

NEVADA YOUTH SOCCER ASSOCIATION

SECTION 17

RISK MANAGEMENT

17:01:00 **NYSA RISK MANAGEMENT POLICY STATEMENT:**

17:01:01 The risk management procedures shall govern the administration and implementation of the NYSA Risk Management Program, consistent with USYS and USSF bylaws and requirements.

17:02:00 **NYSA RESPONSIBILITIES:**

17:02:01 NYSA will not discriminate against any individual on the basis of race, color, religion, age, gender or national origin.

17:02:02 NYSA is responsible for establishing and monitoring a Risk Management Program within its assigned territory. At a minimum this program must include:

- A. Use of an employment/volunteer disclosure statement for all volunteers, employees, coaches and program administrators who are involved with any sanctioned or sponsored program of the affiliated organization; and
- B. Identification of a Risk Management Coordinator (RMCoord) and an alternate for the position. For NYSA, the RMCoord is the Second Vice-president, and the alternate is the President.

17:03:00 **RISK MANAGEMENT COMMITTEE:**

17:03:01 The overall responsibility for the administration of the NYSA Risk Management Program shall rest with the Risk Management Committee (RMC), chaired by the Second Vice-president.. The Committee shall consist of not less than three (3) and no more than five (5) persons. Each member of the Committee will sign confidentiality agreements and disclosure forms. Committee members will be selected by the Second Vice-president and ratified by the NYSA BOD. Committee members must adhere to the policies set forth by USSF, USYS, and NYSA.

17:04:00 **KID SAFE PROGRAM:**

17:04:01 NYSA has adopted the USSF Bylaw 213 and the USYS Kid Safe Program, and it is the intent of NYSA to exclude from participation, at a minimum, all persons who engage in discriminatory conduct, have been convicted of crimes of violence, crimes against persons, crimes against property or felonies. NYSA will comply with all USYS guidelines and procedures in this regard.

17:04:02 USYS and NYSA have placed as a condition of registration, the requirement of all Program Administrators to complete a Risk Management Disclosure form. Only

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- persons who comply with this condition shall be registered as a Program Administrator by NYSA.
- 17:04:03 Program Administrators are defined as: State Board members, education staff, ODP coaches, ODP administrators, League Board members, league coaches, assistant coaches, team managers, athletic trainers, and anyone else who has an official capacity in the youth soccer program.
- 17:04:04 Referees, assistant referees and 4th officials shall be governed by the rulings of the State Referee Association (SRA), SYRA, USSF, and NYSA.
- 17:04:05 It is the policy of NYSA that every reasonable effort will be taken under the Kid Safe Program to exclude from the program responsibilities (not to be confused with parental responsibilities affecting their own children) any adult or minor with a documented history of child molestation, e.g., a criminal record that would bring any unnecessary risk to the health and safety of NYSA's youth soccer program participants.
- 17:04:06 All Program Administrators shall agree to be subject to a legally sensitive criminal history check (which may require fingerprinting) before or during their participation in the NYSA youth soccer program.
- 17:04:07 **Administration:**
- 17:04:07:01 This program shall be administered by the RMC and overseen by the Second Vice-president. The NYSA office staff shall assist the Committee and be responsible for maintaining the disclosure forms in secure storage to insure confidentiality.
- 17:04:07:02 The Chairman of the RMC is responsible for monitoring and documenting NYSA/league compliance with the Kid Safe Program, which includes but is not limited to:
- A. Ensuring league/club compliance within the State.
 - B. Review of disclosure forms.
 - C. Managing and overseeing registration procedures for coaches and program administrators.
 - D. Acting as the first line of contact for affiliated leagues when risk management problems occur.
 - E. Immediately report any incident of noncompliance to the NYSA BOD.
 - F. Coordinate criminal history and background checks.
 - G. Supply administrative notification of exclusion to those applicants (whether new applicants or returning members) who fail to meet the standards of this program as defined by the NYSA Risk Management Procedure and the Kid Safe Program.

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- H. With specific NYSA BOD approval, require submission of fingerprints and order a criminal history check on an individual, group, or random sample of program administrators and applicants. The Chairman will report to the NYSA BOD.

17:04:08 **Registration for Program Administrators:**

- 17:04:08:01 Registration for program administrators as described in shall be available during office hours on a year round basis. The required forms and background checks are to be submitted before the administrative position is accepted.
- 17:04:08:02 The background check shall be filed once every three (3) years. This can be done through the NYSA website. The applying administrator assumes the cost of the background check.
- 17:04:08:03 A background check is required for all volunteers, employees, coaches and program administrators who are involved with any sanctioned or sponsored program of an affiliated organization.
- 17:04:08:04 Every administrator must present some form of picture identification (i.e., driver's license or State Identification card).

17:04:09 **Denial, Suspension and Revocation of Program Administrator Privileges:**

- 17:04:09:01 The Second Vice-president and RMC, with specific BOD approval, have the authority to deny, suspend, or revoke any applicant's privileges as a Program Administrator for risk management concerns as established by the NYSA BOD. Once the BOD has approved the authority of the Second Vice-president and the RMC to deny, suspend or revoke a Program Administrator's privileges, the decision may not be overruled except as set forth in the appeals process in Section 17:04:11
- 17:04:09:02 The Second Vice-president and the RMC have the authority to summarily deny or summarily suspend any applicant's privileges of serving as a Program Administrator for risk management concerns, provided the denial or summary suspension is submitted to the BOD within sixty (60) days for the date of the denial or summary suspension.
- 17:04:09:03 An affiliated league may, upon written request, petition NYSA to deny, suspend or revoke the privileges of a Program Administrator or applicant for risk management concerns. The written request shall be submitted to the RMC and the Second Vice-president in care of the State Office. The RMC shall investigate the validity of the request and reply in writing within thirty (30) days to the requesting league president.

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17:04:09:04 NYSA has adopted the following grounds for exclusion from serving as a Program Administrator:

- A. Any conviction for a crime of violence, a crime against a person, a crime against property, or a felony.
- B. Any report of child abuse appearing on the Child Abuse Index.
- C. Any record of sexual offense and/or sexual misconduct.
- D. Admitted use of/ or conviction for use of illegal drugs.
- E. Documented history of alcohol abuse, including multiple convictions for driving under the influence.
- F. Intentionally falsifying information on the disclosure form.
- G. Refusal to fully complete the Risk Management Disclosure Form.
- H. Refusal to submit to fingerprints when required to under this document.
- I. Any conduct which discriminates against any individual on the basis of race, color, ancestry, national origin, religion, age, marital status, gender, and sexual orientation, which includes sexual harassment, which may consist of a request for sexual favors, unwanted sexual advances or propositions, verbal, physical and visual harassment, stalking, and unwanted sexual contact.
- J. Any other information that casts serious doubt on the applicant's ability to be entrusted with the supervision, guidance and care of minors.

17:04:09:05 Any person participating in a sanctioned or sponsored program of NYSA who becomes involved as a defendant in litigation detrimental to the welfare of youth players, or litigation based on activities detrimental to the welfare of youth players, shall be suspended by the RMC or Second Vice-president from all USYS sponsored youth soccer-related activities until completion of the litigation. Upon written request of the suspended person, the RMC shall review the status of such person at the completion of the litigation. Matters detrimental to the welfare of youth players shall include crimes of moral turpitude and felonies. The person has a right to appeal whether the matter, which is the substance of the accusation, if true, is detrimental to the welfare of the youth players. Privileges may be reinstated at the conclusion of the litigation process by the RMC.

17:04:09:06 Any action pursuant to Section 17:04:09:05 is subject to the appeal procedures set forth in Section 17:04:11.

17:04:09:07 Evidentiary Standard: Determinations made to deny, suspend or revoke administrator privileges shall be based on the preponderance of the evidence. Preponderance of the evidence means superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other.

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17:04:10 **Provisional and Conditional Kids Safe Program Administrator Privileges:**

17:04:10:01 The Second Vice-president and RMC may jointly approve issuance of provisional administrator privileges for a period not to exceed ninety (90) days. Such provisional privileges shall expire upon the 90th day of issuance.

17:04:10:02 The Second Vice-president and RMC may jointly approve the issuance of administrator privileges, subject to conditions, including but not limited to, duration of less than three (3) years, a requirement that the administrator complete sensitivity training, anger management training, etc., provided the conditional administrator privileges are approved by the BOD within sixty (60) days of the date of issuance.

17:04:11 **Appeal Procedures:**

17:04:11:01 The NYSA BOD shall appoint a Risk Management Appeal Board consisting of three (3) persons to hear appeals arising from risk management denials, suspensions or revocations, by NYSA. Persons involved in the decision to deny, suspend or revoke shall not sit on the three (3)-person appeal board. The decisions of the Appeal Board may be appealed to USSF pursuant to USSF Rule 705.

17:04:11:02 Upon receipt of the notice of denial, suspension, or revocation the applicant has fifteen (15) business days to notify the RMC that he/she desires to appeal such action. This notification shall be in writing and sent to the RMC in care of the State Office. A person (appellant) suspended pursuant to Section 17:04:09:05 may seek reinstatement any time following the conclusion of the litigation process.

17:04:11:03 The applicant will be notified, in writing, of the time, date and place of the appeal hearing. Such notification shall be sent by both regular and certified mail or via facsimile transmission.

17:04:11:04 At the time of the hearing, the RMC or Second Vice-president shall present all evidence on behalf of risk management to the Appeal Board. The appellant may present any supporting documentation for the appeal.

17:04:12 **Notification Procedures:**

17:04:12:01 Notification of risk management actions shall be communicated to the principle parties at the same time and method and shall be accomplished by one of the following:

- A. Certified Mail.
- B. Express Mail.
- C. Facsimile.

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- D. In the case of a minor, the minor's parent, guardian, or other responsible party for the minor.

17:05:00 **HEALTH AND SAFETY:**

17:05:01 These health and safety guidelines are provided for information purposes only, NYSA is not responsible for the implementation or administration of the following health and safety guidelines.

17:05:02 **Child Abuse Guidelines:**

17:05:02:01 All program administrators should immediately report any suspected abuse to the local county child abuse authorities and the RMC. Upon notification from a Program Administrator of such a report, NYSA should follow up with the Child Abuse Authorities. Child abuse reporting forms may be obtained by calling the Forms Office of the local Child Protection Agency.

17:05:02:02 There are four (4) types of reportable child abuse:

- A. **Sexual:** This involves improper touching of private parts, penetration, flashing, etc. This includes any type of improper behavior where there is a difference in power and control (adult-child, older child-younger child and younger child-younger child). There are usually threats against the victim or members of the victim's family for telling. The use of pornography is included in this category.
- B. **Physical:** Anything that leaves a mark is reportable, i.e., black eyes, swollen lips, finger marks on the face or other areas. Using anything other than the hands on the behind and not leaving any marks.
- C. **Neglect:** Incapacitation by the caregivers. This could include not providing a home, food, water, clothing, supervision for long periods of time, or supervision while taking illicit drugs.
- D. **Emotional:** Verbally abusing a child.

17:05:02:03 It is not the responsibility of the reporting parties to investigate the allegations. Once the report has been made the legal authorities will investigate. All information on the reporting parties will be kept in confidence by the legal authorities.

17:05:02:04 It is the responsibility of every Program Administrator to avoid being in a situation with a minor that has the potential of being misunderstood or misinterpreted.

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17:05:03 **First Aid:**

- 17:05:03:01 It is the responsibility of each league/club to ensure that all personnel are adequately trained in first aid procedures. It is recommended that first aid and CPR training be a requirement of official involvement in the league/club. Each league/club should institute a first aid/CPR policy for their organization.
- 17:05:03:02 In the event of a medical emergency, appropriate action must be taken immediately.
- 17:05:03:03 It is recommended that each league/club require each team to have a first aid kit on the field at all times.
- 17:05:03:04 All Medical Release forms must be on the field at all times during practices and games. Make sure that emergency phone numbers are listed.

17:05:04 **Procedures for Injuries Involving Blood:**

- 17:05:04:01 The first concern is always to make sure the player is not seriously injured. Never move a player that may have internal injuries. If serious injury is suspected, clear the field and summon medical help. It is recommended that standby medical help be present at all tournaments.
- 17:05:04:02 If it will not hurt the player more, remove him/her from the field to the sidelines away from spectators.
- 17:05:04:03 Carry plastic bags at all times in the coach's bag. These bags should be large enough to carry a uniform and shoes. It is also recommended that rags be carried and a spray bottle containing 1:10 solution of chlorine bleach and water for wiping up surrounding areas. All tainted grass should be sprayed with the solution. A separate bag should include all contaminated articles, including bandages, rags, wipes, etc. This bag should be tied off and placed in a covered container.
- 17:05:04:04 Referees will not allow a player on the field with a uniform that has blood on it. It is recommended that extra clothing be carried as a precaution. Many referees will allow a T-shirt of the same color as the jersey to be worn should an accident happen.

17:05:05 **Coaching Guidelines:**

- 17:05:05:01 It is the responsibility of the coach to set the standard of behavior on the field. It is also incumbent upon the coach to control the actions of the coaching staff, players and spectators. Some things that are not acceptable are:

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- A. Name-calling or harassment of a player, referee, or spectator by anyone.
- B. Name-calling or harassment of a player by a coach or parent of another player or by another player, especially a teammate.
- C. Name-calling or harassment of the referee, assistant referee or 4th official by anyone.
- D. Hitting or slapping a player, coach, referee or spectator by anyone.
- E. Failure to control spectators (especially parents).
- F. Failure to treat injuries.
- G. Inadequate supervision, e.g. during travel, before practice (late arrival of coach), during practices, after practice (failure to wait for late parents). It is recommended that the coach have a procedure for this event and communicate this plan to the parents at the first team meeting.
- H. Leaving player(s) unattended.
- I. Failure to report signs of abuse.
- J. Not recognizing and dealing with dangerous field and weather conditions, e.g., heat, cold, lightning, high winds, etc.

17:05:05:02 The coach shall always have medical releases on the field and should carry a fully stocked first aid kit.

17:05:05:03 The coach should have proper pre-game warm-ups and conditioning.

17:05:05:04 The coach should have a standardized travel check-list.

17:05:06 **League Guidelines for Safety and Players with Special Needs:**

17:05:06:01 Develop and use clear rules and procedures regarding game cancellations due to field and weather conditions, including the following:

- A. Authority of league and club administrators to cancel games in advance.
- B. Authority of both coaches to override a referee's decision to a play game. They cannot override the referee's decision not to play.
- C. Effective notification process.

17:05:06:02 Develop and follow guidelines for assigning players to teams. Deal with exceptions to age guidelines on a case-by-case basis, including the following:

- A. Leagues can use 'special circumstances' to allow participation of players with special needs.
- B. Consult with parents and the physician and obtain a physician's recommendation in writing.
- C. Obtain informed consent and waiver from parents or guardians.
- D. Obtain authorization from insurance carrier.

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- E. Document decisions in writing.
- F. Do not change The Laws of the Game, unless dictated by NYSA or USYS.

17:06:00 **LIVING THROUGH A LAW SUIT:**

17:06:01 What do I do?

- A. Call your insurance company or agent immediately.
- B. Photocopy the suit along with any other pertinent information you may have on the incident.
- C. Send original of summons/complaint and other documents to your insurance company via registered mail.

17:06:02 What don't I do?

- A. Discuss the case with anyone other than your lawyer or insurance carrier.

17:06:03 I am your lawyer.

- A. On the summons that you receive, the response due date is stated.
- B. If you don't hear from your insurance company representative or a lawyer appointed by the company within three days of the date, call your representative.
- C. You should receive either a letter from your insurance carrier telling you the name and address of the lawyer assigned to your case or a call from the lawyer telling you that he/she has been assigned to defend you.

17:06:04 I have to do what!!

- A. Your attorney will eventually call you and ask for any details you have about the incident giving rise to the lawsuit.
- B. Take time to provide the information. The lawyer is only trying to help you.
- C. Make your employees, coaches or volunteers available to be interviewed.

17:06:05 The plaintiff will serve interrogatories.

- A. These are a series of questions most of which only you can answer.
- B. Your lawyer will tell you if they don't have to be answered.
- C. Don't be afraid to ask your lawyer if you don't understand what is being asked for.
- D. This process can be very time consuming, but unless your lawyer says that you don't need to answer a question or provide documents that are requested, it must be done, and done within a certain amount of time. Your only consolation is that the plaintiff must do this also.

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- E. If you fail to provide the answers or documentation, the court can fine you, not allow you to use all of the defenses you would like, and can jeopardize your insurance coverage.

17:07:00 **STANDARDS OF ETHICAL CONDUCT FOR INDIVIDUALS ASSIGNED RISK MANAGEMENT RESPONSIBILITIES WITHIN NYSA:**

17:07:01 The purpose of the attached confidentiality agreement is to inform all Risk Management Coordinators and all others serving on the RMC of the security and confidentiality requirements of the information they will be gathering. It is not meant to reflect negatively on the RMC performance; nor does it imply that the RMC is suspected of any wrongdoing.

17:07:02 As a member of the RMC you have an obligation to safeguard the records entrusted to you and the following is to remind you of the security, confidentiality and ethics required for all appointed to the RMC.

17:07:03 As a RMC member you should:

- A. Represent the interests of all people served by this organization and not favor special interests inside or outside of this organization.
- B. Not use your position as risk management coordinator for personal advantage or for the advantage of your friends or associates.
- C. Keep confidential information confidential.
- D. Do nothing to violate the trust of those who elected or appointed you to the position of risk management coordinator or of those you serve.
- E. Never exercise authority as a risk management coordinator except when acting in that capacity, as you are delegated, by the organization which elected/appointed you.
- F. Ensure that all disclosures are made only to those individuals having a legitimate need to know in the course of their official duties.
- G. If you are uncertain whether contemplated action may violate privacy and confidentiality standards, consult with a higher authority, e.g., the NYSA Second Vice-president, others on the committee, or NYSA President.
- H. Disclose personal information about an individual only with the written consent or at the written request of the individual to whom it pertains.
- I. Be responsible for doing all work associated with this position.
- J. Be responsible for taking care of and returning all NYSA issued equipment to the state office when requested to.
- K. Understand your responsibilities, and if unclear seek further clarification regarding any of the requirements.

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17:08:00 **CONFIDENTIALITY AGREEMENT:**

17:08:01 NYSA will maintain a copy of all confidentiality agreements, in a secure place. By signing the agreement, risk management coordinators acknowledge that they were counseled about the security and confidentiality pertaining to their responsibilities as a RMC member and that they were afforded the opportunity to obtain clarification regarding any of the requirements of the position, which they did not fully understand.