

## **Background check policy for Washington Youth Soccer employees, and volunteers:<sup>1</sup>**

Washington Youth Soccer requires that any coach, assistant coach, team trainer, team manager, league official, Washington Youth Soccer administrator, Washington Youth Soccer Board of Directors member, contract labor employee, volunteers, or any other individual over the age of 18 (“Adult Applicant”) seeking affiliation with Washington Youth Soccer or Washington Youth Soccer affiliated leagues who has or may have routine direct or indirect contact or influence on a youth player submit to a background check. Background checks will be conducted annually. Applicants are also required to submit a disclosure form and sign the form under penalty of perjury.

Effective December 12, 2017 all USSF registered referees (\*) who are in good standing with the Washington State Referee Committee (SRC) are no longer required to have current Washington Youth Soccer (WYS) Risk Management Application (RMA) clearance.

(\*) Referees includes referees, assignors, assessors, instructors, and referee administrative staff.

If the Applicant turns 18 years old during the course of the year, they must complete a background check within 30 days of their 18th birthday.

### **A. APPLICATION PROCESS**

Before being registered with Washington Youth Soccer or its affiliate leagues, every Adult Applicant is required by Washington Youth Soccer to submit to a background check every year by using the Online Risk Management system operated by Affinity Soccer. A background check is performed on every Applicant, every year. Washington Youth Soccer uses [www.Backgroundchecks.com](http://www.Backgroundchecks.com), a national background search database. The application for a background check is not an offer of employment and should not be construed as such. No applicant is permitted to have unsupervised contact with a Washington Youth Soccer youth player until their application is approved.

To complete your application, submit the Agreement form and provide the necessary information through Affinity for the background check.

### **B. RISK MANAGEMENT DISQUALIFICATION CRITERIA**

The Risk Management Director will make all initial decisions pertaining to an individual’s eligibility to participate with Washington Youth Soccer. If an individual background check reveals a conviction, an individualized assessment will take place that consists of: (1) notice to the Applicant that he or she has been screened out because of a criminal conviction, or other negative action; (2) an opportunity for the Applicant to demonstrate that the exclusion should not be applied due to his or her particular circumstances; and (3) consideration by the Risk Management Director as to whether the additional information provided by the individual

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<sup>1</sup> This policy has been developed based on the information provided by Washington Youth Soccer and based on current law. Please note that we recommend revisiting the policy annually to ensure that it complies with current law and the needs of the organization. *Updated as of May 13, 2016.*

warrants an exception permitting participation with Washington Youth Soccer or a Washington Youth Soccer affiliated league. Upon reviewing the results of any background check conducted, the Risk Management Director has full authority to determine that the offenses and/or convictions listed below, in whole or in part, immediately disqualify the Applicant from participation with the Washington Youth Soccer, all Washington Youth Soccer related activities and events, and all Washington Youth Soccer affiliated league activities and events.

Washington Youth Soccer reserves the right to contact the applicant regarding his or her criminal history in an attempt to gather more information, such as a Social Security Number or a copy of the Applicant's driver's license. Information provided by the Applicant is taken into consideration by the Risk Management Director in determining the eligibility of the Applicant to participate with Washington Youth Soccer. Offenses not listed here are still susceptible to Disqualification at the Risk Management Director's discretion. If an individual has been convicted of any of the following offenses within the last seven years, the Risk Management Director will notify the Applicant that he or she has been screened out due to the criminal conviction, subject to the Disqualification and Appeal Procedure (Section C.):<sup>2</sup>

- Abduction
- Aggravated assault
- Aggravated burglary
- Aggravated menacing
- Aggravated murder
- Aggravated robbery
- Arson
- Assault and/or battery
- Assault of a child
- Burglary
- Child abandonment
- Child abuse or neglect (See RCW 26.44.020)
- Child buying or selling
- Child enticement
- Child stealing
- Child molestation
- Child pornography
- Commercial sexual abuse of a minor
- Communication with a minor
- Compelling or contributing to prostitution
- Contributing to the delinquency of a minor
- Corrupting another with drugs
- Corruption of a minor custodial interference (Interference with custody)
- Criminal abandonment
- Criminal mistreatment

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<sup>2</sup> See RCW 43.43.830(7).

- Criminal sexual conduct or assault
- Custodial assault
- Custodial interference
- Custodial sexual misconduct
- Distribution/sale of pornography to a minor
- Disseminating matter harmful to juvenile
- Domestic violence
- Driving under the influence of alcohol or intoxicants
- Embezzlement
- Endangering children
- Endangerment with a controlled substance
- Extortion
- Failing to provide for functionally impaired person
- Felonious assault
- Felonious sexual penetration
- Gross sexual imposition
- Illegal administration or distribution of anabolic steroids
- Illegal use of minor in nudity oriented material or performance
- Importuning
- Improperly discharging a weapon at or near a school or dwelling
- Incest
- Involuntary manslaughter
- Indecent exposure/Indecent liberties
- Indecent solicitation of a child
- Kidnapping
- Manslaughter
- Malicious harassment
- Murder
- Promoting pornography
- Promoting prostitution
- Prostitution
- Public indecency
- Rape
- Rape of a child
- Robbery
- Sexual battery
- Sexual imposition
- Sexual misconduct with a minor
- Sexual exploitation of a minor
- Selling or distributing erotic material to a minor
- Theft
- Trafficking in drugs
- Unlawful imprisonment
- Vehicular homicide

- Violation of child abuse restraining order
- Voluntary manslaughter
- Voyeurism

Washington Youth Soccer and the Washington Youth Soccer Risk Management Director have the right at any time to add additional offenses and convictions to the list as outlined above.

Washington Youth Soccer reserves the right to disqualify, discipline, and/or terminate an individual when presented with evidence of inappropriate communication, contact, or contact with children or other individuals even if not charged, convicted, or tried in a court of law. Washington Youth Soccer also reserves the right to disqualify, discipline, and/or terminate an individual if that individual's behavior and/or conduct are considered detrimental to Washington Youth Soccer, the Washington Youth Soccer membership, or Washington Youth Soccer member leagues.

The Risk Management Director analyzes offenses and/or convictions acquired from criminal history background check(s) with a general incident date seven years prior to the application date. The Risk Management Director also reserves the right to review incidents that date back further than seven years and disqualify the individual, if that individual's criminal history indicates a possible serious threat to the well-being and safety of children. The Risk Management Director also reserves the right to perform criminal history background check(s) at random time periods on any Adult Applicant who has previously applied for Risk Management and who may or may not have a criminal history.

If the background check indicates criminal history, before making a decision based on a background check, Washington Youth Soccer will provide the Applicant with a copy of the background report that the employer used and a document called "A Summary of Your Rights Under the Fair Credit Reporting Act" available here:

<https://www.consumer.ftc.gov/sites/default/files/articles/pdf/pdf-0096-fair-credit-reporting-act.pdf>.

### **C. DISQUALIFICATION AND APPEAL PROCEDURE**

The Risk Management Director will send written notification to every Adult Applicant who has been disqualified with instructions on how to appeal the decision made.

**Submit Appeal:** The disqualified individual has **ten calendar days** from the receipt of the notice of disqualification to submit an appeal in writing to the Washington Youth Soccer State Office. The Risk Management Director will send written notification to every Adult Applicant who is asked to provide more information pertaining to offenses and/or convictions found as a result of criminal history background check(s). The Risk Management Director may request additional information if it becomes aware of information about an individual that could have a negative impact on Washington Youth Soccer. **If the Adult Applicant fails to appeal in writing to the Washington Youth Soccer State Office within ten calendar days of the receipt of the written notification for more information than the individual will be considered disqualified from participation with the Washington Youth Soccer.** A reversal of

the disqualification will not be considered until the requested information is received from the applicant. In the event an Adult Applicant fails to appeal within the 10 calendar day period, the Adult Applicant may re-apply for risk management after one (1) full year from the initial application date. To re-apply, the Adult Applicant must submit a letter to the Washington Youth Soccer Board of Directors seeking consideration of his or her request.

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

**Appeal process:** Once the written notification of the appeal is received, an appeal hearing date will be established at the discretion of Washington Youth Soccer Risk Management Director. The hearing board will include the Washington Youth Soccer Member Services and Program Director and two representatives from the Board of Directors.

A disqualified Adult Applicant may send materials to the Washington Youth Soccer State Office to be reviewed by the hearing board. All materials must be received five (5) business days before your hearing date. All hearing board members present at the meeting may vote. A vote will be taken by the hearing board members in a private session and the decision will be relayed in written form to the individual no later than 10 business days from the date of the meeting.

The hearing board members may rule in the following ways:

- Reinstatement of the Adult Applicant
- Uphold the initial decision reached by the Risk Management Director
- Reverse the initial decision reached by the Risk Management Director

The hearing board members have the exclusive right to determine the terms of reinstatements and the terms of disqualifications.