

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.

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.

12.3 APPLICABILITY

This policy is applicable to all OSYSA Board members, as well as all coaches, assistant coaches, trainers, adult referees, and any other individual who is expected to have regular contact with children, as identified by the President of each club, association, or league and verified by the OSYSA Board.

The United States Soccer Federation has determined that each member association must comply with 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 to only those persons who have not been convicted of one or more of the crimes as listed in Section 12.7.2 or who have not committed a crime of violence, a crime against a person, or a crime involving a child, or who is not listed on any sexual offender registry.

12.4 RESPONSIBILITIES

12.4.1 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) ensure all affected individuals, as identified in Section 12.3, who are associated with their organization, comply with this policy.
- c) ensure complaints of abuse are investigated and reported to the OSYSA RMC.

12.4.2 Local Risk Management Coordinator will:

- a) serve as a liaison to the OSYSA RMC.
- b) distribute and collect disclosure forms and return them sealed in the envelope provided by OSYSA to the OSYSA RMC office.

- c) ensure that disclosure forms from all individuals, as defined in Section III, associated with their club, association or league have been received and forwarded the OSYSA RMC office.
- d) refer for investigation all complaints of abuse and report findings to their Club/Association President and to the OSYSA RMC, if action is needed.

12.4.3 OSYSA President and the OSYSA Board of Directors will:

- a) ensure this policy is complied with by all clubs, leagues and associations.
- b) appoint the OSYSA RMC and the alternate OSYSA RMC.

12.4.4 OSYSA Risk Management Coordinator will:

- a) ensure all disclosure forms are received from each program, filed, and kept confidential.
- b) ensure 100% of all background check applications are completed.
- c) periodically review and make recommendations to the OSYSA Board of Directors to update this policy as needed.
- d) provide an executive summary, as needed, of the Risk Management Program at the OSYSA Annual General Meeting.
- e) ensure that the completed disclosure forms 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.
- f) distribute on a periodic basis appropriate educational material regarding the OSYSA Risk Management Program.
- g) be responsible for any media contacts involving the OSYSA Risk Management Program.

12.4.5 The OSYSA RMC Office will:

- a) maintain a secure filing system and a separate computer database of all current disclosure forms.
- b) maintain a stock of blank disclosure forms and other forms as needed.

12.4.6 The State Youth Referee Administrator will:

- a) ensure disclosure forms are distributed and completed by all adult referees registered in OSYSA and returned to the RMC office.
- b) serve as a liaison to the OSYSA RMC for the referees.
- c) perform the functions as listed as the responsibilities of the Local RMC.

12.4.7 The OSYSA Director of Coaching will:

- a) ensure disclosure forms are distributed and completed by all OSYSA ODP coaches and administrators and returned to the OSYSA RMC office.
- b) serve as a liaison to the OSYSA RMC for the ODP coaches and administrators.
- c) perform the functions as listed as the responsibilities of the local RMC.

12.5 GENERAL PROCEDURES

12.5.1 Disclosure forms and the designated return envelope will be distributed annually and as needed.

12.5.2 Volunteers / staff, as defined in Section 12.3, must complete a disclosure form upon initial appointment and every two years thereafter. The completion of the disclosure form shall be considered part of the appointment process. OSYSA member leagues may require volunteers or staff members in their own leagues to complete the disclosure more frequently.

The OSYSA RMC shall be authorized to designate members of the OSYSA office staff to review each form for completeness and to report to the OSYSA RMC if an applicant has not completed the form or has indicated that they have been involved in a disqualifying event.

12.5.2.1 If the information on the RM form that is provided by the volunteer / staff person, as defined in Section 12.3, is incomplete, that volunteer / staff person is disqualified from all OSYSA and member activities. This disqualification will be in effect until a properly completed RM form has been received and a background check on the individual has been completed.

If the information on the RM form that is provided by the volunteer / staff person, as defined in Section 12.3, has not been completed truthfully, either knowingly or not knowingly, that volunteer / staff person is disqualified from all OSYSA and member activities for a period of not less than 1 year

12.5.3 Background checks will be made randomly on a periodic basis of those individuals required to complete a disclosure form. The timing and sample size is to be determined by the Board of Directors. In addition, background checks will be performed during February of each year for all OSYSA Board Members, Executive Director, Director of Coaching, all State and local RMC's and their respective alternates and all individuals who would travel outside the State of Ohio with OSYSA players as representatives of OSYSA, (i.e. coaches and administrators attending ODP Regional Camp).

12.5.4 Where an individual indicates on their RM Volunteer / Employee that they have been convicted of a violent crime or a crime against a person, or a crime involving a child, the OSYSA RMC will verify the information by contacting the applicant and/or conducting a background check..

12.5.5 All information provided to OSYSA on a disclosure form, 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.

12.5.6 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.

12.5.7 In lieu of the procedures outlined above, OSYSA may establish the following alternate methods of submitting information required for the administration of the OSYSA Risk Management Program:

12.5.7.1 An internet based process that would allow the registrations of coaches, referees, administrators, and other covered persons, for the OSYSA Risk Management program. This process shall collect the same information as the paper form and envelope process described above and shall be established in a manner to maintain the integrity of the process and to maintain the security of all information that is collected. The use of the internet based process for registering for the OSYSA Risk Management Program shall be voluntary. Individuals shall have the right to continue to use the paper form and envelope process as described above.

12.5.7.2 The electronic submission of fingerprints through the Ohio Attorney General's office of the Bureau of Criminal Identification and Investigation. Individuals desiring to use this option shall be responsible for paying the entire cost of the electronic submission of their fingerprints. When using this option, an individual shall not be required to provide his/her social security number to OSYSA. All other information required by the OSYSA RM policy shall be submitted to OSYSA. When the individual submits his/her fingerprints, they shall direct that a copy of the results be sent directly to the OSYSA office at the following address:

Ohio South Youth Soccer Association
25 Whitney Drive, Suite 104
Milford, Ohio 45150

Individuals shall have the right to continue to use the paper form and envelope process as described above.

12.6 BACKGROUND CHECKS

12.6.1 When required by the OSYSA RM policy or when otherwise prudent to do so in the best interest of the youth players and referees of OSYSA, the OSYSA RMC may conduct or cause to be conducted, background checks on those individuals as described in Section 12.3.

All costs of background checks will be paid by OSYSA.

The following types of background checks may be conducted as necessary to fulfill the requirements of the OSYSA RM program:

12.6.1.1 Check for criminal convictions

12.6.1.2 Check of sexual offender registries.

12.7 DISQUALIFICATIONS

12.7.1 In the event evidence comes to the attention of the RMC, either through the results of a background check or otherwise, that an individual to whom this Risk Management Program is applicable has been reported, arrested, investigated, or charged by an appropriate legal authority of a crime against a person or a crime involving a child or illegal drugs, including, without limitation, those listed in Section 12.7.2 below, then the RMC shall immediately issue a conditional disqualification of said individual from service with or involvement in the OSYSA and all organizations with whom our members are affiliated.

12.7.1.1 Any one or more of the reasons listed in Sections 12.7.2, 12.7.3, 12.7.4, or 12.7.5 or 12.7.6, shall be cause to permanently disqualify any individual, as defined in Section 12.3.

12.7.2 A conviction for any of the following offenses shall be sufficient cause to permanently disqualify a person from service with OSYSA: aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, aggravated assault, assault, failing to provide for functionally impaired person, aggravated menacing, patient abuse or neglect, kidnapping, abduction, criminal child enticement, rape, sexual battery, corruption of a minor, gross sexual imposition, importuning, voyeurism, public indecency, compelling prostitution, promoting prostitution, procuring prostitution, disseminating matter harmful to juveniles, pandering obscenity, pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, illegal use of a minor in nudity-oriented material or performance, aggravated robbery, robbery, aggravated burglary, burglary, abortion without informed consent, endangering children, contributing to unruliness or delinquency, domestic violence, carrying concealed weapons, having weapons while under disability, improperly discharging firearms at or into habitation or school, corrupting another with drugs, trafficking offenses, illegal manufacturing of drugs or cultivation of marijuana, funding of drug or marijuana trafficking, illegal administration or distribution of anabolic steroids, adulteration of food, felonious sexual penetration, child stealing, drug possession offenses that are not minor offenses.

12.7.3 A conviction of a crime that occurred outside the State of Ohio, similar in nature to those listed in Section 12.7.2, shall also be cause to permanently disqualify a person from service with OSYSA.

12.7.4 In addition to the crimes listed in Section 12.7.2, a conviction for any crime of violence, or any crime against a person, or any crime involving a child shall also be cause to permanently disqualify a person from service with OSYSA.

12.7.5 Individuals who are listed on any sexual offender registry shall be permanently disqualified from service with OSYSA.

12.7.6 In addition to, but not necessarily in conjunction with, any of the above listed causes for mandatory disqualification, a person shall be disqualified pursuant to this policy if by an act of omission or commission, they cause serious physical and/or emotional harm to an OSYSA registered player or youth referee or they put an OSYSA registered player or youth referee in grave peril of physical and/or emotional harm or trauma. To be considered a violation of this Section 12.7.6, the action by the individual, as defined in Section 12.3, must shock the conscience of a reasonable, knowledgeable and otherwise disinterested person.

Any appeal of a disqualification under this Section 12.7.6, shall not be heard as outlined in Section 12.8 but shall be heard by the OSYSA Board of Directors at its next scheduled meeting. The disqualified individual shall remain disqualified until such time as the OSYSA Board of Directors meets and overturns the disqualification.

When an appeal, as outlined in this section 12.7.6 is heard by the OSYSA Board of Directors, the decision, as determined by a majority vote of the OSYSA Board of Directors, shall be final and binding on all parties to this matter. Following such a decision, there shall be no further appeal of the disqualification.

12.7.7 The OSYSA RMC shall notify any individual disqualified from service under this Risk Management program in writing via certified mail. In addition, the OSYSA RMC shall notify the local President and the local RMC for the individual of the disqualification, in writing, by means of the following statement;

"Pursuant to the policy established by the OSYSA Risk Management Program, (name of individual) is disqualified from any and all service with your organization that would allow (name of individual) to have contact with OSYSA players or youth referees."

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

12.7.8 Regardless of expunged convictions if an applicant has ever been convicted of any of the above listed crimes then Rule 12 applies.

12.8 APPEAL OF DISQUALIFICATION FROM SERVICE WITH OSYSA

12.8.1 Any individual who is disqualified from service under the OSYSA Risk Management program shall have the right to a hearing before the OSYSA Conduct Committee. Such a request must be submitted in writing and sent to the OSYSA Executive Director, via certified mail with a return receipt requested, within 21 calendar days of the date that the notification of disqualification was sent to the individual who was disqualified. When a request for a hearing is made, that hearing shall be held within 30 calendar days of the date that the request was sent to the OSYSA Executive Director. The individual who was disqualified from service shall remain disqualified from service until such time as the appeal has been resolved in the favor of the disqualified individual.

This section 12.8.1 shall not be applicable to those individuals who have been disqualified under the provisions of Section 12.7.6.

12.8.1.1 The OSYSA Conduct Committee in hearing the appeal of the disqualification pursuant to the OSYSA RM policy shall only consider whether or not the individual who was disqualified and who is appealing that disqualification had in fact:

- been convicted of one or more of the crimes listed in Section 12.7.2, or

- been convicted of a crime outside the State of Ohio that is similar to the crimes listed in Section 12.7.2, or
- been convicted of a crime of violence, or
- been convicted of a crime against a person, or
- been convicted of a crime involving a child, or
- is listed on any sexual offender registry, or
- provided information that was not truthful on his / her Risk Management Disclosure form.

12.8.1.2 If any of the conditions as shown in Section 12.8.1.1, exists, the OSYSA Conduct Committee shall determine that the individual who is appealing the disqualification shall be permanently disqualified from service with OSYSA. The OSYSA Conduct Committee shall not consider any other factors, such as the nature of the crime, the length of time since the crime occurred, testimonials of good character, length of service in the community, etc. in determining whether or not the individual should be disqualified from service with OSYSA.

12.8.1.3 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 is to ensure that the disqualified individual has been removed from service within OSYSA by the OSYSA RMC pursuant to this policy.

The Conduct Committee shall only consider whether or not one or more of the conditions as specified in Section 12.7 exists. 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.

Only if the Conduct Committee determines that none of the conditions listed in Section 12.7 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.

12.8.1.4 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.

12.8.2 If the OSYSA Conduct Committee upholds the disqualification, the individual who has been disqualified has the right to appeal the disqualification to the OSYSA Appeals Committee.

12.8.3 If the OSYSA Conduct 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.

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

12.9 ABUSE COMPLAINT PROCEDURES

12.9.1 Complaints against individuals who are alleged to have abused their authority by committing sexual, physical, mental or emotional abuse are to be reported to the local Club/Association/League President and/or local RMC. If complaints are substantiated at the local level and action is required, a written report is to be made to the OSYSA RMC within 10 days.

12.9.2 The complainant should also report the matter to the appropriate law enforcement agency and/or child protection agency. The OSYSA RMC shall follow up within 10 days to ascertain if a police report or other appropriate report has been filed.

12.9.3 Upon receipt of a complaint, the OSYSA RMC will conduct a background check if there has not been one obtained within the last 12 months.

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 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. Upon reaching a decision, the individual must be informed and provided information on the appeal process in writing.

12.10 DATA AND INFORMATION SECURITY

12.10.1 All paper copies of completed disclosure forms and all paper and electronic reports or storage media generated as part of the OSYSA Risk Management program which contains personally identifiable information shall be maintained in locked file cabinets or safes in the OSYSA office. Access to those copies, reports and storage media shall be limited to the OSYSA RM coordinator, the Alternate OSYSA RM coordinator and those members of the OSYSA staff who have been delegated to assist in the administration of the OSYSA RM program.

12.10.2 All information, except as noted in 12.10.3, obtained pursuant to the OSYSA RM policy shall be maintained in a stand alone computer that is not connected to the Internet. This computer shall be maintained in a secure location in the OSYSA office with access to the computer limited to the OSYSA RM coordinator, the Alternate OSYSA RM coordinator and

those members of the OSYSA staff who have been delegated to assist in the administration of the OSYSA RM program. Any information that is obtained via the Internet and held on a server connected to the Internet shall be removed from the server at frequency of not less than on a once a week basis and transferred, (swept), to the stand alone computer described in the first sentence of this paragraph. .

12.10.3 A searchable online database of persons registered under the OSYSA RM program during the preceding 4 years may be created provided all of the following conditions are met:

- a) The database access is limited via a username / password that would limit access to OSYSA member leagues and associations only.
- b) There is no direct connection between the database stored in the stand alone computer described in 12.10.2 and the online database described in 12.10.3.
- c) The online database consists only the OSYSA RM participant's last name, first name, home address, city and state.

12.10.4 If it becomes known to OSYSA, that the integrity of personally identifiable data collected as part of the OSYSA RM program has become compromised, (either the data temporarily stored on the server or in the stand alone computer as described in 12.10.2), 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 OSYSA RM coordinator and/or the OSYSA President.

12.10.5 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.

12.11 FORMS NEEDED FOR THE OSYSA RISK MANAGEMENT PROGRAM

12.11.1 The OSYSA Risk Management Disclosure form shall be similar to the sample form provided by US Youth Soccer.

12.11.2 The envelope in which the OSYSA Risk Management Disclosure form is to be returned to the local RMC in shall be blue in color. On the front of the envelope there shall be space for the sender to indicate the individual's last name, first name, the last 4 digits of the social security number, for use as a control number, and the date the form was submitted.

PROCEDURES FOR OBTAINING INDEPENDENT CRIMINAL RECORDS CHECK

The Ohio Attorney General's civilian background check system is known as **WebCheck**. The submission of fingerprints through WebCheck does not require the disclosure of any individual's social security number. However, you will be required to go to a WebCheck company and make a digital impression of your fingerprints. The cost of the WebCheck ranges from \$30.00 to \$65.00. OSYSA applicants who procure their own records check are required to pay for this themselves.

Anyone required to obtain risk management clearance for OSYSA participation may follow these steps to obtain their own criminal records check verification.

1. Locate a company with WebCheck capacity. Current WebCheck companies can be found at www.ag.state.oh.us/business/fingerprint/data/index.asp Call the company to obtain information about cost and what identification must be presented in order to obtain a civilian criminal background check.
2. Request that a copy of the criminal records check be sent to you and that **an additional copy be sent to directly to the OSYSA office** at the following address:

Ohio South Youth Soccer Association
25 Whitney Drive – Suite 104
Milford, Ohio 45150

3. Complete the standard OSYSA Application for Risk Management Clearance. On the form, in the space where the social security number is requested, write the phrase; "WebCheck Submitted". Place the form in the standard RM envelope and submit the form inside the sealed envelope to your league or local referee association.
4. When the form from the Attorney General's office is received in the OSYSA office, it will be matched up with the RM Clearance form that has been submitted.

If the results of the WebCheck are not received in the OSYSA office directly from the Attorney General's office, the submission will not be considered to be valid. The OSYSA will not accept the results of the WebCheck except from the WebCheck company selected by the applicant.