



EASTERN PENNSYLVANIA SAFEGUARDING REVIEW

Philadelphia, PA

March 2024





DISCLAIMER

This presentation is not intended to provide legal advice and is for informational purposes only.

TODAY'S SAFEGUARDING AGENDA

- SAFEGUARDING CLEARANCE UPDATE
- USSF POLICY 212-3 AND THE MAAPP
- REPORTING REQUIREMENTS
- REPOSE & RESOLUTION – TEST YOUR KNOWLEDGE
- PENNSYLVANIA BACKGROUND CHECK REQUIREMENTS





Commonwealth of Pennsylvania Child Protective Services Law *Required Clearances*

Who Needs Clearances?	All Adults having direct contact with children
Who is an adult?	Everyone 18 years of age and older
Who is a Child?	An individual under 18 years of age
What is Direct Contact with Children?	Responsible for the care, supervision guidance or control and routine interaction with children



Volunteers

- Unpaid positions
- Board members, age group coordinators, concessions, coaches, team managers etc...
- Clearances Required:
 - Pennsylvania State Police (PSP) Report of Criminal History
 - Department of Human Services Child Abuse History Clearance
 - FBI Fingerprint- Federal Criminal History (if you have lived outside the Commonwealth in the last 10 years)
 - Or if fingerprints not required- submit disclosure statement that you are not disqualified based on a conviction of the Child Protective Services Law.
- Out of State Provisional Requirements -
 - Serving 30 days or less: Individuals residing in another state or country may serve as a volunteer if they provide clearances from where they reside.
 - Serving more than 30 days: Requires the above



Employees

- Paid positions
- An individual 14 years of age and older
- Coaches, Administrators, Referees
- Clearances Required:
 - Pennsylvania State Police (PSP) Report of Criminal History
 - Department of Human Services Child Abuse History Clearance
 - FBI Fingerprint- Federal Criminal History
- *Exceptions For Minors* (ages 14-17) -Only needs PSP & Child Abuse if the following **both** apply:
 - Has been a continuous resident of PA for last 10 years- or- if not a continuous resident, has had an FBI clearance at any time since establishing residency
 - Employee and parent/legal guardian both sign and submit a disclosure statement that they are not disqualified based on a conviction of the Child Protective Services Law

Employees

- Non-immigrant visa (J-1)
 - Shall **not be** required to submit PSP, child Abuse or FBY clearances if all of the following apply:
 - Applying for or hold a paid position for period not to exceed 90 days
 - Have not been employed previously in the U.S. or Puerto Rico
 - Sign a disclosure statement that they are not disqualified by any laws, or former laws, in the U.S, its territories, Puerto Rico or a foreign nation
- Provisional Hires- NO
- Out of State Employees- Required to obtain all required PA clearances
- Can an organization have additional standards - YES

The list of PA Child Protective Services Law's disqualifying crimes under Title 18 of Pennsylvania law (or their federal equivalent or the equivalent from another state) are as follows:

- Chapter 25 (relating to criminal homicide)
- Section 2702 (relating to aggravated assault)
- Section 2709.1 (relating to stalking)
- Section 2901 (relating to kidnapping)
- Section 2902 (relating to unlawful restraint)
- Section 3121 (relating to rape)
- Section 3122.1 (relating to statutory sexual assault)
- Section 3123 (relating to involuntary deviate sexual intercourse)
- Section 3124.1 (relating to sexual assault)
- Section 3125 (relating to aggravated indecent assault)
- Section 3126 (relating to indecent assault)
- Section 3127 (relating to indecent exposure)
- Section 4302 (relating to incest)
- Section 4303 (relating to concealing death of child)
- Section 4304 (relating to endangering welfare of children)
- Section 4305 (relating to dealing in infant children)
- A felony offense under section 5902(b) (relating to prostitution and related offenses) ▫
Section 5903(c) or (d) (relating to obscene and other sexual materials and performances)
- Section 6301 (relating to corruption of minors) ▫ Section 6312 (relating to sexual abuse of children)
- The Controlled Substance, Drug, Device, and Cosmetic Act (P.L. 22, No. 64) (committed within the previous five years)



Penalties for Employers

If the employer (or the person responsible for employment decisions for the employer) “intentionally fails” to require an applicant or an existing employee to submit the required clearances, the employer (and the person responsible for employment decisions) commits a misdemeanor of the third degree, which is punishable by imprisonment for up to one (1) year and a fine of up to \$2,500.



A person working with either no clearances or expired clearances are subject to fines up to \$1000 and suspensions up to one year. The organization and/or the person responsible for employment decisions and volunteers is also subject to penalties and/or suspensions.

Clearances are valid for 5 years and must be renewed by the date of expiration. There is no grace period or exemption.



pennsylvania

DEPARTMENT OF HUMAN SERVICES

WWW.KeepKidsSafe.PA.Gov

Links to all clearances, supporting documents and additional information

***Suspect Abuse -Report It!* Call ChildLine at 1-800-932-0313**

PROTECTING YOUNG VICTIMS FROM SEXUAL ABUSE AND SAFE SPORT
AUTHORIZATION ACT OF 2017
“SAFESPORT AUTHORIZATION ACT”



**ALL MEMBER ORGANIZATIONS:
Travel, Rec,
Intramural.
Leagues and
clubs**

SAFEGUARDING STATUS UPDATE

PROGRESS TO DATE

- Implementation of 12 Yates recommendations via:
 - Updates to Pro League Standards
 - Standing up Safeguarding Office
 - Collaboration with the NWSL
 - Creation of Safe Soccer Clearance Program
- Creation and distribution of member resources, including model policies, codes of conduct, and severity of misconduct matrices
- Increased safeguarding lobbying efforts focused on Center for SafeSport reform

UPCOMING MILESTONES

- **MARCH** - Finalization and socialization of informal resolution toolkit
- **APRIL** - Beta launch of Safe Soccer Clearance program – on track for April



USSF POLICY 212-3 – APPLIES TO ALL USSF ORGANIZATION MEMBERS

PROHIBITED CONDUCT POLICY:

- Must have a policy that prohibits misconduct including bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct, and sexual misconduct.

REPORTING:

- Must maintain a procedure for reporting misconduct to the Organization Member (anonymously if preferred) and, to the extent required by the SafeSport Act, mandate reporting to appropriate law enforcement authorities and/or the Center for SafeSport.

USSF POLICY 212-3

PREVENTION POLICIES:

- Must have policies prohibiting one-on-one interactions including policies that govern meetings and training sessions, athletic training modalities, massages and rubdowns, locker rooms and changing areas, electronic communications, and transportation and lodging.

RESOLUTION:

- Violations of the policy must be subject to an appropriate grievance process that is materially free of bias and conflicts of interest, to address allegations of misconduct following the report or complaint of misconduct. This grievance process must include the opportunity for review by a disinterested individual or body and a right to appeal.

■ ■ ■ USSF POLICY 212-3

TRAINING:

Required for:

- Adult participants who have regular contact with or authority over minor athletes
- **Employees and board members of Amateur Organization Members**
- Parent training must be offered to parents of minor athletes
- Minor athlete training must be offered to minor participants
- Timing – training must occur either before regular contact with minor athletes occurs or within 45 days of beginning a role that requires training – whichever occurs first.

USSF POLICY 212-3

BACKGROUND SCREENING:

- Screening is required for adult participants who have regular contact with or authority over minor athletes only.
 - Applicable sex offender registry in your state
 - Your organization's risk management list and U.S. Soccer's list
 - SafeSport disciplinary database available at www.safesport.org
- U.S. Soccer's policy does not currently require a criminal records check performed by a third-party.
- No screening requirement for minor aged participants, although we recommend minor aged coaches be screened against the Center's disciplinary database.

One-on-one contact between any adult participant and any minor athlete must be observable and interruptible.

PREVENTION POLICIES - MAAPP

MEETINGS:

- Second adult should be present
- One-on-one meetings with mental health professionals require parent consent

LOCKER ROOMS:

- No recording devices
- Locker rooms should be monitored
- Adults should not be undressed in locker room with minors

ATHLETIC TRAINING MODALITIES:

- Performed only by a licensed professional; not a coach
- A second adult should always be present
- Requires parent consent

PREVENTION POLICIES - MAAPP

TRANSPORTATION AND LODGING:

- No one-on-one transportation – second adult or more than one minor aged athlete should be present unless parent consent is obtained
- An adult and a minor should not share a hotel room

ELECTRONIC COMMUNICATIONS:

- All electronic communications between adults and minors must be open and transparent, and professional in nature
- Any electronic communication to a minor or group of minors, even a reply, should copy another adult
- Adults should use only open and transparent platforms to communicate with minors (i.e., no instant message or snapchat)
- Adults should not maintain social media connections with minors

PREVENTION POLICIES – MAAPP EXCEPTIONS

When the one-on-one interactions prohibition does not apply:

- Emergency: In cases of emergency the one-on-one interactions prohibition does not apply
- Close-in-Age Exception: When an adult has no authority over a minor and is not more than four years older than the minor
- Dual Role Exception: When an adult has a dual role or relationship with a minor and the minor's parent/guardian has provided written consent at least annually authorizing this exception
- Personal Care Exception: When parent has given consent to an adult who assists an athlete requiring help with activities of daily living and preparation for athletic participation

SAFESPORT REPORTING REQUIREMENTS

What must be reported?

- **To law enforcement (within 24 hours):** Any allegation of child abuse
- **To the Center For SafeSport (within 24 hours):**
 - Child abuse
 - Sexual misconduct, including
 - Power imbalance
 - Sexual Harassment (regardless of the age of the parties involved)
 - Retaliation or other abuse of process
- **To your member or club:**
 - Any other prohibited conduct as defined by U.S. Soccer's or EPYSA's policy

HOW TO REPORT

Center for SafeSport

By phone: 833-5US-SAFE (587-7233)

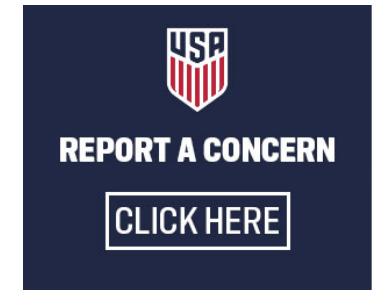
Online: <https://safesport.i-sight.com/portal>



U.S. Soccer*

By phone: 312-528-7004

Online: <https://ussoccer.i-sight.com/portal>



*Please remember that reporting allegations that fall within the SafeSport Code's mandatory reporting obligation to U.S. Soccer does not satisfy this obligation.

REPORTING & RESPONSE – TEST YOUR KNOWLEDGE

WE WILL WALK THROUGH THREE UNIQUE / CHALLENGING SCENARIOS TOGETHER



PRESENT THE SCENARIO

Together, we will read off a scenario / incident of suspected abuse

DISCUSS WITH THOSE AROUND YOU

Spend 2-minutes discussing a response with those around you

COME BACK TOGETHER & PRESENT ANSWER

We will reconvene as a group, share suggested responses, and present the answer

SCENARIO #1

You receive a complaint from a female assistant coach that another coach in the club has persistently asked her out on dates despite her communication to him that his invitations are unwelcomed.

Does this allegation require any additional reports? If so, to whom? What next steps would you take?

SCENARIO #1 - ANSWER

- If true, these allegations constitute sexual harassment, which is a form of sexual misconduct under the SafeSport Code.
- As a mandatory reporter, you must report to the Center, even though everyone involved is an adult.
- A report to law enforcement is not required because there is no allegation of child abuse.
- You may also be required to report these allegations to your club according to the club's employment policy.

SCENARIO #2

You're the coach in a game officiated by a minor aged referee. At one point during the game, the opposing coach walks onto the field shouting about a call the referee had just made. The coach swears at the referee and will not leave the field. Then, when the referee shows a red card to the coach, the coach slaps it out of his hand. In doing so, the coach bumps into the referee knocking him off balance and to the ground.

Does this allegation require any additional reports? If so, to whom? What next steps would you take?

SCENARIO #2 - ANSWER

- Any physical misconduct against a minor aged referee could be considered child abuse, which requires a report to both law enforcement and the Center for SafeSport.
- As a mandatory reporter, you would be required to make these reports if you cannot confirm they have already been made.
- Child abuse allegations (absent a criminal disposition) fall under the Center's discretionary jurisdiction, so even though you must report, the Center likely will decline jurisdiction.
- Unless the Center exercises jurisdiction, matter must be resolved under USSF's referee abuse and assault policies.

SCENARIO #3

As a club administrator, you receive a call from a parent who complains that during a single training session, her 16-year-old daughter's coach "singled her out". She tells you that her daughter was hurt by the coach's comments, which included, "if you don't get your act together your *ss is on the bench", "that loss is on you", and "get your head out of your *ss" - all delivered in a raised voice. You have not received any other complaints about this coach's behavior since he has been registered in your organization. The parent has demanded an immediate investigation and a hearing to determine whether the coach should be allowed to continue in his role.

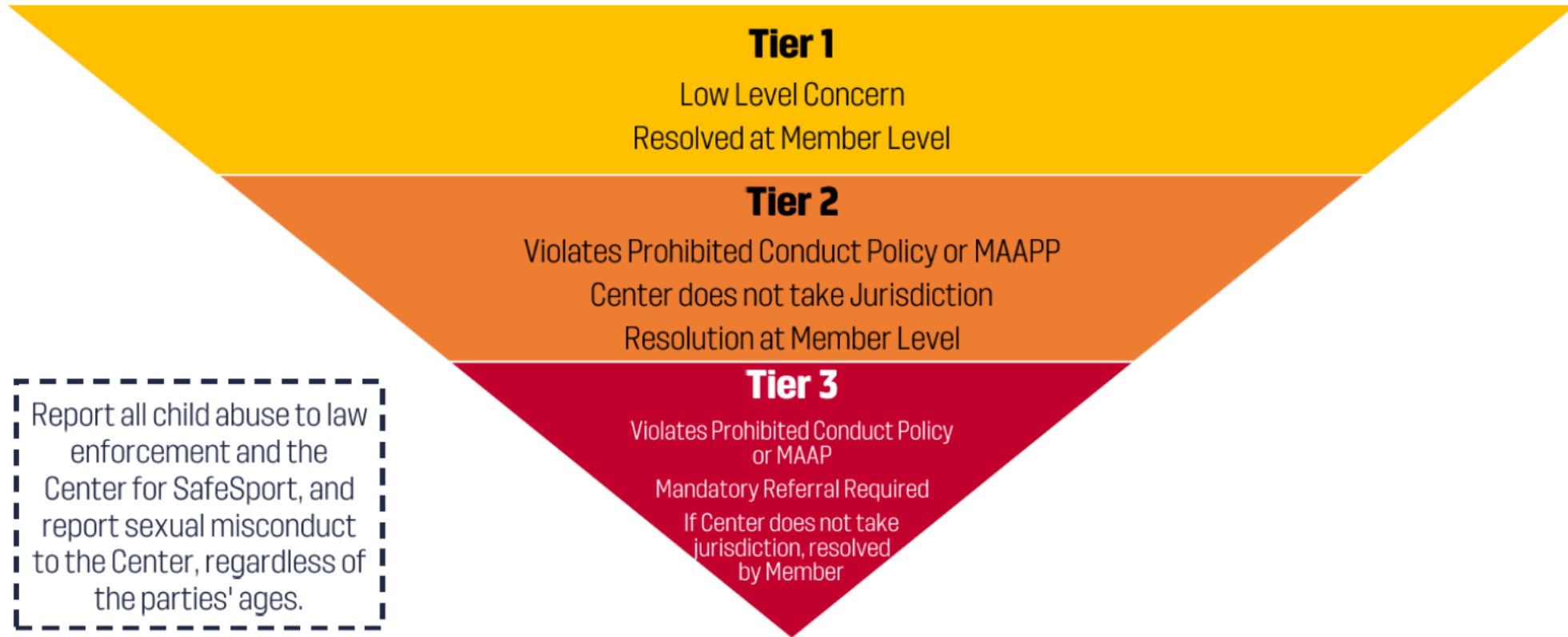
Does this allegation require any additional reports? If so, to whom? What next steps would you take?

SCENARIO #3 - ANSWER

- If true, these allegations constitute emotional misconduct, and may be handled by the organization member or even the club, so long as they are addressed. Possible solutions include:
 1. A warning to the coach that such conduct, if true, violates your organization's prohibited conduct policy and additional violations could result in more serious consequences, such as suspension
 2. An apology by the coach to the player and her family
 3. The assignment of extra positive coaching training - or any combination of these.
- So long as consequences do not prevent the coach from participating (i.e., suspending him), you are not required to provide the coach with notice, an opportunity to be heard, or any other due process. The parent, as a reporter, is not entitled to an investigation, an opportunity to be heard, or due process.



U.S. Soccer Severity of Misconduct Matrices



RESOURCES

U.S. Soccer Participant Safety Hub:

<https://www.ussoccer.com/participant-safety-hub>

Participant Safety Staff:

Alison Kocoras, VP, Safeguarding Response & Welfare

akocoras@ussoccer.org, 312.320.2866

Renee Towles, VP, Safeguarding Prevention & Education

rtowles@ussoccer.org, 312.366.0912

Bria Duvall, Safe Sport Coordinator

bduvall@ussoccer.org, 224.289.5906





- ▶ WWW.Epysa.Org/RiskManagement-info
- ▶ Athlete and Participant Safety Policy
- ▶ Prohibited Conduct Policy
- ▶ Prohibited Conduct Reporting Form
- ▶ Codes of Conduct
- ▶ Severity Of Misconduct Matrix
- ▶ Links to Pennsylvania Clearances

- ▶ Leo Kelly, Director of Operations, Lkelly@epysa.org
- ▶ Meghan Petroski, Registration Specialist Mpetroski@epysa.org
- ▶ [610-238-9966](tel:610-238-9966)



THANK YOU!