

## USHJA POLICY STATEMENT

**Subject: Background Check and Screening Policy**

**Policy Number: 2018-5-02**

**Date of Board Adoption: May 7, 2018**

**Board Approved Effective Date: December 1, 2018**

### **Purpose:**

The USHJA Board of Directors recognizes that the use of background checks is a best business practice, and as such has adopted the use of background checks to safeguard and protect the Association, leadership, volunteers and members. For these reasons, the USHJA has adopted this background check screening policy.

Further, the USHJA Board of Directors has specifically defined background checks as a requirement for USHJA employment and certain programs and contractor functions as defined in *USHJA Required Trainings, Screenings, and Documentation Policy*.

The Board recognizes a potential liability for the Association with regard to certain programs and functions, and therefore requires certain categories of individuals, as defined in the *USHJA Required Trainings, Screenings, and Documentation Policy* to submit to periodic background checks as an added measure of quality, and in effort to advance a secure and safe environment for individuals participating in the sport of Hunters and Jumpers.

Additionally, USHJA requires compliance with any and all applicable local, state, and/or Federal laws concerning background checks, screenings and/or clearance, and will enforce such local, state and/or Federal laws to the extent required by such laws.

### **Policy:**

The purpose of this policy is to define the background check search and disqualifying criteria to determine eligibility for the members, volunteers and/or contractors required to undergo background checks (“Required Entities”) as outlined in the *USHJA Required Trainings, Screenings, and Documentation Policy*.

### **Criminal Background Checks:**

All Required Entities are subject to a Social Security Number Trace Search, a National Criminal Database Search (including a sexual offender search), and a Statewide Criminal Database Search in the state of residence (the combination of the combined search types is referred to herein as the Background Search”). The Background Search will be conducted in full compliance with the Fair Credit Reporting Act (FCRA) and all applicable Federal, State and local regulations.

***Alternatively:*** Required Entities who are USEF Licensed Officials (LO), and have successfully completed a background check under the USEF Licensed Officials licensure process within six (6) months of USHJA Program (e.g. Trainer Certification) background timeframe, may submit

the LO background check results to USHJA to fulfill the USHJA Program background check requirements.

Except as provided under the alternative scenario, the Background Search shall be conducted by a background search firm as designated by USHJA. The cost for the Background Search shall be paid by the Required Entities in addition to any applicable application or renewal fee.

Should a Required Entity wish to submit previous background check results associated with the Licensed Official process, it is the Required Entity's responsibility to request the results of their search be forwarded to USHJA.

### **Reporting of Results; Disqualification Criteria:**

Any results that meet the criteria set below will be reported to the USHJA Legal Counsel. Any criminal conviction reported which would qualify as an Automatic Disqualifier, described below, will be confirmed at the county court level with an "at court search," the cost of which will be paid by the Required Entity. Offenses that have already been reported to USHJA under a prior Background Search will not trigger additional action.

Automatic Disqualifiers. A Required Entity will be automatically disqualified from certification and/or service if the Background Search reveals that such individual has: (i) been convicted of; (ii) received an imposition of a deferred sentence for; and/or (iii) pled guilty or no contest at any time for; or (iv) any pending charges for:

1. Any felony involving:
  - i. Violence against a person;
  - ii. Child endangerment, neglect, or abuse;
  - iii. Animal abuse;
  - iv. Firearms;
  - v. Any sexual crime, including without limitation misconduct, lewd conduct, indecent exposure, public indecency, prostitution, sexual assault, rape, and register violations; and/or
  - vi. Any drug related crime, including use, possession, distribution, intent to distribute, trafficking, manufacturing, or sale, or maintaining a disorderly house;
2. Any misdemeanor involving:
  - i. Firearms;
  - ii. Child endangerment, neglect, or abuse;
  - iii. Animal abuse;
  - iv. Any sexual crime, including misconduct, lewd conduct, indecent exposure, public indecency, prostitution, sexual assault, rape, and register violations; and/or
  - v. Two or more drug related crime, including use, possession, distribution, intent to distribute, trafficking, manufacturing, sale, or maintaining a disorderly house.

Potential Disqualifiers. A Required Entity may be disqualified from certification and/or service if a background search reveals that such individual has: (i) been convicted of; (ii) received an imposition of a deferred sentence for; and/or (iii) pled guilty or no contest at any time for; or (iv) reveals any pending charges for:

1. Any felony not described in Section 4(b)(1); and/or
2. Any misdemeanor involving:

- i. Violence against a person;
- ii. Driving while intoxicated/driving under the influence;
- iii. Destruction of property, including arson, vandalism, and criminal mischief;
- iv. Such other violation determined by USHJA to be detrimental to the image or reputation of USHJA

The interpretation of what qualifies as an offense as well as what convictions fall within the list above is within the sole discretion of the USHJA.

### **Appeals**

Appeal for Automatic Disqualifiers. Required Entities subject to Automatic Disqualification pursuant to criteria will be notified by the USHJA Legal Counsel, or the screening agency, and may request a secondary review by the Conduct Review Committee to evaluate the accuracy of the reported information, but not the consequence of disqualification if any of the criteria described herein are met. If the Required Entity does not request an appeal, then the results will not be reported to the Conduct Review Committee.

Appeal of Potential Disqualifiers. In the event that the Background Search reveals one or more items described in criteria as a potential disqualifier, then the following process will be followed:

1. Required Entity will be notified of the results of the Background Search by the USHJA Legal Counsel or the screening agency, and shall have ten (10) days from the date of such notice to provide any additional information that the Required Entity thinks is relevant;
2. The USHJA Legal Counsel shall review the violation described in the criteria, as well as the additional information provided by the Required Entity, and shall determine whether the Required Entity shall be disqualified from certification or service. Such decision shall normally be made within 30 days of receipt of information from the Required Entity.
3. If the USHJA Legal Counsel determines that the Required Entity will be denied certification or service, then the Required Entity may appeal such decision to the Conduct Review Committee. Such appeal must be filed within 30 days of the date of the USHJA Legal Counsel decision denying certification or service following the USHJA Complaint/Grievance Process. A meeting will be held by the Conduct Review Committee according to rules and procedures developed by the Conduct Review Committee and adopted by the USHJA Board of Directors.

### **Delegation of Authority:**

The USHJA Executive Director shall have oversight of this policy, and will be responsible for the implementation of all necessary and related procedures.