Oregon Youth Soccer Association

RISK MANAGEMENT MANUAL
Foreword

Risk Management is a term that encompasses many different things that all lead towards the same goal — decreasing the likelihood that something bad will happen. Most commonly the term is applied to protecting a business from financial loss. For example, the Random House Dictionary defines risk management as,

“the technique or profession of assessing, minimizing, and preventing accidental loss to a business, as through the use of insurance, safety measures, etc.”


What does this business term have to do with youth soccer?

There is more than one way that this business term applies to youth soccer, but first and foremost is that youth soccer is a business. Most all of youth soccer is conducted by organizations that are nonprofit corporations. Even though these corporations are not in business to make a profit for their owners, they are businesses that provide a product (playing soccer and training players) to their customers (players) for a fee (dues, league and tournament entry fees). An organization can only provide these services if it is able to stay in business.

A club’s ability to stay in business is affected by how it deals with the risks it faces. Those risks include possible harm to the organization and its participants from other participants in its programs, from the physical environment, and from business management. Risk is managed by taking actions to minimize the potential for a harmful incident to occur, having plans in place to mitigate the extent of harm when an incident does occur, and shifting the liability to pay for losses that do occur.

Part I of this manual deals with protecting the organization and its participants from the potential of harm caused by people involved with operating the organization and providing services to its players, or who are applying to take on those roles. This part of the manual covers the requirement of conducting criminal background checks on adult participants, the process by which the checks are conducted, standards for reviewing checks that disclose a criminal history, disqualifying or suspending persons from participation, and appeals from decisions to disqualify or suspend persons. Part I also covers guidelines for clubs to minimize the potential for harm to youth players through providing standards of conduct for interactions between adults and youth.

Part II of this manual deals with protecting all participants in its programs through managing the physical environment to prevent injuries and planning for mitigation of harm when injuries do occur.

Part III of this manual deals with protecting the financial well-being of the business through insurance, financial control policies, conflict of interest policies, employment policies, and other club administrative policies and procedures.
Part I

Background Checks
Oregon Youth Soccer has adopted a policy requiring all adults participating in the functions of the Association and its member clubs to register with the Association and successfully complete a criminal background check before beginning service and once each seasonal year during continued service.

Section 1. Purpose and Authority
(A) OYSA’s risk management policy is designed to evaluate whether the participation of individuals in the programs of the Association or its member clubs poses a risk:
   (1) to the safety of other participants, or
   (2) to the security of the Association or any of its member clubs.

(B) OYSA is required by Federation Bylaw 212, Section 1.(7) to have a risk management program and by US Youth Soccer Bylaw 214, Section 2 to obtain, at a minimum, a disclosure statement from, “...all volunteers, employees, coaches, and program administrators who are involved with any approved or sponsored program of USYSA or the State Association or member of the State Association....”

(C) Preparation and maintenance of a Risk Management Manual is directed by OYSA Policy 801-1, Section 3. This manual has been prepared to meet that direction.

(D) Part I of this manual provides procedures and guidelines to administer the background check program of the Association in a manner that:
   (1) Meets the requirements of both the Federation and US Youth Soccer;
   (2) Provides a fair process to all persons involved in risk management decisions;
   (3) Provides reasonable standards for making risk management decisions; and
   (4) Provides an opportunity to appeal an adverse risk management decision.

(E) No adult may actively participate in the activities of the Association or any of its member clubs until that person has registered with the Association as an Administrator and has a risk status of Approved.

Section 2. Definitions
(A) Administrator - any adult participant in the activities of the Association or its member clubs who acts as an official representative of the Association or club, including:
   (1) Board members
   (2) Employees
   (3) Coaches
   (4) Assistant coaches
   (5) Team Managers
   (6) Trainers
(7) Other adult Volunteers
(8) Referees officiating matches in any league, tournament, or other competition sponsored or sanctioned by OYSA
(9) Youth over the age of 16 who serve in any of the positions listed in Section 2.A.,1-7
(10) Any applicant for any of the positions listed in Section 2.A.,1-7

(B) **Association (or OYSA)** - the Oregon Youth Soccer Association

(C) **Background Check** - the process of determining whether a person has a criminal history.

(D) **Background Report** - a report provided to the RMC containing details of an individual’s criminal history.

(E) **Conditional Approval Agreement (CAA)** - an agreement between an Administrator, the RMC, and an Administrator’s club which grants an Administrator a risk status of Approved, subject to the Administrator’s compliance with conditions. The Administrator’s club must also agree to any conditions which require supervision of the Administrator’s activities.

(F) **Conviction** - an official entry in the records of a duly constituted court stating that an individual has been found guilty of a crime. A conviction includes a finding of guilt based upon the entry of a plea of guilty or no contest, in addition to any finding of guilt after a trial.

(G) **Crime** - any offense for which a sentence of imprisonment is authorized, regardless of the actual sentence imposed. A crime is either a felony or a misdemeanor.

(H) **Criminal History Disclosure** - the answers given by an applicant for a position as an Administrator to questions regarding the applicant’s criminal record.

(I) **Disqualification** - a risk management decision which determines after a review of a person’s background report that the participation of that individual in the programs of the Association and its member clubs poses an unacceptable risk to the Association, its member clubs, or the other participants. When a person is disqualified, that person is not allowed to register with OYSA or any of its member clubs and is not allowed to participate in any way with the Association, US Youth Soccer, or the Federation.

(J) **Federation (or USSF)** - the United States Soccer Federation.

(K) **Felony** - a crime which is defined as having a maximum sentence of imprisonment greater than one year.

(L) **Misdemeanor** - a crime which is defined as having a maximum sentence of imprisonment of not more than one year.
(M) **Moral Turpitude** - refers to crimes that include elements of fraud and deception or intentional or reckless actions that cause harm to person or property. Whether a particular crime involves moral turpitude is determined by the elements stated in the law defining the crime.

(N) **Risk Management Coordinator (RMC)** - an individual employee of the Association who has been designated by the Executive Director to be responsible for reviewing background reports and making initial risk management decisions.

(O) **Offense** - conduct for which a sentence to a term of imprisonment or to a fine is provided by the laws of the United States, a state, or of a political subdivision of a state. An offense is either a crime or a violation.

(P) **Risk Management Decision** - a decision regarding an individual’s eligibility to participate in the activities of the Association or any of its member clubs which is made following a review of that individual’s background report.

(Q) **Risk Status** - the results of risk management decisions that are displayed in OYSA’s Affinity database and are viewable by league and Association users of that database. The risk status for an individual administrator will be one of the following:

1. **Approved** - a background check has been completed and no disqualifying criminal record is present.
2. **Under Review** - a background check has been performed, but the information discovered must be reviewed before a final risk management decision is made regarding eligibility.
3. **Failed** - a background check has been completed and a risk management decision has been made that the individual is disqualified from participating in the programs of the Association or any of its member clubs.
4. **Expired** - the seasonal year for which a risk status was set has ended and a background check for the current seasonal year has not yet been completed for an individual.
5. **None** - no background check has yet been completed because of a technical error that occurred during the application process.

(R) **Suspension** - an official period during which any and all activities with OYSA or any member clubs must cease. Suspension shall be a complete cessation of activities. When suspended, a person may not:

1. play for or practice with any team;
2. coach or in any way assist in the instruction, training or management of a team or any of its players; or
3. hold any official position of responsibility within any affiliated organization (team, club, league, or state association. Suspension from one (League, State, Regional or National) is suspension from all.

(S) **Violation** - an offense that is punishable by a fine, but not by a term of imprisonment. An offense that has been designated by the responsible court to
be treated as a violation for sentencing is considered a violation for the purpose of evaluating a person’s risk status.

Section 3. Background Checks
(A) All Administrators of the Association and its member clubs are required to complete a background check that results in a risk status of Approved prior to beginning any activities as an Administrator. Each administrator that continues to participate with the Association or any of its member clubs is required to complete a background check once each seasonal year and maintain a risk status of Approved.

(B) Administrator Applications
(1) The information necessary to complete a background check is collected in an individual’s application to serve as an Administrator.
(2) The application requires the applicant’s:
   (a) Full legal name;
   (b) Date of birth;
   (c) Contact information;
   (d) Driver’s license details;
   (e) Criminal History Disclosure;
   (f) Permission to submit information for a criminal background check; and
   (g) Acknowledgment of the requirement to promptly notify the Association’s Risk Management Coordinator upon being charged with, or convicted of, any crime.
(3) The application may contain other information required by the Association or the club to which the application is submitted.
(4) Information collection is done entirely electronically as part of the Association’s procedures for registering individuals as Administrators.

(C) The Association has arranged with a qualified provider
(1) to perform background checks for each Administrator using the information collected in the Administrator’s registration, and
(2) to provide Background Reports to the RMC for any Administrator who is found to have pending criminal charges or a record of conviction(s).
(3) The Association may change the registration software and/or the background check provider, but will endeavor to maintain a registration process that integrates obtaining a background check with an adult’s registering as an administrator.

(D) The Background Check Process
(1) The initial background check is a fully electronic search which checks the applicant’s name and date of birth against databases that include information from all 50 states, federal sources, and some international sources.
(2) If no potential match is found, the risk status is automatically set to Approved.
(3) If a potential match is located, the risk status is automatically set to Under Review. A person with a risk status of Under Review is not eligible to work with children.
(4) Potential matches are reviewed by a human researcher and results are reported to the OYSA Risk Management Coordinator.

(5) If a background report shows one or more convictions that are detrimental to children, that person's risk status will be set to Failed and that person will be advised that he or she is disqualified from participation in the Association or its member clubs.

(6) If the report shows that the individual has been charged with one or more criminal offenses that would, if convicted, cause the person to be disqualified, the person will be suspended until the charges have been resolved.

(7) The final decision on what is an acceptable or unacceptable criminal history is made by the RMC.

(E) The RMC has prepared an FAQ (Frequently Asked Questions) document that provides detailed explanations of the background check process. This is available on the Risk Management page of the OYSA website. A copy of that document is attached as Appendix A. If there are differences between the version posted online and the appendix to this manual, the online version should be considered as authoritative.

Section 4. Obligation to Disclose Existing Criminal Record

(A) Every individual who applies for a position as an Administrator is required to disclose their criminal history as a part of the application.

(1) Failure to fully answer the Criminal History Disclosure in an application for a position as an Administrator may result in disqualification.

(2) Failure to disclose a conviction for a felony will result in disqualification if:
   (a) Less than 10 years have elapsed since the conviction and the conviction was for an offense defined as a Class A or Class B felony in Oregon;
   (b) Less than 10 years have elapsed since the conviction and the crime involved
       (i) intentional injury to a person,
       (ii) a victim who was a minor at the time of the offense,
       (iii) the crime was a sexual offense; or
   (c) Less than 7 years have elapsed since the conviction of any other felony.

(3) Failure to disclose a conviction for a misdemeanor may result in disqualification if:
   (a) Less than 5 years have elapsed since the conviction; or
   (b) Less than 7 years have elapsed since the conviction and the crime involved
       (i) intentional injury to a person,
       (ii) a victim who was a minor at the time of the offense, or
       (iii) the crime was a sexual offense.

(4) There shall be no disqualification for failure to disclose a conviction if the conviction:
   (a) Has been set aside under the provisions of applicable law, or
   (b) Has been reduced to a violation or dismissed by court order following an individual’s compliance with conditions set by the court.
**Explanation** - The game of soccer is based on the principle of persons competing within the Laws of the Game. The game works well when the participants openly accept the consequences of their actions that violate those Laws. Coaches and other administrators are expected to both teach and model positive values for youth participants. Honest disclosure of one’s history models the values of honesty and acceptance of consequences that are important parts of the game’s values. Failure to disclose known convictions suggests a lack of honesty and acceptance of consequences for actions, as well as displaying an attitude that the person is not required to abide by rules.

(B) Any administrator applicant who discloses a conviction has the opportunity to explain the situation to the RMC. Explanations are not required, but do give the individual the chance to clarify the nature of the offense and the remedial steps that have been completed since the conviction.

(C) Once submitted, the Criminal History Disclosure will remain a permanent part of the individual’s data record with the Association, visible only to that Administrator and Association users of the Affinity database with risk management clearance. An Administrator’s Criminal History Disclosure does not need to be resubmitted unless there is a change in that Administrator’s criminal record.

**Explanation** - Answers to the criminal history disclosure questions are retained as part of a person’s individual account in the Affinity database. They can be reviewed and edited by the individual or by the RMC. Results of the background check and any notes by the RMC are also retained in the individual’s account, but are visible only to the RMC or other Association staff with Risk Management clearance.

(D) Any club official preparing an administrator application for another person must have written permission from the applicant to complete the Criminal History Disclosure and to grant permission to conduct a background check. The club shall retain a copy of the written permission in its records for a period of not less than 3 years.

**Explanation** - Some individuals are not able to access online registration to complete an administrator application. A club registrar or other club official may complete an application for such a person. The club official should gather the necessary information in writing, including answers to the disclosure questions. The club official should also have received permission to accept the electronic legal agreements on behalf of the registering individual. The club official will then create the online application by impersonating the individual registrant.

Because the club official will be initiating a background check for the person being registered, it is very important that all information is accurately entered, particularly the name, date of birth, and driver's license details.

Section 5. Obligation to Disclose New Charge or Conviction

(A) Every registered Administrator shall promptly notify the Association’s RMC, as well as the risk management coordinator of the club of which that person is an individual member, upon the occurrence of any of the following:

1. The individual is formally charged with a crime;
(2) The individual is convicted of a crime upon entry of a plea of guilty or no contest;
(3) The individual is convicted of a crime following a trial; or
(4) The individual enters into a diversion agreement or other agreement that suspends entry of a sentence pending the individual’s compliance with the conditions set in such agreement.

(B) The notice required by Section 5.(A) must be delivered to the RMC not later than 30 days after any of the events stated in Section 5.(A)

(C) Any Administrator who willfully fails to provide the notice required by Section 5.(A) and Section 5.(B) will be suspended from all activities with the Association or any of its member clubs as soon as the RMC receives confirmation of the pending charge(s) or conviction(s) for a period of not less than one year. The disqualification provided in this section shall be in addition to any other period of suspension or disqualification that may result from the charge(s) or conviction(s).

**Explanation** - Once a person has been approved as an administrator, that person is considered to be an administrator of the club to which the application was submitted for the remainder of the seasonal year for which the application applies.

For example, a person applies in April 2012 to be a coach with a club in Fall 2012. Upon approval of the person’s risk status, the person is approved as an administrator until 8/31/2013. The administrator is convicted of a disqualifying crime in July 2012. Unless that person discloses the conviction, the RMC may not learn of the conviction until a background check is run when a new application is submitted for the 2013-2014 seasonal year. In the meantime, a person is able to work with children for a period of a year or more when he should have been disqualified.

While the disclosure requirement does not prevent the above scenario from taking place, the enhanced disqualification period will deter those who wish to continue as a soccer administrator following any required disqualification, particularly when the required disqualification would be for a relatively short period.

Section 6. Guidelines for Eligibility

(A) The RMC will review the eligibility of an Administrator for participation in the programs of the Association or any of its member clubs:

(1) When the RMC receives a background report for an Administrator or applicant to be an Administrator;

(2) When the RMC receives information indicating that an Administrator has been charged with a crime; or

(3) When the RMC receives information indicating that an Administrator has engaged in conduct that is detrimental to youth players, whether or not any criminal charges have been filed as a result of such conduct.

(B) The Association and its member clubs will not knowingly allow any person to become, or continue as, an Administrator when that person’s history of criminal convictions, pending criminal charges, or other actions involves activities detrimental to youth players.
(C) Activities detrimental to youth players include:
(1) Felonies and crimes of moral turpitude;
(2) Crimes in which a child is a victim or in which a child is caused to participate in the offense;
(3) Crimes in which sexual activity is an element;
(4) Sexual activity between an adult and a minor, regardless of whether the activity is consensual or whether any criminal charges are ever filed against the adult.
(5) Crimes involving violence against a person;
(6) Crimes involving illegal use, possession, or distribution of controlled substances or alcohol, including DUI;
(7) Crimes that indicate a pattern of disregard for authority; and
(8) Any other crimes which indicate a lack of regard for the property or rights of others.

(D) The RMC has the authority to determine whether an individual’s criminal history or other actions are detrimental to youth players.
(1) In evaluating whether an individual’s criminal history or other actions are detrimental to youth players, the RMC shall consider:
(a) The nature and severity of the crime for which an individual has been convicted or charged.
   (i) All elements of a crime as defined by applicable law are presumed to have been proven.
   (ii) The severity of a crime will be measured by the maximum possible sentence that could have been applied as defined by applicable law.
   (iii) The actual sentence imposed does not affect an evaluation of the severity of a crime unless the judgment of the court specifically reduced the classification level of the offense as a part of the judgment—e.g., reducing a felony to a misdemeanor, or a misdemeanor to a violation.
(b) The period of time that has elapsed since the conviction.
(c) Whether the individual is currently under parole or probation supervision for the crime, and when such supervision is scheduled to be completed.
(d) Whether the individual has successfully completed an appropriate treatment program, either voluntarily or as required by the court.
(e) Whether the conviction is a single event or there is a history of other offenses.

(2) The RMC may request information from the risk management coordinator of the individual’s club to determine whether:
(a) The club has been informed of the individual’s criminal record
(b) The club supports the individual’s serving as an Administrator despite the criminal record
(c) The club is willing and able to provide any additional supervision that may be required to enforce the terms of a conditional Approval Agreement
(d) The individual has demonstrated remorse and provided restitution to victims as appropriate.
(e) The individual is at risk to commit another crime.
(E) The RMC has the authority to disqualify any person from serving as an Administrator when the RMC finds that the person does not meet risk management eligibility guidelines.

**Explanation** - A disqualification is a decision that as of the date of review the individual is not currently eligible to be an administrator for the Association or any of its members. Disqualifications are always for an indefinite period. A person who has been disqualified may apply in another seasonal year. When the new application triggers a new background report a new review of risk status is made.

A person who is found to be disqualified one year because of relatively recent convictions may be found eligible in a future year when more time has passed since the conviction(s). If the guideline period of disqualification has elapsed at the time of the new application, the applicant is likely to be approved. If the guideline period has not yet passed, but a lengthy period of time has elapsed with no further convictions, this is an indication that a person is less of a risk and may be considered for a Conditional Approval Agreement as outlined in Section 7.(A). This is particularly the case where during the passage of time the individual completes restitution, probation, and otherwise completes appropriate programs to assist rehabilitation.

(F) Special situations

1. An individual who has entered into a diversion agreement with a court to avoid entry of a conviction for DUII or other disqualifying crime may be considered ineligible until the court officially dismisses the charge.

2. An individual who, following a conviction, is under supervision on probation or parole may be considered ineligible until such supervision has ended.

3. Any conviction for an offense in which a minor is a victim or is caused to participate in the offense may be considered as a reason for disqualification for a longer period than a conviction for the same offense when no minor is involved.

4. Convictions for offenses based on sexual conduct may be considered as a reason for disqualification for a longer period than the same classification of offense that does not involve sexual conduct.

5. Convictions for offenses that involve physical violence against another person may be considered as a reason for disqualification than the same classification of offense that does not include violence.

**Explanation** - The RMC uses a variety of information to assess the severity of a person’s criminal history and the risk that such convictions pose to children, to other individual participants, to member clubs, and to the Association. Some crimes are of a nature that a person convicted of one of those offenses will generally be considered permanently disqualified. OYSA considers that the standards enacted by the Oregon legislature to bar teaching credentials should be generally applicable to OYSA administrators as the populations served by teachers and OYSA clubs are generally the same. Appendix B contains a table listing the offenses established by the Oregon legislature for which a conviction is a bar to receiving certification as a teacher or school administrator.
Section 7. Conditional Approval Agreements

(A) The Risk Management Coordinator has authority to enter into a Conditional Approval Agreement (CAA) with an administrator and the administrator’s club in situations where the RMC has determined that the risk posed by the administrator is modest, there will be a significant benefit to the club and its players by utilizing the services of the Administrator, and supervision by the Administrator’s club will mitigate the risks to the Association, the club and its players.

(1) Any CAA must include full disclosure of the Administrator’s background report to the club’s risk management coordinator.

(2) The agreement must be in writing.

(3) If the CAA requires supervision by the club, the club must specifically agree to provide supervision.

(4) The club must make the request for a CAA.

(5) The RMC will not accept a CAA unless at least one year has elapsed since the date of the conviction that is the subject of the agreement.

(a) If the conviction that is the subject of the CAA is a felony, at least 4 years must have elapsed since the conviction.

(b) A CAA will not be considered for convictions of a

(i) Class A felony;

(ii) Class B felony; or

(iii) Crime listed in Appendix B.

(6) The RMC will not accept a CAA for an administrator who has been convicted of one or more additional crimes arising from separate incidents within the 7 years previous to the conviction for which a CAA is requested.

(7) The club must agree to notify the RMC if the club learns that the administrator has violated the conditions of the agreement.

(8) The agreement must be signed by the RMC, the Administrator, and the club’s president.

(9) If the RMC finds that the administrator has failed to comply with the terms of the CAA, the RMC may revoke the CAA and disqualify the administrator. In such a case, the provisions of this manual regarding disqualification will apply.

(10) An administrator who enters into a CAA may not appeal the decision of the RMC that a CAA is required to grant Approval.

(11) An administrator whose CAA has been revoked may only appeal any subsequent disqualification on the issue of whether the administrator has failed to comply with the conditions of the CAA.

(B) An administrator who is disqualified by the terms of Section 7.(A)(9) will be sent a notice as provided in Section 9.(A).
Explanation - A CAA is designed to deal with situations where a club really wants a particular person to be a coach or other club administrator and both the club and the RMC agree that the risk to players, the club, and the Association are minimal, but the date of the conviction is within the guideline period for disqualification.

Example 1: Coach A was convicted of Theft 2, a Class A Misdemeanor, on 5/10/2011. The disqualification guidelines for a Class A Misdemeanor [see Appendix C] recommend a 3 year disqualification. When Coach A talks to Club XYZ about applying as a coach in July 2013, he would generally be considered ineligible. Coach A has coaching licenses and experience not readily available to club XYZ. If club XYZ asks for a CAA for Coach A, it may be considered approved in these circumstances if Coach A is able to show that he has accepted responsibility for his actions, he has completed restitution to the victim(s) of his crime, and he is in compliance with all conditions of court ordered supervision. A CAA in this situation would typically require compliance with all terms of probation, no additional convictions, as well as limiting service to a club position in which Coach A would not handle or have authority over any funds belonging to the players or the club.

Example 2: Same facts as Example 1, except Coach A was also convicted of Theft 2 in 2008. A CAA would not be approved because of having been convicted of another crime within the 7 years previous to the 2011 conviction under consideration.

Section 8. Suspension During Litigation

(A) US Youth Soccer Bylaw 252 requires the Association to suspend any Administrator who becomes a defendant in litigation detrimental to the welfare of youth players as defined in that bylaw. [See Appendix D] The RMC also has authority to suspend an administrator who becomes a defendant in litigation based on activities detrimental to the welfare of youth players as defined in Section 6.(C) of this manual. Any suspension will be a suspension from all activities in the Association or any of its member clubs.

(1) Matters detrimental to the welfare of youth players include crimes of moral turpitude, felonies, and other offenses as stated in Section 6.(C)

(2) An individual who is suspended under the provisions of this section will be sent notice of the suspension as specified in Section 9.(A).

(3) The suspension will remain in effect until there is a final resolution of the litigation and the suspended person requests reinstatement.
**Explanation** - USYS Bylaw 252 requires suspension when the crime is a felony or involves moral turpitude [see definitions]. The RMC has more latitude to determine whether a particular crime involves conduct that is detrimental. If the RMC determines that the particular charges are detrimental to youth players, the person will be suspended until the litigation is complete. If the charge is a felony under the law defining the crime, suspension is mandatory. If the charge is classified as a misdemeanor, the suspension is not automatic, but depends on the nature of the charge.

For example, Assault 4 is a misdemeanor under Oregon law. It does not involve moral turpitude, but it does involve physical violence against another person. A charge involving violence against another person will generally be considered to involve conduct detrimental to youth players and will result in a suspension.

**Explanation** - This section (Section 8) is intended to work together with Section 5 which requires a person who is charged with a crime to inform both the Association’s RMC and the RMC of the club through which the person is registered. If the RMC finds out about a pending charge after the required disclosure period in Section 5.(B), the RMC will add a one year disqualification to any period of suspension caused by the litigation or a later disqualification for a conviction.

If the RMC finds out about a pending charge after the required disclosure period in Section 5.(B), the RMC may add a one year disqualification to any period of suspension caused by the litigation or a later disqualification for a conviction.

**Explanation** - A suspension during litigation does not reduce the amount of time during which a person may be disqualified following a conviction. In other words, there is no reduction for “time served” when a possible disqualification is evaluated.

(B) A person who has been suspended under this Section may appeal, but the scope of the appeal is limited to whether the actions stated in the charges fall within the definition of activities detrimental to the welfare of youth players as defined in Section 6.(C)

**Explanation** - An appeal from a suspension for litigation is limited. The only issues that may be considered are whether there is a pending criminal charge and whether the charge is detrimental to youth players. If the charge is a felony, no appeal is allowed. If the charge is a misdemeanor, the person appealing would have to show that the crime charged does not involve moral turpitude, nor is it one subject to disqualification under Section 6.(C).

(C) When the litigation is completed, the suspended individual may apply for reinstatement.
   1) The request for reinstatement must be sent in writing to the RMC.
   2) The request must include a certified copy of the judgment of the court.

(D) Upon receipt of a request for reinstatement, the RMC will review the court’s decision and will make a risk management decision whether to reinstate the individual.
If charges are dismissed based on a civil compromise, the RMC may consider the terms of the compromise in making the decision.

If the individual has been convicted of a crime, the RMC will consider the criminal record in accordance with Section 6.(D)

If the individual did not provide notice of the charges as required by Section 5.(A), the RMC shall impose the suspension required by Section 5.(C).

If the individual is disqualified or suspended, the individual may appeal the decision as provided in Section 10.

**Explanation** - A request for reinstatement is treated as a new application for risk approval. Depending on the length of time since the last background check and the nature of the information provided, the RMC may require the individual to submit a new administrator application in the Affinity software. If the application for reinstatement is made during a different seasonal year than the one from which the person was suspended, a new application is required.

**Section 9. Notice of Disqualification or Suspension**

(A) When a risk management decision has been made that a person is not eligible to serve as an Administrator under any of the provisions of this policy, the RMC will send written notice to the person who is disqualified or suspended.

(1) The notice will inform the individual of:
   (a) the details of the disqualification or suspension,
   (b) the right to appeal, and
   (c) provide information regarding when and where to submit a notice of appeal.

(2) The notice shall be sent both by certified mail, return receipt requested, and by first class postal mail to the address provided by the individual in their registration record.

(3) A copy of the notice shall be sent to the risk management coordinator of the member club(s) where the individual has applied to be an administrator, or where the individual is already serving as an Administrator.

(B) The disqualification or suspension is effective when the individual’s risk status is set to Failed in the registration database.

(1) A disqualification or suspension will remain in effect during any appeal.

(2) If an appeal is successful, the risk status will be changed as directed by the Appeal committee.

(C) A disqualification or suspension will remain in effect until a risk management decision is made to change the person’s risk status to Approved.

(D) A new application will not be accepted from an individual in the same seasonal year that the notice of disqualification was sent, unless the disqualified individual provides the RMC with information showing a change in the person’s criminal history or the individual’s circumstances that affect eligibility.
Section 10. Risk Management Appeals.
   
   (A) Any individual who has been sent a notice of disqualification or suspension in accordance with Section 9.(A) has a right to appeal.
   
   (B) An individual who wishes to appeal a disqualification or suspension must file a notice of appeal with the RMC as follows:
       
       (1) The notice must be in writing and be signed by the individual who has been disqualified or suspended.
       
       (2) The notice must include the following information:
           
           (a) The name of the person appealing
           
           (b) A statement that the person is appealing from a disqualification or suspension
           
           (c) The postmark date shown on the notice
           
           (d) The date the individual received the notice
           
           (e) A statement of the grounds for appeal.
       
       (3) The Notice of Appeal will be accepted only if it includes the required filing fee in the amount of $100.00
   
   (C) The RMC may publish a form of Notice of Appeal, but the form is not required as long as required information is included.

Explanation - A notice of appeal begins a formal appeal process. The form of the notice is not as important as the content. Section 10.(B) shows the requirements. The date information in Section 10.(B)(2)(c) and (d) makes it possible to determine whether a notice of appeal has been submitted within the time requirements in Section 10.(D).

(D) Time of Appeal
   
   (1) The Notice of Appeal must be delivered to the RMC not later than 14 days following the date the notice of disqualification is received, or 21 days after the notice of disqualification was mailed, whichever comes first.
   
   (2) The Notice of Appeal must be received in the office of the Association by the close of business on the date stated in the Notice of Disqualification or Suspension.
   
   (3) The RMC may extend the date for filing the Notice of Appeal for good cause.
   
   (4) Failure to receive a notice of disqualification because the individual has moved and has not updated the mailing address shown in the individual's registration account in OYSA's online registration database is not be considered good cause to extend the time to file a Notice of Appeal.
   
   (5) If the Notice of Appeal is not received within the required time and no good cause is shown for an extension of the filing date, the RMC will notify the appellant that the appeal has been dismissed.
(E) Grounds for Appeal

(1) The notice of appeal must state a specific reason why the decision of the RMC should be set aside.

(2) Grounds for appeal from a disqualification include:
   (a) Factual errors that affect the risk management decision, such as:
       (i) Incorrectly identifying the person disqualified;
       (ii) The background report does not show a court’s reduction in the level of an offense at sentencing;
       (iii) A conviction has been set aside;
       (iv) Parole or probation supervision has been terminated by the supervising authority;
       (v) An order of dismissal has been entered upon completion of diversion; or
       (vi) Other factual matters which may have affected the decision to disqualify.
   (b) The activities that are the basis of the disqualification are not detrimental to youth players as defined in Section 6.(C); or

(3) Grounds for an appeal from a suspension for litigation are limited to:
   (a) The crime charged is not a felony;
   (b) The crime charged is not detrimental to youth players as listed in Section 6.(C)

(4) A claim that the disqualification or suspension will have an adverse effect on the appellant is not a ground for appeal.

(5) The RMC shall dismiss an appeal if the Notice of Appeal does not state any grounds for appeal.

(F) Reconsideration by RMC

(1) If the stated ground for appeal is a factual error, the RMC will reconsider the disqualification.

(2) If the RMC determines that the disqualification was based on a factual error, the RMC will take one of the following steps:
   (a) Reinstate the individual and change the person’s risk status to Approved;
   (b) Enter into a CAA with the individual and the individual’s club (assuming all parties agree); or
   (c) Leave the disqualification in effect despite the factual error and forward the appeal to the Vice President for presentation to a Risk Management Appeal Committee.

(3) If the RMC determines that no factual error occurred, the appeal will be forwarded to the Vice President for presentation to a Risk Management Appeal Committee.
**Explanation** - It is not essential that a notice of appeal be filed if a person who has been disqualified or suspended wants to raise questions about factual issues. An individual can bring factual issues to the RMC’s attention via email or phone call. The RMC can advise of what documentation may be required to demonstrate the factual situation asserted by the person who is disqualified or suspended. If the facts shown by the individual are different than shown by the background report, the RMC will reconsider the risk status. The time for filing an appeal will be extended by the time involved in any reconsideration.

(G) The RMC will forward the Notice of Appeal to the Vice President as soon as practical after it has been received.

(H) The RMC will send the Risk Management Record of the appellant to the Vice President along with the Notice of Appeal. The Risk Management Record includes:

1. A copy of the appellant’s Administrator Application, including the Criminal History Disclosure;

2. A copy of the background report for the individual;

3. A copy of the relevant statutes defining the crime(s) appearing in the background report; and

4. Copies of all written communications between the RMC and the appellant regarding the subject matter of the disqualification or suspension.

(I) Appeal Committee

1. Upon receipt of an appeal forwarded by the RMC, the Vice President will appoint a committee of 3 persons to hear the appeal.

2. The Vice President shall select persons who are impartial to the outcome of the hearing. The committee members shall not:
   (a) Have a business or personal relationship with the appellant; or
   (b) Be members, or former members, of a club at which the appellant is a member.

3. The members of an appeal committee shall keep confidential all information received during the course of a hearing and all deliberations of the committee.

4. The Association Board of Directors may appoint a panel of 5-7 persons who agree to hear risk management appeals.
   (a) The persons appointed to the panel will serve for a term set by the Board.
   (b) The panel shall consist of persons who are not currently Administrators of the Association or any of its member clubs.
   (c) The panel may include individuals who have children actively participating in the programs of the Association or its member clubs.
(J) **Appeal Hearing**

(1) The Vice President shall schedule the date and time for the appeal hearing within 10 days following the Association's receipt of a Notice of Appeal. The Vice President will arrange for delivery of a hearing notice to the appellant.

(2) The hearing will take place within 30 days following the Association’s receipt of the Notice of Appeal, unless the appellant agrees to a later date.

(3) Unless otherwise arranged by the Vice President, Appeal Hearings will take place at the office of the Association, 4840 SW Western Ave, Suite 800, Beaverton, OR 97005.

(4) The appellant and all witnesses are required to attend in person, unless an arrangement has been made with the Vice President for attendance by conference call.

(5) The appellant may submit written documentation in support of the appeal.
   (a) All such documentation shall be sent to the RMC who will forward the materials to the Vice President.
   (b) The Vice President shall be responsible for providing copies of all written materials to the Appeal Committee.
   (c) Any written material to be presented at the hearing must be provided to the committee not later than 5 days prior to the date of the hearing.

(6) The RMC may submit a written report to the Appeal Committee regarding the appeal.

(7) The Vice President will chair the Appeal hearing and participate in deliberation, but will not vote in the committee’s decision.

(8) The appellant may call witnesses in support of the appeal.
   (a) If the appellant plans to call witnesses, the appellant is required to provide the Vice President with a list of the witnesses who will be called as well as a statement of the general nature of the testimony they will provide.
   (b) The list of expected witnesses must be submitted to the Vice President not later than 5 days prior to the date set for the hearing.
   (c) The Vice President may exclude witnesses whose testimony does not address the issues on appeal.

(9) **Conduct of the Hearing**
   (a) The Vice President presides at the hearing and will control the order of proceedings.
   (b) The appellant will be offered the opportunity to make a statement regarding the basis of the appeal.
   (c) The appellant may be present during the examination of witnesses.
   (d) No witnesses may be present except while providing testimony.
(e) The committee will question the witnesses.
(f) The appellant may question the witnesses after the committee has done so.
(g) The committee may call the RMC as a witness to discuss the Risk Management Record or the RMC’s report.
(h) The appellant will be offered the opportunity to make a closing statement.

**Explanation** - The appeal hearing is not a court proceeding and there are no specific rules of evidence that apply. The Vice President does have the authority to conduct the hearing and may exclude witnesses and/or testimony that is not directed to the issues stated in the notice of appeal.

(10) After hearing from witnesses and receiving any oral statement from the appellant, the Appeal Committee will deliberate in private to reach a decision on the appeal. Only the members of the committee and the Vice President may be present during deliberations.
   (a) The committee may make notes of its deliberations and shall make a written record of its decisions.
   (b) The committee shall make specific written findings in support of its decision.

(K) Scope of Review

(1) The committee will not accept any evidence that is offered to show that the appellant is not guilty of a conviction appearing on the appellant’s background report or that any such conviction was improperly obtained. All elements required by the statute defining the crime of which the person was convicted are conclusively presumed to have been proven or admitted as the basis for the conviction.

(2) The committee will not accept any evidence regarding the legal process that resulted in any conviction appearing on the appellant’s background report.

**Explanation** - An individual’s disqualification or suspension for litigation is based on a background report that shows that specific decisions have either been made by a court or specific charges are pending before a court. The committee has no authority to address any issues about the record other than their accuracy. If a court has entered a conviction of record, it is conclusively presumed to have been entered according to proper legal process. The appellant will not be allowed to question their guilt regarding any conviction or whether a pending charge is excessive. Those issues may only be addressed in the courts.

(3) The committee will accept evidence that bears on the grounds for appeal stated in the Notice of Appeal.

(4) The appellant has the burden of establishing the basis for the appeal.
   (a) If the basis of the appeal is a disputed question of fact, the appellant must provide clear and convincing evidence that the facts are as stated by the appellant.
(i) Issues regarding the judgment of a court may only be controverted by certified copies of court records
(ii) Issues of identity must be established by appropriate documentary evidence.

**Explanation** - There are situations in which a background report may not reflect the person’s actual record with a court. A court has the authority to treat a felony as a misdemeanor or a misdemeanor as a violation. In other situations a court may have retained the authority to dismiss a charge after certain conditions of probation have been completed. The electronic database of court actions that is used to prepare the background report may not accurately reflect all of a court’s actions. If a person challenges the accuracy of the court records in the report, the appellant must provide court certified copies of the relevant court orders to show the actual court record.

(b) If the basis of the appeal is a disagreement with the RMC’s decisions regarding matters within the authority of the RMC, the committee shall uphold the RMC’s decision unless the appellant establishes by clear and convincing evidence that the decision of the RMC is based on bias against the appellant, the RMC has abused his or her discretion, or there is not a reasonable basis to support the RMC’s decision. Matters within the RMC’s authority include:
(i) Determining whether an Administrator’s criminal history or other actions are detrimental to youth players as defined in Section 6.(C); and
(ii) Determining whether an Administrator poses a risk to youth players, the Administrator’s club, or to the Association based on the individual’s background report.

**Explanation** - The appeal committee does not have the authority to substitute its opinion of eligibility for the determination of the RMC. The RMC has been given discretionary authority to make risk decisions within certain guidelines. When the RMC’s decision to disqualify or suspend a person falls within the guidelines of Appendix B, Appendix C, and Section 6.(C), the decision will be upheld. A decision to disqualify that falls outside of those guidelines will be upheld unless the appellant is able to demonstrate that no facts support the decision, the decision was motivated by personal bias against the appellant, or the decision is so far outside the guidelines as to be an abuse of discretion.

(5) In evaluating the appellant’s claims on appeal, the committee’s review will be guided by the perspective that serving as an Administrator for the Association or any of its member clubs is a privilege, not a right. The programs of the Association and its member clubs are not intended to operate as a means of rehabilitating individuals who have encountered legal problems. They are intended to provide programs where youth players can participate in an environment of reasonable safety.

(L) Decision on Appeal

(1) The committee will make specific findings regarding all issues in dispute on the appeal.
(2) The committee’s decision is required to be one of the following:
   (a) Deny the appeal leaving the disqualification or suspension in effect;
   (b) Uphold the appeal and direct the RMC to change the appellant’s risk status to Approved; or
   (c) Return the matter to the RMC with directions to enter into a CAA with the appellant and the appellant’s club under the conditions set by the committee.

**Explanation** - The appeal committee does not have authority to set a period of time after which a person will be approved. A person is either eligible or disqualified as of the date of the application. Any disqualification is for an indefinite period rather than a specific time. Risk eligibility is evaluated each time an application is submitted.

If the committee directs that a CAA be completed, such an agreement is subject to the agreement of the affected club whether to accept the applicant.

(3) The Vice President shall prepare a memorandum which states the specific findings of the committee on the issues in dispute and the decision of the committee.

(4) The Vice President will send the committee’s decision to the appellant not later than 10 days following the hearing. The decision will be sent by both regular postal mail and certified mail, return receipt requested.

(5) If the committee has directed that the parties enter into a CAA, the RMC shall prepare a CAA incorporating the conditions imposed by the committee and shall arrange to obtain signatures of the parties to the agreement.

(6) The RMC shall maintain a database containing a record of the decisions of the committee.
   (a) Records of prior decisions, with names redacted, shall be made available to the committee.
   (b) Decisions in prior appeals that address the same or similar issues may be considered as a guide, but are not binding on the committee.

**Adult Interactions with Youth Players**

Section 11. Relationships Between Youths and Adults

(A) Generally speaking, official representatives of a club are persons in the role of coach, assistant coach, team manager, board member, game official, or adult volunteer. The adults in these positions typically have authority over youth players. OYSA and its member clubs have a responsibility to make sure that adults in positions of authority do not misuse their authority to the detriment of any players.

(B) While most of us believe the roles of adults and players or children are straightforward, there are situations where a minor is in a position of authority relative
to other players. For example, a team could have a 14 year old assistant coach. This assistant coach will be viewed as an authority figure with respect to the young players on the team, but will also be viewed as a child or player in his or her relationship with an older head coach.

(C) People in positions of authority must not abuse their authority to the detriment of others. By establishing formal guidelines for behavior, everyone will know what behavior is acceptable and what behavior is not. Our goal for establishing codes of conduct is to help provide a safe and healthy atmosphere for our members and their families.

Section 12. Guidelines for Adult (authority figure) Conduct with Youth Players

(A) The physical and emotional well being of youth players and their families must be protected. These following standards are intended to eliminate possible misconceptions about expected behavior of adult participants in the programs of OYSA or its member clubs towards youth players.

(B) Physical Contact

(1) Adults and others in positions of authority must be aware that physical contact can be misinterpreted. Physical contact should be limited to that necessary to teach a skill, treat an injury, or console or congratulate the player.

(2) Physical intimidation, physical punishment, or threatening a player with physical harm are not appropriate behaviors and will not be tolerated.

(3) Corporal punishment is prohibited.
   (a) Requiring players to perform reasonable physical activity, such as push-ups or running, as a consequence for misbehavior would not likely be considered inappropriate.
   (b) Using physical exercise as a punishment is not, however, recommended, especially for young children. A better consequence for misbehavior would be exclusion from participation in team activities for a reasonable period of time.

(4) Hazing or any type of initiation to a club or a team is prohibited.

(5) Sexual contact of any kind between adults and players is prohibited whether or not the contact is consensual.

(C) Social Contact

(1) Adults will not socialize with nor spend time alone with players.
   (a) Pulling a player to the side for additional instruction in plain view of the remainder of the team would be an exception to this rule.
   (b) Team social events that include parents as well as team members in group activities are also exceptions.

(2) Club Administrators shall avoid situations in which they will be left alone with a player. A minimum of two adults should always be present at any
practice or other activity involving children.

(3) If a child is the last one waiting for a ride home from practice, the coach should not leave the child until the child's parent or ride home has arrived, but should also try to arrange for another adult to wait with the coach and child.

(D) Adults shall respect the privacy of players. If showering or changing room facilities are available, schedules should be made so that adults and children have separate use of such facilities.

(E) Adults should not communicate directly with a player using text messaging or email unless the communication is also sent to the player’s parents or is a general broadcast to all players and parents. All communications between adults and players should be professional and open. Private communications about personal matters shall be avoided.

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**Explanation** - The guidelines in Section 12 help to protect not just players, but adults as well. Coaches and other administrators that abide by these guidelines demonstrate their concern for the safety of the players under their guidance. As a result they model good behavior for players and other adults and are less likely to be falsely accused of inappropriate conduct.

The closer in age a coach is to the players, the more important it is for the coach to maintain a professional relationship. When a coach becomes part of the social life of the team, a coach will find it more difficult to exercise appropriate discipline and objectivity in making coaching decisions. It also may allow social contact to lead to improper relationships with individual players.

Coaches need to maintain professional communications through group emails and group texts that include parents rather than personal phone calls, texts, or email to individual players. The formality of the group communication can help a coach to avoid becoming too informal with players.

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**Section 13. Language**

(A) Offensive or vulgar language by adults or children is unacceptable. OYSA events, including games and practices, should be family oriented events. Adults should model good communication skills.

(B) Language that is denigrating in nature, content, or tone or refers to a person’s gender, race, national origin, disability, sexual orientation, or religion is not acceptable.

(C) A person who uses inappropriate language or who uses threatening language directed toward an official, coach, player, or parent may be removed from a game or the premises or both.

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**Section 14. Violations of Adult/player Interaction Guidelines**

(A) Violations of these guidelines are considered misconduct that will be handled by the appropriate authority. Sanctions may include fines, suspensions or loss of membership in the affected member club or the Association.
(B) In cases where violation of these guidelines also includes a violation or suspected violation of law, appropriate legal authorities will be notified.

(C) Any person witnessing a violation of these guidelines should report the incident to their Club President, the RMC, the OYSA office, or the OYSA President.

Section 15. Health and Well-Being

(A) Adults share the responsibility for the player’s health while at practices, scrimmages and games.

(1) Adults should have a player's medical release forms and medical kits with them at all team activities.

(2) coaches should have an emergency plan in place so that, if someone is hurt in a practice or a game, the coach knows whom to call, where emergency personnel might take the injured party, and how to contact family members.

(B) Any player suffering a head injury that results in:

(1) disorientation should be promptly removed from the game or practice and should not be allowed to return to active participation that day.

(2) loss of consciousness should be removed from that game or practice and not allowed to return to active participation until cleared by a physician.

Explanation - As physicians, sports organizations, and the public have become more aware of the risks and long term effects of concussions, managing players with concussion symptoms has become an important part of a coach’s role. The US Center for Disease Control (CDC) has published a “Concussion Toolkit” that provides clinicians, coaches, athletes, and parents guidelines for recognizing when a concussion has occurred and recommendations for how to manage the aftereffects of a concussion to reduce the risk of serious long-term injury. The CDC has online training and extensive information at [http://www.cdc.gov/concussion/sports/index.html](http://www.cdc.gov/concussion/sports/index.html). Individuals can download or order printed copies of materials from the CDC site.

OYSA has a stock of the concussion toolkits available for free to clubs for distribution to their coaches. The kits include a clipboard, wall poster, parent guide, player guide, and wallet cards all containing information about the signs of concussion and how to manage a player who may have suffered a concussion.

(3) US Youth Soccer has adopted a head injury protocol and notification form that it uses for all competitions directly operated by US Youth Soccer. [See Appendix F] OYSA encourages member clubs to incorporate these guidelines into the rules of competition for the leagues and tournaments that they host.

(C) Bleeding must be treated with appropriate care.

(1) FIFA Law 5 instructs referees to require any player who is bleeding to leave the field. A player is not allowed to return until the referee is
satisfied that the bleeding is stopped. A player is not permitted to wear clothing with blood on it.

(2) In situations other than a match controlled by a referee, the same standards should apply. Players should not be allowed to participate while they have blood on any part of their uniform.

(3) OYSA recommends that the following protocols be used when dealing with a player who is bleeding.
   (a) The adult providing treatment for a bleeding injury should use disposable gloves and sterile bandages.
   (b) Gloves should be latex or vinyl. Vinyl gloves should be available to be used for players known to have an allergic reaction to latex.
   (c) All bleeding must be stopped prior to a player reentering the game or practice.
   (d) The player must either wash the blood out of the uniform or change to an uncontaminated uniform before returning to participation.
   (e) Gloves, bandages, or other items that have come in contact with blood must be properly disposed of.

**Explanation** - Safe practices when dealing with blood and other bodily fluids are important precautions to minimize the risk of infection through blood borne pathogens. A person providing first aid treatment is not likely to know whether the victim has any infectious diseases. It is better to treat every person as if bodily fluids may be infectious. [See Appendix G for USYS guidelines.]

(D) Adults transporting players must model safe driving techniques and enforce seat belt use for all vehicle occupants.

(E) An adult should inspect the field and goals before every practice and game to be sure that the playing facility is safe for play. Club and team Administrators, referees, and other game officials shall have authority to postpone or cancel a match or training if the facilities present an undue risk of injury to the participants.

(F) Adults should monitor weather conditions and take reasonable steps to protect players from lightning, extreme temperatures, and other extreme weather conditions.

(G) Adults should be aware of the warning signs of neglect and abuse, whether physical, emotional, or sexual. An adult who observes signs of neglect or abuse should report these signs to the local Child Welfare office of the Oregon Department of Human Services or to a local law enforcement agency.

**Section 16. Reporting Suspected Child Abuse**

(A) Oregon law requires persons in certain occupations to report to the State any suspicions of child abuse [see ORS 419.005(3) and 419B.010]. Paid soccer coaches and trainers have been added to the list of those required to report effective January 1, 2013. While volunteer coaches and other volunteer team and club personnel are not included in the list of those required to report, it is
the policy of the State of Oregon to encourage voluntary reporting. [See ORS 419B.007]

**Explanation** - The 2012 session of the Oregon Legislature approved a bill (HB 4016) that expands the list of persons required to report suspected child abuse. The new definitions include paid coaches and trainers of youth athletes. As originally introduced all paid staff and volunteers of soccer clubs would have been included within the definitions. Volunteers are not included after amendments completed 2/14/2012. The bill was passed by both the house and the senate and was signed by Governor Kitzhaber on 4/11/2012. The measure has been assigned the designation of Chapter 92, Oregon Laws 2012. It is effective January 1, 2013. [See Appendix H]

(1) Because of the serious effects of child abuse, OYSA strongly encourages members to report child abuse if it is suspected.

(2) Oregon’s Department of Human Services (DHS) has published a guidebook on reporting suspected child abuse. The guide may be downloaded at [http://dhsforms.hr.state.or.us/Forms/Served/DE9061.pdf](http://dhsforms.hr.state.or.us/Forms/Served/DE9061.pdf).

(B) Suspected instances of child abuse are extremely sensitive for everyone involved. A great deal of care should be exercised in reporting suspected cases of child abuse. Since child abuse can be difficult to spot without proper training, suspicions of abuse should not be discussed with anyone except proper authorities. If you have questions about whether or not to report, please call your local DHS office to consult with trained workers. They can tell you if the situation is one that should be formally reported.

(C) If a child confides in you that he or she has been the victim of abuse, do not panic or overreact. Do not criticize the child for confiding in you.

(1) Respect the child’s privacy. It is not your job to investigate allegations of abuse, that is a job for the trained professionals at the DHS and local law enforcement.

(2) A child’s report of being abused should be treated seriously and passed on to the appropriate authorities.

(D) If a child is in imminent danger, and you feel that you need to offer immediate assistance, you should call 911. The dispatcher will connect you with the appropriate local law enforcement agency that can provide assistance. Law enforcement departments have the expertise to handle an emergency or crisis situation involving children.

(E) If the child does not appear to be in any immediate danger, you should call the DHS office for your county. The Child Welfare Office in the county where the child lives is the appropriate agency designated by the DHS to receive reports of child abuse or neglect. They will be able to assist you in providing necessary information and will provide appropriate staff to review the case and determine what course of action is in the best interests of the child.
(1) Current Oregon law requires law enforcement agencies and Child Welfare offices to share information to make sure that a proper investigation of reported abuse takes place.

(2) A complete list of contact phone numbers for the Child Welfare offices of each county is available on the DHS website at http://www.oregon.gov/DHS/children/abuse/cps/cw_branches.shtml

(F) Your identity as the person making a report will be protected except as required to pursue any legal action that comes out of the report. (ORS 419B.025) You may be called as a witness in later court proceedings.

(G) As long as you make your report in good faith based on reasonable grounds to believe that abuse has taken place, you are immune from any liability. That immunity does not apply to discussions of the situation outside of official actions taken on the situation. You should maintain confidentiality of the information you have about a possible abuse situation except for your required involvement in official proceedings.

Section 17. Online data protection

(A) Part of protecting children from sexual predators and others who may target children is making it difficult for strangers to find information about children from public sources.

(B) Web pages for clubs and teams can be very useful in sharing information with players and their families. Web pages can also give easy access to information that would allow a person to locate specific players and make the player(s) a target of someone with improper intentions.

(C) Soccer clubs cannot make the internet safe for their players and families. They can, however, take steps to limit information that is publicly available through their official sources. US Youth Soccer’s Risk Management Committee has made some specific recommendations about what information should be kept away from the public. The following types of information should not be viewable on the public part of a club or team’s website:

(1) Team roster

(2) Individually identifiable player photographs together with the name, home town, interests, hobbies, siblings, and parents

(3) Team contact list that includes each child’s name, age, parents’ names, address, home and business phone numbers, and email addresses

(4) Times, dates, and locations of practices

(D) Tools for requiring a login to team pages are readily available. A club that allows a team to have its own page that is accessible only after an authorized team member logs in may help to avoid a situation where a team parent or player creates an unsecured web page that allows the public to find potentially dangerous information.

(E) Clubs should educate team administrators to communicate schedules and other team information by group emails rather than through team web sites.
OYSA’s online software allows the coach and other team administrators to easily send emails to every player and parent on a team. The administrator has this ability only after having passed a background check and being assigned to a team. The administrator then has to login to their account to see information for their team.

(F) OYSA has posted additional information about online protection on the risk management page of its website.
Appendix A

Background Checks Q & A

This document contains answers to many common questions about background checks and registering an adult with OYSA. If you do not find an answer to your question here, please contact OYSA’s Risk Management Coordinator at brian@oregonyouthsoccer.org.

Who needs a background check?
OYSA Policy 801-1, Section 1.C. states that,

"No adult may actively participate in the activities of the Association or any of its member clubs until that person has registered with the Association as an Administrator and has a risk status of Approved."

Any person age of 16 or over who fills any of the following roles for OYSA or for an OYSA member club is covered by this policy:

1. Board members
2. Employees
3. Coaches
4. Assistant coaches
5. Team Managers
6. Trainers
7. Other adult Volunteers
8. Referees who officiate an OYSA sponsored match (effective 7/1/2010) or an OYSA sanctioned match (effective 7/1/2011)

How do I register with the Association?
Registration is done online through OYSA’s online registration software. For most clubs an adult will register using the club’s link to OYSA’s online software. In some cases a person must first register with the club. Clubs that register adults using their own online software will then transfer the registration information into OYSA’s software. The best way to register is to first contact the club registrar to let him or her know that you are planning to register. The registrar will be able to tell you what you need to do to register. Every club has its own link into OYSA’s database. Most clubs include a link to their OYSA registration page on the club website.

I cannot find a coach registration link on my club’s website. Is there another place where I can find the correct page to register as a coach or other volunteer for my club?
If you have not been able to locate the club’s link through the club website, or your club does not have a website, you can go directly to your club’s registration page. Click here to see a list of links to the OYSA registration page for every OYSA member club.

[NOTE: Be sure to notify the club registrar directly that you are submitting an application. The club may require additional registration information.]
How is registration linked to running a background check?
When an adult applies as a coach or other administrator the registration server automatically sends identifying information to the background checking company’s server. The background check company electronically compares the name and date of birth to the records in 57 databases that cover all 50 states and the District of Columbia, then returns results to the registration server. The results of the electronic search are generally available within approximately 30 seconds.

If no matches are found, the risk status is set to Approved. When a potential match is found, the risk status is set to Under Review.

What information do I need to register?
If you are registering for the first time, you will be required to provide:

1. Your legal name (please do not use your nickname as the name you enter will be used for your background check)
2. Your date of birth
3. Your mailing address
4. At least one phone number
5. A valid email address
6. Your drivers license number and expiration date
7. The level of play to which your application applies (which you select is only important if you are applying for a coaching position)
8. The position for which you wish to be considered (the selection is only important if you are applying for a coaching position)
9. Answers to criminal history disclosure questions
10. A user name and password

You will also be required to review and accept electronic legal agreements regarding background checks that include specific permission to OYSA to run a background check using your registration information.

I registered last year. Do I need to enter all of that information again?
No. You begin a new application by selecting registration from your club’s OYSA registration page, then entering your username and password. All of your account information will be brought into the new application. You only need to confirm the accuracy of that information or update it in order to apply. You will still be required to review and accept the electronic legal agreements for each application that you submit.

The disclosure questions say that I should email the RMC if I answered yes to any questions. Why should I do that?
Sending an email to the RMC allows you to explain any convictions that may be on your record. You are not required to provide an explanation, but your explanation will help the RMC in determining whether a particular conviction should cause you to be disqualified.

I sent an explanation last year and I was allowed to coach. Do I need to email another explanation this year?
No, as long as you apply using the same account (username and password) as last year. All of the
information you submit stays with your account, including risk management decisions. When you use the same account to apply, the RMC will see the previously submitted information and the result will be the same unless something has changed in the background report.

I had a background check last year, but I have forgotten my username and/or password. Can I recover my password?
Yes, you can. Just click on the forgot password link on your club’s Affinity page, on the OYSA page for Affinity, or when you have started a coaching application. Once you enter some identifying information, you will be emailed a link that will allow you to set a new password and or username for your account. The link is sent to the email address registered to your account, so you must have an email address. If you do not have an email address, or have any problems, please call the OYSA office for assistance.

I am not sure whether I have an account in the system. Is there a way for me to find out?
If you have a child who has been registered to play for an OYSA member club at any time since the fall of 2008, you very likely have an account. Try clicking on the Forgot Password link to either retrieve or enter a new user name and password. If you did not register an email address or the system is unable to locate an account for you, call the OYSA office. We can verify whether you have an account. If you do have an account we will be able to assist you in completing your application and background check.

I completed my registration, and now the registration status shows “Pending.” Does that mean there is a problem with the background check?
No. The Pending status means that the club registrar has not assigned you to a team. When you are assigned to a team, the status will show as Assigned. When the team is activated—a registration step that allows member cards to be printed—the status will show as “Activated.”

Can I see the results of my background check?
No. The risk status in your account is only visible to a club official with proper security clearance or to an Association staff user. The detailed background report is only available to OYSA’s Risk Management Coordinator (RMC), and only the RMC can change a person’s risk status.

I have been told that my risk status is “Under Review.” Will I still be able to coach for my club this year?
Maybe. A risk status of Under Review means the electronic comparison of your registered name and date of birth to the criminal record databases used for OYSA’s background checks located a potential match. When that happens an employee of Criminal Information Services, Inc. (CRIS) reviews the possible database matches and prepares a report that is sent to the OYSA Risk Management Coordinator.

When the RMC receives the report, the RMC will manually set the risk status. If the report shows no actual criminal record, the risk status will be Approved. If the report shows a criminal record, the RMC will review the record and decide whether you will be approved despite the record. After a review, your risk status will either be Approved or Failed. In some cases you may be asked to provide additional information to the RMC to explain a record that has been found.

Are there guidelines about what convictions make a person ineligible to be a coach or other administrator?
Yes there are. OYSA has adopted a Criminal Conviction Matrix that gives general guidance about the types
of convictions that make a person ineligible and for how long. Click here to see a copy of the current conviction matrix. In general, the more serious the crime for which a person has been convicted, the longer period of time a person will be considered ineligible.
Appendix B  

Permanently Disqualifying Crimes for OYSA:

The Oregon legislature has determined that a conviction of one of the crimes listed in ORS 342.143(3)(a) is sufficiently serious that no one with one of these convictions should be allowed to be a teacher or school administrator in Oregon.

OYSA clubs deal with the same populations as teachers. It is the opinion of the OYSA Risk Management Coordinator that OYSA should be no less strict in determining eligibility to participate in its programs than is the State of Oregon in determining teacher eligibility. OYSA will generally consider a conviction of one of the following crimes (or its equivalent in another state) to be permanently disqualifying to be an administrator (coach, assistant coach, team manager, board member, employee, or other adult volunteer) within OYSA or any of its member clubs.

"ORS 342.143 Issuance of licenses and registrations....

(3)...
(a) No teaching, personnel service or administrative license or registration as a public charter school teacher or administrator shall be issued to any person who:
   (A) Has been convicted of a crime listed in...

<table>
<thead>
<tr>
<th>Statute</th>
<th>Title</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>163.095</td>
<td>Aggravated murder</td>
<td></td>
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<tr>
<td>163.115</td>
<td>Murder</td>
<td></td>
</tr>
<tr>
<td>163.185</td>
<td>Assault 1st Degree</td>
<td>Class A Felony</td>
</tr>
<tr>
<td>163.235</td>
<td>Kidnapping 1</td>
<td>Class A Felony</td>
</tr>
<tr>
<td>163.355</td>
<td>Rape 3</td>
<td>Class C Felony</td>
</tr>
<tr>
<td>163.365</td>
<td>Rape 2</td>
<td>Class B Felony</td>
</tr>
<tr>
<td>163.375</td>
<td>Rape 1</td>
<td>Class A Felony</td>
</tr>
<tr>
<td>163.385</td>
<td>Sodomy 3</td>
<td>Class C Felony</td>
</tr>
<tr>
<td>163.395</td>
<td>Sodomy 2</td>
<td>Class B Felony</td>
</tr>
<tr>
<td>163.405</td>
<td>Sodomy 1</td>
<td>Class A Felony</td>
</tr>
<tr>
<td>163.408</td>
<td>Unlawful Sexual Penetration 2</td>
<td>Class B Felony</td>
</tr>
<tr>
<td>163.411</td>
<td>Unlawful Sexual Penetration 1</td>
<td>Class A Felony</td>
</tr>
<tr>
<td>163.415</td>
<td>Sexual Abuse 3</td>
<td>Class A Misdemeanor</td>
</tr>
<tr>
<td>Statute</td>
<td>Title</td>
<td>Classification</td>
</tr>
<tr>
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</tr>
<tr>
<td>163.425</td>
<td>Sexual Abuse 2</td>
<td>Class C Felony</td>
</tr>
<tr>
<td>163.427</td>
<td>Sexual Abuse 1</td>
<td>Class B Felony</td>
</tr>
<tr>
<td>163.432</td>
<td>Online Sexual Corruption of a child 2</td>
<td>Class C Felony</td>
</tr>
<tr>
<td>163.433</td>
<td>Online Sexual Corruption of a child 1</td>
<td>Class B Felony</td>
</tr>
<tr>
<td>163.435</td>
<td>Contributing to the sexual delinquency of a minor</td>
<td>Class A Misdemeanor</td>
</tr>
<tr>
<td>163.445</td>
<td>Sexual Misconduct</td>
<td>Class C Misdemeanor</td>
</tr>
<tr>
<td>163.465</td>
<td>Public Indecency</td>
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</tr>
<tr>
<td>163.515</td>
<td>Bigamy</td>
<td>Class C Felony</td>
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<tr>
<td>163.525</td>
<td>Incest</td>
<td>Class C Felony</td>
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<tr>
<td>163.547</td>
<td>Child Neglect 1</td>
<td>Class B Felony</td>
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<tr>
<td>163.575</td>
<td>Endangering the welfare of a minor</td>
<td>Class A Misdemeanor</td>
</tr>
<tr>
<td>163.670</td>
<td>Using child in display of sexually explicit conduct</td>
<td>Class A Felony</td>
</tr>
<tr>
<td>163.684</td>
<td>Encouraging child sexual abuse 1</td>
<td>Class B Felony</td>
</tr>
<tr>
<td>163.686</td>
<td>Encouraging child sexual abuse 2</td>
<td>Class C Felony</td>
</tr>
<tr>
<td>163.687</td>
<td>Encouraging child sexual abuse 3</td>
<td>Class A Misdemeanor</td>
</tr>
<tr>
<td>163.688</td>
<td>Possession of materials depicting sexually explicit conduct of a child 1</td>
<td>Class B Felony</td>
</tr>
<tr>
<td>163.689</td>
<td>Possession of materials depicting sexually explicit conduct of a child 2</td>
<td>Class C Felony</td>
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<td>164.325</td>
<td>Arson 1</td>
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<td>164.415</td>
<td>Robbery 1</td>
<td>Class A Felony</td>
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<td>166.005</td>
<td>Treason</td>
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<tr>
<td>166.087</td>
<td>Abuse of Corpse 1</td>
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<td>167.007</td>
<td>Prostitution</td>
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<td>167.012</td>
<td>Promoting Prostitution</td>
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<td>167.017</td>
<td>Compelling Prostitution</td>
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<td>167.054</td>
<td>Furnishing Sexually Explicit Material to a Child</td>
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<td>167.057</td>
<td>Luring a Minor</td>
<td>Class C Felony</td>
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<tr>
<td>167.062</td>
<td>Sadomasochistic Abuse or Sexual Conduct in Live Show</td>
<td>Class C Felony</td>
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<tr>
<td>167.075</td>
<td>Exhibiting an Obscene Performance to a Minor</td>
<td>Class A Misdemeanor</td>
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<tr>
<td>167.080</td>
<td>Displaying Obscene Materials to Minors</td>
<td>Class A Misdemeanor</td>
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<tr>
<td>167.090</td>
<td>Publicly Displaying Nudity or Sex for Advertising Purposes</td>
<td>Class A Misdemeanor</td>
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<tr>
<td>475.848</td>
<td>Unlawful manufacture of heroin within 1,000 feet of school</td>
<td>Class A Felony</td>
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<td>475.852</td>
<td>Unlawful delivery of heroin within 1,000 feet of school</td>
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<td>475.858</td>
<td>Unlawful manufacture of marijuana within 1,000 feet of school</td>
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<td>475.860</td>
<td>Unlawful delivery of marijuana</td>
<td>Class A Felony - Violation based on amount, age of recipient, and payment</td>
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<td>475.862</td>
<td>Unlawful delivery of marijuana within 1,000 feet of school</td>
<td>Class A Felony</td>
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<td>475.864 (4)</td>
<td>Unlawful possession of marijuana in a public place within 1,000 feet of a school</td>
<td>Class C Misdemeanor</td>
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<td>475.868</td>
<td>Unlawful manufacture of 3,4-methylenedioxymethamphetamine within 1,000 feet of school</td>
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<td>Statute</td>
<td>Title</td>
<td>Classification</td>
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<td>475.872</td>
<td>Unlawful delivery of 3,4-methylenedioxymethamphetamine within 1,000 feet of school</td>
<td>Class A Felony</td>
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<td>475.878</td>
<td>Unlawful manufacture of cocaine within 1,000 feet of school</td>
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<td>Unlawful delivery of cocaine within 1,000 feet of school</td>
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<td>475.888</td>
<td>Unlawful manufacture of methamphetamine within 1,000 feet of school</td>
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<td>475.890</td>
<td>Unlawful delivery of methamphetamine</td>
<td>Class A Felony</td>
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<td>475.892</td>
<td>Unlawful delivery of methamphetamine within 1,000 feet of school</td>
<td>Class A Felony</td>
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<td>475.904</td>
<td>Unlawful manufacture or delivery of controlled substance within 1,000 feet of school</td>
<td>Class A Felony</td>
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<td>475.906.</td>
<td>Unlawful delivery of controlled substance to minors</td>
<td>Class A Felony - Class B Misdemeanor, based on Schedule</td>
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<tr>
<td>342.143(3)(a)(B)</td>
<td>Anyone convicted of an attempt to commit any of the crimes listed above is also disqualified the same as they would have been for committing the crime.</td>
<td></td>
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<tr>
<td>342.143(3)(a)(C)</td>
<td>Anyone convicted in another jurisdiction of a crime that is the substantial equivalent of any crime listed above or the attempt to commit such a crime will be disqualified the same as they would have been if convicted in Oregon.</td>
<td></td>
</tr>
</tbody>
</table>

The crimes listed in the above table are not intended to be an exhaustive list of the crimes that disqualify a person from serving as an administrator. Other crimes are considered on a case by case basis using the guidelines of the Criminal Conviction Matrix.
**OYSA Risk Management**  **Criminal Conviction Matrix for Participation Acceptability**

This form should be considered a guide, because each case may pose unique situations not covered by a standard format.
When multiple convictions have occurred - the "No" on the matrix is applied separately to each conviction, but disqualification periods are concurrent.
For three or more convictions in separate incidents within 5 years - apply matrix as if each conviction is for an offense one level higher (except driving status, e.g. DWS)

No = OYSA presumed disqualified to participate  
OK = Approve subject to close scrutiny  
Yes = OYSA presumed qualified

<table>
<thead>
<tr>
<th>Type of Conviction</th>
<th>Years Since Conviction</th>
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<tbody>
<tr>
<td></td>
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</tr>
<tr>
<td><strong>Felony</strong></td>
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</tr>
<tr>
<td>Class A</td>
<td>No</td>
</tr>
<tr>
<td>Class B</td>
<td>No</td>
</tr>
<tr>
<td>Class C</td>
<td>No</td>
</tr>
<tr>
<td><strong>Misdemeanor</strong></td>
<td></td>
</tr>
<tr>
<td>Class A</td>
<td>No</td>
</tr>
<tr>
<td>Class B</td>
<td>No</td>
</tr>
<tr>
<td>Class C</td>
<td>No</td>
</tr>
</tbody>
</table>

**Special Situations**

- **Sexual Abuse of a Child**: No = No = No = No = No = No = No = No = No = No = No
- **Crime against or involving a child**: Treat as if conviction is one level higher
- **Crime when sex is element**: Treat as if conviction is one level higher

**DUII**

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<thead>
<tr>
<th>Diversion</th>
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<tr>
<td>1 Conviction</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>Yes</td>
<td>Yes</td>
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<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>2+ Convictions (w/in 5 yrs)</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>OK</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>3+ Convictions (w/in 5yrs)</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>OK</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Drug Possession (Misdemeanor)**

| 1 Conviction | No     | No     | No     | OK     | Yes    | Yes    | Yes    | Yes    | Yes    | Yes    | Yes    |
| 2+ Convictions | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     |
| 3+ Convictions (w/in 5yrs) | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     |

**Drug Manufacturing & Distribution/Sales**

| 1 Conviction | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     | OK     |
| 2+ Convictions | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     |
| Manufacturing Meth | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     |
| Assault I (Class A Felony) | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     |
| Assault II (Class B Felony) | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     |
| Assault III (Class A Felony) | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     | Yes    |
| Assault IV (Class B Felony) | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     | Yes    |
| Assault V (Class C Felony) | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     | Yes    |
| Assault VI (Class A Misdemeanor) | No     | No     | No     | No     | No     | No     | No     | No     | No     | No     | Yes    |

Revised 2/5/2010
Appendix D

Bylaws of the United States Youth Soccer Association, Inc.
September 1, 2006

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Bylaw 252. SUSPENSION BECAUSE OF LITIGATION

Section 1. Any person participating in a USYSA program, or in a program of a State Association or a program of a member of a State Association, who becomes a defendant in litigation detrimental to the welfare of youth players or litigation based on activities detrimental to the welfare of youth players, shall be suspended from all soccer-related activities. Suspensions under this bylaw shall be determined by the appropriate State Association or the Board of Directors. Matters detrimental to the welfare of youth players shall include crimes of moral turpitude and felonies. The person has a right to appeal the suspension only over whether the matter which is the substance of the accusation, if true, is detrimental to the welfare of youth players.

Section 2. On completion of the litigation, the suspended person may inform the body suspending the person under section 1 of this bylaw that the litigation has been completed and request that the suspension be terminated and the person reinstated. The suspending body may grant the request of the person or, if the decision of the litigation was adverse to the person, may continue the suspension for a period specified by the suspending body, fine the person, terminate all membership of that person with the suspending body and its members, or any combination of those authorized penalties.
Appendix E

Child Abuse as Defined by Oregon Law

Child Abuse has a specific meaning in Oregon law and is defined in ORS 419B.005(1)(a). While the statutory definition has several categories, abuse can be viewed as falling into five broad categories—physical abuse, sexual abuse, mental injury, neglect, and threat of harm.

Physical abuse is any non-accidental injury to a child. It is often caused by an action or omission of a care giver. Injuries include bruises, welts, cuts, fractures, burns or internal injuries. Physical abuse can be one or two isolated incidents or it can occur over a prolonged period of time.

Sexual abuse occurs when a person who is more than 3 years older than a child uses or attempts to use the child for their own sexual gratification. Oregon law considers any unmarried person under the age of 18 to be a child for the purpose of sexual abuse. Sexual abuse also includes exploitation that causes a child to be involved in sexual activity, such as prostitution, pornography, or recording of sexual activity. The essence of the abuse is an older person taking advantage of a younger child. [See ORS 419B.005(1)(a)(C)-(E)]

Mental Injury is the result of cruel or unconscionable acts and/or statements made, threatened to be made or permitted to be made by the caregiver(s) which have a direct effect on the child or the caregiver’s failure to provide nurturance, protection or appropriate guidance. The caregiver’s behavior, intentional or unintentional, must be related to the observable and substantial impairment of the child’s psychological, cognitive, emotional and/or social well-being and functioning.

(A) ORS 419B.005(1)(a)(B) defines “mental injury” to include, “...only observable and substantial impairment of the child’s mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.”

(B) Actions such as making demeaning remarks, rejecting the child, ignoring or isolating the child, name calling, or telling the child that he is not a good person or athlete may contribute to mental injury. This type of behavior is reprehensible, but whether it legally constitutes abuse under Oregon law depends on its effect on the child.

Neglect occurs when a caregiver fails to provide basic needs such as adequate food, clothing, shelter, supervision, or medical care that is likely to endanger the health or welfare of the child. Neglect also includes subjecting a child to a substantial risk of harm to the child’s health or welfare, by exposing a child to illegal activities.

Threat of harm is subjecting a child to a substantial risk of harm to his/her health or welfare. Substantial harm is defined as immobilizing impairment, life-threatening damage, or significant or acute injury to a child’s physical, sexual, psychological or mental development and/or functioning. Threat of harm includes exposing a child to violence against another family member, exposing a child to the manufacture or abuse of illegal drugs, and exposing a child to the sexual abuse or exploitation of another person in the child’s home.
Signs of Abuse
The easiest abuse to recognize is something that leaves physical marks like bruises or burns. Realistically, it is difficult for someone who is not directly involved with a child and his family to see most forms of sexual abuse or mental injury. The following signs of abuse may give some indication of when to be concerned about a child.

In cases of **physical abuse** a child may exhibit the following signs:

1. **Behavioral** indicators:
   - (a) Wary of adults
   - (b) Cannot recall or consistently explain how injuries occurred
   - (c) May cringe if touched accidentally
   - (d) Extremely aggressive or extremely withdrawn

2. **Physical** indicators:
   - (a) Injuries inconsistent with the explanation
   - (b) Presence of several injuries in various stages of healing
   - (c) Facial injuries

(B) In cases of **mental injury**, a child may exhibit the following signs:

1. **Behavioral** indicators:
   - (a) Severe depression
   - (b) Extreme withdrawal or aggressiveness
   - (c) Overly compliant, too mannered, too neat and clean
   - (d) Extreme attention seeking
   - (e) Displays extreme inhibition in play

2. **Physical** indicators:
   - (a) Frequent psychosomatic complaints such as headaches, nausea, abdominal pains

(C) In cases of **sexual abuse**, a child may exhibit the following signs:

1. **Behavioral** indicators:
   - (a) Age inappropriate sexual play or displaying sexual acts
   - (b) Sexually explicit drawings or descriptions
   - (c) Bizarre, sophisticated, or unusual sexual knowledge
   - (d) Seductive behaviors

2. **Physical** indicators:
   - (a) Unusual or excessive itching in the genital area
   - (b) Torn, stained or bloody underwear
   - (c) Injuries to the vaginal or anal areas

(D) In cases of **neglect**, a child may exhibit the following signs:

1. **Behavioral** indicators:
   - (a) Frequent absence from school or practice
   - (b) Inappropriate or dirty clothing
(c) Engaged in delinquent acts such as alcohol or drug abuse
(d) Pale, listless, unkempt
(e) Frequently forgets proper equipment, water, etc.

(2) Physical indicators:
(a) Poor hygiene
(b) Unattended physical problems or medical needs
(c) Consistent lack of supervision
Concussion: a traumatic brain injury that interferes with normal brain function. Medically, a concussion is a complex, pathophysiological event to the brain that is induced by trauma.

CONCUSSION SYMPTOMS AND MANAGEMENT AT COMPETITIONS AND TRAINING

Step 1: Did a concussion occur?

Evaluate the player and note if any of the following symptoms are present:
   (1) Dazed look or confusion about what happened.
   (2) Memory difficulties.
   (3) Neck pain, headaches, nausea, vomiting, double vision, blurriness, ringing noise or sensitiveto sounds.
   (4) Short attention span. Can’t keep focused.
   (5) Slow reaction time, slurred speech, bodily movements are lagging, fatigue, and slowly answers questions or has difficulty answering questions.
   (6) Abnormal physical and/or mental behavior.
   (7) Coordination skills are behind, ex: balancing, dizziness, clumsiness, reaction time.

Step 2: Is emergency treatment needed?

This would include the following scenarios:
   (1) Spine or neck injury.
   (2) Behavior patterns change.
   (3) Loss of consciousness.

Step 3: If a possible concussion occurred, but no emergency treatment is needed, what should be done now?

Focus on these areas every 5-10 min for the next 1 - 2 hours, without returning to any activities:
   (1) Balance.
   (2) Speech.
   (3) Memory.
   (4) Attention on topics, details.

Step 4: Players should not re-enter competition, training, or partake in any activities for at least 24 hours. Even if there are no symptoms after 15-20 min, activity should not be taken by the player.
Step 5:
A player diagnosed with a possible concussion may return to US Youth Soccer play only after release from a licensed medical doctor specializing in concussion treatment and management.

Step 6:
If there is a possibility of a concussion, do the following:

1. The attached Concussion Notification Form is to be filled out in duplicate and signed by a team official of the player’s team.

2. If the player is able to do so, have the player sign and date the Form. If the player is not able to sign, note on the player’s signature line “unavailable”.

3. If a parent of the player is present, have the parent/legal guardian sign and date the Form, and give the parent one of the copies of the completed Form. If the parent/legal guardian is not present, then the team official is responsible for notifying the parent/legal guardian ASAP by phone or email and then submitting the Form to the parent/legal guardian by email or mail. When the parent/legal guardian is not present, the team official must make a record of how and when the parent/legal guardian was notified. The notification will include a request for the parent/legal guardian to provide confirmation and completion of the Concussion Notification Form whether in writing or electronically.

4. The team official must also get the player’s pass from the referee, and attach it to the copy of the Form retained by the team.

References:


Possible Concussion Notification

Today, ______________________, 20___, at the ______________________, ______________________ received a possible concussion during practice or competition. US Youth Soccer and Staff want to make you aware of this possibility and symptoms that may arise which may require further evaluation and/or treatment.

If your daughter or son starts to show signs of these symptoms, or there any other symptoms you notice about the behavior or conduct of your son or daughter, you should consider seeking immediate medical attention:

- Memory difficulties
- Headaches
- Vomiting
- Focus issues
- Neck pain
- Odd behavior
- Fatigued
- Irregular sleep
- Delicate to light or noise
- Headaches
- Repeats the same answer or question
- Slow reactions
- Vomiting
- Fatigued

Please take the necessary precautions and consider seeking a professional medical opinion before allowing your daughter or son to participate further. Until a professional medical opinion is provided, please consider the following guidelines:

- refraining from participation in any activities the day of, and the day after, the occurrence.
- refraining from taking any medicine unless (1) current medicine, prescribed or authorized, is permitted to be continued to be taken, and (2) any other medicine is prescribed by a licensed health care professional.

If you are unclear and have questions about the above symptoms, please contact a licensed health care professional. Please be advised that a player who suffers a concussion may not return to play until there is provided a signed clearance from a licensed medical doctor who specializes in concussion treatment and management.

Player Signature: ____________________________________________ Date: ____________

Parent/Legal Guardian Signature: ______________________________ Date: ____________

Team Official Signature: ______________________________________ Date: ____________

By inserting my name and date as parent/legal guardian and returning this Form electronically, I confirm that I have been provided with, and acknowledge that, I have read the information contained in the Form. If returning the signed Form by mail, send it to the following address:
Appendix G

Handling Bloodborne Pathogens

The soccer community is like all other segments of society. Some participants may have infectious diseases including HIV/AIDS and Hepatitis B (bloodborne pathogens). So you are involved in youth soccer. What do you do when an individual who has AIDS wants to participate in your program?

This document sets forth guidelines pertaining to bloodborne diseases - viruses that live in the blood stream and can be contagious. The first section deals with the rights of infected individuals and the obligations of coaches, referees, and administrators to protect those rights. The second section describes precautionary steps to minimize the risks of infection to participants in soccer activities. The third section outlines specific U S Youth Soccer recommendations for dealing with injuries involving loss of blood.

RIGHTS OF PARTICIPATION

Individuals with infectious diseases have the right to participate in youth soccer programs. Efforts to exclude individuals from participation in your youth soccer program because of infectious diseases are governed by the Americans with Disabilities Act ("ADA") and the Rehabilitation Act. The other legal area of concern for youth soccer is confidentiality of information. Individuals with infectious diseases have the right to confidentiality. Revealing such confidential information in a non-professional setting may qualify as a breach of privacy and opens up the possibility of a civil suit. There is no law governing who should know, nor is there any law protecting the privacy of individuals. Sharing information about an individual with an infectious disease should be governed by that individual and/or the family involved. Let them be your guide in how much they want to be known.

COMMUNICABLE DISEASE PRECAUTIONS

Treat every person on the field, as in any area of society, with the assumption they are HIV positive. Precautions for reducing the potential for transmission of infectious diseases should include, but are not limited to, the following:

1. Routine use of latex gloves or other precautions to prevent skin and mucous-membrane exposure when contact with blood or other body fluids is anticipated.
2. If bleeding is profuse and requires the assistance of a supervising adult, latex gloves should be donned and pressure applied to the wound, keeping the injury above the level of the heart if possible. Medical care should be sought.
3. Immediately wash hands and other skin surfaces if contaminated (in contact) with blood or other body fluids. Wash hands immediately after removing gloves.
4. The bloodied portion of the athlete's uniform must be properly disinfected, or the uniform changed before the athlete may participate.
5. Clean all blood-contaminated surfaces and equipment with a solution made from 1-100 dilution of household bleach or other disinfectant before competition resumes. Use a new mixture for each event, and discard the mixture after each event.
6. Practice proper disposal procedures to prevent injuries caused by needles and other sharp instruments or devices found in the area of the field.
7. Although saliva has not been implicated in HIV transmission, mouthpieces, resuscitation bags, or other ventilation devices should be available for use to minimize the need for emergency direct mouth-to-mouth resuscitation.
8. Athletic trainers/coaches with bleeding or oozing skin conditions should refrain from all direct care until the condition resolves.
9. Contaminated towels, dressings, and other articles containing body fluids should be properly disposed of or disinfected.

U S Youth Soccer recommends full support of FIFA Circular no. 438 dated 6 July, 1990 which states in part, "The referee should prevent a player who is bleeding profusely from taking any further part in a match until he has been adequately treated and the bleeding has stopped."

U S YOUTH SOCCER RECOMMENDED SAFETY PROCEDURES FOR DEALING WITH INJURIES INVOLVING BLOOD
There are many factors to consider whenever there is an injury on the soccer field. Many people are starting to ask the question, "What do I do when a player gets hurt on the field and is bleeding?" U S Youth Soccer recommends the following guidelines to coaches, trainers, and referees:

- First concern is always to make sure the player is not seriously injured. Never move a player that has possible internal injuries.
- If possible to remove the player from the field, move the player to the side lines away from the spectators.
- Carry latex gloves at all times in your bag.
- Carry empty plastic bags, large enough to carry a uniform and shoes. Carry rags to clean surrounding areas, and carry some type of cleaning substance to clean the injured player.
- Referees should never allow the player back onto the field without a clean jersey, shorts, shoes, etc., whatever has had the blood on it. Therefore, it should be recommended that each player have extra clean shirt, shorts, shoes, and socks with them.
- The field of play should be inspected and cleaned up prior to resuming play. This means cutting out as much as possible of the blood area in grass, and removing it to a proper disposal area. On artificial turf apply a cleaning agent, one that is safe for the surface.

These are just a few things that should be done during the games. There are many more safety procedures that can apply.
Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 419B.005 is amended to read:
ORS 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

1(1a) "Abuse" means:
(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.
(B) Any mental injury to a child, which shall include only observable and substantial impairment of the child’s mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.
(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.
(D) Sexual abuse, as described in ORS chapter 163.
(E) Sexual exploitation, including but not limited to:
(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of a law enforcement agency investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and
(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize a prostitute, as defined in ORS chapter 167.
(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.
(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child’s health or welfare.
(H) Buying or selling a person under 18 years of age as described in ORS 163.537.
(I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.
(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child to a substantial risk of harm to the child’s health or safety.
(b) “Abuse” does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.
(2) “Child” means an unmarried person who is under 18 years of age.

5 “Higher education institution” means:
(a) A community college as defined in ORS 341.005;
(b) A public university listed in ORS 352.002;
(c) The Oregon Health and Science University; and
(d) A private institution of higher education located in Oregon.

3(3) “Law enforcement agency” means:
(a) A city or municipal police department.
(b) A county sheriff’s office.
(c) The Oregon State Police.
(d) A police department established by a university under ORS 352.383.
(e) A county juvenile department.

4(4) “Public or private official” means:
(a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric physician and surgeon, including any intern or resident.
(b) Dentist.
(c) School employee, including an employee of a higher education institution.
(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health aide or employee of an in-home health service.
(e) Employee of the Department of Human Services, Oregon Health Authority, State Commission on Children and Families, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.
(f) Peace officer.
(g) Psychologist.
(h) Member of the clergy.
(i) Regulated social worker.
(j) Optometrist.
(k) Chiropractor.
(L) Certified provider of foster care, or an employee thereof.
(m) Attorney.
(n) Licensed professional counselor.
(o) Licensed marriage and family therapist.
(p) Firefighter or emergency medical services provider.
(q) A court appointed special advocate, as defined in ORS 419A.004.
(r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
(s) Member of the Legislative Assembly.
(t) Physical, speech or occupational therapist.
(u) Audiologist.
(v) Speech-language pathologist.
(w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.

(x) Pharmacist.

(y) An operator of a preschool recorded program under ORS 657A.255.

(z) An operator of a school-age recorded program under ORS 657A.257.

(aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.

(bb) Employee of a public or private organization providing child-related services or activities:

(A) Including but not limited to youth groups or centers, scout groups or camps, summer or day camps, survival camps or groups, centers or camps that are operated under the guidance, supervision or auspices of religious, public or private educational systems or community service organizations; and

(B) Excluding community-based, nonprofit organizations whose primary purpose is to provide confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.

(cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.

SECTION 2. ORS 339.370 is amended to read: 339.370. As used in ORS 339.370 to 339.400:

(1) “Abuse” has the meaning given that term in ORS 419B.005.

(2) “Disciplinary records” means the records related to a personnel discipline action or materials or documents supporting that action.

(3) “Education provider” means:

(a) A school district, as defined in ORS 332.002.

(b) The Oregon School for the Deaf.

(c) An educational program under the Youth Corrections Education Program.

(d) A public charter school, as defined in ORS 338.005.

(e) An education service district, as defined in ORS 334.003.

(f) Any state-operated program that provides educational services to kindergarten through grade 12 students.

(g) A private school.

(4) “Investigation” means a detailed inquiry into the factual allegations of a report of suspected [child] abuse or sexual conduct that:

(a) Is based on interviews with the complainant, witnesses and the school employee or student who is the subject of the report; and

(b) If the subject of the report is a school employee, meets any negotiated standards of an employment contract or agreement.

(5) “Law enforcement agency” has the meaning given that term in ORS 419B.005.

(6) “Private school” means a school that provides to kindergarten through grade 12 students instructional programs that are not limited solely to dancing, drama, music, religious or athletic instruction.

(7) “School board” means the governing board or governing body of an education provider.

(8) “School employee” means an employee of an education provider.

(9)(a) “Sexual conduct” means any verbal or physical conduct by a school employee that:

(A) Is sexual in nature;

(B) Is directed toward a kindergarten through grade 12 student;

(C) Has the effect of unreasonably interfering with a student’s educational performance; and

(D) Creates an intimidating, hostile or offensive educational environment.

(b) “Sexual conduct” does not include abuse.

(10) “Substantiated report” means a report of [child] abuse or sexual conduct that:

(a) An education provider has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and

(b) Involves conduct that the education provider determines is sufficiently serious to be documented in the school employee’s personnel file or the student’s education record.

SECTION 3. ORS 339.372 is amended to read: 339.372. Each school board shall adopt policies on the reporting of [child] abuse and sexual conduct by school employees and the reporting of abuse by students. The policies shall:

(1) Specify that [child] abuse and sexual conduct by school employees and abuse by students are not tolerated;

(2) Specify that all school employees and students are subject to the policies;

(3) Require all school employees who have reasonable cause to believe that another school employee has engaged in [child] abuse or sexual conduct or that a student has engaged in abuse to:

(a) Report suspected [child] abuse to a law enforcement agency, the Department of Human Services or a designee of the department as required by ORS 419B.010 and 419B.015; and

(b) Report suspected [child] abuse or sexual conduct to the [employees' supervisors or other persons designated by the school board] person designated as provided by subsection (4) of this section;

(4) Designate a person, and an alternate in the event the designated person is the suspected abuser, to receive reports of suspected [child] abuse or sexual conduct by school employees or suspected abuse by students and specify the procedures to be followed by that person upon receipt of a report;

(5) Require the posting in each school building of the name and contact information for the person designated for the school building to receive reports of suspected [child] abuse or sexual conduct by
school employees **or suspected abuse by students** and the procedures the person will follow upon receipt of a report;

(6) Specify that the initiation of a report in good faith about suspected [child] abuse or sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the complainant;

(7) Specify that the school board or any school employee will not discipline a student for the initiation of a report in good faith about suspected [child] abuse or sexual conduct by a school employee **or suspected abuse by a student**;

(8) Require notification by the education provider to the person who initiated the report about actions taken by the education provider based on the report; and

(9) Require the education provider to furnish to a school employee at the time of hire the following:

(a) A description of conduct that may constitute [child] abuse or sexual conduct; and

(b) A description of the information and records that will be disclosed as provided by ORS 339.378 or 339.388 (7) if a report of suspected [child] abuse or sexual conduct is substantiated.

**SECTION 4.** ORS 339.388 is amended to read: 339.388. (1)(a) A school employee having reasonable cause to believe that a child with whom the employee comes in contact has suffered abuse by another school employee **or by a student**, or that another school employee **or a student** with whom the employee comes in contact has abused a child, shall immediately report the information to:

(A) A supervisor or other person designated by the school board; and

(B) The person designated in the policy adopted under ORS 339.372; and

(2) A supervisor or other person designated by the school board [person] who receives a report under subsection (1) of this section[,] shall follow the procedures required by the policy adopted by the school board under ORS 339.372.

(3)(a) Except as provided in subsection (4) of this section, when an education provider receives a report of suspected [child] abuse or sexual conduct by one of its employees, and the education provider's designee determines that there is reasonable cause to support the report, the education provider:

(A) In the case of suspected [child] abuse, shall place the school employee on paid administrative leave; or

(B) In the case of suspected sexual conduct, may place the school employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with children.

(b) A school employee who is placed on paid administrative leave under paragraph (a)(A) of this subsection shall remain on administrative leave until:

(A) The Department of Human Services or a law enforcement agency determines that the report cannot be substantiated or that the report will not be pursued; or

(B) The Department of Human Services or a law enforcement agency determines that the report is substantiated and the education provider takes the appropriate disciplinary action against the school employee.

(4) An education provider may reinstate a school employee placed on paid administrative leave for suspected [child] abuse as provided under subsection (3) of this section or may take the appropriate disciplinary action against the employee if the Department of Human Services or a law enforcement agency is unable to determine, based on a report of suspected [child] abuse, whether [child] abuse occurred.

(5) If, following an investigation, an education provider determines that [the] a report of suspected [child] abuse or sexual conduct by a school employee is a substantiated report, the education provider shall:

(a) Inform the school employee that the education provider has determined that the report has been substantiated.

(b) Provide the school employee with information about the appropriate appeal process for the determination made by the education provider. The appeal process may be the process provided by a collective bargaining agreement or a process administered by a neutral third party and paid for by the school district.

(c) Following notice of a school employee's decision not to appeal the determination or following the determination of an appeal that sustained the substantiated report, create a record of the substantiated report and place the record in the personnel file of the school employee. Records created pursuant to this paragraph are confidential and are not public records as defined in ORS 192.410. An education provider may use the record as a basis for providing the information required to be disclosed under ORS 339.378.

(d) Inform the school employee that information about substantiated reports may be disclosed to a potential employer as provided by subsection (7) of this section and ORS 339.378.

(6) Upon request from a law enforcement agency, the Department of Human Services or the Teacher Standards and Practices Commission, a school district shall provide the records of investigations of
suspected [child] abuse by a school employee or former school employee.

(7)(a) The disciplinary records of a school employee or former school employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502.

(b) Any disciplinary records required to be released as provided by ORS 339.388 (7).

(3) For an applicant who is licensed, registered or certified with the Teacher Standards and Practices Commission, access online information provided by the commission to verify:

(a) That the applicant is licensed, registered or certified by the commission; and

(b) Whether the commission has provided any information relating to conduct by the applicant that may constitute [child] abuse or sexual conduct.

(4) Conduct a nationwide criminal records check if required by ORS 326.603.

SECTION 6. ORS 339.378 is amended to read:

339.378. (1) Not later than 20 days after receiving a request under ORS 339.374, an education provider that has or has had an employment relationship with the applicant shall disclose the information requested and any disciplinary records that must be disclosed as provided by ORS 339.388 (7).

(2) An education provider may disclose the information on a standardized form and is not required to provide any additional information related to a substantiated report of [child] abuse or sexual conduct other than the information that is required by ORS 339.374 (2).

(3) Information received under this section is confidential and is not a public record as defined in ORS 192.410. An education provider may use the information only for the purpose of evaluating an applicant’s eligibility to be hired.

SECTION 7. ORS 339.392 is amended to read:

339.392. (1) An education provider may not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any other contract or agreement that:

(a) Has the effect of suppressing information relating to an ongoing investigation related to a report of suspected [child] abuse or sexual conduct or relating to a substantiated report of [child] abuse or sexual conduct by a current or former employee;

(b) Affects the duties of the education provider to report suspected [child] abuse or sexual conduct or to discipline a current or former employee for a substantiated report of [child] abuse or sexual conduct;

(c) Impairs the ability of the education provider to discipline an employee for a substantiated report of [child] abuse or sexual conduct; or

(d) Requires the education provider to expunge substantiated information about [child] abuse or sexual conduct from any documents maintained by an education provider.

(2) Any provision of an employment contract or agreement that is contrary to this section is void and unenforceable.

(3) Nothing in this section prevents an education provider from entering into a collective bargaining agreement that includes:
(a) Standards for investigation of a report of [child] abuse or sexual conduct; or
(b) An appeal process from the determination by an education provider that a report of [child] abuse or sexual conduct has been substantiated as provided in ORS 339.388 (5).

SECTION 8. ORS 339.400 is amended to read:
ORS 339.400. (1) An education provider shall provide to school employees training each school year on the prevention and identification of [child] abuse and sexual conduct and on the obligations of school employees under ORS 419B.005 to 419B.050 and under policies adopted by the school board to report [child] abuse and sexual conduct.
(2) An education provider shall make the training provided under subsection (1) of this section available each school year to parents and legal guardians of children who attend a school operated by the education provider. The training shall be provided separately from the training provided to school employees under subsection (1) of this section.
(3) An education provider shall make training that is designed to prevent [child] abuse and sexual conduct available each school year to children who attend a school operated by the education provider.

SECTION 9. ORS 338.115 is amended to read:
ORS 338.115. (1) Statutes and rules that apply to school district boards, school districts or other public schools do not apply to public charter schools. However, the following laws do apply to public charter schools:
(a) Federal law;
(b) ORS 30.260 to 30.300 (tort claims);
(c) ORS 192.410 to 192.505 (public records law);
(d) ORS 192.610 to 192.690 (public meetings law);
(e) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
(f) ORS 326.565, 326.575 and 326.580 (student records);
(g) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);
(h) ORS 329.045 (academic content standards and instruction);
(i) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative certificate);
(j) The statewide assessment system developed by the Department of Education for mathematics, science and English under ORS 329.485 (2);
(k) ORS 337.150 (textbooks);
(L) ORS 339.141, 339.147 and 339.155 (tuition and fees);
(m) ORS 339.250 (12) (prohibition on infliction of corporal punishment);
(n) ORS 339.326 (notice concerning students subject to juvenile court petitions);
(o) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of [child] abuse and sexual conduct and training on prevention and identification of [child] abuse and sexual conduct);
(p) ORS chapter 657 (Employment Department Law);
(q) ORS 659.850, 659.855 and 659.860 (discrimination);
(r) Any statute or rule that establishes requirements for instructional time provided by a school during each day or during a year;
(s) Health and safety statutes and rules;
(t) Any statute or rule that is listed in the charter;
(u) ORS 339.119 (consideration for educational services); and
(v) This chapter.
(2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules that apply to school district boards, school districts and other public schools may apply to a public charter school.
(3) If a statute or rule applies to a public charter school, then the terms “school district” and “public school” include public charter school as those terms are used in that statute or rule.
(4) A public charter school may not violate the Establishment Clause of the First Amendment to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion based.
(5)(a) A public charter school shall maintain an active enrollment of at least 25 students.
(b) For a public charter school that provides educational services under a cooperative agreement described in ORS 338.080, the public charter school is in compliance with the requirements of this subsection if the public charter school provides educational services under the cooperative agreement to at least 25 students, without regard to the school districts in which the students are residents.
(6) A public charter school may sue or be sued as a separate legal entity.
(7) The sponsor, members of the governing board of the sponsor acting in their official capacities and employees of a sponsor acting in their official capacities are immune from civil liability with respect to all activities related to a public charter school within the scope of their duties or employment.
(8) A public charter school may enter into contracts and may lease facilities and services from a school district, education service district, public university listed in ORS 352.002, other governmental unit or any person or legal entity.
(9) A public charter school may not levy taxes or issue bonds under which the public incurs liability.
(10) A public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.
(11) The school district in which the public charter school is located shall offer a high school diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter school student who meets the district’s and state’s standards for a high school diploma, a modified di-
ploma, an extended diploma or an alternative certificate.

(12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a public charter school grants to the holder the same rights and privileges as a high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a nonchartered public school.

(13) Prior to beginning operation, the public charter school shall show proof of insurance to the sponsor as specified in the charter.

(14) A public charter school may receive services from an education service district in the same manner as a nonchartered public school in the school district in which the public charter school is located.


338.115. (1) Statutes and rules that apply to school district boards, school districts or other public schools do not apply to public charter schools. However, the following laws do apply to public charter schools:

(a) Federal law;
(b) ORS 30.260 to 30.300 (tort claims);
(c) ORS 192.410 to 192.505 (public records law);
(d) ORS 192.610 to 192.690 (public meetings law);
(e) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
(f) ORS 326.565, 326.575 and 326.580 (student records);
(g) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);
(h) ORS 329.045 (academic content standards and instruction);
(i) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative certificate);
(j) ORS 329.496 (physical education);
(k) The statewide assessment system developed by the Department of Education for mathematics, science and English under ORS 329.485 (2);
(L) ORS 337.150 (textbooks);
(m) ORS 339.141, 339.147 and 339.155 (tuition and fees);
(n) ORS 339.250 (12) (prohibition on infliction of corporal punishment);
(o) ORS 339.326 (notice concerning students subject to juvenile court petitions);
(p) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of [child] abuse and sexual conduct and training on prevention and identification of [child] abuse and sexual conduct);
(q) ORS chapter 657 (Employment Department Law);
(r) ORS 659.850, 659.855 and 659.860 (discrimination);
(s) Any statute or rule that establishes requirements for instructional time provided by a school during each day or during a year;
(t) Health and safety statutes and rules;
(u) Any statute or rule that is listed in the charter;
(v) ORS 339.119 (consideration for educational services); and
(w) This chapter.

(2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules that apply to school district boards, school districts and other public schools may apply to a public charter school.

(3) If a statute or rule applies to a public charter school, then the terms “school district” and “public school” include public charter school as those terms are used in that statute or rule.

(4) A public charter school may not violate the Establishment Clause of the First Amendment to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion based.

(5)(a) A public charter school shall maintain an active enrollment of at least 25 students.

(b) For a public charter school that provides educational services under a cooperative agreement described in ORS 338.080, the public charter school is in compliance with the requirements of this subsection if the public charter school provides educational services under the cooperative agreement to at least 25 students, without regard to the school districts in which the students are residents.

(6) A public charter school may sue or be sued as a separate legal entity.

(7) The sponsor, members of the governing board of the sponsor acting in their official capacities and employees of a sponsor acting in their official capacities are immune from civil liability with respect to all activities related to a public charter school within the scope of their duties or employment.

(8) A public charter school may enter into contracts and may lease facilities and services from a school district, education service district, public university listed in ORS 352.002, other governmental unit or any person or legal entity.

(9) A public charter school may not levy taxes or issue bonds under which the public incurs liability.

(10) A public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.

(11) The school district in which the public charter school is located shall offer a high school diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter school student who meets the district’s and state’s standards for a high school diploma, a modified diploma, an extended diploma or an alternative certificate.
(12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a public charter school grants to the holder the same rights and privileges as a high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a nonchartered public school.

(13) Prior to beginning operation, the public charter school shall show proof of insurance to the sponsor as specified in the charter.

(14) A public charter school may receive services from an education service district in the same manner as a nonchartered public school in the school district in which the public charter school is located.

SECTION 11. ORS 419B.010 is amended to read:

419B.010. (1) Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child shall immediately report or cause a report to be made in the manner required in ORS 419B.015. Nothing contained in ORS 40.225 to 40.295 or 419B.234 (6) affects the duty to report imposed by this section, except that a psychiatrist, psychologist, member of the clergy, attorney or guardian ad litem appointed under ORS 419B.231 is not required to report such information communicated by a person if the communication is privileged under ORS 40.225 to 40.295 or 419B.234 (6). An attorney is not required to make a report under this section by reason of information communicated to the attorney in the course of representing a client if disclosure of the information would be detrimental to the client.

(2) Notwithstanding subsection (1) of this section, a report need not be made under this section if the public or private official acquires information relating to abuse by reason of a report made under this section, or by reason of a proceeding arising out of a report made under this section, and the public or private official reasonably believes that the information is already known by a law enforcement agency or the Department of Human Services.

(3) The duty to report under this section is personal to the public or private official alone, regardless of whether the official is employed by, a volunteer of or a representative or agent for any type of entity or organization that employs persons or uses persons as volunteers who are public or private officials in its operations.

(4) The duty to report under this section exists regardless of whether the entity or organization that employs the public or private official or uses the official as a volunteer has its own procedures or policies for reporting abuse internally within the entity or organization.

(5) A person who violates subsection (1) of this section commits a Class A violation. Prosecution under this subsection shall be commenced at any time within 18 months after commission of the offense.