



# BACKGROUND SCREENING

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## Policy

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All Board of Directors, Staff (employee, contractors and volunteer), Interns, Contractors with access to athletes, Operational and Governance Committee Members, Volunteer Event Staff, Event and National Medical Staff and Trainers, Photographers and Videographers with access to the competition floor, coach members, official and referee members, athletes on the Junior and Senior National Team, Local Affiliate Organization (Member Club) Owners, Member Club Directors and Administrators, Member Club Instructors, Member Club Assistant Instructors and Leaders, over 18 years of age will be required to undergo a criminal background screen that complies with the Fair Credit Reporting Act before participating or providing services for USA Karate. Through this criminal background screen, USA Karate will utilize reasonable efforts to ascertain past criminal history of a participant.

#### Application

This policy applies to USA Karate, at a minimum, the following groups and individuals that are 18 years of age or older:

- A. USA Karate employees and individuals that USA Karate formally authorizes, approves or appoints to (a) serve in a position of authority over or (b) have regular contact with athletes.<sup>(1)</sup> This shall include, but is not limited to, USA Karate staff, officials, referees, coaches, board members, coordinators, trainers, independent contractors, volunteers (excluding those volunteers with incidental and observable contact with athletes at events), medical personnel, and other individuals authorized or nominated by USA Karate to work with athletes or other sport participants while at a USA Karate competition or training event to which USA Karate sends athletes.
- B. Assistants, or personal care assistants who are funded, have a contractual obligation with, or are credentialed by USA Karate, or otherwise have regular contact with USA Karate athletes.
- C. All athletes and alternates, training partners, and guides 18 years of age or older who are selected by USA Karate to participate in national or international team, or Delegation Events. 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 screen policy.

<sup>1</sup> Non-U.S. Citizen athletes, coaches, and personnel staying less than 14 days will be exempt from process if other safeguards to minimize risk can be put in place.

D. All athletes and alternates, training partners, (2) and guides 18 years of age or older that are selected by USA Karate to train at any Olympic Training Center, Olympic Training Site, Delegation Event Training Site or USA Karate Training Location.

E. All Local Affiliate Organization (Member Club) Owners, Member Club Directors and Administrators, Member Club Instructors, Member Club Assistant Instructors and Leaders 18 years of age and older regardless of their membership with USA Karate.

F. Other individuals who have regular contact with athletes as determined by USA Karate, in its discretion. At a minimum this includes individuals with access to the competition floor to photograph or video record athletes, excluding accredited national and local media outlets.

G. Each USA Karate training site shall require criminal background checks in compliance with the background search components outlined in this document, for those individuals it formally authorizes, approves or appoints to (a) serve in a position of authority over athletes or (b) to have regular contact with athletes.

H. When partnering with community organizations for events (this is focused on government/state organizations that have State or County mandated background check policies), USA Karate 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 of USA Karate, to establish the mandated background checks were conducted.

## PROCESS

The Criminal Background Screen will be performed by National Center for Safety Initiatives (NCSI) and initiated by the applicant. USA Karate will receive only a flagged (red light)/clear (green light) indication of the results. Individuals will be required to complete the background screen process with NCSI every two (2) years and NCSI will refresh the screen annually.

## BACKGROUND SCREEN SEARCH COMPONENTS

Full Background Screens: All full background screens will include at least the following search components:

1. Social Security Number validation;
2. Name and address history records;

2 Non-U.S. Citizen training partners staying less than 14 days will be exempt from process. Supplemental Background Screens:

3. Two independent Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;
4. 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;
5. 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;
6. National Sex Offender Registry database search of all available states, plus DC, Guam, and Puerto Rico;
7. Multiple National Watch Lists;
8. SafeSport Disciplinary Records;
9. Comprehensive International Records search U.S. citizens who have lived outside of the United States for six consecutive months in any one country, during the past seven years; 7
10. Motor Vehicle Records of at least a 3-year history in the state of licensure; (if driving is required for position).

#### Supplemental Background Screens

All supplemental off-year background screens will include at least the following search components:

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

#### Timeframe

A. Full background screens will be completed prior to the commencement of a new role or competition for all applicable individuals.

B. At a minimum, full background screens will be conducted on all applicable individuals every two years using at least the background screen search components for a Full Background Screen above.

C. A supplemental, partial, background screen will be conducted in the off-years using at least the background screen search components for Supplemental Background Screen above.

## MEDIA

Individuals affiliated with the media, who are authorized or credentialed by USA Karate to attend a competition run by USA Karate are required to undergo a criminal background screen if they have unsupervised one-on-one interactions with athletes.

## THIRD-PARTY VENDORS/CONTRACTORS

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 screen requirements set forth in this policy. The contracts shall also specify that certification must be provided by the vendor/contractor upon request by USA Karate, to establish that the mandated background screens were conducted.

## BACKGROUND SCREEN REPORT REVIEW

USA Karate-Initiated Background Screens: Any USA Karate-initiated background screen that results in a report of a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty,(3) for any of the below criminal offenses will be subject to the USA Karate's policies and procedures to determine the individual's level of access and involvement:

1. Any felony(4) .

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;(5)

b. Any drug related offenses;

3 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.

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

5 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 be reported.

- c. Harm to a minor, 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; and
- g. Animal abuse or neglect.

#### Driving Privileges:

For purposes of being authorized to transport people in any motor vehicle for business purposes, a record that contains the following information will be flagged as a Red Light Review and subject to review in accordance with USA Karate’s policies and procedures:

1. No valid driver’s license (expired or lack of license);
2. Suspended or revoked driver's license;
3. More than two moving violations and/or accidents in the prior two years;
4. A conviction for a major moving violation within the prior two years, including, but not limited to: DUI/DWI, possession of an open container, any drug-related motor vehicle incident, leaving the scene of an accident, assault (in any form) by use of a motor vehicle, and reckless driving (willful or wanton disregard for safety of persons or property in any form);
5. Pending traffic offenses; and
6. An individual being under 21 years of age.

If following the USA Karate review, the determination is that the individual is not approved for driving privileges, then the individual is not authorized to drive or operate any vehicle (personal, rental, or USOPC fleet vehicle) to transport athletes, Delegation members, volunteers, or members of the organizing committee.

#### Secondary Review of USA Karate Determinations:

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 USA Karate background checks. Information on the safe sport rules and regulations may be found at <https://www.usopc.org/safe-sport>

A Secondary Review is required:

USA Karate is required to notify the USOPC via email at [Background.Checks@USOC.org](mailto:Background.Checks@USOC.org) of any decision reached by USA Karate, which has the effect of allowing an individual covered by USA Karate's Background Screen Policy to reside, train or compete at an Olympic Training Center or participate in an Olympic, Paralympic, Pan American, Parapan American, Youth Olympic Games, or other international sporting events as designated by the USOPC (collectively the "Delegation Events"), 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, 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.

Pending Court Cases

No decision will be made on an individual's eligibility for work as a new staff member, contractor and/or volunteer if they have a pending court case for any of the potentially

disqualifying offenses until the pending case concludes. If, however, during the case's pendency, the organization undertakes an independent investigation and conducts a hearing, any determination may be used to disqualify the individual. Based on the disqualifying offense interim measures can be taken to protect the minor athletes and officials.

#### Full Disclosure

Each applicant has the affirmative duty to disclose his or her criminal history. Failing to disclose or intentionally misrepresenting an arrest plea or conviction history in an application or any other information provided by an applicant during the screening process is grounds for employment, volunteer and/or membership revocation or restriction, regardless of when the offense is discovered.

- If an applicant (1) is arrested, (2) pleas or (3) is convicted of a crime other than a traffic offense during the screening process, the applicant is required to disclose such information immediately.
- In the event a person is serving as a participant and (1) is arrested, (2) pleas or (3) is convicted after the completion of the screening process, he or she has an affirmative duty to disclose such information immediately to his or her supervisor or USA Karate administrator.
- Any applicant who has been banned by another sport organization, as temporarily or permanently ineligible, must self-disclose this information. A failure to disclose is a basis for disqualification for potential applicants.

#### FINDINGS

Notice of findings will be provided to:

- (1) The designated contact of USA Karate that submitted the application;

NCSI criminal background screen report will return a "red light" or "green light" score. A green light score means that the background screen vendor located no records that would disqualify the applicant. A green light score, however, is not a certification of safety or permission to bypass/ignore other screening efforts. Other disqualifying factors may exist, and can be revealed through an interview, reference checks and a completed application.

Note: A "green light" finding does not mean that an individual is safe to work with children. Instead a "green light" indicates that no criminal history was found that would disqualify the individual from working with children.



A red light finding means the criminal background screen revealed criminal records that suggest the applicant “does not meet the criteria” and is not suitable for organization employment or volunteer assignment.

Individuals who are subject to disqualification under a “red light” finding may challenge the accuracy of the reported information reported by the criminal background screen vendor.

#### APPEAL PROCESS

Any disqualified individual has the right to dispute the findings of the criminal background screen directly with NCSI. USA Karate is required by the policy to accept the findings of NCSI.

If an individual receives a red light finding and wants to contest the USA Karate’s decision not to accept his or her application based on the red light finding, the individual may request a hearing before USA Karate’s Ethics Committee.

The USA Karate Ethics Committee will communicate its finding to the individual. If the individual disagrees with the finding of the Ethics Committee, he or she may request an appeal with the USA Karate Judicial Committee as defined in Section 14 of the USA Karate Bylaws. A decision rendered by the USA Karate Judicial Committee shall be final and binding on all parties. The bylaws can be found on the USA Karate website.

<https://www.usankf.org/governance>

#### DISCRETION

If any discretion is exercised in the application of this policy, it shall be exercised in a uniform manner so that substantially similar convictions and circumstances result in substantially similar treatment of applicants.

#### AFFIRMATIVE DUTY TO DISCLOSE

If, during the course of employment or participation in USA Karate’s program, a staff member or volunteer is accused, arrested, indicted or convicted of a criminal offense against a child, it is the duty and responsibility of the staff member or volunteer to notify an immediate supervisor, a USA Karate administrator or a member of the USA Karate’s Ethics Committee.

#### OTHER POTENTIALLY DISQUALIFYING FACTORS

Even if an applicant passes a criminal background screen, other factors may disqualify an applicant. An individual may be disqualified and prohibited from providing services for USA Karate if the individual has:

- Been held liable for civil penalties or damages involving sexual or physical abuse of a minor
- Been subject to any court order involving any sexual or physical abuse of a minor, including but not limited to domestic order or protection
- A history with another organization (employment, volunteer, etc.) of complaints of sexual or physical abuse of minors
- Resigned, been terminated or been asked to resign from a position - paid or unpaid - due to complaint(s) of sexual or physical abuse of minors
- A history of other behavior that indicates they may be a danger to participants in USA Karate; or
- Not met the job requirements

## REVIEW OF DISQUALIFIERS

USA Karate will review its disqualifiers every year or as otherwise required or modified by law.

## RECORDS

Records are secured through NCSI for a period indicated by applicable law or until the applicant is no longer affiliated with USA Karate, whichever date is later.

USA Karate will maintain a record of compliance of members within their membership system. In the case of the Board, Staff, Committee and National Team members over the age of 18 a record of compliance is also managed within the membership system. For new and renewing members, the membership will be in an “action required state” (invalid) until they are compliant with completing and receiving a green light or discretionary override of a red light of their Background Screen. They are not afforded any member benefits until they are compliant with Safe Sport policies. For Signature event participation all referees and coaches register through our online tournament software. That software verifies the compliance with the background screen requirement and access to the event is only granted when they are compliant with completing and receiving a green light or discretionary override of a red light of their Background Screen and that compliance will be good through the duration of the event. This ensures compliance at the Signature Events. Reminders will be sent via the membership system to individuals tracked in the membership system monthly, notices are sent to current members, Board, Staff, Committee and National Team members over the age of 18 whose background screen is expired or expires in 1 month.