

Section 8
Risk Management
Policies and Procedures

8.1 KidsSafe/Risk Management

8.1.1 Purpose

1. In order to preserve the safety and welfare of youth involved in soccer and served by UYSA and its members, the purposes of this policy are to
 - a) Obtain disclosure and release forms from, and perform background checks in, all UYSA personnel and personnel of UYSA members; and
 - b) Determine whether individuals who are UYSA personnel or personnel of UYSA members are qualified to provide services for UYSA or UYSA members.
2. UYSA will not permit individuals to work with soccer youth if they have demonstrated conduct incompatible with services to, or care of, youngsters.

8.1.2 Authority and Application

1. Section 2 of US Youth Soccer Bylaw 214 requires US Youth Soccer and UYSA and all of its other State Associations to establish and monitor a risk management program within its jurisdiction. That program must include, as a minimum
 - a) The use of employment/volunteer disclosure statements for all volunteers, employees, coaches, and program administrators; and
 - b) Identification of a Risk Management Coordinator and an alternate for the organization.
2. In addition to US Youth Soccer Bylaw 214 and in compliance with those bylaw requirements, UYSA affirms its commitment to the safety and well-being of its youth by approving a requirement that background checks be performed on UYSA personnel and the personnel of UYSA members.
3. This policy applies to all UYSA personnel and personnel of UYSA members. "Personnel" includes, but is not limited to, all coaches, assistant coaches, trainers, other team officials, Board members, staff, and volunteers, whether paid or unpaid. The UYSA Board of Directors shall, in conjunction with the UYSA KidSafe/Risk Management Committee, determine any additional positions that may be subject to this policy.
4. The UYSA Risk Management Committee is designated by the UYSA Risk Management Chair.

8.2 Background Checking

8.2.1 Disclosure and Background Checks

1. UYSA requires that all UYSA personnel and personnel of members submit a KidSafe Disclosure Statement and Release form. No individual will be permitted to participate in UYSA activities if all information requested is not provided.

2. UYSA requires that background checks be performed on all UYSA personnel and personnel of UYSA members.
3. Individuals will be permitted to begin participation pending completion of a satisfactory background check. Failure to complete the KidSafe Disclosure Statement and Release form shall disqualify the individual from participating in any UYSA activity and any activity of a UYSA member.
4. All background checks should be completed within 30 days of the election or selection of an individual to a position in UYSA or a UYSA member. Thereafter, a background check must be performed bi-annually on all UYSA personnel. Background checks on UYSA member personnel must be performed at least every 2 years. The responses on the KidSafe form may target certain individuals for more frequent background checks.

8.2.2 Confirmation of Member Compliance

1. Each UYSA member must submit a UYSA KidSafe Compliance form signed by both the chief executive officer and the KidSafe/Risk Management Coordinator of the UYSA member at registration before each seasonal year.

8.2.3 Confidentiality and Notification of Reports

1. The background check reports must be kept strictly confidential. UYSA and each UYSA member should limit the number of persons authorized to review or have access to the reports. These reports should be kept in a locked, secure location, for a period as indicated by applicable law or until the person is no longer serving, whichever is later.
2. If an individual's background check report indicates a criminal conviction found in Section VII of this policy, Table of Convictions, a copy of that person's criminal conviction report received by UYSA or a UYSA member must be sent to that individual and marked "confidential - to be opened by addressee only". A copy of the "Notice of Duty to Review Criminal Record", which is attached to this policy, must be included with the criminal conviction report.
3. If an individual's background check report received by UYSA or a UYSA member indicates information that might require an explanation, a "Letter for Request of Explanation" should be sent to that individual and marked "confidential - to be opened by addressee only."

8.2.4 Disqualification

1. An individual shall be disqualified from providing services to UYSA or a UYSA member if the background check report shows that the individual has ever been convicted of any of the crimes as set out in Section VII, Table of Convictions, of this policy), as may be amended, or equivalent offenses in any state, and satisfies the guidelines provided under section VIII of this policy.
2. If a background check report discloses a criminal conviction, the KidSafe/Risk Management Coordinator for UYSA or the UYSA member, as the case may be, shall consult Section VII, Table of Convictions, of this policy and advise their Board. Each situation will be considered on a case-by-case basis using the Guidelines listed in Section VIII of this policy.

8.2.5 Table of Convictions

1. Any misdemeanor, felony conviction, and criminal charges of misconduct involving a child are grounds for suspension.
2. Crimes Against A Person
 - a) Murder and manslaughter
 - b) Malicious wounding by mob
 - c) Abduction
 - d) Felony assault and bodily wounding
 - e) Robbery
 - f) Carjacking
 - g) Extortion and other threats
 - h) Sexual assault
 - i) Felony stalking
 - j) Any other felonies against A person
 - k) Convictions of any attempt or conspiracies to commit any of the aforesaid crimes
3. Crimes Against Property
 - a) Felony arson
 - b) Burglary
 - c) Convictions of any attempts or conspiracies to commit any of the aforesaid crimes
4. Crimes Involving Health and Safety
 - a) Felony violation relating to the possession or distribution of drugs
 - b) Drive-by shooting
 - c) Use of gun in a crime of violence
 - d) Felonious discharge of firearms within or at occupied dwellings
 - e) Convictions of any attempts or conspiracies to commit any of the aforesaid crimes
5. Crimes Involving Morals and Decency
 - a) Failing to secure medical attention for injured child
 - b) Pandering
 - c) Crimes against nature involving children
 - d) Taking indecent liberties with children
 - e) Abuse and neglect of children
 - f) Obscenity offenses
 - g) Possession of child pornography or electronic facilitation of pornography
 - h) Abuse and neglect of incapacitated adults
 - i) Employing or permitting a minor to assist in an act constituting and obscenity offense

- j) Convictions of any attempts or conspiracies to commit any of the aforesaid crimes
 - k) Incest
6. Crimes against Minors
- a) Any conviction for a crime against the person or property of a minor, felony or misdemeanor, inclusive of the crimes set forth in sections 1–4.

8.2.6 Guidelines

1. Any personnel to whom this policy applies, that is convicted of a violent crime or crime against a person (including sex offenses) shall be permanently disqualified.
2. Any personnel convicted of a theft-related crime or fraud the prior 15 years should be disqualified from any position involving the handling of funds or property.
3. Any personnel convicted of a substance abuse crime within the past 10 years should be disqualified from any coaching position on any position that involves activities of youngsters.
4. Discretion shall be exercised in a uniform manner, so that similar convictions and circumstances result in similar treatment.
5. Felony convictions of any nature are serious offenses and should be viewed with extreme caution. Misdemeanor convictions, particularly where remote in time, may be viewed with more leeway where the applicant's conduct since the conviction indicates rehabilitation or lack of risk to youngsters and the activities of UYSA or the UYSA member.
6. All other convictions or pending charges (excluding crimes against minors) revealed through a background check should be considered on a case-by-case basis to determine whether or not the past conduct of the individual is compatible with working with youngsters. Risk Management Coordinators, in consultation with their respective Boards, shall determine whether such information disqualifies the individual. Factors that may be considered in deciding whether an individual should be permitted to participate include the following: the nature and character of the past conduct; how the past conduct relates to the particular functions of the individual's job; the length of time since the offending conduct; rehabilitation of the individual, if applicable; the individual's performance record; and how such conduct affects the integrity of the program. The individual should be given an opportunity to provide evidence of any mitigating circumstances prior to a decision being made concerning the individual's qualifications for service. Any pending charges, felony or misdemeanor, against minors, shall render the individual ineligible unless or until such charges are subsequently dismissed or the individual is found not guilty.

8.3 Appeals

8.3.1 Process & Recommendations

1. Any individual who is disqualified by a UYSA member as a result of information received from the background check may appeal the decision disqualifying the individual. Appeals must be followed as outlined in the UYSA Protest and Appeals Policy.

2. Decisions regarding participation for UYSA personnel will be made by the UYSA KidSafe/ Risk Management Committee which may be appealed to the UYSA Adjudication Committee.

8.3.2 Youngster Safety Check Recommendations

1. No single check source guarantees the safety and well-being of our soccer youngsters. A protective eye is a must to ensure the safety of our youngsters. The National Center for Missing & Exploited Children has recommendations that will help UYSA and UYSA members prevent sexual exploitation of our youngsters. Following are those recommendations adapted to soccer:
 - a. Know where our youngsters are when they are participating in our soccer activities.
 - b. Be sensitive to changes in a youngster's behavior; they are a signal that you should talk about what caused the changes.
 - c. Be alert to a teenager or adult who is paying an unusual amount of attention to a youngster or giving them inappropriate or expensive gifts.
 - d. Teach our youngsters to trust their own feelings and assure them that they have the right to say no to what they sense is wrong.
 - e. Listen carefully to our youngsters' fears and be supportive in all your discussions with them.
 - f. Teach youngsters that no one should approach them or touch them in a way that makes them feel uncomfortable. If someone does, they should tell their parents immediately.
 - g. Be careful about babysitters and other individuals who have custody of our youngsters.
 - h. A coach or other adult should never be alone with a youngster. There should always be other people present to see what the adult and youngster are doing.
 - i. Never leave a youngster alone after a game or practice or other activity.

8.4 Lightning Policy

1. Designated Personnel-
 - a) UYSA Staff Member and/or Athletic Trainer at UYSA hosted events
 - b) Referee during league matches
 - c) Club or Team Official at club/team hosted events (i.e. trainings, team events, sanctioned tournaments, etc.)
2. Evacuation Plan
 - a) Safe structures and/or locations should be designated
 - b) Well established structures and buildings that are electrically grounded
 - c) If a well-established structure is not available, any enclosed vehicle with a hard metal roof with windows up
3. Suspension
 - a) If lightning is seen or heard a lightning warning will be issued
 - b) A count will start from the first sight of lightning until the associated thunder is heard. If the count is less than 30 second from flash to thunder or as determined by advanced technology that the lightning is less than 6 miles away all individuals should be evacuated to a safe location.”
4. Resumption of Play
 - a) When lightning has moved farther than 6 miles away and 30 minutes has passed since the last clash of thunder or lightning flash, play may resume.