

## SECTION IV: BACKGROUND SCREENING POLICY

USA Basketball's Screening Policy sets forth the policies and procedures for conducting and reviewing background checks, determining eligibility, and compliance with USOPC Background Screening requirements for National Governing Bodies and Responsible Sports Organizations. This Policy is applicable to USA Basketball Designees, as defined below.

In accordance with this Policy, Designees must consent to and successfully complete a criminal background screen conducted by USA Basketball in order to participate.

**Designees** shall include the following groups and individuals that are 18 years of age or older:

- USA Basketball employees and individuals who USA Basketball formally authorizes, approves, or appoints to: (a) serve in a position of authority over, or (b) have regular contact with, Athletes. This shall include staff, officials, coaches, board members, coordinators, trainers, independent contractors, volunteers, medical personnel, and other individuals authorized or nominated by USA Basketball to work with Athletes or other sport participants while at USA Basketball Training Site (any facility/location that is owned, managed, or operated by USA Basketball and used by USA Basketball or its athletes for competitions and/or training, recovery or coaching purposes) or a competition or event to which USA Basketball sends Athletes.
- All athletes and alternates 18 years of age or older who are selected by USA Basketball to participate in national or international teams, or Delegation Events.
- All Athletes and alternates who are selected by USA Basketball to train at any Olympic & Paralympic Training Center, USOPC High Performance Training Center, or USA Basketball Training Site as defined by the USOPC.

For the avoidance of doubt, **Designees** include the following individuals:

- National Team Managers and Support Staff
- National Team Locker Room Monitors
- National Team Travel Chaperones
- USA Basketball Committee Members
- Medical Personnel
- U.S. Open Championships, Open Court, and Coach Clinic Volunteers and Operators
- Officials
- Contractors and Vendors who have regular contact with athletes
- Any individual that USA Basketball or the USOPC authorizes to train, stay, or work at an Olympic & Paralympic Training Center ("OPTC")
- Other individuals or participants as may be determined by USA Basketball in its sole discretion.

### USA Basketball Screening Program

Submission to and successful completion of a criminal background screening is a requirement for participation in USA Basketball's programs and activities for Designees. Background Screening through USA Basketball's approved background screening vendor must be successfully completed before contact with Athletes begins, and in any event within the first forty-five (45) days of beginning their respective role with USA Basketball. Rescreening of Designees shall be conducted every year.

### Background Screening Components

At a minimum, all USA Basketball background screen will include the following search components:

- Social Security Number validation;
- Name and address history records;
- Two independent Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;
- 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;
- 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;
- National Sex Offender Registry database search of all available states, plus DC, Guam, and Puerto Rico;
- Multiple National Watch Lists;
- SafeSport Disciplinary Records; and
- Comprehensive International Records search of U.S. Citizens who have lived outside of the United States for six consecutive months in any one country, during the past seven years.

### Athletes

All athletes and alternates aged 18 or older who are selected by USA Basketball to participate in a Delegation Event, on a team for international or national competition, or to train at any Olympic & Paralympic Training Center, or USA Basketball Training must comply with this policy. Such athletes under 18 must successfully complete a background screen in accordance with this policy no later than 45 days after their eighteenth birthday.

### Media

Nothing in this section shall prevent USA Basketball from requesting individuals affiliated with the media to undergo and pass a criminal background screen in accordance with the criteria detailed in this policy.

### Third-Party Vendors/Contractors & Partner Programs

USA Basketball requires contracts with third-party vendors/contractors that are authorized to be: (a) in a position of authority over; or (b) in regular contact with, athletes, to include the background check requirements set forth in this policy. The contract must also specify that certification must be provided by the vendor/contractor upon request by USA Basketball, to establish that the mandated background screens were properly conducted.

When partnering with community organizations for events, USA Basketball shall ensure that the partnership agreement includes language regarding background screen requirements. The agreement shall also specify that certification must be provided by the community organization upon request by USA Basketball, to establish that the mandated background screens were properly conducted.

In lieu of the above, USA Basketball may require those individuals covered by this subsection to submit to a background screen performed by its preferred background screen provider to ensure compliance.

### Background Screen Review & Disqualification

Information in this subsection shall guide USA Basketball’s review of background screens and disqualification based on the results of a background screen.

The following shall serve as a basis under which a Designee, will be disqualified from serving as a Designee (“Automatic Disqualifiers”):

#### Section 1

- A disposition or resolution of a criminal proceeding, other than adjudication of not guilty<sup>1</sup>, including but not limited to convictions of, deferred sentences and adjudications for, pleas of guilty or no contest, and pending charges, for any of the following \*:
  - i. Any felony involving:
    - a. Murder or homicide where intent is an element.
    - b. Sex crimes involving violence, lack of consent, or inability to consent, including rape and sexual assault.
    - c. Sex crimes involving a minor, including but not limited to child molestation, possession and distribution of child pornography,
    - d. Child endangerment, neglect, or abuse.
  - ii. Any misdemeanor involving:
    - e. Sex crimes involving violence, lack of consent, or inability to consent, including rape and sexual assault.
    - f. Sex crimes involving a minor.
    - g. Child endangerment, neglect, or abuse.
- Any sex offender registrant.

#### Section 2

In addition to the criteria listed above, the following additional criteria shall also serve as a basis under which a person will be disqualified or prohibited from serving as a Designee:

- USA Basketball has received appropriate notification that the individual:
  - Was adjudged liable for civil penalties or damages involving sexual or physical abuse of children.
  - Is currently subject to sanction, whether permanent or temporary, by the U.S. Center for SafeSport, another National Governing Body in connection with a Safe Sport violation, the United States Olympic and Paralympic Committee in connection with a Safe Sport violation, or USA Basketball in connection with a Safe Sport violation.

The following shall serve as a basis under which a Designee may be disqualified or prohibited from serving as a Designee (“Potential Disqualifiers”):

#### Section 1

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<sup>1</sup> 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.

- A disposition or resolution of a criminal proceeding, other than adjudication of not guilty, including but not limited to convictions of, deferred sentences and adjudications pleas of guilty or no contest, and pending charges, for any of the following:
  - i. Any felony (or any crime punishable by confinement greater than one year) not included in the Automatic Disqualifiers, above.
  - ii. Any misdemeanor involving:
    - a. Violence or the threat of violence, injury or harm against a person. Sex crimes or crimes of a sexual nature not included in the Automatic Disqualifiers, or in which sexual relations is an element, including but not limited to prostitution, pornography, indecent exposure, public indecency, distribution of obscene material.
    - b. Controlled substances or drug-related offenses. Harm to a minor and/or vulnerable person including but not limited to contributing to the delinquency of a minor, and DUI with a minor, not included in the Automatic Disqualifiers.
    - c. Stalking, harassment, blackmail, violation of a protection order and/or threats.
    - d. Destruction of property, including arson, vandalism, and criminal mischief; and
    - e. Animal abuse or neglect.
  - iii. Multiple alcohol-related offenses within the previous three years (based on the date of disposition).

## Section 2

- In addition to the criteria above, the following additional criteria (to the extent not included in the Automatic Disqualifiers, above shall also serve as a basis under which a person may be disqualified or prohibited from serving as a Designee, where USA Basketball has received appropriate notification of:
  - A violation, or charge of a violation, of the [USA Basketball Coach Code of Conduct](#).
  - Any form of retaliation for reporting, prohibiting, or otherwise engaging in USA Basketball, the U.S. Center for SafeSport, or any other entity's processes regarding allegations of misconduct.
  - A violation, or charge of a violation, of any of USA Basketball's Bylaws, rules, policies, or procedures, including without limitation its Athlete and Participant Safety Policy (including its MAAPP Policy), to the extent not otherwise included in the Automatic Disqualifiers above, including instances where an individual is in the process of having a hearing before USA Basketball's Hearing Panel.
  - An individual being having been previously subject to any sanction by the U.S. Center for SafeSport;
  - An individual being currently or previously subject to any sanction by (i) the U.S. Olympic and Paralympic Committee; (ii) any National Governing Body (NGB); or (iii) USA Basketball, not included in the Automatic Disqualifiers above.
  - An individual being adjudged liable for civil penalties or damages involving sexual or physical abuse or misconduct, not otherwise included in the Automatic Disqualifiers.
  - An individual being subject to any court order involving any sexual or physical abuse or misconduct, including but not limited to domestic order or protection.
  - An individual having had parental rights terminated.
  - An individual having a history with another organization (volunteer, employment, etc.) of complaints of sexual or physical abuse or misconduct.
  - An individual having resigned, been terminated, or been asked to resign from a position, whether paid or unpaid, due to complaint(s) of sexual or physical abuse or misconduct.
  - Any charge or arrest, regardless of the ultimate outcome of the criminal proceeding, for

a crime involving sexual abuse or misconduct; child abuse, neglect, or endangerment; or violence involving a minor.

#### Driving Privileges

For purposes of being authorized to transport people in any motor vehicle for USA Basketball business purposes, including but not limited to driving or operating any vehicle (personal, rental, or USA Basketball fleet vehicle) to transport individuals in connection with any USA Basketball competition or event, an individual must be 21 years of age or older and possess a valid driver's license.

#### Accuracy of Results

Any individual has the right to dispute the accuracy of the results of their background screen with USA Basketball's criminal background check vendor but may not dispute the accuracy of the results with USA Basketball.

#### USA Basketball Background Check Appeal Panel

Additionally, any Designee disqualified under a Potential Disqualifier may appeal the disqualification to a USA Basketball Background Check Appeal Panel. In order to successfully obtain an exemption, the Designee must demonstrate that the background check result does not violate the spirit of USA Basketball's Athlete and Participant Safety & Protection Program, and that they pose no risk to the sport and its athletes.

An individual may also appeal a disqualification on the basis of Section 2 of the Automatic or Potential Disqualifiers on the basis that the information is inaccurate, and they are not, in fact, subject to that criteria (i.e. USA Basketball's information was incorrect). Automatic Disqualifiers may not be appealed to USA Basketball for any other reason.

A request to appeal a disqualification may be submitted to [USABSafeSport@usabasketball.com](mailto:USABSafeSport@usabasketball.com) by the disqualified Designee.

#### Tracking and Compliance

Prior to and after the completion of a USA Basketball event or competition, USA Basketball's Administration Department shall conduct an audit of all Designees' completion of Background Screening for compliance, and will provide relevant department personnel and USA Basketball Staff documentation of their findings, and directives if necessary.

#### USOPC Compliance and Reporting

USA Basketball will notify the USOPC via email of any decision by USA Basketball which has the effect of allowing an individual covered by this policy to reside, train or compete at an Olympic & Paralympic Training Center or participate in an Olympic, Paralympic, Pan American, Youth Olympic Games or other international sporting events as designated by the USOPC (collectively the "Delegation Events"), if the individual's background screen results demonstrate any disposition or resolution of a criminal proceeding, other than an adjudication of not guilty for any of the following criminal offenses:

- i. Any felony involving
  - a. Violence against a person within the previous ten (10) years;
  - b. Violent crimes involving weapons (including armed robbery and aggravated assault with a weapon) within the previous ten (10) years; and
  - c. Animal abuse, cruelty or neglect
- ii. Any felony or misdemeanor involving:
  - a. 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);
- b. 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
  - c. 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.

After submission and in accordance with its policies and procedures, the USOPC's Background Check Review Panel or the USOPC may determine if and to what degree an individual may be: (a) affiliated with the USOPC, (b) granted access to an Olympic Training Center; (c) permitted to participate in a Delegation Event, or (d) granted driving privileges.

Nothing in this policy shall prevent USA Basketball from requiring an individual to submit to a background screen performed by the USOPC's preferred vendor. USA Basketball, in its sole discretion, may accept the findings of the background screen performed by the USOPC's preferred vendor and/or require a background screen performed by USA Basketball's preferred vendor.

#### Coach Licensees and Pending Coach Applicants

Information regarding disqualifying criteria and appeal procedures for USA Basketball Coach Licensees and Pending Coach License Applicants may be found [here](#).

Receipt, or previous receipt of a USA Basketball Coach License does not grant the recipient exemption from the criteria or procedures detailed in this policy if the individual is also, or becomes, a Designee.