

**Colorado Youth Soccer
Risk Management
KidSafe Program
September 16, 2009**

Colorado Youth Soccer (CYS), 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 Rule 4044, which mandate risk management programs within each National State Association.

CYS 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.

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

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

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

CYS KidSafe Policy

Colorado Youth Soccer (CYS) and US Youth Soccer adopted the KidSafe Program to promote the health, safety and protection of youth soccer players. Organizational Members of CYS are required to adopt and administer the elements of the KidSafe program.

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. Administration of the Policy is achieved at both CYS and Organizational Members (Clubs) by identification of a **Risk Management Coordinator** (RMC) and an alternate for each organization.

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 and team/player trainers. The current US Youth Soccer form can be used 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. Such positions could be team managers and/or chaperones.
- 3) Disclosure Statements are to be completed and retained at the Club for those persons meeting the requirements of A. 1) above.
 - 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).

B. Background Check Requirements

Employment/Volunteer Disclosure Statements 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 at the Club if the Club is a CYS full Organizational Member. CYS 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 CYS to perform checks. Background checks completed by CYS 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 CYS complete and manage their background checks must submit to the CYS Risk Management Coordinator an excel spreadsheet containing required fields taken from the Disclosure Statements. Since the person is reporting to the Club, Disclosure Statements must remain at the Club.
- 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 the 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) 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.
- 6) CYS Member Clubs should verify that persons who fall under KidSafe who are involved in transporting players have a current valid driver's license. If CYS is performing the background check, CYS 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 with a follow-up notice by U.S. Mail.

- 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 re-instated 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.
- 7) Other discoveries 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 CYS

CYS 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 CYS. (Exception: If CYS is requested to complete and administrate background checks on behalf of the Club)
- 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) CYS 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 other than B.5); 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) or B.5) of this policy should be suspended.

- 1) If the individual is suspended the Club RMC must inform the individual and CYS that a suspension has been imposed. CYS should be notified within two (2) working days of the suspension. Such notification shall include the reason. CYS 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 detrimental to the welfare of youth players or 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 CYS 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 CYS.

- 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 CYS 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 CYS Risk Management Coordinator, appeals can be made to the CYS Board.

F. Obligations to Policy

CYS and Organization Members of CYS (Clubs) are obligated by membership in US Youth Soccer and USSF to follow rules and procedures adopted by those organizations. The KidSafe Program is a reasonable effort which has been adopted and falls within Association governance up through USSF.

- 1) Clubs who release coaches, employees, volunteers or others have a responsibility to report suspected KidSafe policy violations to the CYS Risk Management Coordinator (RMC). The report shall contain the name, date of birth and reason for the person's release and, if known, the receiving club. It is recommended that Clubs receiving people from other clubs request references and follow up to determine if the person was rumored or suspected of KidSafe violations. Releasing clubs must disclose suspected KidSafe violations when requested by the Risk Management Coordinator (RMC) from another Club. 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. Failure of Clubs to follow this section of policy will result in Disciplinary action up to and including Sanctioning.
- 2) Clubs must submit affidavits to CYS on an annual basis that declare compliance with this policy.
 - a. Affidavits are to be received at CYS by August 1st for the Playing year.
 - b. Persons new to a Club after the date of affidavit must meet the requirements of B. 4) b. CYS is to be notified of both the name of the person and the status of their Background Check within two (2) weeks of the date the person has been accepted by the Club.
 - c. Clubs requesting CYS complete and manage their background checks must submit the information to the CYS RMC the information taken from the Disclosure Statements within five (days) of the date the person has been accepted by the Club. 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.
 - a. Disclosure Statements have been collected on all persons identified within this policy, are current and are on file at the Club office or registered place of business
 - b. Background checks are current for all persons. If CYS performs the checks at the request of the Club, notification will be provided by CYS to the Club RMC.

- c. Suspensions for denial of certifications for Club participants are current. This includes notification of such suspensions for to CYS.
- 2) Clubs who fail to provide affidavits will be given written notice to comply within thirty (30) days. Failure to comply within the thirty day period will result in notification to the Director & Officers Liability policy Insurance Carrier to remove the "Club" as a member club. All insurance responsibilities will become the sole responsibility of the "Club" and Club Board of Directors.
- 3) Failure to comply with this Policy places the Club in non-compliance with CYS, USSF and US Youth Soccer Policy and may jeopardize the Organization Member Status of the Club. Failure to comply could also invalidate current Director and Officer insurance coverage. Compliance is subject to audits performed by CYS.