

## **PA West Soccer Policy on Youth Athletes' Health, Safety and Welfare**

*Policy 100-8*

*Established in March 2019; Revised September 2021*

### **PA West Soccer Values**

PA West Soccer is an association established to provide public, educational soccer development and competition.

In fulfilling its purpose, PA West Soccer is committed to a culture within the association that embraces all individuals with compassion, civility, and respect. PA West Soccer fosters a positive and safe learning and playing environment.

As an organizer of soccer leagues, provider of coaching education, and player development for its member clubs, PA West Soccer recognizes that each member is an autonomous organization with its own leadership and governance, its own expectations and goals, except as subject to various federal and state laws. However, we recognize we share the common interest in the game of soccer and that our members are members of the larger PA West Soccer community. As a member of this community, all participating organizations are expected to share in the same minimum conduct and ethics expectations with respect to individuals who are members of their organization and members of the larger soccer community. It is also expected that all participating organizations work to uphold those standards.

For these reasons, as well as US Soccer and US Youth Soccer policies, and consistent with various federal and state laws, all participating members and the individuals affiliated with those organizations, including players, coaches, administrators and volunteers shall adhere to the PA West Soccer Code of Conduct and have internal policies that meet the standard of the PA West Soccer Policy on Youth Athletes' Health, Safety and Welfare.

### **Scope of the Policy**

The contents of this Policy not only includes PA West Soccer but our community of clubs, teams, coaches, players, volunteers, and administrators. This Policy applies during all activities involving youth athletes at all levels to prevent behavior that adversely affects those involved with our sport.

This Policy provides minimum expectations and outlines conduct that PA West Soccer expects its employees, participants, and volunteers, and those involved in participating organizations to follow. This Policy also requires participating organizations to require the same expectations through their policies and enforcement of those policies.

These guidelines do not include all potential unsafe behaviors and misconduct but guidance on the types of behavior and misconduct. PA West Soccer, through its Executive Board and Executive Director, reserves the right to direct participating organizations to take disciplinary action, or to take such action itself, for behavior not expressly outlined in this Policy that violates the intent of these guidelines. This will be done in compliance with due process requirements of the US Soccer Bylaw 701.

## Purpose

The PA West Soccer Policy on Youth Athletes' Health, Safety and Welfare is intended to provide direction consistent with U.S. Soccer Bylaw 212, whereas, Organization Members are required to, among other obligations, 1) comply with applicable law and, in particular, the Ted Stevens Olympic and Amateur Sports Act (the "**Sports Act**"); 2) if the member recruits, trains, fields or funds soccer players, establish a risk management program to promote the safety and protect the welfare of participants; and 3) adopt policies prohibiting sexual abuse. Effective February 14, 2018, Public Law 115-126, the *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017* (the "**SafeSport Act**"), amends the Sports Act, and requires applicable amateur sports organizations (as such term is defined in the SafeSport Act, 36 U.S.C. § 220530(b)) to:

- Comply with the SafeSport Act's reporting requirements and prohibit retaliation by the applicable amateur sports organization against any individual who makes a report (36 U.S.C. § 220530(a)(1));
- Establish reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of the applicable amateur sports organization (36 U.S.C. § 220530(a)(2));
- Offer and provide consistent training to adult members in regular contact with minor amateur athletes and, subject to parental consent, to members who are minors, regarding prevention and reporting of child abuse (36 U.S.C. § 220530(a)(3)); and

This policy also provides direction related to compliance with Act 15 of 2015 revising Pennsylvania Act 153 requiring that coaches/volunteers/referees/employees **shall** be qualified by providing copies of current PA State Police Criminal Record Check and PA Child Abuse History Clearance. Additionally, individuals who have not lived in Pennsylvania continuously for the past 10 years must provide a copy of a current FBI Criminal Background Check; individuals living in PA continuously for more than 10 years must complete a notarized residency verification affidavit. This policy applies to all individuals age 18 and older; further, those under the age of 18 who are employed as a coach, referee, or other position must also comply with the requirements of the state law but are granted an exception to the FBI Criminal Background Check requirement and may have their parents complete an affidavit attesting the child hasn't been arrested for the commission of any of the exclusionary crimes.

All clearances must be obtained from the sources designated by the Commonwealth of PA and be uploaded into the PA West Soccer Online Risk Management system to be reviewed by the Executive Board designee. Clearances may also be delivered to the PA West Soccer office for review.

No person shall be permitted to be a coach/volunteer/referee/employed by if the report of criminal history record information indicates that the applicant has been convicted within the last five (5) years regarding any of the following offenses:

- a) Criminal homicide, aggravated assault, harassment and stalking, kidnapping, unlawful restraint, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, indecent exposure, incest, concealing the death of another person, endangering

the welfare of children, prostitution and related offenses, obscene/unlawful sexual material or performances, corruption of minors, and sexual abuse of children.

- b) Any offense related to the Act of April 14, 1972 known as "The Controlled Substance, Drug, Device and Cosmetic Act."
- c) Any offense related to firearms/weapons offenses related to a felony conviction.
- d) Any alcohol related offense including driving under the influence related to a felony conviction.
- e) Any out of state or federal offense similar in nature to those crimes set forth in a, b, c, or d above.

## **Conduct Expectations**

### **Respect for PA West Soccer's Mission**

#### **PA West Soccer Mission Statement**

*The mission of PA West Soccer is to inspire a lifetime passion for the game of soccer for 'kids' of all ages developing them as people and players.*

PA West Soccer Association provides for educational development and competition at all levels of play. PA West strives and devotes its mission to providing for a fair, safe and nondiscriminatory competitive environment for participants, parents, fans, coaches and referees of all ages and backgrounds. As a condition of affiliation and to further our mission all participating organizations, administrators, coaches, volunteers and parents will be held responsible for all inappropriate conduct incongruous with and that adversely affects the reputation and mission of PA West Soccer and its affiliates.

### **Respect for Others**

The following actions committed by any coach, player, administrator, or volunteer within the PA West Soccer community are inconsistent with PA West Soccer values.

1. Abuse: verbal comments that demean or defame.
2. Harassment: unwelcome verbal, non-verbal, or physical conduct that embarrasses or shows hostility or ridicule towards another person.
3. Bullying/Hazing: the use of physical or verbal aggression with the intention of hurting another person. An act that intimidates, embarrasses, or ridicules including but not limited to:
  - a. Verbal abuse, such as derogatory remarks, insults, and epithets;
  - b. Slandering, ridiculing or maligning a person or his/her family;
  - c. Verbal or physical conduct of a threatening, intimidating, or humiliating nature;
  - d. Unwelcome physical contact, such as pushing, shoving, kicking, poking, tripping, punching, assault, or the threat of such conduct, or damage to personal property;
  - e. Inappropriate electronic communication, such as the use of electronic mail, text messaging, or other forms of social media in a threatening or humiliating manner.

Bullying and hazing can occur through one isolated incident or through a pattern of repeated incidents. Such actions are unwelcome and pose a risk to the health and safety of the PA West Soccer community.

4. Discrimination: See discrimination policy (see appendix)
5. Disruptive/disorderly conduct: intentionally or recklessly infringing upon the rights, privacy, or privileges of another person or group of people. This includes conduct that disturbs the peace at meetings, events, games, and other formal gatherings. This includes but is not limited to excessive noise, drunkenness, or public nuisance as defined by state law.
6. Harm, threats of harm, or other dangerous behavior
7. Sexual Harassment and Sexual Misconduct
8. Property Damage: destruction, damage, littering, or vandalism of any property, including the use of phone lines, networks or other properties.
9. Respect for the Property of Others: the attempted or actual theft, embezzlement, misappropriation, possession of stolen property or vandalism of any property.
10. Unauthorized Entry or Use: unapproved entry, access to, presence in, or use of a facility or grounds without verbal or written permission by an authorized official or representative.
11. Violation of Law: any violation of federal, state, or local law.

#### **Use or Possession of Certain Substances**

PA West Soccer Association strictly prohibits the distribution, consumption and/or handling of alcohol, narcotics and any other dangerous substance or related paraphernalia. PA West Soccer also prohibits carrying of weapons and/or illegal firearms at any PA West Soccer Association sanctioned match, event, training session or any other activity related to the PA West Soccer Association. Any person attending a PA West Soccer Association sanctioned event and who violates this policy will face immediate eviction from the event and possible further sanctions and actions if so required by a PA West Soccer Association acting official.

#### **Use of Social Media and Electronic Communications**

Social media and networking sites are communication tools that help people connect and communicate with groups and individuals. PA West Soccer supports members' use and participation in online communities as a means of communication, learning, and networking. However, PA West Soccer community members may be disciplined for personal use of social media when usage is in violation of other PA West Soccer policies.

Because social media is a dynamic and ever-changing medium, the following guidelines have been developed to help PA West Soccer staff and members navigate online opportunities while following association policies and protecting the personal and professional reputation.

#### **Generally**

- Organizations and individuals should be honest about their identity.
- Organizations and individuals should be respectful, professional, and courteous in posting and communicating.
- Organizations and individuals should maintain the confidentiality and privacy of others.

## Personal Sites

- Individuals should be clear that they are sharing their personal views and are not representing PA West Soccer or a participating organization.
- Individuals must not use the logo, marks, or images of PA West Soccer or participating organizations on a personal site, without proper authorization.
- Individuals are personally and legally liable for what they post on their own sites and on the sites of others. Individual bloggers have been held liable for commentary deemed to be proprietary, copyrighted, defamatory, libelous, or obscene.
- Individuals should consider whether a post today might create concerns in the future. Individuals should use good judgment when posting messages and photographs of themselves and others on sites.

PA West Soccer community members should use care in posting material and photographs that have been authorized. Community members should never post material and photographs that have not been authorized.

Application of this policy shall apply to:

1. Adult members who have regular contact with amateur athletes who are minors
2. An adult authorized to have regular contact with or authority over an amateur athlete who is a minor
3. Staff and board members of PA West Soccer

Content of all communication via electronic communication or social media from adults to amateur minor athletes who are minors must be professional in nature.

All communication must be open and transparent

- Only platforms that allow for open and transparent communication may be used to communicate with minor athletes.
- If an authorized adult needs to communicate directly with an amateur athlete who is a minor via electronic communications, another authorized adult or the minor's legal guardian will be copied on the communication.
- If a minor athlete communicates to an authorized adult privately first, the authorized adult should respond to the minor athlete with a copy to another authorized adult or the minor's legal guardian.
- An authorized adult communicating electronically to the entire team will copy another authorized adult.
- Amateur athletes who are minors may "friend" the organizations official page.

Prohibited electronic communications are as follows:

- Authorized adults are not permitted to communicate privately via electronic forms of communication with amateur athletes who are minors.
- Authorized adults are not permitted to "private message," "instant message," "direct message," or send photos via Snapchat or Instagram to a minor athlete privately.
- Authorized 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.

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 authorized adults. The organization will abide by any such request from a guardian that a child not be contacted via electronic communication.

Electronic communications will only be sent to amateur athletes who are minors between 8:00 AM and 8:30 PM.

#### Monitoring of Social Media

- PA West Soccer monitors its social media pages and removes any posts that violate the association's policies and practices for appropriate behavior.
- The association will inform the legal guardian of a minor athlete of any prohibited posts.

### **Professionalism and Ethics**

PA West Soccer expects professionalism and ethical conduct for its Boards, Committees, Staff, and affiliated members. These expectations support optimal performance and provides an environment that embraces all individuals and actions with compassion, civility and respect.

Professionalism demonstrates excellence, honesty, respect, integrity, compassion, and accountability in all efforts, including honesty and respect for all members. While PA West Soccer provides a competitive environment on the playing field providing the opportunity to learn; accepting and overcoming challenges; growth as a player and individual; and adherence to long established standards of sportsmanship, PA West Soccer members are expected to model, promote and advocate a strong and visible culture of professionalism and ethics. Our members are responsible for establishing and maintaining a welcoming and respectful environment where every individual is valued and honored.

It is PA West Soccer's expectation that all participating organizations, their administrators, coaches, players, and volunteers will conduct themselves in a professional and ethical manner during any and all interactions, on and off the field, with opponents, as well as the public.

#### **Training**

Organizations must implement and enforce a policy (1) requiring education and training designed to meet the Organization Member's obligations under the SafeSport Act to (a) Organization Member employees and board members and (b) Participating Adults, in each case as a condition to participation, (2) subject to parental consent, offer and provide training to Youth Participants, and (3) offer and provide training to parents. The Policy should require the following:

#### ***Initial Training for Adults: Core Center for SafeSport Training or Equivalent***

Pursuant to USOC and U.S. Center for SafeSport Policy, and as contemplated by the SafeSport Act, Covered Organization employees, board members and Participating Adults must be required to complete consistent training concerning child abuse prevention. These policies must require Participating Adults to complete either (1) the U.S. Center for SafeSport's Core SafeSport Training (i.e., the Center's online training or the Center's approved in-person training), and as applicable, follow-up refresher course training; or (2) similar training designed to meet the

Organization Member's obligations under the SafeSport Act, with all continuing Adult Participants to receive initial training no later than September 1, 2019, and any new Adult Participants, effective no later than September 1, 2019, to receive initial training upon the earlier of:

- Before regular contact with an amateur athlete who is a minor begins, and
- Within the first 45 days of taking on the role giving them access to Youth Participants.

A Covered Organization may provide alternative training to the Core SafeSport Training, but it is strongly encouraged to use the Core SafeSport Training, and any alternative training is at the risk and responsibility of the Organization Member to ensure compliance with applicable law. If an Organization Member provides alternative training, it must not refer to such training as "SafeSport" Training.

PA West Soccer requires all coaches/volunteers/referees/employees/Board members to complete the abuse awareness training program provided by the US Center for SafeSport.

Enrollment in this program requires the proper access code in order to access the online training from the US Center for SafeSport. The access code and the URL for the online training will be provided to each club.

Once on the SafeSport web site, when prompted please select 'US Soccer' as your NGB and enter the access code. You will complete a confirmation process to activate your SafeSport Account. Once activated you will be able to complete the initial training course. This course will take 90 minutes.

Upon completion save a copy of your certification and upload it into your PA West Soccer Admin Record through the PA West Soccer Risk Management portal.

### ***Refresher Course(s) for Adults***

In addition to the initial training, a refresher course is required on an annual basis effective the calendar year following the completion of the initial training. The U.S. Center for SafeSport's official refresher course is available as of October 1, 2018.

### ***Training for Parents and Youth Participants***

Covered Organizations must offer and provide training annually to Parents and Youth Participants (subject to parental consent) regarding the prevention of child abuse. Covered Organizations must track:

- A description of the training(s)
- The date the training(s) was offered and given
- A description of how the training(s) was offered and given.

### **Limiting One-on-One Interactions – Required Policies**

Covered Organizations are required to establish reasonable procedures to limit one-on-one interactions between individual Youth Participants and any Adult Participant who is not their legal guardian ("Prevention Policies"). These procedures must include athlete prevention policies covering the topics below:

- One-on-One Interactions, including meetings and individual training sessions
- Massages and rubdowns
- Locker rooms, rest rooms, and changing areas
- Social media and electronic communications
- Local travel
- Team travel

**A. Minor athletes who become adult athletes**

A minor athlete who reaches the age of maturity (18 years of age) is subject to Prevention Policies in their capacity as an athlete, and when interacting with Youth Participants who are 17 and younger and all individuals are on the same team. Should a minor athlete reach the age of maturity and then obtain a position that presents a potential power imbalance, such as becoming a coach, the individual is subject to Prevention Policies.

**B. Implementation**

The mandatory components set forth in the PA West Soccer policies set a minimum standard. In implementing the required policies, a Covered Organization may choose to implement a policy that is stricter than the PA West Soccer policy, if it includes or is stricter than the mandatory component. *If, in implementing the required policies identified here, Covered Organizations are not in compliance with federal requirements, the organization must implement policies and procedures sufficient to meet such requirements.*

**Anti-Discrimination Statement**

Discrimination, or adverse treatment of an individual based on race, religion, gender, or other protected status is a violation of the policies set forth in this statement of values. Discriminatory harassment on such a basis is strictly prohibited. "Protected Status" is defined as an individual's race, color, ethnicity, ancestry, national origin, creed, gender, gender identity/expression, sexual orientation, age, religion, marital status, veteran status, disability/physical ability, or other legally protected classification.

**Harassment**

Harassment consists of unwelcome verbal, non-verbal or physical conduct that denigrates or shows hostility or aversion toward an individual or other member of the PA West Soccer community, including third parties, because of a protected category. Harassment constitutes a form of discrimination if it denies or limits a person's ability to participate in or benefit from participation in a PA West Soccer activity or affiliated organization's activity.

Examples of such harassment may include, but are not limited to, jokes or pranks that are hostile or demeaning with regard to a person's protected status or have the purpose or effect of creating an intimidating, hostile, abusive, or offensive training or playing environment.



## **Statement Against Sexual Misconduct**

Sexual misconduct, including sexual harassment, non-consensual sex, sexual exploitation, and stalking are forms of sex discrimination that deny or limit a PA West Soccer community member's ability to participate in PA West Soccer programs/activities or affiliated members' programs/activities.

1. **Sexual Harassment** is unwelcome conduct of a sexual nature and includes sexual advances, requests for sexual favors, and other verbal, physical, visual, or digital conduct of a sexual nature when:
  - a. Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's participation as an employee, volunteer, or participation;
  - b. Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for performance evaluation, participation qualification, advancement opportunities, or employment decisions affecting the individual;
  - c. Such conduct is sufficiently severe and pervasive that it has the purpose or effect of substantially interfering with an individual's performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive learning, playing, or working environment.

2. **Racial, Religious or National Origin Harassment**

Racial, religious, or national origin harassment is expressly prohibited by US Soccer, US Youth Soccer, and PA West Soccer. Racial, religious, or national origin harassment includes any verbal, written, or physical act in which race, religion, or national origin is used or implied in a manner which would make a reasonable person uncomfortable in the work environment or which would interfere with the person's ability to perform the job. Examples of race, religious, or national origin harassment may include, but are not limited to:

- Jokes, which include reference to race, religion, or national origin;
- The display or use of objects or pictures which adversely reflect on a person's race, religion or national origin; or
- Use of pejorative or demeaning language regarding a person's race, religion, or national origin.

3. **Sexual Assault** includes physical acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity, because they are below the minimum age of consent, or because they are incapacitated due to the use of drugs, alcohol or for any other reason. Sexual assault includes non-consensual sexual contact, or such contact with an individual that is under the age of consent.
  - a. *Sexual penetration without consent:* Any penetration of the sex organs or anus of another person when consent is not present; any penetration of the mouth of another person with a sex organ when consent is not present; or performing oral sex on another person when consent is not present. This include penetration or intrusion, however slight, of the sex organs of another person or by an object or other part of the body.
  - b. *Sexual contact without consent:* Knowingly touching or fondling a person's genitals, breasts, thighs, groin, or buttocks, or knowingly touching a person with one's own genitals, breasts, or buttocks, when consent is not present. This

includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.

- c. *Statutory rape*: Sexual intercourse with a person who is under the statutory age of consent under the laws of the state in which the incident occurred.
4. **Sexual Exploitation** includes taking sexual advantage of another person for the benefit of oneself or a third party without consent. This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices):
  - a. Sexual voyeurism, or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
  - b. Indecent or lewd exposure, or inducing others to expose themselves when consent is not present;
  - c. Recording any person engaged in sexual, private, or intimate activity in a private space without that person's consent;
  - d. Distributing personal sexual information, images, or recordings about another person without that person's consent, even if the images or recordings were obtained with consent;
  - e. Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation;
  - f. Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether sexual misconduct actually occurs; and
  - g. Knowingly transmitting a sexually transmitted disease such as HIV to another person.
5. **Stalking**: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress. Stalking includes conduct that occurs via electronic communications, including social media (i.e.-cyberstalking).

## Consent

Consent is a critical factor in determining whether sexual assault has occurred. Consent must be informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, or physical force are used, there is no consent.
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. Warning signs of when a person may be incapacitated due to drug and/or alcohol use include: slurred speech, falling down, passing out, and vomiting.
- If a person is asleep or unconscious, there is no consent.
- If a person is below the minimum age of consent in the applicable jurisdiction, there cannot be consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- If consent is withdrawn at any time and for any or no reason, there is no consent. A person who initially consents to sexual activity can withdraw consent to any sexual activity that occurs after they initially consent to sexual activity.

- Simply being in a romantic relationship with someone does not grant or imply consent to any form of sexual activity.
- Effective consent cannot exist when there is a disparity in power between the parties (i.e.-coach/player, administrator/coach).

### **Travel**

**Local travel** consists of travel to training, practice, and competitions that occurs locally and does not include coordinated overnight stays.

This policy shall apply to:

1. Adults authorized by a member organization who have regular contact with amateur athletes who are minors.
2. Adult members who have regular contact with amateur athletes who are minors.
3. Staff and Board members of the association and association members.

### 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** consists of travel to a competition or other team activity that the organization plans and supervises.

This policy shall apply to:

1. Adults authorized by a member organization who have regular contact with amateur athletes who are minors.
2. Adult members who have regular contact with amateur athletes who are minors.
3. Staff and Board members of the association and association members.

- Written consent from a minor athlete's parent/guardian must be obtained for all In-Program lodging at least annually.

- Written consent from a minor athlete's parent/guardian must be obtained for transportation arranged by a member organization.

- Any Adult Participant traveling with the organization must agree to and sign the organization's Lodging policy at least annually.

- Adult Participants that travel overnight with Minor Athletes are assumed to have authority of Minor Athletes and thus must comply with the organization's education and training policy.

When only one authorized adult and one minor athlete travel to a competition, the minor athlete must have his/her legal guardian's written permission in advance. Permission must be given separately for each competition requiring travel alone with an authorized adult.

Authorized adults shall not share a hotel room or other sleeping arrangement with a minor athlete (unless the authorized adult is the parent/legal guardian, sibling, or is otherwise related to the minor athlete).

Meeting during team travel shall be conducted consistent with the association's policy for one-on-one interactions – i.e., any such meeting shall be observable and interruptible. Please note: meetings should not be conducted in a hotel room.

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

### **Prohibition on Consensual Relationships and Sexual Activity Between Participating Clubs' Administrators/Coaches and Participants**

PA West Soccer recognizes that learning environments, shared passions, activities of special interests such as sport often create productive, natural, positive, and healthy interpersonal relationships among members of our affiliated organizations. PA West Soccer appreciates that members of our community often develop deep and lasting personal bonds that are mutually meaningful. PA West Soccer does not seek to restrict or prohibit the development of positive and constructive relationships among our members.

However, when individuals engage in relationships that become romantic or sexual in nature there is the potential for conflicts when the individuals are of an unequal position of power or status with the organizational structure. The power inequities in these relationships can create inherent and unavoidable risk, including conflicts of interest, favoritism, and exploitation.

With this in mind, PA West Soccer strictly prohibits and expects that each organization has policies in place that prohibit consensual romantic or sexual relationships and sexual activity of any nature between staff and participants not meeting the age of consent.

### **Mandatory Reporting and Designated Responsible Official Child Abuse and Neglect**

PA West Soccer recognizes that Pennsylvania's Child Protection Act and the United States' Act For Safe Sport designates all adults with the role of "mandatory reporter" of suspected child abuse or neglect. Both of these laws require individuals to report to law enforcement any suspected child abuse or neglect.

All individuals involved in PA West Soccer activities are required to report the suspected activity to law enforcement and file a subsequent report to the designated Risk Management officer with PA West Soccer.

All participating organizations have a responsibility to follow these laws and comply with PA West Soccer's policy. These organizations also have a responsibility to establish internal policies and procedures to ensure adherence to these laws and the PA West Soccer policy.

## **Reporting**

### **Process**

PA West Soccer expects all participating organizations to properly and expediently address all reports of misconduct involving participating and affiliated individuals of PA West Soccer, either minor or of a criminal nature and in compliance with all federal, state and local regulations, as well all applicable bylaws and policies of the United States Soccer Federation, United States Youth Soccer Association, United States Adult Soccer Association and of PA West Soccer Association. Furthermore, PA West Soccer Association recognizes that each participating organization may choose to address misconduct in different manners whether it be for philosophical, cultural, educational or other reasons. PA West Soccer Association also understands that minor infractions or disputes, when the issue is addressed promptly and adequately to an individual in a position of authority who resolves the issue expeditiously and without prejudice is an acceptable method to resolve the minor issues.

Participating organizations must respond to allegations of misconduct in a manner consistent with the terms of their authority. Further, to the extent that a participating organization conducts an internal review of an allegation of misconduct, such a review should be conducted in a manner that observes basic principles of fairness for all parties involved.

When conducting disciplinary proceedings, all participating organizations must provide due process as outlined in US Soccer Bylaw 701.

### **Encouraging Reports**

PA West Soccer seeks to support an environment that encourages individuals to report misconduct with the knowledge they are protected from retaliation. Not all assertions of misconduct may rise to the level of a violation. Nonetheless, PA West Soccer recommends members report incidents where they feel an individual's conduct or language may be in violation of the laws, bylaws, or policies, is harassing in nature, is contributing to a hostile environment, or is lacking the degree of professionalism and civility expected of all our members. PA West Soccer expects all participating organizations to develop a culture where reports of such conduct are encouraged, as a necessary check on individual conduct, as well as, a check on a harmful climate or culture within the organization.

Each organization must maintain a procedure for reporting misconduct to the appropriate organizations and, to the extent required by the SafeSport Act, mandate reporting to appropriate law enforcement authorities. The procedure should be clear that reporting may be made anonymously with no direct fees or other cost is involved in making a report. Each member organization must also maintain a policy prohibiting retaliation against individuals making good faith reports of misconduct.

This PA West Soccer Policy provides the following that allows a complaint to be easily reported for a reasonable suspicion of Sexual or Physical abuse/neglect, within a 24-hour period of awareness. Federal regulations require reports be made to a) local law enforcement b) PA Children and Youth Services Childline, c) US Soccer, and d) the US Center for SafeSport. Additionally, suspicion of abuse should be reported to club risk management coordinator and the PA West Soccer Risk Management Coordinator.

Federal and state laws make EVERYONE a mandatory reporter.

**Reporting Process** – All entities listed below MUST be contacted when physical or sexual abuse is suspected.

1. Local Law Enforcement: 911 or police department non-emergency number
2. PA ChildLine: 1-800-932-0313
3. Club Risk Manager Contact Information (every club should have a point person for reporting)
4. State Risk Manager – Tim McCoy, [tim@pawest-soccer.org](mailto:tim@pawest-soccer.org), 412-856-8011.
5. National Governing Body (NGB) – US Soccer
6. US Soccer Integrity Hotline Number – (312) 528- 7004
7. US Soccer – <https://www.ussoccer.com/integrity-hotline>
8. US Center for SafeSport – <https://www.safesport.org/report-a-concern>

Other forms of misconduct such as emotional abuse, bullying, hazing, or harassment must also be reported to:

1. Club Risk Manager Contact Information (NOTE: every club should have a point person for reporting)
2. Club or BOD Review/Hearing – There should be a process in policy to document and address this other misconduct. The decision of the Club or BOD should be sent to the State Risk Manager.

## **Enforcement**

### **By Organization Members**

Each Covered Organization and Organization Member that qualifies as an amateur sports organization under 36 U.S.C. § 220501(b)(3) must enforce its Athlete & Participant Safety Policy, consistent with the SafeSport Act. Specifically, violations of the policy must be subject to an appropriate grievance process that is materially free of bias and conflicts of interest, to address allegations of misconduct following the report or complaint of misconduct. This grievance process must include the opportunity for review by a disinterested individual or body and a right to appeal a final decision rendered by an Organization Member's process pursuant to U.S. Soccer Bylaw 701.

### **By U.S. Soccer**

Pursuant to Bylaw 212, U.S. Soccer reserves the right to, either directly or through a contracted third party service provider, survey, audit, require certifications of compliance with, and otherwise review compliance by its Organization Members with this policy. Failure of any Organization Member to issue and implement the policies required by this Policy 212-3 will constitute a violation of Bylaw 212 Section 2 and may result in disciplinary action up to and including removal from PA West Soccer.

### **Statement Against Retaliation**

Retaliation is inconsistent with PA West Soccer's values. Retaliation is any adverse action, threat of adverse action, or pressure to unduly influence an individual by or on behalf of a person or group against another person or group in response to someone reporting an alleged violation or safety concern, or otherwise reporting or participating in a review of such an allegation in good faith. PA West Soccer and its community will take immediate, swift, and strong action against retaliatory actions up to and including removal from PA West Soccer.

## **Privacy**

PA West Soccer acknowledges that participating organizations cannot guarantee confidentiality or anonymity for reporters in all circumstances but it is strongly recommended that affiliates only share the identity of a reporter(s) with those “who need to know” of a report for it to be promptly addressed. Confidentiality on the part of the affiliate helps protect the privacy interests of any impacted parties and reduces risk that related statements might be interpreted to be retaliatory or defamatory. Most importantly, protecting reporter privacy to the greatest extent possible also supports a welcoming environment for other reporters to come forward, which benefits the greater PA West Soccer community. Conversely, broad distribution of the identity and details of a report of misconduct may have a chilling effect on future reporters.

## **Other resources:**

Bully Prevention: <https://www.stopbullying.gov/>

LGBTQ Safe Space Kit: <https://www.glsen.org/safespace>

Abuse Prevention Systems: <https://abusepreventionsystems.com/>

RAINN (Rape, Abuse and Incest National Network) – 800-656-HOPE (4673)

National Domestic Violence Hotline: 800-799-SAFE (7233)

Love Is Respect (Teen Dating Violence): <https://www.loveisrespect.org/> Hotline: 866-331-9474

Pittsburgh Action Against Rape: <https://paar.net/>

Crime Victim Center of Erie County: <http://www.cvcerie.org/>

Centre County Women’s Resource Center: <https://ccwrc.org/>

Pennsylvania Coalition Against Rape: <https://pcar.org/help-pa/locations>

AFSP-Western Pennsylvania: <https://afsp.org/chapter/afsp-western-pennsylvania/> Hotline: 1-800-273 8255

## Addendum

The U.S. Center for SafeSport has created a series of template policies for use by U.S. Soccer and its Organization Members. PA West Soccer Association has adopted these policies.

### ***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.

### **Components**

Covered Organizations (PA West Soccer and all member organizations) *must* comply with items a through g.

a. Application

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

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

c. Meetings

- Meetings between Adults and minors at any facility may only occur if another adult is present, except under emergency circumstances. Such meetings must occur where interactions can be easily observed and at an interruptible distance from another adult.
- If a one-on-one meeting takes place in an office, the door to the office must remain unlocked and 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 at any facility, a closed-door meeting may be permitted to protect patient privacy – provided that (1) the door remains unlocked, (2) another adult is present at the facility, (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 at any facility 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. Monitoring

When one-on-one interactions between Adults and minors occur at any facility, adults will monitor these interactions. Monitoring includes: knowing that the one-on-one interaction is occurring, the approximate planned duration of the interaction, and randomly dropping in on the one-on-one.

g. 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***

Covered Organizations (PA West Soccer Association and all member organizations) must comply with a through c.

a. Application

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. All individuals listed above to which this policy applies shall be referred to collectively as "Adults."

b. Licensed, certified professional

- Any massage or rubdown performed by an Adult on a minor athlete at any facility or a training or competition venue is prohibited unless such Adult is a licensed massage therapist.
- Any massage or rubdown performed at any facility or a training or competition venue by a licensed professional 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 licensed massage therapist in the room.
- Even if a coach is a licensed massage therapist, the coach shall not perform a rubdown or massage of an athlete under any circumstances.

c. Written consent

Written consent by a legal guardian shall be provided before providing each massage or

rubdown on a minor athlete. Parents must be permitted to be in the room as an observer.

### ***Locker Rooms, Rest Rooms and Changing Areas***

Covered Organizations (PA West Soccer Association and all member organizations) must comply with a through f.

a. Application

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, or any child under the age of 18
- 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 at any facility is prohibited. Exceptions may be made for media and championship celebrations, provided that such exceptions are approved by the Covered Organization and two or more adults are present.

c. Changing Rooms

A private or semi-private changing area must be provided to minor athletes at sanctioned events where possible.

d. Undress

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

e. Showers

Adults are not permitted to shower with minor athletes absent one of the recognized exceptions to the policy.

f. 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 when at any facility, 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.

g. 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.

h. 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.

## Appendix

### -Safe Sport Act:

<https://static1.squarespace.com/static/5bb3a6cd8d9740440aff1c54/t/5bd1cbf18165f56b0fa0c61a/1540475889592/BILLS-115s534enr.pdf>

### -PA Child Protection Act:

<https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2015&sessInd=0&act=15>

### -US Soccer Policy 212:

*Reporting Risk Management Disqualifications Every Organization Member which has a risk management program shall submit to the Federation the following information within ten business days of any action, and again in a report submitted at least once per year: (1) the names and dates of birth of any individuals disqualified from participation or thereafter reinstated under the Organization Member's risk management program and (2) the reasons such individuals were disqualified or reinstated.*

### -PA West Soccer Policy on Discrimination

Discrimination

Teams and divisions may be formed based gender, age and levels of skill and may set their own fee structures based on costs for coaching, fields, equipment, travel, etc.

Teams and divisions may not discriminate because of religion, ethnic background, nationality or race.

### -PA West Soccer Risk Management Policy

#### ***Criminal History Clearance Process***

##### *Section 1*

*In accordance with Act 15 of 2015 revising Pennsylvania Act 153 and US Youth Soccer's Risk Management Policy (revised August 17,2018), the revised PA West Soccer Risk Management Policy and the operation of the Affinity Sports Online Registration System, PA West Soccer will use the following guidelines to review and qualify coaches/volunteers/referees/employees.*

*This policy recognizes that coaches/volunteers/referees/employees **shall** be qualified by providing copies of current PA State Police Criminal Record Check and PA Child Abuse History Clearance. Additionally, individuals who have not lived in Pennsylvania continuously for the past 10 years must provide a copy of a current FBI Criminal Background Check; individuals living in PA continuously for more than 10 years must complete a residency verification affidavit, this policy requires the affidavit be notarized. This policy applies to all individuals age 18 and older; further, those under the age of 18 who employed as a coach, referee, or other position must also comply with the requirements of the state law but are granted an exception to the FBI Criminal Background Check requirement and may have their parents complete an affidavit attesting they haven't been arrested for the commission of any of the exclusionary crimes.*

*All clearances must be obtained from the sources designated by the Commonwealth of PA and be uploaded into the PA West Soccer Online Risk Management system to be*

*reviewed by the Executive Board designee. Clearances may also be delivered to the PA West Soccer office for review.*

*US Youth Soccer's Risk Management policy requires completion of new clearances every other year. PA West Soccer will recognize clearances as being valid for two years from date of issuance*

#### *Section 2*

*Individuals failing or refusing to complete a risk management application and provide the current state required clearances will be not eligible for coaching/volunteering/refereeing/working until such time as a clearance is provided or completed.*

#### *Section 3*

*No person shall be permitted to be a coach/volunteer/referee/employed by where the report of criminal history record information indicates that the applicant has been convicted within the last five (5) years regarding any of the following offenses: Criminal homicide, aggravated assault, harassment and stalking, kidnapping, unlawful restraint, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, indecent exposure, incest, concealing the death of another person, endangering the welfare of children, prostitution and related offenses, obscene/unlawful sexual material or performances, corruption of minors, and sexual abuse of children.*

*Any offense related to the Act of April 14, 1972 known as "The Controlled Substance, Drug, Device and Cosmetic Act."*

*Any offense related to firearms/weapons offenses related to a felony conviction.*

*Any alcohol related offense including driving under the influence related to a felony conviction.*

*Any out of state or federal offense similar in nature to those crimes set forth in a, b, c, or d.*

#### *Section 4*

*At the conclusion of the five (5) year period defined in Section 3, such individual may apply. It shall be within PA West Soccer's discretion to allow or disallow such individual to coach/volunteer/referee/be employed by PA West Soccer. Such determination shall be made on a case by case basis.*

#### *Section 5*

*Coaches/volunteers/referees/employees with no findings will be designated "eligible" to coach/volunteer/referee/work. Coaches/volunteers/referees/employees will be designated "under review" until such time as the uploaded clearances can be reviewed. Positive findings will be designated "ineligible" and the coach/volunteer/referee/employee will be notified.*

#### *Section 6*

*Individuals disqualified in accordance with Section 3 will be provided the opportunity to provide evidence to disprove the findings provided by the designated provider.*

## **-US Youth Soccer Risk Management Policy**

### **Section 101. Introduction, Purpose, and Applicability**

*(a) The Risk Management Policy of US Youth Soccer further clarifies the US Youth Soccer Bylaw Article VI, Section 2 and establishes the minimum standards by which US Youth Soccer and all Organization Members will adhere in an effort to collectively avoid or minimize the potential impact of forecasted risks.*

*(b) The Risk Management Policy applies to US Youth Soccer and all Organization Members to include Affiliate, Associate and State Association (Bylaw Article IV).*

### **Section 102. Risk Management Program**

*(a) US Youth Soccer and all Organization Members must establish and monitor a risk management program which, at a minimum, uses an employment/volunteer disclosure statement for all volunteers and employees defined as any person (to include, but not limited to, coach, team manager, board member, program administrator, referee, athletic trainer, organization employee, tournament organizer) age 18 and older acting within an official capacity and who may have the opportunity to have direct and unmonitored access to children who are involved with any approved or sponsored program of US Youth Soccer or the Organization Member or member of the Organization Member.*

*(b) All Organization Members are to offer and provide sexual abuse awareness and prevention training and are to require every adult to report abuse and or suspected abuse within a 24-hour period.*

*1. The required training is to be completed the earlier of*

*1) before regular contact with a youth participant who is a minor begins;*

*or*

*2) within the first 45 days of the participating adult taking on the role giving them access to youth participants.*

*2. A refresher course is required on an annual basis effective the calendar year following the completion of the initial training.*

*(c) Subject to parent consent, youth participants are to be provided training annually regarding the prevention of child abuse. The following items must be tracked: 1) a description of the training, 2) the date the training(s) was offered and given, 3) a description of how the training(s) was offered and given.*

### **Section 103. Background Checks**

*(a) US Youth Soccer and all Organization Members must adhere to state law regarding the frequency of required background checks.*

*1. All required background checks are to be completed by the earlier of 1) prior to regular contact with a youth participant; or 2) within the first 45 days of the participating adult taking on the role giving them access to youth participants.*

*(b) In the event that an Organization Member does not have a state law pertaining to the quality and frequency of required background checks, then:*

*1. At a minimum, a background check is required every other year on every individual, as described in Section 102 (a) of this policy.*

*(c) For US Youth Soccer, every background check must, at a minimum, require the individual to meet the criteria provided by the National Council of Youth Sports in addition to checking against the US Youth Soccer DARM report, U.S. Soccer's disqualification list and the SafeSport disciplinary records.*

**Section 104. Indemnification Agreement**

*(a) As a condition of membership, to the extent permitted by law, each Organization Member agrees that it shall indemnify, defend and hold harmless US Youth Soccer, its Board of Directors, officers and employees, volunteers, and its sponsors from any and all claims that arise from, or are attributed to, the negligence of an Organization Member, its directors, officers, employees, referees or volunteers. If requested by US Youth Soccer, each Organization Member agrees that it will execute a formal, written, Indemnification Agreement.*

*(b) US Youth Soccer agrees to indemnify, defend and hold harmless the Organizational Member, its Board of Directors, Officers and Employees, Volunteers and its Sponsors from any and all claims that arise from or are attributed to, the negligence of US Youth Soccer, its officers, directors, employees or volunteers.*

**Section 105. Liability Insurance**

*(a) Each Organization Member shall obtain a Comprehensive General Liability Policy (“GL Policy”) with minimum limits of not less than \$1,000,000 dollars per occurrence / \$2,000,000 aggregate and an Umbrella Liability policy (“UL Policy”) with minimum limits of not less than \$5,000,000 per occurrence / \$5,000,000 aggregate.*

*(b) Both the GL Policy and UL Policy shall provide liability insurance coverage, to include sexual misconduct coverage, for the Organization Member, all of its leagues, clubs, teams, referees, coaches, registered players, directors, officers, staff and volunteers. Both policies shall be endorsed to specifically name United States Youth Soccer Association, Inc. DBA US Youth Soccer as an additional insured.*

*(c) Immediately following the annual renewal of its GL Policy and UL Policy, each Organization Member must submit to US Youth Soccer a certificate of insurance evidencing compliance with the insurance requirements contained in this Section.*