

SECTION 6 - RISK MANAGEMENT

The risk management program of NCYSA shall operate as follows.

Part 1.

Each of the following persons shall be a “Covered Person” required to comply with this Section 6.

- a. Each coach, assistant coach, substitute coach, staff coach, skills trainer, director of coaching, associate director of coaching, assistant director of coaching, referee assignor, athletic trainer, program administrator, and association officer employed, serving as a volunteer of, serving as an independent contractor of, or endorsed by a member association or a team of a member association (each such person being “associated” and having an “association” with such member association). (This includes team managers)
- b. Referees, referee assistants, fourth officials, instructors, assessors and administrators who are members of the North Carolina Soccer Referees Association (“NCSRA”), who are 18 or more years of age, and who officiate, instruct, observe or participate in administering matches sponsored by member associations or NCYSA (each such person being “associated” and having an “association” with NCSRA);
- c. any person of 18 or more years of age having a status or engaging in activities with a member association or with the Olympic Development Program of the NCYSA (“ODP”) who, as a result, can reasonably be expected to be alone with a registered player of any member association or NCYSA who is a minor in a non-

public setting for any period of time by reason of such status or activities (each a person “associated” and having an “association” with the relevant entity); provided, however, that each member association shall be responsible for determining the persons associated with it who are within this category; and provided further, that NCYSA shall be responsible for determining the persons associated with it who are within this category.

Part 2.

All member associations, the NCSRA and NCYSA shall maintain a current list of all their respective Covered Persons.

Part 3.

Each Covered Person shall apply for registration through the Risk Management On-Line System maintained by NCYSA through its website (the “System”) as follows:

- a. Each person who becomes a Covered Person during the period beginning on the first Monday following the conclusion of the NCYSA state championship series conducted in the Spring and ending August 1st of a calendar year (the “Registration Period”) shall apply for registration through the System as described herein during the Registration Period. Each person who becomes a Covered Person after August 1st of a calendar year and before the beginning of the next occurring Registration Period shall apply for registration through the System as described herein within ten (10) days of attaining such status (“Interim Period”). Each of the registrations described in the foregoing sentences is an “Initial Registration.”

- b. Each Covered Person of a member association or NCYSA who is registered under the System shall apply to renew his or her registration through the System as described herein during the second Registration Period following the later of the date of the acceptance of his or her Initial Registration or the date of the acceptance of his or her current Renewal Registration (each, a “Renewal Registration”). For example, a Covered Person of a member association whose Initial Registration was accepted in July of 2005 would apply for his or her Renewal Registration during the Registration Period ending August 1, 2007, a Covered Person of a member association whose Initial Registration was accepted in January of 2007 would apply for his or her Renewal Registration during the Registration Period ending August 1, 2008, and a Covered Person of NCYSA whose Renewal Registration was accepted in July of 2007 would apply for his or her next Renewal Registration during the Registration Period ending August 1, 2009.
- c. Each Covered Person of NCSRA who is registered under the System shall apply to renew his or her registration through the System as described herein during the thirty (30) day period (the “Referee Renewal Period”) ending on the second anniversary of the later of the date of the acceptance of his or her Initial Registration or the date of the acceptance of his or her current Renewal Registration (each, also a “Renewal Registration”). For example, a Covered Person of NCSRA whose Initial Registration was accepted on January 31, 2006

would apply for his or her Renewal Registration during the period from January 2, 2008 through January 31, 2008.

Part 4.

The following registration fees must be received by NCYSA to complete an Initial Registration or a Renewal Registration, as applicable.

- a. The fee for an Initial Registration shall be \$5.00 (“Registration Fee”); provided, however, that the Registration Fee may be increased by a vote of the Executive Board of NCYSA to cover increases in “Expenses” (any such Registration Fee increase shall be rounded up to the next \$.25 increment (e.g. an increase in Expenses of \$.38 would be rounded up to \$.50)). The fee for a Renewal Registration (a “Renewal Fee”) shall be the same as the then existing Registration Fee. “Expenses” shall mean charges of third-party service providers who provide services for the operation of the System.
- b. A Covered Person who applies for an Initial Registration or a Renewal Registration after the expiration of the applicable Registration Period, Interim Period or Referee Renewal Period shall be charged a late fee of \$5.00 (“Late Fee”) in addition to the Registration Fee or Renewal Fee, as applicable, due.
- c. The Registration Fee, Renewal Fee and, if applicable, Late Fee of a Covered Person shall be paid:
 - (i) At the time an application for registration is made, by the Covered Person through the credit card payment function available on the System;

- (ii) At the time an application for registration is made, by the member association of NCYSA with which the Covered Person is associated through the aforesaid credit card function;
 - (iii) At the time an application for registration is made, if the Covered Person is associated with the NCSRA, by the NCSRA through the aforesaid credit card function; or
 - (iv) At least five (5) days in advance of the time an application for registration is made, by a check or negotiable order of withdrawal on the account of the Covered Person, his or her member association. NCYSA or the NCSRA, as applicable.
- d. A Covered Person may apply for Initial Registration and Renewal Registration through the System or may provide the relevant information to the member association with whom the Covered Person is associated or the NCSRA, as applicable. A member association or NCSRA may apply to register Covered Persons associated with it through the System.
- e. In the event that the payment of a Registration Fee, a Renewal Fee or a Late Fee is made by check or a negotiable order of withdrawal and such instrument is returned for insufficient funds or otherwise not honored by the payor financial institution, all applications for registration and all registrations of Covered Persons under the System for which such payment was tendered will be suspended until payment in good funds is received by NCYSA.

Part 5.

A person who is a Covered Person in more than one capacity or as the result of more than one association (e.g. he is a coach of a member association and a member of the NCSRA or is a coach of a member association and an ODP coach) need only apply for one registration under the System but must indicate all such capacities and associations in such registration.

Part 6.

- a. A Covered Person who fails to complete and have accepted an Initial Registration or a Renewal Registration during the applicable Registration Period, Interim Period or Referee Renewal Period shall be suspended (1) by the NCYSA, if he or she is a Covered Person of NCYSA, upon its determination of such failure, or (2) by the NCSRA or the relevant member association, as applicable, upon its determination of such failure, from participation in programs and activities of the NCSRA or the member association, as applicable. With respect to its Covered Persons, the NCSRA or the member organization, as applicable, shall notify NCYSA of such failure in writing, and such Covered Person shall be suspended by NCYSA on the next business day following its receipt of such written notice. Such a suspension shall be rescinded upon acceptance of an application by such Covered Person for Initial Registration or Renewal Registration, as applicable.
- b. No Covered Person of NCYSA or a member association who has failed to complete and have accepted an application for Initial Registration or Renewal Registration during the applicable Registration Period or Interim Period shall be “carded” by NCYSA during such period of failure. In the event the Covered

Person subsequently completes an application for Initial Registration or Renewal Registration which is accepted, such Covered Person may be “carded” by NCYSA no sooner than the third (3rd) business day following the acceptance of the application for Initial Registration or Renewal Registration, as applicable.

Part 7.

NCYSA shall periodically communicate or make available to the NCSRA a list of all Covered Persons whose Initial Registrations or Renewal Registrations have been accepted by NCYSA and who have stated therein that they are associated with NCSRA. NCYSA shall periodically communicate or make available to each member association a list of all Covered Persons whose Initial Registrations or Renewal Registrations have been accepted by NCYSA and who have stated therein that they are associated with that member association. It shall be the responsibility of NCYSA, the NCSRA and each member association to confirm that each of their respective Covered Persons has a current accepted registration in the System.

A registration application shall not be deemed “complete” until all required information has been provided and all applicable fees have been received. A registration shall not be deemed “accepted” until placed into the No Action category under the provisions of Part 9 or Part 10.b.

Part 8.

NCYSA will provide the information submitted by each Covered Person in his or her application for Initial Registration or Renewal Registration to one or more third-party service providers for its (their) use in conducting searches of criminal history and sexual offender data bases and registries (a “Search”) with respect to that Covered Person. NCYSA’s agreement(s) with such service provider(s) will contain provisions satisfactory to NCYSA concerning the

maintenance of the confidentiality of the information submitted and relevant Search results. NCYSA will maintain, and require its website service provider to maintain, reasonable protocols and systems to maintain the confidentiality of registration applications received by the System.

Part 9.

The results of each Search shall be reviewed by one of the two employees of NCYSA designated by the President of NCYSA as the Risk Management Administrators (each, an “Administrator”). The results of a Search shall be placed by the reviewing Administrator into one of the following categories:

- a. No Action - the Search reports no criminal history or listing in a sexual offender registry or data base.
- b. Additional Inquiry - the Search contains a report of a criminal history or a listing in a sexual offender registry or data base, but insufficient information is contained in the report to attribute such history or listing to the Covered Person with a reasonable degree of confidence in the validity of the attribution.
- c. Further Review - the Search contains a report of a criminal history not involving a Termination Act or the registration is subject to Part 14.
- d. Termination Act - the Search contains a report of a criminal history involving a Termination Act or a listing in a sexual offender registry or data base, which history or listing is attributable to the Covered Person with a reasonable degree of confidence in the validity of the attribution.

A “Termination Act” is either (i) a conviction of or plea of no contest (or the equivalent) to a criminal charge of (A) a felony physical assault upon another person, (B) a misdemeanor physical assault upon a sports official (including match officials, coaches, assistant coaches and persons acting in similar capacities) in connection with a sports event, (C) a felony involving fraud, embezzlement, robbery or other similar act, (D) a felony resulting in death, (E) a misdemeanor physical assault upon a spouse, (F) a felony involving the possession and/or distribution of a controlled substance, (G) a felony or misdemeanor for conduct with respect to a minor (including physical assault, sexual misconduct, reckless endangerment or other similar acts) or (H) two (2) or more convictions of operating a motor vehicle while impaired (or equivalent charges) within the three (3) year period ended the date of the review of the applicable Search by an Administrator; or, three (3) or more convictions within a five (5) year period ended such date, with at least one (1) such conviction occurring within the twelve (12) months preceding such date, or (ii) the listing of such Covered Person in a sexual offender registry or data base of any governmental body.

Part 10.

The applicable Administrator shall promptly report a Search of a Covered Person placed in the Further Review, Additional Inquiry or Termination Act categories to the President of NCYSA (or such other member of the Executive Board as the President has appointed as NCYSA’s Risk Management Coordinator in the place of the President). The Risk Management Coordinator shall take the following applicable action:

- a. A Further Review matter shall be submitted to a Review Committee composed of the Risk Management Coordinator and two members of the Executive Board

appointed by the President. The Committee shall advise the appropriate official of the member association or the NCSRA, as applicable (or, if the Covered Person is associated with a member association and the NCSRA, both), of the Search results, shall review the Search results and may conduct additional relevant inquiries, including communications with the applicable Covered Person and/or persons reasonably believed to have information relevant to the Committee's review. The Committee may suspend the Covered Person's current registration under the System, if any, during the period of its investigation and shall notify in writing the Covered Person and, as applicable, the NCSRA or the member association with whom the Covered Person is associated of such suspension (or, if the Covered Person is associated with the NCSRA and a member association, both). Upon completion of its review, the Committee may reject the registration application of the Covered Person, may suspend the current registration, if any, of the Covered Person for a period of up to three seasonal years, may terminate the Covered Person's current registration (with or without leave to seek registration at a later time certain), or may determine to accept such Covered Person's registration application and approve his or her registration for the applicable period under these Rules.

- b. An Additional Inquiry matter shall be further investigated by the Risk Management Coordinator and/or one or both of the Administrators. They may conduct additional inquiries, including communications with the applicable Covered Person and/or persons reasonably believed to have information relevant

to the matter. If the Risk Management Coordinator determines sufficient information has been obtained to attribute such history to the Covered Person with a reasonable degree of confidence in the validity of the attribution, the matter shall be categorized as a matter for Further Review or as a Termination Act, as applicable, and it shall be administered as provided in these Rules. If sufficient information has been obtained showing with a reasonable degree of confidence that the history is not attributable to such Covered Person, the matter shall be characterized as No Action.

- c. A Termination Act matter shall result in the following actions. The application for registration of the Covered Person shall be rejected, any current registration of the Covered Person under the System shall be terminated, and the Covered Person and the NCSRA or the member association (or, if the Covered Person is associated with the NCSRA and a member association, both) with whom he or she associated shall be promptly notified in writing of such termination.

Part 11.

A Covered Person whose application for registration is rejected and/or whose current registration under the System is suspended or terminated as provided in Part 10 shall be advised by an Administrator that he or she may appeal such rejection, suspension or termination to the Executive Board of NCYSA and shall be provided with a copy of this Section 6 of the Rules. Neither the Risk Management Coordinator nor any member of the Review Committee on such matter, if any, shall vote on such appeal. The Risk Management Coordinator shall act as the proponent of the rejection, suspension or termination (i.e. the appellee on the appeal) and may be

assisted by employees of NCYSA and/or legal counsel engaged by NCYSA. In the event that legal counsel for NCYSA participates in any hearing of the appeal by the Executive Board, the appellant may have legal counsel who may participate in the hearing to the same extent as the legal counsel for NCYSA (e.g. if legal counsel for NCYSA questions witnesses, so may legal counsel for the appellant). The Risk Management Coordinator and the appellant may call such witnesses and submit such information and written evidentiary material as is deemed by the Executive Board to be relevant to the matter appealed. Copies of all written evidentiary material shall be provided by the party desiring to submit such material to the Executive Board and the opposing party in advance of the hearing. In the event the relevant conduct was directed (or alleged to have been directed) at a registered player of NCYSA, the registered player and/or his or her parents or, if applicable, guardians may attend the hearing. The Executive Board may, in its discretion, permit officers, directors, agents and advisors of the NCSRA or the member association with whom the Covered Person is associated (or both, if applicable), and members of such member association, to attend any hearing on such appeal.

Part 12.

A Covered Person who desires to appeal as provided in Part 11 must:

- a. File a written notice of appeal with an Administrator within thirty (30) days of the date of issuance of the written notice of rejection, suspension or termination;
- b. Deliver to NCYSA with the written notice of appeal the amount of \$250.00 in the form of a cashiers check or a certified check; and,
- c. File the following in written and executed form with an Administrator: “I acknowledge and agree that in the course of my appeal (1) some or all of the

information about conduct in which I have engaged or information indicating that I have engaged in conduct addressed by Section 6 of the NCYSA Rules will become available to officers, directors, employees, agents and advisors of NCYSA and to persons testifying at the hearing, (2) the information described in clause (1) may become available to the officers, directors, employees, agents and advisors of the NCSRA or the member association with whom I am associated (or both, if applicable), and (3) the information described in clause (1) will become available to others in attendance at any such hearing. Accordingly, I have no expectation that any such information will remain confidential and not generally available.”

On appeal, the Executive Board of NCYSA, by a majority vote of the members hearing the appeal, may affirm, reverse and/or modify the rejection of an application for registration and/or the suspension or termination of the registration of a Covered Person.

Part 13.

No person whose application for registration has been rejected or whose registration as a Covered Person is suspended or terminated may be associated with NCYSA, any member association or the NCSRA during the period he or she does not have a currently effective registration under the System.

Part 14.

The application for registration of any Covered Person who submits false or misleading information in his or her application shall be deemed to constitute a matter for Further Review under Part 10.

Part 15.

In the event that NCYSA is advised in a writing containing the name, address and telephone number of the advising person that a Covered Person or a person who is seeking to register as a Covered Person (a “Defendant”) is the subject of a pending criminal complaint (or similar legal process) alleging conduct that, if found by a court or jury to have occurred, would constitute a Termination Act, an Administrator shall seek to obtain a copy of the criminal complaint (or similar legal process) and such other relevant information as is reasonably available. The Administrator shall provide all such information to the Risk Management Coordinator.

If such a criminal complaint (or similar legal process) is in fact pending, the Risk Management Coordinator shall cause the Administrator to notify the Defendant in writing that his or her application to register and/or his or her current registration under the System is suspended until such time as the criminal proceedings are completed and that, at such time, further action under this Section 6 may be warranted. Such notice shall also advise the Defendant of his or her right of appeal under Part 11.

Part 16.

In the event NCYSA reasonably believes that a Covered Person has been convicted of criminal conduct since the date of his or her last accepted registration which would be reported in criminal history or sexual offender registries or data bases, an Administrator may conduct a Search with regard to such Covered Person. The results of such Search shall be categorized as provided in Part 9. If the applicable category is Additional Inquiry, Further Review or

Termination Act, the provisions of Parts 10 through 14 and Part 18 of this Section 6 shall be implemented.

Part 17.

Any member association which (1) has a material number of its Covered Persons fail to maintain effective registrations under the System by reason of the member association's intentional act, recklessness or negligence or (2) which, after receipt of notice of a lack of effective registration of a Covered Person, does not promptly cause such Covered Person to cease to be associated with it during an applicable period of suspension or cease to be associated with it (if no registration has been accepted or if termination of registration has occurred) may be declared in bad standing and will be subject to sanctions.

Part 18.

Upon the first to occur of the expiration of the thirty (30) day period set forth in Part 12.a. and the conclusion of an appeal under Part 11, NCYSA shall notify the United States Youth Soccer Association, Inc. ("USYS") of the identity of a Covered Person whose registration under the System have been suspended or terminated.

Part 19.

It shall be the responsibility of the NCSRA and each member association to review the section of the web site of the USYS listing persons whose privileges of association with one or more member organizations of USYS have been suspended or terminated.

Part 20.

The NCSRA or any member association may request that a Search of any of their respective Covered Persons who are registered under the System be conducted at any time.

Upon NCYSA's receipt from such member association or the NCSRA, as applicable, of an amount equal to the fee then charged by NCYSA's third-party services provider to conduct a Search, NCYSA shall conduct such Search and Parts 9 through 14 and Part 18 shall be implemented, as applicable.

Part 21.

Any member association and the NCSRA may cause persons involved in their respective activities who are not Covered Persons to be entered into the System through the methods described herein solely for purposes of utilizing the data base management capabilities of the System. No Search will be made with respect to any such person. A fee equal to the then applicable Registration Fee shall be paid as and when provided in Part 4.c. with respect to each such person. No further fee will be due; provided, however, that the name and relevant data on such a person may be removed from the System following the third anniversary of the date such person was entered into the System.