



USA GYMNASTICS CRIMINAL BACKGROUND SCREENING POLICY

Part I. Screening

1. Individuals Subject to Background Screening

USA Gymnastics requires criminal background screening ('background screening' or 'background check') for individuals involved with its programs as part of a greater effort to promote a safe environment for gymnastics participants. Background screening must be completed as a condition for membership in USA Gymnastics for all Professional and Instructor members over the age of 18. In addition, background screening must also be completed for all USA Gymnastics Board Members, staff members, and other members/individuals designated by USA Gymnastics in its sole discretion.

2. Search Organization

- A. The National Center for Safety Initiatives (NCSI) is the authorized search organization that performs background screening for USA Gymnastics. 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, and reporting those results to USA Gymnastics. NCSI also assists USA Gymnastics with Fair Credit Reporting Act compliance, including all required disclosure notices, and maintains 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) years thereafter; and for USA Gymnastics Board and staff members, upon initial appointment, election, or hire and every two (2) years thereafter.
- 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 Gymnastics during this 24-month period may request to cease the annual re-screen by notifying USA Gymnastics' Member Services Department 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 Gymnastics 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 independent national databases;
- Sex offender registries of all available states;
- Social Security Number validation;
- Name and address verification;
- Federal terrorist database search; and
- Non-database (county courthouse runner) searches of county criminal records of all jurisdictions of residence in the past seven years.

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Part II. Findings and USA Gymnastics Determinations

1. Findings

- A. NCSI will issue results to the applicant and USA Gymnastics based upon a Red Light/Green Light system.
- A Green Light or “meets the screening criteria” finding indicates an individual meets the background-screening requirement for participation in USA Gymnastics.
 - A Red Light 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. Reportable convictions, pending dispositions or registrations, or disclosures of convictions of any of the following offenses or registrations will result in a Red Light finding:
- Any felony (any crime punishable by confinement of greater than one year);
 - Any lesser crime involving force or threat of force against a person;
 - Any lesser crime in which sexual relations is an element, including ‘victimless’ crimes of a sexual nature (including pornography, indecent exposure and lewd behavior);
 - Any lesser crime involving controlled substances (not paraphernalia or alcohol);
 - Any lesser crime involving cruelty to animals;
 - Any sex offender registrant, or
 - Any lesser crime involving harm to a minor.
- Additionally, any charge for a sex offense or involving harm to a minor that results in a disposition favorable to the applicant; including but not limited to pardons, dismissals after a deferred adjudication and restoration of rights will result in a Red Light finding.
- D. The above criteria are contained within the guidelines developed by the NCYS and have been adopted by USA Gymnastics. The NCYS considers the criteria for a Red Light or “does not meet the criteria” findings to be consistent with the principles of the federal PROTECT Act of 2003.

2. Review of Background Screening Findings

USA Gymnastics will use the findings provided by NCSI to determine an individual’s eligibility for membership in USA Gymnastics in accordance with USA Gymnastics established policies.

3. Review of Red Light Findings/USA Gymnastics’ Determination

Once USA Gymnastics is informed of an applicant’s Red Light finding, a Review Panel will appraise the Red Light status. Upon evaluation of the report provided by NCSI with details of the applicant’s findings, the Review Panel may:

- A. Uphold the Red Light finding from NCSI; inform the applicant that he/she does not meet the eligibility criteria for membership in USA Gymnastics based upon the Red Light finding and inform the applicant of his/her right to appeal the Red Light determination; or
- B. If warranted by the circumstances, overturn the decision and render 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 absent an appeal include:
- Crime classifications which are inconsistent from state-to-state
 - Red Lights issued due to the applicant’s disclosure where no corresponding criminal history is sourced
 - 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.

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4. Appeals of a Red Light Determination

- A. Should an individual receive a Red Light determination and choose to contest USA Gymnastics' decision to uphold the Red Light finding, the individual has the right to appeal the determination to USA Gymnastics Review Panel.
- B. An individual will have fourteen (14) days from the date that he or she was notified by USA Gymnastics of the Red Light determination to inform USA Gymnastics of the intent to appeal. Individuals who do not request an appeal, or fail to request an appeal within the fourteen (14) 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 Gymnastics 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 Gymnastics.

5. Appeal Requirements

Appellants will be required to provide 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 Gymnastics membership.
- B. At least three letters of recommendation on official/company/business letterhead.
 1. If the appellant is affiliated with a Member Club, one of the recommendation letters must be authored by the club owner.
 2. Individuals who are not affiliated with a Member Club must include a recommendation letter from one of the following: a USA Gymnastics Professional member in good standing who is an employer, Member Club owner, Member Club director/manager; a nationally-level elected committee member; or State or Regional Chairman.
 3. Each recommendation letter must include an affirmative statement whereby the author confirms they have reviewed the legal documentation identified in 5.A.1. above.
- C. Any other official documentation the applicant feels will support his or her appeal request.

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. If the Review Panel upholds the Red Light determination, members of USA Gymnastics may have the right to file a complaint pursuant to Article 10 of the USA Gymnastics Bylaws.

6. Review Panel

- A. Composition of the Review Panel
 1. The Review Panel will consist of three of the designated staff members with access to the screening results. The panel will include Legal Counsel for USA Gymnastics, and two other individuals identified by the Safe Sport department.
 2. USA Gymnastics Ethics and Grievance Committee has oversight of the process.
- 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:
 - Any category of "Special Misconduct" defined in USA Gymnastics Bylaws;
 - Offenses involving an element of control
 - Stalking
 - Voyeurism
 - Public Indecency involving sexual activity
 - Invasion of Privacy/Violation of a restraining, protective or similar judicial order

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3. 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, except where it can be shown that exceptional circumstances exist and the Appellant can meet the Burden of Proof outlined below, for the following offenses:

- Felony drug offenses
- Any violent offense, or offense causing bodily injury
- OWI felonies which include prior convictions and/or serious bodily injury/death

C. Burden of Proof

1. Criterion used to evaluate Red Light determinations and/or appeals that do not fall in the category of offenses listed above may include, but not be limited to:
 - Age of the individual at the time the offense occurred
 - Amount of time that has lapsed since the offense occurred
 - Severity of the offense; misdemeanor or felony
 - Crime classifications which are inconsistent from state to state
 - Criminal history; pattern of offenses
 - Status of the case; resolution of a matter may be pending
 - Evaluation of appeal request; recommendation letters and support documentation
 - Evaluation of whether an individual may pose a threat to athlete welfare
 - Consistent policy application; similar judgments for similar offenses
2. The Appellant shall be responsible for providing relevant evidence to the Panel for the Panel's consideration.
3. The Appellant's burden of proof shall be "beyond a reasonable doubt."
4. Expungement. USA Gymnastics will not consider expungement as grounds to overturn a Red Light.

