair who is an active or retired attorney at law;
- b. An Athlete chosen by the Athletes' Advisory Council;
- c. A Coach member of USA Diving; and
- d. A person who meets the criteria for an unaffiliated director and who may or may not be a member of USA Diving.

B. Procedure

1. The Review Panel evaluation will be confidential, consistent with the requirements of the Fair Credit Reporting Act.

2. Absent evidence of a pardon, mistaken identity, or the conviction being overturned on merit by a court of law, the Review Panel will uphold the Red Light determination for the following offenses:

- a. Any category of "Abusive Misconduct" defined in USA Diving Code of Conduct;
- b. Offenses involving an element of control;
- c. Stalking;
- d. Voyeurism;
- e. Public Indecency involving sexual activity;
- f. Invasion of Privacy/Violation of a restraining, protective or similar judicial order

3. The President of USA Diving or the President's designee shall be offered the opportunity to submit any information or opinion that he or she believes would be helpful to the Review Panel's determination of the appeal.

C. Determinations

The Board of Review Hearing Panel may:

- 1. Uphold the Red Light finding and inform the applicant that he/she does not meet the eligibility criteria for membership in USA Diving based upon the Red Light finding; or
- 2. If warranted by the circumstances, overturn the Red Light finding and issue a Green Light. In this instance, the membership record will be noted as such and will be subject to continuous review. Circumstances by which a Red Light finding may be overturned on appeal include:

- a. Crime classifications which are inconsistent from state-to-state;
- b. Red Lights issued due to the applicant's disclosure where no corresponding criminal history sourced;
- c. Applicants who have successfully appealed their Red Light determination in the past, where no new criminal history is sourced and where the individual remains employed at the same Member Club.
- d. Except for the offenses listed in Part II.6.B.2 above, the incident is a misdemeanor and is of a sufficient time in the past that the Review Panel determines that the applicant does not pose a threat to the safety of individuals participating in USA Diving.