



SAFESPORT POLICY

August 2019

The Virginia-DC Youth Soccer Association is committed to keeping our kids safe and establishing and enforcing federal, state and local laws enacted to protect our players. VYSA members are now required to comply with Federal Law S.534 Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, that was signed into law in February of 2018 and became effective immediately.

VYSA's Board of Directors is required by law to put into place a policy that adheres to the law and enforces compliance of the same.

DEFINITIONS

- (a) Risk Management Liaison: the participant appointed by a VYSA Member Organization to undertake the actions outlined within.
- (b) Family Members: parents, domestic partners, step-parents, grandparents, guardians, brothers, sisters, aunts, uncles and first cousins.
- (c) Member Organization: Includes all clubs and leagues affiliated with VYSA and VA Futsal
- (d) Youth Participant: any minor (person of less than 18 years of age) who is a registered player of VYSA through a member organization or who is otherwise a player participant or minor referee in Sanctioned Activities.
- (e) Participant: any coach, assistant coach, technical director, team manager, referee, director, employee, officer, independent contractor, or other individual (other than a "Youth Participant") affiliated with (i) VYSA, (ii) a Member Organization, or (iii) a referee organization/in-house referee, and (iv) who has direct or indirect contact with a Youth Participant through Sanctioned Activities.
- (e) Sanctioned Activities: matches, games, tournaments, TOPSoccer events, practices, training sessions, tryouts, team meetings, and other similar activities conducted by Member Organizations or VYSA, communication in connection with the foregoing activities (other than communications exclusively with Family Members); travel to and from the foregoing activities other than with Family Members; and overnight lodging in connection with the foregoing activities other than exclusively with Family Members.
- (f) VYSA Risk Management Committee: Committee members appointed by the Board of Directors to review Policy Violations and Background Check reports as outlined in the policy.

Section 1 – PROHIBITED CONDUCT POLICY

Harassment

Harassment consists of unwelcome conduct, whether verbal, physical or visual.

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. Prohibited conduct can also include jokes, kidding, or teasing about another person's protected status. This policy forbids harassing conduct even when it does not rise to the level of a violation of law.

Sexual Harassment

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

Sexual harassment may involve individuals of the same or different gender.

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
- suggestive or obscene letters, notes or invitations
- harassing use of electronic mail, electronic or instant messaging or telephone communication
- other physical or verbal conduct of a sexual nature

Racial, Religious, or National Origin Harassment

Racial, religious, or national origin harassment is expressly prohibited. 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 or which would interfere with the person's ability to participate.

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 a person's race, religion, or national origin; or
- use of pejorative or demeaning language regarding a person's race, religion, or national origin.

Child Sexual Abuse

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

Sexual Misconduct

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

Emotional Misconduct

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

Physical Misconduct

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

Bullying

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

Hazing

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

Section 2 – APPROPRIATE BACKGROUND SCREENING

See Appendix A: “VYSA Background Check Policy”

Section 3 – EDUCATION & TRAINING

Initial Training for Adults:

Any individual affiliated with a VYSA member organization to include board members, coaches, assistant coaches, managers, players 18+ participating on a U19 team and other volunteers or staff must complete sexual abuse training. Sexual Abuse Training must be completed through ABUSE PREVENTION SYSTEMS or SAFE SPORT SYSTEMS.

During the 2019/2020 seasonal year, VYSA members should utilize the free Abuse Prevention training module. All Travel Team Officials are required to upload their Sexual Abuse Prevention Certificate (SAPT) into Affinity as a requirement for team activation.

Beginning in the fall of 2020, VYSA will require all participants to be SafeSport Trained. The “Core SafeSport Training” consists of three modules:

- Sexual Misconduct Awareness Education
- Mandatory Reporting, and
- Emotional & Physical Misconduct

Refresher Course(s) for Adults

After becoming “SafeSport Trained”, participants will only need to take the SafeSport Refresher Course annually.

Training for Youth Participants

VYSA offers training annually to Youth Participants regarding the prevention of child abuse. This training is subject to parent/legal guardian consent.

Section 4 – LIMITING ONE-ON-ONE INTERACTIONS

One-on-One Interactions

The majority of child sexual abuse is perpetrated in isolated, one-on-one situations. By reducing such interactions between children and adults, you reduce the risk of child sexual abuse. However, one-on-one time with trusted adults is also healthy and valuable for a child. Policies concerning one-on-one interactions protect children while allowing for these beneficial relationships.

A - This policy shall apply to:

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

B - *Observable and interruptible*

1. One-on-one interactions between minors and an Adult (who is not the minor's legal guardian) are permitted, if they occur at an observable and interruptible distance by another adult.
2. Isolated, one-on-one interactions between minors and an Adult (who is not the minor's

legal guardian) are prohibited, except under emergency circumstances.

C - Meetings

1. Meetings between Adults and minors at our facilities may only occur if another adult is present, except under emergency circumstances.
2. Such meetings must occur where interactions can be easily observed and at an interruptible distance from another adult.
3. If a one-on-one meeting takes place in an office, the door to the office must remain open. If available, it will occur in an office that (if available) has windows, with the windows, blinds, and/or curtains remaining open during the meeting.

D - Meetings with mental health care professionals

If a mental health care professional meets with minors, a closed-door meeting may be permitted to protect patient privacy - provided that (1) the door remains unlocked, (2) another adult is present, (3) the other adult is advised that a closed-door meeting is occurring, and (4) written legal guardian consent is obtained by the mental health care professional, with a copy provided to our organization.

E - Individual training sessions

Individual training sessions between Adults and minors are permitted if the training session is observable and interruptible by another adult. The Adult must obtain the written permission of the minor's legal guardian in advance of the individual training session. Parents, guardians, and other caretakers must be allowed to observe the training session.

Permission for individual training sessions must be obtained at least every six months.

F - Out-of-program contacts

Adults are prohibited from interacting one-on-one with unrelated minor athletes in settings outside of the program (including, but not limited to, one's home, restaurants, and individual transportation), unless parent/legal guardian consent is provided for each out-of-program contact. Such arrangements are nonetheless strongly discouraged.

Massages and Rubdowns

A - This policy shall apply to:

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

B – Two adults present

1. Any massage or rubdown performed at facilities or a training or competition venue must be conducted in open and interruptible locations. Any massage of a minor athlete must be done with at least one other adult present and must never be done with only the minor athlete and adult in the room.

Locker Rooms, Rest Rooms and Changing Areas

A - This policy shall apply to:

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

B - Use of recording devices

Use of any device's (including a cell phone's) recording capabilities, including voice recording, still cameras, and video cameras in locker rooms, rest rooms, changing areas, or similar spaces is prohibited. Exceptions may be made for media and championship celebrations, provided two or more adults are present.

C - Undress

Under no circumstances shall an unrelated Adult be undressed (disrobed or partial or full nudity where private body parts are exposed) in front of minor athletes.

D - Isolated one-on-one interactions

At no time are unrelated Adults permitted to be alone with a minor in a locker room, rest room, or changing area, except under emergency circumstances. If our organization is using a facility that has access to a single set of such facilities, we will designate times for use by Adults, if any.

E - Monitoring

Our organization regularly and randomly monitors the use of locker rooms, rest rooms, and changing areas at facilities under our jurisdiction to ensure compliance with these policies.

F - Non-exclusive facility

If our organization uses a facility not under its jurisdiction (for, e.g., training or competition or similar events) and the facility is used by multiple constituents, Adults in categories 2 through 4 are nonetheless required to adhere to the rules set forth here.

Social Media & Electronic Communications

A - This policy shall apply to:

1. Adult members who have regular contact with amateur athletes who are minors
2. An adult authorized by a Covered Organization to have regular contact with or authority over an amateur athlete who is a minor
3. Staff and board members at a Covered Organization (collectively, Participating Adults).

B - Content: All electronic communication originating from Participating Adults to amateur athletes who are minors must be professional in nature.

C - Open and transparent

1. If a Participating Adult needs to communicate directly with an amateur athlete who is a minor via electronic communications, another Participating Adult or the minor's legal guardian will be copied.

2. If a minor athlete communicates to the Participating Adult privately first, the Participating Adult should respond to the minor athlete with a copy to another Participating Adult or the minor's legal guardian.
3. A Participating Adult communicating electronically to the entire team will copy another Participating Adult.
4. Amateur athletes who are minors may "friend" the organization's official page.

D - Prohibited electronic communications

1. Participating Adults are not permitted to communicate privately via electronic communications with amateur athletes who are minors, except under emergency circumstances.
2. Participating Adults are not permitted to "private message," "instant message," "direct message", or send photos via Snapchat or Instagram to a minor athlete privately.
3. Participating Adults are not permitted to maintain social media connections with minors; such adults are not permitted to accept new personal page requests on social media platforms from amateur athletes who are minors and existing social media connections with amateur athletes who are minors shall be discontinued

E - Requests to discontinue

Legal guardians may request in writing that their child not be contacted through any form of electronic communication by the organization or by the organization's Participating Adults. The organization will abide by any such request that their child not be contacted via electronic communication, absent emergency circumstances.

Local Travel

Local travel consists of travel to training, practice, and competition that occurs locally and does not include coordinated overnight stay(s).

A - This policy shall apply to:

1. Adult members who have regular contact with amateur athletes who are minors
2. An adult authorized by a Covered Organization to have regular contact with or authority over an amateur athlete who is a minor
3. Staff and board members at a Covered Organization (collectively, Participating Adults).

B - Transportation

1. The organization does not arrange for local travel.
2. Participating Adults who are not also acting as a legal guardian, shall not ride in a vehicle alone with an unrelated athlete who is a minor, absent emergency circumstances, and may only drive with at least two other minor athletes or another adult at all times, unless otherwise agreed to in writing by the minor athlete's parent/legal guardian in advance of each local travel.

Team Travel

Team travel is travel to competition or team activity that the organization plans and supervises.

A - This policy shall apply to:

1. Adult members who have regular contact with amateur athletes who are minors
2. An adult authorized by a Covered Organization to have regular contact with or authority over an amateur athlete who is a minor
3. Staff and board members at a Covered Organization (collectively, Participating Adults).

B - Hotel rooms

Participating Adults shall not share a hotel room or other sleeping arrangement with a minor athlete (unless the Participating Adult is the legal guardian, sibling, or related to the minor athlete).

C - Meetings

Meetings shall be conducted consistent with the organization's policy for one-on-one interactions - i.e., any such meeting shall be observable and interruptible.

D - Team travel policies must be signed and agreed to by all minor athletes, parents, and Participating Adults traveling with the organization.

E - Participating Adults who travel with the organization must successfully pass a criminal background check and other screening requirements consistent with the organization's policies.

F - During team travel, when doing room checks, attending team meetings and/or other activities, two-deep leadership and observable and interruptible environments should be maintained.

Section 5 – REPORTING and ENFORCEMENT

Reports of Abuse

VYSA has zero tolerance for abuse of Youth Participants by Participants. "Abuse" means sexual or physical abuse of a Youth Participant including all instances of Sexual Misconduct.

1. Each Participant who witnesses an event of abuse or reasonably suspects an event of abuse, in connection with a Sanctioned Activity, must promptly report the event or suspected event to the appropriate law enforcement authorities in compliance with federal, state and local laws. Failure to make such an Abuse Report is a violation of this policy and violation of US Soccer Policy 212. Additionally, failure to make such a report could result in a violation of federal, state or local laws.
2. The Participant making the Abuse Report, the Risk Management Liaison for the Member Organization, the Member Organization and VYSA must also comply with all federal, state and local laws applicable to reporting of Events and Suspected Events.
3. A Member Participant and/or Member Organization, after making an abuse report to law enforcement, must promptly report the same to the VYSA State Office at SafeSport@vysa.com using the Incident Reporting Form on the VYSA website and Appendix E of this policy. VYSA will then immediately forward the report to both U.S. Soccer and Safe Sport for sexual abuse reports.

4. VYSA, its Member Organizations, the Risk Management Liaisons of the Member Organizations and Participants are not obligated, and will not attempt to investigate allegations or suspicions of Abuse or to evaluate the credibility or validity of such allegations or suspicions as a condition of making reports to applicable federal, state or local authorities.

Reports of Other Policy Violations

1. Each Participant who witnesses or reasonably suspects violations of this Safe Soccer Policy, other than Events or Suspected Events, should promptly report such witnessed or suspected violations (“Policy Violations”) to the Risk Management Liaison of the Member Organization with which the Participant is affiliated (a “Violation Report”). Failure to make a Violation Report is a violation of this Policy and US Soccer Bylaws and Policy 212.

2. A Risk Management Liaison who receives a Violation Report shall promptly transmit the Violation Report to the President of the Member Organization

3. In the event a Risk Management Liaison reasonably concludes that the Violation Report describes an instance of criminal misconduct, the Risk Management Liaison should assist the Participant making the Violation Report in notifying law enforcement authorities. The Risk Management Liaison will then notify the President of the Member Organization and the VYSA Risk Management Liaison.

Enforcement

Pending Investigations

Any Participant who is (a) the subject of an Abuse Report or (b) is otherwise alleged to have engaged in an Event, in each case that becomes known to the relevant Member Organization and VYSA, shall be promptly suspended by the Member Organization and VYSA from participation in Sanctioned Activities. Such suspension shall continue during any pending investigation by applicable legal authorities.

Conviction

Any Participant who is convicted of (or pleads guilty to) a crime, a material element of which is Abuse of a Youth Participant in connection with Sanctioned Activities shall be prohibited from participation in Sanctioned Activities as provided in VYSA’s and USYSA’s Risk Management Policies. Any Participant who is convicted (or pleads guilty to) a crime, a material element of which is Abuse occurring outside of a Sanctioned Activity, shall also be subject to the provisions of VYSA’s and USYSA’s Risk Management Policy.

Policy Violations

For potential or reported violations to this policy that are not criminal in nature (i.e. a coach texting an individual player without another adult about practice vs. a coach texting a player sexually inappropriate material) an Incident Report Form must be sent to the VYSA Risk Management Committee at safesport@vysa.com within 5 days of being notified or becoming aware of the possible violation. The VYSA Risk Management Committee will review the violation, determine appropriate action and notify the person in violation and the membership organization within 15 days of receiving the report. The decision of the VYSA Risk Management Committee can be appealed to the VYSA Adjudication Committee.



Appendix A: Background Check Policy

August 2019

Formerly VYSA KidSafe Policy (3/18/2015)

I. Purpose

A. In order to preserve the safety and welfare of players 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
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 players 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 players 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 Risk Management Committee, determine any additional positions that may be subject to this policy.

D. The VYSA 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. 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.

The following KidSafe Disclosure Statement and Release form is part of the online registration in the VYSA travel database, and should also be a part of VYSA Member registration for all personnel:

1. Have you ever been arrested for or convicted of sexual abuse, physical abuse, or exploitation of any minor?
2. Are you now using illegal drugs?
3. Are you subject to any civil restraining order or any type of civil action relating to child or domestic abuse or violence?

IMPORTANT POLICY INFORMATION: *By checking the box below, the registrant, if adult, or the parent/guardian of the registrant, if a minor, attests that he/she has read the important policy information shown below, It is the intent of U.S. Youth Soccer to deny certification to any person who has been convicted of a crime of violence or of a crime against a person. In applying for a U.S. Youth Soccer position, the information which I have furnished as part of this registration is subject to verification, which will include a criminal history check. This disclosure statement must be updated every year. I, the parent/guardian of the registrant, a minor, or adult registrant of legal age, agree that I and the registrant will abide by the rules of the VYSA, its affiliated organizations and sponsors. I understand that my position with VYSA or any of its members is contingent upon my truthful completion and VYSA 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. The above information has been completed and is being submitted by the registrant, if adult, or the parent/guardian of the registrant, if a minor. All information provided above is true and correct to the best of my knowledge.

B. VYSA requires that background checks be performed on all VYSA personnel and personnel of VYSA members. Individuals will be permitted to begin participation pending completion of a satisfactory background check.

C. 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. 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.

IV. Confirmation of Member Compliance

Each VYSA member must submit a VYSA KidSafe Compliance form signed by both the chief executive officer and the Risk Management Coordinator by November 1st. See Appendix D for Compliance Form.

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.

B. If an individual's background check report indicates a criminal conviction found in Section VI 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 and Committee Review

1 - DISQUALIFICATIONS

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 set forth in Table A.

TABLE A

Crimes Against a 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

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

2 - VYSA RISK MANAGEMENT REIVEW:

If the background check report shows that the individual has ever been convicted of any of the crimes set forth in Table B, the VYSA Member will forward the applicant and Background check report to the VYSA Risk Management Committee. The committee will review the report and consider the applicant on a case by case basis using the Guidelines set forth in Section VIII of this policy and notify the VYSA member of their decision within 10 business days.

TABLE 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

Crimes Involving Health and Safety

1. Felony violation relating to the possession or distribution of drugs
2. Crimes involving the use of a weapon
3. Crimes Against Minors (whether felony or misdemeanor)

3 - CLUB REVIEW:

If the background check report shows that the individual has ever been convicted of ANY OTHER crimes, the VYSA Member will notify their board or Risk Management committee. The Board or Committee of the VYSA Member will review the background check report and consider the applicant on a case by case basis using the Guidelines set forth in Section VIII of this policy

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 players 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.

APPENDIX B:



Letter to Request Explanation of Information Found on Background Check

This letter is to be used when explanation is requested

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

APPENDIX C:



Notice of Duty to Review Criminal Record

This letter should be used when taking adverse action

CONFIDENTIAL: To Be Opened by Addressee ONLY

Date

Applicant's Name

Applicant's Address

Applicant's City, State, Zip

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 [(Trusted Employees) or (name of vendor used by VYSA member)]. The report was prepared by [(Trusted Employees) or (name of vendor used by VYSA member)] pursuant to an authorization signed by you at the time of application with [(VYSA) or VYSA member)]. [(Trusted Employees) or (name of 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 [(Trusted Employees) or (name of vendor used by VYSA member)] and they will respond to your inquiry. You have the right to dispute with [(Trusted Employees) or (name of vendor used by VYSA member)] the accuracy or completeness of any information in the report. [(Trusted Employees) or (name of 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



INCIDENT REPORTING FORM

SUBMITTED BY

Full name: _____

Club/League Name: _____

Position/Title: _____

Phone number: _____ Date(s) of incident: _____

Email address: _____

Involved Parties

List the individuals involved with as many fields as possible. Add additional pages as necessary.

Reporting Party (person alleging the violation)

Name: _____ Gender: _____

Club/League: _____ Role: _____

DOB: _____ Phone: _____ Email: _____

Responding Party (person who is alleged to have conducted the violation)

Name: _____ Gender: _____

Club/League: _____ Role: _____

DOB: _____ Phone: _____ Email: _____

Third Party Reporter (person who reports a possible violation, in addition to Reporting Party)

Name: _____ Gender: _____

If you are a Covered Adult (an individual over the age of 18 who is subject to SafeSport policies), you are also required to report all instances of possible child abuse and/or neglect to appropriate law enforcement.

If so, have you reported to appropriate law enforcement authorities?

- Yes No - visit www.childwelfare.gov

Additional Information or Supporting Documentation

Photos, video, email, and other supporting documents may be submitted below or attached to the email when submitted.

Please submit the form to the VYSA Risk Management Coordinator at SafeSport@vysa.com