



## USA Triathlon Background Check Policy

### I. Background

USA Triathlon is committed to the safety of athletes and participants involved in sport. USA Triathlon conducts background checks in order to i) foster a safe environment at the Olympic, Paralympic, Pan American, Parapan American, Youth Olympic Games and other international sporting events; ii) create a safe living, training, and competition environment for athletes and other individuals associated with USA Triathlon; and iii) protect persons at risk, including, but not limited to, minors and vulnerable adults.

### II. Application

This policy applies to the following groups and individuals that are 18 years of age or older (“Covered Individuals”):<sup>1</sup>

1. Employees
2. Members of the Board of Directors
3. Officials
4. Coaches
5. National Team Program athletes
  - i. including, but not limited to, guides, training partners and athlete alternates
6. Development Team athletes
7. Athletes and/or staff attending a “Major Games” event
8. Athletes training at any Olympic & Paralympic Training Center, a high-performance training center or USA Triathlon training site<sup>2</sup>
9. USA Triathlon authorized individuals who have regular contact with athletes who participate in a USA Triathlon funded program<sup>3</sup> or who have authority over those athletes
  - i. including, but not limited to coaches, massage therapists, bike mechanics, medical providers, volunteers and any other independent contractor engaged to work for High Performance initiatives or with those athletes
10. Media authorized by USA Triathlon to have private, one-on-one interactions with athletes

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<sup>1</sup> “Covered Individuals” includes prospective Covered Individuals.

<sup>2</sup> Excluding international athletes who are using the training centers less than 14 days

<sup>3</sup> Defined as non-age group athletes, as the policy is *not* intended to cover “adult recreational participants.” The term “regular” is defined as “contact, which is more than incidental and observable, with an athlete at least once every two weeks.”

Any individual who, but for their age, would fall under this background check policy must undergo a background check within thirty days after turning 18.

### **III. Procedure**

Background checks are performed by National Center for Safety Initiatives (“NCSI”). Checks shall be completed prior to any new change in role of Covered Individuals. NCSI will perform a comprehensive background check every other year unless otherwise required by law. On off-years, NCSI will perform a supplemental background check.

USA Triathlon will send background check directions by email to Covered Individuals. They shall submit a background check waiver and release form to NCSI.

NCSI shall conduct the following searches on each individual:

1. Social Security Number validation
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 the district(s) where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable based on the name and address the Individual provides and the developed address history records
5. County Criminal Records for the county (or counties) 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 based on the name and address the Individual provides and the developed address history records
6. Two Sex Offender Registry database searches of all available states, plus DC, Guam, and Puerto Rico
7. Multiple National Watch Lists
8. 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

All searches conducted above shall cover (i) the last (7) seven years of history, (ii) the longest period available if information is not available for seven (7) years or (iii) the longest period allowed by applicable law, if less than seven (7) years.

NCSI shall provide the results in the following way:

Red Light (Flagged) /Green Light (Clear). NCSI shall inform USA Triathlon, based on information from databases (and subsequently verified) and other searches performed at the request of USA Triathlon, as to whether:

- 1) a Covered Individual’s record(s) is Green Light (Clear); or,
- 2) a Covered Individual’s record(s) does contain a potentially disqualifying offense(s) from the above search criteria resulting in a Red-Light (Flagged) determination by NCSI

#### **IV. Potentially Disqualifying Information**

A reportable record or disclosure that contains a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty, for any of the below criminal offenses will be flagged as a Red-Light, meaning it does not meet the initial screening criteria of USA Triathlon, and the individual will be subject to the USA Triathlon's policies and procedures to determine eligibility:

1. Any felony
  - a. Defined as all crimes punishable by greater than one year in jail or prison, regardless of how characterized by jurisdiction. If range, alternate sentencing, or indeterminate sentencing with an outer range greater than one year
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
3. Any drug related offenses
4. 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, and DUI with a minor
5. Violence against a person, force, or threat of force (including crimes involving a deadly weapon and domestic violence)
6. Stalking, harassment, blackmail, violation of a protection order, and/or threats
7. Destruction of property, including arson, vandalism, and criminal mischief and
8. Animal abuse, cruelty, or neglect

Even if a Covered Individual passes a background check, USA Triathlon may determine that a Covered Individual is disqualified and prohibited from participation with USA Triathlon and/or the position they hold or seek to hold if the Covered Individual has:

1. Been held liable for civil penalties or damages involving sexual or physical abuse
2. Been subject to any court order involving any sexual or physical abuse, including but not limited to domestic order or protection
3. A history with another organization (employment, volunteer, etc.) of complaints of sexual or physical abuse
4. Resigned, been terminated or been asked to resign from a position – paid or unpaid – due to complaint(s) of sexual or physical abuse
5. Failed to disclose an offense as required under the Affirmative Duty to Disclose or Full Disclosure provisions above

6. Any criminal history constituting a disqualifier or potential disqualifier, discovered through other than a routine background check
7. A sanction, whether permanent or temporary, imposed by the U.S. Center for SafeSport or USA Triathlon.

## **V. Confidentiality**

USA Triathlon shall maintain the confidentiality of all information related to an individual's background check communicated by NCSI. However, USA Triathlon may disclose background check information to authorized persons who need to know such information in order to fulfill their responsibilities related to the background search and review process. For example, authorized persons include, but are not limited to the USOPC, U.S. Center for SafeSport and recognized sport organizations. These organizations agree to maintain the confidentiality of any shared background check information.

## **VI. Full Disclosure**

Covered Individuals subject to this Policy have an affirmative duty to disclose their criminal history. Failing to disclose or intentionally misrepresenting an arrest, plea or conviction history is grounds for status revocation or restriction, regardless of when the offense is discovered. All disclosures must immediately be made to USA Triathlon at [safesport@usatriathlon.org](mailto:safesport@usatriathlon.org). Covered Individuals do not need to disclose arrests in which charges were not filed, charges were dismissed, or the individual was acquitted; however, individuals are required to disclose "non-convictions" involving deferred sentences, deferred adjudications or other similar dispositions. Criminal history that is disclosed under this requirement, or otherwise made known to USA Triathlon, will be treated the same as information revealed through a criminal background check, and is subject to review against the factors outlined above in Section IV.

If a Covered Individual is accused, arrested, charged, indicted or convicted of a crime other than a traffic offense during the application process, they are required to disclose such information immediately.

Any Covered Individuals who have been banned or suspended by another sport organization, as temporarily or permanently ineligible, must self-disclose this information. A failure to disclose is a basis for disqualification.

## **VII. Appeals**

Any disqualified Covered Individual has the right to dispute the findings of the background check directly with NCSI. Disqualified individuals who wish to appeal their background check result may utilize the hearings and appeals process contained in Article XI of USA Triathlon's Bylaws, including payment of the \$250 fee.