



New Background Screening Program & National Rollout Schedule

Background

In September 2006, the USA Swimming House of Delegates approved implementation of a background screening requirement for the 2007 swim year for all coaches and other select member groups. Following the conclusion of a pilot study with 5 LSCs conducted in October 2006, appropriate changes were made to the program and the Board of Directors approved a national rollout schedule at their November 18th meeting. This document includes basic information about the screening program, the national rollout schedule, and enforcement guidelines for the new requirement.

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 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 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 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 www.tcllogiq.com. The Technical Support Desk at TC logiQ can be contacted by telephone at 877-825-6447 or by email at technicalsupport@tcllogiq.com.

Cost

In registration years 2007 – 2009, the USA Swimming background screen will cost \$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.

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 then 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 8-10 business 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 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.

Nationwide Rollout Schedule

In order to successfully accommodate the 10,000 individuals that must be screened over the next few months, all 2007 members subject to background screening must fulfill the requirement in accordance with the attached rollout schedule. Each of the remaining 54 LSCs has been assigned a specific time period. Coaches and other individuals subject to the screening requirement must initiate a background screen prior to the deadline assigned to the LSC in which they are registered.

There will be five LSC-Specific rollout periods. In addition to these assigned periods, there will also be two open rollout periods during which all members subject to the requirement may initiate a background screen. Members are asked to adhere to the schedule and initiate their background screen only during the period assigned to their LSC or during one of the two open periods. In either case, they must meet the new screening requirement on or before their LSC deadline.

The dates for each scheduled period are as follows:

- Open Period: December 4 – 22, 2006
- LSC-Specific Period 1: January 8 – January 19, 2007
- LSC-Specific Period 2: January 29 – February 9, 2007
- Open Period: February 19 – March 23, 2007
- LSC-Specific Period 3: April 2 -13, 2007
- LSC-Specific Period 4: April 23 – May 4, 2007
- LSC-Specific Period 5: May 14 -25, 2007

New 2007 Coaches Cards

Coach members who received a blue 2007 coach's card prior to completing the Background Screening requirement, will receive a new, green-colored coaches card once they fulfill the screening requirement. The new green card will display expiration dates for all three safety certifications and the background screening requirement. Some coaches in the five pilot LSCs will have blue cards that display the four required expiration dates. These cards are valid and should be honored as current cards for 2007.

Enforcement

To ensure compliance with the new requirement during the 2007 membership year, the following policies will govern the rollout of the background screening program:

- 1) An individual applying to be a new coach member in 2007 must complete the background screening requirement prior to being registered as a coach member.
- 2) All current 2007 coach members must apply for a background screen on or before the deadline assigned for their LSC (see the following LSC-specific rollout schedule). Coaches who do not initiate a screening application by the assigned deadline will, as of that deadline, be considered non-coach members until all requirements for coach membership are met. LSC administrators will be asked to make every effort to encourage noncompliant coaches to meet the screening requirement including taking action to restrict access to the deck at swim meets and removing all privileges associated with coach membership.

When a coach member is not current with one of the three safety certifications or the background screening requirement, he/she is not insured as a coach member of USA Swimming. In addition, the club's insurance protection may also be in jeopardy.

The detailed LSC rollout schedule is available on a separate page attached to this document.