

**USA CLIMBING SAFESPORT  
SCREENING AND CRIMINAL BACKGROUND CHECK POLICY  
Effective August 29, 2018**

**OVERVIEW**

This Policy applies to each USAC Certified Coach (including Coach of a Youth Climbing Team or Collegiate Climbing Team as defined in the USA Climbing Rulebook), each National Team coach, National Team manager, National Team medical officer, official National Team chaperone, and any other USA Climbing staff member, contractor and/or volunteer retained by USA Climbing and expected to have sustained interaction with USA Climbing registered athletes over time, other than as a parent or guardian, as well as each applicant for such a position or recognition (“Covered Individuals”). Judges, routesetters and other officials are not considered Covered Individuals unless they also perform other functions described above.

Elements of USA Climbing’s screening process for Covered Individuals may include, as applicable, successful completion of an application, interview and/or reference check. In addition, all Covered Individuals, when applying for a position with or recognition by USA Climbing as a Covered Individual, will be asked to undergo a criminal background check within the time frames described in the USA Climbing SafeSport Policy (refer to SafeSport Policy, page 15). Successful completion of a background screening is a condition of employment with USA Climbing or participation in USA Climbing programs for all Covered Individuals. Covered Individuals shall initiate a re-screening every two (2) seasons.

Through this criminal background check, USA Climbing will utilize reasonable efforts to ascertain past criminal history.

**PROCESS AND RESULTS**

On receipt of the Fair Credit Reporting Act Job Applicant/Employee/Volunteer Disclosure and Authorization to Obtain a Consumer Report (a form of which is attached as Exhibit A), USA Climbing will request that its vendor (currently NCSI) perform the criminal background check. As part of its criminal background check, USA Climbing, through its vendor, generally will:

- (1) Perform a national search of state criminal repositories;
- (2) Perform a search of state sexual offender registries for each state of residence, employment and school attendance for the prior 10 years; and
- (3) Verify a person’s identification against his/her social security number or other personal identifier.

The vendor will issue results to the Covered Individual and USA Climbing based on a “red light / green light” determination system. A “green light” or “meets the criteria” finding indicates that the background screen did not uncover disqualifying factors. A “red light” or “does not meet the criteria” finding indicates that the individual is not suitable for participation in USA Climbing with regard to the background check.

If the background check report contains information that would disqualify a Covered Individual, USA Climbing, before taking any final disqualifying action, will give the Covered Individual a “pre-adverse action” disclosure that includes a copy of the individual’s criminal background check and a summary of his/her rights under the Fair Credit Reporting Act (a sample form of which is attached as Exhibit B). In this way, Covered Individuals who are subject to disqualification due to a criminal background check are given the opportunity to challenge the accuracy of the background check report.

If USA Climbing does reach a determination of a Covered Individual’s disqualification due to a background check, USA Climbing will give the individual notice that this action has been taken in an “adverse action” notice (a sample form of which is attached as Exhibit C). NCSI will also give the individual notice that this action has been taken in an “adverse action” notice (a sample form of which is attached as Exhibit D). USA Climbing will then deny or discontinue the identified person’s certification or other status as applicable.

A background check revealing no disqualifying information is not a certification of safety or permission to bypass/ignore other screening efforts. Other disqualifying factors may exist.

## **DISQUALIFYING FACTORS**

### **Criminal History**

Convictions, pending dispositions or registrations, or disclosures of convictions of any of the following offenses or registrations will prompt a “red light” determination that the applicant “does not meet the criteria” of the criminal background screening. Covered Individuals must disclose all of these listed, including where records have been expunged.

- **SEX OFFENSES**
  - All Sex Offenses – Regardless of the amount of time since offense.
    - Examples include: child molestation, rape, sexual assault, sexual battery, prostitution, pornography, indecent exposure, etc.
  - Sex offender registrant.
- **FELONIES**
  - All Felony Violence – Regardless of the amount of time since offense.
    - Examples include: murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated Burglary, etc.
  - All Felony offenses other than violence or sex – Regardless of the amount of time since offense.
    - Examples include: drug offenses, theft, embezzlement, fraud, child endangerment, etc.
- **MISDEMEANORS**
  - All misdemeanor violence offenses – Regardless of the amount of time since offense.
    - Examples include: simple assault, battery, domestic violence, hit & run, etc.
  - All misdemeanor drug & alcohol offenses within the past 5 years or multiple offenses regardless of the amount of time since offense

- Examples include: driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.
  - Any other misdemeanor involving harm to minors – Regardless of the amount of time since offense.
    - Examples include: contributing to the delinquency of a minor, providing alcohol to a minor, theft of team funds if person is handling monies, etc.
  - Any offense involving cruelty to animals – Regardless of the amount of time since offense
- PENDING CASES
  - A Covered Individual who has been charged for any of the disqualifying offenses or for cases pending in court should not be permitted to serve as a Covered Individual until the official adjudication of the case.

### **Other Potentially Disqualifying Factors**

Even if a Covered Individual passes a criminal background check, other factors may disqualify the Covered Individual from employment with USA Climbing or participation in USA Climbing programs. An individual may be disqualified if the individual has:

- Been subject to any court order involving any emotional, sexual, or physical abuse of a minor, including but not limited, to domestic order of protection;
- A history with another organization (employment, volunteer, etc.) of complaints of emotional, 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 emotional, sexual, or physical abuse of minors;
- A history of other behavior that demonstrates the potential for danger to participants in USA Climbing;
- Given false or misleading information; or
- Not met the job requirements.

### **AFFIRMATIVE DUTY TO DISCLOSE**

Each Covered Individual has the affirmative duty to disclose any of the disqualifying or potentially disqualifying factors cited in this Policy. Failing to disclose or intentionally misrepresenting such information in an application or any other information provided by a Covered Individual during a screening or re- screening process is grounds for disqualification, regardless of when the offense is discovered. To the extent that this Policy requires more disclosure than the Coaches Code of Conduct, this Policy will apply, and USA Climbing will endeavor to update the Coaches Code of Conduct in the usual course.

### **APPEALS**

If a Covered Individual is disqualified under this Policy and wants to contest USA Climbing's disqualification decision, the Covered Individual has thirty (30) days to notify the Judicial Committee of his/her request for a hearing. The request for hearing shall include a statement of reasons why the Covered Individual believes USA Climbing should reverse the disqualification decision. Following receipt of the request, the Judicial

Committee shall appoint a Hearing Panel which shall conduct a hearing in accordance with USA Climbing's Bylaws, the Rulebook, and the Judicial Committee Procedures.

**EXHIBIT A**  
**FAIR CREDIT REPORTING ACT**

**JOB APPLICANT/EMPLOYEE/VOLUNTEER DISCLOSURE AND AUTHORIZATION  
TO OBTAIN A CONSUMER REPORT**

As an applicant for employment with, volunteer service with, and/or recognition by USA Climbing, you are hereby notified that the application and retention process includes an investigation of your background. This information may relate to your references, character, previous employment, credit, motor vehicle record, education, and/or criminal history.

The Federal Fair Credit Reporting Act (the "Act") protects certain categories of background information contained in "consumer reports." To the extent that USA Climbing procures information on job applicants, employees, or volunteers in "consumer reports" furnished by "consumer reporting agencies," it will comply with all applicable provisions of the Fair Credit Reporting Act.

Under that Act, USA Climbing is required to disclose in writing that it may procure information about you from "consumer reports" for purposes of evaluating your application and suitability for employment or recognition. In order to process your application and as a condition of employment or recognition, you will be required to authorize USA Climbing to obtain such information. If you have questions about the Fair Credit Reporting Act or your rights as a "consumer," you may contact the Federal Trade Commission.

By signing below, you certify that USA Climbing has provided you with a copy of this disclosure. You further certify that you consent to USA Climbing procuring, obtaining, and using a "consumer report" containing information about you for evaluating your application and, if hired or already employed or recognized by USA Climbing, in connection with any decisions regarding your continued employment with or recognition by USA Climbing. This consent includes consent to a criminal background check and also includes consent to obtain information concerning your past employment, volunteer experience, and other information, including through contact with your references. This consent applies while you are an applicant for employment with, volunteer service with, and/or recognition by USA Climbing, and also applies on a going-forward basis with respect to USA Climbing's ongoing efforts to obtain information about you in order to evaluate your continuing fitness as an employee or volunteer.

\_\_\_\_\_  
Applicant/Employee Signature

\_\_\_\_\_  
Printed Name

True and Complete

Legal Name: First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_

Maiden or Other

Names Used: \_\_\_\_\_ Dates Used: \_\_\_\_\_

\_\_\_\_\_  
Dates Used: \_\_\_\_\_

Present Street \_\_\_\_\_ Dates of Residence \_\_\_\_\_

Address: \_\_\_\_\_ (e.g. 1998 to 2000): \_\_\_\_\_ to \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Other places of residence, employment and school attendance for past 10 years:

City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_ Dates: \_\_\_\_\_ to \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_ Dates: \_\_\_\_\_ to \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_ Dates: \_\_\_\_\_ to \_\_\_\_\_

(Add more on reverse as needed)

Driver's

License Number: \_\_\_\_\_

State of Issue: \_\_\_\_\_

Social

Date of Birth: \_\_\_\_\_

Security Number: \_\_\_\_\_

**Note:** The above information is required to ensure positive identification and is in no manner used as qualification for employment.

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Fax: 561-423-0715 Client ID: usa.cli

Recruiter Name: \_\_\_\_\_

Department: \_\_\_\_\_

**EXHIBIT B**

**[USA CLIMBING LETTERHEAD]**

**[Where a disqualifying decision with respect to a Covered Individual will be made based upon information obtained from a background check or other consumer report, a copy of this notice is to be sent to a Covered Individual at least 5 business days before the final disqualifying decision is made. Enclose the background check or other applicable consumer report and the FCRA Summary of Rights prepared by the FTC.]**

**[DATE]**

**[COVERED INDIVIDUAL NAME]  
[ADDRESS]**

**RE: FAIR CREDIT REPORTING ACT – NOTICE OF INTENT TO TAKE  
ADVERSE ACTION**

Dear **[NAME OF COVERED INDIVIDUAL]**:

This is to inform you that, based in whole or in part on information contained in the consumer report that USA Climbing received from **[NAME OF CONSUMER REPORTING AGENCY]**, which you authorized USA Climbing to obtain, USA Climbing intends to disqualify you from employment, volunteering and/or recognition, although we have not yet made a final decision.

Under the federal Fair Credit Reporting Act (the “Act”), you are entitled to receive a copy of the consumer report and a description in writing of your rights under the Act.

The consumer report upon which such action is based is enclosed. Also, a description of your rights under the Act prepared by the Federal Trade Commission is enclosed.

Please contact us within five (5) business days if you wish to discuss this matter.

Sincerely,

[USA Climbing Representative]

Enclosures



**EXHIBIT C**

**[USA CLIMBING LETTERHEAD]**

**[To be given to Covered Individual after disqualifying decision is made. The FCRA requires that notice be given to a Covered Individual when employment is denied based in whole or in part on a criminal conviction. In that case, this form should be modified to notify the applicant that employment has been denied based in whole or in part on a criminal conviction.]**

**[DATE]**

**[COVERED INDIVIDUAL NAME]**

**[ADDRESS]**

**RE: FAIR CREDIT REPORTING ACT – NOTICE OF ADVERSE ACTION**

Dear **[NAME OF COVERED INDIVIDUAL]**:

This is to inform you that, based on information contained in the consumer report that you authorized USA Climbing to obtain from **[NAME OF CONSUMER REPORTING AGENCY]**, USA Climbing is disqualifying you from employment, volunteering and recognition. We previously provided you with a copy of the consumer report and a description of your rights under the Fair Credit Reporting Act (the “Act”) in the Notice of Intent to Take Adverse Action, dated **[DATE]**.

Under the federal Fair Credit Reporting Act, you have the right to obtain a free copy of the consumer report by requesting it in writing within 60 days from the consumer reporting agency. The consumer reporting agency that provided the consumer report about you is:

[NAME OF CONSUMER REPORTING AGENCY]

[INSERT address, telephone number (and/or any toll-free

The consumer reporting agency did not make the disqualifying decision and is not able to provide you with the specific reasons why you are being disqualified.

Under the Act, you are entitled to dispute with the consumer reporting agency the accuracy or completeness of any information contained in the consumer report.

Sincerely,

[USA Climbing Representative]

## EXHIBIT D



National Center For Safety Initiatives, LLC • PO Box 39008 • Cleveland, OH 44139  
Phone: 440.542.9690 • Fax: 866.245.1955 • www.ncsisafe.com

PERSONAL & CONFIDENTIAL

### ADVERSE ACTION LETTER

[DATE]

[REGISTRANT NAME]  
[ADDRESS 1]

Dear [REGISTRANT NAME],

[CLIENT ORGANIZATION] has requested the National Center for Safety Initiatives, LLC to inform you on their behalf that your registration with [CLIENT ORGANIZATION] has been denied. This decision was made, in whole or in part, based upon information contained in your voluntary disclosure of criminal records provided during the registration process and/or in a consumer report. You were previously furnished with a copy of the consumer report, together with a copy of the Consumer Financial Protection Bureau (CFPB)'s "A Summary of Your Rights Under the Fair Credit Reporting Act" and applicable state law notices (if any) before the adverse action was taken. You are entitled to obtain a free copy of the consumer report within sixty (60) days. You have the right to dispute inaccurate or incomplete information contained in the consumer report with the consumer reporting agency. The consumer report was obtained from the National Center for Safety Initiatives, LLC, P.O. Box 39008, Cleveland, OH 44139.

National Center for Safety Initiatives, LLC reviewed your disclosure and/or the consumer report in accordance with the criteria established by [CLIENT ORGANIZATION] and provided this review to [CLIENT ORGANIZATION] NAME. [CLIENT ORGANIZATION] made the

decision to deny your registration. Any questions regarding the specific reasons for the denial of your registration should be directed to [CLIENT ORGANIZATION].

Please contact the Records Department immediately if you have any questions regarding your voluntary disclosure and/or consumer report, or if you believe any information contained in the report is inaccurate or incomplete, via e-mail at [records@ncsisafe.com](mailto:records@ncsisafe.com) or by phone at 1 (866) 833-7100 x196.

Sincerely,

Records Department

National Center for Safety Initiatives, LLC

FORM: ADVERSE ACTION LTR DISCLOSURE AND/OR RECORDS