



Safe Soccer Workshop

Scottsdale, Arizona

February 16, 2019

Disclaimer



This presentation and accompanying materials are for informational purposes only and not for the purpose of providing legal advice.

You should contact your attorney to obtain legal advice with respect to any particular issue.

SafeSport Began as an NGB Program



- 2010: USA Swimming launches its “SafeSport” Initiative
- 2013: USOC SafeSport Working Group created
- Summer 2016: Nassar scandal becomes public in Indy Star stories
- March 2017: U.S. Center for SafeSport created
- February 2018: SafeSport Act passes
- Fall 2018: Center Issues Prevention Policies; USSF Policy 212-3 Issues
- December 2018: Ropes & Gray investigative report published

Launched in 2017, the **U.S. Center for SafeSport** is an independent, nonprofit organization that provides the sport community two key services:

- **Specialized education, training and resources**
 - Extensive training free to U.S. Soccer members and affiliates
 - Covers emotional misconduct, physical misconduct, sexual misconduct, bullying, hazing, harassment
- **Investigation and resolution of policy violations committed by individuals**
 - Ability to impose sanctions, including lifetime bans
 - Searchable on-line disciplinary records

Although the Center is **independent**, it receives substantial funding from Congress, NGBs, (including U.S. Soccer), NBA, and others. (Donations accepted at safesport.org)



Jurisdiction based on U.S. Soccer's Definition of "**Covered Individuals**":

- Athletes who ***directly register with U.S. Soccer*** (not including professional athletes playing with a professional league sanctioned by U.S. Soccer) and
- Those who are ***appointed or authorized by U.S. Soccer to oversee those athletes***. This includes:
 - NT and DA coaches,
 - NT and DA Administrators,
 - NT and DA trainers/physicians/medical personnel
 - National Level Referees or those ***assigned by*** U.S. Soccer
 - U.S. Soccer staff and Board Members



Exclusive Jurisdiction - Sexualized Misconduct:

- Sexual harassment
- Non-consensual sexual contact
- Sexual acts involving minors
- Sexual exploitation
- Criminal acts involving sexual abuse
- Romantic/sexual relationships involving imbalance of power

Discretionary Jurisdiction

- Physical misconduct
- Emotional misconduct
- Bullying
- Hazing
- Non-sexual harassment

“SafeSport Act”: S.534/P.L. 115-126 signed into law February 14, 2018



In the House of Representatives, U. S.,

January 29, 2018.

Resolved, That the bill from the Senate (S. 534) entitled “An Act to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Pro-*
3 *tecting Young Victims from Sexual Abuse and Safe Sport*
4 *Authorization Act of 2017”.*

Two parts to the law:

1. “Protecting Young Victims from Sexual Abuse”

- Amends the “Victims of Child Abuse Act of 1990,” 34 U.S.C. § 20341
- Expands categories of “mandatory reporters” of child abuse
- Creates federal criminal penalties and civil remedies for personal injuries to augment existing state remedies

2. U.S. Center for SafeSport Authorization

- Formally authorizes U.S. Center for SafeSport and codifies its jurisdiction over NGBs regarding amateur athlete safety
- Requires enhanced policy, training, and prevention
- ***Additional obligations for other youth organizations nationwide***

Mandatory Reporter Provisions of SafeSport Act



Existing law:

- doctors, nurses, psychologists, teachers, child care workers, law enforcement, foster parents, commercial film and photo processors.

New act adds “Covered Individuals”

- any “adult who is authorized, by a national governing body, **a member of a national governing body**, or an **amateur sports organization** that participates in interstate or international amateur athletic competition, to interact with a **minor or amateur athlete** at an amateur sports organization facility or at any event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization



Definition of Child Abuse

- Physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child
 - **Sexual Abuse:** includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children.
 - **Mental Injury:** means harm to a child's psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response or cognition



Part I of the SafeSport Act: MANDATORY REPORTING OF SUSPECTED CHILD ABUSE

- **WHO:** “Covered Individuals”
- **WHAT:** “facts that give reason to suspect” a child has suffered child abuse
- **WHEN:** “as soon as possible” defined as “within a 24-hour period”
- **WHERE:** “to the agency designated by the Attorney General under subsection (d).”
- **Immunity for good faith reporting:**

“All persons who, acting in good faith, make a report ...or otherwise provide information or assistance in connection with a report, investigation, or legal intervention ...shall be immune from civil and criminal liability arising out of such actions. There shall be a presumption that any such persons acted in good faith....”



Federal Criminal Liability May Apply

Federal Law

- “A ... covered individual...who, learns of facts that give reason to suspect that a child has suffered an incident of child abuse...and fails to make a timely report ...shall be fined under this title or imprisoned not more than 1 year or both.” 18

U.S.C. § 2258.

State Law

Failure to report is either a misdemeanor or a felony in **48 states.***

(*excepting Maryland, Wyoming, and Puerto Rico.)

Part II of the SafeSport Act: OBLIGATIONS BEYOND REPORTING – PREVENTION



- Your organization may be covered by PART II the Act in one of two ways:
 - National Governing Body Jurisdiction
 - Development Academy Teams
 - Tournaments sanctioned directly by U.S. Soccer
 - National Level Referees
 - As an “**Applicable Amateur Sports Organization**”
 - Participate in an interstate *or* international amateur athletic competition; and
 - Membership includes any adult in regular contact with an amateur athlete who is a minor
 - *Covered by the Act but not necessarily covered by Center’s jurisdiction*



SafeSport Act: Obligations for Applicable Amateur Sports Orgs

- Comply with the Act's **reporting** requirements;
- Establish **reasonable procedures to limit one-on-one interactions** between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility under your jurisdiction;
- **Offer and provide consistent training** to adult members in regular contact with minor amateur athletes and, subject to parental consent, to members who are minors, regarding prevention and reporting of child abuse; and
- **Prohibit Retaliation**, by the applicable amateur sports organization, against any individual who makes a report of suspected child abuse.



Policy 212-3: Athlete & Participant Safety Policy

- Bylaw 212 requires members to:
 - Follow USSF Bylaws, Policies & applicable law (e.g., the SafeSport Act)
 - Prohibit sexual abuse
 - Maintain a risk management program
- Policy adds:
 - A framework for complying with the SafeSport Act
 - Template policies to encourage consistency
 - Specific criteria we intend to enforce

Safe Soccer Framework

Complies with USSF Policy 212-3. Includes:

- Policy & Process
 - Prohibited Conduct Policy
 - Prevention Policies
- Screening
 - Background checks; SafeSport checks
- SafeSport Training & Education
- Reporting
 - Law enforcement
 - Integrity Hotline
 - USCSS (for USSF programs)
- Monitoring & Enforcement





U.S. Soccer has developed the Safe Soccer Framework as a foundation from which all participants in the soccer community, be they athletes, coaches, referees, administrators or volunteers, play an active role in creating an environment free from emotional, physical or sexual abuse. The Safe Soccer Framework is a comprehensive program of policies and process, screening, education and training, reporting, monitoring and enforcement designed to help participants detect and report abuse, respond to it, and prevent future occurrences. This Framework applies to U.S. Soccer national level programs. Please see Policy 212-3 below for information applicable to U.S. Soccer's Organization Members.

Report a Concern

▶ [U.S. SOCCER INTEGRITY HOTLINE](#)



SafeSoccer.com - Model Policies from the USCSS

- **Drafted by USCSS with comments from NGBs**
- **Designed to address major areas of risk in youth sports:**
 - One-on-one interactions generally
 - Observable & Interruptible
 - Massages & Athletic Training therapies
 - Locker Rooms, Restrooms, Changing areas
 - Social Media & Electronic Communications
 - Local Travel
 - Team Travel
- ***Nothing Prohibits you from adopting broader or stricter policies***