

USA Synchro Background Screen Red Light Procedure

Criminal Offenses that will trigger a red flag through NCSI are as follows:

(National Council of Youth Sports Standards):

- Have you ever been convicted, or do you have a pending charge, of a felony?
- Have you ever been convicted, or do you have a pending charge, of any lesser crime involving force or threat of force against a person?
- Have you ever been convicted, or do you have a pending charge, of any lesser crime of a sexual nature or classified as a sex offense including but not limited to "victimless" crimes of a sexual nature such as prostitution, pornography, indecent exposure; and crimes in which sexual relations is an element?
- Have you ever been convicted, or do you have a pending charge, of a lesser crime involving controlled substances (not paraphernalia or alcohol)?
- Have you ever been convicted, or do you have a pending charge, of a lesser crime involving cruelty to animals?
- Are you a sex offender registrant?
- Are Have you ever been convicted, or do you have a pending charge, of a lesser crime involving harm to a minor?

(United States Olympic Committee Standards)

1. Any felony;¹ 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;²
 - b. Any drug related offenses;
 - c. 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;
 - d. Violence against a person (including crimes involving firearms and domestic violence);

¹ For purposes of these procedures, the term "felony" shall refer to any criminal offense punishable by imprisonment for more than one year.

² Any covered individual 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.

- 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 you feel that the offense that triggered "RED" flag should be reviewed by the USA Synchro background screen review committee, because the offense is outside of the above parameters, ample time has lapsed or laws have changed, directions on how to do so will accompany a "RED" flag report.

The letter that will accompany this report reads as follows.

Member,

As you authorized, a consumer report was obtained in connection with your registration for a position with USA Synchronized Swimming. No action has been taken regarding your registration at this time, and this letter is NOT a denial. However, USA Synchronized Swimming has requested the National Center for Safety Initiatives, LLC to inform you on their behalf that USA Synchronized Swimming may take an adverse action in the future and deny your participation/association with USA Synchronized Swimming based, in whole or in part, based upon the criminal records in the attached consumer report. This consumer report has not been sent to USA Synchronized Swimming as of this date but may be sent to them in the future. We have enclosed in this letter a copy of your consumer report along with a copy of the Bureau of Consumer Financial Protection (BCFP)'s "A Summary of Your Rights Under the Fair Credit Reporting Act" and applicable state law notices (if any).

As a USA Synchronized Swimming member whose background check reflects that the member has a pending charge or has been convicted or pled guilty or no contest to one or more of the offenses specified in USA Synchronized Swimming's background screening policy has the following options:

1. If you would like to have your background screen completed immediately, please contact the Research Department to confirm its accuracy via e-mail at research@ncsisafe.com or by phone at 1(866)833-7100
2. You may withdraw your request for a background screen, in which case you will not be permitted to renew your membership as a USA Synchronized member. Please email NCSI Research Department at research@ncsisafe.com if you wish to withdraw the current background screen request, or

3. If you are disputing the accuracy or association to you of the criminal record(s), or have questions regarding your consumer report, please contact the NCSI Research Department via e-mail at research@ncsisafe.com or by phone at 1(866)833-7100 immediately. NCSI will file a dispute on your behalf if you believe the records details are inaccurate or are not associated with you. Please note; such disputes may take up to 30 days to resolve, or

4. You may request a waiver of USA Synchronized Swimming's screening policy's application to you through USA Synchronized Swimming. Should you request a waiver, please EMAIL an explanation as to the basis upon which you are requesting a waiver to Adam Andrasko(adam@usasynchro.org) from USA SYNCHRONIZED SWIMMING, or

5. If NCSI does not hear from you we will proceed to finalize your screen and provide the results to your organization.

If an applicant chooses to request a waiver of USA Synchronized Swimming a written account of the incident complete with charges and dates is required. A police report and/or court documents will also be required. Once received the ethics committee will review the waiver request. Criteria that will be used as a baseline in final decisions will include, but are not limited to:

- All sex offenses, murder, and homicide regardless of time limit
- Felony violence and felony drug offenses in the past 10 years
- Any misdemeanor violence offenses in the past 7 years
- Any other crimes (not listed) against children or animals in the past 7 years

In rendering its finding, the Review Panel (Ethics Committee) shall consider the following:

1. The legitimate interest of the USA Synchro in providing a safe environment for athletes and other individuals;
2. The seriousness of the criminal offense or act;
3. The time which has elapsed since the occurrence of the criminal offense or act;
4. The age of the person at the time of occurrence of the criminal offense or act;
5. The bearing, if any, the criminal offense or act has on the individual's ability to perform the necessary functions of their role or otherwise be a representative of the U.S. Olympic and Paralympic Movement;
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 voluntary restrictions on access proposed by the individual;
8. Any recommendation or information provided by the individual's organization; and
9. Any other information, which in the determination of the Review Panel, would bear on whether or not the individual should represent the U.S. Olympic and Paralympic Movement.

Individuals found to have pending court cases for any of the disqualifying offenses will be disqualified. If the disposition of the pending case does not meet the criteria for disqualification as listed above, the individual would then be cleared and reinstated.