

USAJR Criminal Background Check Policy

I. Introduction

In order to help safeguard members in our care, USAJR conducts annual criminal background checks on each member who seeks to act as a coach, camp director, camp teaching staff aged eighteen and over, camp administrative staff, camp chaperones, members of the All-Star team eighteen and over, USAJR board members and executive staff. Information obtained is confidential as provided by law and will be used and retained only as authorized by law. Each member shall give written authorization for USAJR to obtain a criminal background check as may be required by the federal Fair Credit Reporting Act, 15 USC 1681-1681u, or other applicable law, as currently in effect and as it may be amended from time to time.

II. Criminal Offenses.

If USAJR learns that a member has been convicted of, has pleaded guilty to, or has pleaded no contest to a misdemeanor or felony, the following shall apply:

- A. For crimes against children, offenses against persons, offenses against the family, crimes involving weapons, arson, or any violent crime or drug-related offense other than as provided in Section II- C, the person will not be allowed to serve in any capacity.
- B. Registered Sex Offender Policy – Status as a registered sex offender means the person will not be allowed to serve in any capacity.
- C. For a DWI, DUI, or illegal substances, if it has been five years or less since the date of disposition, then that person shall not be allowed to serve in the positions defined in Section I.
- D. Any person convicted in the past five years for shoplifting, theft, fraud, false pretense, embezzlement, worthless checks, or related offenses will be restricted from the management of USAJR funds.
- E. For any other criminal offense, regardless of whether it is classified as a felony or as a misdemeanor, that person shall have his or her case reviewed on a case-by-case basis. The decision whether to allow service shall be within the absolute and exclusive discretion of the Executive Committee.

III. Pending Charges

If charges are pending or USAJR becomes aware of any pending charges at any time of any criminal offense other than minor traffic violations, involvement with USAJR as a volunteer as set forth in Section #1 may be temporarily suspended pending disposition of the case.

IV. Procedure

When record of criminal history is received, the Executive Director will review the record. If the history contains a conviction for any of the crimes listed above, it will be referred to the Executive Committee. A letter of pre-adverse action with a copy of the report will be sent to the individual by certified mail within 7 business days.

Any member who disputes and desires to contest any information that appears on the criminal history record transcript must file with USAJR written notice challenging the accuracy of the transcript within 10 business days following the submission of notice. The individual must take all steps necessary to challenge the report and provide the USAJR with sufficient documentation that the transcript is in error and that steps are being taken to correct the transcript. Upon resolution of the matter with the agency providing the report, the individual may submit a certified copy of the corrected criminal history record transcript to USAJR. All costs associated with an appeal of the criminal history report provided to USAJR shall be borne by the individual. Further, it is the responsibility of the individual contesting the report, not USAJR, to take all action necessary to contest or correct the criminal history report. Notwithstanding an "individual" contest of information contained in the criminal history report, the USAJR is entitled to and shall rely upon the information contained in the criminal history report until such time as a corrected criminal history manuscript has been provided. The USAJR does not control the information that is contained in criminal history reports, and the USAJR shall have no liability to any person for the information contained in such reports or for its actions taken in reliance upon such reports.

If USAJR does not receive written notice of contest of criminal history transcript within 10 business days, the Executive Director will send the adverse action letter to the individual by certified mail within 7 business days.

All records and information concerning positive background checks will be handled discreetly and confidentially. Records will be kept in a locked cabinet and accessed by the Executive Director and Executive Committee only.

V. Continued Service.

As set forth in Section 1 each member as a condition of continued services consents to annual review of his or her criminal background.

Approved 1/31/2010

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