

BYLAW IX - RISK MANAGEMENT/KIDSAFE PROGRAM

1. RISK MANAGEMENT/KIDSAFE PROGRAM MISSION

- A. The KIDSAFE PROGRAM is a program to foster safe circumstances for every person, and especially every child, who participates in a Nebraska Soccer Activity. It is designed to inform all volunteers, contractors and staff concerning the risks associated with youth programs.
- B. To promote health, safety and protection of children in the game of soccer, Nebraska Soccer has adopted the following objectives:
 - 1. To identify all volunteers, contractors and staff;
 - 2. To develop and communicate the KIDSAFE Program Overview to all coaches and program administrators;
 - 3. To monitor the implementation of the above objectives.
- C. It is the intent of Nebraska Soccer and its affiliated organizations to exclude from participation in Nebraska Soccer or US Youth Soccer activities, at a minimum, all persons who have been convicted of crimes of violence or crimes against persons.

2. KIDSAFE PROGRAM OVERVIEW AND OPERATION

A. OVERVIEW -

All volunteers, contractors and staff will submit a Disclosure Form on-line at the State's web site or request a manual form from the State Office and mail back to the State Office for submittal. The State web site will be linked to the on-line registration provider's web site so that upon submittal of the form the registration program will know that the form has been submitted. When the form is submitted it will go into a Disclosure Form Database. Clubs and affiliates will not have to collect the Disclosure Forms. If yes is checked on any of the background questions the State KIDSAFE Coordinator will be notified immediately and they will review the form as required within the policy.

The State KIDSAFE Coordinator will check as necessary the Disclosure Form Database for compliance of all clubs or affiliates in entering their volunteers, contractors and staff as described in Section 4. Each Club or Affiliate Coordinator will be able to go into the Disclosure Form Database to see compliance within their organization and will be required to contact their volunteers, contractors and staff for submittal of forms. Effective January 1, 2005 no passes will be issued for coaches until they have submitted their Disclosure Form.

Twice a year, once in the fall and once in the spring there will be a random list of volunteers, contractors and staff selected from the registration software for criminal history checks (background). Each selection will consist of five (5) percent of names in the Disclosure Form Database for each club or affiliate. These names will be submitted for criminal history checks (background checks). The State Association will also do criminal history checks (background) on all staff, including ODP and Coaching Staff. Clubs and affiliate will be notified of the results of the criminal history checks (background check). If there are risk management concerns on any checks the State Coordinator will work with the Affiliate Coordinator to clear up any concerns.

B. OPERATIONS:

1. COORDINATORS:

- A. State Level: The Operations Manager/Executive Director of Nebraska Soccer will be name the State KIDSAFE Coordinator and the President of Nebraska Soccer or a designated representative will be the alternate.
- B. Club/Affiliate Level: Each Club/Affiliate will name an Affiliate Coordinator. If the Club/Affiliate names no one, then the President of said affiliate will be the Coordinator.

2. DUTIES OF COORDINATORS:

- A. State KIDSAFE Coordinator and Alternate:
 - 1. The State KIDSAFE Coordinator will be responsible for the duties:

- A. Administration of Program
 - B. Notify all clubs/affiliates of KIDSAFE PROGRAM requirements.
 - C. Maintaining the Disclosure Forms Database in secure storage to ensure confidentiality.
 - D. Maintaining the Criminal History Reports (Background checks) in secure storage to ensure confidentiality.
 - E. Maintaining all written records in secure storage to ensure confidentiality.
 - F. Ensuring and documenting club/affiliate compliance.
 - G. Review of Disclosure Forms Database.
 - H. Coordination of criminal history checks (background checks) for random or requested checks.
 - I. Contact applicants as needed if there are risk management concerns on any Disclosure Forms or Criminal History Checks (background).
 - J. Administrative notification of suspension to those applicants (whether new applicants or returning members) who fail to meet the standards of the program as defined by Nebraska Soccer and to any club/affiliate that applicant is affiliated.
 - K. Notify Risk Management Committee (RMC) of any suspensions, risk management concerns with Disclosure Forms Database or Criminal History Checks (Back Ground Checks).
2. Alternate shall perform the duties of the State KIDSAFE Coordinator in the event of the latter's absence or disability.
- B. Affiliate Coordinator:
- 1. Notify all members in their organization of KIDSAFE PROGRAM requirements.
 - 2. Ensuring and documenting member compliance.
 - A. Registering all members on Nebraska Soccer registration program, including all individuals that may have interaction with youth players under the umbrella of Nebraska Soccer.
 - B. Checking Disclosure Form Database for non-compliance on entry for required forms
 - 3. Contacting members as needed for compliance.
 - 4. State contact for any risk management concerns with their members.
 - 5. Assist State Coordinator with collection of manual Disclosure Forms for random background checks.

3. RISK MANAGEMENT COMMITTEE (RMC):

A. Membership - The RMC members will be the Operations Manager/Executive Director, the President and the Past President. The President may appoint a replacement if any of these positions is vacant.

B. Duties:

- 1. Review with State KIDSAFE Coordinator any risk management concerns with in the program.
- 2. Revoke any applicant's privileges as volunteers, employees or anyone position listed under Conditions for Registration for risk management concerns as established by the Nebraska Soccer Board of Directors.
- 3. Notify Board of Directors of any revoking or suspension of privileges during Executive Session of any

Board

Meeting.

4. CONDITION OF REGISTRATION, CONTRACTING OR EMPLOYMENT REQUIREMENTS:

Nebraska Soccer and US Youth Soccer have placed as a condition of registration, contracting or employment the following requirements for all volunteers, contractors and staff:

- A. Only persons who comply with this condition and requirements shall be registered, contracted or employed by Nebraska Soccer.
- B. Shall complete a Disclosure Form upon seeking to volunteer, to be employed or contracting with Nebraska Soccer.

- C. Shall by completion of Disclosure Form agree to be subject to a legally sensitive criminal history check (Background Check) before or during their participation in the Nebraska Soccer programs.

5. DEFINITION OF VOLUNTEERS, CONTRACTORS AND STAFF:

Volunteers, Contractors and Staff are defined as:

- A. Non-paid members of Nebraska Soccer Board of Directors; Education Staff; Coaching Education Staff; ODP Coaches and Scouts; Club/Affiliate's Officers and Board Members; and Program Directors, Team Managers, Athletic Trainers, Coaches, Assistant Coaches and Substitute Coaches, and anyone else at the discretion of any club/affiliate who may have interaction with youth under the umbrella of Nebraska Soccer.
- B. Paid members, independent contractors or employees of Nebraska Soccer and any of its Programs, Clubs and Affiliates.
- C. Referees, Assistant Referees, 4th Officials, Instructors, Assessors or any member of the Referee Program, non-paid or paid as an independent contractor.

6. SUSPENSIONS OR REVOCATION OF PRIVILEGES

- A. The State KIDSAFE Coordinator has the authority to suspend any members privileges of serving or being paid as volunteers, contractors or staff for risk management concerns, provided the suspension is submitted to the RMC within 10 days of the date of the suspension.
- B. The RMC has the authority to suspend, or revoke any member's privileges of serving or being paid as volunteers, contractors or staff for risk management concerns as established by the Nebraska Soccer Board of Directors. Once the RMC has suspended or revoked a member's privilege, the decision may not be overruled except as set forth in the appeals process in Section 7.
- C. A club or affiliate of Nebraska Soccer may, upon written request, petition Nebraska Soccer to suspend or revoke the privileges of members for risk management concerns. The written request shall be submitted to the State KIDSAFE Coordinator in care of the Nebraska Soccer Office. The State KIDSAFE Coordinator shall investigate the request and reply in writing within Thirty (30) days to the club or affiliate.

7. GROUNDS FOR SUSPENSION OR REVOCATION OF PRIVILEGES

Nebraska Soccer has adopted the following grounds for suspension or revocation of privileges:

- A. Any conviction or adjudication of guilt for a crime against a person, whether misdemeanor or felony.
- B. Any conviction or adjudication of guilt for drugs or narcotics felony crimes in the last seven (7) years.
- C. Any conviction or adjudication of guilt for sale, manufacture or intent to deliver drugs.
- D. Any conviction or adjudication of guilt for a crime against a child, or offenses relating to morals, whether misdemeanor or felony.
- E. Any conviction or adjudication of guilt for child abuse, whether misdemeanor or felony.
- F. Any record of sexual offense and/or sexual misconduct, including, but not limited to misdemeanor or felony convictions or charges.
- G. Intentionally falsifying information on the Disclosure Form.
- H. Refusal to fully complete the Disclosure Form.
- I. Any conduct which discriminates against any individual on the basis of race, color, ancestry, national origin, religion, age, marital status, sex, and sexual orientation which includes sexual harassment, which may consist of a request for sexual favors, unwanted or illegal sexual advances or propositions, verbal, physical and visual harassment, stalking, and unwanted or illegal sexual contact.
- J. Any person who becomes involved as a defendant in litigation detrimental to the welfare of youth players, or litigation based on activities or conduct that reasonably may be deemed to be detrimental to the welfare of youth players, shall be suspended by the RMC or State KIDSAFE Coordinator from all soccer-related activities until completion of the litigation. Upon written request of the suspended person, the status of such person shall be reviewed by the RMC at the completion of the litigation. Matters detrimental to the welfare of youth players shall include but not be limited to crimes of moral turpitude, felonies and any of the crimes or activities referred to above. The person has a right to appeal whether the matter that is the substance of the accusation, if true, is detrimental to the welfare of youth players.

Privileges may be reinstated at the conclusion of the litigation process by the RMC.

8. APPEAL PROCEDURES:

The Nebraska Soccer Board of Directors shall hear appeals arising from Risk Management/KIDSAFE Program suspensions or revocations. The decisions of Board of Directors shall be appealable to USSF pursuant to USSF Rule 705. The appeal process will be as follows:

- A. All appeals shall be subject to Nebraska Soccer normal appeal fees.
- B. Upon receipt of the notice of suspension, or revocation the applicant has fifteen (15) business days to notify the RMC of intend to appeal such action. This notification shall be in writing and sent to the RMC in care of the State Office.
- C. The applicant will be notified, in writing, of the time, date and place of the appeal hearing. Such notification shall be sent by regular mail, e-mail or via facsimile transmission.
- D. At the time of the hearing, all evidence on behalf of Nebraska Soccer shall be presented to the appeal board by the RMC. The appellant may present any supporting documentation for the appeal.

9. NOTIFICATION PROCEDURES:

Notification of risk management actions shall be communicated to the principle parties at the same time and method and shall be accomplished by Certified mail.

10. SUBMITTAL DISCLOSURE FORMS:

Submittal of Disclosure Forms will be required by anyone defined in Section 4 of this policy and be submitted in the following manner:

- A. On-line Disclosure Form - available at Nebraska Soccer web site or from a link on any club or affiliates web site. Submitting the form on-line and by checking the box authorizing processing will be considered signing the form and will allow Nebraska Soccer to process the form for criminal history checks (Background Checks).
- B. Requesting a manual Disclosure Form from the State Office and returning the form to the State KIDSAFE Coordinator in care of the State Office

11. PROCESSING CRIMINAL HISTORY CHECKS (BACKGROUND CHECKS):

The State KIDSAFE Coordinator will be responsible for contracting with a service to provide the criminal history checks, keeping in mind the budget for said checks.