

# USA Swimming Background Check Program

## Frequently Asked Questions

### 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 overview found at [www.usaswimming.org/backgroundcheck](http://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 USA Swimming non-athlete members subject to the exclusion below.
- All adult National Team and National Junior Team athletes.
- All adult athletes selected to participate on a national or international team, or an event to which the USOPC sends athletes.
- All adult athletes training at the Olympic and Paralympic Training Center.

Exclusion: The criminal background check requirement is waived for Junior Coaches.

### 3. Who is required to be a USA Swimming non-athlete member?

- Any coach participating in practices and USA Swimming sanctioned competition;
- All referees, starters, administrative officials, chief judges, and stroke and turn judges;
- Employees and volunteers of USA Swimming, Zones, LSCs and member clubs who interact directly and frequently with athletes as a regular part of their duties and individuals with any ownership interest in a member club or serving on the board of directors of a member club. This does not apply to volunteers such as timers, marshals, computer operators, etc., who only have limited contact with athletes during a meet.

### 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 cannot be tracked by USA Swimming in its member database (SWIMS).

### 5. Who will be performing the background checks?

We have selected IntelliCorp Records, an independent Consumer Reporting Agency, to perform the USA Swimming Background Check program. Headquartered in Cleveland, Ohio, IntelliCorp Records is a worldwide

organization and a pioneer in the background screening industry. IntelliCorp is accredited by the National Association of Professional Background Screeners (NAPBS) and provides background screening products and services to help mitigate risk.

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.

#### **6. If I already have been background checked for employment or other volunteer purposes, can USA Swimming accept that background check?**

Unfortunately, USA Swimming cannot accept your background check for another organization. Currently, there is significant duplication of efforts with regard to background checks required by schools, churches, youth sports and employers in part because organizations are not permitted to share applicant's background check reports with each other. 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.

#### **7. What searches does the background check include?**

The background check includes:

- a search of national criminal and sex offender databases on the name provided and all former last names found within the seven-year address history;
- a search of other watch lists from various national and international databases on the name provided and up to four former last names found within the seven-year address history;
- a county criminal search in county of current residence on the name provided and one former last name;
- a county criminal search in all counties of residence within the seven-year address history on the name provided and one former last name;
- a federal court search on the name provided and one former last name;
- and a once per month update of the national criminal database for a period of 24 months.

#### **8. 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 *USA Swimming Background Check Policy* available at [www.usaswimming.org/backgroundcheck](http://www.usaswimming.org/backgroundcheck).

#### **9. How do I initiate the USA Swimming background check?**

Completing a USA Swimming background check is an online process that can be accessed via your USA Swimming Account.

You will be directed from your USA Swimming Account to the IntelliCorp Records website. Once on the IntelliCorp Records website, provide the information requested and pay with a credit card. You will receive an email confirmation once the background check has been submitted. Save this email as confirmation that you initiated a check.

If you encounter any problem with completing the check while online, please contact our dedicated account manager at IntelliCorp Records available at 866-637-0010.

#### **10. What information will I be asked to provide?**

You will be asked to provide the following information to IntelliCorp Records:

- *Required Information:*
  - First and Last Name
  - Home Address, City, State, Zip Code
  - Date of Birth
  - Social Security Number
  - Email Address
  
- *Requested Information:*
  - Middle Name
  - Maiden Name
  - Phone Number

Neither USA Swimming nor IntelliCorp Records is permitted to share any of the above information with any entity other than the subject of the report or as required by law.

### **11. 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.

IntelliCorp Records must follow federal regulations to manage and protect this information. IntelliCorp Records will not share your SSN with USA Swimming and, for privacy purposes, any record IntelliCorp Records might maintain will redact the first five digits of the SSN.

### **12. If I do not have a Social Security Number, do I complete the same background check?**

Anyone who has lived in the United States for the past 10 years or longer who has a Social Security Number (SSN) or an IRS-issued Individual Taxpayer Identification Number (ITIN) should complete the regular USA Swimming Background Check.

Anyone who has lived outside the United States for more than 13 consecutive months within the past 10 years and any first-time resident of the United States who does not have a SSN or ITIN should contact [backgroundcheck@usaswimming.org](mailto:backgroundcheck@usaswimming.org) to receive instructions on how to complete a background check.

### **13. What is the cost?**

The new member background check costs \$38. The fee for all existing members the first time they complete a check with Intellicorp Records is \$38. The fee to renew the background check (every other year) is \$18.

### **New York County Record Search Fees**

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

A search for an address in a New York state county is subject to an additional \$95 fee per name for county criminal record searches. This is the actual fee charged for the search by New York. Beginning January 1, 2020, USA Swimming no longer subsidizes this fee. The member will be responsible for the full fee which will be applied at the time the background check is ordered.

### **Additional State-Imposed Taxes**

Individual states or local jurisdictions may choose to impose a tax to run a background report. A list of current states known to USA Swimming to charge a tax are listed below. Other states may choose to mandate a tax in

the future, so this list is not exhaustive.

Connecticut
District of Columbia
Maryland
New Jersey
New Mexico
New York
Rhode Island
South Dakota
Texas
Washington
West Virginia

**14. 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. Your background expiration date is also available through your USA Swimming Account.

**15. How will I be notified of my background check results?**

You will receive the results of the background check by email. Notification will normally occur within 7-14 business days following initiation of the background check. The subject line of the email will include your name and USA Swimming Background Check – Pass. The email will include a link to your background check report and results.

**16. What should I do if my background check returns inaccurate criminal 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 IntelliCorp Records immediately by following the directions on the Pre-Adverse Action letter. You will need to provide your full name, date of birth, and the Request ID 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 15 business days to respond to the adverse action letter. If you fail to respond to the letter in 15 business days, we will assume that there is nothing in the background check that you dispute.

Upon receiving a report dispute, IntelliCorp Records will immediately review the situation and go back to the jurisdiction and verify or amend the record. This process could take up to 30 days depending on the jurisdiction in question.

**17. 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 “Review – Eligible for Dispute”, “Review – Eligible for Appeal” or “Pass” score. A “Review – Eligible for Dispute” 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 “Review – Eligible for Appeal” 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 accuracy of the information (see #15).

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](mailto:backgroundcheck@usaswimming.org). The request should include the applicant’s full name, date of birth, and the Request ID in the applicant information section of the background check report.

You have 15 business days to respond to the pre-adverse action letter. If you fail to respond to the letter in 15 business 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.

USA Swimming will schedule your appeal hearing before the National Board of Review Background Check Appeal Panel as soon as is practical. A written decision will generally be rendered within three (3) business days of the hearing.

You must respond to the notification from IntelliCorp Records 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.

#### **18. At what point in the process will my club and/or LSCs be notified if I failed a background check?**

Your LSC’s 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 Background Check Appeals process or (b) fifteen (15) 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.

#### **19. 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 IntelliCorp Records 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 IntelliCorp Records. 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](mailto: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.

*For more information regarding USA Swimming’s background check program, contact [backgroundcheck@usaswimming.org](mailto:backgroundcheck@usaswimming.org).*