

SECTION 4 SCREENING AND BACKGROUND SCREEN PROGRAM

SECTION 4.1 BACKGROUND SCREEN OVERVIEW

USA Track & Field (USATF) is committed to providing a safe and healthy environment in which our members can participate. Background screens have been implemented by USATF to:

1. Help promote a safe, nurturing, and supportive athletic environment in which athletes can pursue their athletic goals;
2. Provide an environment where parents can feel good about allowing their child to participate in the sport of track and field by providing a critical layer of scrutiny for those with contact with athletes; and
3. Maintain the sport of track and field as an environment that discourages the presence of those who would seek to harm athletes.

USATF background screens are valid for two (2) years. USATF's background screening program contains an annual recheck. For the two-year period your background screening authorization is valid, this recheck will automatically occur on or around the 12-month anniversary date of your initial background screening registration. This recheck keeps USATF's program current and up-to-date without the need for you to re-register with NCSI every year. The USATF background screen is not intended to serve as a pre-employment background-screening program, nor can screening guarantee that incidents of abuse by coaches/volunteers will not occur. Background screening is designed as a preventative risk management tool but does not ensure inappropriate behavior will not occur.

USATF currently requires those members who need to be USATF 3-Step Safe Sport Compliant to complete a USATF background screen. These individuals must have a USATF membership, have successfully completed the appropriate USATF background screen, and have successfully completed SafeSport training before having contact with athletes, and in any event, within forty-five (45) days of assuming such position within USATF. If any such individual does not pass the screen (using the criterion further detailed herein), said individual will **NOT** be permitted to serve USATF in such capacity. Please note, the USATF background screen does not apply to individuals younger than 18 years of age. Members only need to complete one screening type in order to be eligible to participate in roles that require USATF 3-Step Safe Sport Compliance.

Additionally, an individual is ineligible to serve in a leadership role with USATF if s/he ever was suspended for a specified period of time and served a period of ineligibility directly or indirectly related to a SafeSport Code violation as defined by the U.S. Center for SafeSport or by any National Governing Body. For the sake of clarity, this does not include a provisional or interim suspension or a written warning or period of probation (unless said interim suspension included a term that disallowed the individual to hold a leadership position).

The type of screen that is available on USATF Connect and a description of who should

complete this screening type is below:

Type of Screen	Description of who should complete screen
USATF Staff/BOD/Athlete Representative	A staff member of the USATF National Office, member of the USATF Board of Directors, or a member applying to be a USATF athlete representative. *
Coach/Official/Volunteer/Vendor	A member of USATF applying to be a coach (both youth coach and elite coach), applying to be a USATF certified official, applying to volunteer with a USATF club, USATF event (or who otherwise will have access to USATF athletes), or a supplier (individual or company) that sells goods or provides services at USATF events. *
Elite Athlete	A USATF athlete (aged 18 years of age and older) who has been selected for a USATF national team or currently holds a leadership position; athletes who access or train at the Olympic Training Sites (such as CVEATC). *
Medical	An individual member who is applying to provide medical support, assistance, or services to a USATF athlete or at a USATF event. *
MVR	A motor vehicle screen for a USATF member in a leadership role who is approved to drive a USATF owned or rented vehicle.

** International background screening is required for those who currently live or have resided outside the United States for more than six (6) consecutive months in any one country during the last seven (7) years. To the extent additional international background screening costs may be incurred, those international screening costs will be borne by the applicant unless previously approved by USATF.*

BACKGROUND SCREENING INSTRUCTIONS

Detailed instructions for completing a USATF background screen can be found at: <https://www.usatf.org/safesport/background-screening>.

SCREENING PROVIDER

USATF has selected the [National Center for Safety Initiatives](#) (NCSI) to conduct background

screens. NCSI is a full-service screening organization that works in accordance with the recommended guidelines established by the National Council on Youth Sports (NCYS) and is the provider recommended to all National Governing Bodies by the United States Olympic and Paralympic Committee (the “USOPC”).

In addition to conducting the background screen, NCSI is responsible for interpreting the search results, communicating with the applicant regarding the search results, and reporting to USATF the determination based on the search results. NCSI is also responsible for complying with the Fair Credit Reporting Act and maintaining the confidentiality of information obtained in the background check process. If you have any questions or problems, please call NCSI at 866-996-7412 (Option 2) or by email at support@ncsisafe.com.

NCSI provides a comprehensive search with the assurance of the highest quality information available, and they work confidentially with each client. NCSI screens for criminal convictions, sex offender registrations, and pending criminal cases. Screening includes identity verification, two independent multi-jurisdictional criminal database searches, multiple national watch lists including an OFAC terrorist database search, two sex offender registry database searches, and at least one county search of residency within the last seven years.

SEARCH COMPONENTS

Background checks shall include the following searches on each individual:

1. Social Security Number validation;
2. Name and address history records verification;
3. Two independent Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;
4. Federal District Courts searches 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 searches 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 List searches;
8. Comprehensive International Records search for individuals who have lived outside of the United States for six consecutive months in any one country, during the past seven years; and,
9. Professional license/certification verification for certain medical roles.

BACKGROUND SCREEN FINDINGS & NOTIFICATION

NCSI will issue results to the applicant and USATF based on an “Ineligible/Flagged/Clear” determination system. A “Clear” finding indicates an individual “meets the criteria” and is suitable for participation in USATF with regard to the background screen. A “Flagged” or “Ineligible” finding means the individual “does not meet the criteria” and is potentially not suitable for participation in USATF with regard to the background screen component. If NCSI has questions concerning a background screen, the applicant will be contacted by NCSI and provided the opportunity to correct potential errors in the applicant’s record or provide additional information prior to issuing a “Flagged” or “Ineligible” determination. In such situations, USATF may also be notified.

NCSI shall notify USATF of “Clear”, “Flagged” and “Ineligible” findings. Upon receiving notification of a “Flagged” or “Ineligible” finding, USATF will not allow the identified person to participate with USATF in a position that requires USATF 3-step Safe Sport Compliance. Any “Flagged” or “Ineligible” findings based on sexual misconduct or child abuse may be reported to the U.S. Center for SafeSport.

SCREENING CRITERIA

FLAGGED BASED ON CRITERION

A reportable record or disclosure that contains a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty¹, or the existence of pending charges, for any of the below criminal offenses will “**flag**” an applicant’s records for further review:

- All felonies (any criminal offense punishable by imprisonment for more than one (1) year; no time bar)
- Any misdemeanors involving:
 - All sexual crimes, criminal offenses of a sexual nature to included 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 (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 be reported to the U.S. Center for SafeSport);
 - Any drug related offenses;
 - Harm to a minor, 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;
 - Violence against a person, force, or threat of force (including crimes involving

¹ For purposes of this policy, 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.

- deadly weapons and domestic violence);
- Stalking, harassment, blackmail, violation of a protection order and/or threats;
- Destruction of property, including arson, vandalism, and criminal mischief; and
- Animal abuse, cruelty, or neglect

Any individual who has a “Flagged” finding will not be eligible to participate with USATF unless the individual successfully appeals such determination, as outlined herein.

INELIGIBLE BASED ON A CRITERION

Convictions for, disclosures of convictions for, and pending dispositions for any of the following crimes, and registrations or sanctions, or disclosures for any listed registrations or sanctions, will prompt a determination that an applicant is “**ineligible**” and does not meet the criminal background screening criteria:

- Any felony involving violence against a person within the previous ten (10) years;
- Any felony involving violent crimes involving weapons (including armed robbery and aggravated assault with a weapon) within the previous ten (10) years;
- Any felony involving animal abuse, cruelty, or neglect;
- Any felony or misdemeanor involving all sexual crimes and criminal offenses of a sexual nature to including, 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);
- Any felony or misdemeanor involving 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
- Any felony or misdemeanor involving harm to a minor, 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.
- Any individual that discloses that they are not in good standing (sanctioned) with the United States Anti-Doping Agency (USADA).

“Ineligible” determinations are not appealable.² Any individual who has an “Ineligible” determination will not be eligible to participate with USATF in any role that requires USATF 3-Step Safe Sport Compliance.

FULL DISCLOSURE & ONGOING OBLIGATION

Once an individual has successfully met USATF’s background screening criteria, the individual will be considered in good standing (as it pertains to the background screen component of the USATF 3-Step Safe Sport Compliance requirements) until the expiration of their background check, as applicable; provided, however, if within that period USATF becomes aware of any potential change in status (e.g., criminal activity) either through information received from the individual, the media, third parties, through NCSI’s one-year recheck, or otherwise, USATF

² Unless you are a USATF athlete as defined by the Ted Stevens Olympic and Amateur Sports Act.

shall have the right to conduct additional background screens at any time, and should the findings meet the criteria outlined above, USATF shall have the right to immediately withdraw the individual's good standing status. In addition, the individual has an ongoing obligation, prior to the expiration of his or her background screen, to inform USATF if there has been any change in his or her status (e.g., criminal activity).

INTERNATIONAL SCREENING INFORMATION

International background screening is required for those who currently live or have resided outside the United States for more than six (6) consecutive months in any one country during the last seven (7) years. To the extent additional international background screening costs may be incurred, those international screening costs will be borne by the applicant unless previously approved by USATF. International background screens can take roughly six (6) weeks for processing.

PENNSYLVANIA ACT 153

Applicants who work with youth and reside or work in Pennsylvania, as determined during their background screen, will be directed to upload the [required documents](#), per the Pennsylvania Act 153, using the Pennsylvania Document Repository Services (PA DRS) through NCSI. NCSI will maintain these records until their expiration. Completed background screen results will be reported to USATF as soon as applicants have completed the PA DRS requirements, if applicable.

MEDICAL LICENSURE SCREEN

All medical personnel (those applying to provide medical support, assistance, or services to a USATF athlete or at a USATF event) will be subject to a criminal background screen as discussed above, in addition to a medical licensure screen, outlined below.

SPECIALTY BOARD CERTIFICATION VERIFICATION

A Specialty Board Verification is a search for a single board certification based on the provider type and a verification of the board classification, specialty, designation and certifying board, if applicable. The Specialty Board Certification product provides a point-in-time verification of a board certification organization and number submitted by the provider, including status, specialty, issue and expiration date (if applicable).

Specialty Boards will be monitored/reverified upon expiration (if applicable), to determine if the Specialty Board has been renewed. USATF will be notified prior to board expirations.

Results: Verified (Active), Verified (Inactive), or Assess

FACIS 3 VERIFICATION AND MONITORING

FACIS (Fraud Abuse Control Information System) is a Verisys owned and maintained data set consisting of primary source content from federal and state sources for exclusions, sanctions, debarments, and disciplinary actions against healthcare professionals for all published license types and publishing jurisdictions. FACIS is a nationwide database.

FACIS 3 provides a comprehensive search that looks for results or potential matches from federal data sources (OIG, SAM, OFAC-SDN, FDA, DEA, TRICARE, FBI, USDOJ, US Treasury Dept., US State Dept.), all state level Federal Healthcare Entitlement Program (FHEP) sources (State Medicaid Exclusions, State Contractor Disqualification/Debarment Lists, HEAT Task Force News, State Attorney General News, Federal District - Attorney General News, Medicare/Medicaid Opt-Out Lists) as well as the remainder of the FACIS data set (includes State Board and State Agency issued sanctions and disciplinary actions, which contain approximately 2,500 primary sources, with 800+ taxonomies in 56 jurisdictions). The search includes information on disciplinary actions ranging from exclusions and debarments to letters of reprimand and probation. Historical and current primary source records are included. A FACIS 3 search is the gold standard of health care exclusion and debarment screening.

Verifications on the possible matches found during the search will be performed, including provided aliases, to determine true matches. Both clear and match results will be returned. All match results will include unaltered data from the primary source and link to the PDF of the primary source documentation.

The provider will be monitored daily by continuing to gather data from sources with the FACIS dataset, and any new possible matches will be verified and returned.

Results: Clear or Assess

LICENSE VERIFICATION AND MONITORING

The Professional License Verification product provides a point-in-time verification of a license number submitted by the provider, including status, issue and expiration date, primary source information, as well as a PDF of any disciplinary action, current or historical, published by the source. License information is verified from the legal or regulatory authority (primary source) issuing a license, certificate, or registration, to deliver health care goods and/or services in a state or multiple state jurisdictions. Changes in reported information will be relayed to NGB immediately.

Professional License Monitoring looks for a change in license status over the course of time. All licenses will be monitored daily for status changes published by the primary sources and/or for renewal upon expiration. The frequency of publication will vary based on the primary source.

DEA VERIFICATION

A DEA verification provides a point-in-time verification of a DEA number provided by the Partner, including status, expiration date, schedules, and primary source information published by the DEA. Verisys verifies the DEA Registration information for a person or professional from the legal and regulatory authority (primary source) NTIS: DEA.

All DEA registrations will be monitored for renewal upon expiration. All monitored registrations are systematically run against the information obtained from the NTIS: DEA Controlled Substances Registration Database.

Results: Verified or Assess, with the status of the license listed in parenthesis. If what the provider reported is different than what is verified (i.e.: they reported “Active” and it came back “Inactive” it is “Assess (Inactive)”. If what they reported was “Inactive” and it is “Inactive” it would come back as “Verified (Inactive)”.

ACCESS INFORMATION

In order to access these products, NCSI partners directly with Verisys on behalf of USATF. The results will be made available to USATF as part of the background screening report as is currently being done and the current account structure being used by the USOPC and USATF could continue, if desired.

Note: CheckMedic is a secure cloud-based solution (SAAS) that is used by healthcare providers and organizations to systematically and continuously manage and primary source verify professional background and credentials data. The CheckMedic platform facilitates the creation of a MedPass®, which is a real-time dynamic and interoperable credentialing repository that can be maintained by a provider and interacted with those they maintain professional relationships with over the course of their career.

RESULTS

Initial results are available within an average of 5-10 business days (or sooner as may be needed). Changes in documented verifications and licenses will be provided to USATF immediately upon receipt from Verisys.

APPEAL OF BACKGROUND SCREEN DETERMINATION

“Ineligible” determinations are not appealable.³ Any individual who has an “Ineligible” determination will not be eligible to participate with USATF in any role that requires USATF 3-Step Safe Sport Compliance.

Should an individual’s screen be “Flagged”, the individual may appeal the decision to the USATF Background Screen Review Panel (“Review Panel”) if his or her disqualifier does *not* fall under the following criteria:

- Any felony involving violence against a person within the previous ten (10) years;

³ Unless you are a USATF athlete as defined by the Ted Stevens Olympic and Amateur Sports Act.

- Any felony involving violent crimes involving weapons (including armed robbery and aggravated assault with a weapon) within the previous ten (10) years;
- Any felony involving animal abuse, cruelty, or neglect;
- Any felony or misdemeanor involving all sexual crimes and criminal offenses of a sexual nature to including, 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);
- Any felony or misdemeanor involving 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
- Any felony or misdemeanor involving harm to a minor, 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.
- Any individual that is not in good standing (sanctioned) with the United States Anti-Doping Agency (USADA).

Athletes⁴ may appeal either a “Flagged” or “Ineligible” background screening determination to USATF (or the USOPC, if seeking access to an Olympic Training Center (such as CVEATC), or those athletes who are selected to participate in an Olympic, Paralympic, Pan American, Parapan American, Youth Olympic Games, or other international sporting events as designated by the USOPC [as further outlined below]).

APPEAL PROCESS

To contest the accuracy of the screening result or to dispute the records sourced (e.g. criminal records for John A. Smith were sourced and posted as John B. Smith’s records), applicants need to contact NCSI directly at 866-996-7412 (Option 2) or by email at support@ncsisafe.com.

To initiate a background screen appeal within USATF, the individual must, within 21 calendar days of receiving notice that their background screen was “Flagged”, contest the determination of the background screen by:

1. Providing an email with the subject line “Background Screen Appeal” to safesport@usatf.org providing his or her full legal name, contact email, phone number, and a brief description of the position sought or role within USATF (e.g. USATF certified official, youth coach, etc.); and,
2. Providing a reasonable description of the grounds for disqualification and any information that might be useful for the Review Panel to know, including justification for appeal and the individual’s influence on the sport of track & field, long distance running, or racewalk.

Appeals not emailed to safesport@usatf.org within the 21 calendar day period are barred.

If the applicant chooses not to appeal, the appeal is not properly submitted within the 21 calendar

⁴ As defined by the Ted Stevens Olympic and Amateur Sports Act.

day period, or the applicant's appeal is unsuccessful, the applicant's background screen determination will be "Ineligible." When an applicant receives a determination of "Ineligible," the applicant is not eligible to volunteer with USATF in any capacity.

Questions may be directed to safesport@usatf.org. Only logistical questions and questions about the process will be answered. Questions concerning whether or not an appeal will be successful will not be answered until the Review Panel has made its determination.

APPEAL COMMITTEE

Upon receiving such an appeal, the matter will be forwarded to a Review Panel for a determination of the appeal.

USATF's CEO, or his or her designee, shall appoint a three (3) person Review Panel.

The Review Panel shall consist of:

- A representative from USATF's legal department;
- An individual with experience as a AAA or CAS arbitrator and/or U.S. judge (who may or may not be a member of USATF); and,
- At least one USATF Athletes Advisory Committee (AAC) athlete representative.

If the applicant requests USATF to review a flagged Medical screen (for the medical licensure component of the Medical screen), USATF's CEO, or his or her designee, shall also appoint a medical representative to advise the Review Panel.

Review Panel members shall serve four (4) year terms that commence on January 1 of the year following the Summer Olympic Games, as originally scheduled. The Review Panel shall meet once every two months, or as otherwise reasonably appropriate, to review pending "flagged" screens. In making a final determination, the Review Panel will evaluate the circumstances surrounding the disqualifying matter, the dates in which the matter occurred and the overall impact of the matter on the relevant USATF program, event or position sought. The applicant will be given an opportunity to be heard via telephone or video conferencing, to be communicated to the applicant at least one (1) week in advance of when the Review Panel is scheduled to convene. The Review Panel may take up to 30 calendar days after hearing the appeal to provide the applicant with the Review Panel's final written determination.

RESULTS OF APPEAL

When the Review Panel elects to render a determination on a matter, USATF will notify the applicant (via email) of the applicant's eligibility and/or if there are any restrictions and/or conditions regarding the applicant's ability to participate with USATF (e.g. if the Review Panel feels a safety plan or other remedial measure is appropriate for participation within USATF in light of the information presented).

If the Review Panel grants the appeal, USATF will make the necessary changes to show that the applicant has cleared the background screen and the applicant will be free to participate within

USATF in a manner consistent with the application.

If the Review Panel, however, is willing to grant the appeal, but decides to set any restriction(s) as a condition of the applicant's eligibility to participate within USATF (e.g., not allowed to drive minors, not allowed to hold certain positions, etc.), USATF will also notify the applicable Association President, Association Safe Sport Volunteer Coordinator, and any other persons who have a need to know of the imposed restriction(s). Said individuals will help USATF monitor and enforce that the restriction(s) are being followed in accordance with the Review Panel's direction. In this scenario, the applicant will not be able to participate in any USATF sanctioned events or programs until the applicant acknowledges and accepts in writing any identified restrictions and/or conditions prior to participation in any USATF activities. Should USATF reasonably determine that the applicant violated any restrictions or conditions imposed by the Review Panel, the applicant will be deemed immediately ineligible, and the applicant may be subject to further discipline by USATF.

Should the Review Panel grant the appeal, USATF will make the necessary changes to show that the applicant has cleared the background screen, and will grandfather in those applicants whose appeal USATF has already heard and granted for the same background screen type (e.g. the applicant will not need to appeal future flagged background screens for the same background screen type on the same criminal record sourced) going forward.

If the applicant is deemed ineligible by the Review Panel, USATF will notify NCSI accordingly.

In the event a similar appeal has already been conducted by another National Governing Body, it is incumbent on the applicant to inform the Review Panel of that information and determination (including if that appeal resulted in disqualification of the individual). USATF reserves the right to make its own determination. The failure of an applicant to disclose any such determination by another National Governing Body shall render the applicant ineligible for any USATF appeal.

Please note, there may be members who are required to complete a USATF background screen who are subject to different, and sometimes a more heightened, screening criteria than others.

USOPC APPEAL DETERMINATIONS

USATF is required to notify the USOPC of any decision reached by USATF which impacts an individual who resides, trains or competes at an Olympic Training Center or who wishes to participate in an Olympic, Paralympic, Pan American, Parapan American, Youth Olympic Games, or other international sporting events as designated by the USOPC, if the individual's background screen was "flagged" or marked "ineligible" by NCSI 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:

- Violence against a person within the previous ten (10) years;
- Violent crimes involving weapons (including armed robbery and aggravated assault with

- a weapon) within the previous ten (10) years; and
- Animal abuse, cruelty or neglect.

As well as any felony or misdemeanor involving:

- 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);
- Drug offenses including: drug distribution, intent to distribute, manufacturing, trafficking, or sale within the previous seven (7) years (excluding crimes for drug use or possession); and
- 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.

For more details regarding the USOPC's background check policy procedures, and how the USOPC handles said appeals, please visit [here](#).