

BACKGROUND CHECK POLICY

Last Updated: April 2025

1. Purpose

USA Softball is committed to the safety of athletes and participants involved in sport. USA Softball requires background checks in order to (a) foster a safe environment at all competition and training environments sanctioned and/or overseen by USA Softball; (b) create a safe living, training, and competition environment for athletes and other individuals associated with USA Softball; and (c) protect persons at risk, including, but not limited to, minors and vulnerable adults.

This policy sets forth the USA Softball's background check standards and outlines the guidelines for the use of background checks to determine eligibility for USA Softball membership and for participation in USA Softball programs and services.

2. Applicability of Policy

This policy applies to positions that require a background check be conducted prior to the applicant being eligible for such position, as outlined in the Minor Athlete Abuse Prevention Policy and USA Softball Procedural Code, which include:

- A. All USA Softball Staff;
- B. All USA Softball Council Members;
- C. All adult (as defined below) members of any USA Softball recognized national team;
- D. All adult athletes selected to participate on a national or international team, or any Delegation events to which the USOPC sends athletes;
- E. All individuals that USA Softball formally authorizes, approves or appoints to (a) serve in a position of authority over or (b) have regular contact with minor athletes. This shall include, but is not limited to, staff, officials, coaches, board members, coordinators, local affiliated administrator/directors, trainers, independent contractors, volunteers, training partners, guides and medical personnel, and other individuals authorized or nominated by USA Softball to work with athletes or other participants while at a USA Softball Training Site or competition event to which USA Softball sends athletes;
- F. All adult athletes, assistants, medical professionals, and/or personal care assistants training at Olympic and Paralympic Training Centers [or at USA Softball-designated national training centers/venues] or in affiliation with the USAS National Teams programs (but excluding emergency/ambulatory professions); and
- G. All ACE Coaches;
- H. Other adults that may have contact with athletes, as determined by the CEO and/or governing documents.
- I. Each USA Softball Training Site shall require criminal background checks in compliance with the background search components, for those individuals it formally authorizes, approves or appoints (a) to serve in a position of authority over athletes, or (b) to have regular contact with minor athletes.
- J. Individuals affiliated with the media, who are authorized or credentialed by USA Softball to access a Training Site or attend a competition ran by USA Softball are required to

undergo a criminal background check if they have unsupervised one-on-one interactions with athletes.

- K. Contracts between USA Softball and third-party vendors/contractors that are (a) in a position of authority over or (b) in regular contact with athletes must include the background check requirements set forth in this policy. The contracts shall also specify that certification must be provided by the vendor/contractor upon request by USA Softball, to establish that the mandated background checks were conducted.
- L. When partnering with community organizations (i.e. YMCA, Boys and Girls Club) for events, USA Softball shall ensure that the partnership agreement includes language regarding background check requirements. The agreements shall also specify that certification must be provided by the community organization upon request by USA Softball, to establish that the mandated background checks were conducted.

Note: Applicability of this policy does not supersede or replace applicability to USOPC Background Check requirements or state law. Some members of USA Softball may be subject to this policy that are not subject to the USOPC policy and vice versa.

3. Definitions

Adult: Applies to any person eighteen (18) years of age or older.

4. Background Check Search Description

The following search requirements could be used for any Background Check called for in this policy:

- A. Social Security Number validation;¹
- B. Name and address history records;
- C. Two independent Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;
- D. 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;
- E. 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;
- F. National Sex Offender Registry database search of all available states, plus DC, Guam, and Puerto Rico;
- G. Multiple National Watch Lists;
- H. Multi-Jurisdictional criminal database covering 50 states plus DC, Guam, and Puerto Rico
- I. SafeSport Disciplinary Records
- J. Comprehensive International Records search for persons who have lived outside of the United States for six consecutive months in any one country, during the past seven years;²
- K. Motor Vehicle Records of at least a 3-year history in the state of licensure; (if driving is required for position);

5. Policy Outline

¹ Or suitable alternative identification verification process as determined by the background check vendor.

² International record checks vary from country to country. The background check vendor will provide comparable search components depending on the laws of that specific country.

No person may be a member of USA Softball or have contact with minor athletes if they do not pass the applicable background check.

A background check shall be conducted prior to the commencement of a new role or competition for all applicable individuals and shall be completed no less than every year.

Background checks may be conducted more frequently as part of routine background check updates and/or if a permissible purpose (as defined by State law) has been determined.

6. Flagged Offenses

If a reportable record or disclosure shows a reportable disposition, or the existence of pending charges, for any of the below-described criminal offenses, the Background Check Committee shall undertake a review of such individual's application to determine whether such person should be permitted to participate in USA Softball programs ("Red Light" Finding):

- A. Any felony;³ and
- B. Any misdemeanor involving:
 - i. 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, and public indecency;
 - ii. Any drug related offenses;
 - iii. 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;
 - iv. Violence against a person, force, or threat of force (including crimes involving deadly weapons and domestic violence);
 - v. Stalking, harassment, blackmail, violation of a protection order, and/or threats;
 - vi. Destruction of property, including arson, vandalism, and criminal mischief; and
 - vii. Animal abuse, cruelty, or neglect.
- C. If a reportable record or disclosure shows an applicant is currently listed on or has previously been listed on a sex offender registry, that shall also constitute a "Red Light Finding".

Note: Any person's participation in a USOPC event or competition will be subject to appropriate USOPC Background Checks and potentially to a USOPC Secondary Review of previously completed USA Softball Background Checks.

Note: Any applicant 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 also be reported to the U.S. Center for SafeSport.

Background Check Committee's Review and Determinations

³ For purposes of these procedures, the term "felony" shall refer to any criminal offense punishable by imprisonment for more than one year.

If a background check is performed and reveals a reportable disposition or pending charges of any of aforementioned offenses, then the application shall be reviewed by a subset of the members of the Background Check Committee (or such persons' designees) for an initial determination of eligibility.

During any review by the Background Check Committee's members and/or during any subsequent review by the Ethics Committee's members, such Committee members and/or the Athlete Safety and Screening Manager may request additional information from an applicant. If an applicant refuses or fails to promptly provide requested information, such individual's application for eligibility may be denied.

A initial finding of eligibility by the Background Check Committee shall conclude the Background Check Committee's evaluation process. A initial denial of eligibility by the Background Check Committee shall entitle the applicant to seek reconsideration and a second review by other members of the Background Check Committee.

After the Background Check Committee's second review, a ruling shall be made on the eligibility disqualification or conditional status of membership or participation in USA Softball activities.

Conflicts of Interest. Should any reviews, offenses, determinations or findings involve any members of the Background Check Committee, in keeping with the Conflict of Interest Policy/Bylaws, such members of the Background Check Committee shall not be involved in the decision making and/or members of the Ethics Committee shall act in his, her or their place.

Appeal and Review of Background Committee's Determination; Mandatory Arbitration

Individuals may file an appeal of the Background Check Committee's second and final decision denying or conditioning eligibility, including a disqualification from membership as a result of a "Red Light" finding, to USA Softball's Ethics Committee. To do so, an individual is required to file such an appeal to the Ethics Committee along with all supporting documentation within 20 days of the Background Check Committee's denial by sending an appeal to safesoftball@usasoftball.com. Any such appeal will be considered by the Ethics Committee, whose determination will determine the applicant's eligibility under this Background Check Policy.

The Ethics Committee's determination in relation to a background check finding includes, but is not limited to:

- A. Disqualification for membership;
- B. Probationary status for membership;
- C. Restrictions on membership, including, but not limited to:
 - i. Prohibition from driving vehicles (including privately owned) while conducting any membership role; and
 - ii. Prohibition from being a signing officer for USA Softball or a member non-profit organization and/or having financial oversight, including cash handling.

To the extent an applicant seeks to dispute or challenge the eligibility decision of the Ethics Committee under this Background Check Policy, the applicant shall be required to do so by filing an arbitration in accordance with Section 16.19 of USA Softball's Bylaws (which incorporated by reference herein), which arbitration shall be handled in the same matter as a person would seek arbitration review from a Judicial Committee decision concerning eligibility under Section 16.19. The filing of such an arbitration in accordance with Section 16.19 of the USA Softball Bylaws shall be the exclusive method of challenging any eligibility decision of the Ethics Committee.

7. Limitations on Action

Screening Reviews Conducted in Relation to Nominations

In addition to reviews above, the results of a pre-appointment review of a candidate for a governance position may be considered by the Nominations and Governance Committee at their discretion. The Committee may not reduce, limit or constrain any of the requirements in this policy.

CEO Discretion in Requiring Broader Background Checks

The CEO (or the Board in a situation where the CEO is involved or conflicted) may require background check requirements beyond those mandated in this policy at his or her discretion and in conformance with state or federal law. The CEO may not reduce, limit or constrain any of the requirements in this policy.