

Revised October 2016

ATTACHMENT A TO POLICY #0721 (Background Check for USPC Leaders and Volunteers)

USPC Background Check Appeal Process

1. Background: The United States Pony Clubs, Inc. has adopted rules which specify the circumstances under which a person identified via the background check guilty of a disqualifying offense may appeal their disqualification(s).

2. Disqualifying Offenses: A person with any of the following disqualifying offenses is automatically disqualified and cannot appeal:

- Murder
- Manslaughter
- Aggravated Assault
- Terrorist Threats
- Sexual Related Acts
- Crimes Against Minors
- Robbery/Armed Robbery
- Forgery
- Conspiracy to Commit Arson/Arson
- Kidnapping
- Illegal manufacture, sale, distribution, or trafficking in controlled substances
- Aiding a prisoner's escape
- All convictions involving violence, weapons, sexual activity or burglary
- Records with a pending disposition or outstanding warrant

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 United States Pony Clubs, Inc.

3. Additional Criteria: A person identified with an offense not listed above is permitted to file an appeal and proceed to a "decisional" phase in which additional criteria are applied to determine whether the individual will be permitted to serve as a volunteer. The criteria that may be considered include, but are not limited to:

- The age of the offense(s).
- There have been no repeat offenses.
- The individual has provided written confirmation of his/her efforts at rehabilitation and the results of those efforts.

None of these criteria, either individually or collectively, are determinative. The United States Pony Clubs, Inc., through the Appeal Process, retains sole discretion on who may participate in its activities.

4. Appeal Process

a. Requesting an Appeal- A volunteer who has received notification of a disqualifying offense and who does not plan to challenge the validity of the reasons therefore with the background check vendor, may submit a written appeal with the United States Pony Clubs, Inc. attesting that he/she believes the offense should not prohibit them from volunteering. The appeal must be sent in writing to the USPC Executive Director within thirty (30) days of the notification of this disqualifying offense.

b. Supporting Data- All supporting data must be sent with the written appeal. The person filing the appeal is responsible for providing any requested documentation or links to information on same.

c. *Appeal Process*- Provided there are no complicating circumstances; the Executive Director will then send the appeal to the Appeals Committee within fifteen (15) days. The Appeals Committee will endeavor to provide an ultimate decision within thirty (30) days of receipt. The decision will be either “Approved” or “Disapproved”. The Appeals Committee will communicate the decision in writing to the volunteer, though it may withhold the reasoning for any such determination.

d. *Costs*: Any costs involved with the Appeals Process will be the responsibility of the person requesting the appeal.

5. Appeals Committee

The Appeals Committee will consist of three (3) individuals who are appointed by the USPC President for a term of three (3) years. The USPC President may, in his/her sole discretion, request USPC’s legal counsel support the Appeals Process.