

# **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 children 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 background check is performed and any of the following convictions are revealed, 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:

- \*\*Murder
- \*\*Rape
- \*\*Sexual assault
- \*\*False Imprisonment
- \*\*Burglary
- \*\*Armed Robbery
- \*\*Indecent solicitation of a child
- \*\*Aggravated sexual abuse/assault of a child
- \*\*Child abuse
- \*\*Child molestation
- \*\*Sexual conduct with a minor
- \*\*Sexual abuse of a child
- \*\*Online solicitation of a minor

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Abandon/Endanger a child  
Arson  
Assault  
Bad checks/Insufficient Funds  
Bookmaking  
Breach of computer security  
Breaking & Entering  
Coercion  
Conspiracy  
Credit Card Abuse

Crimes against elderly  
Disorderly conduct  
Domestic violence in the presence of a minor  
Domestic violence/abuse  
Drug dealing  
Drug possession  
Drug trafficking  
DUI/DWI (3 in last 7 years)  
Escape from penitentiary  
Evading arrest  
Firearms/Weapons charges  
Forgery  
Furnishing alcohol to a minor  
Identity theft  
Indecency with a child  
Money laundering  
Petty theft  
Prostitution  
Public intoxication (2 in last 5 years)  
Shoplifting  
Theft/Robbery/Larceny  
Violation of a protective order

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 Felony Offenses**

An applicant's listing on a sex offender registry and/or conviction of any felony conviction(s) occurring within the prior 15 years for any offense(s) marked with an "\*\*\*" shall constitute that applicant's mandatory ineligibility from participation in USA Softball programs. 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 listed on a sex offender registry or has been convicted within the last 15 years of a felony of the type marked with a "\*\*\*" above.

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