

**Colorado Soccer Association
Risk Management
KIDSAFE PROGRAM
November 2015**



Colorado Soccer Association (CSA), as a member of the US Youth Soccer, adopted the KIDSAFE PROGRAM to promote the health, safety and protection of youth soccer players. These programs support US Soccer Federation's Bylaw 212, Section 1 (7), which mandate risk management programs within each National State Association.

CSA KIDSAFE PROGRAM Elements:

Each Organizational Member shall take reasonable efforts within the KIDSAFE PROGRAM to exclude from program responsibility any person with a legally documented history of child molestation or other record that would bring an unnecessary risk to the health and safety of the programs participants.

Each Organizational Member will adopt a program that requires all coaches, administrators and employees to agree to be subject to a legally sensitive background check before or during the program's operations. In addition, any volunteer or paid person(s) that through execution of their duties is alone with players should be included within this KIDSAFE PROGRAM.

Each Organizational Member should adopt procedures that assure discretion and confidentiality associated with disclosures or the results of background checks, or both. Youth Soccer Programs administered through a governmental agency (e.g. Park and Recreation Department) are exempt from the KIDSAFE background check, appeal and affidavit process detailed within this policy if they elect to utilize the background check process of their agency.

CSA shall appoint a State Risk Management Coordinator (RMC) and an alternate with the assigned responsibility of implementing and managing a KIDSAFE PROGRAM for CSA. Organizational Members of CSA shall appoint a Club Risk Management Coordinator (RMC) for their organization that will coordinate monitoring of the KIDSAFE PROGRAM with CSA.

It is mandatory that Organizational Members institute a Risk Management appeal process to hear challenge of adverse Risk Management decisions. Any such appeal that is upheld must be reported to the CSA RMC.

CSA shall be held to KIDSAFE requirements for their Board, staff and other CSA retained resources where appropriate. CSA shall administer the requirements for Organizational Members who request CSA to perform background checks on their behalf as described within the Policy.



CSA KIDSAFE Policy

Colorado Soccer Association (CSA) and US Youth Soccer adopted the KIDSAFE PROGRAM to promote the health, safety and protection of youth soccer players. Organizational Members of CSA are required to adopt and administer the elements of the KIDSAFE PROGRAM.

Administration of the Policy is achieved at both CSA and Organizational Members (Clubs) by identification of a **Risk Management Coordinator (RMC)** and an alternate for each organization. The overall character and intent of the KIDSAFE PROGRAM is set forth in the use of **Employment/Volunteer Disclosure Statements** and subsequent **Background Checks** to identify persons with a legally documented history of child molestation or other record that would bring an unnecessary risk to the health and safety of program participants. The Policy also encourages and conducts educational programs about positive interactions among players, parents, team officials, referees and spectators.

A. Employment/Volunteer Disclosure Statements Requirements

- 1) Every person wishing to apply, either paid or volunteer, for a position as a Coach (recreational or advanced), program administrators, Club Staff and Club Board of Directors, must complete an Employment/Volunteer Disclosure Statement. This includes assistant coaches, chaperones and team/player trainers. The current US Youth Soccer form, an on-line version or the Club may choose to create a form. If a Club chooses to create a form for its own use, the information requested within the US Youth Soccer form is considered minimum.
- 2) Clubs can expand the Disclosure requirement at their discretion to include anyone who at any time could be expected, in the performance of his/her duties, to be entrusted with the supervision, guidance and care of players.
- 3) Disclosure Statements are to be completed for those persons meeting the requirements of A. 1) above and retained by the Club. If an on line program is utilized, the Disclosure Statement can be kept of file with the provider of the service. Background checks are required to be completed using the information from these Disclosure Statements.
 - a. When a person initially applies for a position, either paid or volunteer.
 - b. Every two (2) years after initial application and acceptance.
 - c. If the person changes Clubs, a new Statement is required to be completed and retained by the new Club.
- 4) Immediate denial of acceptance shall be exercised under the following conditions:
 - a. Intentional falsification of information on the Disclosure Statement
 - b. Refusal to fully complete or sign the Disclosure Statement
 - c. Refusal to submit to verification of the information provided on the Disclosure Statement (refuse to allow a background check).

- d. When background checks identify person(s) that have legally documented history of child molestations and/or child abuse are to be considered immediate denial of acceptance.

B. Background Check Requirements

Employment/Volunteer Disclosure Statements, either written or on line, are the source of information for completing background checks. Background checks are to be completed prior to those persons listed in A.1) above are entrusted with the supervision, guidance and care of players. Completed checks are also recommended for any person that falls under A.2) above that the Club determines should be included.

- 1) Background checks should be, at a minimum, State and National Level.
- 2) Background checks can be done by the Club or CSA. CSA shall complete checks for partial member Clubs if the Club can't provide proof that all of its members have submitted Disclosure Statements and Background checks have been completed. Full Organizational Member Clubs can request CSA to perform checks. Background checks completed by CSA will be completed at the cost of the check plus a minimal administrative fee to cover necessary staff time to complete the check and manage the data.
- 3) Clubs requesting CSA complete and manage their background checks must follow the procedures established by CSA. .
- 4) Background checks must be completed when Disclosure Statements are required (see A.3 above).
 - a. Checks can be completed on a seasonal basis if the person(s) is renewing their Disclosure Statement with their current Club.
 - b. Persons new to a Club should have the check completed prior to the applicant being entrusted with the supervision, guidance and care of players. Understanding the impact that this would have, it is recommended that new person(s) be advised to have at least one parent present when they are with players until the check is completed.
 - c. If a background check yields a potential problem area, the Club should validate the identification of the person and date of birth by form of a pictured identification. Types of common picture validation are a valid driver's license or Passport.
- 5) CSA Member Clubs should verify that persons who fall under KIDSAFE who are involved in transporting players have a current valid driver's license. If CSA is performing the background check, CSA will only report names of individuals to the RMC of the member Club when the check shows a DUI, DWI, etc. that are noted within the last 5 years. Such notification will be via phone call or email.
 - a. Persons that are under this policy and show a suspended and/or revoked drivers license are excluded from transporting any other member until their license is reinstated by the proper authority. Clubs will notify key team members in the event of suspension or loss of license (team manager and/or team coach).
 - b. It is the responsibility of the Club to notify and monitor this requirement of their member.
- 6) Discoveries other than those made in A 4) made during background checks that should factor in consideration for denial of certification include:
 - a. Number and nature of the offense

- b. Age of the offense
- c. Sentence
- d. Age of the offender at the time of the offense
- e. Rehabilitative achievements of the offender which indicate that the behavior is unlikely to reoccur.

C. Risk Management Coordinator (RMC), Club and CSA

CSA and Clubs shall select a Club Risk Management Coordinator (RMC). Another person is to be identified as an alternate. If a Club does not identify a RMC; the Club Registrar, Board Secretary or Club President will be recorded as the Club RMC and alternate. The Risk Management Coordinator, or alternate in absence of the Coordinator, is responsible to administrate the KIDSAFE PROGRAM detailed within this policy.

- 1) The Club RMC is responsible to ensure that Disclosure Statements are collected as required.
- 2) The Club RMC is responsible that Disclosure Statements are stored securely and the information on them and the cases arising from them be handled with the highest possible level of confidentiality. Disclosure Statements are to be stored in a place that is accessible only to authorized personnel.
- 3) The Club RMC is responsible to ensure background checks are completed as required by CSA.
- 4) When processing of Disclosure Statements and/or subsequent background checks yield problem areas for the individual, the Club RMC should contact the individual for additional information. The individual should not be entrusted with the supervision, guidance and care of players until the problem is resolved or the individual is suspended.
- 5) CSA and Club RMC will establish a panel within their respective organization to review any discoveries made during background checks; specifically those matching the criteria established within Section B of this policy. The panel will exercise fair judgment in review of factors; upon validation of identity of the person, denial of certification will be exercised.

D. Suspension Procedures

Persons who fail to meet the criteria established in A.4) of this policy should be suspended.

- 1) If the individual is suspended the Club RMC must inform the individual and CSA that a suspension has been imposed. CSA should be notified within two (2) working days of the suspension. Such notification shall include the reason. CSA shall notify US Youth Soccer of the suspension for inclusion on the US Youth Soccer Disciplinary and Risk Management Action Report.
- 2) Upon suspension, the individual must be given information about the appeal process.
- 3) In the event an approved person becomes involved as a defendant in litigation based on activities detrimental to the welfare of youth players, the Club RMC shall advise the alleged offender, in writing, that he/she is suspended from activity until the case is resolved. The alleged offender should also be advised of his/her appeal rights. The Club RMC will notify

CSA when the allegation is proved and the person found guilty or if the person leaves the Club after being suspended.

- 4) Persons who are identified with convictions shown in B.6) or B.7) are to be reviewed by the Club RMC and the individual advised in writing of a transportation or other exclusion.

E. Appeal Process

Appeals arising as the result of suspension or adverse decisions brought about through administering this policy shall follow current Appeals processes established within the Club and CSA.

- 1) Appeals can only be filed by the person to the original action, who is adversely impacted by the ruling.
- 2) An appeal shall not have the affect of “staying” the previous ruling.
- 3) As a condition of appeal, the person shall agree to have no contact with players until the appeal is heard and the initial decision is reversed.
- 4) 4. Filing Procedures:
 - a. An appeal shall be filed with the Risk Management Appeals Committee within thirty (30) days of receipt by the appellant of the prior adverse ruling.
 - b. An appeal must be in writing and include:
 - i. The nature and specifics of the appeal.
 - ii. A list of rules or procedures that have been violated within the KIDSAFE PROGRAM, including rule number.
 - iii. A statement of desired resolution.
 - iv. The original document of the appeal, along with along with all supporting documents, shall be forwarded to the CSA office by Registered U.S. Mail, Certified US Mail - Return Receipt requested or hand delivered.
- 5) There shall be no Fee associated with the Risk Management Appeals process.
- 6) If the action was taken by the CSA Risk Management Coordinator, appeals can be made to the CSA Board.

F. Mandatory Reporting

The reporting of abuse, neglect, or sexual assault on a child is a matter of public concern. Personnel who are employed by CSA or Member Clubs (Executive Directors, General Managers, coaches, assistant coaches or athletic program personnel) are required to report suspected abuse, neglect or sexual assault of a player. Persons who have reasonable cause to know or suspect that a player has been subjected to abuse, neglect or sexual assault or has observed a player being subject to circumstances or conditions that would reasonably result in abuse, neglect, or sexual assault shall report his or her suspicion to the Risk Management Coordinator or the Board of their organization who shall then direct the proper Club official to forward the report to law enforcement with a copy sent to the CSA Risk Management Coordinator.

- 1) Child abuse or neglect means an act or omission of parental care that threatens the health or welfare of a child.

- 2) A child is neglected if a parent, guardian, or legal custodian has abandoned the child, has subjected him or her to mistreatment or abuse or has allowed another to mistreat or abuse the child.

G. Obligations to Policy

CSA, Organization Members of CSA (Clubs) and individual Club Members are obligated by membership in US Youth Soccer and US Soccer to follow rules and procedures adopted by those organizations. The KIDSAFE PROGRAM has been adopted and falls within Association governance up through US Soccer.

- 1) Although there is a Colorado Immunity law which offers protection for reporting suspected violations, if Clubs have a concern about reporting a suspected KIDSAFE violation, they should contact their legal counsel for additional information.
- 2) Clubs must submit affidavits to CSA on an annual basis that declare compliance with this policy.
 - a. Affidavits are to be received at CSA by August 1st for the Playing year.
 - b. Clubs requesting CSA complete and manage their background checks must follow procedures established by CSA. . The requirements of B. 4) b, must be met until the background check is completed.
- 3) Affidavits are to be co-signed by the Club RMC and one of the Club Board of Directors. Affidavits affirm that the Club:
 - a. Collected Disclosure Statements, either written or on line, on all persons identified within this policy.
 - b. Background checks are current for all persons.
 - c. Suspensions for denial of certifications for Club participants are current. This includes notification of such suspensions for to CSA.
 - d. Reporting requirements shown in F above have been followed.
- 4) Clubs who fail to provide affidavits will be given written notice to comply within sixty (60) days. If the Club's affidavit is delinquent, the Club must submit documentation that their Background check process is current.
- 5) Failure to comply with this Policy places the Club in non-compliance with CSA, US Soccer and US Youth Soccer Policy. Clubs that are found non-compliant can be sanctioned from participating in CSA programs by the CSA Board of Directors following CSA Bylaw V.G, Censuring, Suspending or Removing a Member approved January 2015. Compliance is subject to audits performed by CSA.
- 6) Individual members of CSA Member Clubs who have successfully completed a background check and are between the two (2) year background check cycle are required to report to the appropriate RMC (CSA or Club) any alleged charge that falls under KIDSAFE purview that is properly filed against them by a local authority. Failure to advise the appropriate RMC of the allegation is considered a violation of this policy.

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