



Oregon Youth Soccer Association
RISK MANAGEMENT MANUAL

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. Since OYSA adopted its policy the Federation has published a Safe Soccer Framework and policies regarding background screening that affect the way OYSA handles background checks. The Center [*Section 2(Y)*] published its SafeSport Code, effective 4/15/2019. That code applies to OYSA and its applicable provisions supercede any prior OYSA policies and eligibility guidelines.

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 and affiliated 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 Federation Policy 212-3(2) to "... implement and enforce a policy that requires appropriate background screening of at least Participating Adults by the earlier of 1) prior to regular contact with a Youth Participant; or 2) within the first 45 days of the Participating Adult taking on the role giving them access to Youth Participants."

- (C) US Youth Soccer Bylaw Article VI, Section 2(B) requires OYSA 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...."

- (D) Preparation and maintenance of a Risk Management Manual is directed by OYSA Policy 801-1, Section 4. This manual has been prepared to meet that direction.

- (E) 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 for the mandatory reporting and referral to the Center [*see Section 2(Y), below*] of criminal charges and dispositions that are within the exclusive jurisdiction of the Center;

- (3) Provides a fair process to all persons involved in risk management decisions;
 - (4) Provides reasonable standards for making risk management decisions; and
 - (5) Provides an opportunity to appeal an adverse risk management decision.
- (F) 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) Youth over the age of 18 who serve in any of the positions listed in Section 2(A)(1-7)
 - (9) Any applicant for any of the positions listed in Section 2(A)(1-7)
- [NOTE: Although referees serve an important function in the Association and its member and affiliated clubs, referees are trained, certified, background checked, and disciplined directly by the Federation. They are not under the jurisdiction of the Association for purposes of risk management.]*
- (B) **Association (or OYSA)** - the Oregon Youth Soccer Association
- (C) **Background Check** - the process of determining whether a person has a criminal history. The check will generally be performed by a company in the business of conducting background checks that is contracted by OYSA to perform such checks on applicants to be administrators.
- (D) **Background Report** - a report provided to the RMC containing details of an individual's criminal history.
- (E) **Center** - See U.S. Center for SafeSport (Section 2(Y)), below.
- (F) **Code** - See SafeSport Code (Section 2(W)), below.

- (G) **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. [*See Section 7*]
- (H) **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.
- (I) **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. [*ORS 161.515*]
- (J) **Criminal Charge** - an official record of an arrest or arraignment, including a warrant for arrest, in which a person is accused of having committed a crime. [*SafeSport Code § IX(1)(b)*]
- (K) **Criminal Disposition** - is the ending of criminal proceedings on a criminal charge. A disposition includes, but is not limited to: an adjudication of guilt or admission to a criminal violation, a plea of guilty to the charge or a lesser included offense, a plea of no contest, any plea analogous to an Alford or Kennedy plea, the disposition of the proceeding through a diversionary program, deferred adjudication, deferred prosecution, disposition of supervision, conditional dismissal, juvenile delinquency adjudication, or similar arrangement. [*SafeSport Code § IX(1)(a)*]
- (L) **Criminal History** - a report that lists criminal charges and dispositions that apply to a person.
- (M) **Criminal History Disclosure** - the answers given by an applicant for a position as an Administrator to questions regarding the applicant's criminal record.
- (N) **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.

- (O) **Federation (or USSF)** - the United States Soccer Federation. The Federation is the National Governing Body (NGB) for the sport of soccer in the United States under the United States Olympic Committee (USOC).
- (P) **Felony** - a crime which is defined as having a maximum sentence of imprisonment greater than one year. [ORS 161.525]
- (Q) **Misdemeanor** - a crime which is defined as having a maximum sentence of imprisonment of not more than one year. [ORS 161.545]
- (R) **Moral Turpitude** - refers to conduct that is contrary to community standards of honesty, good morals, or justice. Crimes of moral turpitude usually include elements of fraud and deception or intentional or reckless actions that cause harm to person or property in a way that indicates the shameful, vile, or corrupt character of the offender. Whether a particular crime involves moral turpitude is determined by the elements stated in the law defining the crime.
- (S) **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.
- (T) **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 [Section 2(I)] or a violation [Section 2(Z)]. [ORS 161.505]
- (U) **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.
- (V) **Risk Status** - the results of risk management decisions that are displayed in OYSA's online registration 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.
- (W) **SafeSport Code** - the Code adopted by the Center and effective as of 4/15/2019. The Code governs OYSA and its member and affiliated clubs as Local Affiliated Organizations (LAOs) of the Federation, the NGB for the sport of soccer in the United States. [*SafeSport Code § II*]
- (X) **Suspension** - an official period during which any and all activities with OYSA or any member clubs must cease. A Suspension requires 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.
- (Y) **U.S. Center for SafeSport** - referred to as the Center, the organization recognized by the United States Congress, the United States Olympic Committee (USOC), and the National Governing Bodies (NGBs) as the official safe sport organization for all Olympic, Paralympic, Pan American and Para Pan American sports in the United States. [*SafeSport Code § I*]
- (Z) **Violation** - an offense that is punishable by a fine, but not by a term of imprisonment. [*ORS 153.008*]

Section 3 Background Checks

- (A) All Administrators of the Association and its member clubs are required to have 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 background check provider uses driver's license information to verify identity for persons having an Oregon license.
 - (2) 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.
 - (3) The background check provider will request additional information, including the individual's social security number when:
 - (a) No driver's license information is provided;
 - (b) The provided driver's license information indicates an Oregon license and they are unable to verify the individual's identity with the DMV database;
 - (c) The Oregon license was issued within the past 5 years;

- (d) Driver's license information indicates residence in a state where the provider has limited data;
 - (e) Driver's license information indicates residence in a state that requires use of an SSN to search court records; or
 - (f) An SSN is required to verify whether discovered records apply to the subject of the background check.
- (4) If a potential match is located, or the background check company needs an SSN to complete the check, the risk status is automatically set to Under Review. A person with a risk status of Under Review is not eligible to be rostered to a team or engage in any official role with the Association or any of its member or affiliated clubs.
 - (5) Potential matches are reviewed by a human researcher and results are reported to the OYSA Risk Management Coordinator.
 - (6) If a background report shows criminal charges or dispositions that are within the exclusive jurisdiction of the Center, the information will be reported to the Center and the individual will be suspended at least until the Center has made a determination of the person's eligibility to participate.
 - (7) If a background report shows one or more convictions that are disqualifying under the guidelines shown in Section 6, 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.
 - (8) 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.
 - (9) The final decision on what is an acceptable or unacceptable criminal history is made by the RMC.

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 will result in disqualification if
 - (a) Less than 10 years have elapsed since the conviction and the conviction was for a felony;
 - (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.

- (c) Less than 5 years have elapsed since the conviction and the conviction was for a misdemeanor.
- (3) 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 OYSA's online registration 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 OYSA's online registration 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) It is a violation of the SafeSport Code for a participant to have a criminal charge or disposition. [*SafeSport Code § IX(A)*] Because the SafeSport Code is binding on OYSA as an LAO under the Code [*see Section 2(W)*], an administrator who has a new criminal charge, including a warrant for arrest, or a criminal disposition is in violation of OYSA policies. The RMC must review the risk status of such an administrator before allowing that person to continue in their role with their club and the Association.

- (B) Every registered Administrator must 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 has a a warrant for arrest;
 - (3) The individual has a criminal disposition. [*See Section 2(K)*]

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

- (D) Any Administrator who willfully fails to provide the notice required by Section 5(B) and Section 5(C) will be suspended from all activities with the Association or any of its member clubs for a period of not less than one year as soon as the RMC receives confirmation of the pending charge(s) or disposition(s) other than an adjudication of Not Guilty. 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 is intended to 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) Review by the RMC - 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 a violation of the SafeSport Code, whether or not any criminal charges have been filed as a result of such conduct.
- (B) Criminal Charges or Dispositions
- (1) It is a violation of the Code for a participant to have a criminal charge or disposition. [*SafeSport Code § IX(A)*]
 - (2) The age of a criminal charge or disposition is not relevant to whether a violation of the Code has occurred, but may be considered for sanctioning purposes. [*SafeSport Code § IX(A)*]
- (C) Exclusive jurisdiction of the Center - The Association and its member clubs will not knowingly allow any person to become, or continue as, an Administrator when that person's violation of the Code involves activities that are within the exclusive jurisdiction of the Center, unless the Center has determined that the person is eligible to participate. [*SafeSport Code § IV(A)*]
The Center's exclusive jurisdiction to determine eligibility includes:
- (1) Sexual Misconduct, including without limitation child sexual abuse and any misconduct that is reasonably related to an underlying allegation of Sexual Misconduct;
 - (2) Criminal Charges or Dispositions involving Child Abuse or Sexual Misconduct.
 - (3) The Code describes the types of conduct that are considered Sexual Misconduct. [*SafeSport Code § IX(C)*] Much of the described behavior would be grounds for criminal charges. When a background report shows criminal charges or dispositions that are based on behavior that falls within the Code's description of Sexual Misconduct or child abuse, regardless of the actual crime charged, the person will be referred to the Center for a determination of eligibility. [*See Appendix B for a list of Oregon crimes that are within the exclusive jurisdiction of the Center.*]

- (D) Discretionary jurisdiction of the Center - The Code gives the Center discretionary jurisdiction over criminal charges or dispositions that do not involve child abuse or sexual misconduct. [*SafeSport Code § IV(B)(3)*] Unless the Center exercises jurisdiction, an LAO, such as OYSA, may investigate and determine eligibility.
- (E) Permanent Disqualifications
- (1) Any person who has a criminal disposition that is a conviction for a crime listed in ORS 342.143(3)(a)(A), an attempt to commit one of the crimes listed in that statute, or a conviction for a similar offense in another state, will be permanently disqualified to participate in OYSA or any of its member or affiliated clubs, regardless of the age of the conviction.
 - (a) Some of the crimes listed in ORS 342.143(3)(a)(A) are crimes that are within the exclusive jurisdiction of the Center. [*See Section 6(C)*]
 - (b) OYSA will refer information about such a crime to the Center and will suspend the individual pending the Center's determination of eligibility.
 - (c) Unless the Center determines the person to be eligible, the person will remain disqualified for participation.
 - (2) Any disposition that is a conviction for committing, or attempting to commit, a felony that involves the use of force or a threat of force against another person is permanently disqualifying.
 - (3) Any disposition that is a conviction for committing, or attempting to commit, a felony that involves the criminal mistreatment of a dependent or elderly person is permanently disqualifying.
 - (4) Any disposition that is a conviction for committing, or attempting to commit, a crime classified as a felony involving cruelty to or mistreatment of animals is permanently disqualifying.
 - (5) Any disposition that is a conviction of a crime defined as a Class A Felony under Oregon law, or its equivalent in any other jurisdiction, is permanently disqualifying.
 - (6) Any criminal history of dispositions that includes conviction of 3 or more felonies in separate incidents within a 10 year period may be considered permanently disqualifying.
 - (a) If none of the felony convictions are otherwise permanently disqualifying as described in Section 6(E)(1) through Section 6(E)(5) and more than 15 years have elapsed without a criminal disposition of any kind, the RMC may consider whether to grant a CAA for the person.
 - (b) If none of the felony convictions are otherwise permanently disqualifying as described in Section 6(E)(1) through Section 6(E)(5) and more than 20 years have elapsed without a criminal

disposition of any kind, the RMC may consider whether to approve the individual's risk status.

- (c) In any review of a person's criminal history under this Section 6(E)(6), the RMC shall take into consideration the total number of criminal dispositions in the person's history.

Explanation - 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 C 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.

Permanent disqualifications for felonies involving the use of force or threatened force against another person and for felonies involving cruelty to, and mistreatment of, animals brings OYSA policies in line with Federation standards stated in the Safe Soccer Framework. Appendix C has a list of the Oregon felonies that involve force and are not Class A felonies or included in ORS 342.143(3)(a)(A). Appendix B also has a list of the Oregon felonies in which animals are victims.

Although the Federation does not mention offenses in which the victims are dependent or elderly persons, OYSA believes that felonies against such victims displays the same callous disregard for the well-being of the victim as using or threatening force against an individual or mistreating an animal.

While most Class A felonies are included in other groups of crimes that are permanently disqualifying, OYSA believes that any other crimes that have been classified by the legislature as the most serious felonies should be permanently disqualifying.

A criminal history that includes multiple felonies in multiple episodes, within a 10 year period indicates the person has serious difficulty abiding by the rules of society and is not a good candidate to work in youth sports.

- (F) Other Disqualifications - As stated in Section 6(B)(1), having a criminal charge or disposition is a violation of the Code. Dispositions that do not include one of the crimes referenced in Section 6(C) or Section 6(E) may allow a person to be approved as an administrator, depending on the age and number of the dispositions.
 - (1) Any disposition that is a conviction of a felony is disqualifying for a period of not less than 10 years from the entry of the judgment.
 - (2) Any disposition that is a conviction for committing, or attempting to commit, a crime classified as a misdemeanor that involves the use of force, or threatened use of force against another person, is disqualifying for a period of not less than 10 years from the entry of the judgment.
 - (3) Any disposition that is a conviction for a misdemeanor involving the criminal mistreatment of another person as defined in ORS 163.200, or its equivalent in any other state, is disqualifying for a period of not less than 10 years from the entry of the judgment.

- (4) Any disposition that is a conviction for a crime classified as a misdemeanor involving cruelty to animals is disqualifying for a period of not less than 10 years from the entry of the judgment.
- (5) Any disposition that is a conviction involving a controlled substance, other than alcohol, marijuana, or paraphernalia, is disqualifying for a period of not less than 6 years from the entry of the judgment.
- (6) Any disposition that is a conviction for Trespass at a Sporting Event in violation of ORS 164.278 is disqualifying for a period of not less than 3 years following entry of the judgment.
- (7) Any dispositions that involve convictions for other crimes will be disqualifying based on the classification of the crime by the Oregon Legislature. Default disqualification periods are set out in Appendix D.

Explanation - Appendix D shows the conviction matrix that gives general guidance regarding the effects of a person being convicted of various levels of crime. The guidance is general as it deals with crime classifications in broad categories rather than specific details of particular crimes.

- (G) 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.
 - (1) The RMC will apply the provisions of Section 6(C) through Section 6(F)(7).
 - (2) In evaluating whether an individual's criminal history or other actions are disqualifying, the RMC will consider:
 - (a) The nature and severity of the crime(s) for which an individual has been convicted or charged. When considering a conviction
 - (i) All elements of a crime as defined by applicable law are presumed to have been proven.
 - (ii) The severity of a crime is measured by the maximum possible sentence that could have been applied under 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 a disposition is a conviction for a single offense or there are additional dispositions other than an adjudication of Not Guilty.

- (3) 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.

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 for an indefinite period, except when based on a criminal history that includes convictions shown in Section 6(E). 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 the elapsed time is within the guidelines for a CAA and there have been no further convictions, the person 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.

(H) Special situations

- (1) An individual who has been granted diversion, deferred prosecution subject to probation terms, or any similar agreement with a court to avoid entry of a conviction is considered to have pending criminal charges and will be ineligible until the court officially dismisses the charge.
- (2) An individual who is on probation or parole following a conviction, whether supervised or unsupervised, may be considered ineligible until the probation or parole 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.

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 half the default disqualification period shown in Appendix C has elapsed since the date of the conviction that is the subject of the agreement.
 - (6) A CAA will not be considered for convictions covered by
 - (a) Section 6(C);
 - (b) Section 6(E); or
 - (c) a Class B felony.
 - (7) The RMC will not accept a CAA for an administrator who has criminal dispositions that are convictions for one or more additional crimes within the 7 years previous to the conviction for which a CAA is requested.
 - (8) The RMC will not accept a CAA for an administrator who has criminal charges or dispositions for one or more additional crimes, other than an adjudication of not guilty, that have occurred after the conviction for which a CAA is requested.
 - (9) The club must agree to notify the RMC if the club learns that the administrator has violated the conditions of the agreement.
 - (10) The agreement must be signed by the RMC, the Administrator, and the club's president.
 - (11) 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.
 - (12) An administrator who enters into a CAA may not appeal the decision of the RMC that a CAA is required to grant Approval.
 - (13) 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)(11) 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 D*] 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 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) The RMC will suspend any administrator who has criminal charges, or a warrant for arrest, until there is a disposition of the charges and/or the warrant.

- (B) Any suspension will be a suspension from all activities in the Association or any of its member clubs.
 - (1) An individual who is suspended under the provisions of this section will be sent notice of the suspension as specified in Section 9(A).
 - (2) The suspension will remain in effect until there is a final resolution of the litigation and the suspended person requests reinstatement.

- (C) 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.

Explanation - USYS Bylaw Article VII, Section 2(A)(2) [See *Appendix E*] requires suspension when the crime is a felony or involves moral turpitude [see *Section 2(R)*]. The RMC will also suspend anyone whose activities, charges, or dispositions are within the exclusive jurisdiction of the Center. All other criminal charges are violations of the Code [See *Section 6(B)(1)*] and will cause some period of disqualification following entry of a conviction. [See *Section 6(F)*] As a result, any criminal charge will cause a suspension until the charge has been resolved.

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(C), the RMC will add a one year disqualification to any period of suspension caused by the litigation or a later disqualification for a conviction.

- (D) A person who has been suspended under this Section may appeal, but the scope of the appeal is limited to whether the person has been charged with a crime in violation of the Code.

Explanation - An appeal from a suspension for litigation is limited. The only issue that may be considered is whether there is a pending criminal charge.

- (E) 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.
- (F) 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.
- (1) Any disposition of the charges other than dismissal upon a finding of Not Guilty is a violation of the Code. [*SafeSport Code § IX(A)(1)(a)*] The RMC may consider the terms of any civil compromise or other disposition in making the decision.
 - (2) If the individual has been convicted of a crime, the RMC will consider the criminal record in accordance with Section 6(G).
 - (3) If the individual did not provide notice of the charges as required by Section 5(B), the RMC shall impose the suspension required by Section 5(D).
 - (4) 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 OYSA's online registration 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 disqualified or suspended under any provisions of this manual, the RMC will send written notice to that person.
- (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 will 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.

Explanation - A copy of the background report is not usually included with the notice of disqualification sent to the individual. The RMC will provide a copy of the report to the club's risk management coordinator (usually the club president).

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) An individual does not have good cause to request an extension of time to file a Notice of Appeal when the individual failed to receive a notice of disqualification or suspension because
 - (a) the individual did not provide a valid postal mail address in their registration record; or
 - (b) the individual has moved and has not updated the mailing address shown in the individual's registration account in OYSA's online registration software.
- (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 individual's criminal history is not within the guidelines for disqualification or suspension in Section 6(C), Section 6(E), or Section 6(F).
 - (3) Grounds for an appeal from a suspension for litigation are limited to a claim that the individual is not charged with a crime.
 - (4) A claim that the disqualification or suspension will have an adverse effect on the appellant is not a ground for appeal.
 - (5) Disagreement with the RMC's decision to disqualify or suspend is not a sufficient ground to appeal. If the RMC's decision is within the guidelines of Section 6(C), Section 6(E), or Section 6(F), the RMC will summarily dismiss the appeal.
 - (6) 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 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, 7920 SW Cirrus Dr, Beaverton, OR 97008.
- (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 has 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 record 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 within the exclusive jurisdiction of the Center as provided in Section 6(C);
 - (ii) Determining whether an administrator's criminal history is subject to permanent disqualification as provided in Section 6(E);
 - (iii) Determining whether the administrator's criminal history makes the person subject to disqualification as provided in Section 6(F); and
 - (iv) 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 Section 6(C), Section 6(E), Appendix C, Appendix D, and Section 6(F), 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.

Appendix A

Background Checks Q & A

This document contains answers to many common questions about background checks and registering as 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(A). states that,

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

Any person age 18 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

Referees who officiate an OYSA sanctioned or sponsored match are required by the Federation to be certified by the Federation. All certified referees are background checked by the Federation as part of their registration process.

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?

The best way to find out how to register with your club is to contact your club's registrar. You should find contact information for your club's registrar on the club website. If you cannot find the information, you can contact the OYSA registrar for missing contact 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 databases that cover all 50 states, the District of Columbia, and some Federal sources. The company's server then returns results to the registration server. The results of the electronic search are generally available in less than 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, state that issued the license, 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 understanding the context of a particular conviction.

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 Affinity login page, or when you have started a coaching application through your club's Affinity registration page. Once you enter the required 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, you can get help from your club registrar or from the OYSA office.

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." Some clubs do not use OYSA's registration software to form teams. If that is true for your club, the registration status will continue to show as Pending.

Can I see the results of my background check?

Yes. When you log in to your account and click on the Applications tab for your profile, you will see the seasonal year of your application, the club to which you applied, the risk status that

applies to your application, and the expiration date of the risk status. You will not be able to see any additional details from the background report. The detailed background report is only available to OYSA's Risk Management Coordinator (RMC), and only the RMC, or an OYSA staff member with proper authority 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?

Probably. 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. An Under Review status will also be recorded when the background checking company is not able to verify that they have data from the location of your previous residence. That could be because you registered with a driver's license from a state where limited records are available or your Oregon driver's license was issued less than 5 years before your application.

When an Under Review status is recorded, an employee of Criminal Information Services, Inc. (CRIS) reviews the possible database matches and other available information and prepares a report that is sent to the OYSA Risk Management Coordinator. In some cases you may be asked to provide additional information, such as a social security number, so the background checking company can verify residency or the applicability of any located records in order to complete the report. 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 the review is complete, your risk status will either be Approved or Failed.

Are there guidelines about what convictions make a person ineligible to be a coach or other administrator?

Yes there are. Section 6 of the Risk Management Manual has guidance for eligibility. There are additional charts linked from that section with detailed information about convictions that cause ineligibility. There is also a conviction matrix that provides general guidance when a person may be eligible despite having a criminal conviction. You can download a copy of the current conviction matrix from the OYSA website.

Appendix B

Exclusive Jurisdiction of Center - Manual Section 6(C)

The SafeSport Code (Code) gives the U.S. Center for SafeSport (Center) exclusive jurisdiction to determine the eligibility of a participant who has criminal charges or dispositions in the areas of child abuse or sexual misconduct as defined in the Code. The Center also has exclusive jurisdiction over any situation in which a participant is alleged to have engaged in prohibited conduct covered by the Code's definitions of sexual misconduct or child abuse.

The following list shows Oregon crimes that are within the exclusive jurisdiction of the Center. This is not intended to be an exhaustive list. Other specific criminal charges or dispositions may be within the jurisdiction of the Center, depending on the details of the behavior that is alleged to have occurred.

Criminal charges or dispositions of any of the crimes listed below, the attempt to commit any of these crimes, or charges or dispositions involving equivalent crimes committed in any other state are within the exclusive jurisdiction of the Center.

Statute	Title	Classification
163.266	Trafficking in Persons	Class A or Class B Felony
163.355	Rape 3	Class C Felony
163.365	Rape 2	Class B Felony
163.375	Rape 1	Class A Felony
163.385	Sodomy 3	Class C Felony
163.395	Sodomy 2	Class B Felony
163.405	Sodomy 1	Class A Felony
163.408	Unlawful Sexual Penetration 2	Class B Felony
163.411	Unlawful Sexual Penetration 1	Class A Felony
163.413	Purchasing Sex With a Minor	Class C (or B) Felony
163.415	Sexual Abuse 3	Class A Misdemeanor
163.425	Sexual Abuse 2	Class C Felony
163.427	Sexual Abuse 1	Class B Felony
163.432	Online Sexual Corruption of a Child 2	Class C Felony

163.433	Online Sexual Corruption of a Child 1	Class B Felony
163.435	Contributing to the sexual delinquency of a minor	Class A Misdemeanor
163.445	Sexual Misconduct	Class C Misdemeanor
163.452	Custodial Sexual Misconduct 1	Class C Felony
163.454	Custodial Sexual Misconduct 2	Class A Misdemeanor
163.465	Public Indecency	Class A Misdemeanor
163.467	Private Indecency	Class A Misdemeanor
163.472	Unlawful dissemination of an intimate image	Class A Misdemeanor
163.476	Unlawfully being in a location where children regularly congregate	Class A Misdemeanor
163.479	Unlawful contact with a child	Class C Felony
163.525	Incest	Class C Felony
163.535	Abandonment of a Child	Class C Felony
163.545	Child Neglect 2	Class A Misdemeanor
163.547	Child Neglect 1	Class B Felony
163.575	Endangering the Welfare of a Minor	Class A Misdemeanor
163.670	Using child in display of sexually explicit conduct	Class A Felony
163.684	Encouraging child sexual abuse 1	Class B Felony
163.686	Encouraging child sexual abuse 2	Class C Felony
163.687	Encouraging child sexual abuse 3	Class A Misdemeanor
163.688	Possession of materials depicting sexually explicit conduct of a child 1	Class B Felony
163.689	Possession of materials depicting sexually explicit conduct of a child 2	Class C Felony
163.700	Invasion of personal privacy 2	Class A Misdemeanor
163.701	Invasion of personal privacy 1	Class C Felony
163.773(5) (a)	Contempt of Court - Violation of Sexual Abuse Restraining Order	Class A Misdemeanor

166.065(1) (a)(C)	Harassment by distributing a visual recording of a person engaged in sexually explicit conduct or state of nudity when the victim is under 18 at the time of the recording	Class B Misdemeanor
166.065(4)	Harassment by physical contact with the sexual or other intimate parts of the victim	Class A Misdemeanor
167.007	Prostitution	Class A Misdemeanor
167.008	Commercial Sexual Solicitation	Class A Misdemeanor
167.012	Promoting Prostitution	Class C Felony
167.017	Compelling Prostitution	Class C Felony
167.057	Luring a Minor	Class C Felony
167.062	Sadomasochistic abuse or sexual conduct in live show	Class A Misdemeanor or Class C Felony
167.075	Exhibiting an obscene performance to a minor	Class A Misdemeanor
167.080	Displaying obscene materials to minors	Class A Misdemeanor

Appendix C

Permanently Disqualifying Crimes - Manual Section 6(E)(1):

The Oregon legislature has determined that a conviction of one of the crimes listed in ORS 342.143(3)(a)(A) is sufficiently serious that no person 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. 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..."

Statute	Title	Classification
163.095	Aggravated murder	
163.115	Murder	
163.185	Assault 1st Degree	Class A Felony
163.235	Kidnapping 1	Class A Felony
163.355	Rape 3	Class C Felony
163.365	Rape 2	Class B Felony
163.375	Rape 1	Class A Felony
163.385	Sodomy 3	Class C Felony
163.395	Sodomy 2	Class B Felony
163.405	Sodomy 1	Class A Felony
163.408	Unlawful Sexual Penetration 2	Class B Felony
163.411	Unlawful Sexual Penetration 1	Class A Felony

163.415	Sexual Abuse 3	Class A Misdemeanor
163.425	Sexual Abuse 2	Class C Felony
163.427	Sexual Abuse 1	Class B Felony
163.432	Online Sexual Corruption of a child 2	Class C Felony
163.433	Online Sexual Corruption of a child 1	Class B Felony
163.435	Contributing to the sexual delinquency of a minor	Class A Misdemeanor
163.445	Sexual Misconduct	Class C Misdemeanor
163.465	Public Indecency	Class A Misdemeanor
163.515	Bigamy	Class C Felony
163.525	Incest	Class C Felony
163.547	Child Neglect 1	Class B Felony
163.575	Endangering the welfare of a minor	Class A Misdemeanor
163.670	Using child in display of sexually explicit conduct	Class A Felony
163.675 (1985 Replacement Part)	Sale of Exhibition of Visual Reproduction of Sexual Conduct by a Child (repealed in 1987)	
163.680 (1993 Edition)	Paying for Sexual View of Children (repealed in 1995)	
163.684	Encouraging child sexual abuse 1	Class B Felony
163.686	Encouraging child sexual abuse 2	Class C Felony
163.687	Encouraging child sexual abuse 3	Class A Misdemeanor
163.688	Possession of materials depicting sexually explicit conduct of a child 1	Class B Felony
163.689	Possession of materials depicting sexually explicit conduct of a child 2	Class C Felony
164.325	Arson 1	Class A Felony
164.415	Robbery 1	Class A Felony
166.005	Treason	

166.087	Abuse of Corpse 1	Class B Felony
167.007	Prostitution	Class A Misdemeanor
167.008	Commercial Sexual Solicitation	Class A Misdemeanor
167.012	Promoting Prostitution	Class C Felony
167.017	Compelling Prostitution	Class B Felony
167.057	Luring a Minor	Class C Felony
167.062	Sadomasochistic Abuse or Sexual Conduct in Live Show	Class C Felony
167.075	Exhibiting an Obscene Performance to a Minor	Class A Misdemeanor
167.080	Displaying Obscene Materials to Minors	Class A Misdemeanor
167.090	Publicly Displaying Nudity or Sex for Advertising Purposes	Class A Misdemeanor
475.808	Unlawful manufacture of hydrocodone within 1,000 feet of school	Class B Felony
475.810	Unlawful Delivery of Hydrocodone	Class C (or B) Felony
475.812	Unlawful Delivery of Hydrocodone within 1,000 feet of school	Class B Felony
475.818	Unlawful Manufacture of Methadone within 1,000 feet of school	Class A Felony
475.820	Unlawful Delivery of Methadone	Class B Felony
475.822	Unlawful Delivery of Methadone within 1,000 feet of school	Class A Felony
475.828	Unlawful Manufacture of Oxycodone within 1,000 feet of school	Class A Felony
475.830	Unlawful Delivery of Oxycodone	Class B Felony
475.832	Unlawful Delivery of Oxycodone within 1,000 feet of school	Class A Felony
475.848	Unlawful manufacture of heroin within 1,000 feet of school	Class A Felony

475.852	Unlawful delivery of heroin within 1,000 feet of school	Class A Felony
475.868	Unlawful manufacture of 3,4-methylenedioxymethamphetamine within 1,000 feet of school	Class A Felony
475.872	Unlawful delivery of 3,4-methylenedioxymethamphetamine within 1,000 feet of school	Class A Felony
475.878	Unlawful manufacture of cocaine within 1,000 feet of school	Class A Felony
475.880	Unlawful delivery of cocaine	Class B Felony
475.882	Unlawful delivery of cocaine within 1,000 feet of school	Class A Felony
475.888	Unlawful manufacture of methamphetamine within 1,000 feet of school	Class A Felony
475.890	Unlawful delivery of methamphetamine	Class A Felony
475.892	Unlawful delivery of methamphetamine within 1,000 feet of school	Class A Felony
475.904	Unlawful manufacture or delivery of controlled substance within 1,000 feet of school	Class A Felony
475.906.	Unlawful delivery of controlled substance to minors	Class A Felony - Class B Misdemeanor, based on Schedule
342.143(3)(a)(B)	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.	
342.143(3)(a)(C)	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.	

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 Manual Sections 6(E) and 6(F) and the Criminal Conviction Matrix in Appendix D.

[Note: ORS 342.143(3)(a)(A) lists only the ORS statute numbers that appear in Column 1 of the above table. The table has been expanded to include the statute title for the offense defined by the statute number in column 1 as well as the penalty classification defined by the statute number listed.]

Permanently Disqualifying Crimes - Manual Section 6(E)(2)

Oregon Felonies Involving Force or Threat of Force

The following is a list of felonies under Oregon law that include the use of force or threatened use of force against another person but are not Class A felonies and are not included in ORS 342.143(3)(a)(A).

Statute	Title	Classification
163.125	Manslaughter in the Second Degree	Class B Felony
163.147	Criminally Negligent Homicide	Class B Felony
163.160(3)	Assault in the Fourth Degree	Class C Felony
163.165	Assault in the Third Degree	Class C Felony
163.175	Assault in the Second Degree	Class B Felony
163.187(4)	Strangulation	Class C Felony
163.192	Endangering a Person Protected by a Family Abuse Prevention Act Restraining Order	Class C Felony
163.196	Aggravated Driving While Suspended or Revoked	Class C Felony
163.208	Assaulting a Public Safety Officer	Class C Felony
163.213	Unlawful Use of an Electrical Stun Gun, Tear Gas or Mace in the First Degree	Class C Felony
163.264	Subjecting Another Person to Involuntary Servitude in the First Degree	Class B Felony
163.275	Coercion	Class C Felony

Permanently Disqualifying Crimes - Manual Section 6(E)(4)

Oregon Felonies Against Animals

The following is a list of felonies under Oregon law in which animals are the victims.

Statute	Title	Classification
167.320(4)	Animal Abuse 1	Class C Felony
167.322	Aggravated Animal Abuse 1	Class C Felony
167.325 (3)	Animal Neglect 2	Class C Felony
167.330(3)	Animal Neglect 1	Class C Felony
167.333	Sexual Assault of an Animal	Class C Felony
167.339	Assaulting Law Enforcement Animal	Class C Felony
167.355	Involvement in Animal Fighting	Class C Felony
167.365	Dogfighting	Class C Felony
167.370	Participation in Dogfighting	Class C Felony
167.372	Possessing Dogfighting Paraphernalia	Class C Felony
167.428	Cockfighting	Class C Felony
167.431	Participation in Cockfighting	Class C Felony

Appendix D

OYSA Risk Management - Criminal Conviction Matrix for Participation

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 misdemeanors in separate incidents within 10 years - apply matrix as if each conviction is for an offense one level higher (except driving status, e.g. DWS)

No = Presumed Disqualified			No = Maybe Eligible for CAA			Yes = Presumed Eligible							
			Years Since Conviction										
Type of Conviction			1	2	3	4	5	6	7	8	9	10	>10
Felony													
Class A			No	No	No	No	No	No	No	No	No	No	No
Class B			No	No	No	No	No	No	No	No	No	No	Yes
Class C			No	No	No	No	No	No	No	No	No	No	Yes
Misdemeanor													
Class A			No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Class B			No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Class C			No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Special Situations													
Trespass at Sporting Event			No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Abuse of a Child (SafeSport Code)			Refer to U.S. Center for SafeSport and suspend pending decision										
Sexual Misconduct (SafeSport Code)			Refer to U.S. Center for SafeSport and suspend pending decision										

Type of Conviction	Years Since Conviction										
	1	2	3	4	5	6	7	8	9	10	>10
DUII											
Diversion	No	OK after diversion is complete and charge is dismissed									
1 Conviction	No	No	No	Yes							
2 Convictions (within 5 years)	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
3 or more Convictions (within 5 years)	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Drug Offense (Misdemeanor)											
1 Conviction	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
2 Convictions (within 5 years)	No	No	No	No	No	No	No	No	Yes	Yes	Yes
3 or more Convictions (within 5 years)	No	No	No	No	No	No	No	No	No	No	Yes
Drug Offense (Felony)											
1 Conviction	No	No	No	No	No	No	No	No	No	No	Yes
2 or more Convictions	No	No	No	No	No	No	No	No	No	No	No
Crimes Involving Force											
Felony Involving Force	No	No	No	No	No	No	No	No	No	No	No
Misdemeanor Involving Force	No	No	No	No	No	No	No	No	No	No	Yes
Felony against Animals	No	No	No	No	No	No	No	No	No	No	No
Misdemeanor against Animals	No	No	No	No	No	No	No	No	No	No	Yes

Appendix E

Bylaws of the United States Youth Soccer Association, Inc.

July 27,2019

ARTICLE VII FEES AND DISCIPLINE

Section 2. Suspensions and Terminations.

A. Suspension.

2. Due to litigation.

- (a) 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 USYSA Board of Directors. Matters detrimental to the welfare of youth players shall include, but not be limited to, 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.
- (b) On completion of the litigation, the suspended person may inform the body suspending the person under Subsection 2A2(a) of this Article 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.