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# RISK MANAGEMENT POLICY

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MAY 1, 2020  
EASTERN PENNSYLVANIA YOUTH SOCCER

# Eastern Pennsylvania Youth Soccer Risk Management Policy

## 1. Overview

The purpose of the Eastern Pennsylvania Youth Soccer Risk Management policy is to communicate methods of minimizing risk to players, volunteers, employees, clubs and leagues. This policy should not be used in lieu of legal advice for your organization.

As indicated by Section 2 of US Youth Soccer Bylaws (July 29, 2017): Each State Association is responsible for establishing and monitoring a risk management program within its jurisdiction. At a minimum, the risk management program must include: 1. Use of an employment/volunteer disclosure statement for all volunteers, employees, coaches and program administrators who are involved with any approved or sponsored program affiliated with US Youth Soccer or the state association or member of the state association; 2. Identification of a risk management coordinator and alternative for the organization.

While this policy may require effort for all parties involved, there is no higher priority than the safety of all youth soccer players in our Association.

## 2. Club Compliance and Responsibility

2.1 In accordance with Commonwealth of Pennsylvania law, the employer, administrator, supervisor or other person responsible for employment decisions or involved with the selection of volunteers is required to maintain and produce clearance documentation.

a. An employer, administrator, supervisor, or other person responsible for employment decisions or volunteer selection that intentionally fails to require an applicant to submit the required documentation before the applicant's hiring commits a misdemeanor of the third degree.

2.2 Each club is required to appoint a Risk Management Coordinator. This position may not be held by any other board member of the organization.

2.3 The Risk Management Coordinator is responsible for communication to all individuals in their organization regarding clearance compliance.

2.4 All board members must comply with Commonwealth of Pennsylvania clearances and upload files to their profile in the Eastern Pennsylvania Youth Soccer database.

### 3. Background Checks

3.1 Any individual 14 years of age or older in a paid position or an individual 18 years of age or older in a volunteer position who has regular contact and supervision of minors, must be compliant with Commonwealth of Pennsylvania background checks.

a. Pennsylvania State Police Criminal History

b. Department of Human Services Child Abuse History

c. Federal Bureau of Investigations Fingerprint check:

- For a volunteer, Pennsylvania resident of 10 years or more must complete an Affidavit of Compliance
- For a volunteer without Pennsylvania residency of more than 10 years or an individual in paid position must complete the FBI fingerprint check.

d. Eastern Pennsylvania Youth Soccer website should be used as a resource for all active links to each of these clearance portals. [www.epysa.org](http://www.epysa.org)

3.2 For travel and recreational teams--prior to the start of the seasonal year, all clearances must be uploaded to the individual's profile in the Eastern Pennsylvania Youth Soccer database before an individual can be added to a roster. For intramural programs, all clearances will be maintained by the organization and be available to the state association for review.

3.3 Eastern Pennsylvania Youth Soccer reserves the right to audit any organization for state clearances within the jurisdiction. Fines will be assessed to any organization who fails to follow the risk management policies of the state association.

3.4 Individuals who do not comply with Eastern Pennsylvania Youth Soccer risk management policy will be immediately suspended from all soccer and soccer-related activities.

a. US Youth Soccer Rule 107, Section 1. A disqualification or other disciplinary action for violation of Risk Management policies imposed by a state association against a person participating or seeking membership in a program of USYSA program, a State Association or a program of a member of a State Association shall be recognized by all member State Associations within USYSA.

3.5 Commonwealth of Pennsylvania clearances and FBI background check are valid for 60 months.

### 4. Grounds for denying employment or participation by a volunteer

4.1 Applicant has a verified report of child abuse within the past 5 years in the state database.

4.2 Applicant's criminal history indicates a conviction of one or more of the following offenses under Title 18 (relating to crimes and offenses) or equivalent crime under Federal law or the law of another state:

Chapter 25-relating to criminal homicide

Section 2702-relating to aggravated assault

Section 2709.1-relating to stalking

Section 2901-relating to kidnapping

Section 2902-relating to unlawful restraint

Section 3121-relating to rape

Section 3122.1-relating to statutory sexual assault

Section 3123-relating to involuntary deviate sexual intercourse

Section 3124.1-relating to sexual assault

Section 3125-relating to aggravated indecent assault

Section 3126-relating to indecent assault

Section 3127-relating to indecent exposure

Section 4302-relating to incest

Section 4303-relating to concealing the death of a child

Section 4304-relating to endangering welfare of a child

Section 4305-relating to dealing in infant children

Section 5902 (b)-felony offense relating to prostitution and related offenses

Section 5903 (c)(d)-relating to obscene and other sexual materials and performances

Section 6301-relating to the corruption of minors

Section 6312-relating to sexual abuse of children

4.3 Individual with a felony offense under The Controlled Substance, Drug, Device and Cosmetic Act of 1972 (relating to the manufacturing, sale or possession of controlled substances) within the past 5 years

4.4 The denial or acceptance of an employee or volunteer is at the sole discretion of the hiring organization and can be based on more restrictive criteria. A criminal record that has surpassed 10 years can be reviewed and considered for special exception by the organization.

4.5 US Youth Soccer Rule 107, Section 2. A Risk Management disqualification imposed by a state association upon a prospective member who has been convicted of violence, or a criminal offense against a child shall be recognized by all State Associations upon proper notification to and by USYSA.

5. Based on Commonwealth of Pennsylvania's "Safety in Youth Sports Act" (2011), concussion training will be completed by all coaches, assistant coaches and team managers annually. A certificate of completion for concussion training must be uploaded to the individual's profile in the Eastern Pennsylvania Youth Soccer database.

5.1 Failure to comply with concussion training will result in the individual being ineligible to be added to a roster.

5.2 Any individual or organization that does not comply with Eastern Pennsylvania Youth Soccer's policy on concussion training may be subject to discipline by the Board of Directors and/or a hearing by the Arbitration Board.

5.3 Each club is encouraged to follow US Soccer's Recognize to Recover program to promote safe play and reduce injuries in all soccer players. Parents, players and coaches are encouraged to read the concussion policy on our website to be more informed on the warning signs of concussions and best practices on returning to participation.

5.4 Free concussion training is available from the Center for Disease Control and Prevention. ([www.cdc.gov](http://www.cdc.gov))

6. SafeSport Act (Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017) and consistent with U.S. Soccer Bylaw 212-3

The SafeSport Act creates a "standard of care" for all youth sports organizations, including athletic and sports programs offered by local leagues, churches, schools, camps, and non-profits. All aspects of the Act are aimed at the prevention of sexual abuse in youth sports, primarily through prevention training, prevention policies and mandatory reporting.

6.1 Develop and enforce a Prohibited Conduct Policy that details zero tolerance for bullying, hazing, harassment (including sexual harassment), emotional misconduct, and sexual misconduct as defined by the U.S. Center for Safesport's Safesport Code. See Appendix A

6.2 Extended reporting duties of all mandatory reporters in youth sports to report suspected child abuse, including sexual abuse, within 24 hours to law enforcement. An individual who is required, but fails, to report suspected child sexual abuse is subject to criminal penalties.

a. All organization board members, coaches, team managers, trainers and volunteers working with minors in youth sports are considered mandatory reporters.

b. Reporting mechanisms

1. Local Law Enforcement

2. Child Protective Services Hotline (1-800-932-0313)

3. US Center for Safe Sport ([www.safesport.org/report-a-concern](http://www.safesport.org/report-a-concern))

4. U.S. Soccer integrity hotline ([www.ussoccer.com/integrity-hotline](http://www.ussoccer.com/integrity-hotline))

6.3 Youth-serving amateur athletic organizations must implement and abide by policies and procedures to prevent emotional, physical, and child abuse of amateur athletes.

a. Policy should include reasonable procedures to limit one-on-one interactions between adults and amateur athlete who is a minor. One-on-one interactions with adults should be observable and interruptible by another adult. See Appendix B

b. Policy should include a zero-tolerance policy for retaliation regarding reports of abuse. See Appendix A

c. Policy for professional and appropriate communication with amateur athletes who are minors via electronic medias should include that any and all communications with minors also have an adult copied. Private communications with minors by adults not related to minor should be prohibited. See Appendix B

6.4 SafeSport Training regarding the prevention of abuse, including emotional, physical and sexual abuse of any amateur athlete is available to all Eastern Pennsylvania Youth Soccer members at no cost. ([www.safesport.org](http://www.safesport.org))

## **Appendix A, Prohibited Conduct Policy**

This Policy is Eastern Pennsylvania Youth Soccer's policy that applies to all Eastern Pennsylvania Youth Soccer's "Covered Personnel" as defined in this document. This policy also covers any subcontractor, supplier, customer or third party and their employees in their dealings with Eastern Pennsylvania Youth Soccer employees, athletes, members and volunteers.

Eastern Pennsylvania Youth Soccer is committed to maintaining a work environment that is free from all forms of discrimination, including harassment, on the basis of any legally protected status. Accordingly, Eastern Pennsylvania Youth Soccer does not permit any form of unlawful harassment, discrimination or intimidation against its employees by anyone, including managers, supervisors, coworkers, executives, directors, officers, other employees, vendors, clients, customers or third parties. Protected status includes race, color, age, religion, marital status, sex, ancestry, national origin, citizenship, veteran's status, pregnancy, disability, sexual orientation, protected activity, or any other characteristic protected by federal, state or local law. The policy also prohibits harassment on the basis of the protected status of an individual's relatives, friends or associates.

Eastern Pennsylvania Youth Soccer is also committed to maintaining a work environment that is free from all forms of sexual abuse, sexual misconduct, emotional misconduct, physical misconduct, bullying and hazing.

Any violation of this Policy by Covered Personnel may subject the Covered Personnel to disciplinary action. Appropriate action also will be taken against any subcontractor, supplier, or customer found in violation of this Policy.

### Harassment

Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based upon a person's protected status. Eastern Pennsylvania Youth Soccer will not tolerate harassing conduct that affects tangible job benefits, that unreasonably interferes with an individual's work performance, or safety, or that creates an intimidating, hostile, or offensive working environment.

Among the types of conduct prohibited by this policy are epithets, slurs, negative stereotyping or intimidating acts based on an individual's protected status and the circulation or posting of written or graphic materials that show hostility toward an individual because of his or her protected status.

Prohibited conduct can also include jokes, kidding, or teasing about another person's protected status. While harassing conduct is unlawful only if it affects tangible job benefits and/or interferes unreasonably with work performance and creates an abusive or hostile work environment, this Policy forbids harassing conduct even when it does not rise to the level of a violation of law.

### Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance and creating an intimidating, hostile, or offensive working environment.

Sexual harassment may involve individuals of the same or different gender. It may also occur between individuals of any employment status.

Examples of conduct which may constitute sexual harassment and are prohibited by this Policy include, but are not limited to:

- Unnecessary touching, patting, hugging, pinching, or brushing against a person's body;
- Staring, ogling, leering, or whistling at a person;
- Continued or repeated verbal abuse of a sexual nature;
- Sexually explicit statements, sexual flirtations, advances, propositions, subtle pressure for sexual activity, comments, questions, jokes, or anecdotes;
- Graphic or degrading comments about a person's clothing, body or sexual activity;
- Sexually suggestive objects, cartoons, posters, calendars, or pictures in the workplace;
- Suggestive or obscene letters, notes or invitations;
- Harassing use of electronic mail, electronic or instant messaging, or telephone communication systems; or
- Other physical or verbal conduct of a sexual nature.

Eastern Pennsylvania Youth Soccer prohibits administrators, directors, managers and supervisors from threatening or insinuating, either explicitly or implicitly, that a volunteer's or an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's wages, assigned duties, advancement, evaluation, shifts, career development, or any other condition of employment.

#### Racial, Religious, or National Origin Harassment

Racial, religious, or national origin harassment deserves special mention as well, and is expressly prohibited by Eastern Pennsylvania Youth Soccer. Racial, religious, or national origin harassment includes any verbal, written, or physical act in which race, religion, or national

origin is used or implied in a manner which would make a reasonable person uncomfortable in the work environment or which would interfere with the person's ability to perform the job. Examples of race, religious or national origin harassment may include, but are not limited to:

- Jokes, which include reference to race, religion, or national origin;
- The display or use of objects or pictures which adversely reflect on a person's race, religion, or national origin; or
- Use of pejorative or demeaning language regarding a person's race, religion, or national origin.



### Child Sexual Abuse

Any sexual activity with a child is prohibited. This includes sexual contact with a child that is accomplished by deception, manipulation, force or threat of force, regardless of the age of the participants, and all sexual interactions between an adult and a child, regardless of whether there is deception, or the child understands the sexual nature of the activity.

### Sexual Misconduct

Any sexual interaction between an athlete and an individual with evaluative, direct or indirect authority is prohibited. Such relationships involve an imbalance of power and are likely to impair judgment or be exploitative. This section does not apply to a pre-existing relationship between two spouses or life partners.

### Emotional Misconduct

Emotional misconduct in all forms is prohibited. Emotional misconduct is a pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to another person. Non-contact behaviors include verbal acts, physical acts, or acts that deny attention or support; or any act or conduct described as emotional abuse or misconduct under federal or state law (e.g. child abuse, child neglect). Emotional misconduct does not include professionally-accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improving athletic performance.

### Physical Misconduct

Physical misconduct in all forms is prohibited. Physical misconduct is defined as contact or non-contact conduct that results in, or reasonably threatens to, cause physical harm to another person; or any act or conduct described as physical abuse or misconduct under federal or state law (e.g. child abuse, child neglect, assault). Physical misconduct does not include professionally-accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improving athletic performance. For example, hitting and punching are well-regulated forms of contact in combat sports, but have no place in soccer.

### Bullying

Intentional, persistent and repeated pattern of committing or willfully tolerating physical and non-physical behaviors that are intended, or have the reasonable potential, to cause fear, humiliation or physical harm in an attempt to socially exclude, diminish or isolate the targeted athlete(s), as a condition of membership are prohibited. Bullying does not include group or team behaviors that (a) are meant to establish normative team behaviors, or (b) promote team cohesion.

## Hazing

Coercing, requiring, forcing or willfully tolerating any humiliating, unwelcome or dangerous activity that serves as a condition for (a) joining a group or (b) being socially accepted by a group's members are prohibited. Hazing does not include group or team activities that (a) are meant to establish normative team behaviors or (b) promote team cohesion.

## Procedures for Complaints, Investigations and Corrective Action

All Covered Personnel are responsible to help ensure that we avoid misconduct. Eastern Pennsylvania Youth Soccer cannot act to eliminate misconduct unless it has notice of the conduct. Covered Personnel are thus charged with reporting any concerns regarding compliance in the manner provided in this document and appendixes. For the avoidance of doubt, in some instances, Covered Personnel will be required to report to law enforcement and/or the U.S. Center for SafeSport.

Furthermore, Eastern Pennsylvania Youth Soccer employees are responsible to help assure that the work environment, on or off-premises, is free from harassment. All employees have an obligation to promptly report any and all allegedly harassing conduct they are the subject of, that they learn of, or that they witness. Our Policy provides for immediate notice of problems to the persons designated in this Policy so that we may address and resolve any problems as quickly as possible.

An employee must report the harassing conduct to either:

- The person to whom you report (supervisor or manager);
- Department Head;
- The Human Resources Department;
- The Legal Department;
- The Chief Executive Officer; or
- The Integrity Hotline

If the employee feels uncomfortable going to his or her supervisor with the complaint, he/she must report the matter to any other member of management as designated above.

This Policy does not require reporting the misconduct to any individual who is creating the harassment or discrimination.

All Covered Personnel have an obligation to cooperate in any investigation of a complaint of misconduct, including providing any and all information concerning the complaint. Failure to do so may be a violation of this Policy.

Eastern Pennsylvania Youth Soccer's Prohibited Conduct Policy offers its employees greater protection from harassment than does the law. Consequently, Covered Personnel who are found to have violated Eastern Pennsylvania Youth Soccer's Prohibited Conduct Policy shall be subject to corrective action, discipline or termination, even in cases where applicable laws may not have been violated and without regard to whether the conduct constitutes a violation of the law.

An employee wishing to file a complaint outside the Federation may also contact either the Equal Employment Opportunity Commission or the fair employment agency in his or her state.

## **Appendix B**

### One-on-one Interactions

#### **a. Application**

This policy shall apply to:

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

### **Recommended Components**

#### **f. Monitoring**

When one-on-one interactions between Adults and minors occur at our facility, 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.

Massages and Rubdowns

Covered Organizations (Eastern Pennsylvania Youth Soccer Association and all member organizations) must comply with a through c.

**a. Application**

This policy shall apply to:

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

(collectively, Adults).

**b. Licensed, certified professional**

- Any massage or rubdown performed by an Adult on a minor athlete at any facility or a training or competition venue is prohibited unless such Adult is a licensed massage therapist.
- Any massage or rubdown performed at any facility 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.

## Locker Rooms, Rest Rooms and Changing Areas

Covered Organizations (Eastern Pennsylvania Youth Soccer Association and all member organizations) must comply with a through i.

### **a. Application**

This policy shall apply to:

- 1) Adults at a facility under the jurisdiction of a Covered Organization
- 2) Adult members who have regular contact with amateur athletes who are minors
- 3) An adult authorized by a Covered Organization to have regular contact with or authority over an amateur athlete who is a minor
- 4) Staff and board members of a Covered Organization (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 any facility is prohibited. Exceptions may be made for media and championship celebrations, provided that such exceptions are approved by the Covered Organization and two or more adults are present.

### **c. Undress**

Under no circumstances shall an unrelated Adult at any facility 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 any facility, 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.

### Social Media & Electronic Communications

Covered Organizations (Eastern Pennsylvania Youth Soccer Association and all member organizations) must comply with a through g.

#### **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 a Covered Organization to have regular contact with or authority over an amateur athlete who is a minor
- 3) Staff and board members at a Covered Organization (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 any social media or electronic platform 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.

#### **Recommended components**

##### **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.

Please address any questions regarding this policy to Marisa Pigeon,

Director of Membership Services

[mpigeon@epysa.org](mailto:mpigeon@epysa.org)