



# Risk Management Policy

2024-25

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NYSWYSA

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## **Policies and Procedures**

NYSWYSA has modeled its Risk Management program after the current USYS Risk Management Policy & Directive and the Amended Safesport Code for the U.S. Olympic & Paralympic Movements which are designed to promote the positive health and welfare of youth players and to protect volunteer coaches, program administrators, the organization, and its officers. This includes compliance with the Safe Sport Authorization Act of 2017 (SSAA 2017) and any current Safe Sport credentialing requirements as they relate to the Model Minor Athlete Abuse Prevention Policy (MAAPP). NYSWYSA will make every reasonable effort, through its Risk Management program, to exclude from program responsibilities, any adult with a legally documented history of child molestation or other criminal record that would bring a material risk to the health and safety of the program's participants.

### **Purpose**

The purpose of this document is to give NYSWYSA member clubs, administrators staff and referees a convenient method to practice and apply existing risk management requirements and credentialing using GotSport, Safe Sport and the US Soccer Learning Center as it affects their coaching staff, volunteers, and club administration personnel. The document has been created to address Prohibited Conduct Policy, Model Minor Athlete Abuse Prevention Policy (MAAPP), Zero Tolerance Policy, overall Risk Management processes and its components, as well as frequently asked questions relative to risk management practices. This includes compliance with US Soccer Bylaw 212-3, USYS Bylaw Article IV, USYS Article VI–Section 2 & USYS Risk Management Policy.

### **Who is Required to Have Risk Management?**

Any NYSWYSA member 13 years or older, regardless of their role, who is in a position to have routine contact with or access to personal information of minor amateur athletes. This includes administrators, coaches, referees, assistants, managers, volunteers, chaperones as well as any other designated role of responsibility that holds authority over a minor amateur athlete, and/or is an employee or board member of a NYSWYSA member club. Additional information as it pertains to Prohibited Conduct & MAAPP Policy will appear throughout this document.

### **Minor Risk Management Process**

Risk Management requirements for minor volunteers, staff, or referees between 13 through 17 years of age does not include a criminal background check. Minor arrest records are handled differently by the criminal justice system and are not subject to public release. However, minors can be charged with serious delinquency counts consistent with adult criminal charges that appear in the current risk management policy that would in turn disqualify them just as they would an adult staff member. They are also subject to the

conditions of the NYSWYSA Zero Tolerance Policy. This being the case, a parent/guardian bears the responsibility for executing a formal Parental Attestation indicating that a minor applicant does not have such a record of behavior in their past.

NYSWYSA also recommends that Head Coach positions be limited to Minors 15-17 years of age with supervision by another adult risk management cleared club member. 13- & 14-year-olds should only be in positions of Assistant Coach also with the same level of supervision. A Minor should not be supervising another Minor directly. There should always be a risk management cleared adult present be it a Manager, Coach, Parent, etc.

### **Adult Risk Management Process**

Risk Management for adults 18 years of age or older involves conducting a New York State and USOPC compliant background screening, completing annual Safe Sport training and the US Soccer Introduction to Safe & Healthy Playing Environments as found in the Learning Center. Currently both the background screening and Safe Sport are required by law and adhere to US Soccer MAAPP best practices. The Introduction to Safe & Healthy Playing Environments course will be introduced in 2025 and become mandatory in 2026. NYSWYSA uses JDP as its investigative clearinghouse for 2-year eligible background screenings. NYSWYSA background screening exceeds the minimum standards set by the National Council of Youth Sports (NCYS) and meets all recommended benchmarks for a youth sports background including compliance with the Safe Sport Authorization Act of 2017 (SSAA 2017).

### **Safe Sport Training Requirements for Adult Club Members**

Adult participants who have regular contact with minor amateur athletes, authority over any minor amateur athlete or are an employee/volunteer/board member must complete mandatory Safe Sport training before regular contact with any minor amateur athlete AND within the first 45 days of either initial membership or upon beginning a new role that is subject to this policy. Mandatory annual Safe Sport training and credentialing is provided directly through our GotSport state association system.

### **Safe Sport Training Requirements for Players**

Risk Management processing for Youth Players 18 & 19 years of age includes legally mandated annual Safe Sport training for all active players reaching 18 years of age during the seasonal year of play. Players are provided access to Safe Sport training through GotSport and must meet mandated eligibility credentialing by the time of their 18<sup>th</sup> birthday in order to remain eligible for rostering and play. Players who are 17 turning 18 years of age during the active season will be able to complete the Safesport requirement prior to their 18<sup>th</sup> birthday with parent/guardian permission.

### **Risk Management Process for Clubs - Adults & Minors**

The risk management process is initiated in the same way for both adults and minors in GotSport. The GotSport system determines which process to utilize by applying the applicant's date of birth at the time of application. All risk management elements of the NYSWYSA registration process are now handled from within GotSport except for the completion of the Introduction to Safe & Healthy Playing Environments

course which is accessible through the US Soccer Learning Center. All applicants are presented a mechanism with which to synchronize their credentials and licenses between GotSport, Safe Sport & the Learning Center. **There is no fee for Minor applicants.**

**IMPORTANT:** The Club risk management applicant should select their primary club of record when applying/renewing if they coach/volunteer for more than one club. ***(Referees Stop Here and see the next section below)***

Club Registrars or other Designated Officials MUST enter their risk management applicants into the appropriate pool (Staff, Coach, Manager and/or Player) within their Club GotSport account using the applicant's LEGAL name, gender, verified date of birth, current legal physical address and a verified, personal email address (generic email addresses are not allowed) PRIOR to the applicant beginning the risk management process. Shared email accounts are prohibited by privacy law. Applicants should use the same email address across platforms, IE: GotSport, Learning Center & Safesport, to ensure proper synchronization of credentials. Physical Risk Management passes were eliminated with the 2024 season. Risk Management status is now electronically controlled within the GotSport system.

Registration, background application, payment and credentialing are now handled directly through GotSport. Member Clubs can pre-purchase background check Club codes for use by their members. The Club will be responsible for payments directly through GotSport. Registrars should contact the Risk Management Coordinator for further information if they choose to use this option. NOTE: Beginning in 2025 Clubs using the pre-purchase voucher system must purchase the code with a credit/debit card.

### **Risk Management Process for Referees – Adults & Minors**

Member referees can hold dual RM status in the same way that Club members can between multiple clubs where the following conditions apply **(there is no charge for Minor applicants in either scenario):**

If the applicant is **ONLY** a referee, then they will register or renew using GotSport **AFTER** they complete their credentialing within the Learning Center as required by the WNY Referee Association. This includes Safesport and the Introduction to Safe & Healthy Playing Environments course. Background processing and payment occur within GotSport ***(Do NOT do the Background Screening in the Learning Center unless you are a National Referee, it does not qualify for NYSWYSA clearance)***. Physical Risk Management passes were eliminated in the 2024 season. Risk Management status is now electronically controlled within the GotSport system.

If the applicant is **BOTH** a Referee and a Club staff member, the applicant will follow the Referee risk management instructions and complete their Learning Center credentialing first. The applicant can still use a Club code for the purchase but still must use the Referee instructions first. Once the applicant completes their risk management processing as a Referee, they can then notify their respective Club(s) so they can have their credentials transferred over to Club rosters. Applicants meeting this condition **MUST** select WNY Referees Association as their primary club selection.

## Risk Management Passes

Starting in 2024, there will no longer be any physical risk management passes. Risk management status will be administered and maintained electronically within the GotSport system by NYSWYSA. This includes all suspensions and revocations during active seasons. Notifications will be made directly to Clubs and Referee districts when this occurs. If proof of risk management clearance is required for tournaments and out-of-state play, NYSWYSA will provide verification upon request. Member ID passes can be printed from within the GotSport rostering system but are NOT proof of risk management clearance.

## Risk Management Validity Period

Risk Management is a process comprised of multiple Requirements and Credentials. Risk management clearance is now an ANNUAL process that consists of a combination of annual and bi-annual credentialing. Safe Sport training is now a mandatory annual certification regulated and required by federal law. Background screenings remain a 2-year credential. The US Soccer Introduction to Safe & Healthy Playing Environments, once mandatory, will also be an annual requirement (established by US Soccer). Risk management credential statuses now follow a revolving individual calendar year format that begins on the date of completion and expires in one year. In the case of the background screening credential, that extends over a 2-year period. Each credential will appear separately in an applicant's GotSport account.

## Beginning the Annual Renewal Process

Clubs should schedule staff renewals at a time that makes the most operational sense for your club and the seasons your teams typically play in. Some clubs begin their seasons in early spring; others only maintain summer recreational programs, while still others have a major fall season or multiple seasons.

The annual risk management renewal period now follows the player seasonal year and no longer has a down period as in the past (except for major system updates). The Seasonal period runs from 8-1-XX to 7-31-XX. Risk Management credentialing requirements are shown in GotSport for the current player seasonal year AND the following player seasonal year. This view will allow each Club to plan accordingly based upon their needs and requirements. Both seasonal years are preceded by the credentials' expiration date.

## Risk Management – Association Wide Application

Risk management status is administered electronically by NYSWYSA within GotSport and applies to ALL positions held by an individual applicant across ALL Clubs and/or Referee Districts. Risk management status is revocable at any time by NYSWYSA. Beginning in 2024 physical risk management passes are no longer required.

## Risk Management GotSport Entry Requirements

ALL Club members and Referees, minor or adult, must still be entered into the appropriate Club Administration GotSport pool by a Club Official in order to receive a risk management status. There are now several NEW designations: Staff/Admin, Coach/Referee, Manager & Player. An applicant must appear in each of these categories if they are active in these categories. Volunteers can be added to the Manager pool.

When entering Club member information, it is critical that you enter the correct information or you risk creating duplicate accounts and issues with credential synchronization. **Entries must include LEGAL first and**

last name (no monikers, nicknames or initials), gender, a verified date of birth (entering an arbitrary DOB violates NYS Penal Law), a valid and current physical address, phone number and a valid, personally identifiable email address/UserID to be used across GotSport, Safe Sport & the Learning Center. **Generic or shared email/UserIDs are not permitted by privacy law and will result in a risk management status denial and account lockout.**

**IMPORTANT:** Do **NOT** enter nicknames, monikers, initial abbreviations, or suffixes, IE: Jimmy for James, TJ for Thomas John, John Smith Jr/III **UNLESS** that is their actual legal name. Failing to do so will cause delays with background processing, credential synchronization, and/or could result in the staff entry being removed from the record.

### Team Staff Record Entry Do's & Don'ts

When entering a Club member record, bear in mind that you are creating an official business record governed by applicable state laws including NYS Penal Law. You are then requesting that your Club member verify that their submission is an accurate and true legal representation of who they are.

**Entering arbitrary information to circumvent the mandatory record fields is strictly prohibited and can result in club sanctions. This includes entering arbitrary dates of birth, arbitrary addresses or generic email addresses where a third party enters required information. Arbitrary records will be deleted and you will have to create new records.**

Creating arbitrary records for an individual can be interpreted as an attempt to circumvent the background process and at a minimum, result in the creation of an illegal alias creating NYS Penal Law issues. Questions or concerns with Club member entries should be directed to NYSWYSA staff for clarification. Remember, we are here to help you.

### Club Stateside Account Audits

NYSWYSA routinely audits stateside Club record pools in order to maintain a standardized and current database as well as enforce compliance with MAAPP policy and mandatory risk management credentialing. Audits are designed to locate and eliminate duplicate staff records within and between club accounts. They also look for arbitrary and erroneous records which are then deleted. Team staff audits are normally conducted on a quarterly basis or when a specific need arises. Administrator accounts that allow mandatory Requirements to lapse will be disabled. Clubs that re-enable disabled accounts without proper compliance will have their Club access denied. Please ensure your Administrator pools are current and Requirements are met.

### Background Processing – Adults & Minors

New and returning adult background applicants will process directly through GotSport using the integrated JDP clearing house. Club officials will supply directions to their respective members. ALL adult applicants MUST register and apply for background processing by themselves. Minor applicants will require a parent/guardian to be present during the application process as a Parental Attestation (Appendix C) is required in lieu of a background screening. Club officials **CANNOT** apply on behalf of members. **Doing so is a violation of both state and federal law.**

For Minor applicants between the ages of 13 through 17, a parent/guardian MUST sign a legal Parental Attestation on behalf of the Minor prior to the applicant's risk management status being approved. This Parental Attestation will be selected automatically by date of birth during the registration/renewal process. Minors should have a parent/guardian available to assist them with this part of the process.

For Adult US citizen applicants, JDP will present you with a secure electronic application requesting mandatory information, including your SSN, in order to complete your background screening. This information is then deleted once securely submitted for processing. NOTE: A verified SSN is mandatory. Use of an arbitrary SSN will result in an automatic denial and a new fee.

For Adult non-US citizen applicants, the background screening processing will vary upon citizenship as indicated below and will likely require NYSWYSA assistance and/or manual processes due to changes in legal requirements.

Canadian citizens will be presented with option fields consistent with provincial Canadian residency and must provide a permanent Canadian address if only traveling to the United States to work with NYSWYSA member clubs. Canadian citizens living in the United States can provide a SIN in lieu of SSN however will still need some assistance in completing dual screenings both in the US and Canada.

For all other foreign national Club members residing in the United States on approved visa status, the applicant may use the current address of residence for their background application. If the applicant was not issued a SSN by the State Department they may use their issued TIN in place of the SSN on the application. Additional information may be required by the screening agency depending on the circumstances. Applicants who fall in this category may be required to provide additional information to JDP and/or the NYSWYSA Risk Management Coordinator. Applicants will need to provide Visa verification status to NYSWYSA and may also need some manual assistance in completing the background screening.

## **Background Approvals/Denials**

An integrated risk management system is designed to alleviate background screening delays and backlogs. The average turnaround time is approximately 3-5 business days. Some screenings can take up to 14 days or more for many reasons and do not automatically indicate a problem. For example, an applicant with a common name such as John Smith will take longer to search. Other times, additional information from the applicant and/or additional research is required to complete a screening. Background screenings are approved or denied based on a variety of criteria, which include certain criminal convictions (see Section VI below), Zero Tolerance violations, and other elements that can be considered unacceptable risk to minor amateur athletes participating in NYSWYSA sanctioned activities.

### **I. PURPOSE**

- A) Criminal record background screening is conducted on all adult applicants as defined by this policy and as required by MAAPP to preserve the safety and welfare of Minor amateur athletes. The purpose of background screening is to:



- 1) Obtain disclosure and release information from applicants and perform background screenings on all adult NYSWYSA member applicants.
  - 2) Determine whether adult NYSWYSA member applicants are qualified to participate in youth soccer activities as defined by all Risk Management Policy contained herein.
  - 3) Ensure that NYSWYSA is in compliance with current US Soccer, US Youth Soccer policy, and the Safe Sport Authorization Act regarding the establishment and operation of a Risk Management Program.
- B) NYSWYSA will not permit individuals to work with Minor athletes based upon certain criminal convictions (see Section VI below), who are not in compliance with current risk management credentialing, or have demonstrated conduct that violates current Zero Tolerance Policy and/or is incompatible with services to or in the care of Minor athletes.

## **II. AUTHORITY & APPLICATION**

- A) Section 2 of US Youth Soccer Bylaw Article VI requires US Youth Soccer, NYSWYSA and all other USYS State Associations to establish and monitor a Risk Management Program within its jurisdiction. That program must include, as a minimum:
- 1.) The use of Employment/Volunteer Disclosure Statements for all staff, volunteers, employees, coaches, and program administrators as defined by MAAPP who are involved with any approval or sponsored program of USYS or the state association or member of the state association; and
  - 2.) The identification of a Risk Management Coordinator and an alternate for the organization.
- B) In addition to US Youth Soccer Bylaw Article VI-Section 2, and in compliance with those bylaw requirements, NYSWYSA affirms its commitment to the safety and welfare of Minor athletes by requiring that background screenings be performed on all adults in NYSWYSA and its member Clubs in accordance with currently defined MAAPP guidelines and policies.
- C) For the purposes of this policy, this includes, but is not limited to, all coaches, assistant coaches, trainers, other team officials, board members, staff, referees, and volunteers, whether paid or unpaid as defined by MAAPP. The NYSWYSA Board of Directors shall reserve the right to determine any additional positions that may be subject to this policy.
- D) A NYSWYSA Risk Management Committee shall be designated by the NYSWYSA Board and include the NYSWYSA Risk Management Coordinator for Appeals and other adjudication.

## **III. DISCLOSURE & BACKGROUND SCREENING**

- A) NYSWYSA requires that all adult members, as defined by MAAPP, shall submit required personal information to conduct a background screening that meets the standards of the National Council of Youth Sports, USOPC, and the State of New York. This includes a valid SSN.

- B) Background screenings on NYSWYSA personnel and NYSWYSA members must be performed at least every 2 years and within 30 days of current expiration date if applicable.

#### **IV. CONFIDENTIALITY & REPORT NOTIFICATION**

- A) Background screening reports are kept strictly confidential. NYSWYSA limits access to reports for authorized review on a need-to-know basis.
- B) If an individual's background screening indicates a criminal conviction found in Section VI-Table of Convictions below and an adverse action is taken, a copy of that person's criminal conviction report received by NYSWYSA will be sent to that individual for review by JDP according to pre-established processes that safeguard the individual's right to privacy. Screening applicants may also request a copy of their screening from JDP at the time of application.
- C) If an individual's background screening indicates information that might require an explanation, the NYSWYSA Risk Management Coordinator will contact the applicant and request additional relevant information in order to make a determination on final approval or denial. Failure to provide that information will result in denial of risk management status.

#### **V. DISQUALIFICATION**

- A) An applicant may be disqualified if the background screening shows convictions for any of the crimes listed in Section VI-Table of Convictions below. This includes any amended or equivalent conviction in another state, by United States Criminal Code, or international conviction herein.
- B) The Risk Management Coordinator may seek guidance from appropriate legal and civil authorities as well as conference with the Risk Management Committee to make final determinations. Each situation is considered on a case-by-case basis using the Guidelines listed in Section VII below.
- C) Any pending charges set forth in Section VI-Table of Convictions below, shall render the individual member ineligible unless or until such charges result in a favorable disposition, including but not limited to, dismissal of the charge at any stage, adjournment in contemplation of dismissal, acquittal, or a court order setting aside a guilty verdict or vacating a judgement. A temporary risk management status suspension will be placed on the member's record until such a resolution is determined. Any member who encumbers pending charges is responsible for notifying their Club and NYSWYSA. Failure to do so can result in status revocation.

#### **VI. TABLE OF CONVICTIONS**

- A) "Anticipatory Offenses" as defined by Title G of the Penal Law of the State of New York:
  - 1.) Article 100 "Criminal Solicitation;"
  - 2.) Article 105 "Conspiracy;"
  - 3.) Article 110 "Attempt;"

- 4.) Article 115 "Criminal Facilitation."
- B) "Offenses Against the Person Involving Physical Injury, Sexual Conduct, Restraint and Intimidation" as defined by Title H of the Penal Law of the State of New York:
- 1.) Article 120 "Assault and Related Offenses;"
  - 2.) Article 121 "Strangulation and Related Offenses;"
  - 3.) Article 125 "Homicide and Related Offenses;"
  - 4.) Article 130 "Sex Offenses;"
  - 5.) Article 135 "Kidnapping, Coercion, and Related Offenses."
- C) "Offenses Involving Damage to and Intrusion Upon Property" as defined in Title I of the Penal Law of the State of New York:
- 1.) Article 140 "Burglary and Related Offenses;"
  - 2.) Article 145 "Criminal Mischief and Related Offenses;"
  - 3.) Article 150 "Arson."
- D) "Offenses Involving Theft" as defined by Title J of the Penal Law of the State of New York:
- 1.) Article 155 "Larceny;"
  - 2.) Article 156 "Offenses Involving Computers, Definition of Terms;"
  - 3.) Article 158 "Welfare Fraud;"
  - 4.) Article 160 "Robbery;"
  - 5.) Article 165 "Other Offenses Relating to Theft."
- E) "Offenses Involving Fraud" as defined by Title K of the Penal Law of the State of New York:
- 1.) Article 170 "Forgery and Related Offenses;"
  - 2.) Article 175 "Offenses Involving False Written Statements;"
  - 3.) Article 176 "Insurance Fraud;"
  - 4.) Article 177 "Healthcare Fraud;"
  - 5.) Article 178 "Criminal Diversion of Prescription Medications and Prescriptions;"
  - 6.) Article 179 "Criminal Diversion of Medical Marijuana;"
  - 7.) Article 180 "Bribery Not Involving Public Servants and Related Offenses;"
  - 8.) Article 185 "Frauds on Creditors;"
  - 9.) Article 187 "Residential Mortgage Fraud;"
  - 10.) Article 190 "Other Frauds."
- F) "Offenses Against Public Administration" as defined by Title L of the Penal Law of the State of New York:
- 1.) Article 195 "Official Misconduct and Obstruction of Public Servants Generally;"

- 2.) Article 200 "Bribery Involving Public Servants and Related Offenses;"
  - 3.) Article 205 "Escape and Other Offenses Related to Custody;"
  - 4.) Article 210 "Perjury and Related Offenses;"
  - 5.) Article 215 "Other Offenses Related to Judicial and Other Proceedings."
- G) "Offenses Against Public Health and Morals" as defined by Title M of the Penal Law of the State of New York:
- 1.) Article 220 "Controlled Substances Offenses;"
  - 2.) Article 222 "Cannabis;"
  - 3.) Article 225 "Gambling Offenses;"
  - 4.) Article 230 "Prostitution Offenses;"
  - 5.) Article 235 "Obscenity and Related Offenses."
- H) "Offenses Against Public Order, Public Sensibilities and the Right to Privacy" as defined by Title N of the Penal Law of the State of New York:
- 1.) Article 240 "Offenses Against Public Order;"
  - 2.) Article 241 "Harassment of Rent Regulated Tenants;"
  - 3.) Article 242 "Offenses Against Service Animals and Handlers;"
  - 4.) Article 245 "Offenses Against Public Sensibilities;"
  - 5.) Article 250 "Offenses Against the Right to Privacy."
- I) "Offenses Against Marriage, the Family, and the Welfare of Children and Incompetents" as defined in Title O of the Penal Law of the State of New York:
- 1.) Article 255 "Offenses Affecting the Marital Relationship;"
  - 2.) Article 260 "Offenses Relating to Children, Disabled Persons and Vulnerable Elderly Persons;"
  - 3.) Article 263 "Sexual Performance by a Child."
- J) "Offenses Against Public Safety" as defined by Title P of the Penal Law of the State of New York:
- 1.) Article 265 "Firearms and Other Dangerous Weapons;"
  - 2.) Article 270 "Other Offenses Related to Public Safety;"
  - 3.) Article 275 "Offenses Related to Unauthorized Recording."
- K) "Organized Crime Control Act" as defined by Title X of the Penal Law of the State of New York:
- 1.) Article 460 "Enterprise Corruption;"
  - 2.) Article 470 "Money Laundering;"

## **VII. GUIDELINES**

- A) Any person to whom this policy applies that is convicted of a Felony inclusive in Table B, or in conjunction with Table A, shall be permanently disqualified. Any person to whom this policy applies that is convicted of a Misdemeanor within the previous 10 years of application inclusive in Table B, or in conjunction with Table A, shall be disqualified.
- B) Any person to whom this policy applies that is convicted of a Felony within the previous 15 years of application inclusive in Tables C, D and/or E, or in conjunction with Table A, shall be disqualified. Any person to whom this policy applies that is convicted of a Misdemeanor within the previous 10 years of application inclusive in Tables C, D and/or E, or in conjunction with Table A, shall be disqualified from any position that involves the handling of funds or property.
- C) Any person to whom this policy applies that is convicted of a Felony within the previous 10 years of application inclusive in Tables F & H, or in conjunction with Table A, shall be disqualified. Any person to whom this policy applies that is convicted of a Misdemeanor within the previous 10 years of application inclusive in Tables F & H, or in conjunction with Table A, may be disqualified dependent on circumstances involved in the conviction.
- D) Any person to whom this policy applies that is convicted of a Felony within the previous 15 years of application inclusive in Table G, or in conjunction with Table A, shall be disqualified. Any person to whom this policy applies that is convicted of a Misdemeanor within the previous 10 years of application inclusive of Table G, on in conjunction with Table A, shall be disqualified.
- E) Any person to whom this policy applies that is convicted of a Felony within the previous 15 years of application inclusive in Table I, or in conjunction with Table A, shall be disqualified. Any person to whom this policy applies that is convicted of a Misdemeanor within the previous 10 years of application inclusive of Table G, on in conjunction with Table A, shall be disqualified. However, any person to whom this policy applies that has any conviction against a Minor Child in Table I will be permanently disqualified.
- F) Any person to whom this policy applies that is convicted of a Felony within the previous 15 years of application inclusive in Table J, or in conjunction with Table A, shall be disqualified. Any person to whom this policy applies that is convicted of a Misdemeanor within the previous 10 years of application inclusive of Table J, on in conjunction with Table A, shall be disqualified.
- G) Any person to whom this policy applies that is convicted of any crime in Table K, or in conjunction with Table A, shall be permanently disqualified.
- H) Felony convictions of any nature are serious offenses and will be evaluated with extreme caution. Misdemeanor convictions outside of the aforementioned Table parameters may be viewed with more leeway where the applicant's conduct since the conviction indicates rehabilitation or lack of risk to Minor Athletes and children.
- I) All other convictions or pending charges (excluding crimes against Minors) revealed through a background screening will be evaluated on a case-by-case basis to determine whether or not the

past conduct of the applicant is compatible with working with Minor Athletes and children and in conjunction with current MAAPP guidelines. The Risk Management Coordinator, in consultation with the Risk Management Committee, shall determine whether such information disqualifies the applicant. Factors that may be considered in deciding whether an applicant should be permitted to participate include the following: the nature and seriousness of the past conduct; the age of the applicant at the time of occurrence and/or criminal conviction; how the past conduct relates to the particular role the applicant is applying for; the length of time elapsed since the occurrence and/or criminal conviction; and how such past conduct reflects on the integrity of NYSWYSA programs. The applicant will be given an opportunity to provide evidence of any mitigating circumstances prior to a decision being made concerning the applicant's qualifications. Official Certificates of Relief from Disabilities or Official Certificates of Good Conduct may be considered where warranted.

- J) NYSWYSA reserves the right to disqualify any person convicted of a Felony or Misdemeanor regardless of the listed Table of Convictions if the circumstances are deemed as such to create a condition that may endanger the welfare of a Minor athlete or child.
- K) Any Felony or Misdemeanor conviction that is deemed the result of a plea bargain or arrangement is still subject to the provisions of the Table of Convictions as if the conviction was for the original charge(s) proffered and as the circumstances relate to any condition that may be deemed as such to create a condition that may endanger the welfare of a Minor athlete or child.
- L) Any arrest for a Violation of a valid Order of Protection granted by a Criminal or Family court will result in the immediate suspension of risk management privileges until the matter is resolved or adjudicated by the issuing court. Any conviction for a valid Violation of an Order of Protection by a Criminal or Family court will result in risk management denial/suspension/revocation for a period of 5 years from the date of conviction.
- M) Any person to whom this policy applies to that appears on a Federal or State Sex Offender Registry shall be permanently disqualified.
- N) Any person to whom this policy applies that has confirmed detention(s) under NYS Mental Hygiene Law, or similar law in other states, will be evaluated on a case-by-case basis. Applicants covered under this provision can provide official mitigating correspondence from licensed medical professionals issued on their behalf.

## **VIII. APPEALS**

Any individual who is disqualified by NYSWYSA as a result of information received from a background screening may appeal the decision. The appeal would be considered by the respective NYSWYSA Risk Management Committee, and if needed, through the NYSWYSA Adjudication Process as per current NYSWYSA guidelines. There is a \$100 filing fee, and the appealing applicant requires the written support of a member Club in good standing or the WNY Referee Association for an appeal to be processed.

## **MAAPP – Model Minor Athlete Abuse Prevention Policy**

NYSWYSA has incorporated the US Center for Safe Sport best practices template for use by US Soccer and its member organizations which includes all NYSWYSA member clubs. All NYSWYSA member clubs and their officers must have MAAPP policy in place to remain in good standing. During routine auditing, NYSWYSA may ask member clubs to provide validation that they have MAAPP policies in place. Member Clubs should refer to Appendix A which provides the current NYSWYSA MAAPP policy template in place for their own use.

## **Appendix A – NYSWYSA Minor Athlete Abuse Prevention Policy (MAAPP)**

### **PART I - EDUCATION & TRAINING POLICY**

#### **A.) Mandatory Child Abuse Prevention Training for Adult Participants**

##### **1. Adult Participants Required to Complete Training**

a.) The following Adult Participants must complete the SafeSport Trained Core either through the Center’s online training or the Center’s approved, in-person training:

- i. Adult Participants who have regular contact with any amateur athlete(s) who is a minor.
- ii. Adult Participants who have authority over any amateur athlete(s) who is a minor.
- iii. Adult Participants who are an employee or board member of NYSWYSA or its member Clubs.

##### **2.) Timing of Training - Adult Participants must complete this training:**

- a.) Before regular contact with an amateur athlete who is a minor begins; and
- b.) Within the first 45 days of either initial membership or upon beginning a new role subjecting the adult to this policy.

##### **3.) Refresher Training**

The above listed Adult Participants must complete a refresher course on an annual basis, beginning the calendar year after completing the SafeSport Trained Core. Every four years, Adult Participants will re-complete the SafeSport Trained Core training.

#### **B) Minor Athlete Training Must Be Offered**

- 1) NYSWYSA, on an annual basis, will offer and, subject to parental consent, give training resources to Minor Athletes on the prevention and reporting of child abuse as listed in #2 below.
- 2) Safesport offers youth courses, located at [www.athletesafety.org](http://www.athletesafety.org), that meet this requirement.

#### **C) Parent Training Must Be Offered**

- 1) NYSWYSA, on an annual basis, will offer training to parents on the prevention and reporting of child abuse as listed in #2 below.
- 2) Safesport offers parent courses, located at [www.athletesafety.org](http://www.athletesafety.org), that meets this requirement.

#### **D) Exemptions and Accommodations**

- 1) Exemptions from this Education & Training Policy may be made on a case-by-case basis for victims/survivors. Requests may be made directly to the U.S. Center for Safesport at [exemptions@safesport.org](mailto:exemptions@safesport.org).
- 2) The U.S. Center for Safesport will work with NYSWYSA on appropriate accommodations for persons with disabilities and individuals with limited English proficiency to satisfy these training requirements. Safesport will provide reasonable accommodations and track any exemptions for individuals with disabilities and individuals with limited English proficiency.

## **PART II - REQUIREMENTS FOR EDUCATION & TRAINING AND PREVENTION POLICIES**

NYSWYSA will implement proactive policies designed to prevent abuse. These organizational requirements are described below.

### **A.) Organizational Requirements for Education & Training**

- 1) NYSWYSA will track whether Adult Participants under the organization's jurisdiction complete the required training listed in Part I via GotSport.
- 2) NYSWYSA, on an annual basis, will offer and, subject to parental consent, give training to Minor Athletes on the prevention and reporting of child abuse:
  - a) For training to Minor Athletes, Safesport will track a description of the training and how the training was offered and provided to Minor Athletes.
  - b) NYSWYSA is not required to track individual course completions of Minor Athletes under the age of seventeen.
- 3) NYSWYSA will, on an annual basis, offer training to parents on the prevention and reporting of child abuse.

### **B.) Required Prevention Policies and Implementation**

- 1) NYSWYSA will develop minor athlete abuse prevention policies that contain the mandatory components of the Center's model policies in Part III below. These model policies cover:
  - a) One-on-one interactions
  - b) Meetings and training sessions.
  - c) Athletic training modalities, massages, and rubdowns.
  - d) Locker rooms and changing areas.
  - e) Electronic communications.
  - f) Transportation.
  - g) Lodging.



- 2) NYSWYSA will implement these policies within its membership through this Risk Management Policy document.
- 3) NYSWYSA will implement these policies for all In-Program Contact:
  - a) At sanctioned events and facilities partially or fully under the NYSWYSA jurisdiction at the time that these sanctioned events actively take place.
  - b) For In-Program Contact that occurs outside NYSWYSA sanctioned event or facilities, implementing these policies means:
    - i. Communicating the policies to individuals under NYSWYSA jurisdiction.
    - ii. Establishing a reporting mechanism for violations of these policies.
    - iii. Investigating and enforcing violations of these policies.
- 4) NYSWYSA will have an established mechanism to accept reports of any member who has violated its minor athlete abuse prevention policies. NYSWYSA will appropriately investigate and resolve any reports received, unless the violation is reported to Safesport as per current directives and it exercises jurisdiction over the report.

### **PART III - REQUIRED POLICIES FOR ONE-ON-ONE INTERACTIONS**

NYSWYSA recognizes that youth-adult relationships can be healthy and valuable for development. Policies on one-on-one interactions protect children while allowing for these beneficial relationships. As child sexual abuse is often perpetrated in isolated, one-on-one situations, it is critical that organizations limit such interactions between youth and adults and implement programs that reduce the risk of sexual abuse.

#### **Model Policy: One-on-One Interactions**

##### **A) Mandatory Components**

- 1) Observable and Interruptible
  - a) All one-on-one In-Program Contact between an Adult Participant and a Minor Athlete must be observable and interruptible, except in emergency circumstances.
  - b) The exceptions below may apply to specific policies, and if the exceptions apply, they are listed in the policy. These exceptions also apply to all one-on-one In-Program Contact not specifically addressed in other policies:
    - i. When a Dual Relationship exists; or
    - ii. When the Close-in-Age Exception applies; or
    - iii. If a Minor Athlete needs an Adult Participant Personal Care Assistant, and:
      - the Minor Athlete's parent/guardian has provided written consent to NYSWYSA or a Member Club for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
      - the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
      - the Adult Participant Personal Care Assistant has complied with the NYSWYSA background screening policy; or
    - iv. In other unique circumstances specifically addressed in this policy that allow for certain one-on-one interactions if NYSWYSA or a member Club receives parent/guardian consent.

## **Model Policy: Meetings & Training Sessions**

### **A) Mandatory Components**

- 1) **Observable and Interruptible**  
Adult Participants must follow the one-on-one interaction policy in all meetings and training sessions where Minor Athlete(s) are present.
  
- 2) **Individual Training Sessions**
  - a) One-on-one, In-Program, individual training sessions must be observable and interruptible except if:
    - i. A Dual Relationship exists; or
    - ii. The Close-in-Age Exception applies; or
    - iii. A Minor Athlete needs an Adult Participant Personal Care Assistant, and:
      - the Minor Athlete's parent/guardian has provided written consent to NYSWYSA or a member Club for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
      - the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
      - the Adult Participant Personal Care Assistant has complied with NYSWYSA background screening policy.
  - b) The Adult Participant providing the individual training session must receive advance, written consent from the Minor Athlete's parent/guardian at least annually, which can be withdrawn at any time; and
  - c) Parents/guardians must be allowed to observe the individual training session.
  
- 3) **Meetings with licensed mental health care professionals and health care providers (other than athletic trainers).** If a licensed mental health care professional or licensed health care provider meets one-on-one with a Minor Athlete at a sanctioned event or a facility, which is partially or fully under NYSWYSA jurisdiction, the meeting must be observable and interruptible except:
  - a) If the door remains unlocked; and
  - b) Another adult is present at the facility and notified that a meeting is occurring, although the Minor Athlete's identity needs not be disclosed; and
  - c) NYSWYSA or a member Club is notified that the provider will be meeting with a Minor Athlete; and
  - d) The provider obtains consent consistent with applicable state laws and ethical standards, which can be withdrawn at any time.

### **B) Recommended Components**

- 1) **Monitoring:**  
If a permitted meeting or training session takes place between an Adult Participant(s) and a Minor Athlete(s) at a facility partially or fully under NYSWYSA jurisdiction, another Adult Participant will monitor each meeting or training session. Monitoring includes reviewing the parent/guardian consent form, knowing that the meeting or training session is occurring, knowing the approximate

planned duration of the meeting or training session, and dropping in on the meeting or training session.

2) Parent Training:

Parents/guardians should receive the U.S. Center for SafeSport’s education and training on child abuse prevention before providing consent for their Minor Athlete to have a meeting or training session with an Adult Participant subject to these policies.

## **Model Policy: Athletic Training Modalities, Massages & Rndowns**

### **A. Mandatory Components**

1) Athletic training modality, massage, or rubdown

All In-Program athletic training modalities, massages, or rubdowns of a Minor Athlete must:

- a) Be observable and interruptible; and
- b) Have another Adult Participant physically present for the athletic training modality, massage, or rubdown; and
- c) Have documented consent as explained in #2 below; and
- d) Be performed with the Minor Athlete fully or partially clothed, ensuring that the breasts, buttocks, groin, or genitals are always covered; and
- e) Allow parents/guardians in the room as an observer, except for competition or training venues that limit credentialing.

2) Consent

- a) Providers of athletic training modalities, massages, and rubdowns, when applicable, must obtain consent at least annually from Minor Athletes’ parents/guardians before providing any athletic training modalities, massages, or rubdowns.
- b) Minor Athletes or their parents/guardians can withdraw consent at any time.

### **B) Recommended Components**

1) Parent Training:

Parents/guardians should receive the U.S. Center for SafeSport education and training on child abuse prevention before providing consent for their Minor Athlete to receive an athletic training modality, massage, or rubdown.

2) The provider should narrate the steps in the massage, rubdown, or athletic training modality before taking those steps, seeking consent of the Minor Athlete throughout the process.

3) When possible, techniques should be used that reduce overall physical contact with Minor Athletes.

4) Only licensed providers should administer a massage, rubdown, or athletic training modality.

5) Coaches, Managers and/or Volunteers, regardless of whether they are licensed massage therapists, should not massage Minor Athletes.

## Model Policy: Locker Rooms & Changing Areas

### A. Mandatory Components

#### 1) Observable and Interruptible

Adult Participants must ensure that all one-on-one In-Program Contact with Minor Athlete(s) in a locker room, changing area, or similar space where Minor Athlete(s) are present is observable and interruptible, except if:

- a) A Dual Relationship exists; or
- b) The Close-in-Age Exception applies; or
- c) A Minor Athlete needs a Personal Care Assistant and:
  - i. the Minor Athlete's parent/guardian has provided written consent to NYSWYSA or a member Club for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
  - ii. the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
  - iii. the Adult Participant Personal Care Assistant has complied with NYSWYSA background screening policy.

#### 2) Conduct in Locker Rooms, Changing Areas, and Similar Spaces

- a) No Adult Participant or Minor Athlete can use the photographic or recording capabilities of any device in locker rooms, changing areas, or any other area designated as a place for changing clothes or undressing.
- b) Adult Participants must not change clothes or behave in a manner that intentionally or recklessly exposes their breasts, buttocks, groins, or genitals to a Minor Athlete.
- c) Adult Participants must not shower with Minor Athletes unless:
  - i. The Adult Participant meets the Close-in-Age Exception; or
  - ii. The shower is part of a pre- or post-activity rinse while wearing swimwear.
- d) Parents/guardians may request in writing that their Minor Athlete(s) not change or shower with Adult Participant(s) during In-Program Contact. NYSWYSA, member Clubs, and the Adult Participant(s) must abide by this request.

#### 3) Media and Championship Celebrations in Locker Rooms

- a) NYSWYSA or a member Club may permit recording or photography in locker rooms for the purpose of highlighting a sport or athletic accomplishment if:
  - I. Parent/legal guardian consent has been obtained; and
  - II. NYSWYSA/member Clubs approves specific instance of recording/photography; and
  - III. Two or more Adult Participants are present; and
  - IV. Everyone is fully clothed.

#### 4) Personal Care Assistants

Adult Participant Personal Care Assistants are permitted to be with and assist Minor Athlete(s) in locker rooms, changing areas, and similar spaces where other Minor Athletes are present, if they meet the requirements in section (1-c) above.

#### 5) Availability and Monitoring of Locker Rooms, Changing Areas, and Similar Spaces

- a) NYSWYSA or the member Club must provide a private or semi-private place for Minor Athletes that need to change clothes or undress at sanctioned events or facilities partially or fully under NYSWYSA jurisdiction.
- b) NYSWYSA or the member Club must monitor the use of locker rooms, changing areas, and similar spaces to ensure compliance with these policies at sanctioned events or facilities partially or fully under NYSWYSA jurisdiction.

## **Model Policy: Electronic Communications**

### **A. Mandatory Components**

#### 1) Open and Transparent

- a) All one-on-one electronic communications between an Adult Participant and a Minor Athlete must be Open and Transparent except:
  - i. When a Dual Relationship exists; or
  - ii. When the Close-in-Age Exception applies; or
  - iii. If a Minor Athlete needs a Personal Care Assistant and:
    - the Minor Athlete’s parent/guardian has provided written consent to NYSWYSA or a member Club for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
    - the Adult Participant Personal Care Assistant has complied with NYSWYSA background screening policy.
- b) Open and Transparent means that the Adult Participant copies or includes the Minor Athlete’s parent/guardian, another adult family member of the Minor Athlete, or another Adult Participant.
  - If a Minor Athlete communicates with the Adult Participant first, the Adult Participant must follow this policy if the Adult Participant responds.
- c) Only platforms that allow for Open and Transparent communication may be used to communicate with Minor Athletes.

#### 2) Team Communication

When an Adult Participant communicates electronically to the entire team or any number of Minor Athletes on the team, the Adult Participant must copy or include another Adult Participant or the Minor Athletes’ parents/guardians.

#### 3) Content

All electronic communication originating from an Adult Participant(s) to a Minor Athlete(s) must be strictly professional in nature unless an exception in section (1-a) above exists.

#### 4) Requests to Discontinue

Parents/guardians may request in writing that NYSWYSA, a member Club, or an Adult Participant subject to this policy not contact their Minor Athlete through any form of electronic communication. NYSWYSA, a member Club, and/or the Adult Participant must abide by any request to discontinue, absent emergency circumstances.

## **B. Recommended Components**

### 1) Hours

Electronic communications should generally be sent only between the hours of 8:00 a.m. and 8:00 p.m. local time for the location of the Minor Athlete.

### 2) Social Media Connections

Adult Participants, except those with a Dual Relationship or who meet the Close-in-Age Exception, are not permitted to maintain private social media connections with Minor Athletes and should discontinue existing social media connections with Minor Athletes.

## **Model Policy: Transportation**

### **A) Mandatory Components**

#### 1) Transportation

- a) An Adult Participant cannot transport a Minor Athlete one-on-one during In-Program travel, except if:
  - i. A Dual Relationship exists; or
  - ii. The Close-in-Age Exception applies; or
  - iii. A Minor Athlete needs a Personal Care Assistant and:
    - the Minor Athlete's parent/guardian has provided written consent to NYSWYSA or a member Club for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
    - the Adult Participant Personal Care Assistant has complied with the NYSWYSA background screening policy; or
  - iv. The Adult Participant has advance, written consent to transport the Minor Athlete one-on-one obtained at least annually from the Minor Athlete's parent/guardian.
- b) Minor Athlete(s) or their parent/guardian can withdraw consent at any time.
- c) An Adult Participant meets the In-Program transportation requirements if the Adult Participant is accompanied by another Adult Participant or at least two minors.
- d) Written consent from a Minor Athlete's parent/guardian is required for all transportation sanctioned by NYSWYSA at least annually.

### **B) Recommended Components**

#### 1) Shared or Carpool Travel Arrangement

The Organization encourages parents/guardians to pick up their Minor Athlete first and drop off their Minor Athlete last in any shared or carpool travel arrangement.

#### 2) Parent Training

Parents/guardians should receive the U.S. Center for SafeSport education and training on child abuse prevention before providing consent for their Minor Athlete to travel one-on-one with an Adult Participant.

## **Model Policy: Lodging**

### **A. Mandatory Components**

#### 1) Hotel Rooms and Other Sleeping Arrangements

- a) All In-Program Contact at a hotel or lodging site between an Adult Participant and a Minor Athlete must be observable and interruptible, and an Adult Participant cannot share a hotel room or otherwise sleep in the same room with a Minor Athlete(s), except if:
  - i. A Dual Relationship Exists, and the Minor Athlete's parent/guardian has provided NYSWYSA or a member Club with advance, written consent for the lodging arrangement; or
  - ii. The Close-in-Age Exception applies, and the Minor Athlete's parent/guardian has provided NYSWYSA or a member Club with advance, written consent for the lodging arrangement; or
  - iii. The Minor Athlete needs a Personal Care Assistant, and:
    - The Minor Athlete's parent/guardian has provided advance, written consent to NYSWYSA or a member Club for the Adult Participant Personal Care Assistant to work with the Minor Athlete and for the lodging arrangement; and
    - The Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
    - The Adult Participant Personal Care Assistant has complied with the NYSWYSA background screening policy.
- b) Written consent from a Minor Athlete's parent/guardian must be obtained for all In-Program lodging at least annually.

#### 2) Monitoring or Room Checks During In-Program Travel

If NYSWYSA or a member Club performs room checks during In-Program lodging, the one-on-one interaction policy must be followed and at least two adults must be present for the room checks.

#### 3) Additional Requirements for Lodging Authorized or Funded by NYSWYSA or a Member Club

- a) Adult Participants traveling with NYSWYSA or a member Club must agree to and sign the NYSWYSA or member Club lodging policy at least annually.
- b) Adult Participants that travel overnight with Minor Athlete(s) are assumed to have Authority over Minor Athlete(s) and thus must comply with mandated Safesport Education & Training Policy.

### **B. Recommended Components**

#### 1) Parent Training

Parents/guardians should receive the U.S. Center for SafeSport's education and training on child abuse prevention before providing consent for lodging arrangements under this policy.

## **PART IV - RECOMMENDED POLICIES FOR KEEPING YOUNG ATHLETES SAFE**

### A) Out-of-Program Contact

Adult Participants who do not meet the Close-in-Age Exception nor have a Dual Relationship with a Minor Athlete, should not have out-of-program contact with Minor Athlete(s) without legal/parent guardian consent, even if the out-of-program contact is not one-on-one.

### B) Gifting

- 1) Adult Participants, who do not meet the Close-in-Age Exception nor have a Dual Relationship with a Minor Athlete, should not give personal gifts to Minor Athlete(s).
- 2) Gifts that are equally distributed to all athletes and serve a motivational or education purpose are permitted.

### C. Photography/Video

- 1) Photographs or videos of athletes may only be taken in public view and must observe generally accepted standards of decency.
- 2) Adult Participants should not publicly share or post photos or videos of Minor Athlete(s) if the Adult Participant has not obtained the Parent/Guardian and Minor Athlete's consent.
- 3) Photography or video that includes Minor Athlete(s) under 13 years of age must comply with the current FTC Children's Online Privacy Protection Act (COPPA) which can be found at the following link:  
<https://www.ftc.gov/legal-library/browse/rules/childrens-online-privacy-protection-rule-coppa>.

## TERMINOLOGY

**Adult Participant:** Any adult (18 years of age or older) who is:

- a) A member or license holder of NYSWYSA or its member Clubs.
- b) An employee or board member of NYSWYSA or its member Clubs.
- c) Within the governance or disciplinary jurisdiction of NYSWYSA or its member Clubs.
- d) Authorized, approved, or appointed by NYSWYSA or its member Clubs to have regular contact with and/or authority over Minor Athletes.

**Amateur Athlete:** An athlete who meets the eligibility standards established by a National Governing Body or paralympic sports organization for the sport in which the athlete competes.

**Authority:** When one person's position over another person is such that, based on the totality of the circumstances, they have the power or right to direct, control, give orders to, or make decisions for that person.

**Close-in-Age Exception:** An exception applicable to certain policies when an Adult Participant does not have authority over a Minor Athlete and is not more than four years older than the Minor Athlete (e.g., a 19-year-old and a 16-year-old). **Note: this exception only applies within the prevention policies and not regarding conduct defined in the SafeSport Code (e.g, Player Safesport requirements).**



**Dual Relationships:** An exception applicable to certain policies when an Adult Participant has a dual role or relationship with a Minor Athlete and the Minor Athlete's parent/guardian has provided written consent at least annually authorizing the exception.

**In-Program Contact:** Any contact (including communications, interactions, or activities) between an Adult Participant and any Minor Athlete(s) related to participation in sport. Examples of In-Program Contact include, but are not limited to competition, practices, camps/clinics, training/instructional sessions, pre/post-game meals or outings, team travel, review of game film, team- or sport-related relationship building activities, celebrations, award ceremonies, banquets, team- or sport-related fundraising or community service, sport education, or competition site visits.

**Local Affiliated Organization (LAO):** A regional, state, or local club or organization that is directly affiliated with an NGB or that is affiliated with an NGB by its direct affiliation with a regional or state affiliate of said NGB such as NYSWYSA or a member Club. LAO does not include a regional, state, or local club or organization that is only a member of a National Member Organization of an NGB.

**Minor Athlete:** An Amateur Athlete under 18 years of age who participates in, or participated within the previous 12 months in, an event, program, activity, or competition that is part of, or partially or fully under the jurisdiction of NYSWYSA or an NGB, PSO, USOPC, or LAO.

**Partial or Full Jurisdiction:** Includes any sanctioned event (including all travel and lodging in connection with the event) by NYSWYSA or a NGB, PSO, USOPC, or LAO, or any facility that NYSWYSA or a NGB, PSO, USOPC, or LAO owns, leases, or rents for practice, training, or competition.

**National Governing Body (NGB):** A U.S. Olympic National Governing Body, Pan American Sport Organization, or Paralympic Sport Organization recognized by the U.S. Olympic & Paralympic Committee pursuant to the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501, et seq. This definition shall also apply to the USOPC, or other sports entity approved by the USOPC, when they have assumed responsibility for the management or governance of a sport included on the program of the Olympic, Paralympic, or Pan-American Games.

**Adult Participant Personal Care Assistant:** An Adult Participant who assists an athlete requiring help with activities of daily living (ADL) and preparation for athletic participation. This support can be provided by a Guide for Blind or visually impaired athletes or can include assistance with transfer, dressing, showering, medication administration, and toileting. Personal Care Assistants are different for every athlete and should be individualized to fit their specific needs. When assisting a Minor Athlete, Adult Participant PCAs must be authorized by the athlete's parent/guardian.

**Paralympic Sport Organization (PSO):** an amateur sports organization recognized and certified as an NGB by the USOPC.

**Regular Contact:** Ongoing interactions during a 12-month period wherein an Adult Participant is in a role of direct and active engagement with any Minor Athlete(s).

## Appendix B – NYSWYSA Model Prohibited Conduct Policy

### A) APPLICATION

This Policy applies to:

- Members or license holders of NYSWYSA or its member Clubs,
- Employees and board members of NYSWYSA and the employees and board members of NYSWYSA member Clubs,
- Anyone within NYSWYSA governance or disciplinary jurisdiction.
- For the purposes of this policy the term “employment” also includes unpaid volunteers.

All definitions in this policy are taken from the SafeSport Code for the U.S. Olympic and Paralympic Movement the (“SafeSport Code”), as may be amended from time to time. In the event of any conflict between this Policy and the SafeSport Code, the SafeSport Code will govern. The most recent SafeSport Code is always available at [www.athletesafety.org](http://www.athletesafety.org).

### B) PROHIBITED CONDUCT

#### 1. Harassment

Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based upon a person’s protected status. NYSWYSA 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.

#### 2. Sexual Harassment

Sexual harassment deserves special mention. 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 either explicitly or implicitly a term or condition of the individual’s employment, or
- submission to or rejection of such conduct by an individual serves 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.

### **3. Racial, Religious, or National Origin Harassment**

Racial, religious, or national origin harassment deserves special mention as well, and is expressly prohibited by NYSWYSA. 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.

### **4. Child Abuse, Including Child Sexual Abuse**

Child abuse is prohibited. Child abuse is defined as the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child. Specifically, child sexual abuse 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 whether the child understands the sexual nature of the activity.

### **5. Sexual Misconduct and Power Imbalance**

Sexual misconduct is prohibited. Sexual misconduct includes:

- Sexual Harassment as defined in Section B.2 above,
- non-consensual touching of a sexual nature, however slight,
- watching, recording, or disseminating images of private sexual activity without the consent of all parties, and

- engaging in solicitation of prostitution or prostituting or trafficking another person.

Any sexual interaction between an athlete and an individual where there is a power imbalance is prohibited. A power imbalance exists when one person has evaluative, direct, or indirect authority over another. 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.

## **6. 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.

## **7. 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.

## **8. 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 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.

## **9. 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. Purported consent by the person subject to hazing is not a defense, regardless of the person's willingness to cooperate or participate. Hazing does not include group or team activities that (a) are meant to establish normative team behaviors or (b) promote team cohesion.

## **10. Retaliation**

Retaliation against a person for reporting prohibited conduct or for participating in an investigation of a report of misconduct under this policy, is prohibited. Retaliation means any adverse action, or threat to take

an adverse action including, but not limited to threatening, intimidating, harassing, coercing, or any other action or conduct with the potential effect of dissuading a reasonable person from reporting under this policy or participating in the investigation of a report.

### **11. Aiding and Abetting**

Aiding and abetting is prohibited. Aiding and abetting is defined as:

- knowingly assisting, in any way, the commission of prohibited conduct under this policy or,
- allowing any person who has been suspended or ruled ineligible by the U.S. Center for SafeSport and/or US Youth Soccer to participate, in any capacity, in NYSWYSA programs.

### **12. Abuse of Process**

Abuse of process is prohibited. Abuse of process is defined as interfering with the U.S. Center for SafeSport's process by:

- falsifying, misrepresenting, concealing, or destroying information,
- attempting to discourage a person's participation in the Center's process,
- publicly disclosing a claimant (or victim's) information,
- failing to comply with a temporary measure or other sanction,
- distributing or publicizing materials created or produced by the Center except as expressly permitted by the Center, or
- having another person complete any Center required training for them.

### **13. Misconduct Related to Reporting**

Misconduct related to reporting is prohibited. Misconduct related to reporting is defined as:

- Failing to report allegations to the Center for Safesport or to a law enforcement agency under Section B above, or
- Filing a knowingly false allegation that someone engaged in prohibited conduct.

## **C. REPORTING OBLIGATIONS**

Everyone covered by this policy as set forth under Section A is required to report prohibited conduct. This section shall not be interpreted to require a victim of abuse to make a report.

### **1) Reporting to Law Enforcement and the U.S. Center for SafeSport**

Any allegation of child abuse, as defined by Section 4 herein, including child sexual abuse, must be reported within 24 hours to:

- Local law enforcement, any other agency as required by state law, and
- The U.S. Center for SafeSport, at <https://uscenterforsafesport.org/report-a-concern> or directly at 833-587-7233.

## 2) Reporting to the U.S. Center for SafeSport

The following allegations must be reported within 24 hours to the U.S. Center for SafeSport, at <https://uscenterforsafesport.org/report-a-concern> or directly at 833-587-7233:

- Sexual misconduct as defined by Section B.5. herein,
- Retaliation as defined by Section B.10. herein,
- Aiding and abetting as defined by Section B.11. herein, when it relates to the Center’s process, and
- Abuse of process as defined by Section B.12. herein, when it relates to the Center’s process.

## 3) Reporting Allegations to NYSWYSA

All other allegations of conduct prohibited by this policy or the Code, as well as violations of the NYSWYSA Minor Athlete Abuse Prevention Policy (“MAAPP”) must be reported to NYSWYSA as soon as possible by:

- **General Reporting Procedure**

NYSWYSA reporting procedures provide a mechanism that allows a complaint to be easily reported for a reasonable suspicion of Sexual or Physical abuse/neglect, within a 24-hour period of awareness. Any allegation of child abuse must be reported to the Center for Safe Sport, local law enforcement, and/or child and family services as required by NY State law. Any allegation of sexual misconduct, regardless of the age of the parties involved, must also be reported to the Center for Safe Sport. **IN NEW YORK STATE, CLUB MEMBERS DEFINED BY THIS POLICY ARE MANDATED REPORTERS. *Any individual who is required, but fails, to report suspected child sexual abuse in New York State is subject to criminal penalties including fines and imprisonment of up to one (1) year in jail.***

- **Mechanism for Reporting**

Everyone listed below **MUST** be contacted when physical or sexual abuse is suspected:

- 1) Local Law Enforcement Jurisdiction or 911 (posted on a Member Club website and given to athletes and parents)
- 2) Local Child Protective Services Number (posted on a Member Club website and given to athletes and parents). Numbers can be found in your County Directory.
- 3) New York State Office of Children and Family Services (OCFS) Hotline (**800-342-3720**)
- 4) Member Club Risk Management Designee (every club must have a designee for reporting)
- 5) NYSWYSA Risk Management at [riskmanagement@nyswysa.org](mailto:riskmanagement@nyswysa.org)
- 6) US Soccer & The Center for Safesport:
  - i. US Soccer at <https://www.ussoccer.com/report-a-concern>
  - ii. US Center for SafeSport at 833-587-7233 or <https://safesport.i-sight.com/portal>

- **Other Forms of Prohibited Conduct & Procedures**

This includes misconduct such as emotional abuse, bullying, hazing or other form of harassment not covered by the mechanism in the preceding section(s) should be reported as follows:

- 1) Member Club Risk Management Designee (every club must have a designee for reporting).
- 2) Member Club Board of Directors – There should be a process in place to document and address these other forms of Prohibited Conduct. Internal Club decisions should be sent to the NYSWYSA Risk Management Committee at [riskmanagement@nyswysa.org](mailto:riskmanagement@nyswysa.org).
- 3) NYSWYSA Risk Management Coordinator at [riskmanagement@nyswysa.org](mailto:riskmanagement@nyswysa.org).

### **C) ENFORCEMENT AND RESOLUTION**

Any allegation of Prohibited Conduct reported under Section B above falling under the jurisdiction of NYSWYSA herein shall be addressed by NYSWYSA, subject to a grievance process set forth in NYSWYSA By-Law Article 6, Section 9 and the current NYSWYSA Adjudication Manual that is materially free of bias and conflicts of interest, and which includes the opportunity for review by a disinterested individual or group and a right to appeal a final decision subject to the terms set forth in U.S. Soccer Bylaw 704.

### **Appendix C – NYSWYSA Minor Risk Management Parental Attestation (13-17 YOA)**

This appendix provides the current version of the Parental Attestation found in the GotSport system for Minor Risk Management applicants as required by NYSWYSA policy:

#### **THIS PARENTAL ATTESTATION APPLIES ONLY TO MINOR APPLICANTS UNDER THE AGE OF 18:**

In order to provide a safe environment for the children Minor athletes who play in sanctioned NYSWYSA member programs, we follow USSF/USYS policy by screening all persons 18 years of age and older via a criminal background check process. In New York State, the illegal actions and undesirable behaviors of Minors (persons under the age of 18) often are regulated by sealed court records thereby prohibiting a typical background check on minors.

Many young people under the age of 18 wish to serve as Referees/Coaches. Therefore, in lieu of a background check, for Minors under 18 years of age who wish to serve as Referees/Coaches must have a Parent/Legal Guardian Attest Herein to the Minor Applicant's sound character, and appropriate social, emotional, and moral development.

By completing this application process for a Minor under the age of 18, it is agreed to that a Parent/Legal Guardian assisted in completing the application and therefore Attests Herein to the following as it concerns each applicant under the age of 18:

- 1.) The applicant desires to be a Referee/Coach as authorized by NYSWYSA for NYSWYSA sanctioned events.
- 2.) The applicant has NOT been disqualified or suspended from volunteering for a Referee/Coaching position with any athletic team in any athletic program or refereeing in any athletic program in New York or any other state.
- 3.) The applicant does NOT have a history of psychological/psychiatric issues that could make him or her unable to be a Referee/Coach.

- 4.) The applicant has NOT been treated for anger management issues.
- 5.) The applicant has NOT engaged in or been treated for inappropriate sexual behavior.
- 6.) The applicant does NOT have addiction problems with legal prescriptions, illegal substances and/or alcohol abuse.
- 7.) The applicant does NOT have any other issues which a reasonable person would consider relevant to the acceptability of a person to be a Referee/Coach for NYSWYSA sanctioned activities.
- 8.) The applicant, regardless of adjudication as a youthful offender, has NOT: (a) been found guilty, pled guilty, or pled "no contest", to any "Disqualifying Offense"; (b) had a charge pending against him/her in which it is alleged that he/she has committed any "Disqualifying Offense"; or (c) had a record of conviction of an equivalent "Disqualifying Offense" in any other state or jurisdiction.

"Disqualifying Offenses" include:

- (a) All sex offenses (examples include but are not limited to child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, obscenity offenses involving children, possession of or other offenses involving child pornography, etc.);
- (b) All violence offenses (examples include but are not limited to murder, manslaughter, aggravated assault, kidnapping, robbery, firearms, aggravated burglary, simple assault, battery, domestic violence, arson, etc.);
- (c) Other offenses such as fraud, theft, larceny, embezzlement, disorderly conduct, or other public order offenses;
- (d) Any drug offense (examples include but are not limited to possession of drug paraphernalia, possession of marijuana by a Minor, controlled substances, distribution of marijuana or controlled substances, etc.);
- (e) Vehicular alcohol offenses (examples include but are not limited to driving under the influence, driving while intoxicated, etc.);
- (f) Any other Misdemeanor or Felony that would be considered a potential danger to children and minor athletes or is directly related to the functions of a Referee/Coach (examples include but are not limited to contributing to the delinquency of a minor, providing alcohol to a minor, stalking, etc.).

As the Parent/Legal Guardian of the applicant by clicking "I AGREE," I do Attest Herein that I have answered the above questions truthfully and that he/she is fit to serve as a Referee/Coach. I assume responsibility for his/her behavior in the role of Referee/Coach on the pitch/field/venue, and whenever around other children and Minor athletes in the role of Referee/Coach, and realize that the right to be an approved Referee/Coach in accordance with NYSWYSA policies can be suspended/revoked immediately without right to appeal.

If the Parent/Legal Guardian is unable to attest to ALL elements of this Attestation they must contact NYSWYSA Risk Management staff directly to continue the approval process.