



USA JUDO SEX ABUSE, MOLESTATION, AND PHYSICAL ABUSE POLICY AND SCREENING

PURPOSE:

The U.S. Olympic and Paralympic Movement is committed to the safety of athletes and participants involved in sport. The United States Olympic Paralympic Committee (“USOPC”) requires NGBs, PSOs, and HPMOs (hereinafter “Responsible Sport Organizations”) to conduct background checks in order to (a) foster a safe environment at the Olympic, Paralympic, Pan American, Parapan American and Youth Olympic Games (collectively the “Delegation Events”), as well as Olympic Training Centers and Training Sites; (b) create a safe living, training, and competition environment for athletes and other individuals associated with Responsible Sport Organizations; and (c) protect persons at risk, including, but not limited to, minors and vulnerable adults. As United States Judo, Inc. d/b/a USA Judo (hereafter “USA Judo”) operates as a Responsible Sport Organization under these guidelines, the following policy provides the standards adopted by USA Judo regarding its background check policies, under USOPC guidelines.

INTRODUCTION:

USA JUDO is the National Governing Body responsible for the oversight and administration of the contact sport of Judo, which is practiced by men and women of all ages in the United States. USA Judo is committed to the safety of athletes and participants involved in the sport of Judo. The sport of Judo and its practice may result in significant bodily contact between participants and between participants and coaches or instructors. Although USA Judo has few employees, it has numerous members and volunteers throughout the United States. It is the position of USA Judo, due to the physical contact involved in the practice of the sport of Judo, that its volunteers, participants and members should not be exposed to unnecessary risk to their health and safety. USA Judo requires background checks in order to (a) foster a safe environment at all USA Judo programs or activities; (b) create a safe living, training, and competition environment for athletes and other individuals associated with USA Judo; and (c) protect persons at risk, including, but not limited to, minors and vulnerable adults.

USA Judo encourages its local organizers to adopt policies consistent with each state's applicable laws relative to the detection of child abusers, child molesters, persons involved in criminal offenses of a sexual nature, or criminal offenses that are averse to the administration of the sport.

If any employee, member, volunteer, or participant is charged with a criminal offense of a sexual nature, child abuse, child molestation or other disqualifying offense per the USA Judo Background Screening Standard, set forth hereafter, membership privileges and participation may be suspended pending the resolution of said charges and the completion of a background check.

Membership and participation in USA Judo programs or activities may be terminated, refused, or denied to an individual convicted of a criminal offense of a sexual nature, child abuse, child molestation or other disqualifying convictions, per the USA Judo Background Screening Standard.

In matters under the jurisdiction of USA Judo, the Background Screening Committee may make such confidential investigations as would be necessary to implement these policies and procedures.

SEX ABUSE POLICY STATEMENT:

It is the policy of USA Judo that there should be no sexual abuse of any adult or minor participant involved in any of its sanctioned programs, its training camps, Judo clinics, coaches' clinics, referees' clinics, regional and national tournaments or other USA Judo sanctioned events, by an employee, volunteer, member or independent contractor. For this policy, a minor is an individual who has not reached the age of consent or has not been emancipated. Sexual abuse of a minor participant occurs when individuals 18 years of age and older touch a minor participant for the purposes of causing sexual arousal or gratification of either the minor participant or individuals 18 years of age and older. Sexual abuse of a minor participant also occurs when a minor player touches an individual 18 years of age and older for the sexual arousal or sexual gratification of either the minor participant or individuals 18 years of age and older if the touching occurs at the request or with the consent of the individuals 18 years of age and older. Neither consent of the individual to the sexual contact, mistakes as to the participant's age, nor the fact that the sexual contact did not take place at a Judo function, are defenses to a complaint of sexual abuse. Upon proof of violation of this policy, the violator will be permanently banned and/or suspended from USA Judo sanctioned programs and/or the programs of its group A, B or C members, and reported to SafeSport, under SafeSport policy.

PHYSICAL ABUSE POLICY STATEMENT:

It is the policy of USA Judo that there should be no physical abuse of any participant involved in any of its sanctioned programs, its training camps, judo clinics, coaches' clinics, referees' clinics, regional and national tournaments or other USA Judo sanctioned events by any employee, volunteer, member or independent contractor. Physical abuse means physical contact with an individual that intentionally causes the individual to sustain bodily harm or personal injury, other than physical contact that would be normal when participating in the sport of Judo and in accordance with the rules with the sport of Judo. Physical abuse also includes physical contact with a participant that intentionally creates a threat of immediate bodily harm or personal injury inconsistent with the normal activities experienced in practicing the sport of Judo and/or that contradicts the rules of the sport of Judo.

Physical abuse does not include physical contact reasonably designed to coach, teach or demonstrate Judo skills. Permitted physical contact may include, but is not necessarily limited to: teaching Judo techniques, participating in randori (free practice), ne waza (groundwork), warm-up exercises, and communicating with or directing participants during the course of tournaments or practice by touching them in a non-threatening non-sexual manner.

USA JUDO BACKGROUND SCREENING STANDARD

INTRODUCTION:

The following policy guidelines are a reflection of the disqualifying standards being implemented by USA Judo and are minimum standards applicable to the United States Judo Association and the United States Judo Federation as a condition of membership and the American Judo Alliance Agreement. Each organization has agreed to these guidelines which reflect the needs to protect the members of the American Judo community by using this policy document as a guide.

BACKGROUND SCREENING COMMITTEE:

USA Judo, in conjunction with its Group A, B, and C members, shall appoint a five-member committee which will be designated the Background Screening Committee (hereafter the "Committee") to administer all background check procedures. The Committee shall be made up of two representatives from USA Judo, a representative from the USJA, a representative from the USJF, and an athlete representative. Individuals will submit their background screen applications directly to the Background Check agency selected by USA Judo. The Committee shall receive and review flagged results of the background check reports from the investigating agency. The Committee shall determine if any individual does not meet the USA Judo minimum standards for coaches, teachers, instructors or referee or other positions as set out in Appendix A and shall use the criterion stated herein as a guide.

This list is subject to review and consideration by the members of the Committee and the discretionary determinations made by the Chair of the Committee, the Committee in its entirety, and determinations resulting from a review of the Committee decision by the Ethics & Grievance Committee of USA Judo.

The classifications of the offenses are generic, and the time limits are to be guidelines as opposed to definitive limitation periods.

The classification of offenses by third parties and issues on whether offenses are convictions, felonies or misdemeanors are not controlling. The determinations being made by the Committee concerning the need to protect the members of USA Judo and the affiliated organizations are binding and subject to the appeal procedure of USA Judo.

When implementing these guidelines, the Committee is to use its discretion and consider the age and nature of the offense. The Committee is to be guided by state law in the jurisdiction where any offense occurred, and also will be bound by court determinations or statutes that prohibit the imposition of sanctions as a result of expungement or other statutes that require the maintenance of confidentiality.

Regarding court determinations relating to operating a motor vehicle after consuming drugs or alcohol, the Committee should be guided by the frequency of the offense, the age of the offense and whether or not the court has determined that the person that is the subject of the offense may operate a motor vehicle after his arrest and/or conviction. If an individual does not pose a potential danger to children by the operation of a motor vehicle in that he does not transport children when taking action on behalf of USA Judo (or its affiliated organizations), those factors must be considered for a first offense that has occurred within five years.

If multiple motor vehicle offenses involve drunk driving or driving under the influence, then that factor must be heavily weighed by the Committee.

The Committee must consider that convictions will include a plea of guilty or nolo contendere (no contest) or Alford Pleas or pleas of guilty where the entry of a conviction is withheld by the court for a probationary period.

The Committee is not prohibited from taking action regarding disqualifying events if the Committee has clear and convincing evidence that an applicant has been charged with a serious sexual offense, child molestation, physical child abuse or pedophilia, or any offense where the potential of danger to children is considerable, even if the underlying offense resulted in a dismissal, so long as there was not a determination made that the applicant was not guilty. The Committee is to review these matters with an eye towards determining whether a danger to children exists and that a dismissal of a case was due to the failure of a child to testify, merely procedural errors, or other factors that would prevent the prosecution of a case but which would not suggest that the underlying conduct did not occur.

APPLICATION: This policy applies to, and is mandatory for the Parties on Appendix A.

REFUSAL TO SUBMIT TO SCREENING:

It is policy of USA Judo that any of the above-listed individuals or programs who refuse to consent to be screened by USA Judo will not be authorized or sanctioned in its program that it directly controls, or sanction any volunteer or employee who has routine access to children (anyone under the age of majority) who refuses to consent to be screened by USA Judo before he/she is allowed to have routine access to children in USA Judo sanctioned programs. Further, it is the policy of USA Judo it would require its affiliates and group A, B and C members to adopt this policy as a condition of its affiliation with USA Judo.

IMPLEMENTATION

This policy shall be implemented at all coach certification programs, teachers' clinics, teachers' certification programs, referee certification programs, and through the Group A, B, and C members of USA Judo and their affiliated clubs. Any clubs, instructors, or assistant instructors that apply for recognition as a club affiliated with USA Judo or any of its A, B, or C members, or in the Application section, shall submit the forms and fees relating to criminal background checks for all of its designated coaches, instructors, teachers or referees, including any assistant instructors, whether certified or uncertified as defined herein.

I. Timeframe

- A. Full background checks will be completed prior to the commencement of a new role or competition for all applicable individuals.
- B. At a minimum, full background checks will be conducted on all applicable individuals, every two years using at least the background check search components referenced.
- C. A supplemental, partial, background check will be conducted in the off-years using at least the background check search components referenced herein.

ELIGIBILITY DETERMINATION:

A. Procedure for Screening:

- a. A written authorization form allowing USA Judo to order an individual criminal background check as required by USA Judo is the responsibility of the parties on Appendix A and will submit the necessary forms and fees to the USA Judo background screen provider.
- b. From the time an individual self-registers for their background check, through the conclusion of their association with USA Judo, they must disclose their criminal history to USA Judo. Failing to disclose or intentionally misrepresenting an arrest, plea, or conviction is grounds for disciplinary action, regardless of when the offense is discovered or occurred. An individual also must disclose a pending outcome, confirmed violation, or suspension stemming from any SafeSport-related matter with a Responsible Sport Organization, another sport organization, or the U.S. Center for SafeSport. In such an event, the individual must notify USA Judo, in writing and within 24 hours.

B Background Check Search Components: Shall be conducted consistent with Appendix B.

DISQUALIFICATION:

A person may be disqualified and prohibited from serving as an employee, volunteer, coach, teacher or a referee of USA Judo if the person has:

- (1) been convicted (including crimes the record of which has been expunged and pleas of no contest) of a crime of child abuse, sexual abuse of a minor, physical abuse, causing a child's death, neglect of the child, murder, manslaughter, felony assault, any assault against a minor, kidnapping, arson, criminal/sexual conduct, prostitution, crimes relating to controlled dangerous substance or crimes related to said offenses;
- (2) being adjudged, liable for civil penalties or damages involving sexual or physical abuse of children;
- (3) being subject to any current or permanent Court Order involving any sexual abuse or physical abuse of a minor;
- (4) had their parental rights terminated;
- (5) a history with another organization (volunteer, employment, etc.) of complaints of sexual or physical abuse of a minor; or
- (6) resigned, been terminated or been asked to resign from a position whether paid or unpaid due to complaints of sexual or physical abuse of minors: or having had a history of other behavior that indicates that they may be a danger to children in USA Judo or USA Judo activities or related events.

NOTIFICATIONS:

The Committee shall notify the affected applicant that a disqualifying entry has been reported on the criminal background check and determine, if the applicant chooses, whether to withdraw their name from consideration or request a review by the Ethics & Grievance Committee of USA Judo.

The Committee may adopt procedures as necessary for implementing the screening policy. Such procedures may include the use of panels of less than all the Committee members (so long as at least {three} Committee members participate). The Committee may use electronic means to conduct its business. An employee of USA Judo may participate in any Committee screening process as necessary for recording and other purposes.

If a review of a Committee's decision is requested, a meeting of the Ethics & Grievance Committee will be called and the applicant will be notified of a meeting date and time and location in writing and shall be afforded

the opportunity to address the Ethics & Grievance Committee. A full written disclosure of the criminal background history will be made to the Ethics & Grievance Committee as part of the review process, and the applicant is encouraged and entitled to attend a special meeting and provide any additional information as he/she chooses. A decision of the Ethics & Grievance Committee shall be final and shall be based on a majority vote of the members in attendance at the meeting. The appeal procedures of USA Judo shall apply to the determinations made by the Ethics & Grievance Committee with the further proviso that the applicant should be advised that all activities pursuant to the Committee in the matters pending before the Ethics & Grievance Committee would be confidential in nature, but the appeal process as implemented pursuant to the appeal procedure of USA Judo could necessarily result in disclosures that would not remain confidential.

USA Judo has a duty to report various allegations and charges (whether or not a conviction occurred) to SafeSport. As a result, the Committee will inform USA Judo of any charges or convictions that appear to require disclosure to SafeSport, including providing a copy of a background screen that may be provided to SafeSport, regardless of any confidentiality provisions of this policy.

The Committee may in its discretion refer any matter in a screen to Ethics & Grievance for potential suspension of membership and ultimately termination of membership.

To the extent possible, all information contained in response to the criminal background checks or disclosed in the review process shall be kept confidential and not disclosed or discussed outside of the review process or the Ethics & Grievance Committee. If an applicant feels a mistake has been reported in their criminal background check, the applicant will contact the reporting agency and resolve any issues. USA Judo and its A, B, and C members are not responsible for errors or omissions that may be reported on background checks. The Committee shall maintain all authorizations, records and reports in a confidential matter.

Disqualifying Entries include, but are not limited to:

I. Sex Offenses

All sex offenses, regardless of the time since the offense which involved the use of force or sexual molestation or abuse of a child.

Examples:

- (a) sexual child molestation
- (b) forcible rape
- (c) physical child abuse
- (d) sexual child abuse
- (e) pedophilia
- (f) sexual assault involving the use of a weapon
- g) Sexual battery involving the use of a weapon
- (h) Sodomy involving the use of force.

The Committee is to be guided by the fact that consensual sexual conduct between prostitutes and individuals is not illegal in some jurisdictions. The Committee is to be concerned with non-consensual acts of a

sexual nature where the parties are forcibly attacked or forcibly raped, or where the individual involved is incapable of consenting due to age or infirmity to engage in sexual conduct. The Committee is to consider that in many jurisdictions indecent exposure would be the appropriate charge for urinating in public and may not be considered an offense that is sexual in nature. The Committee is to be further guided by the fact that sexual assault or sexual battery may include the improper touching of an individual, in an inappropriate manner, and although it is non-consensual contact of a sexual nature, that it may be, technically, a sexual assault in the jurisdiction where the offense occurred, but could be charged in other jurisdictions as misdemeanor sexual contact.

II. Felonies

All violent felonies, regardless of the time since the offense.

Examples:

- (a) murder
- (b) manslaughter
- (c) aggravated assault involving a weapon,
- (d) kidnapping,
- (e) armed robbery,
- (f) use of a weapon to commit a burglary,
- (g) other crimes of violence other than sexual offenses.

The Committee is to consider that robbery can be committed in some jurisdictions by trick or deceit, and that burglary can be burglary of a storehouse or an out building and is not necessarily a crime of violence, based on the conduct underlying the offense.

The underlying circumstances relating to any violent felony must be considered by the Committee and will probably result in the disqualification of the individual, unless there are substantially mitigating circumstances.

III. All Felony Offenses other than Violent Offenses or Sexual Offenses

Within the past ten (10) years, other felonies may disqualify an individual based on the underlying conduct.

Examples:

- (a) drug offenses
- (b) felony theft
- (c) felony fraud
- (d) felony embezzlement
- (e) felony child endangerment
- (f) distribution of controlled dangerous substances
- (g) homicide by automobile, etc.

IV. Violent Misdemeanors

All violent misdemeanor offenses within the past ten (10) years but more than five (5) years old may disqualify an individual, but generally will not disqualify an individual unless special circumstances exist that caused the Committee to be concerned that the applicant poses a threat or potential danger to children or vulnerable adults because of the conduct underlying the offense.

Examples:

- (a) simple assault
- (b) simple battery
- (c) domestic violence
- (d) hit and run
- (e) stalking, harassment, blackmail, violation of a protection order and/or threats
- (f) destruction of property, including arson, vandalism and criminal mischief
- (g) animal abuse or neglect

V. Misdemeanor Drug and Alcohol Offenses, and other Misdemeanors within the last Five Years, or multiple offenses within the past ten (10) years.

Generally, a single driving under the influence offense that did not involve a threat to the welfare of children, injury, or death would not disqualify an individual unless the applicant regularly drives children as part of his/her obligations for the position sought and the jurisdiction in which the offense occurred refuses to allow the individual to continue to operate a motor vehicle as a result of the offense, i.e., license revoked without employment privileges. Any other misdemeanors within the past five (5) years that pose a potential danger to children or are directly related to the functions of the applicant that would prohibit the applicant from performing his/her duties may disqualify an individual.

Examples

- (a) contributing to the delinquency of a minor
- (b) providing alcohol or drugs to a minor
- (c) theft, or embezzlement if the individual is entrusted with the funds of others
- (d) multiple driving under the influence charges within ten (10) years
- (e) possession of drugs or paraphernalia
- (f) multiple misdemeanor drug violations within ten (10) years

These classifications are guidelines and are subject to clarification or modification within the discretion of the Committee based on the facts of each case.

CONSUMPTION/USE/ABUSE OF MOOD ALTERING SUBSTANCES

It is the judgment of the Board of Directors of USA Judo that consumption/use/abuse of mood altering substance/controlled dangerous substances is detrimental to the health, state of mind, body and spirit of an athletic participant. This is especially true for those participants aspiring to develop their talents in the furtherance of their playing, coaching, administration or officiating careers in the sport of judo. Therefore, with the best interest of its participants in mind, USA Judo prohibits the use by any participant of mood altering substances/controlled dangerous substances during active participation in its programs.

Upon discovery of any violation, they will take action to remove the participant from participation in its programs for a reasonable period. Further, USA Judo recommends to each and all of its teams, associations, programs and Group A, B and C members to adopt reasonable regulation about the prohibition of consumption/use/abuse of mood altering substances/controlled dangerous substances and a reasonable enforcement procedure thereafter to maintain the health of its athletic participants, the integrity of its programs and the eligibility of all of its competitors for national, international, collegiate and regional competition.

For this policy, the words “mood altering substances/controlled dangerous substances” shall include:

Intoxicating beverages, including but not limited to alcohol;

Non-prescription or prescribed controlled substances;

Prescription or prescribed controlled substances when used to excess in violation of doctors’ orders or to produce the state of impairment or intoxication in the participant.

Further, a participant shall include: players, coaches, referees, staff, volunteers and all persons involved in the conduct of a judo practice session or tournament.

USA JUDO

COMMITTEE NOTES FOR SCREENING POLICY

1. The age of an offense should be a factor considered by the Committee when determining disqualification. Criminal convictions 15 years old or older should not generally disqualify an individual, but may disqualify an individual when appropriate.

2. The Committee will honor each jurisdiction's limitations on disclosures, e.g., confidentiality of juvenile offenses etc., and shall also honor any privileges or rights relating to expungement.

APPENDIX A

PARTIES SUBJECT TO SCREENING

- A. All USA Judo employees, coaches, assistant coaches, referees, independent contractors, staff, volunteers, board members, committee and task force members, individuals placed with USA Judo as part of an academic program (including, but not limited to, interns, externs, fellows and clinical students) and other individuals authorized or credentialed by USA Judo to work with athletes or other sport participants while at a sanctioned USA Judo program or activity to which USA Judo sends athletes.
- B. All individuals that USA Judo formally authorizes, approves or appoints to (a) serve in a position of authority over or (b) have regular contact with athletes. This shall include, but is not limited to, USA Judo staff, officials, coaches, board members, coordinators, trainers, independent contractors, volunteers, medical personnel and all USA Judo Members 18 years of age and older.
- C. All athletes and alternates, training partners, and guides 18 years of age or older that are selected to participate in the Delegation Events. Individuals referenced in this subsection shall have 45 days after reaching the age of majority (18 years of age), to come into compliance with this background check policy.
- D. Other individuals who have regular contact with athletes as determined by USA Judo, in its sole discretion.
- E. Media: Individuals affiliated with the media, who are authorized or credentialed by USA Judo to access a Training Center or attend a Delegation Event, and may have unsupervised one-on-one interactions with athletes, will be required to undergo a criminal background check utilizing the background check search components outlined herein.
- F. 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 USA Judo, to establish that the mandated background checks were conducted in accordance with the USOC Background Check Procedures and this policy.

Partner Programs: When partnering with community organizations for events, USA Judo shall ensure that the partnership agreements include language regarding background check requirements. The agreements shall also specify that certification must be provided by the community organization upon request by USA Judo, to establish that the mandated background checks were conducted in accordance with the USOC Background Check Procedures and this policy.

APPENDIX B

SEARCH CRITERIA

- a. **Full Background Checks.** All full background check screens will include at least the following search components (and as may be required by USOPC in the future):
1. Social Security Number validation;¹
 2. Name and address history records;
 3. Two independent Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;
 4. 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;
 5. 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;
 6. Two Sex Offender Registry database searches of all available states, plus DC, Guam, and Puerto Rico;
 7. Multiple National Watch Lists;
 8. SafeSport Disciplinary Records;²
 9. Comprehensive International Records search for individuals who have lived outside of the United States for six consecutive months in any one country, during the past seven years;³
 10. Motor Vehicle Records of at least a 3-year history in the state of licensure; (if driving is required for position);
 11. Professional License/Certification Verification for certain medical roles.⁴

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

¹ Or suitable alternative identification verification process as determined by the background check vendor.

² Until the process is automated, this shall be accomplished through the USOC by conducting individualized searches of the SafeSport Disciplinary Records on the SafeSport website for individuals covered under the Background Check Policy.

³ 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.

⁴ License and/or certification verifications will be required for individuals in the following medical roles: Medical Doctor (MD), Doctor of Osteopathic Medicine (DO), Chiropractor (DC), Physician Assistant (PA), Acupuncturist, Massage Therapist, Physical Therapist, and Certified Athletic Trainer.

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

C. Background Checks for Media, Third-Party Vendors/Contractor, and Partner Programs.

For background checks USA Judo conducts on media personnel, as well as for those that must be conducted by third-party vendors/contractors and community organizations, all such searches will be conducted using a name-based or fingerprint-based record search in any combination that shall, at a minimum:

1. Social Security Number validation;⁵
2. Multi-Jurisdictional Criminal Database search covering 50 states plus DC, Guam, and Puerto Rico;
3. 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;
4. County Criminal Records for each name used and county where the individual currently or has lived during the past seven years, going back the length of time records are available and reportable for each county searched;
5. Sex Offender Registry database searches of all available states, plus DC, Guam, and Puerto Rico; and
6. SafeSport Disciplinary Records.

⁵ Or suitable alternative identification verification process as determined by the background check vendor.