USA Surfing Background Check Policy

Effective: November 1, 2026
Owner: Compliance Officer

A. Purpose

USA Surfing is committed to the safety of athletes and participants involved in surfing. As part of preventive SurfSafe measures in accordance with the SurfSafe Policy, USA Surfing conducts background checks in order to (a) foster a safe environment at domestic and international competitions, (b) create a safe living, training, and competition environment for athletes and other individuals associated with USA Surfing and (c) protect persons at risk, including, but not limited to, minors and vulnerable persons. This policy sets forth USA Surfing's background check standards and outlines the guidelines for the use of background checks to determine eligibility for USA Surfing membership and for participation in USA Surfing programs and services.

USA Surfing has engaged the National Center for Safety Initiatives (NCSI) as its background check vendor and NCSI will conduct all background checks for USA Surfing. NCSI is a full-service screening organization. In addition to conducting background checks, NCSI is responsible for evaluating background check results, communicating with individuals regarding their background check results, and reporting to USA Surfing all background check results. NCSI will also be responsible for complying with the Fair Credit Reporting Act ("FCRA"), storage of background check records, and maintaining the confidentiality of information obtained in the background check process.[1] The United States Olympic & Paralympic Committee (USOPC) has approved NCSI as an authorized background check provider that complies with all the USOPC background check screening requirements.

B. Applicability

This policy applies to Adult Participants as defined in the SurfSafe Policy, Section C (Applicability), collectively referred to as "Background Check Required Individuals."

C. Background Check Search Components[2]

1. *Full Background Checks*. All full background check screens will include at least the following search components:

    a. Social Security Number validation[3];

    b. Name and address history records;

[1] NCSI does not participate in or make decisions regarding an individual's eligibility for participation. Any and all decisions relating to participation shall be determined according to the process herein.
[2] This shall also apply to a USA Surfing officially designated Training Site for those individuals it formally authorizes, approves, or appoints (a) to serve in a position of authority over athletes, or (b) to have regular contact with athletes.
[3] Or suitable alternative identification verification process as determined by NCSI.

c. Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;

d. Federal District Courts search for each name used and district where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable;

e. County Criminal Records for each name used and county where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable for each county searched;

f. National Sex Offender Registry database search of all available states, plus DC, Guam, and Puerto Rico;

g. Multiple National Watch Lists;

h. SafeSport Disciplinary Records;

i. NCSI Homeland Security Search or an international records search equivalent for individuals who have lived outside of the United States for six consecutive months within the past seven years. Individuals who are on a current U.S. visa to enter the United States are exempt from this requirement.[4];

j. Motor Vehicle Records of at least a 3-year history in the state of licensure; (*only if* driving is required for a position);

2. *Supplemental Background Checks*. All supplemental off-year background check screens will be conducted using at least the following search components:

a. Multi-Jurisdictional criminal database covering 50 states plus DC, Guam, and Puerto Rico;
b. Sex Offender Registry database searches of all available states, plus DC, Guam, and Puerto Rico; and
c. SafeSport Disciplinary Records.

D. Timeframe

1. *Full Background Checks*. Full background checks will be completed prior to the commencement of a new role or competition for all Background Check Required Individuals, and every two years thereafter as long as they still fit within the definition of a Background Check Required Individual.

    a. **Exception**: Adult Athletes on a National or International Team. Adult Athletes on a National or International Team (*see* Section B.4) shall have 45 days after reaching the age of majority (18 years of age), to come into compliance with this background check policy.

2. *Supplemental Background Checks*. A supplemental, partial, background check will be conducted in the off-years.

[4] International record checks vary from country to country. The background check vendor will provide comparable search components depending on the laws of that specific country.

E. Background Check - Offenses

1. *USA Surfing-Initiated Background Check – Criminal Offenses*.

   When USA Surfing receives notice of a background check that results in a report of a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty,[5] for any of the below criminal offenses, USA Surfing will determine the individual's level of access and involvement in the sport of surfing in accordance with the review process in this policy.

   a. Any felony[6]

   b. Any misdemeanor involving:

      i. 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[7];

      ii. Any drug related offenses;

      iii. Harm to a minor and 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;

      iv. Violence against a person (including crimes involving firearms and domestic violence);

      v. Stalking, harassment, blackmail, violation of a protection order and/or threats;

      vi. Destruction of property, including arson, vandalism, and criminal mischief; and

      vii. Animal abuse or neglect.

2. *USA Surfing-Initiated Background Check - Driving Offenses.*

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[5] The phrase "disposition or resolution of a criminal proceeding, other than an adjudication of not guilty" shall include, but is not limited to: an adjudication of guilt or admission to a criminal violation, a plea to the charge or a lesser included offense, a plea of no contest, any plea analogous to an Alford or Kennedy plea, the disposition of the proceeding through a diversionary program, deferred adjudication, deferred prosecution, disposition of supervision, conditional dismissal, juvenile delinquency adjudication, or similar arrangement, or the existence of an ongoing criminal investigation, a warrant for arrest, or any pending charges.

[6] For purposes of this policy, the term "felony" shall refer to any criminal offense punishable by imprisonment for more than one year.

[7] Any participant 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 appropriate authorities, including any mandatory reporting obligations under federal or state law.

If driving is required for a USA Surfing position (where that individual is transporting people in any motor vehicle for a business purpose), a driving background screen will be conducted (*see* Section D.j). When USA Surfing receives notice of a driving background check that results in a report of a disposition or resolution of a driving offense, USA Surfing will determine the individual's level of access and involvement in driving privileges and in the sport of surfing, in accordance with the review process in this policy.

a. No valid driver's license (expired or lack of license);

b. Suspended or revoked driver's license;

c. More than two moving violations and/or accidents in the prior two years;

d. A conviction for a major moving violation within the prior two years, including, but not limited to: DUI/DWI, possession of an open container, any drug-related motor vehicle incident, leaving the scene of an accident, assault (in any form) by use of a motor vehicle, and reckless driving (willful or wanton disregard for safety of persons or property in any form);

e. Pending traffic offenses; and

f. An individual being under 21 years of age.

F. Background Check – Redlight Review Process

1. *Completion of Background Check Screening.* After an individual submits the required information and consents to the background check, the screening will occur. After the screening of the individual's records, a "Green Light" or "Redlight" will be returned to NCSI.

    a. "Greenlight" Finding. A "Green Light" indicates that no reportable criteria-related convictions or pending dispositions were found in the screening process. Upon issuance of a Greenlight finding, the individual will be deemed to have passed the background check and is authorized full participation rights, subject to compliance with any other USA Surfing policy or federal or state law.

    b. "Redlight" Finding. A "Redlight" means the report of a disposition or resolution of a criminal proceeding, or in the case of driving privileges, a motor vehicle offense.

2. *Redlight Finding: Pre-Adverse Letter*. If a Redlight appears, the individual will first be contacted directly by NCSI (USA Surfing is not contacted nor involved at this stage) and given the opportunity to correct potential discrepancies in the individual's records or to provide additional information prior to NCSI issuing a Redlight flag. NCSI only relies on objective concrete data and will never take the word of the individual as proof of a discrepancy. The individual will have 5 days to challenge the Redlight finding after the pre-adverse letter. If the individual does not challenge it within that timeframe or no other evidence overturns, contradicts or changes the Redlight, a Redlight will officially be flagged. USA Surfing will notify the individual of the Redlight and opportunity for a review.

3. Ongoing duty to disclose. Any Background Check Required Individual has an ongoing duty to disclose any pending or adjudicated charges that fall under this policy. If USA Surfing learns of any pending or adjudicated charges that occur outside of the full or supplemental background check by any means, USA Surfing will conduct the review process herein with the relevant and available information at its discretion.

4. *USA Surfing Redlight Finding Review Process*.

    a. Primary Review. After USA Surfing has been notified of a Redlight flag, the CEO will convene a Redlight Hearing Panel and will initiate a primary review of the charges (in the event that the Redlight is against the CEO, the Chair of the Board or his/her designee will take this role). The CEO or his/her designee will contact the individual and provide him/her with the opportunity for a non-adversarial hearing to explain the nature of the charges. The individual has a right to a representative during this hearing and may present any relevant information and material.

    b. Determination. The Redlight Hearing Panel shall exercise its discretion and may take all relevant information into consideration to determine the eligibility status of the individual with the Redlight, up to and including permanent ineligibility/lifetime suspension. The Redlight Hearing Panel may also determine other preventative measures, such as but not limited to: warnings, rehabilitation, safety precautions, or any other parameter the individual needs to abide by. If the individual is banned from participation, NCSI, on behalf of USA Surfing, will issue an Adverse Finding Letter. The determination will be final and binding, subject to Section G.5 below.

    c. Considerations. When making its determination, the Redlight Hearing Panel may take the following into consideration: (i) the health and safety of athletes or any other participant in the sport of surfing, (ii) the severity of the offense, (iii) rehabilitation efforts, (iv) when the offense occurred, (iv) how old the individual was at the time of the offense, (v) whether there are multiple offenses, and (vi) any other information at the discretion of the Redlight Hearing Panel to ensure establishing a safe environment.

5. *Appeal Rights.*

    If a determination of the Redlight Hearing Panel takes away the opportunity for the individual to participate in a surfing competition, the individual will have the right to appeal the decision within five (5) days and request a hearing pursuant to USA Surfing's Complaint Resolution Procedures. If they do not appeal within that time frame, the determination will be final and binding.

6. *Communication to USOPC*.

    If there is a potential allegation of Prohibited Conduct (as defined in the SurfSafe Policy) at a location falling under the USOPC's jurisdiction, or if USA Surfing imposes a temporary measure on an individual who falls under the USOPC's jurisdiction (e.g. at a USOPC Training Center, Delegation Event, or receives benefits from the USOPC), USA Surfing will communicate the allegation and/or findings and measures to the USOPC Office of Athlete Safety.

7. *USOPC Secondary Review of USA Surfing Determinations*.

    If a Background Check Required Individual receives a redlight finding and USA Surfing has granted that individual participation rights, and that individual subsequently comes under the

jurisdiction of the USOPC, the USOPC may conduct a secondary review of the redlight pursuant to the USOPC Background Check Policy and Procedures.

G. USA Surfing Contact

The CEO is responsible for this Policy and its enforcement. You may reach out to the CEO with any questions that relate to this policy or the background check process at any time.

USA Surfing: admin@usasurfing.org

H. Revision History

Publication Type	Policy Approver	Enabling Action	Publication Date	Next Scheduled Review	Revision Summary
Policy Revision	Board of Directors	TBD	TBD	TBD	Updates to Applicability (Section B); terminology consistent with MAAPP and SurfSafe Policy; authority given to Redlight Hearing Panel (Section F).