



United States Biathlon

Safe Sport, Background Screening and Minor Athlete Abuse Prevention Policies

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INTRODUCTION

The U.S. Biathlon Association (“USBA”) is committed to creating a safe and positive environment for athletes and participants involved in the sport of biathlon. It is also committed to creating an atmosphere free of misconduct, including child physical and sexual abuse and other forms of misconduct that do not necessarily involve children. In these Safe Sport and Minor Athlete Abuse Prevention Policies (collectively, the “Policy”) USBA will identify six primary types of misconduct, discuss USBA’s efforts to curb misconduct, enumerate USBA’s safe sport requirements for certain individuals involved with USBA, including specific policies for one-on-one interactions with minor athletes.

USBA reserves the right to amend this Policy from time to time as it deems necessary.

I. DEFINITIONS

Background Screening Criteria and Review Process: means the criteria USBA will use for and the process by which it will assess the findings of an individual's background screen.

Center or USCSS: means the U.S. Center for SafeSport.

Child, children, minor or minor athlete: means anyone under the age of 18. In this policy the terms "child" and "minor" are used interchangeably. For the avoidance of doubt, children/minors cannot consent to conduct of a sexual nature.

Constituents: means the individuals to whom this policy applies as discussed in Section II.A. below.

Delegation Event: means international sporting events as designated by the USOPC, including, but not limited to, the Olympic, Paralympic, Pan American, Parapan American, Youth Olympic Games.

Jurisdiction: means authority or control.

MAAPP: means the minor athlete abuse prevention policies

Misconduct, prohibited conduct: means conduct which results in harm, the potential for harm or the imminent threat of harm. Age is irrelevant to misconduct. There are six primary types of misconduct in sport: emotional, physical and sexual misconduct, bullying, harassment and hazing, which are further discussed in Section B below.

Local Affiliated Organization (LAO): means a regional, state, or local club or organization that is directly affiliated with USBA or that is affiliated with USBA by its direct affiliation with a regional or state affiliate of USBA.

Participants: means anyone who participates in a USBA sport activity through a club or organization (e.g., all athletes, officials or referees).

USOPC: means the U.S. Olympic & Paralympic Committee

Nothing contained in this policy is intended to supercede, replace, or otherwise abrogate the USBA Bylaws, the Ted Stevens Olympic and Amateur Sports Act, or the U.S. Center for SafeSport Code for the U.S. Olympic and Paralympic Movements as updated from time to time.

II. SAFE SPORT POLICY

A. APPLICATION

This Policy applies to the following individuals (collectively, “Constituents”):

- USBA employees, coaches, contracted staff, volunteers, board members, committee and task force members, officials, and other individuals working with athletes or other sport participants while at USBA and/or USOPC conducted activities, whether or not they are employees of the USBA;
- USBA athletes (i) training and/or residing at an Olympic & Paralympic Training Center or USOPC High Performance Training Center, (ii) in the USADA registered testing pool (RTP) and/or (iii) at any USBA and/or USOPC conducted activity and/or USOPC Delegation Event;
- All individuals, athletes or non-athletes USBA (or a LAO) formally authorizes, approves or appoints to (i) serve in a position of authority over, or (ii) have regular contact with athletes; and
- Other individuals agreed by the U.S. Center for SafeSport (the “Center”) and USBA to be within the Center’s jurisdiction.

Notwithstanding the foregoing, the background screening requirements set forth in Section II.C. of this policy may apply to additional individuals wanting or continuing to be involved with USBA.

B. PROHIBITED CONDUCT

Constituents shall refrain from all forms of misconduct, which include:

- Criminal Charges or Dispositions
- Child Abuse
- Bullying Behavior
- Emotional and Physical Misconduct, including Stalking, Bullying, Hazing and Harassment
- Aiding and Abetting
- Misconduct Related to Reporting
- Misconduct Related to the U.S. Center for SafeSport’s Process
- Sexual Misconduct
- Other Inappropriate Conduct
- Violation of Minor Athlete Abuse Prevention Policies / Proactive Policies

All forms of prohibited conduct are intolerable and in direct conflict with the Olympic Ideals.

Definitions of the foregoing, examples and exceptions may be found in the U.S. Center for SafeSport Code <https://safesport.org/files/index/tag/policies-procedures>

Additionally, to the extent a Constituent has regular contact with amateur athletes who are minors, they must abide by USBA's MAAPP located in Section E below.

C. BACKGROUND SCREENING

USBA requires criminal background screening at least every two years for:

- Employees;
- Individuals USBA (or a LAO) formally authorizes, approves or appoints to (1) serve in a position of authority over or (2) have frequent contact with athletes. This shall include, but is not limited to, staff, coaches, judges/officials, board members, coordinators, trainers, local affiliated administrators/directors, medical personnel, independent contractors and volunteers;¹ and
- Assistants, or personal care assistances who are funded, have a contractual obligation with, or are credentialed by USBA, or otherwise have regular contact with USBA athletes;
- All athletes who are selected by USBA to participate in national or international teams or Delegation Events;²
- All athletes that are selected by USBA to train at any Olympic & Paralympic Training Center or USOPC High Performance Training Center;
- Individuals affiliated with the media who are authorized or credentialed by USBA to access a training site or attend a competition run by USBA if such individual has unsupervised one-on-one interactions with athletes; and
- Other individuals who have regular contact with athletes as determined by USBA, in its sole discretion and/or as required by USOPC.

For purposes of clarification, USBA is considered to “formally authorize, approve or appoint” an individual in instances where the USBA has control over the appointment process.

In USBA’s discretion it may bypass this background screening requirement for those people in the Safe Sport Background Screening Pool who are under 18 years of age.

All of the above persons will be collectively referred to as, the “Safe Sport Background Screening Pool”.

As to members of the Safe Sport Background Screening Pool that are attending a USBA conducted activity or Delegation Event, USBA requires background screening prior to the commencement of the activity or event.

¹ Volunteers who only have incidental and observable contact with athletes at events are exempt from this requirement.

² Individuals referenced in this subsection shall have 45 days after reaching the age of majority (18 years of age), to come into compliance with this background screening requirement.

As to members of the Safe Sport Background Screening Pool newly taking a role, the USBA requires background screening prior to the commencement of the new role.

USBA will also perform supplemental (off-year) background screens on the Safe Sport Background Screening Pool.

USBA will track all Safe Sport Background Screening Pool background screening and perform periodic checks to ensure compliance with this policy.

If you have a question about background screening, please contact USBA at info@USBiathlon.org.

Due to the limitations of background screening, it is but one factor USBA will use in assessing the appropriateness of an individual's level of access and/or involvement with USBA. The USBA Background Screen Review Process is set forth on Exhibit A, attached hereto.

D. EDUCATION AND TRAINING

USBA requires safe sport education and training for (a) individuals USBA (or a LAO) formally authorizes, approves or appoints to (1) serve in a position of authority over or (2) have frequent contact with athletes, and (b) all USBA staff (collectively, the "Safe Sport Training Pool"). The training is located at: <https://safesport.org/training>. USBA also encourages all athletes, parents, and anyone else involved in this sport to take the training. If you are under the age of 18, parental consent is required in order to take the training.

As to members of the Safe Sport Training Pool newly taking a role, USBA requires completion of the education and training prior to contact with athletes begins, and in any event within forty-five (45) days of the commencement of the new role. Additionally, to the extent an individual in the Safe Sport Training Pool has regular contact with amateur athletes who are minors, they must abide by the training, timelines and policies set forth in USBA's Minor Athlete Abuse Prevention Policy discussed in Section E below.

ADDITIONAL REQUIREMENT FOR MINOR ATHLETES WHO REACH THE AGE OF MAJORITY AND THEN OBTAIN A POSITION OF AUTHORITY: Minor athletes who reach the age of majority and then obtain a position of authority that presents a power imbalance, such as becoming a coach or official, must also comply with the training, timelines and policies set forth in USBA's Minor Athlete Abuse Prevention Policy discussed in Section E below regardless of the age of the minor athletes with whom they will interact.

USBA will track all Safe Sport Training Pool education and training and perform periodic checks to ensure compliance with this policy.

If you have a question about training, please contact USBA at info@USBiathlon.org.

E. MINOR ATHLETE ABUSE PREVENTION POLICY (“MAAPP”)

1. Education and Training

The following adults at USBA, and LAOs shall complete training concerning child abuse prevention:

- Adult members at USBA or a LAOs who have regular contact with amateur athletes who are minors;
- An adult authorized by USBA or a LAO to have regular contact with or authority over an amateur athlete who is a minor; and
- Adult staff and board members of USBA, or a LAO.³

Core Center for SafeSport Training

The above listed adults are required to complete training concerning child abuse prevention:

- Before regular contact with an amateur athlete who is a minor begins; or
- Within the first 45 days of initial membership, or upon beginning a new role subjecting the adult to this policy.

Refresher Course(s)

A refresher course is required on an annual basis effective the calendar year following the completion of the Core Center for SafeSport Training for each of the above listed adults. Refresher course details will be sent to you by USBA or you can request the same by sending an email to info@USBiathlon.org.

Minor Athletes

USBA will, subject to parental consent, annually offer and give training to members who are minors regarding prevention and reporting of child abuse. USBA will track:

- A description of the training(s);
- The date the training(s) was offered and given; and
- A description of how the training(s) was offered and given.

Exemptions

³ LAOs whose adult staff and board members have no contact with or authority over minor athletes are exempt from this requirement

Exemptions from this Education & Training Policy may be made on a case-by-case basis for victims/survivors. Requests may be made directly to the U.S. Center for SafeSport, ngbservices@safesport.org, or to USBA at info@USBiathlon.org.

USBA will work with individuals with disabilities to satisfy the training requirements herein.

Minor athletes who become adult athletes.

With the exception of athletes who are members of the same team, Minor athletes who reach the age of majority (i.e. 18 years of age) must adhere to the provisions found in the Minor Athlete Abuse Prevention Policies when interacting with minor athletes who are 14 years of age or younger.

Minor athletes who reach the age of majority and then obtain a position of authority that presents a power imbalance, such as becoming a coach or official, must also comply with these prevention policies regardless of the age of the minor athletes with whom they will interact.

2. POLICIES FOR ONE-ON-ONE INTERACTIONS

All individuals that must comply with the MAPP, must also adhere to the below policies for one-on-one interactions.

The majority of child sexual abuse is perpetrated in isolated, one-on-one situations. By reducing such interactions between children and adults, programs reduce the risk of child sexual abuse. However, one-on-one time with trusted adults is also healthy and valuable for a child. Policies concerning one-on-one interactions protect children while allowing for these beneficial relationships.

a. ONE-ON-ONE INTERACTIONS

i. Application

This policy shall apply to:

- Adult members at a facility that is either partially or fully under USBA jurisdiction;
- Adult members who have regular contact with amateur athletes who are minors;
- Any adult authorized by USBA to have regular contact with or authority over an amateur athlete who is a minor; and
- Adult staff and board members of USBA.

(Collectively “Applicable Adult” for the purposes of this policy.)

ii. Observable and interruptible

- One-on-one interactions between a minor athlete and an Applicable Adult (who is not the minor's legal guardian) at a facility partially or fully under USBA jurisdiction are permitted if they occur at an observable and interruptible distance by another adult.
- One-on-one interactions between minor athletes and an Applicable Adult (who is not the minor's legal guardian) at a facility partially or fully under USBA jurisdiction are prohibited, except in the circumstances described in subpart iv. of this section and under emergency circumstances.

iii. Meetings

- Meetings between Applicable Adults and minor athletes at a facility partially or fully under USBA jurisdiction may only occur if another adult is present, except under emergency circumstances. Such meetings must occur where interactions can be easily observed and at an interruptible distance from another adult.
- If a one-on-one meeting takes place in an office at a facility partially or fully under USBA jurisdiction, the door to the office must remain unlocked and open. If available, it will occur in an office that has windows, with the windows, blinds, and/or curtains remaining open during the meeting.

iv. Meetings with mental health care professionals and health care providers

If a mental health care professional and/or health care provider meets with minor athletes at a facility partially or fully under USBA jurisdiction, a closed-door meeting may be permitted to protect patient privacy provided that: (a) the door remains unlocked; (b) another adult is present at the facility; (c) the other adult is advised that a closed-door meeting is occurring; and (d) written legal guardian consent is obtained in advance by the mental health care professional and/or health care provider, with a copy provided to USBA.

v. Individual training sessions

Individual training sessions between Applicable Adults and minor athletes are permitted at a facility partially or fully under USBA jurisdiction if the training session is observable and interruptible by another adult. It is the responsibility of the Applicable Adult to obtain the written permission of the minor's legal guardian in advance of the individual training session if the individual training session is not observable and interruptible by another

adult. Permission for individual training sessions must be obtained at least every six months. Parents, guardians, and other caretakers must be allowed to observe the training session.

b. MESSAGES AND RUBDOWNS/ATHLETIC TRAINING MODALITIES

i. Application

This policy shall apply to:

- Adult members at a facility that is either partially or fully under USBA jurisdiction;
- Adult members who have regular contact with amateur athletes who are minors;
- Any adult authorized by USBA to have regular contact with or authority over an amateur athlete who is a minor; and
- Adult staff and board members of USBA.

(Collectively “Applicable Adult” for the purposes of this policy.)

ii. Massage or rubdown/athletic training modality

Any massage or rubdown/athletic training modality performed at a facility or a training or competition venue must be conducted in an open and interruptible location. Any massage of a minor athlete must be done with at least one other adult present and must never be done with only the minor athlete and the person performing the massage or rubdown/athletic training modality in the room.

c. LOCKER ROOMS AND CHANGING AREAS

i. Application

This policy shall apply to:

- Adult members at a facility that is either partially or fully under USBA jurisdiction;
- Adult members who have regular contact with amateur athletes who are minors;
- Any adult authorized by USBA to have regular contact with or authority over an amateur athlete who is a minor; and
- Adult staff and board members of USBA.

(Collectively “Applicable Adult” for purposes of this policy.)

ii. Non-exclusive facility

If USBA organization uses a facility not fully under USBA jurisdiction (for, e.g., training or competition or similar events) and the facility is used by multiple constituents, Applicable Adults in categories 1 through 4 are nonetheless required to adhere to the rules set forth herein.

iii. Use of recording devices

Use of any device's (including a cell phone's) recording capabilities, including voice recording, still cameras and video cameras in locker rooms, changing areas, or similar spaces at a facility under USBA's jurisdiction is prohibited. Exceptions may be made for media and championship celebrations, provided that such exceptions are approved by USBA or the LAO and two or more Applicable Adults are present.

iv. Undress

Under no circumstances shall an unrelated Applicable Adult at a facility under USBA's jurisdiction intentionally expose his or her breasts, buttocks, groin, or genitals to a minor athlete.

v. One-on-one interactions

- Except for athletes on the same team, at no time are unrelated Applicable Adults permitted to be alone with a minor athlete in a locker room or changing area when at a facility under USBA's partial or full jurisdiction, except under emergency circumstances.
- If USBA is using a facility that only has a single locker room or changing area, we will designate separate times for use by Applicable Adults, if any.

vi. Monitoring

USBA regularly and randomly monitors the use of locker rooms and changing areas at facilities under USBA jurisdiction to ensure compliance with these policies.

d. SOCIAL MEDIA & ELECTRONIC COMMUNICATIONS

i. Application

This policy shall apply to:

- Adult members who have regular contact with amateur athletes who are minors;
- Any adult authorized by USBA to have regular contact with or authority over an amateur athlete who is a minor; and
- Adult staff and board members at USBA.

(Collectively "Applicable Adult" for the purposes of this policy.)

ii. Content

All electronic communication originating from Applicable Adults to minor athletes must be professional in nature.

ii. Open and transparent

- Absent emergency circumstances, if an Applicable Adult with authority over minor athletes needs to communicate directly with a minor athlete via electronic communications (including social media), another Applicable Adult or the minor's legal guardian will be copied.
- If a minor athlete communicates to the Applicable Adult (with authority over the minor athlete) privately first, said Applicable Adult should respond to the minor athlete with a copy to another Applicable Adult or the minor's legal guardian.
- When an Applicable Adult with authority over minor athletes communicates electronically to the entire team, said Applicable Adult will copy another adult.
- Minor athletes may "friend" the organization's official page.

iii. Requests to discontinue

Legal guardians may request in writing that their minor athlete not be contacted through any form of electronic communication by USBA or by the Applicable Adults subject to this policy. USBA will abide by any such request that their minor athlete not be contacted via electronic communication, absent emergency circumstances.

e. LOCAL TRAVEL

Local travel consists of travel to training, practice, and competition that occurs locally and does not include coordinated overnight stay(s).

i. Application

This policy shall apply to:

- Adult members who have regular contact with amateur athletes who are minors;
- Any adult authorized by USBA to have regular contact with or authority over an amateur athlete who is a minor; and
- Adult staff and board members at USBA.

(Collectively "Applicable Adult" for the purposes of this policy.)

ii. Transportation

Applicable Adults who are not also acting as a legal guardian, shall not ride in a vehicle alone with an unrelated minor athlete, absent emergency circumstances, and must have at least two minor athletes or another adult at all times, unless otherwise agreed to in writing by the minor athlete's parent/legal guardian in advance of each local travel.

f. TEAM TRAVEL

Team travel is travel to a competition or other team activity that USBA plans and supervises.

i. Application

This policy shall apply to:

- Adult members who have regular contact with amateur athletes who are minors;
- Any adult authorized by USBA to have regular contact with or authority over an amateur athlete who is a minor; and
- Adult staff and board members at USBA.

(Collectively "Applicable Adult" for the purposes of this policy.)

ii. Team/competition travel

When only one Applicable Adult and one minor athlete travel to a competition, the minor athlete must have his/her legal guardian's written permission in advance and for each competition to travel alone with said Applicable Adult.

iii. Hotel rooms

Applicable Adults shall not share a hotel room or other sleeping arrangement with a minor athlete (unless the Applicable Adult is the legal guardian, sibling, or is otherwise related to the minor athlete). However, a parent/legal guardian may consent to such an arrangement in advance and in writing. Furthermore, a parent/legal guardian may consent in advance and in writing to the minor athlete sharing a hotel room or other sleeping arrangement with an adult athlete.

iv. Meetings

Meetings shall be conducted consistent with the organization's policy for one-on-one interactions (i.e., any such meeting shall be observable and interruptible).

E. INVESTIGATION AND RESOLUTION AUTHORITY/ U.S. CENTER FOR SAFESPORT

USBA and its Constituents are subject to the U.S. Center for SafeSport (the “Center”) Code <https://safesport.org/files/index/tag/policies-procedures>.

The Center has the exclusive jurisdiction to investigate and resolve allegations of sexual misconduct of a Constituent.

The Center also has discretionary jurisdiction to investigate and resolve allegations of other forms of abuse and any prohibited conduct under the Code.

If the Center does not have exclusive jurisdiction or take discretionary jurisdiction over a matter, it will fall within USBA’s jurisdiction to address. Employee/volunteer matters will be handled pursuant to employee policies and procedures, and issues falling under the Ted Stevens Olympic and Amateur Sports Act (the “TSOASA”) will, after a preliminary determination (described below), be handled pursuant to the Hearing Procedures in the USBA Bylaws (Chapter 32).

Preliminary Determination

On receipt of a disclosure and/or other information alleging misconduct, if the USBA CEO or Chairman of the Board is satisfied, in the exercise of his or her discretion, that there is a sufficient reasonable, reliable and persuasive evidence to support the complaint alleging emotional, physical or sexual misconduct, he or she shall notify the Review Panel. The Review Panel will consist of the CEO or his/her designee, the Chair of the USBA Board of Directors or his/her designee, the Chair of the Ethics Committee, the USBA AAC representative, and legal counsel as determined by the Chair of the Board. The review panel shall determine if a Grievance exists and recommend either that the CEO attempt to resolve the matter informally as outlined in Chapter 31, Section 10 of the USBA Bylaws or whether the matter requires referral to the Hearing Committee and creation of a Hearing Panel as described in Chapter 32 of the USBA Bylaws (a summary of which is below – nothing contained therein is intended to supercede, replace or otherwise abrogate the USBA Bylaws).

Minor Witnesses

If the complainant/alleged victim(s) is a minor, the investigator’s or other fact-finder’s report may substitute for the minor witness’s direct testimony, provided that the accused had an opportunity to present and respond to relevant information collected during the investigation and before the report was transmitted to the Review Panel (discussed above).

The Hearing Panel may proceed in the accused individual’s absence if it cannot locate the individual or if the individual declines to attend the hearing.

Sanctions

Any sanctions imposed by the Hearing Panel against the individual will be proportionate and reasonable, relative to the content that is found to have occurred. The decision regarding the appropriate sanction shall be up to the panel deciding each complaint. In imposing a sanction, the Review Panel shall consider:

- a) The seriousness of the offense or act;
- b) The age of the accused individual and alleged victim when the offense or act occurred;
- c) Any information produced by the accused individual, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct;
- d) Whether the individual poses an ongoing concern for the safety of USBA athletes and participants; and
- e) Any other information, which in the determination of the Panel, bears on the appropriate sanction.

Sanctions may range from a warning and a reprimand to suspension from sport involvement with USBA for a period of time. Suspensions from sport involvement with USBA may be temporary or permanent. The most severe sanction possible to impose will be permanent suspension from sport involvement and expulsion from USBA activities and facilities. In the event that the allegation is made against an athlete, the Hearing Panel will communicate its findings to USOPC for a determination concerning continued access to an OTC.

USBA may maintain a publicly-available list of those individuals who have been sanctioned by the Center, the USOPC and/or USBA.

G. REPORTING

Every Constituent must report reasonable suspicions or allegations of: (1) violations of this Policy and (2) child physical or sexual abuse to either the Center or USBA as set forth below.

USBA also encourages member parents, athletes and other sport participants to communicate violations of the Policy and/or allegations and suspicions of misconduct.

All cases of suspected emotional, physical or sexual abuse of a minor (under the age of 18) must be reported to law enforcement immediately. Filing a report with the Center and/or USBA does not satisfy this obligation.

Please report all issues falling within the Center's authority (see, Section II.E., above) to the Center.

TO REPORT TO THE U.S. CENTER FOR SAFESPORT - CLICK:
<https://safesport.org/report-a-concern>

Please report all issues falling outside of the Center's authority to USBA.

TO REPORT TO USBA complete an Incident Report Form, which may be found online at our Safe Sport page under point 4. Report by following this URL:
<http://www.teamusa.org/US-Biathlon/Resources/SafeSport>

In the event you file with USBA and the issue is not within its jurisdiction, USBA will forward the report falling under the Center's jurisdiction to the Center. USBA will address all other matters.

REPORTING TO EITHER THE CENTER OR USBA MAY BE MADE ANONYMOUSLY.
However, an anonymous report may limit USBA's ability to investigate and respond to a report. Thus, USBA strongly encourages those making a report to provide their name and contact information.

THERE ARE NO FILING FEES ASSOCIATED WITH INITIATING A REPORT.

All suspicions/allegations of child physical or sexual abuse will be reported to the appropriate law enforcement authorities. As a matter of policy, USBA does not investigate suspicions/allegations of child physical or sexual abuse or attempt to evaluate the credibility or validity of such allegations as a condition for reporting to the appropriate law enforcement authorities.

H. WILLFULLY TOLERATING MISCONDUCT

It is a violation of this Policy if a Constituent knows of misconduct, but does not report the issue as set forth in this Policy.

I. CONFIDENTIALITY, NO RETALIATION AND BAD-FAITH ALLEGATIONS

Confidentiality

To the extent permitted by law, and as appropriate, USBA will keep confidential the complainant's name on request, not make public the names of potential victims, the accused perpetrator or the people who made a report of child physical and sexual abuse to the authorities.

No Retaliation

Regardless of outcome, USBA will support the complainant(s) and his or her right to express concerns in good faith. USBA will not encourage, allow or tolerate attempts from any individual to retaliate, punish, allow or in any way harm any individual(s)

who reports a concern in good faith. Such actions against a complainant will be considered a violation of this Policy and grounds for disciplinary action. Any allegations of retaliation should be reported using the same process as for reporting an initial concern.

Bad-Faith Allegations

A report of abuse, misconduct or policy violations that is malicious, frivolous or made in bad faith is prohibited. Such reports will be considered a violation of this Policy and grounds for disciplinary action. Depending on the nature of the allegation, a person making a malicious, frivolous or bad-faith report may also be subject to civil or criminal proceedings.

J. INTERIM MEASURES/SUSPENSION BEFORE FINAL RESOLUTION

If the reported complaint indicates that a Constituent's continued employment, membership or participation poses a material risk of ongoing physical or emotional harm, USBA may institute interim measures and/or preliminarily suspend the accused individual pending final resolution of the complaint to eliminate any potential for danger to an athlete, sport participant or other individual. Except for employee/volunteer issues (over which USBA has absolute discretion), where the measure materially affects the right to participate (e.g., suspension) USBA will provide the Constituent with notice and offer her/him an opportunity to contest the suspension.

Interim measures may include, but are not limited to, measures such as: altering training schedules, providing or requiring chaperones, implementing limitations on contact and/or one-on-one interactions, suspensions, etc. USBA may modify an interim measure at any time. The Constituent to whom the interim measure applies may be required to arrange and pay for some or all of the measures.

For the purposes of this Policy, a suspension from sport involvement shall mean that for the duration of the period of suspension, the accused individual may not participate in any capacity or in any role in the business, events, or activities of USBA. In the event that the allegation is made against an athlete, USBA will communicate its findings to USOPC for a determination concerning continued access to an OTC.

K. APPEAL RIGHT

Any Ted Stevens Olympic and Amateur Sports Act suspension before final resolution may be appealed to the American Arbitration Association (AAA) at the written request of the accused individual within 20 days of the suspension as further detailed in Chapter 32, Section 8 of the USBA Bylaws.

EXHIBIT A
Background Screening Criteria and Review Process

Background Screening Criteria

Full background screens will include at least 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;
- SafeSport Disciplinary Records;
- Comprehensive International Records search 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 position).

Supplemental (off-year) background screening will include at least the following search components:

- Multi-Jurisdictional criminal database covering 50 states plus DC, Guam and Puerto Rico;
- Sex Offender Registry database searches of all available states, plus DC, Guam and Puerto Rick; and
- SafeSport Disciplinary Records.

Background screening for media personnel, and those that must be conducted by third-party vendors/contractors, will be conducted using a name-based or fingerprint-based record search in any combination that shall include at least:

- Social Security Number validation;
- 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; and
- SafeSport Disciplinary Records.

Background Screening Review Process

USBA initiated background screening that result in a report of a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty,⁴ for any of the below criminal offenses will be subject to USBA's determination as to the individual's level of access and involvement in USBA:

1. Any felony;⁵ and
2. Any misdemeanor involving:
 - a. All sexual crimes, 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, indecent exposure, public indecency, and any sex offender registrant;⁶
 - b. Any drug related offenses;
 - c. Harm to a minor and vulnerable person, including, but not limited to, offenses such as child abandonment, child endangerment/neglect/abuse, contributing to the delinquency of a minor, and DUI with a minor;
 - d. Violence against a person (including crimes involving firearms and domestic violence);
 - e. Stalking, harassment, blackmail, violation of a protection order and/or

⁴ 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.

⁵ For purposes of these procedures, the term "felony" shall refer to any criminal offense punishable by imprisonment for more than one year.

⁶ Any participant that has been convicted of, received an imposition of a deferred sentence for, or any plea of guilty or no contest for any sexual crime, criminal offense of a sexual nature, and/or is a sex offender registrant must report this to USBA. USBA will report the same to USOPC.

threats;

- f. Destruction of property, including arson, vandalism, and criminal mischief; and
- g. Animal abuse or neglect.

Background Screening Procedures

A. Individuals will receive two separate Green Light/Red Light notifications: one for their criminal check and one for their driving history check (if applicable). In the event of a Red Light, USBA's background screening provider will send an adverse action letter to the individual.

B. After receiving notification of a Red Light Review, the USBA Review Panel will determine if and to what degree the individual will be: (a) affiliated with the USBA, (b) granted access to an Olympic Training Center, (c) permitted to participate in a Delegation Event, or (d) granted driving privileges in accordance with the Background Screening Policy and these procedures.

C. USBA will notify the USOPC of any decision reached by USBA, which has the effect of allowing an individual covered by USBA's Background Screening Policy to reside, train or compete at an Olympic Training Center or participate in a Delegation Event, if the individual's background screen was flagged for any disposition or resolution of a criminal proceeding, other than an adjudication of not guilty for any of the below crimes:

Any felony involving:

1. Violence against a person within the previous ten (10) years;
2. Violent crimes involving weapons (including armed robbery and aggravated assault with a weapon) within the previous ten (10) years; and
3. Animal abuse, cruelty or neglect.

As well as any felony or misdemeanor involving:

4. 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);
5. 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

6. 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.

Background Screening Review Panel

USBA's Background Screening Review Panel shall consist of the following people:

1. USBA CEO;
2. USBA High Performance Director; and
3. Athlete Representatives as determined by the USBA AAC representative to adhere to the athlete representation requirement.

A. The USBA Review Panel will conduct a hearing. The individual will be notified of a specific date and time so that they may participate if they wish.

Unless the Review Panel requires the individual to attend the hearing in person, the individual may appear by telephone conference call. The individual has the right to be represented by legal counsel at the hearing.

At the hearing the individual will be allowed to present any evidence or argument that he or she wishes the Review Panel to consider. The Review Panel may require that documentary evidence and the names of any witnesses be disclosed prior to the hearing, th internal and/or external medical expertise.

Upon the request of the individual, and if it is necessary to expedite the proceeding in order to resolve a matter relating to training or a competition that is scheduled, the Review Panel may render an expedited determination.

B. A determination of the individual's involvement with USBA will be made based on a majority vote of the Review Panel and may include interim measures. In rendering its finding, the Review Panel shall consider the following:

1. The legitimate interest of USBA in providing a safe environment for athletes and other individuals involved in the sport;
2. The seriousness of the criminal offense or act;
3. The time which has elapsed since the occurrence of the criminal offense or act;
4. The age of the person at the time of occurrence of the criminal offense or act;
5. The bearing, if any, the criminal offense or act has on the individual's ability to perform the necessary functions of their role or otherwise be a representative of the

USBA;

6. Any information produced by the individual, or produced on behalf of the individual with respect to the individual's rehabilitation and good conduct;

7. Any voluntary restrictions on access proposed by the individual;

8. Any other information, which in the determination of the Review Panel, would bear on whether or not the individual should represent USBA.

C. The Review Panel will communicate its finding to the individual. If the individual disagrees with the finding of the 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 Review Panel's decision. A decision rendered by the AAA shall be final and binding on all parties.

Payment Information

In cases where the USBA: (a) directly assigns or nominates an individual to serve in a Delegation Event role or to be a member of the official Games Delegation, or (b) USBA staff, payment for the background screening will be the responsibility of USBA or other third party. In all other instances, payment for the background screening will be arranged by the individual.