



**USA CLIMBING SAFESPORT
SCREENING AND CRIMINAL BACKGROUND CHECK POLICY
Updated August 11, 2020**

OVERVIEW

This Policy applies to the following Covered Individuals:

- USA Climbing Staff
- USA Climbing Interns
- USA Climbing Board Members
- USA Climbing National, Divisional, and Regional Coordinators
- USA Climbing Certified Coaches
- USA Climbing Certified Officials
- USA Climbing Level 3+ Certified Routesetters
- USA Climbing Covered Volunteers (i.e. Volunteer Coordinator, Isolation Coordinator, Event Organizer)
- USA Climbing National Team Contracted Medical Personnel (e.g., doctors and trainers)
- USA Climbing Contracted Massage Therapists
- USA Climbing Contractors who have regular contact with minor athletes (e.g., official National Team Chaperones)
- USA Climbing National Team Athletes in USADA's Registered Testing Pool
- Any other individual that USA Climbing formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have regular contact with any athlete

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 for background checks described in the USA Climbing SafeSport Policy. 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 and must successfully complete that screening.

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.



Background Check Search Components:

- (1) Social Security Number validation (Or suitable alternative identification verification process as determined by the background check vendor);
- (2) Name and address history records;
- (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 (Members and applicants are required to self-report any disciplinary actions, whether or not searches for disciplinary records of the US Center for SafeSport are automated);
- (9) Comprehensive International Records search for U.S. citizens who have lived outside of the United States for six consecutive months in any one country, during the past seven years; (International record checks vary from country to country. The background check vendor will provide comparable search components depending on the laws of that specific country).
- (10) Motor Vehicle Records of at least a 3-year history in the state of licensure; for Full time USA Climbing Staff, National Team Coaches, National Team Managers, and any contractor and volunteer such as Level 3 or higher Routesetters, Judges, Regional Coordinators, and Board Members, where driving is required for the position.

The vendor will issue results to the Covered Individual and USA Climbing based on a “Flagged” determination system. A screening could be “Flagged” depending on USA Climbing’s criteria. If the “Flagged” offense is a disqualifying factor or the participant “does not meet the criteria,” the screen is flagged and the individual is identified as potentially unsuitable for applicable participation in USA Climbing.

If the background check report is flagged as described above, 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, or cause its vendor to 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). 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 . Other disqualifying factors may exist.

DISQUALIFYING FACTORS

Criminal History

Dispositions (other than "not guilty") of any of the following offenses or registrations will prompt a "flagged" determination that the applicant "does not meet the criteria" of the criminal background screening.

- **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 offenses¹ 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.

¹ Multiple charges related to the same underlying offense on the same date are not considered "multiple offenses."



- 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 another person, 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 another person;
- 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 another person;
- 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, including without limitation negotiated disposition or resolution of a criminal proceeding other than an adjudication of not guilty.² Failing to disclose such information, or intentionally misrepresenting such information in an application or any other information provided by a Covered Individual, 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. USA Climbing will evaluate the disclosures as to their disqualifying impact, in consideration of this Policy and of various factors which may include, without limitation, the results of the background screen, other information disclosed by the Covered Individual or others, and the Covered Individual's role in USA Climbing.

² 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.



HEARING

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. A Covered Individual who has been disqualified can re apply for participation following a period of disqualification.

To see an example of the Pre Adverse Action letter, 613 Notice, FCRA - Summary of Rights and applicable state notice and a copy of the background screening report. click [HERE](#).