



U.S. SOCCER

Background Screening Policy



I. APPLICABILITY

This policy applies to any individual designated as “U.S. Soccer Program Participants (“USSPPs”), as defined in the chart below, for purposes of jurisdiction of the U.S. Center for SafeSport. In addition, where noted, certain policies apply to adults at a facility operating under U.S. Soccer’s jurisdiction.

For purposes of enforcing Sections I-V of this Handbook, “USSPPs” are:

	Includes:	Does not Include:
U.S. Soccer Staff and contractors	<ul style="list-style-type: none"> • Employees and interns of the U.S. Soccer • U.S. Soccer Board Members • Medical Staff • Scouts 	<ul style="list-style-type: none"> • Employees of U.S. Soccer’s organization members
Athletes who directly register with U.S. Soccer	<ul style="list-style-type: none"> • National Team Players 	<ul style="list-style-type: none"> • Players participating in any professional league sanctioned by U.S. Soccer (unless serving on the National Team); or • Players who register in the National Data Center through a National Member Organization or Local Affiliate Organization or a U.S. Soccer Organization Member unless they are National Team Players
Individuals who are authorized by U.S. Soccer to have regular contact with/authority over minor athletes/participants	<ul style="list-style-type: none"> • National Level Referees (Grades 1-4) • Referees assigned by U.S. Soccer • National Team: <ul style="list-style-type: none"> ○ Coaches ○ Administrators ○ Staff ○ Medical personnel ○ Volunteers • National Coaching Instructors 	<ul style="list-style-type: none"> • Organization Members and their officials • Local Affiliated Organizations and their officials • Referee grades 5-15 (state, amateur and youth), unless assigned by U.S. Soccer

II. BACKGROUND SCREENING

A. SCOPE AND PURPOSE

As noted by the U.S. Center for SafeSport “sound, practical and reasonable screening practices reduce the chances that an athlete will come in contact with potentially dangerous individuals.” Accordingly, and consistent with the goals of the Protect Act of 2003 and the Safe Sport Act, U.S. Soccer requires background screening on all U.S. Soccer Program Participants, 18 and older under section I of this policy.¹ In addition, U.S. Soccer also performs background screening on volunteer Board members, officers and candidates for office and any U.S. Soccer referee registering directly through the U.S. Soccer Learning Center.

B. MANDATORY SELF-DISCLOSURE

Any applicant who has been disqualified or declared by another sport organization to be temporarily or permanently ineligible is required to self-disclose this information at the time of application.² Failure to disclose is a basis for discipline/disqualification.

C. DESIGNATED BACKGROUND SCREENING VENDOR

Since 2006, U.S. Soccer has used the National Center for Safety Initiatives (“NCSI”) as its designated background screening vendor. A private, woman-owned organization, NCSI is a full-service screening organization that applies the Recommended Guidelines established by the National Council on Youth Sports. NCSI’s process is state law compliant and includes appropriate written release from the applicant.

D. SCOPE OF BACKGROUND SCREENING

U.S. Soccer uses NCSI’s “Gold Standard” package, which includes:

- Social Security Number validation;
- Name and address history records;
- Two independent Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;
- Federal District Courts search for the district(s) where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable based on the name and address the Individual provides and the developed address history records;
- County Criminal Records for the county (or counties) where the individual currently lives or has lived during the past seven years, going back the length of time records

¹ In addition, pursuant to USOPC/U.S. Center for SafeSport Policy, Athletes who directly register with U.S. Soccer must complete the background screening requirement by September 1, 2019.

² Records of temporary or permanent ineligibility within the U.S. Olympic & Paralympic Movements are available through the [U.S. Center for SafeSport’s disciplinary records search](#).

are available and reportable for each county searched based on the name and address the Individual provides and the developed address history records;

- Two Sex Offender Registry database searches of all available states, plus DC, Guam, and Puerto Rico;
- Motor Vehicle Records of at least a 3-year history in the state of licensure (if driving is required for position);
- Multiple National Watch Lists; and
- Comprehensive International Records search U.S. citizens who have lived outside of the United States for six consecutive months in any one country, during the past seven years.

As part of this process, NCSI automatically performs a limited recheck on active individuals 12 months after the initial background screening, looking at one national database and all available state sex offender registries.

E. SCREENING RESULTS

NCSI will issue its findings to U.S. Soccer based on a "Red Light/Green Light" system. A "Green Light" or "meets the criteria" finding indicates the individual is suitable for the intended U.S. Soccer-related role with regard to the background check. A "Red Light" finding means that the individual "does not meet the criteria".

A reportable record or disclosure from the individual that contains a disposition or resolution of a criminal proceeding other than an adjudication of not guilty will be flagged as a "Red Light" or "does not meet the criteria":

- CRL-1. Any felony; and
 - Defined as all crimes punishable by greater than one year in jail or prison, regardless of how characterized by jurisdiction, if range, alternate sentencing, or indeterminate sentencing with an outer range greater than one year.
- Any misdemeanor involving:
 - CRL-2. All sexual crimes, criminal offenses of a sexual nature including 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;
 - CRL-3. Any drug related offenses;
 - CRL-4. 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;
 - CRL-5. Violence against a person, force, or threat of force (including crimes involving a deadly weapon and domestic violence);
 - CRL-6. Stalking, harassment, blackmail, violation of a protection order, and/or threats;
 - CRL-7. Destruction of property, including arson, vandalism, and criminal mischief; and
 - CRL-8. Animal abuse, cruelty, or neglect.

The above criteria are contained within the guidelines developed by the NCYS and have been adopted by NCSI, consistent with the principles of the federal *PROTECT Act of 2003*.³

F. BACKGROUND SCREENING REVIEW PANEL – NON-EMPLOYEES

Should a USSPP or other individual requiring background screening under this policy who does not have a conditional offer of employment (*e.g.*, either a current employee or another participant) receive a "Red Light" finding or an adverse action letter, the individual has the right to a hearing before a U.S. Soccer Safe Soccer Review Panel. *See* Section III of this policy.

G. U.S. SOCCER PROGRAM PARTICIPANTS/FREQUENCY

The following individuals shall undergo background checks prior to accepting an assignment, with a follow-up every two years thereafter:

U.S. Soccer Employees	<ul style="list-style-type: none">• All full- and part-time employees (including athletes) and all U.S. Soccer board members
Contracted professionals working on site	<ul style="list-style-type: none">• All contracted physicians, trainers, massage therapists, nutritionists, scouts, Personal Care Assistants, and other certified professionals working directly with athletes
Referees	<ul style="list-style-type: none">• All national level and professional-level referees (licensed through U.S. Soccer)• All referees assigned by U.S. Soccer (<i>e.g.</i>, National Team games)• All referees registering directly through the U.S. Soccer Learning Center
Youth National Team	<ul style="list-style-type: none">• All employees (coaches, team managers, administrators, trainers, etc.) who travel or attend training with any YNT team• All athletes 18 years of age or older

H. APPLICABILITY TO APPLICANTS FOR EMPLOYMENT WITH U.S. SOCCER

U.S. Soccer is an equal opportunity employer and refrains from conducting background screening on job applicants unless and until an offer of employment is made, with such offer conditioned upon completion of U.S. Soccer's mandated background screening process described above. The background screening covers major criminal databases but does not search credit or financial history, in compliance with applicable state law.

³ The *PROTECT Act of 2003*, Pub. L. 108-21, 117 Stat. 650, S. 151, enacted April 30, 2003, stands for "Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today," and was designed to strengthen law enforcement tools to investigate, prosecute and punish violent crimes against children. The PROTECT Act encourages organizations to obtain national and State criminal history background checks on volunteers, employees and other individuals who work with children, the elderly or the disabled.

In the event an individual with a conditional offer of employment from U.S. Soccer receives a “Red Light” result, U.S. Soccer will:

- Consider how long ago the applicable conviction occurred and whether it is directly related to the job;
- Notify the individual in writing, identify the conviction(s) that are the problem, provide the individual with a copy of his/her record, and tell the individual the deadline by which he/she must respond. The applicant’s response may include submission of evidence challenging the accuracy of the conviction history report that is the basis for rescinding the offer, evidence of rehabilitation or mitigating circumstances, or both.
- Provide the applicant with five (5) business days to respond, unless, within the five (5) business days, the individual notifies the employer in writing that the individual disputes the accuracy of the background screening results and that the individual is taking specific steps to obtain evidence supporting that assertion, then the individual shall have five additional business days to respond to the notice.
- Consider information submitted by applicant before making a final decision.
- Any final decision to deny an applicant solely or in part because of the “Red Light” result will be provided in writing to the applicant along with any existing procedure for the applicant to challenge the decision or request reconsideration, the applicant’s right to file a complaint, if applicable, under the relevant state law.⁴

Additionally, an employee, contractor or agent of U.S. Soccer may not assist a member or former member of U.S. Soccer in obtaining a new job, except in the routine transmission of administrative and personnel files, if the employee, contractor, or agent knows that such member or former member engaged in sexual misconduct regarding a minor in violation of the law.

III. SAFE SOCCER REVIEW

A. REVIEW PANEL

Should a U.S. Soccer Program Participant (“USSPP”) or other individual subject to U.S. Soccer’s background screening policy and who is not an individual with a conditional offer of employment (e.g., either a current employee or another U.S. Soccer participant) receive a “Red Light” finding (from background screening) or an adverse action letter,⁵ (e.g., based on an alleged violation of any provision U.S. Soccer policy that is deemed supported after a reasonable review by U.S. Soccer) for any conduct except as described in Section B.2. below, the individual

⁴ e.g., the California Fair Chance Act.

⁵ An adverse action letter may include a temporary or permanent disqualification, a suspension, a removal from future assignments, or other remedial action (e.g., probation) that impacts participation. Notwithstanding the foregoing, U.S. Soccer reserves the right to take any and all available employment action, subject to applicable law, and to require additional training (e.g., SafeSport-certified training) on the part of any participant at any time.

has the right to a review by a U.S. Soccer Screening Process Review Panel.⁶ The Review Panel will consist of a disinterested, three-person panel selected from the standing U.S. Soccer Appeals Committee panel list.

Unless otherwise notified by the applicable U.S. Soccer program that a shorter period is required, the individual shall have five (5) business days from the date that the USSPP is notified of the finding to request a review. The request for review shall be in writing to legal@ussoccer.org and shall include all arguments the individual wishes to make as well as all written evidence that the individual wishes the Review Panel to consider. By requesting the review, the individual grants permission for his or her complete background check findings, training history, all materials submitted in the review request, and any other information to be provided to the Review Panel, the Chief Legal Officer, and the legal department for U.S. Soccer.

In addition to any evidence or argument provided by the individual, the Review Panel may consider any recommendation of the U.S. Soccer legal department. Such recommendation must be provided to the Review Panel in writing within five (5) business days from the date the appellant's completed request for review is received ("completed request" means having included all supporting documents). The legal department recommendation is to include all written evidence that the legal department wishes the Review Panel to consider.

Unless otherwise agreed to by the requesting individual, the Review Panel review shall be completed within 15 business days of receipt of the completed request for review and any legal department materials and may be conducted by email.

The Review Panel shall have the authority to determine if the individual should be permitted to participate in the applicable U.S. Soccer program, despite the individual's receipt of a "Red Light" finding or an adverse action letter.

B. HEARING PANEL

If the Red Light finding is for a disposition or resolution of a criminal proceeding other than an adjudication of not guilty for:

- Any felony, unless dismissed;
- Any sexual crimes, criminal offenses of a sexual nature including 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;
- 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,

or if the Review Panel assembled pursuant to Section B.1. above does *not* permit participation based on its email review, then the individual has the right to a hearing held by a U.S. Soccer

⁶ U.S. Soccer may create a different process for certain USSPPs such as athletes, with the approval of the USSPP or the USSPP's representative.

Screening Process Hearing Panel. The Hearing Panel will consist of a disinterested, three-person panel selected from the standing U.S. Soccer Appeals Committee panel list.⁷

If the individual has *not* already received an email review under Section V.B.1. above, the individual shall have five (5) business days from the date the individual is notified of the Red Light finding to request a telephone hearing. The request for a telephone hearing shall be in writing to legal@ussoccer.org. The request shall include all written evidence that the individual wishes the Hearing Panel to consider. By requesting the hearing, the individual grants permission for his or her complete background check findings, training history, and other file information to be provided to the Hearing Panel, the Chief Legal Officer, and the legal department for U.S. Soccer.

In addition to any evidence or argument provided by the individual, the Hearing Panel may consider any recommendation of the U.S. Soccer legal department. Such recommendation must be provided to the Hearing Panel in within five (5) business days from that date of the individual's completed request with all supporting documents for hearing and must include all written evidence that the legal department wishes the Hearing Panel to consider. Unless otherwise agreed to by the requesting individual, the review shall be completed within 15 business days of receipt the completed request (with all supporting documents) for a hearing.

If the individual *has* received an email review pursuant to Section V.B.1. above, but has not been approved to register based on email review, a Hearing Panel will be appointed according to the process described above, and the Hearing Panel shall consider the written evidence submitted in conjunction with the email review as well as any testimony given during the telephone hearing by the individual, his or her witnesses, or U.S. Soccer's legal department. The decision of the Hearing Panel shall be final and binding on all parties regarding the application.

IV. GRIEVANCES

Parties continue to have the right to avail themselves of the grievances processes outlined in U.S. Soccer Bylaws 702 and 703, as applicable.

V. OTHER APPLICABLE U.S. SOCCER POLICIES AND GUIDELINES

In addition to U.S. Soccer's Prohibited Conduct Policy and Minor Athlete Abuse Prevention Policy, U.S. Soccer maintains Bylaws, Policies and additional policies and guidelines that may provide further guidance. Here is a list of many of these policies, which are subject to amendment from time to time at the discretion of U.S. Soccer, and none of which alter or amend any at-will employment relationship:

- U.S. Soccer Bylaws and Polices and USOPC Bylaws and Policies

⁷ Members who served on a Review Panel are permitted to serve on a Hearing Panel for the same matter, where necessary.

- U.S. Soccer Code of Conduct
- U.S. Soccer Employee Handbook
- FIFA Code of Ethics
- Policy on the Prevention of Conflicts of Interest