

VYSA KidSafe Background Check Policy Revision History

Date	Revision
September 2006	<ol style="list-style-type: none">1. Added “or electronic equivalent” everywhere forms were indicated2. Clarified some wording3. Added second date for compliance confirmation, submission now required in <u>Fall and Spring</u>4. Updated Disclosure Statement and Release Form to match fields in electronic version
October 2011 (LAW)	<ol style="list-style-type: none">1. Changed VYSA’s mailing address on Compliance Form2. Changed wording of “ChoicePoints” to “LexisNexis”

VIRGINIA Youth Soccer Association, Inc.

A MEMBER OF THE UNITED STATES SOCCER FEDERATION AND THE UNITED STATES YOUTH SOCCER ASSOCIATION

KidSafe/Risk Management Background Check Policy

I. Purpose

- A. In order to preserve the safety and welfare of youngsters involved in soccer and served by VYSA and its members, the purposes of this policy are to—
 - (1) obtain disclosure and release forms or electronic equivalent from, and perform background checks on, all VYSA personnel and personnel of VYSA members; and
 - (2) determine whether individuals who are VYSA personnel or personnel of VYSA members are qualified to provide services for VYSA or VYSA members.
- B. VYSA will not permit individuals to work with soccer youngsters if they have demonstrated conduct incompatible with services to, or care of, youngsters.

II. Authority and Application

- A. Section 2 of US Youth Soccer Bylaw 214 requires US Youth Soccer and VYSA and all of its other 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 or electronic equivalent for all volunteers, employees, coaches, and program administrators; and
 - (2) the identification of a Risk Management Coordinator and an alternate for the organization.
- B. In addition to US Youth Soccer Bylaw 214 and in compliance with those bylaw requirements, VYSA affirms its commitment to the safety and well-being of its youngsters by approving a requirement that background checks be performed on VYSA personnel and the personnel of VYSA members.

- C. This policy applies to all VYSA personnel and personnel of VYSA members. "Personnel" includes, but is not limited to, all coaches, assistant coaches, trainers, other team officials, Board members, staff, and volunteers, whether paid or unpaid. The VYSA Board of Directors shall, in conjunction with the VYSA KidSafe/Risk Management Committee, determine any additional positions that may be subject to this policy.
- D. The VYSA KidSafe/Risk Management Committee is designated the VYSA Risk Management Coordinator.

III. Disclosure and Background Checks

- A. VYSA requires that all VYSA personnel and personnel of members submit a KidSafe Disclosure Statement and Release form or electronic equivalent. No individual will be permitted to participate in VYSA activities if all information requested is not provided. Please Note: VYSA members using online registration for its personnel may choose to obtain for their records, a hard copy of the KidSafe Disclosure Statement and Release form which includes the individual's original signature.
- B. VYSA requires that background checks be performed on all VYSA personnel and personnel of VYSA members.
- C. Individuals will be permitted to begin participation pending completion of a satisfactory background check. Failure to complete the KidSafe Disclosure Statement and Release form or electronic equivalent shall disqualify the individual from participating in any VYSA activity and any activity of a VYSA member.
- D. All background checks should be completed within 30 days of the election or selection of an individual to a position in VYSA or a VYSA member. Thereafter, a background check must be performed annually on all VYSA personnel. Background checks on VYSA member personnel must be performed at least every 2 years. The responses on the KidSafe form may target certain individuals for more frequent background checks.
- E. VYSA recommends random background checks annually on one-third (1/3) of all those who continue to serve after the year in which the background check is first required. The responses on the KidSafe form may target certain individuals for more frequent background checks.

IV. Confirmation of Member Compliance

Each VYSA member must submit a VYSA KidSafe Compliance form signed by both the chief executive officer and the KidSafe/Risk Management Coordinator

of the VYSA member by November 1st for the Fall and May 1st for the Spring of each seasonal year. VYSA will mail a copy of the form to each VYSA member by not later than October 15th of each year.

V. Confidentiality and Notification of Reports

- A. The background check reports must be kept strictly confidential. VYSA and each VYSA member should limit the number of persons authorized to review or have access to the reports. These reports should be kept in a locked, secure location, for a period as indicated by applicable law or until the person is no longer serving, whichever is later.
- B. If an individual's background check report indicates a criminal conviction found in Section VII of this policy, Table of Convictions, a copy of that person's criminal conviction report received by VYSA or a VYSA member must be sent to that individual and marked "confidential - to be opened by addressee only". A copy of the "Notice of Duty to Review Criminal Record", which is attached to this policy, must be included with the criminal conviction report.
- C. If an individual's background check report received by VYSA or a VYSA member indicates information that might require an explanation, a "Letter for Request of Explanation" should be sent to that individual and marked "confidential - to be opened by addressee only." (A copy of a sample "Letter for Request of Explanation" is attached to this policy.)

VI. Disqualification

- A. An individual shall be disqualified from providing services to VYSA or a VYSA member if the background check report shows that the individual has ever been convicted of any of the crimes as set out in Title 18.2 of the Code of Virginia (as currently provided and listed in Section VII, Table of Convictions, of this policy), as may be amended, or equivalent offenses in another state, and satisfies the guidelines provided under section VIII of this policy.
- B. If a background check report discloses a criminal conviction, the KidSafe/Risk Management Coordinator for VYSA or the VYSA member, as the case may be, shall consult Section VII, Table of Convictions, of this policy and advise their Board. Each situation will be considered on a case-by-case basis using the Guidelines listed in Section VIII of this policy.

VII. Table of Convictions *Partial List only (Virginia State Criminal Code)*

- A. Crimes Against the Person
 - 1. Murder and manslaughter (§ 18.2-30 et seq.)
 - 2. Malicious wounding by mob (§ 18.2-41)
 - 3. Abduction (§ 18.2-47A, -48)
 - 4. Felony assault and bodily wounding (§ 18.2-51 et seq.)
 - 5. Robbery (§ 18.2-58)
 - 6. Carjacking (§ 18.2-59, -60)
 - 7. Extortion and other threats (§ 18.2-59, -60)
 - 8. Sexual assault (§ 18.2-61 et seq.)
 - 9. Felony stalking (§ 18.2-60.3)
 - 10. Any other felonies against the person as defined by the Code of Virginia
 - 11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

- B. Crimes Against Property
 - 1. Felony arson (§ 18.2-77)
 - 2. Burglary (§ 18.2-89 et seq.)
 - 3. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

- C. Crimes Involving Health and Safety
 - 1. Felony violation relating to the possession or distribution of drugs within five (5) years (§ 18.2-247 et seq.)
 - 2. Drive-by shooting (§ 18.2-286)
 - 3. Use of machine gun in a crime of violence (§ 18.289)
 - 4. Aggressive use of a machine gun (§ 18.2-290)
 - 5. Use of sawed off shot gun in crime of violence (§ 18.2-300A)
 - 6. Felonious discharge of firearms within or at occupied dwellings (§ 18.2-279)
 - 7. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

- D. Crimes Involving Morals and Decency
 - 1. Failing to secure medical attention for injured child (§ 18.2-314)
 - 2. Pandering (§ 18.2-355)
 - 3. Crimes against nature involving children (§ 18.2-355)
 - 4. Taking indecent liberties with children (§§ 18.2-370, -370.1)
 - 5. Abuse and neglect of children (§ 18.2-371.1)
 - 6. Obscenity offenses (§ 18.2-374.1)
 - 7. Possession of child pornography or electronic facilitation of pornography (§§ 18.2-374.1:1, -374.3)
 - 8. Incest (§ 18.2-366)
 - 9. Abuse and neglect of incapacitated adults (§ 18.2-369)

10. Employing or permitting a minor to assist in an act constituting an obscenity offense (§ 18.2-372 et seq.)
11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

E. Crimes Against Minors

Any conviction for a crime against the person or property of a minor (whether felony or misdemeanor) that is any of the crimes listed in items A through D of this part VII.

VIII. Guidelines

- A. Any personnel to whom this policy applies, that is convicted of a violent crime or crime against a person (including sex offenses) within the prior 20 years, shall be disqualified.
- B. Any personnel convicted of a theft-related crime or fraud the prior 15 years, should be disqualified from any position involving the handling of funds or property.
- C. Any personnel convicted of a substance abuse crime within the past 10 years should be disqualified from any coaching position or any position that involves activities of youngsters.
- D. Discretion shall be exercised in a uniform manner, so that similar convictions and circumstances result in similar treatment.
- E. Felony convictions of any nature are serious offenses and should be viewed with extreme caution. Misdemeanor convictions, particularly where remote in time, may be viewed with more leeway where the applicant's conduct since the conviction indicates rehabilitation or lack of risk to youngsters and the activities of VYSA or the VYSA member.
- F. All other convictions or pending charges (excluding crimes against minors) revealed through a background check should be considered on a case-by-case basis to determine whether or not the past conduct of the individual is compatible with working with youngsters. Risk Management Coordinators, in consultation with their respective Boards, shall determine whether such information disqualifies the individual. Factors that may be considered in deciding whether an individual should be permitted to participate include the following: the nature and character of the past conduct; how the past conduct relates to the particular functions of the individual's position; the length of time since the offending conduct; rehabilitation of the individual, if applicable; the individual's performance record; and how such conduct affects the integrity of the program. The

individual should be given an opportunity to provide evidence of any mitigating circumstances prior to a decision being made concerning the individual's qualifications for service. Any pending charges, felony or misdemeanor, against minors, shall render the individual ineligible unless or until such charges are subsequently dismissed or the individual is found not guilty.

IX. Appeals

- A. Any individual who is disqualified by a VYSA member as a result of information received from the background check may appeal the decision disqualifying the individual. The appeal would be considered by the respective VYSA member board. Appeal policies and procedures should be established by each VYSA member.
- B. Decisions regarding participation for VYSA personnel will be made by the VYSA KidSafe/Risk Management Committee which may be appealed to the VYSA Adjudication Committee.

X. Youngster Safety Check Recommendations

No single check source guarantees the safety and well-being of our soccer youngsters. A protective eye is a must to ensure the safety of our youngsters. The National Center for Missing & Exploited Children in Alexandria has recommendations that will help VYSA and VYSA members prevent sexual exploitation of our youngsters. Following are those recommendations adapted to soccer:

- Know where our youngsters are when they are participating in our soccer activities.
- Be sensitive to changes in a youngster's behavior; they are a signal that you should talk about what caused the changes.
- Be alert to a teenager or adult who is paying an unusual amount of attention to a youngster or giving them inappropriate or expensive gifts.
- Teach our youngsters to trust their own feelings and assure them that they have the right to say no to what they sense is wrong.
- Listen carefully to our youngsters' fears and be supportive in all your discussions with them.
- Teach youngsters that no one should approach them or touch them in a

way that makes them feel uncomfortable. If someone does, they should tell their parents immediately.

- Be careful about babysitters and other individuals who have custody of our youngsters.
- A coach or other adult should never be alone with a youngster. There should always be other people present to see what the adult and youngster are doing.
- Never leave a youngster alone after a game or practice or other activity.

VIRGINIA Youth Soccer Association, Inc.

A MEMBER OF THE UNITED STATES SOCCER FEDERATION AND THE UNITED STATES YOUTH SOCCER ASSOCIATION

KidSafe Disclosure Statement and Release Form

Kidsafe is a risk management program designed to foster safe circumstances for every person, and especially every child, who participates in a US Youth Soccer affiliated activity. It is a program intended to bring awareness to all VYSA personnel and VYSA members concerning possible risks associated with our youth soccer programs. This form or electronic equivalent will be kept in absolute confidentiality by VYSA or each of its respective members and will be updated annually.

Personal Information	
Name <i>(Legal Name)</i>	
Address	
City/State/Zip	
Home Phone	Work Phone
Years at this address	Cell Phone
Date of Birth	
Driver's License Number	
Employer	
Employer Address	
VYSA/League/Club/Team Affiliation	
Previous Affiliation if less than 3 years	
Current Position	

Disclosure Statement		
Please circle "YES" or "NO" to the following questions		
1. Have you ever been arrested for or convicted of sexual abuse, physical abuse, or exploitation of any minor?	YES	NO
2. Are you now using illegal drugs?	YES	NO
3. Are you subject to any civil restraining order or any type of civil action relating to child or domestic abuse or violence?	YES	NO
<p>If you answered yes to any of the above questions, please provide detailed information as to the nature of the offense, the number of separate offenses in question, the date of the offenses, the relationship between the offense and the position for which you are applying and any mitigating factors that should be taken into account.</p>		
Release		
<p>I understand that my position with VYSA or any of its members is contingent upon my truthful completion and VYSA's or any of its members' review of this form. I authorize and understand that VYSA or any of its members will conduct a background check and may obtain a background report and that I may be requested to provide a set of fingerprints. I understand that I may be immediately discharged for any misrepresentation or material omission on this form. I understand that pending arrest or closed arrest is not an automatic bar to consideration of my application, but it is the intent of VYSA or any of its members to deny a position to any person who has been convicted of an offense that VYSA or a VYSA member determines disqualifies that person from providing services to VYSA or a VYSA member. I understand that VYSA or any of its members will take into account the nature of the offense, the date of the offense and the relationship between the offense and the position for which I am applying and any mitigating factors.</p> <p style="text-align: center;"><i>Please Sign and Date</i></p>		
Signature		
Date		

This letter should be used when taking adverse action

Notice of Duty to Review Criminal Record

CONFIDENTIAL

-To Be Opened by Addressee ONLY-

Date

Applicant
Address

Dear Applicant:

We regret to inform you that based on our personnel selection criteria, we are unable to consider you further for a position with [(VYSA) or (VYSA member name)]. This decision was made in part from the information we received from [(LexisNexis) or (name of approved vendor used by VYSA member)]. The report was prepared by [(LexisNexis) or (name of approved vendor used by VYSA member)] pursuant to an authorization signed by you at the time of application with [(VYSA) or VYSA member)]. [(LexisNexis) or (name of approved vendor used by VYSA member)] does not make these decisions and is unable to provide you with the specific reason for them. Enclosed is a copy of that report.

If you have any questions regarding this report or believe that it may contain incorrect information, you may contact [(LexisNexis) or (name of approved vendor used by VYSA member)] and they will respond to your inquiry. You have the right to dispute with [(LexisNexis) or (name of approved vendor used by VYSA member)] the accuracy or completeness of any information in the report. [(LexisNexis) or (name of approved vendor used by VYSA member)] can be reached at

Any individuals whose services are rejected by [(VYSA) or (name of the VYSA member)] as a result of information received from the background check may appeal such decision to the [(VYSA Adjudication Committee) or (the name of the appeals body of the VYSA member)] if the individual believes the decision was based on inaccurate background information.

Sincerely,

KidSafe Risk Management Coordinator

This letter is to be used when explanation is requested

**Letter to Request Explanation of
Information Found on Background Check**

CONFIDENTIAL

-To Be Opened By Addressee ONLY-

Date

Individual's Name

Individual's Address

Individual's City, State, Zip

Dear Individual:

As required, [(VYSA) or (name of the VYSA member)] has done a background check on you. That background check revealed a record that warrants further explanation.

The record involved is the following:

List the Offense

Please provide your explanation about the record to the [(VYSA State Office) or (name of the VYSA member)] Address not later than (two weeks from the date of the letter) so that [(VYSA) or (the VYSA member)] may determine how to proceed in this matter.

Your explanation can be mailed, faxed, or emailed as follows:

Mail: [Insert VYSA State Office or the VYSA Member Address]
City State Zip

Fax: Fax Number

E-Mail: E-Mail Address

Thank you for your prompt attention to this matter.

Sincerely,

KidSafe/Risk Management Coordinator

VIRGINIA Youth Soccer Association, Inc.

A MEMBER OF THE UNITED STATES SOCCER FEDERATION AND THE UNITED STATES YOUTH SOCCER ASSOCIATION

VYSA KidSafe Compliance Form

_____ is in
Name of Member Organization

compliance with the VYSA KidSafe/Risk Management Policy for the

_____ seasonal year.
September 1 of one year through August 31 of the next year

Signature of President or Chief Executive Officer

Date

Please mail this form by November 1st for Fall and by May 1st for Spring to:

VYSA
5450 Southpoint Plaza Way
Fredericksburg, VA 22407

Or Fax to:
540-693-1440