

PROPOSED BY U.S. SOCCER FEDERATION LEGAL DEPARTMENT

I. PROPOSED AMENDMENT

Policy 212-3

Policy Statement:

Each Organization Member that is an “**Applicable Entity**” under Title II of the Sports Act as amended by the SafeSport Act¹ with adult members who are in regular contact with Minor Athletes or other Organization Member with non-professional soccer programs (collectively, “Amateur Organization Members”) in which adult members have regular contact with Minor Athletes must maintain, as part of that risk management program, an athlete and participant safety program that includes the six components listed below. In addition, any *other* Amateur Organization Member that does not have adult participants who are in regular contact with amateur athletes who are minors must nonetheless maintain, as part of the risk management program required under Bylaw 212, policies that include at least a Prohibited Conduct Policy consistent with Paragraph 1, below, an Education and Training Policy consistent with Paragraph 3, below, and prevention policies that comply with the Center’s MAAPP and contain all the requirements and provisions of the model policies included in Appendix A of the Safe Soccer Framework.

To allow Amateur Organization Members adequate opportunity to ensure policy changes and compliance, the required policies must be issued by January 1, 2022, and procedures and communications regarding these requirements must be issued in a manner calculated to effect compliance on or before January 1, 2022, but are nonetheless urged to complete compliance as early as practicable.² Effective January 1, 2022, any Amateur Organization Member not in compliance with this Policy 212-3 will be subject to enforcement as provided in Section 6, below.

1. Prohibited Conduct Policy

Amateur Organization Members must implement and enforce a policy or code of conduct that prohibits misconduct including bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct, and sexual misconduct, as those terms are defined by the U.S. Center for SafeSport’s SafeSport Code for the U.S. Olympic and Paralympic Movements (the “**SafeSport Code**”).³

¹ 36 U.S.C. § 220541 defines “Applicable Entity” to include any national governing body, amateur sports organization or other person sanctioned by a national governing body under section 220525, an amateur sports organization reporting under section 220530, or any officer, employee, agent, or member of the foregoing entities.

² These dates are applicable to U.S. Soccer’s Policy 212-3 and provide the date by which U.S. Soccer will enforce compliance with Policy 212-3. Organization Members are advised that the SafeSport Act became effective February 14, 2018.

³ The SafeSport Code is available at: <https://www.safesport.org/policies-procedures>.

This policy must apply to all activities under the Amateur Organization Member's jurisdiction and at least to (1) Amateur Organization Member employees and board members; (2) the members of such Amateur Organization Member; (3) amateur athletes who are minors or referees who are minors (collectively, "**Minor Athletes**"); and (4) *any* adult individuals the Amateur Organization Member authorizes, approves or appoints to have Regular Contact (as defined in the Safe Soccer Framework) with or authority over Minor Athletes (collectively, "**Adult Participants**"). This policy must also prohibit retaliation against individuals making good faith reports of misconduct.

2. Appropriate Background Screening

All Amateur Organization Members with Minor Athletes must implement and enforce a policy that requires appropriate background screening of at least adult individuals authorized to have regular contact with or authority over Minor Athletes by the earlier of 1) prior to Regular Contact with a Minor Athlete; or 2) within the first 45 days of the individual taking on the role giving them access to Minor Athletes.

At a minimum, the policy should include screening against applicable sex offender registries in the relevant state and a check against the Amateur Organization Member's suspension database, U.S. Soccer's disqualification list, and the SafeSport disciplinary records available at: www.safesport.org⁴.

An Organization Member may decide that its background check requirements will not apply to certain or all people under 18 years of age, provided that it clearly publishes that fact in its policy documentation.

3. Education and Training

Amateur Organization Members must implement and enforce a policy (1) requiring education and training designed to meet the Amateur Organization Member's obligations under the this Policy, the SafeSport Act, and the MAAPP for (a) Amateur Organization Member employees and board members and (b) Adult Participants who have Regular Contact with or authority over Minor Athletes, in each case as a condition to participation, and (2) subject to parental consent, offer and provide training to Minor Athletes. The Policy should require the following:

A. Initial Training for Adults: Core Center for SafeSport Training

The following Adult Participants must complete the SafeSport Trained Core either through the Center's online training or the Center's approved, in-person training:

- i. Adult Participants who have Regular Contact with any amateur athlete(s) who is a minor;
- ii. Adult Participants who have authority over any amateur athlete(s) who is a minor;

⁴ Please note that many, if not all, of these references and resources for background screening are publicly available at no cost.

iii. Adult Participants who are employees or board members of an Amateur Organization Member.

Adult Participants who are medical providers required to take training under Section (a) can take the Health Professionals Course in lieu of the SafeSport Trained Core.

These policies must require Adult Participants to complete 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, with any new Adult Participants 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 either initial membership or upon beginning a new role subjecting the adult to this policy.

Each Amateur Organization Member must track whether its Adult Participants have completed the training required by Section 3.

B. Refresher Course(s) for Adults

The above listed Adult Participants must complete a refresher course on an annual basis, beginning the calendar year after completing the SafeSport Trained Core. Every four years, Adult Participants will complete the SafeSport Trained Core training. Adult Participants who are medical providers can take the Health Professionals Course in lieu of the SafeSport Trained Core and are required to take the refresher courses on an annual basis.

C. Training for Minor Athletes

Amateur Organization Members with Minor Athletes must – subject to parental consent – offer and provide the U.S. Center for SafeSport's minor athlete training regarding the prevention of child abuse to any Minor Athletes on an annual basis. The Center's minor athlete training can be found at www.athletesafety.org. Amateur Organization Members with Minor Athletes must track:

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

D. Training for Parents

Amateur Organization Members with Minor Athletes must offer and provide the U.S. Center for SafeSport's parent training to parents of Minor Athletes on an annual basis. The U.S. Center for SafeSport's parent course is located at www.athletesafety.org.

4. Reporting

Amateur Organization Members must maintain a procedure for reporting misconduct, including violation of the SafeSport Code or the MAAPP, to the Amateur Organization Member and, to the extent required by the SafeSport Act, mandate reporting to appropriate law enforcement authorities and/or the Center for SafeSport. The procedure should be clear that reporting may be made anonymously, and that no direct fees or other cost is involved in making a report. Each Amateur Organization Member must also maintain a policy prohibiting retaliation against individuals making good faith reports of misconduct.

5. Limiting One-on-One Interactions – Required Policies

All Amateur Organization Members are required to establish policies to limit one-on-one interactions between Minor Athletes and any Adult Participant who is not their legal guardian (“Prevention Policies”). These policies must comply with all requirements of the Center’s MAAPP and must contain all the required elements of the model policies included as Appendix A to the Safe Soccer Framework. The policies must address the topics below by January 1, 2022, and require full compliance with MAAPP policy requirements by the same date:

- One-on-One Interactions, including meetings and individual training sessions
- Athletic training modalities, massages and rubdowns
- Locker rooms and changing areas
- Electronic communications
- Transportation and Lodging

A. Minor Athletes who become adult athletes

All athletes turning 18 who still meet the threshold for Regular Contact or authority must complete the SafeSport Core training, and must comply with the Prevention Policies herein, absent the Close-In-Age exception which may apply to the enforcement of Prevention Policies only.

B. Implementation

The mandatory components set forth in the model policies contained in Appendix A of the Safe Soccer Framework set a minimum standard and comply with the Center’s MAAPP requirements. In implementing the required policies, an Amateur Organization Members may choose to implement a policy that is stricter than the model policy, if it includes or is stricter than the mandatory component.

6. Enforcement

A. By Organization Members

Each Amateur Organization Member must enforce its Athlete & Participant Safety Policy and Prevention Policies, consistent with the SafeSport Act and the Center’s MAAPP. 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 Amateur Organization Member's process pursuant to U.S. Soccer Bylaw 704.

B. 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 Amateur Organization Members with this policy. Failure of any Amateur Organization Member to issue and implement the policies required by this Policy 212-3 will constitute a violation of Bylaw 212 Section 1.