



## **Membership Temporary Abatement and Termination Policy (Effective: December 9, 2013)**

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### **SECTION ONE – INTRODUCTION**

Lacrosse is America's oldest sport, founded by Native Americans centuries ago long before the United States was established. It is also one of the fastest growing sports in the United States, with youth, high school, collegiate and adult programs developing exponentially throughout the nation. US Lacrosse was established in the 1990s to ensure a unified and responsive organization that develops and promotes the sport by providing services to its members and programs to inspire participation, while preserving the integrity of the game.

Membership in the organization is a privilege that represents a commitment to the ideals and aspirations of the best parts of the sport, including honor, respect, and integrity. Members are expected to conduct themselves in ways that bring those character traits to light. Actions to the contrary injure the sport and will not be tolerated by US Lacrosse. Termination of membership under such circumstances will always be an available action that can be taken by US Lacrosse.

It is the intent of this Standard and Policy to define generally when membership should be abated and terminated. It provides a process for appealing a proposed loss of membership while abated from membership and empowers US Lacrosse to determine who should be members of US Lacrosse and enjoy the privileges of being part of the national governing body of lacrosse.

### **SECTION TWO – CONDITIONS FOR MEMBERSHIP ABATEMENT/TERMINATION**

#### **(A) GENERALLY**

Section 8.4 of the By-Laws of US Lacrosse provides that any member who violates any of the provisions of the US Lacrosse By-Laws or any operating policy of US Lacrosse approved by the Board of Directors may, after due notice and an opportunity to be heard before the Executive Committee of US Lacrosse, be abated or removed by vote of two-thirds of the entire Executive Committee. The Board of Directors of US Lacrosse has determined to implement the provisions of Section 8.4 of the By-Laws of US Lacrosse through the adoption of this Standard. In connection with the adoption of this Standard, the Board of Directors of US Lacrosse has



determined that the authority to temporarily abate or terminate membership shall be made by the Sr. Manager of Member Services for US Lacrosse in accordance with this Standard. All decisions made by the Sr. Manager of Member Services pursuant to this Standard and Policy shall be subject to the review and approval of the President and CEO of US Lacrosse.

The specific facts and circumstances applicable to each individual member of US Lacrosse will form the basis for any determination as to whether an individual's membership should be temporarily abated pending an appeal and ultimately terminated, including termination following a Red Light Determination. US Lacrosse reserves the right to determine, in its sole discretion, whether any particular facts or circumstances justify the abatement and ultimate termination of a member. Specific facts and circumstances that will be examined in connection with any such determination include actions or statements detrimental to US Lacrosse or individuals within US Lacrosse, specific policy violations, the violation of codes of conduct and/or code of ethics or other actions deemed incompatible with the mission and vision of US Lacrosse, as determined by US Lacrosse in its sole discretion. Membership in US Lacrosse is a privilege, and continued membership requires compliance at all times with the standards and policies established by US Lacrosse from time to time.

All determinations as to whether an individual member should be subject to a Temporary Abatement of Membership leading to a Termination of Membership shall be made by the Sr. Manager of Member Services for US Lacrosse. The Sr. Manager of Member Services may consult with counsel and senior staff in making any such determination. All such determinations made by the Sr. Manager of Member Services shall be subject to review and approval by the President and CEO of US Lacrosse.

#### **(B) MEMBERSHIP REQUIRING BACKGROUND SCREENING**

Any member holding a position that requires background screening is subject to a higher degree of scrutiny by US Lacrosse. A background check required by US Lacrosse resulting in a Red Light Determination will result in notification to the member as provided in Section 4(B) below. The member has the opportunity to complete the appeal process with the background check provider to ensure there is not a case of mistaken identity or other error within the records prior to US Lacrosse receiving the Red Light Determination and the member receiving notice thereof from the background check provider. A Red Light Determination automatically results in a Temporary Abatement of Membership that will result in Termination of Membership, subject to the appeal process more particularly described in Section 6 below.

### **SECTION THREE – NOTIFICATION OF MEMBER**

#### **(A) NOTICE TO MEMBERS WITH NO BACKGROUND SCREENING**

The Sr. Manager of Member Services will send a letter to the member at the address provided by the member through registration notifying him or her of the Temporary Abatement of



Membership, the reason for the determination to issue the Temporary Abatement of Membership that will result in Termination of Membership, subject to the appeal process, and the details of the appeal process.

#### **(B) MEMBERSHIP REQUIRING BACKGROUND SCREENING**

If a Red Light Determination is made, indicating failure to pass the background check conducted by the National Center for Safety Initiatives (“NCSI”), the following will occur:

- (1) If an individual is discovered to have a disqualifying Criterion Offense, NCSI notifies the terminated member of that fact, his or her FCRA rights, and information about the pending membership termination. This is known as the Intent to Take Adverse Action letter. (See appendix A for sample letter that individual receives directly from NCSI.) An individual is also notified of his or her right to contact NCSI and dispute the findings.
- (2) The Member can appeal to NCSI within 20 days. If the basis for the initial determination remains unchanged, a Red Light Determination has been made and NCSI then sends the Adverse Action Letter informing the applicant that a Red Light Determination has been made, resulting in a Temporary Abatement of Member that will result in Termination of Membership, subject to the appeal process described in Section 6 below. (See Appendix B for sample letter sent directly from NCSI).
- (3) If no appeal is taken or if the appeal is denied and Termination of Membership occurs, US Lacrosse staff follow the US Lacrosse normal and customary procedure for terminating a membership which includes cancelling the membership, turning off the ability to purchase member products via the e-business interface, and notifying insurance administrator of the changes of status. The special events department is also notified to ensure the individual is not participating in any upcoming US Lacrosse events.

### **SECTION FOUR – APPEALS**

The intent of the appeal process is for very limited relief to be available for situations where an action or offense may have been relatively minor, given current and similar laws, or occurred significantly in the past. In other cases, facts pertinent to the decision to take action may not have been available at the time of the decision. The intent is that the new information may have altered the original determination. In recognition of this, a process has been developed for appeals and possible reinstatement. The appeals process is available for individuals who are the subject to both a Temporary Abatement of Membership pursuant to Section 4, Paragraph A above and a Temporary Abatement of Membership as a result of a Red Light Determination pursuant to Section 4, Paragraph B above.

(A) Process of Appeal. The appeal process is limited to Red Light Determinations and determinations made by the Sr. Manager of Member Services to issue a Temporary Abatement



of Membership that will result in a Termination of Membership if an appeal is taken and it is not successful or no appeal is taken.

(B) Commencement of Appeal Process. To initiate an appeal, the individual must submit a Notice of Appeal to the Sr. Manager of Member Services of US Lacrosse within 20 days of his or her receipt of notice of Temporary Abatement of Membership from NCSI, with respect to a Red Light Determination, or from US Lacrosse. The Notice of Appeal shall state fully and completely the basis upon which the individual believes that relief from the proposed termination of membership is appropriate and shall include all relevant documents.

(C) Preliminary Review. In the event a timely Notice of Appeal is submitted, a preliminary review will be made by the Sr. Manager of Member Services to ascertain whether relief might be granted based on simple grounds such as mistaken identity or other explanatory circumstances.

(D) Referral to Counsel. In the event that the Sr. Manager of Member Services of US Lacrosse finds from a preliminary review that the information or evidence is inconclusive, unclear and/or genuine issues of disputed facts exist regarding whether or not the member should be terminated, the appeal shall thereafter be referred for consideration and/or hearing to US Lacrosse counsel for investigation and determination. In the sole discretion of counsel and only in matters where it is deemed necessary, US Lacrosse counsel may hold a hearing in order to obtain clarification on disputed facts. Counsel will establish any and all parameters for the hearing and will communicate the same to the member.

(E) Standard of Review & Burden of Proof. The member has the burden of proving by clear and convincing evidence that the conduct or behavior in question could not have any harmful effect on the mission and reputation of US Lacrosse.

(F) Approval of President. In order to protect the business interests of US Lacrosse, the President and CEO of US Lacrosse shall have the right to make the final determination with respect to any appeal taking into account the recommendations of the Sr. Manager of Member Services and US Lacrosse counsel.

(G) Result of Unsuccessful Appeal. If an appeal is not successful, the Temporary Abatement of Membership will automatically become a Termination of Membership immediately following the final decision with respect to the appeal.

## SECTION FIVE – DEFINITIONS

The following words have the meanings indicated and offer guidance throughout this Standard.

(A) “Criterion Offenses” are crimes that meet the criteria for being unfit to work with minors, based on the National Council for Youth Sports Guidelines, the FBI PROTECT Act, and the



National Center for Missing and Exploited Children. These crimes are specific to risks related to youth in sports and include:

- (1) Any felony (any crime punishable by confinement greater than one year)
    - (a) Defined on the basis of exposure for the offense for which the defendant was convicted, pled guilty or pled nolo contendere. If pled down, then the crime to which the defendant ultimately pled.
    - (b) Defined as all crimes punishable by greater than one year in jail or prior, regardless of how characterized by jurisdiction. If range, alternate sentencing, or indeterminate sentencing, outer range > one year.
  - (2) Any lesser crime involving force or threat of force against a person
  - (3) Any lesser crime in which sexual relations is an element, including “victimless” crimes of a sexual nature (including pornography)
  - (4) Any lesser crime involving controlled substances (not paraphernalia or alcohol)
  - (5) Any lesser crime involving cruelty to animals
  - (6) Any sex offender registrant
  - (7) Any lesser crime involving harm to minors
  - (8) Violation of US Lacrosse Codes of Conduct and/or Codes of Ethics
- (B) “Red Light Determination” is the notification that a person does not meet the criteria and has been found to have a Criterion Offense on his or her criminal record.
- (C) “Temporary Abatement of Membership” is the temporary loss of membership privileges that occurs after a Red Light Determination has been made with respect to a member or a member has been found to have violated a standard or policy that results in termination of membership and the member is still in a period of possible appeal or involved in an actual appeal.
- (D) “Termination of Membership” is the permanent loss of membership and all of the associated privileges, including insurance coverage that results from a violation of a standard or policy leading to termination.



## Appendix A

**PERSONAL & CONFIDENTIAL**  
**NOTICE OF INTENT TO TAKE ADVERSE ACTION**  
**LETTER**

DATE  
APPLICANT INFO

Dear APPLICANT NAME,

As you authorized, a consumer report was obtained in connection with your activities with US Lacrosse. The undersigned has been requested to inform you on behalf of US Lacrosse that US Lacrosse intends to take an adverse action and deny membership with US Lacrosse and all US Lacrosse benefits will be revoked. The decision to take this action will be made based upon the results of the attached consumer report generated and background check conducted as a part of your engagement with US Lacrosse training programs, member services or special events..

We have enclosed in this letter a copy of your consumer report along with a copy of the Federal Trade Commission's A Summary of Your Rights Under the Fair Credit Reporting Act.

Sincerely,  
**Compliance Department**  
National Center for Safety Initiatives, LLC



## Appendix B

### PERSONAL & CONFIDENTIAL

#### Adverse Action Letter

DATE  
APPLICANT INFO

Dear APPLICANT NAME,

The undersigned has been requested to inform you on behalf of US Lacrosse that your membership with US Lacrosse and all US Lacrosse benefits have been abated. This decision was based upon the results of the background check conducted as a part of your engagement with US Lacrosse training programs, member services or special events. You previously were furnished with a copy of the consumer report detailing these results, together with a copy of the Federal Trade Commission's *A Summary of Your Rights Under the Fair Credit Reporting Act* before the adverse action was taken. You are entitled to obtain a free copy of the consumer report within sixty (60) days. You have the right to dispute inaccurate or incomplete information contained in the consumer report with the consumer reporting agency. The consumer report was obtained from the National Center for Safety Initiatives LLC ("NCSI"), P.O. Box 39008, Cleveland, OH 44139.

NCSI reviewed the consumer report in accordance with the guidelines published by the National Council of Youth Sports. NCSI further provided the results of this review to US Lacrosse in conformance with the designated standards and protocol set forth by US Lacrosse. US Lacrosse made the final decision to abate your participation and membership with US Lacrosse pending the possibility of appeal and an actual appeal. Your right to appeal is outlined in the enclosed description of the appeal process.

Please contact the undersigned if you have any questions regarding this matter at (440) 542-9690.

Sincerely,  
Compliance Department  
National Center for Safety Initiatives, LLC