



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 Sterling Infosystems, 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. 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 counties of residence. 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 to Bryan Cave, outside legal counsel for USA Swimming.

2. Automatic Disqualifiers ("Red"): 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) Violent crimes involving weapons (including armed robbery and aggravated assault with a weapon);

- (iii) Animal abuse or animal neglect.
- (b) Any felony or misdemeanor involving:
 - (i) All sexual crimes (excluding only those potential disqualifiers provided in c.iii. below);
 - (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, or sale within the previous 7 years;
 - (iv) Child endangerment, neglect or abuse.

Individuals subject to disqualification under "Red Light" Automatic Disqualifiers may dispute the accuracy of the reported information with Sterling Infosystems, but not the consequence of disqualification if the above criteria are met.

4. **Potential Disqualifiers ("Yellow"):** 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) Crimes involving vehicular bodily harm;
- (c) 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) Prostitution, indecent exposure, and public indecency;
 - (iv) Stalking or harassment;
 - (v) Destruction of property, including arson, vandalism, and criminal mischief;
 - (vi) 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 the consequence of disqualification. An applicant may also dispute the accuracy of the reported information with Sterling Infosystems.

5. **DUI Policy:** Any misdemeanor DUI or similar charge shall result in a prohibition on driving athletes for two years after the date of the offense, effectively immediately. (The club shall be notified)

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

Questions? backgroundcheck@usaswimming.org