

USA Weightlifting Background Check Appeal Policy  
Approved 31 August 2019

**Purpose**

USA Weightlifting wishes to ensure a safe environment for its participants. In most cases, except those described below, a 'RED LIGHT' finding from USA Weightlifting's background check provider will be considered final (subject to the individual's right to dispute inaccuracies directly with the background check provider). A 'RED LIGHT' finding means that the individual will not be able to participate in a role requiring a background check (and is ineligible for such role), unless the individual successfully appeals the finding pursuant to this Policy.

Athlete background checks under USA Weightlifting's Selection policies are addressed separately in the Selection policies. This Policy, and any decisions of a hearing panel hereunder, do not apply to events that are governed by the United States Olympic & Paralympic Committee, such as, by way of example and not limitation, the Olympic Games.

**Red Light Finding**

A RED LIGHT finding means a red light finding pursuant to USA Weightlifting's background check policies, as stated here: <https://www.teamusa.org/USA-Weightlifting/Coaching/Criminal-Records-Screening-Program>.

Any RED LIGHT which is also a violation of the U.S. Center for SafeSport's policies and procedures will also be reported to the U.S. Center for SafeSport.

**Appealable Red Light Findings**

An individual may apply to USA Weightlifting for a review of a RED LIGHT, except that no reviews shall be provided for the following:

Any conviction, deferred sentence or adjudication, or guilty plea or no contest at any time, or charge (a diversion agreement will be considered a charge unless and until the agreement is fulfilled and the charge(s) dismissed), for any of the following (or an attempt thereof):

1. Any felony involving:
  - a. Murder or homicide;
  - b. Violent sex crimes, including rape and sexual abuse or assault;
  - c. Rape;
  - d. Sex crimes involving minors;
  - e. Child endangerment, neglect, abuse, or assault;
  - f. Violent crimes involving weapons (e.g., armed robbery, assault involving a weapon);
  - g. Animal abuse, cruelty, or neglect;
  - h. Violence against a person in the last ten (10) years;
  - i. Other crimes involving harm to a minor;
  - j. Drug use or possession within the previous ten (10) years;
  - k. Other drug related crimes including distribution, intent to distribute, manufacturing, trafficking, or sale within the previous ten (10) years.
2. Any misdemeanor involving:

- a. Violent sex crimes, including rape and sexual assault;
  - b. Rape;
  - c. Sex crimes involving minors;
  - d. Child endangerment, neglect, abuse, or assault;
  - e. Violence against a person in the last ten (10) years;
  - f. Other crimes involving harm to a minor;
  - g. Animal abuse, cruelty, or neglect;
  - h. Drug use or possession within the previous ten (10) years;
  - i. Other drug related crimes including distribution, intent to distribute, manufacturing, trafficking, or sale within the previous ten (10) years.
3. Registration as a sex offender in any jurisdiction.

### **Appeal Process**

An application for review of a RED LIGHT other than those excluded from review, above, may be filed with USA Weightlifting within ten (10) days of the individual's notification of the RED LIGHT from the background check provider. An application for review shall be heard by a hearing panel, which must be comprised of the following:

- An individual appointed by the Chief Executive Officer, with the consent of the USA Weightlifting Board of Directors, who will also act as the Chair of the panel. Such an individual ought typically to have legal training. This individual will be of the opposite gender if both the Athlete Representative and Coach Representative are of the same gender as each other.
- USA Weightlifting's Representative to the USOPC Athlete Advisory Council (or, in the event of a conflict of interest – the alternate representative, and in the event of continued conflict the other Athlete Representative to the USA Weightlifting Board of Directors).
- USA Weightlifting's Chair of the USA Weightlifting Coaching Committee (or, in the event of a conflict of interest, the Board of Directors represented to the Coaching Committee).

The individual must formally request a hearing in a letter to [usaw@usaweightlifting.org](mailto:usaw@usaweightlifting.org) outlining the basis for their appeal of the determination that the RED LIGHT renders them ineligible.

The hearing panel must have available to them:

- The fullest criminal record available (to be provided by the individual).
- The individual's statement regarding the RED LIGHT.
- Any other documentation that the hearing panel may request.

The individual will be called in front of the panel at a time of the panel's convenience, but no later than thirty (30) days after submission of the application for review. The individual has the right to have counsel present and additionally to call any witnesses. The panel may limit witness testimony as appropriate. Hearings shall be telephonic.

The panel may consider the following factors in determining whether to overturn the determination of ineligibility based on the RED LIGHT:

1. The interest in providing a safe environment for USA Weightlifting minors and other participants.

2. The seriousness of the criminal offense or act, particularly as it pertains to participation in the sport of Weightlifting.

3. The time that has elapsed since the offense.

4. The age of the person at the time of the offense or act.

5. The bearing, if any, the offense has on the individual's ability to perform the functions of their role or otherwise to be a representative of USA Weightlifting.

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 restrictions placed upon the individual.

8. Any other information presented by or acquired by the panel pertaining to the offense and the character of the individual.

The panel will have the over-riding concern of the safety of fellow USA Weightlifting participants at all times.

Any decision by the panel to allow an individual to participate with USA Weightlifting in spite of a RED LIGHT shall be by unanimous vote.

A report of each decision will be kept by USA Weightlifting in order to provide for precedent.