



Risk
Management
FAQs

2018-19

NYSWYSA

1200-C Scottsville Road, Suite 350

Rochester, NY 14624

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Policies and Procedures

NYSWYSA has modeled its Risk Management program after the US Youth Soccer Risk Management Policy & Directive issued August 17, 2018, which is designed to promote the welfare of youth players and to protect volunteer coaches, program administrators and the organization. This includes compliance with the Safe Sport Authorization Act of 2017 (SSAA 2017). NYSWYSA will make every reasonable effort, through its Risk Management program, to exclude from program responsibilities, any adult with a legally documented history of child molestation or other criminal record that would bring a material risk to the health and safety of the program's participants.

Purpose

The purpose of this document is to give NYSWYSA member clubs, administrators and referees a convenient method to practice and apply existing risk management responsibilities using Sports Engine SE as it affects their coaching staff and club administration personnel. The document has been created to address the most common, frequently asked questions relative to risk management practices.

Who is Required to Have Risk Management?

Any NYSWYSA member 12 years or older, regardless of their role, who will have repeated and routine contact with minor club players as a staff member is required to hold a current, original RM pass. This includes administrators, coaches, referees, assistants, managers, volunteers, chaperones as well as any other designated role of responsibility.

Minor Risk Management Process

Risk Management for minor staff under the age of 18 does not involve a criminal background check, but does still involve open source social media queries. Minor arrest records are handled differently by the criminal justice process and are not subject to public release. However minors can be charged with serious delinquency counts consistent with adult criminal charges that appear in the current risk management policy that would in turn disqualify them just as they would an adult staff member. A parent or guardian bears the responsibility for attesting that a minor does not have such a record of behavior in their past, hence the need for the attestation format.

Adult Risk Management Process

Risk Management for adults 18 years of age or older involves conducting a background investigation. The most reliable type of check involves fingerprinting however this is also the most expensive option. Therefore NYSWSYA now uses an investigative clearinghouse that is certified by the National Center for Safety Initiatives (NCSI) in partnership with the National Council of Youth Sports (NCYS). The process also meets all recommended benchmarks for a youth sports background including compliance with the Safe Sport Authorization Act of 2017 (SSAA 2017).

Processing Adults & Minors for Risk Management

The risk management process is initiated in the same way for both adults and minors that fit the definition of team staff as mentioned above. However for minors under the age of 18 at time of registration, all that is required is the Parental Attestation which is done electronically. Registration and processing is now done directly through Sports Engine SE to meet FCRA and Privacy Act requirements.

IMPORTANT: The Team Staff applicant should select their primary club of record when renewing if they coach/volunteer for more than one club. *(Referees see next section below)*

The club registrar or other designated official should still enter the applicant into the Team Staff pool within their club RosterPro account using the applicant's legal name, verified date of birth, current legal physical address and a verified email address. It is imperative that this data be entered correctly so that the background status updates accordingly. The Sports Engine SE record is confidential and completely independent of the RosterPro record.

Registration, application and payment are now direct through Sports Engine SE in order to comply with FCRA and Privacy Act requirements. In certain circumstances, member clubs can pre-purchase background check codes and distribute them for use by their members. Registrars should contact the Risk Management Coordinator for further information if they choose to use this option. Applicants **MUST** still complete their registration/application directly so they will need to obtain their club code prior to doing so.

Risk Management Process for Referees

Member referees can hold dual RM status in the same way that Team Staff can between multiple clubs where the following clarifications apply:

If the member is ONLY a referee, then they will register or renew using the Sports Engine SE system. Payment and background processing occur directly through that system (*Select WNY Referees Association as your primary club*). The RM Pass is mailed directly to the referee's physical residence. (NOTE: If the referee later becomes a member club Team Staff coach, the club will simply add them to their RosterPro Team Staff pool)

If the member is BOTH a referee and a team staff member, there are two situations with which a background investigation can be conducted. The member can select their club as their usual Team Staff entry OR the member can select their WNY Referee District. NYSWYSA recommends that the applicant choose their WNY Referee District as their primary club selection.

Regardless of how the member is initially processed, they can only possess one valid original risk management pass. If a member later becomes a referee or a team staff member, then they just need to be entered into that club's Team Staff pool. As long as the entry is made correctly, the system will recognize this and merge their record. We can also help with this process.

RM Passes – “One Person, One Pass”

One of the most misunderstood rules regarding risk management involves the request for multiple passes. The rule has always been “one person, one pass.” We receive quite a few requests for additional passes because team staff members coach multiple teams or are members of multiple clubs. While this may be a convenience in one regard, it creates a multitude of risk mitigation issues at the state level. NYSWYSA recommends that staff members treat their RM pass in much the same way they do their driver's license. Staff/Referees that participate in more than one club and/or referee should always have their RM pass with them.

Risk Management Validity Period

Risk management passes are good for up to a two year issue period. This period now follows a calendar year format that begins on January 1st and ends on December 31st of a given calendar year. For example, if you were issued a risk management pass that became effective on 01-01-2017 then that pass is valid until 12-31-2019. Renewals for passes expiring on December 31st for the current calendar year will begin on November 1st of that current calendar year for a pass effective date of January 1st. The effective period was changed in 2018 to coincide with registration and rostering.

When Should We Begin Our Renewals?

You should schedule your staff renewals at a time that makes the most operational sense for your club and the seasons your teams typically play in. Some clubs begin their seasons in early spring; others only maintain summer recreational programs, while still others have a major fall season.

The renewal period now begins on November 1st of the calendar year that a pass expires. This allows for the most available operational downtime for all of our member clubs. While each club has different primary seasons, the calendar year affords everyone the most opportunity to process backgrounds for their staff. If you are involved in all three seasons, then you should plan accordingly for staff depending on their situational needs.

Lost or Damaged RM Passes

Currently valid risk management passes that have either been lost or stolen are replaceable for a pre-paid \$50 online fee. Current passes cannot be resubmitted for renewal until they are eligible. The replacement must be requested by a club officer unless the replacement is for a referee. NYSWYSA does not issue RM passes directly to coaching staff.

Is an RM Pass Transferable to Another Club?

Risk management passes are the property of NYSWYSA and must be transferred to the appropriate club if/when a coach or staff member changes organizations. Staff members of multiple clubs and/or referees should have their RM passes in their possession. Clubs may not hold the RM pass without valid reason. Valid reasons do exist, but must be coordinated with the Risk Management Director or Coordinator. All RM passes are revocable at any time by NYSWYSA.

Risk Management Team Staff Entry Requirements

Club members, minor or adult, must still be entered into the Team Staff and/or Club Administration pool of your new RosterPro account in order to receive a risk management status.

When entering Team Staff member information it is critical that you enter the member's legal information. **Entries must include legal first and last name, verified date of birth, valid and current physical address, valid email address for the actual team staff member (there are only a couple of exceptions), and valid contact phone number.** Do **NOT** enter nicknames, monikers, initial abbreviations, or suffixes, IE: Jimmy for James, TJ for Thomas John, John Smith Jr/III **UNLESS** that is their actual legal name. Failing to do so will cause delays with processing the background request and/or could result in the team staff entry being removed from the record.

Team Staff Record Entry Do's & Don'ts

When entering a Team Staff record, bear in mind that you are creating an official business record governed by applicable state laws including NYS Penal Law. You are then requesting that your staff member attest that their submission is an accurate and true record of who they are.

Entering arbitrary information to circumvent the mandatory record fields is strictly prohibited and can result in club sanctions. This includes entering arbitrary dates of birth, arbitrary addresses or generic email addresses where a third party enters required information. Arbitrary records will be deleted and you will have to create new records.

Creating arbitrary records for an individual can be interpreted as an attempt to circumvent the background process and at a minimum, result in the creation of an illegal alias creating NYS Penal Law issues. Staff members applying for background checks are legally attesting to their information which is again legally binding. This information **MUST** match what you input into your RosterPro accounts. Questions or concerns with team staff entries should be directed to NYSWYSA risk management staff for clarification. Remember, we are here to help you.

Risk Management Background Processing

New and returning Team Staff members will now **register and process directly through Sports Engine SE. DO NOT send any RM material from within RosterPro.** It will not be processed. Club officials will be supplied with web links and directions on how their respective Team Staff will have their backgrounds processed. There have been many changes and updates to rules, laws and procedures for conducting youth sports backgrounds. Team Staff **MUST** register and apply for their backgrounds **DIRECTLY**. Clubs **CANNOT** apply for staff members. Doing so is a violation of law.

For minor Team Staff Coaches, Assistants, Volunteers & Referees under the age of 18, a parent or legal guardian **MUST** electronically attest for the staff member as proof that the club is allowing the minor to act in a team supervising role before a risk management pass is issued. This Parental Attestation will happen automatically during the registration/renewal process. Minors should have a parent/guardian available to assist them with this part of the process.

For ALL applicants, your log-in session uses the most recent encryption protocols while you completing your secure applications. For adults the information requested is mandatory to complete your background. For resident alien or foreign national backgrounds see the next paragraph

For ALL adults that are not United States citizens the background check process may vary. In some cases, the Team Staff member will not possess a SSN or other required information. Additional information may be required depending on the circumstances. Applicants who fall in this category may be required to provide additional information to SSCI and/or the NYSWYSA Risk Management Coordinator by phone interview.

You will no longer have to initiate individual renewal emails to staff. Instead Clubs will be provided a secure link they may post on their individual websites and/or social media pages. This link will provide staff members direct access to Sports Engine SE. Individual applicants will instead receive direct email notification when they: (1) create a new Sports Engine account, (2) successfully submit and pay for their background processing, (3) notification of background clearance, and/or (4) when additional information is requested.

Sexual Abuse Prevention Awareness

Beginning February 2019, the Safe Sport Authorization Act of 2017 (SSAA 2017) requires that all adult youth sports coaches, staff, volunteers and referees receive sexual abuse awareness training consistent with being a mandatory reporter. With Sports Engine SE, applicants will receive an email for training and certification from Abuse Prevention Systems (APS) in order to comply with this requirement if they do not currently have this training. This training is integrated with the risk management process and is mandatory in order to receive risk management certification. Applicants who have prior APS training or its equivalent (IE: NYS Department of Education mandatory reporter training) may submit proof of acceptable training by uploading a PDF of their current certification. Acceptance is conditioned upon review and approval.

RosterPro Team Staff Audits

Demosphere has imported 2018 & 2019 Team Staff records into your new RosterPro accounts. Records prior to 2018 will be archived and searchable for reference within the former RosterPro interface. We will continue to routinely audit Club RosterPro Team Staff record pools in order to maintain a standardized and current database. Audits are designed to locate and eliminate duplicate staff records within and between club accounts. They also look for arbitrary and erroneous records which are then deleted. Team staff audits are normally conducted on an annual basis or when a specific need arises.

Risk Management Background Approvals/Denials

The new Sports Engine SE risk management system is designed to alleviate background investigation delays and backlogs. While some backgrounds take longer than others, the average turnaround time has been reduced to 3-4 business days. Longer investigations can be for many reasons and do not automatically indicate a problem. For example, an applicant with a common name such as John Smith will take longer as it still requires elimination review. Other times, additional information from the applicant and/or additional research is required to complete an investigation.

Background checks are approved or denied based on a variety of criteria, all of which appear in the current NYSWYSA Risk Management Policy document. Please refer to that document for specific criteria or contact us for questions. RM Pass printing is also now part of the Sports Engine SE system.

Appeal Process

Members that have their backgrounds rejected can file an appeal using the current appeals process established by NYSWYSA. There is a \$100 filing fee and the member requires that a member club in good standing support their request for appeal review.

Other

While this FAQ attempts to answer questions about most procedures and policies, club officers are encouraged to contact the risk management coordinator with specific questions not addressed here, as well as inquiries on using the new Sports Engine SE system.