



Background Check Program Frequently Asked Questions

1-8-11

1) Why does USA Swimming have a Background Check Program?

USA Swimming was among the first National Governing Bodies to require criminal background checks for coaches when the program was implemented in 2006. Since this program was initiated, criminal background checks have become a standard practice in the youth sports industry requiring not only coaches, but officials and others who have frequent and direct interaction with young people to complete background checks.

USA Swimming's background check requirement is designed to deter individuals who should not be working with athletes from ever applying for membership. Additionally, it serves to identify any unsuitable criminal history of those individuals who do apply for membership. Like previously mandated USA Swimming safety and education requirements, the background check program is another layer of protection for athletes in our sport.

It is important to emphasize that the purpose of this background check is to determine an individual's eligibility for membership in USA Swimming based on the criteria stated in the program summary found at www.usaswimming.org/backgroundcheck. This check is not intended to serve as a pre-employment background screening program. The background check process is a criminal record search and is not a substitute for a club conducting appropriate pre-employment screening of applicants. It is a club's responsibility to screen potential employees. Clubs should carefully check references and prior employers, and consider requiring additional information such as driving records, before making a hiring decision.

2) Who is required to complete the background check?

All non-athlete members must satisfactorily complete the USA Swimming background check. This includes all coaches and officials, as well as employees and volunteers of USA Swimming, the LSCs and member clubs who interact directly and frequently with athletes as a regular part of their duties. It also includes meet directors, team managers and chaperones, individuals with any ownership interest in a member club and athletes who wish to become officials, including those under the age of 18. All of these individuals must be members as well as complete the background check.

This provision does not apply to volunteers such as timers, marshals, computer operators, snack bar workers, and others who only have incidental contact with athletes at swim meets.

Coaches and Officials must complete a Level 2 background check; all other non-athlete members must complete the Level 1 check.

3) Who decides which employees and/or volunteers need to become non-athlete members and, therefore, are subject to the background check requirement?

For the local clubs, the club leadership will make that decision. For LSCs, it is at the discretion of the LSC leadership. For the USA Swimming headquarters staff, it is at the discretion of the Executive Director.

With regard to national volunteers, the USA Swimming rule book mandates that members of the National House of Delegates, the National Board of Directors, and those who serve on any USA Swimming committee or sub-committee must be members of USA Swimming. All of these individuals must also complete a background check.

4) Can I require others in my club to complete the background check?

Yes. If your club requires other individuals to do a background check, be sure they also register as non-athlete members of USA Swimming. If they are not members, their background check records will not be in the USA Swimming database (SWIMS).

5) When will the new background check requirement go into effect?

The background check program initiates January 10, 2011. Below are the deadlines that have been established for specific member groups to complete their background check:

- All non-athlete members who have not previously completed the USA Swimming background check must complete the new background check process by Feb 15, 2011.
- All non-athlete members who completed the USA Swimming background check before September 1, 2010, are required to complete the new check by April 30, 2011.
- Any non-athlete members who completed the USA Swimming background check after September 1, 2010 must complete the new background check by December 31, 2011.

6) How do I sign-up and pay for a background check?

Completing a USA Swimming background check is an online process that starts at this link on the USA Swimming website: www.usaswimming.org/backgroundcheck . Click on “*Initiate a Background Check*” and follow the prompts.

You will start the process on the USA Swimming website and subsequently be directed to the Acxiom website. Before going to the Acxiom site, you will be asked to acknowledge that you have read the “*Notice Regarding Monthly Searches*.” You will also select between the Background Check for Coaches & Officials (Level 2) and the Background Check for Other Non-Athlete Members (Level 1).

Once on the Acxiom website (this transition will be obvious), you will provide information and payment with a credit card. Be sure to print the “*Confirmation Report*” (next to last page) and the “*Thank You*” page at the end. Keep these pages as confirmation that you have initiated a check.

If you encounter any problem with completing the check while online, please call Acxiom Customer Service at 800-853-3228 and choose option 2.

7) Are there different requirements for coaches and officials versus other non-athlete members?

Yes. Coaches and officials must complete a Level 2 background check. All other non-athlete members are required to complete a Level 1 check. See #8 for the difference between the Level 1 and Level 2 background checks.

8) What is the difference between the Level 2 background check for coaches and officials and the Level 1 check required for all other non-athlete members?

Both the Level 1 and Level 2 background checks include (1) A search of national criminal and sex offender databases, (2) A social security trace which provides a search of alias names and past residences, and (3) A once per month update of the national criminal database for a period of 24 months. The difference in the two packages is the physical search of county criminal records.

- The Level 1 check includes a county criminal search in the current county of residence.
- The Level 2 check includes a county criminal search in all counties of residence the past 7-10 years (varies by availability and state laws).

9) What is the cost?

The following chart outlines the basic cost of the background check program:

<u>Type of Check</u>	<u>Who</u>	<u>Fee</u>
Level 2 Check	Coaches & Officials	\$39.00
Level 1 Check	Other Non-Athlete Members	\$19.00
L1 to 2 Conversion	See #10 for more info	\$20.00
Renewal Check	All Non-Athlete Members	\$19.00 Every 24 months

NY County Record Search Fee:

Due to the unusually high access fees in certain counties of New York State, members who have resided in those counties may be subject to an additional fee for county criminal record searches.

The counties that charge this fee are: Allegany, Bronx, Cayuga, Fulton, Genesee, Kings (Brooklyn), Livingston, Montgomery, Nassau, New York (Manhattan), Ontario, Orleans, Queens, Richmond (Staten Island), Seneca, Ulster, Warren, Washington, and Wayne.

Any member that has ever resided in one of these counties is subject to an additional \$65 fee per name for county criminal record searches (this is the actual fee charged for the search). As a benefit to members, USA Swimming will subsidize this fee such that members who are charged the additional fee(s) will pay only \$25 per name that must be searched. The background check will conduct a search for all names listed under the member's social security number.

Members who are charged the New York fee will not pay the additional amount at the time they initiate the background check. Within 48 hours of initiating the background check, they will receive a credit charge form by email from Acxiom. The charge will be \$25 per name

searched in the New York county records. Acxiom will not further process the background check until the member returns the credit card charge form with payment information.

10) What if I initially complete a Level 1 Check and later need to do a Level 2 Check?

Acxiom will provide a “Level 1 to Level 2 Conversion” package to accommodate this situation. We anticipate that there will be cases where people accidentally complete a Level 1 check when they need a Level 2 check. We also anticipate that there will be times that non-athlete members will want to convert to a Level 2 check after correctly completing a Level 1 check. This package costs \$20.00. Please note that regulations require that this conversion must be done within 30 days of the initiation of the Level 1 Check. (Note: This option will not be available until Feb 1, 2011).

11) How does the every 24-month Renewal Check differ from the Level 1 or Level 2 background check?

The Renewal Check is identical to the Level 1 Check. All non-athlete members, whether they have initially completed a Level 1 or Level 2 check are required to complete the Renewal Check every 24 months. (Note: This option will not be available until later in 2011).

12) If I do not have a valid Social Security Number, do I complete the same background check?

No. Members who do not have a valid social security number may be required to satisfactorily complete an international background check. Details about this program will be forthcoming. Contact backgroundcheck@usaswimming.org if you do not have a social security number.

13) When does my background check expire?

Your USA Swimming non-athlete membership card includes a “Valid Through” date for your background check and your safety certifications.

If you cannot find your membership card, there is a utility on the USA Swimming website that will look up the “Valid Through” date for your background check. You must renew your background check prior to this date to maintain your membership. Here is the link to find your expiration date: www.usaswimming.org/backgroundcheckexpires.

14) With the current concerns about privacy and identity theft, why do we use social security numbers?

Background checks based on name, date of birth, address history and social security number are standard throughout the background screening industry. These are the key identifiers used to search national data bases and county criminal records. Acxiom, our background check provider, must follow federal regulations to manage and protect this information. Acxiom will not share your SSN with USA Swimming and, for privacy purposes, any record Acxiom might maintain will redact the first five digits of the SSN.

15) What information will I be asked to provide?

You will be asked to provide the following information to Acxiom:

Required Information

First and Last Name
Home Address
City, State, and Zip Code
Date of Birth
Social Security Number
Email Address

Other Information Requested

Middle Name
Maiden Name
Phone Number

16) If a member has already been background checked for employment or other volunteer purposes, can USA Swimming accept those background checks?

No, not at this time. There is significant duplication of efforts with regard to background checks required by schools, churches, youth sports and employers in part because it is not feasible to share that information with other entities. In addition, different entities use different criteria to judge someone's suitability for employment, membership or service. There are no standard criteria by which search reports are evaluated. Various organizations use different criteria to determine eligibility for membership.

17) Can I only do a background check online?

Yes, in order to protect the confidentiality of the sensitive information in a background check, the record search process has been automated. Everyone subject to the background check requirement must go online to a secure website to initiate and perform a background check.

18) What offenses does the background check look for?

For information regarding the components of the background check and the criteria by which the background check report will be evaluated see the PDF entitled *Program Overview* available at www.usaswimming.org/backgroundcheck.

19) How will I be notified of the background check results? How long will it take?

You will receive the results of the background check by email from this address: emailrpts@acxiom.com. Notification will normally occur within 3-5 business days following the initiation of the check. The subject line of the email will include the letters BG, your name, and a Green, Yellow, or Red score designation (i.e. BG: Smith, Sally – GREEN). On the report itself, the third section of the report is entitled "Report Summary." That section includes a line "Score Report-County" which also includes the Green, Yellow, or Red score designation.

20) What should I do if my background check returns inaccurate information?

There will be times, particularly if you have a very common name, when a background check report will return potentially negative information that doesn't belong to you. When the report includes information that does not meet membership criteria, the applicant will receive a Pre-Adverse Action letter and a copy of the background check report.

If you believe information in your background check report is erroneous, please contact Acxiom immediately by following the directions on the Pre-Adverse Action letter. You will need to provide your full name, date of birth, and the control number listed under the applicant information section of the report. When information in a report is disputed, no action will be taken regarding membership eligibility until that information has been verified.

You have five business days to respond to the adverse action letter. If you fail to respond to the letter in five days, we will assume that there is nothing in the background check that you dispute.

21) If my background check returns information that disqualifies me for membership in USA Swimming, do I have the opportunity to appeal that decision? How do I initiate an appeal?

The USA Swimming background check report will return a Red Light, Yellow Light or Green Light score. A red light score is an automatic disqualifier for membership and can only be appealed on the grounds that the negative information in your report is incorrect. In such case, you will receive a pre-adverse action letter and you should follow the directions provided in that letter.

A yellow light score indicates that the report includes public record information that, if correct, may not meet membership criteria. You will receive a pre-adverse action letter that provides two options:

Option #1 - You can challenge the validity of the information (see #20).

Option #2 - You can acknowledge the accuracy of the report and appeal the negative membership decision. In order to request an appeal, the applicant should contact USA Swimming by sending an email to backgroundcheck@usaswimming.org. The request should include the applicant's full name, date of birth, and the control number in the applicant information section of the background check report.

You have five business days to respond to the adverse action letter. If you fail to respond to the letter in five days, we will assume that there is nothing in your background check that you dispute.

The procedure for appeals will be in compliance with the hearing and appeals process outlined in Part Four of the USA Swimming Rules and Regulations.

The appeal request will be forwarded to Holme Roberts & Owen (HRO), outside legal counsel for USA Swimming within five (5) business days of receiving the request for appeal. A hearing on your appeal will be scheduled before the National Board of Review Background Check Appeals Panel as soon as is practicable. A written decision will generally be rendered within three (3) business days of the hearing.

You must respond to the notification from Acxiom in order for your appeal to go forward. If you fail to respond at any stage in the appeal process, we will assume that there is nothing in the background check report that you dispute. In all cases, USA Swimming reserves the right to bring a National Board of Review hearing on the basis of background check report information, even if you withdraw from the membership process.

22) At what point in the process will my club and/or LSCs be notified if I failed a background check?

The LSC Registration Chair and the Club with which you are affiliated will be notified upon the earlier of: (a) the completion of the USA Swimming Board of Review Appeals process or (b) thirty (30) days after the disqualification for membership notification is received by you and no appeal is filed. If your appeal is sustained and you are granted membership, neither the LSC nor the Club will be notified of the disqualifying information, unless and to the extent membership is granted on a probationary or restricted basis.

23) How do I stop the automatic monthly database search updates if I no longer desire to be a member of USA Swimming?

One of the features provided by the background check program is a monthly search of the Acxiom database. For the 24-month period that your background check authorization is valid, this update will automatically occur once per month on the anniversary date of your first background check by Acxiom. The monthly search keeps our program current and up-to-date.

If you choose to leave USA Swimming during this 24-month period and you want to stop the monthly database searches, you must notify USA Swimming's Member Services Department (MemberServices2@usaswimming.org) in writing that you have resigned your membership in USA Swimming. We will discontinue the monthly update within 30 days following receipt of your notice of resignation. It is possible, depending on your scheduled monthly update and your date of resignation, that one monthly update will occur following your notice of resignation.

24) Who will be performing the background checks?

We have selected Acxiom Information Security Services, an independent Consumer Reporting Agency, to perform the USA Swimming Background Check program. Headquartered in Cleveland, Ohio, Acxiom (see: www.acxiom.com) is a worldwide organization and a pioneer in the background screening industry. A founding member of the National Association of Professional Background Screeners (NAPBS), Acxiom offers 40 years of experience and is committed to accommodating evolving background checking needs with the latest technology options..

All information received shall be kept private and protected according to federal regulations. Individuals who login to perform their background check will be advised in writing prior to the background check and be required to authorize such background check. In addition, they will be provided an opportunity to review the results of any background check performed.

For more information regarding USA Swimming's background check program, you may direct questions to backgroundcheck@usaswimming.org.