

## **Background Check Disqualifiers Policy**

A successful Background Check, or a Background Check with a “green light” finding, is required for participation in certain roles within U.S. Figure Skating, as outlined in its rules and [SkateSafe® Handbook](#). A “red light” Background Check status prohibits a person from participating in roles that require a “green light” finding.

This Background Check Disqualifiers Policy (the “Policy”) describes the criteria which will result in a “red light” finding for any position which requires completion of a Background Check. This Policy also describes appeal options in connection with different categories of “red lights.” The National Center for Safety Initiatives (“NCSI”) is the authorized search organization that performs background screenings for U.S. Figure Skating. Other information independent of the NCSI background screening results, as outlined throughout this Policy, may also be used considered by U.S. Figure Skating as part of the Background Check process. For the purposes of this Policy, “Background Check” refers to results from NCSI and any other information discovered by U.S. Figure Skating relating to an Automatic or Potential Disqualifier(s).

### **Disqualifying Criteria (“Red Lights”)**

There are certain criteria that, when revealed on a Background Check, will either automatically or potentially disqualify an individual from being permitted to participate in a role that requires a Background Check with U.S. Figure Skating. Such disqualifying criteria will constitute a “red light” that may or may not be appealed to U.S. Figure Skating.

#### **Automatic Disqualifiers**

##### Section 1:

An individual will receive a “red light” if a Background Check results in a report of a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty<sup>1</sup>, for any of the below:

- (a) Any felony involving:
  - i. All sexual crimes, or criminal offenses of a sexual nature to include but not limited to: rape, child molestation, sexual battery, lewd conduct, possession and distribution of child pornography, possession and distribution of obscene material, prostitution, human trafficking, indecent exposure, or public indecency; or
  - ii. Harm to a minor or vulnerable person, including, but not limited to, offenses such as child abandonment, endangerment, or abuse; or
  - iii. Murder or homicide;
  - iv. Violent crimes against a person (including crimes involving firearms and domestic violence); or
  - v. Stalking; or
  - vi. Animal abuse or cruelty involving the malicious and intentional maiming, mutilation, torture, causing another animal to fight another animal and/ or killing of an animal.
- (b) Any misdemeanor involving sexual crimes, or criminal offenses of a sexual nature to include but not limited to: rape, child molestation, sexual battery, or possession and distribution of child pornography; or
- (c) An individual will receive a “red light” if a Background Check reveals that such individual is a sex offender registrant<sup>2</sup> in any jurisdiction.

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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.

<sup>2</sup> Any participant that has a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty, for any sexual crime and/or criminal offense of a sexual nature is a sex offender registrant.

## Section 2:

In addition to the criteria above, an individual will also receive a “red light” for the following reasons, where U.S. Figure Skating discovered information of:

- (a) An individual being currently subject to any ineligibility, whether temporary or permanent, by the U.S. Center for SafeSport, any National Governing Body, the USOPC, or any other U.S. or foreign sport federation, for athlete safety or SafeSport related violations; or
- (b) An individual being currently subject to, or having been previously subject to, any sanction impacting their eligibility, whether permanent or temporary, for sexual misconduct or child abuse, by the U.S. Center for SafeSport, any National Governing Body, the USOPC, or any other U.S. or foreign sport federation; or
- (c) Any disposition or resolution of a criminal proceeding which is an Automatic Disqualifier, of which U.S. Figure Skating obtains information other than through an NCSI background screening.

## **Potential Disqualifiers**

### Section 1:

An individual may receive a “red light” if a Background Check results in a report of a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty, for any of the below:

- (a) Any felony involving:
  - i. Drug use or possession; or
  - ii. Harm to a minor or vulnerable person not specifically set forth as an Automatic Disqualifier above; or
  - iii. Other drug-related crimes including distribution, intent to distribute, manufacturing, trafficking, or sale; or
  - iv. Financial crimes, including financial fraud, forgery and embezzlement, or
  - v. Any other felony not included in this section or in the Automatic Disqualifiers, above.
- (b) Any misdemeanor involving:
  - i. Any drug-related offenses; or
  - ii. Violence or the threat of violence, injury, or harm, against a person (including crimes involving firearms and domestic violence); or
  - iii. Animal abuse or neglect; or
  - iv. Stalking, harassment, blackmail, violation of a protection order, and/or threats; or
  - v. Destruction of property, including arson, vandalism, and criminal mischief; or
  - vi. Harm to a minor or vulnerable person, including, but not limited to, offenses such as child abandonment, endangerment, neglect, or abuse; contributing to the delinquency of a minor; or DUI with a minor; or
  - vii. Financial crimes, including financial fraud, forgery, and embezzlement; or
  - viii. Any other misdemeanor not included in this section or the Automatic Disqualifiers, above.
- (c) Any other criteria specified in the United States Olympic and Paralympic Committee (“USOPC”) NGB Background Check Policy, as may be updated from time to time.

### Section 2:

In addition to the criteria above, an individual may also receive a “red light” for the following reasons, where U.S. Figure Skating discovered information regarding:

- (a) A criminal charge, where such previous charge or pending charge is related to an Automatic Disqualifier or a Potential Disqualifier set forth above; or
- (b) An individual being currently subject to, or having been previously subject to, any sanction by the U.S. Center for SafeSport, any National Governing Body, the USOPC, or any other U.S. or foreign sport federation; or
- (c) An individual who is or was facing potential civil penalties or damages involving sexual or physical abuse or misconduct; or
- (d) 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; or
- (e) An individual having had parental rights terminated; or
- (f) An individual (volunteer, employment, etc.) having complaints of sexual or physical abuse; or

- (g) 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; or
- (h) Any previous charge or arrest, not otherwise included in the Automatic or Potential Disqualifiers, 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; or
- (i) Any disposition or resolution of a criminal proceeding which is a Potential Disqualifier, of which U.S. Figure Skating obtains information other than through a NCSI background screen.

## **Options for Appealing “Red Lights”**

Please read the following information carefully, as it provides details regarding an individual's options for appealing “red lights,” depending on the factors that led to the “red light.”

### **Automatic Disqualifiers:**

Individuals who received a “red light” due to an Automatic Disqualifier may appeal the accuracy of the information on which the Automatic Disqualifier is based (for example, if such individual believes that their Background Check results reflect a conviction for a crime they were not convicted of) but may not seek an exemption from the disqualifier if it is accurate.

Individuals who receive a “red light” under Section 1 or Section 2 of the Automatic Disqualifiers because of the results of a background screen through NCSI may not dispute the accuracy of their background screen results with U.S. Figure Skating. They must go through NCSI.

Individuals who receive a “red light” under Section 1 or Section 2 of the Automatic Disqualifiers because of information discovered by U.S. Figure Skating other than through an NCSI background screen may only appeal their “red light” via U.S. Figure Skating’s Background Check Determination and Appeal Process, and **only** on the basis that they are not, in fact, subject to a Section 1 or Section 2 Automatic Disqualifier (for example, if the individual contends that they have been incorrectly identified as the individual subject to the particular disqualifier because they have the same name). If, in advance of review of the individual's appeal, the individual provides sufficient evidence that he or she is not subject to such disqualifier, U.S. Figure Skating may remove the disqualifier and approve the individual's Background Check without requiring an appeal.

### **Potential Disqualifiers:**

Individuals who receive a “red light” under Sections 1 and 2 of the Potential Disqualifiers may appeal their “red light” via U.S. Figure Skating’s Background Check Determination and Appeal Process Policy on the basis that (1) the information is inaccurate and he or she is not, in fact, subject to that Potential Disqualifier(s) (i.e., U.S. Figure Skating's information was incorrect); and/or (2) despite the Potential Disqualifier(s), the “red light” should be overturned. If the individual is appealing under reason (1), then if, in advance of review of the individual's appeal, the individual provides sufficient evidence that he or she is not subject to the relevant disqualifying criteria, U.S. Figure Skating may remove the disqualifier and approve the individual's eligibility without requiring an appeal.

## **Future Application of Background Check Results**

If an individual receives a “red light” under this Policy or the “red light” is upheld through the U.S. Figure Skating Background Check Determination and Appeal Process Policy (if the individual can and does appeal), then that individual's Background Check shall remain a “red light” and they would not be permitted to participate in a position within U.S. Figure Skating that requires a “green light” Background Check going forward.