

# Frequently Asked Questions

## USA Swimming Background Screening Program

**1) With the current concerns about privacy and identity theft, why do we use social security numbers? Is it not possible to do a background check using a driver's license number or a state-issued identification card?**

Screening based on name, date of birth, address history and social security number is standard throughout the industry. The other common, but much more expensive and time consuming method, is finger printing (which still utilizes the SSN.). The Fair Credit Reporting Act (FCRA) is the federal statute that outlines the basic laws and regulations that govern the background screening industry. It is also important to note that TC logiQ will not share your SSN with USA Swimming.

The problem with using a driver's license number or any other state-based identification is it is possible to search a record only in the state where the license was issued. If people have lived in multiple states, there is no way to search county records in previous states of residence.

**2) Many USA Swimming members are already screened by various agencies for other employment or volunteer purposes. Is it possible for USA Swimming to accept those screens so that we do not pay to be screened again?**

Unfortunately, the answer is no. The current reality of the industry is that there is no national clearinghouse for this type of information and, if there were, there are no standard criteria by which search reports are evaluated. Two employers may make different hiring decisions based on the same information. Likewise, various youth organizations use different criteria to determine eligibility for membership. And, because of privacy concerns and certain requirements imposed by the Fair Credit Reporting Act, there is significant reluctance to share information between organizations.

**3) Can I only do a background screen online?**

Yes, in order to protect the confidentiality of the sensitive information in a background screen, the entire process has been automated. All members subject to screening requirements must go online to a secure website initiate and complete a background screening.

**4) What should I do if my screening returns incorrect or inaccurate criminal information?**

Here are guidelines to follow in the event that a background screen returns criminal information that is incorrect or disputed. Do not be concerned about incorrect or unusual information in the address history.

- Go to the "Frequently Asked Questions" section of the TC logiQ web site at [www.tclogiq.com/faq.php](http://www.tclogiq.com/faq.php) to see if your concern or question has already been addressed.
- Send an email to [reportdispute@tclogiq.com](mailto:reportdispute@tclogiq.com). Include your name, LSC, date of birth and date of the screening report. Be sure to include a brief description of the information being disputed. In order to maintain the confidentiality of your screen results, please do not contact your LSC Registrar or anyone else with USA Swimming. You must work with TC logiQ to dispute information.
- TC logiQ will respond by telephone or via email within 24 hours to discuss the concern and gather the necessary information to research the question.

- In order to research disputed information in a background screen, the provider must perform a physical search of records in the county reporting the disputed information. Depending on the county and state, this search could take as long as 14-30 days. When information in a search record is disputed, no action will be taken regarding membership eligibility until that information has been verified.
- If the verification process proves that the disputed information is incorrect, there is no cost to the applicant. If research verifies that the information is correct, the applicant will pay a fee of approximately \$20 per county where records were verified. Please note that the cost for the re-verification process will vary slightly from county to county because of differing procedures and laws.

**5) If my background screen 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?**

Yes, there will be a hearing process before a USA Swimming Board of Review permanent panel if an applicant wants to challenge a negative decision on membership eligibility. This process will be in compliance with the hearing and appeals process outlined in Part Four of the USA Swimming Rules and Regulations.

In order to initiate an appeal, the member/applicant must file a written request for appeal with Holme Roberts & Owen (HRO), counsel for USA Swimming in Colorado Springs and designate of the Executive Director for this purpose, within fifteen (15) days of the notification that the screen has resulted in a disqualification for membership. These timing requirements may be extended by agreement of the applicant and USA Swimming. No particular form or filing fee is required. A hearing on your appeal will be scheduled before the National Board of Review screen appeals panel within fifteen (15) days of the receipt of your appeal and a decision will be rendered within three (3) business days of the hearing. In order to maintain the confidentiality of your screen results, please do not contact your LSC Registrar or anyone else with USA Swimming. You must contact HRO to initiate an appeal.

Send your appeal to:     Holme, Roberts & Owen LLP  
                                   90 South Cascade Avenue, Suite 1300  
                                   Colorado Springs, CO 80903  
                                   Attn: USA-S Appeals Coordinator

**6) At what point in the process will clubs and/or LSCs be notified of a failed screen for a current member?**

The LSC Registration Chair and the Club with which you are affiliated will be notified upon the earlier to occur of: (a) the National Board of Review screen appeals panel has rendered its decision, if such decision is adverse to your appeal; or (b) thirty (30) 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.

**7) If a team only has one coach and that individual is declined for membership, how will that decision affect the club's membership in USA Swimming?**

A club must have at least one certified coach member in order to be a club member of USA Swimming. The club would have to make alternative arrangements with a certified coach member of USA Swimming in order not to have its charter suspended.