

# **NEBRASKA STATE SOCCER RISK MANAGEMENT POLICY**

Any Non-paid members of the Board of Directors; Education Staff; Coaching Education Staff; ODP Coaches and Scouts; Affiliate Member's Officers and Board Members; and Program Directors, Team Managers, Athletic Trainers, Coaches, Assistant Coaches and Substitute Coaches, and any other individual over the age of 18 seeking affiliation with NSSA who has direct or indirect contact or influence on a youth player shall be known collectively as "Adult Applicant" for the purposes of this policy. Any NSSA player registered for the current season with an affiliated NSSA member will be known as "Youth Participant" or "Player" for the purposes of this Policy.

## **A. Background Screening**

### **1. Overview**

Consistent with the goals of the PROTECT Act of 2003 and the SafeSport Act, NSSA requires background screen on all Adult Applicants, 18 and older. Every adult applicant is required by NSSA to apply for Risk Management (RM) prior to regular contact with a Youth Participant, every year by using the state's online Risk Management system.

A nation-wide criminal history background check is performed on every Risk Management Applicant submitted every year. Each Risk Management Application is subject to a processing fee. The Nebraska State Soccer Board will determine the costs and billing each yearly registration cycle no later than the AGM. (Apr 17) Every Adult Applicant must provide his or her Social Security Number, which will be kept confidential by the Risk Management Committee. Those applicants who do not have a Social Security Number (International Applicants) may be required to have an additional background check with an additional processing fee. Any applicant who has been disqualified or declared by another sport organization to be temporarily or permanently ineligible is required to self-disclose this information at the time of application. Failure to disclose is a basis for discipline/disqualification.

### **2. Disqualification Criteria**

The Nebraska State Soccer Risk Management (RM) Committee will make all initial decisions pertaining to an individual's eligibility to participate with the Nebraska State Soccer Association. The Risk Management Committee has the authority to immediately disqualify an individual based on the results of any criminal history background check(s). The Risk Management Committee also has the authority to attain more information on questionable or serious offenses & convictions based on the results of any criminal history background check(s).

The Risk Management Committee Consists of:

Operations Manager/Executive Director, the President and the Past President. The President may appoint a replacement if any of these positions is vacant.

Nebraska State Soccer reserves the right to modify or change the make-up of the RM Committee with or without notice and for any reason it deems appropriate and/or sees fit.

Upon reviewing the results of any background check conducted, the RM offenses and/or convictions listed below, in whole or in part, may cause the Risk Management Applicant to be immediately disqualified from participation with the NSSA all NSSA related activities and events, all NSSA affiliated league activities and events, and all US Youth Soccer related activities and events. NSSA reserves the right to contact the applicant regarding their criminal history in an attempt to gather more information. Information provided by the applicant is taken into consideration by the RM Committee in determining the eligibility of the applicant to participate with NSSA.

Offenses not listed here are still susceptible to Disqualification at the RM Committee's discretion:

1. Any conviction or adjudication of guilt for a crime against a person, whether misdemeanor or felony.
2. Any conviction or adjudication of guilt for drugs or narcotics felony crimes in the last seven (7) years.
3. Any conviction or adjudication of guilt for sale, manufacture or intent to deliver drugs.
4. Any conviction or adjudication of guilt for a crime against a child, or offenses relating to morals, whether misdemeanor or felony.
5. Any conviction or adjudication of guilt for child abuse, whether misdemeanor or felony.
6. Any record of sexual offense and/or sexual misconduct, including, but not limited to misdemeanor or felony convictions or charges.
7. Intentionally falsifying information on the Disclosure Form.
8. Refusal to fully complete the Disclosure Form.
9. Any conduct which discriminates against any individual on the basis of race, color, ancestry, national origin, religion, age, marital status, sex, and sexual orientation which includes sexual harassment, which may consist of a request for sexual favors, unwanted or illegal sexual advances or propositions, verbal, physical and visual harassment, stalking, and unwanted or illegal sexual contact.
10. Any person who becomes involved as a defendant in litigation detrimental to the welfare of youth players, or litigation based on activities or conduct that reasonably may be deemed to be detrimental to the welfare of youth players shall be suspended by the RMC or State Risk Management Coordinator from all soccer-related activities until completion of the litigation. Upon written request of the suspended person, the status of such person shall be reviewed by the RMC at the completion of the litigation. Matters detrimental to the welfare of youth players shall include but not be limited to crimes of moral turpitude, felonies and any of the crimes or activities referred to above. The person has a right to appeal whether the matter that is the substance of the accusation, if true, is detrimental to the welfare of youth players. Privileges may be reinstated at the conclusion of the litigation process by the RMC.

NSS, the NSSA RM Committee and NSS Legal Counsel have the right at any time to add additional offenses and convictions to the list as outlined above. NSS reserves the right to disqualify an individual when presented with evidence of inappropriate communication, contact, or contact with children or other individuals even if not charged, convicted, or tried in a court of law. NSS also reserves the right to disqualify an individual if that individual's behavior and/or conduct are considered detrimental to NSS, the NSS membership, or NSS member leagues.

The RM Committee analyzes RM offenses and/or convictions acquired from criminal history background check(s) with a general incident date ten (10) years prior to the application date. The RM Committee also reserves the right to review incidents that date back further than ten (10) years and disqualify the individual, if that individual's criminal history indicates a possible serious threat to the well-being and safety of children.

The RM Committee also reserves the right to perform criminal history background check(s) at random time periods on any Adult Applicant who has previously applied for Risk Management and who may or may not have a criminal history.

### **3. Disqualification Procedure**

The NSS RM Administrator will send written notification to every Adult Applicant who has been disqualified by the RM Committee with instructions on how to appeal the decision made by the NSS RM Committee. The disqualified individual has ten (10) calendar days from the receipt of the notice of disqualification to submit an appeal in writing to the NSS State Office.

The NSS RM Administrator will send written notification to every Adult Applicant who is asked to provide more information by the RM Committee pertaining to offenses and/or convictions found as a result of criminal history background check(s). The NSS RM Committee may request additional information if it becomes aware of information about an individual that could have a negative impact on NSS. If the Adult Applicant fails to respond to the NSS RM Administrator within 10 calendar days of the receipt of the written notification for more information, then the individual will be considered disqualified from participation with the NSS. A reversal of the disqualification will not be considered until the requested information is received from the applicant.

(a) If an Adult Applicant has any pending charge in matters stated in this policy, the Risk Management Committee may disqualify the individual after a preliminary review. The individual will receive a letter of disqualification which will stand until a determination has been made by the appropriate legal court system and/or the NSS RM committee determines that the matter has been resolved. After this determination is made, the individual has the right to appeal his/her disqualification within 30 calendar days. The individual forfeits all rights to appeal if a written request of appeal is not received by NSS within the allotted time period.

### **4. Appeal Process**

The Board of Directors shall hear appeals arising from Risk Management suspensions or revocations. The decisions of Board of Directors shall be appealed to USSF pursuant to USSF Rule 705. The appeal process will be as follows:

1. All appeals shall be subject to normal appeal fees.

2. Upon receipt of the notice of suspension, or revocation the applicant has fifteen (15) business days to notify the RMC of intent to appeal such action. This notification shall be in writing and sent to the RMC in care of the Nebraska State Soccer Office.

3. The applicant will be notified, in writing, of the time, date and place of the appeal hearing. Such notification shall be sent by regular mail, e-mail or via facsimile transmission.

At the time of the hearing, all evidence on behalf of Nebraska State Soccer shall be presented to the appeal board by the RMC. The appellant may present any supporting documentation for the appeal.

## **B. Education & Training**

The *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017*, requires amateur sports organizations to offer consistent training to adult members who are in regular contact with amateur athletes who are minors, and subject to parental consent, to members who are minors, regarding prevention of child abuse. The “Core SafeSport Training” offered by the U.S. Center for SafeSport meets the requirements of U.S. Soccer’s Athlete & Participant Safety Policy. It consists of three modules: (1) Sexual Misconduct Awareness Education; (2) Mandatory Reporting, and; (3) Emotional & Physical Misconduct.

Nebraska State Soccer Mandates the minimum training requirements provided in the chart below:

### **SafeSport Training Minimum Requirements**

	<b><u>Core SafeSport Training</u></b>	<b><u>Refresher Course</u></b>
Employees of Nebraska State Soccer and any of its Programs and Affiliate Member's	Prior to contact with minor athletes	<b>Effective 1/1/2019:</b> Refresher course every year
Non-paid members of the Board of Directors; Education Staff; Coaching Education Staff; ODP Coaches and Scouts	Prior to contact with minor athletes	<b>Effective 1/1/2019:</b> Refresher course every year
Affiliate Member's Officers and Board Members; and Program Directors, Team Managers, Athletic Trainers, Coaches, Assistant Coaches and Substitute Coaches	Prior to contact with minor athletes	<b>Effective 1/1/2019:</b> Refresher course every year

Minor Athletes participating with NSS

Beginning Fall of 2019  
All minor athletes will be offered access to SafeSport training on an annual basis, with parental consent. The applicable program will track the training by description, date and how offered.  
offered

### **C. Reporting**

Nebraska State Soccer requires all representatives, members and participants to immediately report any violations or suspected violations of the Nebraska State Soccer Risk Management Policy during any sanctioned programs, events, activities and competitions to a team official, sanctioned program, event, activity or competition official or Nebraska State Soccer representative. The following chart can be used as a guide for reporting.

<b>Type of Abuse:</b>	<b>Report To:</b>
Sexual Abuse & Misconduct	Local Law Enforcement U.S. Center for SafeSport U.S. Soccer Integrity Hotline NSSA Risk Management Coordinator
Physical Abuse	Local Law Enforcement U.S. Center for SafeSport U.S. Soccer Integrity Hotline NSSA Risk Management Coordinator
Bullying/Hazing	Report to your club NSSA Risk Management Coordinator

## **D. Monitoring & Enforcement: No Retaliation**

(a) Nebraska State Soccer prohibits reprisal or retaliation against a representative, member or participant for filing a good faith complaint of misconduct, for supporting or assisting, in good faith, another member in pursuing a complaint or in assisting in the investigation of a complaint.

(b) Members must report incidents of retaliation on the same basis as they are to report incidents of harassment. Nebraska State Soccer will not retaliate or discriminate against any member for exercising, in good faith, any rights under this Policy. Retaliation is a violation of this Policy.

## **E. Athlete & Player Safety Policies**

### **I. One-on-One Interactions**

#### **a. Application**

This policy shall apply to:

- 1) Adults at a facility under the jurisdiction of Nebraska State Soccer
- 2) Adult members who have regular contact with amateur athletes who are minors
- 3) An adult authorized by Nebraska State Soccer to have regular contact with or authority over an amateur athlete who is a minor
- 4) Staff and board members of Nebraska State Soccer (collectively, Adults).

#### **b. Observable and interruptible**

- One-on-one interactions between minors and an Adult (who is not the minor's legal guardian) at our facilities are permitted, if they occur at an observable and interruptible distance by another adult.
- Isolated, one-on-one interactions between minors and an Adult (who is not the minor's legal guardian) at our facilities are prohibited, except under emergency circumstances

#### **c. Meetings**

- Meetings between Adults and minors at our facilities may only occur if another adult is present, except under emergency circumstances. Such meetings must occur where interactions can be easily observed and at an interruptible distance from another adult.
- If a one-on-one meeting takes place in an office, the door to the office must remain unlocked and open. If available, it will occur in an office that (if available) has windows, with the windows, blinds, and/or curtains remaining open during the meeting.

#### **d. Meetings with mental health care professionals**

If a mental health care professional meets with minors at our facilities, a closed-door meeting may be permitted to protect patient privacy – provided that (1) the door remains unlocked, (2) another adult is present at the facility, (3) the other adult is advised that a closed-door meeting

is occurring, and (4) written legal guardian consent is obtained by the mental health care professional, with a copy provided to our organization.

e. Individual training sessions

Individual training sessions between Adults and minors are permitted at our facilities if the training session is observable and interruptible by another adult. The Adult must obtain the written permission of the minor's legal guardian in advance of the individual training session. Parents, guardians, and other caretakers must be allowed to observe the training session. Permission for individual training sessions must be obtained at least every six months.

f. Monitoring

When one-on-one interactions between Adults and minors occur at our facilities, adults will monitor these interactions. Monitoring includes: knowing that the one-on-one interaction is occurring, the approximate planned duration of the interaction, and randomly dropping in on the one-on-one.

g. Out-of-program contacts

Adults are prohibited from interacting one-on-one with unrelated minor athletes in settings outside of the program (including, but not limited to, one's home, restaurants, and individual transportation), unless parent/legal guardian consent is provided for each out-of-program contact. Such arrangements are nonetheless strongly discouraged.

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## **II. Messages and Rubdowns**

a. Application

This policy shall apply to:

- 1) Adults at a facility under the jurisdiction of Nebraska State Soccer
- 2) Adult members who have regular contact with amateur athletes who are minors
- 3) An adult authorized by Nebraska State Soccer to have regular contact with or authority over an amateur athlete who is a minor
- 4) Staff and board members of Nebraska State Soccer (collectively, Adults).

b. Licensed, certified professional

- Any massage or rubdown performed by an Adult on a minor athlete at our facilities or a training or competition venue is prohibited unless such Adult is a licensed massage therapist.
- Any massage or rubdown performed at our facilities or a training or competition venue by a licensed professional must be conducted in open and interruptible locations. Any massage of a minor athlete must be done with at least one other adult present and must never be done with only the minor athlete and licensed massage therapist in the room.

- Even if a coach is a licensed massage therapist, the coach shall not perform a rubdown or massage of an athlete under any circumstances.

c. Written consent

Written consent by a legal guardian shall be provided before providing each massage or rubdown on a minor athlete. Parents must be permitted to be in the room as an observer.

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### **III. Locker Rooms, Rest Rooms and Changing Areas**

a. Application

This policy shall apply to:

- 1) Adults at a facility under the jurisdiction of Nebraska State Soccer
- 2) Adult members who have regular contact with amateur athletes who are minors
- 3) An adult authorized by Nebraska State Soccer to have regular contact with or authority over an amateur athlete who is a minor
- 4) Staff and board members of Nebraska State Soccer (collectively, Adults).

b. Use of recording devices

Use of any device's (including a cell phone's) recording capabilities, including voice recording, still cameras, and video cameras in locker rooms, rest rooms, changing areas, or similar spaces at a facility under our organization's jurisdiction is prohibited. Exceptions may be made for media and championship celebrations, provided that such exceptions are approved by Nebraska State Soccer and two or more adults are present.

c. Undress

Under no circumstances shall an unrelated Adult at a facility under Nebraska State Soccer organization's jurisdiction be undressed (disrobed or partial or full nudity where private body parts are exposed) in front of minor athletes.

d. Isolated one-on-one interactions

- At no time are unrelated Adults permitted to be alone with a minor in a locker room, rest room, or changing area when at a facility under our jurisdiction, except under emergency circumstances.
- If our organization is using a facility that has access to a single set of such facilities, we will designate times for use by Adults, if any.

e. Monitoring

Our organization regularly and randomly monitors the use of locker rooms, rest rooms, and changing areas at facilities under our jurisdiction to ensure compliance with these policies.



f. Non-exclusive facility

If our organization uses a facility not under its jurisdiction (for, e.g., training or competition or similar events) and the facility is used by multiple constituents, Adults in categories 2 through 4 are nonetheless required to adhere to the rules set forth here.

g. To minimize the risk of bullying and hazing, our organization uses locker room monitors to ensure that minors are not left unattended in locker rooms, rest rooms, and changing areas.

h. Adults make every effort to recognize when an athlete goes to the locker room or changing area during practice and competition and, if they do not return in a timely fashion, we will check on the athlete's whereabouts.

i. We discourage parents from entering locker rooms and changing areas unless it is truly necessary. In those instances, it should only be a same-sex parent. If this is necessary, parents should let a coach or administrator know about this in advance.

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#### **IV. Social Media & Electronic Communications**

a. Application

This policy shall apply to:

- 1) Adult members who have regular contact with amateur athletes who are minors
- 2) An adult authorized by Nebraska State Soccer to have regular contact with or authority over an amateur athlete who is a minor
- 3) Staff and board members at Nebraska State Soccer (collectively, Participating Adults).

b. Content

All electronic communication originating from Participating Adults to amateur athletes who are minors must be professional in nature.

c. Open and transparent

- If a Participating Adult needs to communicate directly with an amateur athlete who is a minor via electronic communications, another Participating Adult or the minor's legal guardian will be copied.
- If a minor athlete communicates to the Participating Adult privately first, the Participating Adult should respond to the minor athlete with a copy to another Participating Adult or the minor's legal guardian.
- A Participating Adult communicating electronically to the entire team will copy another Participating Adult.
- Amateur athletes who are minors may "friend" the organization's official page.

d. Prohibited electronic communications

- Participating Adults are not permitted to communicate privately via electronic communications with amateur athletes who are minors, except under emergency circumstances.
- Participating Adults are not permitted to “private message,” “instant message,” “direct message”, or send photos via Snapchat or Instagram to a minor athlete privately.
- Participating Adults are not permitted to maintain social media connections with minors; such adults are not permitted to accept new personal page requests on social media platforms from amateur athletes who are minors and existing social media connections with amateur athletes who are minors shall be discontinued

e. Requests to discontinue

Legal guardians may request in writing that their child not be contacted through any form of electronic communication by the organization or by the organization’s Participating Adults. The organization will abide by any such request that their child not be contacted via electronic communication, absent emergency circumstances.

f. Hours

Electronic communications will only be sent between the hours of 8:00 a.m. and 8:00 p.m.

g. Monitoring

- The organization monitors its social media pages and removes any posts that violate the organization’s policies and practices for appropriate behavior.
  - The organization will inform the legal guardian of a minor athlete of any prohibited posts, as well as the organization’s administrator.
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**V. Local Travel**

a. Application

This policy shall apply to:

- 1)Adult members who have regular contact with amateur athletes who are minors
- 2)An adult authorized by Nebraska State Soccer to have regular contact with or authority over an amateur athlete who is a minor
- 3)Staff and board members at Nebraska State Soccer (collectively, Participating Adults).

b. Transportation

- The organization does not arrange for local travel.
- Participating Adults who are not also acting as a legal guardian, shall not ride in a vehicle alone with an unrelated athlete who is a minor, absent emergency circumstances, and may only drive with at least two other minor athletes or another adult at all times,

unless otherwise agreed to in writing by the minor athlete's parent/legal guardian in advance of each local travel.

c. Shared or Carpool Travel Arrangement

We encourage parents/legal guardians to pick up their minor athlete first and drop off their minor athlete last in any shared or carpool travel arrangement.

d. Parents/legal guardians receive education concerning child abuse prevention before providing consent for their minor to travel alone with a Participating Adult.

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## **VI. Team Travel**

a. Application

This policy shall apply to:

- 1)Adult members who have regular contact with amateur athletes who are minors
- 2)An adult authorized by Nebraska State Soccer to have regular contact with or authority over an amateur athlete who is a minor
- 3)Staff and board members at Nebraska State Soccer (collectively, Participating Adults).

b. Team/Competition travel

- When only one Participating Adult and one minor athlete travel to a competition, the minor athlete must have his/her legal guardian's written permission in advance and for each competition to travel alone with the Participating Adult.

c. Hotel rooms

- Participating Adults shall not share a hotel room or other sleeping arrangement with a minor athlete (unless the Participating Adult is the legal guardian, sibling, or is otherwise related to the minor athlete).

d. Meetings

- Meetings shall be conducted consistent with the organization's policy for one-on-one interactions – i.e., any such meeting shall be observable and interruptible.
- Meetings shall not be conducted in a hotel room.

e. Team travel policies must be signed and agreed to by all minor athletes, parents, and Participating Adults traveling with the organization.

f. Participating Adults who travel with the organization must successfully pass a criminal background check and other screening requirements consistent with the organization's policies.

g. During team travel, when doing room checks, attending team meetings and/or other activities, two-deep leadership and observable and interruptible environments should be maintained.

h. Parents/legal guardians receive education concerning child abuse prevention before providing consent for their minor to travel alone with a Participating Adult.