



## USA SWIMMING CRIMINAL BACKGROUND CHECK POLICY

### **Criminal Background Checks Required by USA Swimming for all Non-Athlete Members**

- **All non-athlete members are subject to the following criminal background check conducted by Acxiom Information Security Services, Inc, the background check provider engaged by USA Swimming:**

1. National Database Search for criminal convictions including Sexual Offender search in all states, social security trace and identity verification, and a search of other watch lists from various national and international databases.

Such search will be repeated monthly on the anniversary of the original background check date for the 24-month period that the background check authorization is valid. Any member who chooses to leave USA Swimming during this 24-month period and wishes to stop the monthly updates must notify USA Swimming's Member Services Department in writing that such member has resigned their membership. We will discontinue the monthly update within 30 days following receipt of your notice of resignation. Depending on the scheduled monthly update and the date of resignation, one monthly update may occur following the notice of resignation.

2. County Criminal Search in county of current residence for the previous seven years. Name provided and all AKA's (other names used) will be searched.

- **All coach and official members will be subject to the following additional background check conducted by a background check provider engaged by USA Swimming.**

3. County Criminal Search in all the counties of previous residence for the past ten years. Name provided and all AKA's (other names used) will be searched.

### **USA Swimming Criminal Background Check Disqualification Criteria and Appeals Process**

1. Any results that meet the criteria set below will be reported immediately to Holme, Roberts, and Owen (HRO), outside legal counsel for USA Swimming.

2. Any criminal conviction reported which may disqualify a subject will be confirmed at the county court level with an "at court search" before being reported to HRO.

**3. Automatic Disqualifiers ("Red Light"):** An individual will be disqualified from USA Swimming membership if a background search reveals that such individual has been convicted of, received an imposition of a deferred sentence for, or for any plea of guilty or no contest at any time, or the existence of any pending charges for any crime involving:

- (a) Any felony involving:
  - (i) Violence against a person;

- (ii) Crimes involving firearms;
  - (iii) Animal abuse.
- (b) Any felony or misdemeanor involving:
- (i) All sexual crimes including misconduct, lewd conduct, indecent exposure, public indecency, prostitution, sexual assault, rape, and register violations.
  - (ii) Drug use or possession, (including the use of drug paraphernalia) within the previous 3 years;
  - (iii) Other drug related crimes including drug distribution, intent to distribute, manufacturing, trafficking, sale, or maintaining disorderly house within the previous 7 years;
  - (iv) Child endangerment, neglect or abuse.

Individuals subject to disqualification under "Red Light" Automatic Disqualifiers may request a hearing before the USA Swimming Background Check Appeals Panel to evaluate the accuracy of the reported information, but not the consequence of disqualification if the above criteria are met.

4. **Potential Disqualifiers ("Yellow Light"):** An individual will be subject to review for disqualification from USA Swimming membership if a background search reveals that such individual has been convicted of, received an imposition of a deferred sentence for, or for any plea of guilty or no contest at any time, or the existence of any pending charges at any time of any crime involving:

- (a) Other Felonies not included in Automatic Disqualifiers above;
- (b) Other Misdemeanors for:
  - (i) Drug related crimes which are not covered in Automatic Disqualifiers above;
  - (ii) Violence against a person (including crimes involving firearms);
  - (iii) Destruction of property, including arson, vandalism, and criminal mischief;
  - (iv) Animal abuse or neglect.

Individuals subject to review under "Yellow Light" Potential Disqualifiers may request a hearing before the USA Swimming Background Check Appeals Panel to contest both the accuracy of the reported information and the consequence of disqualification.

5. Offenses that have already been reported to USA Swimming under its previous background check process would not trigger additional action.

Questions? [backgroundcheck@usaswimming.org](mailto:backgroundcheck@usaswimming.org)

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