



American Canoe Association (ACA)
Background Check Policy
Updated August 4, 2022

Note: Prior to the revision date of this Background Check Policy, this document was integrated into the ACA Safe Sport Handbook, Section III, pages 15-17. This section of the SafeSport Handbook has now been removed and this stand-alone policy has been established.

Introduction

The American Canoe Association's (ACA) mission is to provide leadership, integrity and advancement for paddlesports in the United States. The organization works to achieve this mission through a wide range of programs and events geared towards providing a fair field of play for all paddlers, and at the same time, providing a safe environment in which to recreate and compete. At the ACA, we envision a future where everyone has an opportunity to paddle and enjoy a lifetime of rewarding experiences both on and off the water. The ACA has a ZERO tolerance policy for misconduct

An integral component of our athlete safety effort is to conduct background checks of certain Adult Participants as well as ACA staff. The sections which follow describe the Policies and Procedures that comprise the ACA Background Check Policy.

Screening Volunteers

ACA follows the Athlete Safety policy of the USOPC which requires all individuals in regular contact with or authority over minor athletes to pass a background check. This includes background checks of staff, volunteers, coaches, officials, board members and other covered individual and uses the USOPC's preferred vendor, NCSI, to conduct these checks. Other covered individuals include the following:

- Other individuals authorized or nominated by ACA to work with athletes or other sport participants while at a competition event to which ACA sends athletes.
- All athletes and alternates, training partners, and guides 18 years of age or older who are selected by ACA to participate in the national or international team, or Delegation Events.
- All athletes and alternates, training partners, and guides 18 years of age or older that are selected by ACA to train at any Olympic & Paralympic Training Center, USOPC High Performance Training Center, or Responsible Sport Organization Training Site.
- All volunteers in regular contact with or authority over minor athletes will be required to pass a background check.
- Other individuals who have regular contact with athletes as determined by ACA, in its discretion.

All required individuals must undergo a background check for acceptability prior to initial assignment of duties. Thereafter, a subsequent background check should be run every two years. A supplemental background check will be completed in the off years between the full background checks.

The ED or Designated Staff member is responsible for implementing, monitoring, taking corrective action, disqualifying unfit candidates, and working with third-party background check vendors on all issues related to the criminal background check program for staff. The ED or Designated Staff member will maintain confidentiality to protect against possible claims of slander or libel. The ED or Designated Staff should work with third-party vendors for assistance in interpreting background check results and to protect against possible claims under the Fair Credit Reporting Act, First Offender Act, and all other state and federal laws protecting those who undergo criminal background checks.

Administration of Background Checks

- ACA will conduct background checks according to the current policies of the USOPC
- The ACA will keep records and maintain compliance of background checks
- The ACA will maintain the publication of a list, updated at least annually, of the categories of people included in background checks

Third-Party Vendors/Contractors

Contracts with third-party vendors/contractors that are (a) in a position of authority over or (b) in regular contact with athletes must include the background check requirements set forth in this policy. The contracts shall also specify that certification must be provided by the vendor/contractor upon request by ACA, to establish that the mandated background checks were conducted.

Background Check Flagged Results

Any ACA background check that results in a report of a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty¹, for any of the below criminal offenses will be subject to ACA's policies and procedures to determine the individual's level of access and involvement:

- Any felony²
- Any misdemeanor involving:
 - All sexual crimes and criminal offenses of a sexual nature to include but not be limited to: child molestation, rape, sexual assault, sexual battery, lewd conduct, possession or distribution of child pornography, possession or distribution of obscene materials, indecent exposure, public indecency, prostitution, solicitation, and any other sex offender registrant, etc.
 - Any drug-related offenses including driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.
 - Violations involving harm to minors and vulnerable persons, 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 in the vehicle.
 - Violence against a person including crimes involving firearms, simple assault, battery, domestic violence, hit & run;
 - Stalking, harassment, blackmail, violation of a protection order or threats;
 - Destruction of property, including arson, vandalism, criminal mischief, and/or threats; and
 - Animal abuse or neglect.

¹A “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.

² For purposes of these procedures, the term “felony” shall refer to any criminal offense punishable by imprisonment for more than one year.

Disqualification Criteria

To make sure that all parties subject to background checks are treated fairly and consistently, the following background check results will disqualify the individual from participating in ACA events/activities:

- All sexual crimes and criminal offenses of a sexual nature to include but not be limited to child molestation, rape, sexual assault, sexual battery, lewd conduct, possession or distribution of child pornography, possession or distribution of obscene materials, indecent exposure, public indecency, prostitution, solicitation, and any other sex offender registrant, etc.
- All felonies involving violence including murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, etc.
- Found guilty within the past 10 years of all felony offenses other than violence or sex including drug offenses, theft, embezzlement, fraud, child endangerment, etc.
- Found guilty within the past 7 years of all misdemeanor violence offenses including simple assault, battery, domestic violence, hit & run, etc.
- Violations involving harm to minors and vulnerable persons, 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 in the vehicle.
- Found guilty within the past 5 years of misdemeanor drug and alcohol offenses (or multiple offenses in the past 10 years) including driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc. If the individual is responsible for driving other persons as part of their job responsibilities, the ACA reserves the right to extend the applicable review period beyond 5- or 10-years.
- Any other misdemeanor within the past 5 years that would be considered a potential danger to children or is directly related to the functions of the staff member, including contributing to the delinquency of a minor, providing alcohol to a minor, theft (if the individual is handling association funds), etc.
- Violence against a person including crimes involving firearms and domestic violence;
- Stalking, harassment, blackmail, violation of a protection order or threat;
- Found guilty of destruction of property, including arson, vandalism and/or threats
- Animal abuse or neglect within the past 5 years.

Employment Applications

Prior to the running of any criminal background check, the applicant should complete a staff application form giving his or her consent to the running of such check. This form should include a question about

the existence of any prior criminal convictions. A “yes” answer should require a detailed explanation including the type of offense, locations, and dates.

Results

The results from the criminal background check vendor should be received by the ED, Athlete Safety & Compliance Manager or other designated staff member. The reviewer may need the assistance of the vendor in interpreting the results against the predetermined disqualification criteria. In addition, the reviewer should ask the vendor about any applicable first-offender acts in a particular state that may disallow the use of the results in making a disqualification decision. All disqualified applicants should be provided with the following documents:

- 1) Fair Credit Reporting Act: Summary of Rights
- 2) Letter of disqualification
- 3) Copy of the criminal background check results.

The vendor will advise if there are any other requirements under state or federal law.

The information obtained in the staff application/consent form, as well as the results of criminal background checks for all parties, should be held in strict confidence to protect the confidentiality of the information. Confidential information should not be disclosed outside of the organization and should only be shared within the organization on a need-to-know basis. However, under certain circumstances, the organization may have a legal duty to disclose certain types of information to government agencies or law enforcement.

Appeals Process

Any individual who is disqualified due to an unsatisfactory criminal background check has the right to appeal this decision if they notify the ED in writing. Such appeals will be heard by a three-person Grievance Committee. This committee will decide whether to uphold the decision of the ED. As a compromise, the GC may decide to reassign the applicant to a more appropriate position or to place the candidate under a probationary period. The results of all criminal background checks and appeals will be kept confidential.

The written appeal should include:

- Full name and address of the appellant
- Full name and address of any person making the request for an appeal on behalf of the appellant
- The grounds for the appeal, providing a detailed explanation of the appellant’s objections to the decision, additional facts, or factual errors in the decision;
- The relevant particulars to the appeal, providing any background facts relating to the appeal, including how the appellant is affected by the decision and a detailed description of the requested relief (i.e. what appellant wants the GC to do)
- The signature of the appellant or the appellant’s representative, and the date of the appeal.