



NEW BACKGROUND SCREENING PROGRAM

Approved 9-16-06 by the USA Swimming House of Delegates

Background

In 2004, the USA Swimming House of Delegates approved a special resolution endorsing a requirement for background screening and directing the Board of Directors to develop a screening program for final approval by the House of Delegates. Subsequent to that resolution, President Ron Van Pool appointed a special task force to develop a plan for implementation of background screening for USA Swimming. This document is a summary of the program designed and recommended by that task force. These recommendations were approved for implementation for the 2007 membership year by the House of Delegates on September 16, 2006 and endorsed by the Board of Directors on January 21, 2006.

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.

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 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 any 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 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 USA Swimming Board members.
- 4) All candidates for office at the Annual Convention.
- 5) All USA Swimming HQ staff. Requirement includes pre-employment and regular staff screening.

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 on page 104-105 of the 2006 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 10/15/06 will expire on 10/31/08.) When it is time to update screening records, it is highly recommended that members submit an application for re-screening within the first 15 days of the month that their 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 company is available on their Web site at www.tcllogiq.com.

Cost

The cost in the registration years 2007 - 2009 for the background screen required by USA Swimming is \$20. This fee will be paid to TC logiQ by the applicant at the time that he/she goes online to initiate a background screen. TC logiQ accepts payment only through the popular online payment service PayPal.

Process

- 1) An individual subject to screening must go online to the TC logiQ Web site (or connect through a link on the USA Swimming web site) to initiate and pay for a USA Swimming Background Screen.
- 2) The requestor will promptly receive a screening report that provides 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 within 3-5 business days.
- 3) If the applicant passes screening, the result will be updated to "Approved" on the TC logiQ Web site and be communicated electronically to the USA Swimming SWIMS database. 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 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. 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 be privy to or store the information returned in a member's background screen.

Nationwide Rollout for 2007

Upon the successful completion and evaluation of an October pilot program involving 5 LSCs, a nationwide rollout for the new USA Swimming Background Screening Program will be implemented for the 2007 membership year. This rollout could begin during the fourth quarter of 2006. All 2007 members subject to background screening must fulfill the requirement in accordance with a rollout schedule to be approved by the Board of Directors, which rollout we anticipate will be phased in over the first half of the year.