

USA Softball Background Check Screening Policy

USA Softball, Inc. ("USA Softball") and/or USA Softball's state/metro associations reserve the right to screen any volunteer, contractor and/or employee who has access to minors in USA Softball programs. The screening may consist of (1) a Staff and Volunteer Application Form, (2) an interview, (3) consent to reference and fingerprint for a background check report, and/or (4) approval by staff and/or committee members.

Please note that the 50 states of the United States adopt different laws and categorize the offenses differently. The USA Softball list of offenses below is not intended to be an exhaustive list of offenses but a list of commonly used terms to define the offenses. Other convictions, accusations, charges or facts should be considered on a case-by-case basis.

If a reportable record or disclosure that contains a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty,¹ or the existence of pending charges, for any of the below criminal offenses, USA Softball, its National Background Check Committee, and/or its state/metro associations shall undertake a review of such individual's application to determine whether such person should be permitted to participate in USA Softball programs:

1. Any felony;² 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;³
 - b. Any drug related offenses;
 - c. ** Harm to a minor or vulnerable person, including, but not limited to, offenses such as child abandonment, child

¹ For purposes of these procedures, 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.

² For purposes of these procedures, the term "felony" shall refer to any criminal offense punishable by imprisonment for more than one year.

³ 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.

- endangerment/neglect/abuse, contributing to the delinquency of a minor, and DUI with a minor;
- d. ** Violence against a person, force, or threat of force (including crimes involving deadly weapons and domestic violence);
- e. Stalking, harassment, blackmail, violation of a protection order, and/or threats;
- f. Destruction of property, including arson, vandalism, and criminal mischief; and
- g. Animal abuse, cruelty, or neglect.

If a background check is performed and reveals a conviction of any of aforementioned offenses, then the application shall be reviewed by a member of the National Background Check Committee (or such person's designee) for a determination of eligibility. A denial of eligibility may be appealed by the applicant to the entire National Background Check Committee.

In addition, if the background check reveals that the applicant is listed on a sex offender registry **, then the applicant shall be ineligible for participation in USA Softball programs.

Appeal Process:

USA Softball recognizes that no policy can encompass every situation, so USA Softball has formed its National Background Check Committee to evaluate applications and decide appeals variance requests on a case-by-case basis in certain situations where good cause exists.

An applicant may appeal a denial of eligibility to the entire National Background Check Committee, so long as the appeal is timely filed within fourteen (14) days of the date stated on the denial correspondence. The appeal process shall provide the applicant with an opportunity to present his/her side of the story. An appeal may advise the Committee of incorrect information appearing in a background check report, a mistaken identity with another individual, or extenuating circumstances as to why the person should be permitted to participate despite a conviction of one of the aforementioned offenses.

Any person whose application for participation in USA Softball's program has been denied may appeal the denial within fourteen (14) days to USA Softball's National Background Check Committee by filing his/her appeal with his/her USA Softball State/Metro Local Association Commissioner. All appeals shall be in writing and sent first to the Commissioner of the State/Metro association. The written appeal submission must contain a statement of the specific grounds why the prior determination should be reversed and must be accompanied by all evidence supporting the request for reversal. With the written appeal submission, the person filing the appeal may also file any other information or evidence in

support of the appeal. The USA Softball State/Metro Local Association Commissioner will review the information and make a recommendation to the National Background Check Committee in Oklahoma City, Oklahoma. The National Background Check Committee shall review the appeal and decide whether the applicant's appeal should be granted or denied.

Subject to the **Mandatory Ineligibility** requirements below, in extenuating circumstances and for good cause shown, USA Softball's National Background Check Committee shall have the authority to, but not be required to, grant an appeal and permit an individual to participate in USA Softball's program even though that person has been convicted of one of the above non-mandatory offenses (or its equivalent).

Mandatory Ineligibility for Certain Offenses and Applicants listed on a Sex Offender Registry:

Any of the following shall constitute an applicant's mandatory ineligibility from participation in USA Softball programs: (a) an applicant's current listing on any sex offender registry; or (b) for any offense(s) marked with an "***". For all such applications, the National Background Check Committee may consider appeals based upon incorrectly reported information and/or mistaken identity but the Committee shall not have the authority to grant an appeal for extenuating circumstances or good cause shown in instances where the applicant is currently listed on a sex offender registry or has been convicted of the type of offense marked with a "***" above.

Notwithstanding the foregoing, to the extent this Policy directly conflicts with any terms or conditions of any policy of the USOPC or U.S. Center for SafeSport concerning a person's ineligibility to participate, then the USOPC or U.S. Center for SafeSport's ineligibility determination or policy shall be controlling and shall apply.

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FREQUENTY ASKED QUESTIONS (FAQ):

What individuals are presently subject to USA Softball's Background Check Requirements?

- Any volunteer, contractor and/or employee who has regular access to minors in USA Softball programs; and
- Any additional person(s) required by applicable law to undergo a background check, including persons required pursuant to the laws of the State of Pennsylvania; and
- Any additional person(s) required by rules or requirements of USA Softball's local association members to undergo a background check as a condition of participation in that local association member's programs and activities; and
- Any members of the media who are provided media credentials and/or access to minor athletes or members of a National Team at USA Softball events.
- Any persons ages 17 and older that are participating or assisting with the USA Softball National Team Programs. Those age 17 will need a signed parental consent.
- All adults (ages 18 and older) assisting on the field/dugout during Junior Olympic (youth) play.
- Any umpire age 18 years or older that is appointed by the NGB to national championship events or international events
- All voting members of the USA Softball General Council (inclusive to appointed/approved proxies).
- Local Association Softball Officials, including:
 - Board of Directors
 - Commissioners appointed by USA Softball
 - JO Commissioners appointed by the USA Softball Commissioners
 - Player Representatives appointed by USA Softball Commissioners
 - Umpires-In-Chief appointed by USA Softball Commissioners
 - National Championship Tournament Directors appointed by USA Softball or USA Softball Commissioners

(eff 12/2019)