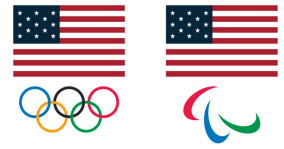


BACKGROUND CHECK REVIEW



What is a Background Check Review?

The USOPC requires background checks to be completed for participants at Delegation Events, training at the U.S. Olympic and Paralympic Training Center or U.S. Paralympic-managed sports. In the event of a "Red Light*" determination or self-disclosure of a criminal charge, a review panel is convened to determine any impacts to participation.

*A "Red Light" determination indicates a reportable criteria-related conviction or pending disposition.

Dispute Resolution Unit (DRU) Support

 **General Administration**

 **Review Panel Support**

 **Review Panel Counsel**

 **Communication with Participant**

 **Case Management**

 **Logistical Support**

 **Arbitration Support**

Authority & Governance



Ted Stevens Olympic & Amateur Sports Act (the Act): The USOPC has authority to determine participation at the Games while carrying out its obligations to prevent misconduct in sport and provide procedures to resolve participation disputes (Section 220523(3)(a)(b), 220505(c)(5), and 220509).



U.S. Center for SafeSport

Code: Requires the USOPC to adopt preventative measures to eliminate misconduct in sport and the Code outlines the criminal charges considered as prohibited conduct.



USOPC Background Check Policy & Procedures:

Outlines the jurisdiction and scope of Red Light reviews and hearings, participant obligations and the adjudication of Red Light determinations.

USOPC Athlete Safety Policy: Outlines adherence to the USOPC Background check Policy and Procedures as a preventative measure.

ADDITIONAL RESOURCES

- ★ [U.S. Center for SafeSport Code](#)
- ★ [USOPC Athlete Safety Policy](#)
- ★ [USOPC Background Check Policy](#)
- ★ [Responsible Sport Organization Background Check Policy](#)

CONTACT INFORMATION

Sara Pflipsen | Sr. Counsel
sara.pflipsen@usopc.org

Lucy Denley | DRU Manager
lucy.denley@usopc.org

DRU@usopc.org
www.TeamUSA.org

BACKGROUND CHECK REVIEW



What is the Background Check Review Process?

The Background Check Review process provides impacted participants the opportunity to provide details of the Red Light determination to a Review Panel who decides appropriate participation impacts to ensure safety for all participants.



Constituent Involvement

- ★ National Center for Safety Initiatives (NCSI)**
NCSI performs background checks for participants.
- ★ Athletes/Members**
The participant or individual who receives the Red Light determination or self-discloses a criminal charge.
- ★ USOPC**
The USOPC conducts background checks through NCSI to ensure the safety of athletes in sport and to prevent misconduct.
- ★ DRU**
DRU manages the background check review process. An attorney from DRU also sits on the review panel and may provide legal advice and guidance.
- ★ Review Panel**
Determines participation eligibility or restrictions based on the red light determination. Comprised of representatives from various USOPC internal departments (depending on the type of participation), and two athlete representatives.



DRU Support Details



General Administration

DRU oversees the general administration of a Background Check review to ensure the Red Light or self-disclosure is heard in a timely and efficient manner. This involves managing the overall processing of the relevant issue, from initiation of the matter to the closing of the case.

DRU receives the Red Light finding or the self-disclosure of a criminal charge, obtains any preliminary background about the Red Light finding or self-disclosure, communicates with relevant individuals as needed. DRU notifies and acknowledges the Red Light to the affected individual, conducts a preliminary inquiry about the Red Light, provides relevant information of the Red Light to the review panel. Additionally, DRU serves as liaison to the review panel, schedules the hearing, and oversees the general case management, among any other administrative or legal support.



Review Panel Support

DRU serves as liaison to the review panel in this type of matter. This includes setting up meetings, forwarding relevant documents or communication, answering procedural and logistical questions, and working through review panel needs. DRU is respectful of the review panel members' time and serves to support them in their role by making any part of the process as streamlined and efficient as possible.



Review Panel Counsel

An attorney within DRU serves as counsel to the review panel, and may sit as a voting member on the review panel. In the role as legal counsel to the review panel, the attorney may provide general legal advice and guidance and answer any questions related to legal issues that arise in the proceeding. This includes setting out the standards and scope of review so that the review panel understands the appropriate purview of the proceeding, along with its authority. DRU participates in deliberations with the review panel. DRU prepares and distributes all decisions in line with the review panel's determination in each particular case.



Communication with Participant

DRU communicates directly with the parties or involved individuals in the case and serves as a liaison between the parties and the review panel. This prevents any ex-parte communications with the panel, along with streamlining information. This also allows for the effective facilitation of information to the panel by eliminating extraneous communications. DRU ensures that all documents, submissions, or formal requests are promptly delivered to the panel and confirms receipt and delivery with the parties.

(continued)



DRU Support Details



Communication with Participant (*continued*)

DRU may answer logistical, administrative, or other questions from the parties directly, along with addressing any procedural questions on behalf of the USOPC.



Case Management

DRU utilizes an internal case management site to effectively track all details a case from initiation of a matter to resolution, in accordance with the timeframes as set forth in the USOPC Document Retention Policy. This includes storing:

- Contact information from relevant individuals in the case (e.g. parties, panel, counsel, representatives, other affected parties)
- Filings and submissions
- Deadlines
- Orders and decisions
- Summaries of claims, issues, and decisions
- Key features and outcomes

Additionally, DRU ensures that review panel members have access to case details in an effective manner. DRU organizes and stores all case related materials and tracks outcomes for executive-level reporting purposes.



Logistical Support

To provide services for an effective proceeding, DRU provides logistical support for any conference calls or hearings. DRU sets up all conference calls, including providing links or call-in details and sending calendar invites and reminders. DRU completes roll call for all calls and hearings, keeps track of time, and assists with taking notes, when appropriate.

Additionally, DRU arranges all administrative aspects for each hearing, including setting the conference line and/or securing office space, distributing case materials to the review panel members, clearing witnesses and/or representatives, IT setup requests, and any other logistical issue that may arise.



DRU Support Details



Arbitration Support

If the individual disagrees with the finding of the review panel, they may appeal the decision by filing a demand for arbitration with the American Arbitration Association (AAA) within thirty (30) days of the review panel's decision. A decision rendered by the AAA shall be final and binding on all parties. DRU serves as a liaison to the AAA for administration of these matters.

To the extent permitted and agreed to by the parties, DRU may be notified of the proceeding and may participate as an observer in the arbitration.



Ted Stevens Olympic and Amateur Sports Act



Section 220503:

The purposes of the corporation are-

(3)(a) *to exercise exclusive jurisdiction, directly or through constituent members of committees, over all matters pertaining to United States participation in the Olympic Games, the Paralympic Games, and the Pan-American Games, including representation of the United States in the games.*

(8) *to provide swift resolution of conflicts and disputes involving amateur athletes, national governing bodies, and amateur sports organizations, and protect the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition.*

Section 220505:

The corporation may -

(5) *facilitate, through orderly and effective administrative procedures, the resolution of conflicts or disputes that involve any of its members and any amateur athlete, coach, trainer, manager, administrator, official, national governing body, or amateur sports organization and that arise in connection with their eligibility for and participation in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition, the Pan-American world championship competition, or other protected competition as defined in the constitution and bylaws of the corporation.*

Section 220509:

(a) General. *The corporation shall establish and maintain provisions in its constitution and bylaws for the swift and equitable resolution of disputes involving any of its members and relating to the opportunity of an amateur athlete, coach, trainer, manager, administrator, or official to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition, or other protected competition as defined in the constitution and bylaws of the corporation. In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, or the Pan-American Games, a court shall not grant injunctive relief against the corporation within 21 days before the beginning of such games if the corporation, after consultation with the chair of the Athletes' Advisory Council, has provided a sworn statement in writing executed by an officer of the corporation to such court that its constitution and bylaws cannot provide for the resolution of such dispute prior to the beginning of such games.*

(continued)



Ted Stevens Olympic and Amateur Sports Act



Section 220509 (continued):

(b) Ombudsman.

(1) The corporation shall hire and provide salary, benefits, and administrative expenses for an ombudsman for athletes, who shall

(A) provide independent advice to athletes at no cost about the applicable provisions of this chapter and the constitution and bylaws of the corporation, national governing bodies, paralympic sports organizations, international sports federations, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization, and with respect to the resolution of any dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition or other protected competition as defined in the constitution and bylaws of the corporation;

(B) assist in mediating any such disputes; and (C) report to the Athletes' Advisory Council on a regular basis.

(2)(A) The procedure for hiring the ombudsman for athletes shall be as follows:

(i) The Athletes' Advisory Council shall provide the corporation's executive director with the name of one qualified person to serve as ombudsman for athletes.

(ii) The corporation's executive director shall immediately transmit the name of such person to the corporation's executive committee.

(iii) The corporation's executive committee shall hire or not hire such person after fully considering the advice and counsel of the Athletes' Advisory Council. If there is a vacancy in the position of the ombudsman for athletes, the nomination and hiring procedure set forth in this paragraph shall be followed in a timely manner.

(B) The corporation may terminate the employment of an individual serving as ombudsman for athletes only if

(i) the termination is carried out in accordance with the applicable policies and procedures of the corporation;

(ii) the termination is initially recommended to the corporation's executive committee by either the corporation's executive director or by the Athletes' Advisory Council; and

(iii) the corporation's executive committee fully considers the advice and counsel of the Athletes' Advisory Council prior to deciding whether or not to terminate the employment of such individual.