

## **12.0 RISK MANAGEMENT PROGRAM**

### **12.1 PURPOSE**

To protect and provide a safe and healthful environment for children participating in OSYSA's sanctioned soccer clubs, associations, leagues, programs, and tournaments.

Ohio Revised Code 109.575 provides:

*At the time of a person's initial application to an organization or entity to be a volunteer in a position in which the person on a regular basis will have unsupervised access to a child, the organization or entity shall inform the person that, at any time, the person might be required to provide a set of impressions of the person's fingerprints and a criminal records check might be conducted with respect to the person. Not later than thirty days after the effective date of this section, each organization or entity shall notify each current volunteer who is in a position in which the person on a regular basis has unsupervised access to a child that, at any time, the volunteer might be required to provide a set of impressions of the volunteer's fingerprints and a criminal records check might be conducted with respect to the volunteer.*

*Effective Date: 03-22-01*

Ohio South Youth Soccer Association implements the requirements of Ohio Revised Code 109.575 and Federal legislation, Public Law 115-126, (a.k.a. S.534), in an effort to provide a safe environment for the participants in our programs and events.

### **12.2 BACKGROUND**

As our society's awareness increases about the risks associated with individuals working with children who abuse their authority by committing sexual, physical, mental, and emotional abuse, there is a need to provide a means of protection. In August of 1994, the United States Youth Soccer Association approved the Kidsafe Program and placed it into effect immediately. As a part of this program, each State organization is to develop a written program outlining safety guidelines and procedures.

On August 17, 2018, US Youth Soccer adopted a revised Risk Management Policy for all participants in all US Youth Soccer activities including those of the Ohio South Youth Soccer Association, (a.k.a. - OSYSA). That policy is shown in APPENDIX A to this Section 12 and is incorporated into this Section 12. It is that US Youth Soccer Policy along with the standards of the National Center for Missing and Exploited Children, as well as Ohio Revised Codes 109.574 and 109.575 that is the basis for this OSYSA Risk Management Program.

### **12.3 APPLICABILITY**

This program is applicable either as a requirement or as a recommendation to all adults who are employees and and/ or volunteers within OSYSA and all of its member leagues, associations, sanctioned tournaments and its participating clubs as defined below.

**12.3.1** Individuals holding one or more of the following positions are required by US Youth Risk Management Policy, dated August 17, 2018, Section 102(a) to comply with all sections of this RMP.

- a) OSYSA Board members,
- b) OSYSA Executive Director,

- c) OSYSA Director of Coaching,
- d) Directors of Coaching of individual soccer clubs,
- e) Coaches, (Both Competitive and Recreational Coaches),
- f) Assistant Coaches, (Both Competitive and Recreational Assistant Coaches),
- g) Soccer Trainers (individuals who are not a registered coach but have contact with one or more OSYSA registered players on a regular basis as defined in Section 12.3.3).
- h) Team Manager / Team Administrator,
- i) Program Administrator,
- j) Athletic Trainer,
- k) Organization Employee, who holds a position in which they have unsupervised access to a child on a regular basis,
- l) Tournament Organizer / Director,
- m) Members of a Board of Directors of OSYSA any Member League,
- n) Members of a Board of Directors of individual soccer clubs that have one or players registered in Ohio South,
- o) OSYSA employees or OSYSA Independent Contractors who hold a position in which they have unsupervised access to a child on a regular basis,
- p) OSYSA Risk Management Coordinator and Alternate State Risk Management Coordinator,
- q) OSYSA Conduct Committee Chairman and all members of any OSYSA Conduct Committee.

**12.3.2** It is recommended that individuals holding one or more of the following positions submit or be required to submit an application to this RMP. Following such submission, the individual for whom the submission was made shall be subject to all of the provisions of this RMP. . In the future, one or more of the positions listed in the Section 12.3.2 may be changed, at the discretion of OSYSA Board of Directors, from one of the “recommended” positions as shown in section 12.3.2 to one of the “required” positions as shown in Section 12.3.1.

- a. All local RMC's and their respective alternates,
- b. **and any other individual, age 18 or older, acting in an official capacity and who may have the opportunity to have direct and unmonitored access to children who are involved with any approved or sponsored program of US Youth Soccer or of Ohio South or any member of Ohio South .**

**12.3.3** The term “on a regular basis” as used in this Section 12.3 and elsewhere in this Section 12, shall mean an adult who can reasonably be expected to be in contact, (this includes but is not limited to physical, verbal, via text or e-mail) with any youth athlete or other than their own child, more frequently than once per week.

The term, “has unsupervised access to a child” as used elsewhere in this Section 12, shall, as stated in Ohio Revised Code 109.574, mean either or both of the following situations:

- No other person eighteen years of age or older is present in the same room with the child.
- If outdoors, no other person eighteen years of age or older is within a thirty-yard radius of the child or has visual contact with the child.

All individuals who hold a position as listed in Section 12.3.1 should make every effort to avoid being in any situation where they have unsupervised access to a child, (i.e., they are alone with a youth athlete, as defined above), other than their own child.

Consistent disregard of this guidance may give rise to a degree of concern of the adult’s awareness of the intent of this Risk Management Program. This directive is being provided for the protection of all involved individuals.

Each of the aforementioned individuals as shown in the first sentence of this Section 12.3 must apply to the OSYSA Risk Management Program, (a.k.a. RMP), and receive approval from OSYSA before they may participate in any program or event of OSYSA or of its member leagues or of any club associated with OSYSA.

This RMP does not apply to club linesmen or substitute coaches if they are in the presence of another adult.

The United States Soccer Federation has determined that each member association must comply with all USSF organizational rules. However, each member, including OSYSA, has the right to establish their own membership requirements. In addition, the United States Federal court has ruled that a private non-profit educational organization, such as OSYSA, has the right to set eligibility requirements for their membership. Consistent with the above, OSYSA shall restrict its membership in accordance with this RMP.

This RMP shall only be applicable to those individuals who hold one or more of the positions within OSYSA as listed in the first paragraph of this Section 12.3.1 or 12.3.1 who have applied to be part of OSYSA in one of those positions. If an individual is notified that they are subject to disqualification pursuant to this RMP, that individual may withdraw their application for approval by OSYSA. Upon withdrawing their application for approval, no further action shall be taken against said individual regarding this RMP, except that the organization for whom the individual was associated shall be notified of the withdrawal of individual's application.

## **12.4 RESPONSIBILITIES**

**12.4.1** Each local Club/Association/League President will:

- a) Designate a local Risk Management Coordinator (RMC) and an alternate to serve as a liaison to the OSYSA Risk Management Coordinator.
- b) Confirm that all individuals required to participate in the program comply with the RMP.
- c) Confirm that all complaints of abuse are investigated and reported to the OSYSA RMC.
- d) Confirm that the Club/Association/League complies with all provisions of this RMP.

**12.4.2** Each local Risk Management Coordinator will:

- a) Serve as a liaison to the OSYSA RMC.
- b) Refer for investigation all complaints of abuse and report findings to their Club/Association President and to the OSYSA RMC, if action is needed.
- c) Confirm that the Club/Association/League complies with all provisions of this OSYSA RMP.

**12.4.3** The OSYSA Staff shall oversee compliance with the RMP by all OSYSA member leagues, associations, clubs, teams.

**12.4.4** The OSYSA Board of Directors shall appoint the OSYSA RMC and an Alternate RMC.

**12.4.5** The OSYSA Risk Management Coordinator, with the assistance of the OSYSA office staff, will:

- a) Ensure background checks are completed for all individuals to whom this RMP is applicable.
- c) Periodically review and make recommendations to the OSYSA Board of Directors to update this program as needed.
- d) Provide an executive summary, as needed, of the RMP at the OSYSA Annual General Meeting.
- e) Ensure that the completed applications are kept on file for a minimum of three (3) years and a maximum of four (4) years. All matters involving a disqualification shall be kept on file for a

minimum of twenty (20) years and a maximum of 99 years. All files that are required to be kept on file by pursuant to this RMP, as specified in the preceding sentence may be kept in either in paper format or in electronic format.,

- f) Distribute on a periodic basis appropriate educational material regarding the OSYSA RMP.
- g) Be responsible for any media contacts involving the OSYSA RMP.

**12.4.6** The OSYSA Director of Coaching will:

- a) Serve as a liaison to the OSYSA RMC for the ODP program.
- b) Serve as the Local RMC for the ODP program
- c) Serve as the Local RMC for any OSYSA organized competitive league.
- d) Perform the functions as listed as the responsibilities of the local RMC.

## **12.5 GENERAL PROCEDURES**

**12.5.1** All individuals who hold one or more of the positions within OSYSA as listed in Section 12.3.1 or who have applied to be part of OSYSA in one of those positions must comply with the RMP upon initial application and upon any renewal of any application as set forth in Section 12.5.3. The completion of the application shall be considered part of the approval process. OSYSA and its member leagues, associations, or clubs in their sole and absolute discretion, may require employees, volunteers, staff members, or other individuals holding one of the positions listed in Section 12.3.2 in their own organization to complete the renewal process more frequently than is required by this RMP, but no more than annually.

The OSYSA RMC shall be authorized to designate members of the OSYSA office staff to review each application for completeness and to report to the OSYSA RMC if an applicant has not completed the application, has indicated that they have been involved in a disqualifying event or a background check or other information is received indicating that the applicant is subject to disqualification pursuant to this RMP.

**12.5.2** If the information on the RM application is incomplete, the individual submitting said application is automatically prohibited from participating in all OSYSA events or programs and all OSYSA Member events or programs. This prohibition shall remain in effect until a properly completed RM application has been received and a background check on the individual has been completed.

If the information on the RM application has not been completed truthfully, either knowingly or not, the individual submitting said application is automatically prohibited from participating in all OSYSA events or programs and all OSYSA member events or programs for a period of not less than 1 year.

**12.5.3** Persons holding one or more of the positions listed in Section 12.3, if required to do so, within OSYSA shall complete an OSYSA Risk Management application upon their initial appointment to one or more of the listed positions and during July of the second year following their initial appointment. Subsequent Risk Management applications for individuals holding one or more of the listed positions must be submitted on two-year intervals thereafter. The approval of any individual holding a position as listed in Section 12.3 to participate in any OSYSA member league, association, tournament or other event shall expire on June 30<sup>th</sup> of the second year following their initial or subsequent submission of a Risk Management application.

Teams, clubs, and other individuals listed in Section 12.3 and who are participating in OSYSA events but are not registered with OSYSA or OSSRC are not subject to the provisions of this RMP, (i.e. out of state registered teams and their coaches participating in OSYSA sanctioned tournaments).

**1254** Background checks will be made on all of those individuals who have submitted an application, unless withdrawn as provided for in the last paragraph of Section 12.3.

**1255** All information provided to OSYSA on an application, complaint, investigation, or background check will be held in strict confidence. Persons who violate this confidence shall be removed from their position as either OSYSA RMC, local RMC, or their respective alternates. The information gathered as part of this program shall not be disseminated, for any purpose, except:

- a) Pursuant to an order from a court of law.
- b) Upon a specific written request from a public law enforcement agency.
- c) Upon a specific written request from a youth sports organization.

**1256** Background checks may include one or more of the following; a statewide or multi-state arrest and/or criminal conviction record check; a sexual offender registry check in the county or state in which the individual resides, a check of a clerk of courts records and/or by using the services of a third-party provider. In order that a background check be properly completed, all individuals who are covered under this program may be required to provide a set of impressions of their fingerprints and may be required to provide their Social Security number.

**1257** An internet-based process that would allow the application, qualification and disqualification of coaches, administrators, and other covered persons, for the OSYSA RMP shall serve as the sole means of application to the OSYSA RMP.

## **12.6 BACKGROUND CHECKS**

**12.6.1** When required by this OSYSA RMP or when the OSYSA RMC otherwise deems it prudent to do so the RMC may determine that it is in the best interest of the youth players and -of OSYSA, the OSYSA RMC may conduct or cause to be conducted background checks of any person holding a position as listed in Section 12.3.

**12.6.2** If while conducting a background check, information is obtained that an individual for whom this RMP is applicable was convicted of a misdemeanor crime that would lead to their disqualification under this program and that conviction was subsequently expunged or sealed by a court of law, then for the purposes of this RMP that conviction shall be considered as to have not occurred.

## **12.7 DISQUALIFICATIONS**

**12.7.1** In the event the RMC has a reasonable belief either through the results of a background check or otherwise, that an individual to whom this RMP is applicable is being investigated by or has been arrested, charged, plead no contest to and/or convicted of, by an appropriate legal authority of a crime as listed in Section 12.7.2 or 12.7.3 below, then the RMC shall immediately issue a disqualification of said individual from service with or involvement in OSYSA or any of its member leagues, association, clubs, teams or sanctioned tournaments as described below in Sections 12.7.1.1, 12.7.1.2 and 12.7.1.3.

**12.7.1.1 Automatic Disqualifications.** Automatic Disqualifications are disqualifications of applicants who have been convicted of any of the offenses as set forth in Section 12.7.2.

**12.7.1.2 Conditional Disqualifications.** Conditional Disqualifications are those disqualifications that are for an individual who have been arrested for and/or charged with a crime in a court of law or who the RMC has a reasonable belief is being investigated by a law enforcement agency and that if found guilty of that crime would be cause for an Automatic or Supplemental Disqualification. If the criminal charge is subsequently dropped or if the RMC has a reasonable belief that the investigation is closed or lacked merit, the conditional disqualification may be rescinded and the individual may be permitted to participate in OSYSA events and programs. In such situations, a decision by the RMC to not allow the individual to return to service may be appealed to the OSYSA Conduct Committee and then a subsequent appeal to the OSYSA Appeals Committee.

**12.7.1.3 Supplemental Disqualifications.** Supplemental Disqualifications are disqualifications that are for an individual who has been convicted of a crime other than a crime listed in Section 12.7.2 but nevertheless was a crime that was contrary to the effective and proper management of OSYSA. Those crimes are listed in Section 12.7.3.

**12.7.1.4** Any person who is disqualified pursuant to this RMP shall not be eligible to participate in any OSYSA event or program or any OSYSA member event or program in any position as listed in Section 12.3 unless that disqualification is rescinded or overturned.

**12.7.2** The following list of specific crimes shall be grounds for disqualification under this RMP. Crimes may be added to or deleted from these lists only upon approval of the OSYSA Board of Directors.

- 2903.01 Aggravated murder.
- 2903.02 Murder.
- 2903.03 Voluntary manslaughter.
- 2903.04 Involuntary manslaughter.
- 2903.11 Felonious assault.
- 2903.12 Aggravated assault.
- 2903.13 Assault.
- 2903.16 Failing to provide for a functionally impaired person.
- 2903.21 Aggravated menacing.
- 2903.34 Patient abuse or neglect.
- 2905.01 Kidnapping.
- 2905.02 Abduction.(or 2905.04, if prior to 7/1/96)
- 2905.05 Criminal child enticement.
- 2907.02 Rape.
- 2907.03 Sexual battery.
- 2907.04 Unlawful sexual conduct with minor.
- 2907.05 Gross sexual imposition.
- 2907.06 Sexual imposition.
- 2907.07 Importuning.
- 2907.08 Voyeurism.
- 2907.09 Public indecency.
- 2907.19 Commercial sexual exploitation of a minor

- 2907.21 Compelling prostitution.
- 2907.22 Promoting prostitution.
- 2907.23 Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another.
- 2907.25 Prostitution - after positive HIV test.
- 2907.31 Disseminating matter harmful to juveniles.
- 2907.32 Pandering obscenity.
- 2907.321 Pandering obscenity involving a minor.
- 2907.322 Pandering sexually oriented matter involving a minor.
- 2907.323 Illegal use of minor in nudity-oriented material or performance.
- 2911.01 Aggravated robbery.
- 2911.02 Robbery.
- 2911.11 Aggravated burglary.
- 2911.12 Burglary.
- 2919.12 Unlawful abortion.
- 2919.22 Endangering children.
- 2919.23 Interference with custody. (if prior to 7/1/96, see 2905.04)
- 2919.24 Contributing to unruliness or delinquency of a child.
- 2919.25 Domestic violence.
- 2923.12 Carrying concealed weapons.
- 2923.13 Having weapons while under disability.
- 2923.161 Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function.
- 2925.02 Corrupting another with drugs.
- 2925.03 Trafficking, aggravated trafficking in drugs.
- 2925.041 Illegal assembly or possession of chemicals for manufacture of drugs.
- 2925.05 Funding, aggravated funding of drug or marihuana trafficking.
- 2925.06 Illegal administration or distribution of anabolic steroids.
- 2925.11 Possession of controlled substances.
- 3716.11 Placing harmful or hazardous objects in food or confection.

**12.73** A conviction for any of the following offenses shall be sufficient cause to disqualify a person from service with OSYSA as a supplemental disqualification:

- 2903.041 Reckless homicide.
- 2903.15 Permitting child abuse.
- 2903.211 Menacing by stalking.
- 2903.22 Menacing.
- 2903.341 Patient endangerment.
- 2905.11 Extortion.
- 2905.12 Coercion.
- 2905.32 Trafficking in persons.
- 2905.33 Unlawful conduct with respect to documents.
- 2907.04 Unlawful sexual conduct with minor.
- 2907.19 Commercial sexual exploitation of a minor.(formerly 2907.12)

- 2907.24 Soliciting - after positive HIV test - driver's license suspension.
- 2907.33 Deception to obtain matter harmful to juveniles.
- 2909.02 Aggravated arson.
- 2909.03 Arson.
- 2909.04 Disrupting public services.
- 2909.05 Vandalism.
- 2909.22 Soliciting or providing support for act of terrorism.
- 2909.23 Making terroristic threat.
- 2909.24 Terrorism.
- 2911.13 Breaking and entering.
- 2913.02 Theft.
- 2913.03 Unauthorized use of a vehicle.
- 2913.04 Unauthorized use of property - computer, cable, or telecommunication property.
- 2913.041 Possession or sale of unauthorized cable television device.
- 2913.05 Telecommunications fraud.
- 2913.06 Unlawful use of telecommunications device.
- 2913.11 Passing bad checks.
- 2913.21 Misuse of credit cards.
- 2913.31 Forgery - Forging identification cards or selling or distributing forged identification cards.
- 2913.32 Criminal simulation.
- 2913.33 Making or using slugs.
- 2913.34 Trademark counterfeiting.
- 2913.40 Medicaid fraud.
- 2913.41 Defrauding a rental agency or hostelry.
- 2913.42 Tampering with records.
- 2913.43 Securing writings by deception.
- 2913.44 Personating an officer.
- 2913.441 Unlawful display of law enforcement emblem.
- 2913.45 Defrauding creditors.
- 2913.46 Illegal use of food stamps or WIC program benefits.
- 2913.47 Insurance fraud.
- 2913.48 Workers' compensation fraud.
- 2913.49 Identity fraud.
- 2913.51 Receiving stolen property.
- 2917.01 Inciting to violence.
- 2917.02 Aggravated riot.
- 2917.03 Riot.
- 2917.31 Inducing panic.
- 2919.121 Unlawful abortion upon minor.
- 2919.123 Unlawful distribution of an abortion-inducing drug
- 2919.224 Misrepresentation relating to provision of child care.
- 2919.225 Disclosure and notice regarding death or injury of child in facility.
- 2921.03 Intimidation.
- 2921.11 Perjury.



- 2921.12 Tampering with evidence.
- 2921.13 Falsification - in theft offense - to purchase firearm.
- 2921.14 Making or causing false report of child abuse or neglect.
- 2921.21 Compounding a crime.
- 2921.32 Obstructing justice.
- 2921.321 Assaulting or harassing police dog or horse or service dog.
- 2921.34 Escape.
- 2921.35 Aiding escape or resistance to lawful authority.
- 2921.36 Illegal conveyance of weapons, drugs or other prohibited items onto grounds of detention facility or institution.
- 2921.51 Impersonation of peace officer or private police officer.
- 2923.01 Conspiracy.
- 2923.122 Illegal conveyance or possession of deadly weapon or dangerous ordnance or of object indistinguishable from firearm in school safety zone.
- 2923.123 Illegal conveyance of deadly weapon or dangerous ordnance into courthouse - illegal possession or control in courthouse.
- 2923.162 Discharge of firearm on or near prohibited premises.
- 2923.32 Engaging in pattern of corrupt activity.
- 2923.42 Participating in criminal gang.
- 2925.041 Illegal assembly or possession of chemicals for manufacture of drugs.
- 2925.09 Unapproved drugs - dangerous drug offenses involving livestock.
- 2925.13 Permitting drug abuse.
- 2925.141 Illegal use or possession of drug paraphernalia.
- 2925.22 Deception to obtain a dangerous drug.
- 2925.23 Illegal processing of drug documents.
- 2925.24 Tampering with drugs.
- 2925.36 Illegal dispensing of drug samples.
- 2925.55 Unlawful purchase of pseudoephedrine or ephedrine product.
- 2925.56 Unlawful sale of pseudoephedrine or ephedrine product.
- 2927.12 Ethnic intimidation.
- 959.13 Cruelty to animals.
- 959.131 Prohibitions concerning companion animals
- Embezzlement of an amount that would constitute a felony.
- Felony Operating Vehicle under the Influence of alcohol or drugs – OVI, OMVI, DUI, or other similar offense.

**12.7.4** A conviction of a crime that occurred outside the State of Ohio, similar in nature to those crimes listed in Section 12.7.2 or 12.7.3 shall be considered as if the crime had occurred in Ohio under a comparable Ohio statute. In addition, a conviction of a crime pursuant to a federal statute, similar in nature to those crimes listed in Section 12.7.2 or 12.7.3, shall be considered as if the crime had occurred under a comparable Ohio statute.

**12.7.5** Lesser-included offenses of the crimes listed in 12.7.2 and 12.7.3 shall not be cause to disqualify an individual under this RMP.

**12.7.6** Individuals who are listed on any sexual offender registry shall be permanently disqualified from participating in any OSYSA event or program.

**12.7.7** The OSYSA RMC or Alternate OSYSA RMC shall notify any individual of their disqualification under this RMP in writing via certified US mail with a return receipt and an additional copy being sent via U.S. Regular mail. The notification shall include:

- a. The reason for the disqualification.
- b. The manner by which the decision to disqualify may be appealed.
- c. A description of OSYSA action to be taken if an appeal of the disqualification is not received within fourteen (14) calendar days from the date of the notification.
- d. A copy of any report of a background check or other source of information upon which the disqualification is based.
- e. An Authorization to Communicate via E-mail application, as described in Section 12.8.1.10.
- f. List of rights under the Fair Credit Reporting Act.
- g. A statement that the producer of the background check is not responsible for any decisions made by OSYSA.
- h. Name and contact information for the company conducting the background check

In addition to sending all of the above described information to the individual via certified US Mail with a return receipt and regular US Mail, the RMC or alternate RMC may, but shall not be required to send the same information via electronic mail.

**12.7.8** If within 14 calendar days after the date of service of the disqualification notice, the applicant does not provide notice, in writing, to the OSYSA RMC of his intention to dispute the disqualification, then the OSYSA RMC shall notify the appropriate local President and the appropriate local RMC, in writing, as follows:

"Pursuant to the Ohio South Youth Soccer Association Risk Management Program, (name of individual) is disqualified from any and all service with your organization, volunteer or otherwise, that would allow (name of individual) to have contact with any OSYSA registered player."

No other information shall be given to the local President or to the local RMC regarding the disqualification of the individual.

### **12.7.9**

**12.7.10** Should the individual notify the OSYSA RMC, in writing, within the 14 calendar days as described in Section 12.7.7 that the disqualification is being disputed, then an Appeal of the disqualification may be made pursuant to Section 12.8.

## **12.8 APPEAL OF DISQUALIFICATION**

**12.8.1** Any individual who has been disqualified under the OSYSA RMP shall have the right to appeal the disqualification to the OSYSA Conduct Committee provided the disqualification is disputed in a timely manner as specified in this Section 12. The request for an Appeal must be submitted in writing and sent to the OSYSA Executive Director, via certified mail with a return receipt requested, within 14 calendar days of the date that the applicant provided notice of his intent to dispute the disqualification. When a request for an Appeal is made, a hearing shall be

held within 30 calendar days of the date the request was sent to the OSYSA Executive Director.

**12.8.2** If the disqualification is an Automatic Disqualification, the OSYSA Conduct Committee in hearing the appeal of the disqualification pursuant to this OSYSA RM Program shall only consider whether the individual who was disqualified had in fact:

- a. Been convicted of one or more of the crimes listed in Section 12.7.2 or 12.7.3 or
- b. Been convicted of a crime outside the State of Ohio or of a federal crime that is similar to the crimes listed in Section 12.7.2, or
- c. Been listed on any sexual offender registry, or
- d. Been provided information that was not truthful on their Risk Management application.

**12.8.3** If the disqualification is an Automatic Disqualification as shown in Section 12.7.2 or if Section 12.8.2 is applicable, then the Conduct Committee shall not return overturn the disqualification and shall not return the individual to service. The Conduct Committee must comply with all provisions of this Section 12 without exception.

**12.8.4** If the disqualification is a Conditional Disqualification and if the OSYSA Conduct Committee determines that the individual who is appealing the disqualification has a current criminal charge pending in a court of law or if the RMC has a reasonable belief that an investigation by a law enforcement agency is pending and that if the disqualified individual is found guilty of a crime would lead to an Automatic Disqualification, the OSYSA Conduct Committee shall uphold the disqualification, pending disposition of the matter.

**12.8.5** If the disqualification is a Supplemental Disqualification as shown in Section 12.7.3, the individual may appear before the OSYSA Conduct Committee to request a modification of the period of the disqualification. Any such request may be made at any time and the OSYSA Conduct Committee shall consider such a matter. Upon hearing the matter, the OSYSA Conduct Committee is authorized to establish a specific period of time for the disqualification. The disqualification shall be established with a minimum period of time of 3 years and a maximum of 10 years from the date of the final adjudication of the criminal case that led to the disqualification, including but not limited to any probation or other form of community control.

If the applicant who is attempting to have his/her Supplemental Disqualification modified knowingly provides false information to the OSYSA Conduct Committee then that applicant shall be permanently disqualified from participating in any OSYSA event or program or any OSYSA Member event or program.

**12.8.6** If the OSYSA Conduct Committee denies the disqualified individual's request for reinstatement following their Supplemental Disqualification to service within OSYSA or for a modification of their Supplemental Disqualification, that decision to deny the disqualification or modification may be appealed by the disqualified individual to the OSYSA Appeals Committee pursuant to Section 14 of the OSYSA bylaws. If the OSYSA Conduct Committee approves the disqualified individual's request for a modification of their disqualification, that decision to approve the disqualification may be appealed by the OSYSA RMC to the OSYSA Appeals Committee pursuant to Section 14 of the OSYSA bylaws. The disqualified individual shall remain disqualified from service within OSYSA until the OSYSA Appeals Committee renders its decision. The appeal request must be submitted to the Chairperson of the Appeals Committee within 14 days of the date that the Conduct Committee rendered its decision. Failure to submit the

appeal to the OSYSA Appeals Committee in a timely manner will preclude the matter from further consideration.

**12.8.7** If the OSYSA Appeals Committee denies the disqualified individual's request for reinstatement to service within OSYSA or for a modification of their disqualification, that decision to deny the disqualification may be appealed by the disqualified individual to the OSYSA Board of Directors. If the OSYSA Appeals Committee approves the disqualified individual's request for a modification of their disqualification, that decision to approve or disapprove the disqualification or modification may be appealed by the OSYSA RMC or Alternate RMC to the OSYSA Board of Directors. If appealed by either party, the disqualified individual shall remain disqualified from service within OSYSA until the OSYSA Board of Directors renders its decision. The appeal request must be submitted to the OSYSA President within 30 days of the date that the Appeals Committee rendered its decision. Failure to submit the appeal to the OSYSA President in a timely manner will preclude the matter from further consideration.

**12.8.8** If either the disqualified individual who was disqualified pursuant to Section 12.7.3 or the OSYSA RMC requests that the OSYSA Board of Directors consider an appeal of the reduction or elimination of the period of disqualification for an individual then by a majority vote of the OSYSA Board of Directors, the Board of Directors may consider the matter in Executive Session at the next scheduled Board of Directors meeting. In considering whether to grant the requested appeal, the OSYSA Board of Directors shall have access to all relevant documents and/or information in order to properly evaluate the appeal. The review by the OSYSA Board of Directors may only be conducted during an in-person board meeting and will be a "document only" review. The disqualified individual shall not be present. The decision by the OSYSA Board of Directors shall be by majority vote, shall final and binding on all parties, and shall not be subject to further appeal.

This process of an appeal to the OSYSA Board of Directors shall only be applicable to those individuals for whom Section 12.8.14 was the basis for their appeal.

**12.8.9** All persons who hold one or more position as listed in Section 12.3, subsections (a), (b), (c), (p) or (q), shall be ineligible for a modification of their Risk Management disqualification as provided above as long as they hold a position as listed in Section 12.3, subsections (a), (n), or (p).

**12.8.10** By this section, the OSYSA Board of Directors directs that the sole purpose in establishing a process by which a disqualified individual may request a hearing before the Conduct Committee and all subsequent appeals is to ensure that the disqualified individual has been removed from service within OSYSA by the OSYSA RMC pursuant to this RMP.

The Conduct Committee shall only consider whether or not the specific Bylaws as outlined in this RMP have been followed. If the Conduct Committee determines that one or more of the conditions listed in Section 12.7 exists for the disqualified individual, the Conduct Committee shall uphold the disqualification and shall determine that the individual shall remain disqualified from service within OSYSA or as otherwise provided by this RMP.

Only if the Conduct Committee determines that none of the conditions listed in Section 12 exists, shall the Conduct Committee determine that the decision to disqualify the individual should be overturned and that the individual is no longer disqualified from service from within OSYSA consistent with section 12.8 of this policy.

**12.8.11** For the purposes of this Section 12.8 only, all correspondence between the parties in this matter shall be sent via certified mail with a return receipt and the date sent shall be considered as

the postmark date of the letter. The individual who is subject to a disqualification may waive their right to be notified via certified mail and may instead request subsequent correspondence regarding the disqualification via electronic mail by submitting a signed and dated request to that effect to the OSYSA RMC via the OSYSA office.

**12.8.12** If the OSYSA Conduct Committee overturns the disqualification of the individual, then the OSYSA RMC shall be authorized to appeal that decision to the OSYSA Appeals Committee as provided in Section 14.0. When the OSYSA RMC submits an appeal of the decision of the OSYSA Conduct Committee to overturn a Risk Management disqualification, the requirement to submit a \$50.00 appeal bond shall be waived.

**12.8.13** The members of the OSYSA Conduct Committee and the OSYSA Appeals Committee shall respect the confidentiality of their respective proceedings.

**12.8.14** If an individual has been previously disqualified from service within OSYSA pursuant to this RMP and if any of the following conditions exist, that individual may apply to the OSYSA Conduct Committee through the OSYSA RMC to have their disqualification rescinded and/or modified as provided in this RMP:

- a. The conviction of the crime which was the basis for their disqualification was overturned or reversed upon appeal by a court of law or
- b. Due to a change in this OSYSA's RMP or
- c. The conviction was that gave rise to the disqualification was a misdemeanor and that misdemeanor is not listed in Section 12.7.2 or was one of the crimes listed as a cause for a supplemental disqualification as shown in Section 12.7.3 and the conviction for the referenced crime was subsequently expunged.

**12.8.15** The provisions of this RMP regarding disqualification of an individual or reinstatement of a disqualified individual shall be retroactive and/or prospective in application. Any disqualified individual that meets the requirements for reinstatement may apply for reinstatement.

## **12.9 ABUSE COMPLAINT PROCEDURES**

**12.9.1** All complaints received by any individual listed in Section 12.3 against individuals who are alleged to have abused their authority by committing sexual, physical, mental or emotional abuse of a youth athlete must be reported by the individual listed in Section 12.3 to the appropriate law enforcement agency and/or child protection agency within 24 hours of the receipt of such a complaint. For the purposes throughout this section 12.0, a youth is defined as any person under the age of 18.

12.9.1.1 If a report of child abuse to law enforcement, communication of this report to the U.S. Soccer integrity hotline at <https://www.ussoccer.com/integrity-hotline> or (312) 528-7004 and the U.S. Center for SafeSport at <https://safesport.org/response-resolution/report> must also be made.

**12.9.1.2** Additional information may also be found on the Ohio South website at: [http://www.osysa.com/forms\\_resources/safesport/](http://www.osysa.com/forms_resources/safesport/)

Failure to comply with these reporting requirements may subject the individual who has a responsibility to make such reports subject to civil and/or criminal penalties.

**12.9.1.3** Retaliation in all forms by any person against any individual who has made a good faith report of misconduct is strictly prohibited. Persons who engage in such retaliation may be subject to discipline / sanctions up to and including permanent disassociation with OSYSA, its member leagues, clubs, teams, as determined by the OSYSA Conduct Committee.

**12.9.2** The matter must also be reported in writing to the local Club/Association/League President and/or local RMC and the OSYSA office within 3 days.

**12.9.3** Upon receipt of a complaint, the OSYSA RMC shall conduct a background check of the individual about whom the complaint was made.

**12.9.4** If an abuse charge is formally lodged against an individual, as defined in Section 12.3 with the Police, a criminal background check may also be conducted. If an abuse charge is formally lodged against an individual, the individual may be suspended pursuant to this Section 12 until the case is resolved (USSF/USYS Rule 4043). At this point, the OSYSA RMC must inform the individual of their status and rights in writing.

**12.9.5** Each complaint will be reviewed by the OSYSA RMC to determine the appropriate action in accordance with this RMP. Upon reaching a decision, the individual must be informed and provided information on the appeal process in writing in accordance with this RMP.

**12.9.6** The United States Soccer Federation has defined emotional misconduct / mental injury as more than just one incident unless that single incident is inordinately extreme in nature. The definition of mental injury as stated by U.S.S.F. is:

*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.*

As used in this Section 12.9.6, the term “inordinately extreme in nature”, shall be defined as any act of omission or commission where by a reasonable person would conclude, based upon available evidence, that serious physical and/or emotional harm was caused to any person by which the act of omission or commission shocks the conscience of a reasonable, knowledgeable, and otherwise disinterested person.

## **12.10 DATA AND INFORMATION SECURITY**

**12.10.1** All appropriate steps must be taken to ensure that previously submitted paper copies of completed applications and all paper and electronic reports or storage media generated as part of the OSYSA RMP, shall be maintained in a secure manner in the OSYSA office or elsewhere. Access to those copies, reports, and storage media shall be limited to the OSYSA, RMC, the Alternate RMC, appropriate legal counsel, and those members of the OSYSA staff who have been delegated to assist in the administration of the OSYSA RM program.

**12.10.3** If it becomes known to OSYSA, that the integrity of personally identifiable data collected as part of the OSYSA RM program has become compromised, OSYSA shall immediately take all available steps to identify the degree by which the data was compromised. OSYSA shall within seven, (7), days notify all persons whose data may have

been compromised via e-mail, letter, or by contacting the media as deemed appropriate by the RMC, and/or the OSYSA President.

**12.10.4** .When personally identifiable information is no longer needed to further the aims of the OSYSA RM program, as provided in 12.4.4 (g), that information whether it is in paper form or electronic form shall be destroyed by shredding or by other means as to make the information indecipherable.

**SECTION 12 – APPENDIX A**



**Risk Management Policy**

**(August 17, 2018)**



### **Section 101. Introduction, Purpose, and Applicability**

- (a) The Risk Management Policy of US Youth Soccer further clarifies the US Youth Soccer Bylaw Article VI, Section 2 and establishes the minimum standards by which US Youth Soccer and all Organization Members will adhere in an effort to collectively avoid or minimize the potential impact of forecasted risks.
- (b) The Risk Management Policy applies to US Youth Soccer and all Organization Members to include Affiliate, Associate and State Association (Bylaw Article IV).

### **Section 102. Risk Management Program**

- (a) US Youth Soccer and all Organization Members must establish and monitor a risk management program which, at a minimum, uses an employment/volunteer disclosure statement for all volunteers and employees defined as any person (to include, but not limited to, coach, team manager, board member, program administrator, referee, athletic trainer, organization employee, tournament organizer) age 18 and older acting within an official capacity and who may have the opportunity to have direct and unmonitored access to children who are involved with any approved or sponsored program of US Youth Soccer or the Organization Member or member of the Organization Member.
- (b) All Organization Members are to offer and provide sexual abuse awareness and prevention training and are to require every adult to report abuse and or suspected abuse within a 24-hour period.

### **Section 103. Background Checks**

- (a) US Youth Soccer and all Organization Members must, at a minimum, complete a background check every other year on every individual defined as a volunteer or employee in Section 102 (a) in addition to complying with state and federal law regarding the quality and frequency of required background checks.
- (b) For US Youth Soccer, every background check must, at a minimum, require the individual to meet the criteria provided by the National Council of Youth Sports.

### **Section 104. Indemnification Agreement**

- (a) As a condition of membership, to the extent permitted by law, each Organization Member agrees that it shall indemnify, defend and hold harmless US Youth Soccer, its Board of Directors, officers and employees, volunteers, and its sponsors from any and all claims that arise from, or are attributed to, the negligence of an Organization Member, its directors, officers, employees, referees or volunteers. If requested by US Youth Soccer, each Organization Member agrees that it will execute a formal, written, Indemnification Agreement.

- (b) US Youth Soccer agrees to indemnify, defend and hold harmless the Organizational Member, its Board of Directors, Officers and Employees, Volunteers and its Sponsors from

any and all claims that arise from or are attributed to, the negligence of US Youth Soccer, its officers, directors, employees or volunteers.

**Section 105. Liability Insurance**

- (a) Each Organization Member shall obtain a Comprehensive General Liability Policy (“GL Policy”) with minimum limits of not less than \$1,000,000 dollars per occurrence / \$2,000,000 aggregate and an Umbrella Liability policy (“UL Policy”) with minimum limits of not less than \$5,000,000 per occurrence / \$5,000,000 aggregate.
- (b) Both the GL Policy and UL Policy shall provide liability insurance coverage, to include sexual misconduct coverage, for the Organization Member, all of its leagues, clubs, teams, referees, coaches, registered players, directors, officers, staff and volunteers. Both policies shall be endorsed to specifically name United States Youth Soccer Association, Inc. DBA US Youth Soccer as an additional insured.
- (c) Immediately following the annual renewal of its GL Policy and UL Policy, each Organization Member must submit to US Youth Soccer a certificate of insurance evidencing compliance with the insurance requirements contained in this Section.