

To: USA Swimming House of Delegates – Convention 2006
From: Background Screens Implementation Task Force
RE: BACKGROUND SCREENING PROGRAM RECOMMENDATIONS

At the 2004 Annual Convention, the House of Delegates approved the following special resolution:

RESOLVED that the House of Delegates endorses the requirement for background checks, THEREFORE the Board is directed to develop and distribute a program for background checks with the goal that the program will be brought to the 2005 House of Delegates meeting for final approval.

Subsequent to that resolution, President Ron Van Pool appointed the Background Screening Implementation Task Force to develop a plan for implementation of background screening for USA Swimming. The task force includes Chairperson Murray Stephens, legal counsel Matt Barnett, Kevin Fraley, Lindsay Mintenko, Wells O'Brien, Mike Saltzstein, and staff liaison Pat Hogan.

Following is a summary of the purpose, guidelines and process recommended by the Background Screening Task Force. These recommendations were approved by the Board of Directors at their January, 2006 meeting and are presented for endorsement by the House of Delegates.

Purpose

To implement and maintain a background screening program for the purpose of determining eligibility for membership in USA Swimming based on the membership criteria found in section 304.3.4 of our Code. This screening is not intended to serve as a pre-employment background screening program.

Guidelines

After some initial study and research of various background screening procedures and practices, the task force has designed a program that meets the following guidelines:

- 1) Minimally impacts our non-athlete members while helping create a proper environment.
- 2) Protects the confidentiality of information and the privacy of USA Swimming members.
- 3) Reviews members and prospective members on standards determined by USA Swimming.
- 4) Provides those screened with an opportunity to challenge incorrect information found in the screening process before a result is forwarded to USA Swimming.
- 5) In those instances where the screening results produce disqualifiers to membership, forwards information to our outside legal counsel (no disclosure to team, local or national level), for additional investigation and any action as is the current process with Code of Conduct complaints.
- 6) Screening based on name, date of birth, address history, and social security number.
- 7) Limits the involvement of volunteers and staff in compliance, data collection, and record retention.
- 8) Is compliant with the applicable provisions of the Fair Credit Reporting Act.

Members Required to be Screened

It is proposed that the following USA Swimming members and prospective members should be required to undergo regular background screening:

- 1) All coach members and prospective coach members.
- 2) Non-athletes on national team staffs or working with Swimming sponsored camp/travel programs.
- 3) All USA Swimming Board members.
- 4) All candidates for office at the Annual Convention.
- 5) All Swimming staff. Requirement includes pre-employment applicants and regular staff screening.

Screening Criteria for Membership Eligibility

Screening 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.”*

Frequency of Screening

USA Swimming members subject to screening will be required to be screened every two years.

Screening Provider

After conducting an extended search, USA Swimming has selected TC logiQ, Inc. as its national provider. Information about this company is available on their website at www.tcllogiq.com.

Process

The task force has worked with TC logiQ to develop the process described below:

- 1) An individual subject to screening must go online to the TC logiQ website (or connect through a link on the USA Swimming website) to initiate and pay for a USA Swimming Background Screen.
- 2) The requestor will promptly receive a screening report that provides address history and, if any, criminal information. Until TC logiQ reviews this search report against the USA Swimming screening criteria, the applicant's "Screening Status" on the TC logiQ website will reflect "Pending". Normally, final results will be emailed to the applicant within a business week.
- 3) If the applicant passes screening, that result will be updated to "Approved" on the TC logiQ website and be sent electronically to SWIMS where it will be reflected like the coaches' safety certifications.
- 4) If the background screen returns a finding of a potential disqualifier for membership, we have devised a process for review of the accuracy of the information and/or appeal to an established National panel. If membership is not ultimately granted, SWIMS will reflect no information.

Review & Appeals Process

In the event that a background screening returns 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, before a USA Swimming review panel if an applicant does not dispute the accuracy of the information, but wants to challenge a negative impact on membership eligibility.

Information Management and Exchange

The proposed 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 that makes he/she ineligible for membership and he/she then chooses to appeal the membership decision, USA Swimming will not be privy to or store the information contained in members' background screening.

The information exchange between TC logiQ and SWIMS is a fully automated process. The only automatic information sent to SWIMS from TC logiQ is that an applicant has successfully completed a background screening. This interface required modifications to SWIMS and is complete.

Cost

The cost in the registration years 2007 - 2009 for the background screen required by USA Swimming will be \$20. This fee will be paid directly to TC logiQ (via credit card or Paypal) by the applicant at the time that he/she goes online to the TC logiQ website to request his/her background screen.

Pilot Program

The task force recommends conducting a pilot program that will involve 5 selected LSCs. The pilot program will provide the opportunity to test and evaluate the entire process from online request, to managing potentially inaccurate information, to integration of the databases, to handling an appeal(s).

Rollout

Upon endorsement of this program by the House of Delegates, a scheduled, a phased rollout of the program will be implemented for the 2007 membership year. We plan to begin during the fourth quarter of 2006. All 2007 members subject to background screening must fulfill the requirement in accordance with a roll-out schedule to be approved by the Board of Directors.