

**VERMONT SOCCER ASSOCIATION RISK MANAGEMENT PROGRAM**  
SEPTEMBER 2003

The intent of this policy and its rules and procedures is to reduce the risk of a Youth Member of the Vermont Soccer Association from becoming the victim of sexual or physical abuse.

**Section 1. Standard for Participation in Vermont Soccer Association and its Affiliated Programs**

A person may qualify for participation in Vermont Soccer Association and its related activities and affiliated programs upon completion and passing of the screening process outlined below.

A person may be disqualified and prohibited from serving as an employee or volunteer of Vermont Soccer Association and its affiliates if:

1. The person has been convicted (including crimes the record of which have been expunged, pleas of "no contest" or pending cases which have been continued without a finding) of any crime of violence against minors, or any crime which indicates the person may pose a risk to the safety and well-being of children under his/her direction and/or stewardship, including but not limited to:
  - a. Indecent assault and battery on a child under fourteen.
  - b. Indecent assault and battery on a mentally retarded person.
  - c. Indecent assault and battery on a person who has attained the age of fourteen.
  - d. Rape.
  - e. Statutory rape.
  - f. Rape of a child under sixteen with force.
  - g. Assault of a child with intent to commit rape.
  - h. Assault with intent to commit rape.
  - i. Kidnapping of a child.
  - j. Distribution and trafficking of narcotics or other controlled substances.
  - k. Lewd and lascivious conduct.
  - l. Open and gross lewdness.
  - m. Unnatural and lascivious acts with a child under sixteen.
  - n. Violation of a restraining order involving physical or sexual abuse of a child.
  - o. Assault and battery of a child; liability of a person having custody.
  - p. Intent to commit any of the above crimes.
2. It is determined that: he/she has been adjudged liable for civil penalties or damages involving sexual or physical abuse of children, is subject to any court order involving sexual abuse or physical abuse of a minor, has had his/her parental rights terminated for reasons involving sexual or physical abuse of children; or
3. The Vermont Soccer Association or any one of its affiliates or Members comes into possession of verified information that he/she has: a history with another Organization (volunteer, employment, etc.) of complaints of physical or sexual abuse of minors, resigned, been terminated or been asked to resign from a position, whether paid or unpaid, due to verified complaints of sexual or physical abuse of minors.

## **Section 2. Uniformity of Standard**

All personnel of Vermont Soccer Association and its Members are subject to the same screening process and standards.

## **Section 3. Applicability of Standard**

The Membership associated with Vermont Soccer Association shall screen their personnel pursuant to these rules.

For purposes of these rules, Members consisting of individuals, Organizations, teams and Leagues shall be collectively referred to as the Membership or Members.

For purposes of these rules, personnel shall include, but not necessarily be limited to, officers, Members of the boards, administrators, coaches, managers, referees, instructors and staffs whether or not they receive compensation for the performances of their duties.

The Membership, Organizations, teams or Leagues may, in their discretion, apply the requirements of these rules to any other personnel including volunteers not carried on rosters, Membership or registration rolls and not specifically mentioned herein.

Any Member required under these rules to be screened who does not consent to the application of these rules shall not be allowed to participate in any activities of Vermont Soccer Association and its affiliates.

## **Section 4. Screening Information**

The following information shall be gathered and used in the screening process of all personnel referenced in the above Applicability of Standard.

1. Vermont Criminal Information Center (VCIC) background check: All personnel shall be annually reviewed by the Vermont Criminal Information Center.
2. Information from appropriate agencies that is relevant to the purpose of this committee.

## **Section 5. Screening Process**

Vermont Soccer Association and its Membership, Organization, teams or Leagues shall collect VCIC Vulnerable Populations Program Vermont Release Forms (Release Form) from all individuals. Vermont Soccer Association and its Membership, Organization, teams or Leagues shall certify by letter the names of all personnel and forward all completed Release Forms to the State Risk Management Coordinator in a sealed envelope. The State Risk Management Coordinator shall collect all Release Forms.

### **Section 5. Screening Process (continued)**

Individuals who fail the screening process, that is, refuse to complete and/or sign the Release Form or for whom an unfavorable response is received as a result of a VCIC-type inquiry, shall not be accepted into Vermont Soccer Association Membership or shall be terminated from Membership in Vermont Soccer Association or suspended pending appeal. The individual does have a right to appeal to the Risk Management Committee, the process of which is outlined below.

### **Section 6. Notification Process**

If the individual's record indicates risk to youth, the State Risk Management Coordinator shall notify the individual that he/she shall be prohibited from participation in Vermont Soccer Association. Notification shall be in writing to the Organization and the individual and indicate that the individual is not in compliance with Vermont Soccer Association Policy.

### **Section 7. State Risk Management Coordinator**

The president of Vermont Soccer Association shall appoint a State Risk Management Coordinator. The functions of the State Risk Management Coordinator are as follows:

1. Verify that Vermont Soccer Association and its Membership, Organization, Teams or Leagues have provided Release Forms as required by screening process outlined above.
2. Collect and receive all sealed envelopes containing completed Release Forms. These envelopes shall be opened and processed only by the State Risk Management Coordinator.
3. Construct a computer database for all Vermont Soccer Association personnel.
4. Forward all data required to obtain VCIC information to the Vermont Criminal Information Center.
5. Review information provided by the VCIC or other relevant agency and take appropriate action as outlined in these rules.
6. Maintain and update a separate database for all information sent, received and reviewed to or from VCIC or any other relevant agency. This database shall have password protection known only to the State Risk Management Coordinator.
7. Safeguard all information per VCIC guidelines.
8. Receive, open and review all VCIC reports.
9. Keep all completed VCIC reports and information pertaining to appeals and files containing the results of appeals in locked files except when in use by the State Risk Management Coordinator appeals panel.
10. If additional data entry personnel are used to process the forms, only the database information shall be seen by the additional personnel. If additional data entry personnel are used, they shall be instructed that failure to maintain the confidentiality of any of the information is grounds for dismissal.

## **Section 8. Appeals**

If, as a result of the above referenced screening process, one's Membership in Vermont Soccer Association is denied, terminated, or one's Membership is suspended pending appeal, that individual, hereinafter, "the Appellant", shall have the right to appeal to the Risk Management Coordinator. The Appellant shall submit a request in writing to the State Risk Management Coordinator at Vermont Soccer Association, requesting an appeal. Said request shall be submitted within ten (10) days of postmark date of notice of termination or denial or the Membership letter or within ten (10) days of the date of letter if hand delivered. Failure to appeal within the allowable time period shall be considered a waiver of appeal and the decision for denial of Membership or termination of Membership shall stand.

If an appeal is requested, the State Risk Management Coordinator shall notify the VSA President that an Appeals Panel must be formed per Section 9 guidelines.

## **Section 9. Appeal Panel Process Guidelines**

When the VSA President is notified that an appeal has been requested, the President shall appoint two VSA board members to the Appeals Panel (Panel). One of the members will act as Chairman and the second will act as Secretary for the Panel. The Secretary shall arrange for a hearing within fourteen (14) days of receipt of the request for a hearing. The hearing shall not be delayed more than sixty (60) days. The Chairman will select four additional panel members from among the VSA ranks. These could include Club and League Coordinators.

The hearings shall remain confidential. There shall be one official tape transcript of the hearing, kept and recorded by the Panel. Any exhibits submitted by the Appellant shall be returned to the Appellant with the decision. Copies of those exhibits shall be retained in the hearing file.

The hearing shall be held at the Vermont Soccer Association office or any other convenient location at the discretion of the Panel.

At the hearing the Appellant may be represented by counsel. The Appellant may call witnesses, which witnesses shall remain sequestered until called. The Appellant should be prepared to present their case within sixty (60) minutes. The chairman of the hearing shall have the discretion to extend the time if needed. The Panel reserves the right to question the Appellant or witnesses during the sixty (60) minutes. A decision shall be rendered by a majority. The Chairman is not allowed to vote. The Appellant shall be notified by mail of the decision within seven (7) days of the hearing.

If the Panel denies or terminates the Membership of the Appellant, the Appellant shall have the right to appeal that decision to the US Soccer National Appeals Committee.

If no further appeal is exercised by the Appellant, the file (including the tape transcription) shall be retained at the Vermont Soccer Association office for one year from the date of the hearing and then destroyed. Thereafter, only a record that the hearing took place and the decision rendered shall be kept in a secure Risk Management file with the State Risk Management Coordinator. That record shall be kept for seven (7) years.

### **Section 9. Appeal Panel Process Guidelines (continued)**

If the right of appeal from the Panel's decision is exercised by the Appellant the entire file shall be retained for one year after all avenues of an appeal, including litigation, are exhausted. After one year, the file and tape will be destroyed except for any Panel and appellate decision in possession of Vermont Soccer Association which shall be kept for seven (7) years. The Appellant shall have the responsibility of notifying the Panel of any reversal of the Panel decision by a higher appellate or court authority.

If Membership is rejected or suspended as a result of the VCIC report and, as a result of information presented at an appeal hearing, the Appeals Panel accepts a person for Membership or reinstates his or her Membership, no subsequent rejection or suspension of Membership will occur for the same matter except if there is some negative change noted on a subsequent VCIC report.

### **Section 10. Awareness Program**

Vermont Soccer Association shall incorporate into its various literature and clinic programs educational/ awareness information as developed by the Risk Management Coordinator, or other authoritative sources as pertinent information becomes available.

### **Section 11. Miscellaneous**

Policies and procedures established by the Risk Management Coordinator are subject to review and approval by the Vermont Soccer Association Board of Directors.

The decisions and actions of the Risk Management Coordinator and Appeals Panel in administering the Risk Management Program or of Hearing Panels related to appeals are not subject to review or approval by the Vermont Soccer Association Board of Directors as long as these decisions and actions are in accord with US Soccer, USYS and Vermont Soccer Association by-laws and rules and with applicable federal and state laws.

Action by consent, voting by telephone, fax or e-mail is permitted provided the vote of each individual is recorded in panel minutes prepared by the secretary and the votes are confirmed at the next meeting of the committee. If the vote affects policies or procedures, the committee Members will be notified by mail of the results.