



# Michigan State Youth Soccer Association RISK MANAGEMENT PROGRAM



## RISK MANAGEMENT POLICY

The Michigan State Youth Soccer Association will also be stated as 'MSYSA' throughout this document. Any coach, assistant coach, team trainer, team manager, referee, League President, League Delegate, League official, League representative, MSYSA administrator, MSYSA Board of Directors member, contract labor employee, or any other individual over the age of 18 seeking affiliation with MSYSA or MSYSA affiliated leagues who has direct or indirect contact or influence on a youth player shall be known collectively as "Adult Applicant" for the purposes of this policy. Any MSYSA player registered for the current season with an affiliated MSYSA league will be known as "Youth Player" or "Player" for the purposes of this Policy.

### I. APPLICATION PROCESS

Every Adult Applicant is required by MSYSA to apply for Risk Management (RM) every year by using the Online Risk Management system or by sending in a paper application to the MSYSA State Office prior to being registered with MSYSA or its affiliate leagues. Paper applications are available on the MSYSA website or at the MSYSA State Office. Referees must apply annually.

A nation-wide criminal history background check is performed on every Risk Management Applicant submitted every year. Each Risk Management Application is subject to a processing fee. Every Adult Applicant must provide his or her Social Security Number, which will be kept confidential by the Risk Management Committee. Those applicants who do not have a Social Security Number (International Applicants) may be required to have an additional background check with an additional processing fee.

### II. RISK MANAGEMENT DISQUALIFICATION CRITERIA

The Risk Management (RM) Committee will make all initial decisions pertaining to an individual's eligibility to participate with the MSYSA. The Risk Management Committee has the authority to immediately disqualify an individual based on the results of any criminal history background check(s). The RM Committee also has the authority to obtain more information on questionable or serious offenses and convictions based on the results of any criminal history background check(s).

The RM Committee consists of:

- Tom Faro, Risk Management Committee Chairman
- Danielle Guzman, Member Services Manager
- Duane Johnson, Legal Counsel
- Robin Crawford, Ex-Officio Member

MSYSA reserves the right to modify or change the make up of the RM Committee with or without notice and for any reason it deems appropriate and/or sees fit.

Upon reviewing the results of any background check conducted, the RM offenses and/or convictions listed below, in whole or in part, may cause the Risk Management Applicant to be immediately disqualified from participation with the MSYSA, all MSYSA related activities and events, all MSYSA affiliated league activities and events, and all US Youth Soccer related activities and events. MSYSA reserves the right to contact the applicant regarding their criminal history in an attempt to gather more information. Information provided by the applicant is taken into consideration by the RM Committee in determining the eligibility of the applicant to participate with MSYSA.

Offenses not listed here are still susceptible to Disqualification at the RM Committee's discretion.

Abduction  
Aggravated assault  
Aggravated burglary  
Aggravated menacing  
Aggravated Murder  
Aggravated robbery  
Assault and Battery  
Burglary  
Carrying concealed weapons  
Child enticement  
Child stealing  
Compelling prostitution  
Contributing to the delinquency of a minor  
Corrupting another with drugs  
Corruption of a minor  
Custodial interference (Interference with custody)  
Criminal Sexual Conduct  
Disseminating matter harmful to juvenile  
Domestic violence  
Embezzlement  
Endangering children  
Failing to provide for functionally impaired person  
Felonious assault  
Felonious sexual penetration  
Funding of drug or marijuana trafficking  
Gross sexual imposition  
Having a weapon while under a disability  
Illegal administration or distribution of anabolic steroids  
Illegal use of minor in nudity oriented material or performance  
Importuning  
Improperly discharging a weapon at or near a school or dwelling  
Involuntary manslaughter  
Kidnapping  
Pandering sexually oriented matter involving a minor  
Patient abuse/neglect  
Placing harmful objects in food or confection  
Possession of drugs  
Procuring  
Promoting prostitution  
Property Theft  
Prostitution  
Public indecency  
Rape  
Robbery  
Sexual Battery  
Sexual imposition  
Theft

Trafficking in drugs  
Unlawful abortion  
Voluntary manslaughter  
Voyeurism

MSYSA, the MSYSA RM Committee and MSYSA Legal Counsel have the right at any time to add additional offenses and convictions to the list as outlined above. MSYSA reserves the right to disqualify an individual when presented with evidence of inappropriate communication, contact, or contact with children or other individuals even if not charged, convicted, or tried in a court of law. MSYSA also reserves the right to disqualify an individual if that individual's behavior and/or conduct are considered detrimental to MSYSA, the MSYSA membership, or MSYSA member leagues.

The RM Committee analyzes RM offenses and/or convictions acquired from criminal history background check(s) with a general incident date ten (10) years prior to the application date. The RM Committee also reserves the right to review incidents that date back further than ten (10) years and disqualify the individual, if that individual's criminal history indicates a possible serious threat to the well being and safety of children.

The RM Committee also reserves the right to perform criminal history background check(s) at random time periods on any Adult Applicant who has previously applied for Risk Management and who may or may not have a criminal history.

### **III. DISQUALIFICATION PROCEDURE**

The MSYSA RM Committee will send written notification to every Adult Applicant who has been disqualified by the RM Committee with instructions on how to appeal the decision made by the MSYSA RM Committee. The disqualified individual has ten (10) calendar days from the receipt of the notice of disqualification to submit an appeal in writing to the MSYSA State Office.

The MSYSA RM Committee will send written notification to every Adult Applicant who is asked to provide more information by the RM Committee pertaining to offenses and/or convictions found as a result of criminal history background check(s). The MSYSA RM Committee may request additional information if it becomes aware of information about an individual that could have a negative impact on MSYSA. If the Adult Applicant fails to respond to the MSYSA RM Committee within 10 calendar days of the receipt of the written notification for more information then the individual will be considered disqualified from participation with the MSYSA. A reversal of the disqualification will not be considered until the requested information is received from the applicant.

- (a) If an Adult Applicant has any pending charge in matters stated in this policy, the Risk Management Committee may disqualify the individual after a preliminary review. The individual will receive a letter of disqualification which will stand until a determination has been made by the appropriate legal court system and/or the MSYSA RM committee determines that the matter has been resolved. After this determination is made, the individual has the right to appeal his/her disqualification within 30 calendar days. The individual forfeits all rights to appeal if a written request of appeal is not received by MSYSA within the allotted time period.

#### IV. APPEAL PROCESS

Any Adult Applicant who has been disqualified from participation with the MSYSA has the right to appeal the initial decision made by the RM Committee. Once the written notification of the disqualification is received by the individual, that individual must submit a written notice of appeal to the MSYSA Board of Directors addressed to the MSYSA State Office. The written notice of appeal must be received by the MSYSA State Office within ten (10) calendar days from the receipt of the disqualification letter. In the event an Adult Applicant fails to appeal within the 10 calendar day period, the Adult Applicant may re-apply for risk management after one (1) full year from the initial application date. To re-apply, the Adult Applicant must submit a letter to the MSYSA Board of Directors seeking consideration of their request.

The appeal hearing date will be established at the discretion of MSYSA Board of Directors. No members of the MSYSA Board of Directors, except the MSYSA President, who serves as an ex-officio member, will serve on the MSYSA Risk Management Committee. A disqualified Adult Applicant may send materials to the MSYSA State Office to be reviewed by the MSYSA Board of Directors before your hearing date. All materials must be received 5 (five) business days before your hearing date. All MSYSA Board of Directors present at the meeting may vote. A vote will be taken by the MSYSA Board of Directors in a private session and the decision will be relayed in written form to the individual no later than 10 business days from the date of the meeting. The MSYSA Board of Directors may rule in the following ways:

- Reinstatement of the Adult Applicant\*
- Amend the initial decision reached by the MSYSA Risk Management Committee\*
- Uphold the initial decision reached by the MSYSA Risk Management Committee\*

\*The MSYSA Board of Directors determines the terms of reinstatements and the terms of disqualifications.

Recognizing that State Associations can differ greatly, U.S. Soccer has allowed each State Association to establish its own criteria for prevention of abuse based upon applicable laws in each state, each State Association's insurance program, and what each State Association believes is best for its membership. The USSF Appeals Committee does not review risk management decisions by Organization Members. USSF Policy 601-10 sets out the procedures for recognition of risk management actions and does not provide for an appeal of this type of disqualification to the USSF Appeals Committee.

This section only applies to individuals disqualified as described in *DISQUALIFICATION PROCEDURE (a)*.

(a) Normal appeals process applies as described above. The determination by the legal court system will not necessarily imply that the same decision will be reached by the MSYSA Board of Directors. Determinations by the court of 'Not Guilty', 'Dismissed', (or similar) will not automatically reinstate the individual for full participation within MSYSA; an appeal hearing will still take place unless overruled by the MSYSA Board of Directors.

The MSYSA Board of Directors reserves the right to update, modify, or change this policy at any time without notice.