

SECTION IV: BACKGROUND SCREENING POLICY

USA Basketball's Screening Policy sets forth the policies and procedures for conducting interpreting background checks, determining eligibility, and compliance with USOPC Background Screening requirements for National Governing Bodies and Responsible Sports Organizations. This background screen is applicable to USA Basketball Designees, which includes without limitation Board Members, Committee Members and Participants that USA Basketball authorizes, approves, or appoints to a position of authority over athletes or to have frequent contact with athletes.

In accordance with this policy Designees, including coaching or support staff for any USA Basketball National team, select team, or camp/clinic, must consent to and successfully complete a criminal background screen conducted by USA Basketball, in accordance with the standards outlined in this policy, in order to participate. All USA Basketball staff members, including interns, will also be subject to criminal background screens, conducted in accordance with USA Basketball employment policies and applicable legal requirements.

This policy also details when athletes participating in USA Basketball's programs are subject to background screening. Information from an Athlete's background screen will serve as an important indicator and will inform the overall selection process; however, information from the athlete's background screen may not be the sole basis for selection.

Nothing in this policy shall serve to restrict an individual's rights or protections under the Ted Stevens Amateur Sports Act, including the right to an appeal.

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 thirty (30) days of beginning their respective role with USA Basketball. Rescreening of Designees shall be conducted at least, every two (2) years with supplemental checks conducted in the interim.

In accordance with the USOPC's Responsible Sport Organization Background Check Policy Designees shall include, the following groups and individuals that are 18 years of age or older:

- USA Basketball employees and individuals that USAB formally authorizes, approves or appoints to: (a) serve in a position of authority over, or (b) have regular contact with Athletes. This shall include, independent contractors, volunteers, and other individuals authorized or nominated by USA Basketball to

work with athletes or other sport participants while at a competition event to which USAB sends Athletes.

- All Athletes and alternates 18 years of age or older who are selected by USA Basketball to participate in national or international team, or Delegation Events. Athletes referenced in this subsection shall have 45 days after reaching 18 years of age to become compliant with this background screen policy.
- All Athletes and alternates that 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 Training Center (“OTC”)
- Other individuals or participants as may be determined by USA Basketball in its sole discretion.

These background screening requirements also apply to any Non-Athlete Designee under 18 years of age, including Coach Licensees and Pending Applicants.

Background Screening Components

Full Background Screens

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 for each county searched;

- National Sex Offender Registry database search of all available states, plus DC, Guam, and Puerto Rico;
- Multiple National Watch Lists;
- 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; and
- Motor Vehicle Records of at least a 3-year history in the state of licensure if driving is required for the position.

USA Basketball will include SafeSport Disciplinary Records checks in the background screening components once the process becomes automated. However, nothing in this section shall prevent USA Basketball from performing manual SafeSport Disciplinary Records checks of individuals subject to this policy.

Supplemental Background Screens

All supplemental background screens performed by USA Basketball's preferred background screen vendor will be conducted using at least the following search components:

- Multi- Jurisdictional criminal database covering 50 states in addition to DC, Guam, and Puerto Rico;
- Sex Offender Registry database searches of all available states, in addition to DC, Guam and Puerto Rico; and
- SafeSport Disciplinary Checks once the process becomes automated.

Athletes

As noted above, 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.

Please note, athletes who reach the age of majority (18 years of age) while subject to this policy, must successfully complete a background screen in accordance with this policy no later than 45 days after their eighteenth birthday.

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: [Coach Licensee Screening & Appeals](#).

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. Additionally, receipt of a USA Basketball Coach License does not confer any additional rights or privilege to participate in USA Basketball's programs or activities.

Media

Individuals affiliated with the media, who are authorized or credentialed by USA Basketball to access a Training Site or attend a competition or event sanctioned by USA Basketball are not required to undergo a criminal background screen unless they have unsupervised one-on-one interactions with athletes.

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 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 that result in a report of a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty to determine the individual's level of access and involvement with regard to athlete interactions.

USA Basketball has organized its background screen review criteria under Automatic and Potential Disqualifiers, with Automatic Disqualifiers generally garnering the sanction of disqualification from service to or on behalf of USA Basketball. However, nothing in this subsection shall prevent USA Basketball from making a determination regarding an individual's level of access and involvement which deviates from the aforementioned standard.

The following shall serve as a basis under which a Designee, as noted above, will generally be disqualified or prohibited from service to or on behalf of (i.e. representative capacity) USA Basketball (“Automatic Disqualifiers”):

- 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 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:
 - a. Sex crimes involving violence, lack of consent, or inability to consent, including rape and sexual assault.
 - b. Sex crimes involving a minor.
- 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 USA Basketball board member, Committee member, or other Designee:
 - i. Being adjudged liable for civil penalties or damages involving sexual or physical abuse of children.
 - ii. Being subject to any court order involving any sexual abuse or physical abuse of a person, including but not limited to a domestic order of protection
 - iii. Being currently subject to sanction, whether permanent or temporary, by the U.S. Center for SafeSport, another national governing body, or USA Basketball.
 - iv. 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.

* For purposes of this Background Screening Policy, 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 diversion 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/active charges.

The following shall serve as a basis under which a Designee, as noted above, may be disqualified or prohibited from service to or on behalf of (i.e. representative capacity) USA Basketball (“Potential Disqualifiers”):

- 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).
 - ii. Any lesser crime involving violence or the threat of violence, injury or harm against a person.
 - iii. Any lesser crime of a sexual nature, or in which sexual relations is an element or classified as a sexual offense, including but not limited to prostitution, pornography, indecent exposure, public indecency, distribution of obscene material, and any sex offender registrant.
 - iv. Any lesser crime involving controlled substances or drug-related offenses.
 - v. Any lesser crime involving harm to a minor and/or vulnerable person including but not limited to child endangerment, abandonment/neglect/abuse, contributing to the delinquency of a minor, and DUI with a minor.
 - vi. Any lesser crime involving stalking, harassment, blackmail, violation of a protection order and/or threats.
 - vii. Any lesser crime involving destruction of property, including arson, vandalism, and criminal mischief; and
 - viii. Any lesser crime involving animal abuse or neglect.
- In addition to the criteria above, the following additional criteria shall also serve as a basis under which a person may be disqualified or prohibited from serving as a USA Basketball Board member, Committee member, or other Designee:
 - i. Having had their parental rights terminated.
 - ii. Having a history with another organization (volunteer, employment, etc.) of complaints of sexual or physical abuse or harassment of a person.
 - iii. Having previously been subject to any sanction, whether temporary or permanent, by the U.S. Center for SafeSport.
 - iv. Multiple alcohol-related offenses within the previous three years.

Any individual has the right to dispute the accuracy of the results of their background screen with USA Basketball’s criminal background check vendor. USA Basketball is required by this Background Screen Policy to accept the findings of the criminal background screen provider as to the accuracy of the records presented, including the results of any dispute lodged by the applicant.

USA Basketball Exemption Panel

Additionally, any disqualified Designee has the right to seek an exemption from the USA Basketball Exemption Panel. In order to successfully obtain an exemption, the Designee must demonstrate that the conviction or charge does not violate the spirit of USA Basketball's Athlete and Participant Safety and Protection Program, and that they pose no risk to the sport and its athletes.

A request for exemption from disqualification may be submitted to SafeSport@usabsketball.com by the disqualified Designee.

Tracking and Compliance

USA Basketball will track compliance with Background Screening for Designees subject to this policy and will also complete periodic checks for compliance.

At a minimum, prior to and within sixty days after the completion of a USA Basketball event or competition, USA Basketball's SafeSport Director shall conduct an audit of all Covered Individual's 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 which has the effect of allowing an individual covered by this policy to reside, train or compete at an Olympic 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 ("USOPC Review Panel") 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. If the individual disagrees with the findings of the USOPC 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 USOPC Review Panel's decision. A decision rendered by the AAA shall be final and binding on all parties.

Nothing in this policy shall prevent USA Basketball from requiring an individual to submit to 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.