



Background Screening Program

Background

In September 2006, the USA Swimming House of Delegates approved implementation of a background screening requirement for all coaches and other select member groups. This document includes basic information about the USA Swimming background screening program.

Purpose

To implement and maintain a background screening program for the purpose of determining eligibility for membership in USA Swimming based on the criteria found in section 304.3.4 of our Code of Conduct. This screening is not intended to serve as a pre-employment background screening program. The background screening process is a criminal record search and is not a substitute for a club conducting appropriate pre-employment inquiries of applicants. It is a club's responsibility to screen potential employees. Clubs should carefully check references and prior employers, and should consider requiring additional information or background screens, for example, for driving records, before making the decision to hire a coach.

Program Guidelines

The program is designed to:

- 1) Protect the confidentiality of information of existing and prospective USA Swimming members.
- 2) Review members and prospective members pursuant to the Screening Criteria specified below.
- 3) Provide those screened with an opportunity to challenge incorrect information found in the screening process before a result is forwarded to USA Swimming.
- 4) Forward information to our outside legal counsel for additional investigation and action in those instances where the screening results produce disqualifiers. Except in rare situations, there would be no disclosure to the team, LSC, or national office personnel at this stage.
- 5) Screen members based on name, date of birth, address history and social security number.
- 6) Limit the involvement of volunteers and staff in compliance, data collection and record retention.
- 7) Be compliant with the applicable provisions of the Fair Credit Reporting Act.

Members Required to be Screened

The following USA Swimming members are required to undergo regular background screening:

- 1) All coach members and prospective coach members.
- 2) All non-athletes on national team staffs or working with USA Swimming sponsored camp programs.
- 3) All members of the National Board of Directors.
- 4) All candidates for office at the Annual USAS Convention.
- 5) All USA Swimming HQ staff.

Screening Criteria for Membership Eligibility

The screening criteria used to evaluate background screens are designed to identify only violations of Section 304.3.4 of our Code of Conduct – *“Conviction of, imposition of a deferred*

sentence for, or any plea of guilty or no contest at any time, past or present, or the existence of any pending charges, for (i) any felony, (ii) any offense involving use, possession, distribution or intent to distribute illegal drugs or substances, or (iii) any crime involving sexual misconduct.” The complete Code of Conduct can be found in the 2007 Rules & Regulations. The National Board of Review and the Board of Directors will develop implementing rules to determine which violations of Code of Conduct Section 303.3.4 will result in total ineligibility for membership, probationary membership or other restrictions, based upon the nature and severity of the crime and other circumstances of the case (codifying how the National Board of Review handles Section 304.3.4 violations currently).

Frequency of Screening

USA Swimming members subject to screening will be required to be screened every two years. Expiration for all screening tests shall be 24 months from the last day of the month in which the screen was conducted (i.e. a screening successfully completed on 1/12/07 will expire on 1/31/09.) When it is time to update screening records, it is highly recommended that a member submit an application for re-screening within the first 15 days of the month that his/her previous screening is scheduled to expire.

Screening Provider

After conducting an extended search, USA Swimming selected TC logiQ, Inc. as its national provider. TC logiQ is a specialty consulting firm that provides professional employment services in the area of pre-employment and volunteer screening. More information about this Colorado Springs based company is available at [.tclogiq.com](http://tclogiq.com). The Technical Support Desk at TC logiQ can be contacted by telephone at 877-825-6447 or by email at @tclogiq.com.

Cost

The USA Swimming background screen is \$21. This fee will be paid to TC logiQ the applicant at the time that he/she goes online to initiate a background screen.

Process

- 1) An individual subject to screening must go online to the TC logiQ Web site (or connect through the link on the USA Swimming web site) to initiate and pay for a USA Swimming Background Screen.
- 2) The requestor will provide the information requested on the application screen. Based on that information, the provider will initiate a national search of criminal databases and receive a screening report that provides the individual's address history and criminal information, if any. Until TC logiQ reviews this search report against the USA Swimming screening criteria, the applicant's "Screening Status" on the TC logiQ Web site will reflect "Pending". A determination regarding membership eligibility will be emailed to the requestor within 3-5 business days. In some situations, confirmation could take up to 14 days.
- 3) When an applicant passes screening, the status will be updated to "Approved" on the applicant's page on the TC logiQ Web site and that approval will be communicated electronically to the USA Swimming SWIMS database. In SWIMS, the expiration date for the screening is reflected in the same manner as coaches' safety certifications.
- 4) If the background screen returns a finding of a potential disqualifier for membership, there is a process for review of the accuracy of the information and/or appeal to an established National Board of Review panel. If membership is not ultimately granted, SWIMS will display no information.

Review & Appeals Process

In the event that a background screening returns criminal information that the applicant believes is not accurate, he or she will have the opportunity to dispute that information with the provider. To protect the applicant, that opportunity will precede any communication of information to USA Swimming HQ.

In addition, there will be a hearing process - in compliance with Part 4 of the USA Swimming Rules and Regulations but on an expedited basis at no additional charge - before a National Board of Review special panel should the applicant choose to challenge a negative finding on membership eligibility.

Information Management and Exchange

This program places the responsibility for information management and retention on the screening provider. The screening process will not provide the applicant or USA Swimming with a copy of the individual's screening report. In the event that a background screen returns information that results in a negative membership decision, the applicant will be provided a copy of the specific information in their report that prompts that decision. Except in those few instances where a member's background screen returns information indicating a disqualifying event and he/she then chooses to appeal the membership decision, USA Swimming will not store the information returned in a member's background screen.

Coaches Age 17 & Younger

Coach members age 17 and younger are not subject to the new background screening requirement. The screening requirement becomes mandatory for a coach who is 17 and younger at the first annual membership renewal following his/her 18th birthday.

Enforcement

To ensure compliance with this requirement, the following policies govern enforcement of the background screening program:

- 1) An individual applying to be a new coach member must complete the background screening requirement prior to being registered as a coach member.
- 2) When a coach member is not current with one of the three safety certifications or the background screening requirement, he/she does not enjoy the privileges of coach membership nor are he/she insured as a coach member of USA Swimming. In addition, the club's insurance protection may also be in jeopardy.

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