



PO Box 23075 in Lincoln, Nebraska 68542 · 402-803-4107 · team402.org

## **402 DEVELOPMENT ACADEMY PARTICIPANT SAFETY AND RISK MANAGEMENT POLICY**

**POLICY STATEMENT: 402 Development Academy (402 DA) has zero tolerance for abuse or misconduct. 402 DA is committed to providing a safe environment, preventing abusive conduct in any form.**

For the purposes of the policies within, the following term definitions have been adopted.

Participating Adult: All adults have authority to participate in the organization and have regular contact with youth participants in activities within 402 DA's jurisdiction. This includes, but is not limited to, club administrators, coaches, team managers, sports medicine and health care professionals, and anyone traveling as a member of a team delegation (e.g., chaperones or parents). There are two types of Participating Adults: Direct Participating Adult and Third-party Participating Adult.

- A. A Direct Participating Adult is directly affiliated with 402 DA.
- B. A Third-party Participating Adult is not directly affiliated with 402 DA. (e.g., athletic trainers, US Soccer Federation-registered referees, or referee assignors having regular contact with youth participants)

Youth Participant: An amateur athlete who is a minor or a referee who is a minor. This includes coaches who are minors.

Covered Personnel: Participating Adults, Youth Participants, any individual affiliated with 402 DA involved in or with decision-making authority for activities within 402 DA's jurisdiction, 402 DA's hired contractors, or Team 402 Board members.

Activities within 402 DA's Jurisdiction: Activities directly operated by 402 DA, plus sanctioned and related activities in which 402 DA players participate, including but not limited to practices, training, scrimmages, sanctioned league or tournament activities, team travel, and applicable off-field activities.

All Covered Personnel are responsible for learning, understanding, and complying with all 402 DA laws, policies, and rules in addition to applicable Federal and State

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laws, rules, and regulations, as well as any applicable league organization policies and rules.

**Prohibited Conduct** applies to all Covered Personnel as well as conduct by any subcontractor, supplier, customer, or third-party and their employees in their dealings with 402 DA. This policy is consistent with US Club Soccer's Prohibited Conduct Policy.

402 DA and its members are committed to maintaining a work environment that is free from all forms of discrimination, including harassment, based on any legally protected class. Accordingly, 402 DA does not permit any form of unlawful harassment, discrimination, or intimidation against its employees by anyone. Protected classes include race, color, age, religion, marital status, sex, ancestry, national origin, citizenship, veteran's status, pregnancy, disability, sexual orientation, protected activity, or any other characteristic protected by Federal, State, or Local law. This policy also prohibits harassment based on the protected status of an individual's relatives, friends, or associates.

402 DA is committed to maintaining a work environment that is free from all forms of sexual abuse, sexual misconduct, emotional misconduct, physical misconduct, bullying, and hazing. Any violation of this Policy by Covered Personnel may subject the Covered Personnel to disciplinary action. Appropriate action will also be taken against any subcontractor or supplier in violation of this Policy.

**Harassment:** Unwelcome conduct, whether verbal, physical or visual, that is based upon a person's protected status. 402 DA will not tolerate harassing conduct that affects tangible job benefits, that unreasonably interferes with an individual's work performance, or safety, or that creates an intimidating, hostile or offensive working environment.

Among the types of conduct prohibited by this Policy are epithets, slurs, negative stereotyping, or intimidating acts based on an individual's protected status, and the circulation or posting of written or graphic materials that show hostility toward an individual because of his or her protected status. Prohibited conduct can also include jokes, kidding, or teasing about another person's protected status. While harassing conduct is unlawful only if it affects tangible job benefits and/or interferes

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unreasonably with work performance and creates an abusive or hostile work environment, this Policy forbids harassing conduct even when it does not rise to the level of a violation of law.

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature constitute sexual harassment when,

1. Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting that individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance and creating an intimidating, hostile, or offensive working environment.

Sexual harassment may involve individuals of the same or different gender. It may also occur between individuals of any employment status. Examples of conduct which may constitute sexual harassment and are prohibited by this Policy include, but are not limited to,

1. Unnecessary touching, patting, hugging, pinching, or brushing against a person's body;
2. Staring, ogling, leering, or whistling at a person;
3. Continued or repeated verbal abuse of a sexual nature;
4. Sexually explicit statements, sexual flirtations, advances, propositions, subtle pressure for sexual activity, comments, questions, jokes, or anecdotes;
5. Graphic or degrading comments about a person's clothing, body, or sexual activity;
6. Sexually suggestive objects, cartoons, posters, calendars, or pictures in the workplace;
7. Suggestive or obscene letters, notes, or invitations;
8. Harassing use of electronic mail, electronic or instant messaging, or telephone communication systems; or
9. Other physical or verbal conduct of a sexual nature.

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402 DA prohibits managers and supervisors from threatening or insinuating, either explicitly or implicitly, that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's wages, assigned duties, advancement, evaluation, shifts, career development, or any other condition of employment.

**Racial, Religious, or National Origin Harassment** deserves special mention as well, and is expressly prohibited by 402 DA. Racial, religious, or national origin harassment includes any verbal, written, or physical act in which race, religion, or national origin is used or implied in a manner that would make a reasonable person uncomfortable in the work environment or which would interfere with the person's ability to perform the job. Examples include, but are not limited to,

1. Jokes which include reference to race, religion, or national origin;
2. The display or use of objects or pictures that adversely reflect on a person's race, religion, or national origin; or
3. Use of pejorative or demeaning language regarding a person's race, religion, or national origin.

**Child Sexual Abuse** includes, but is not limited to, sexual contact with a child accomplished by deception, force or threat of force, or manipulation, regardless of the age of the participants, and all sexual interaction between an adult and a child, regardless of whether there is a deception, or the child understands the sexual nature of the activity. Any sexual activity with a child is prohibited.

**Sexual Misconduct** includes, but is not limited to, any sexual interaction between an athlete and an individual with evaluative, direct, or indirect authority. Such relationships involve an imbalance of power and are likely to impair judgment or be exploitative. This section does not apply to a pre-existing relationship between two spouses or life partners.

**Emotional Misconduct** is prohibited in all forms. Emotional misconduct is a pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to another person. Non-contact behaviors include verbal acts, physical acts, or acts that deny attention or support, or any act or conduct described as emotional abuse or misconduct under Federal or State law (e.g., child abuse and

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neglect). Emotional misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improving athletic performance.

**Physical Misconduct** is prohibited in all forms. Physical misconduct is defined as contact or non-contact conduct that results in, or reasonably threatens to, cause physical harm to another person; or any act or conduct described as physical abuse or misconduct under Federal or State law (e.g., child abuse and neglect, or assault). Physical misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improving athletic performance. For example, hitting and punching are well-regulated forms of contact in combat sports but have no place in soccer.

Nebraska State law requires that any person who believes a child has been or is being abused or neglected submit a formal report. All people in Nebraska are **Mandatory Reporters**. The identity of the person making the report is confidential and cannot be released. State law also requires that all reports that meet the definition of abuse and neglect be assessed. Reports can be immediately filed with the Child Abuse-Neglect Hotline (1-800-652-1999) and/or the appropriate local law enforcement agency. The reporting obligation is triggered when a mandatory reporter becomes aware of "facts that give reason to suspect" a child has suffered an incident of child abuse.

Beyond the obligations described above, Covered Personnel who are adults also have an affirmative duty to report suspected abuse or other misconduct. Incidents which must be reported include, but are not limited to, arrests for a felony or other crime of violence, sexual misconduct, or any other act or pattern of behavior which may have or in the future put youth players at risk. Error on the side of reporting, then allow 402 DA to ascertain whether a disqualification from participation or other action is warranted.

402 DA encourages reports of suspected abuse to be made to the Executive Director or any Team 402 Board member. Reports may be made anonymously, and there is no direct fee or cost involved in making a report. 402 DA does not tolerate retaliation of any kind. No individual who makes a good-faith report of misconduct will be subject

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to retaliation or any adverse employment consequence as a result of making the report.

**Bullying** is the intentional, persistent, and repeated pattern of committing or willfully tolerating physical and non-physical behaviors that are intended, or have reasonable potential, to cause fear, humiliation, or physical harm in an attempt to socially exclude, diminish or isolate the targeted athlete(s), as a condition of membership. Bullying is strictly prohibited. Bullying does not include group or team behaviors that are meant to establish normative team behaviors or promote team cohesion.

Coercing, requiring, forcing, or willfully tolerating any humiliating, unwelcome, or dangerous activity that serves as a condition for joining a group or being socially accepted by a group's members is prohibited. Hazing does not include group or team activities that are meant to establish normative team behaviors or promote team cohesion.

All Covered Personnel are responsible for helping ensure that we avoid misconduct. 402 DA cannot act to eliminate misconduct unless it has notice of the conduct. Covered Personnel are thus charged with reporting any concerns regarding compliance with its Participant Safety and Risk Management Policy. For the avoidance of doubt, in some instances, Covered Personnel will be required to report to law enforcement.

Furthermore, 402 DA employees are responsible for ensuring that the work environment, on or off premises, is free from harassment. Covered Personnel must promptly report all allegedly harassing conduct they are the subject of, that they learn of, or that they witness. Immediate notice of problems should be delivered to the Executive Director or a Team 402 Board member so that problems are addressed and remedied as quickly as possible.

This Policy does not require reporting the misconduct to any individual who is creating the harassment or discrimination. All Covered Personnel must cooperate in any investigation of a complaint of misconduct, including providing all information concerning the complaint. Failure to do so may be a violation of this Policy.

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402 DA's identified Prohibited Conduct offers its employees greater protection from harassment than does the law. Consequently, Covered Personnel who are found to have violated 402 DA's Prohibited Conduct shall be subject to corrective action, discipline, or termination, even in cases where applicable laws may not have been violated and without regard to whether the conduct constitutes a violation of the law.

**Prevention Policies** must be adhered to by all Covered Personnel. These policies and procedures limit one-on-one interactions between individual Youth Participants and any Participating Adult who is not their legal guardian during activities within 402 DA's jurisdiction, as defined within this Policy.

**One-on-One Interactions/Meetings** require special accommodation. Most child sexual abuse is perpetrated in isolated, one-on-one situations. By reducing such interactions between children and adults, the risk of child sexual abuse is reduced. However, one-on-one time with trusted adults is also healthy and valuable for a child. Policies concerning one-on-one interactions protect children while allowing for these beneficial relations.

1. One-on-one interactions between minors and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of 402 DA are permitted, if they occur at an observable and interruptible distance by another adult. To the contrary, isolated one-on-one interactions between minors and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of 402 DA are prohibited, except under emergency circumstances.
2. Meetings between adults and minors at a facility under the jurisdiction of 402 DA may only occur if another adult is present, except under emergency circumstances. Such meetings must occur where interactions can be easily observed and at an interruptible distance from another adult.
3. If a one-on-one meeting takes place in an office, the door to the office must remain unlocked and open. If available, it shall occur in an office that has windows, with the windows, blinds, or curtains remaining open during the meeting.
4. If a mental health care professional meets with minors at a facility under the jurisdiction of 402 DA, a closed-door meeting may be permitted to protect patient privacy, provided that the door remains unlocked, another adult is

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present at the facility, the other adult is advised that a closed-door meeting is occurring and written legal guardian consent is obtained by the mental health care professional with a copy provided to 402 DA.

5. Individual training sessions between adults and minors are permitted at a facility under the jurisdiction of 402 DA if the training session is observable and interruptible by another adult. The adult must obtain the written permission of the minor's legal guardian in advance of the individual training session. Parents, guardians, and other caretakers must be allowed to observe the training session. Permission for individual training sessions must be obtained at least every six months.
6. When one-on-one interactions between adults and minors occur at a facility under the jurisdiction of 402 DA, adults shall monitor these interactions. Monitoring includes knowing that the one-on-one interaction is occurring, the approximate planned duration of the interaction, and randomly dropping in on the one-on-one.
7. Adults are prohibited from interacting one-on-one with unrelated minor athletes in settings outside of the program, including, but not limited to, one's home, restaurants, and individual transportation, unless legal guardian consent is provided for each out-of-program contact. Such arrangements are nonetheless strongly discouraged.
8. Any massage or rubdown performed by an adult on a minor athlete at a facility under the jurisdiction of 402 DA or a training or competition venue is prohibited unless such adult is a licensed massage therapist.
9. Any massage or rubdown performed at a facility under the jurisdiction of 402 DA or a training or competition venue by a licensed professional must be conducted in open and interruptible locations. Any massage of a minor athlete must be done with at least one other adult present and must never be done with only the minor athlete and licensed massage therapist in the room. It is recommended that written consent from a legal guardian be obtained before providing each massage or rubdown on a minor athlete. Parents must be permitted to be in the room as observers.
10. Even if a coach is a licensed massage therapist, the coach shall not perform a rubdown or massage of an athlete.
11. Use of recording devices (including cell phones, voice recording devices, still cameras, and video cameras) in locker rooms, restrooms, changing areas, or

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similar places at a facility under 402 DA jurisdiction is prohibited. Exceptions may be made for media and championship celebrations, provided that such exceptions are approved by 402 DA and two or more adults are present.

12. Under no circumstances shall an unrelated adult at a facility under 402 DA's jurisdiction be undressed (disrobed or partial or full nudity where private body parts are exposed) in front of minor athletes.
13. At no time are unrelated adults permitted to be alone with a minor in a locker room, restroom, or changing area when at a facility under 402 DA's jurisdiction, except under emergency circumstances.
14. The use of locker rooms, restrooms, and changing areas at facilities under the jurisdiction of 402 DA shall be regularly and randomly monitored to ensure compliance with these policies.
15. To minimize the risk of bullying and hazing, human locker room monitors should be assigned to ensure that minors are not left unattended in locker rooms, restrooms, and changing areas.
16. Adults shall make every effort to recognize when an athlete goes to the locker room or changing area during practice and competition and, if they do not return in a timely fashion, check on the athlete's whereabouts.
17. Parents are discouraged from entering locker rooms and changing areas unless it is truly necessary. In those instances, it should only be the same-sex parent. If this is necessary, parents should let a coach or administrator know about this in advance.
18. All electronic communication originating from adults to amateur athletes who are minors must be professional.
19. If an adult needs to communicate directly with an amateur athlete who is a minor via electronic communications, another adult or the minor's legal guardian shall be copied. If a minor athlete communicates to the adult privately first, the adult should respond to the minor athlete with a copy to another adult or the minor's legal guardian.
20. An adult communicating electronically to the entire team shall copy another adult.
21. Amateur athletes who are minors may "friend" the applicable organization's official social media pages.

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22. Adults are not permitted to communicate privately via electronic communications with amateur athletes who are minors, including all social media applications, except under emergency circumstances.
23. Legal guardians may request in writing that their child not be contacted through any form of electronic communication by 402 DA or Covered Personnel. 402 DA shall abide by any such request, absent emergency circumstances.
24. Real-time electronic communications should only be sent between the hours of 8 AM and 9 PM, unless there is a specific safety or soccer-related need to communicate.

**Local Travel** consists of travel to training, practice, and competition that occurs locally and does not include coordinated overnight stay(s). 402 DA generally does not arrange for local travel, though we do not want travel to impair the ability of player participation. When transportation is required for participation, adults who are not also acting as a legal guardian shall not ride in a vehicle alone with an unrelated athlete who is a minor, absent emergency circumstances, and may only drive with at least two other minor athletes or another adult at all times, unless otherwise agreed to in writing by the minor athlete's legal guardian in advance of each local travel.

**Team Travel** is travel to a competition or other team activity that 402 DA plans and supervises. When only one adult and one minor athlete travel to a competition, the minor athlete must have his/her legal guardian's written permission in advance and for each competition to travel alone with the adult. Meetings should never be conducted in a hotel room and must be consistent with 402 DA's policy for one-on-one interactions.

Adults shall not share a hotel room or other sleeping arrangement with a minor athlete unless the adult is the legal guardian, sibling, or otherwise related to the minor athlete. Adults who travel with the organization on behalf of 402 DA must successfully pass a criminal background check and other screening requirements.

A **Minor Athlete Who Becomes an Adult Athlete** may not be subject to Prevention Policies in their capacity as an athlete, and when interacting with Youth Participants who are 16 or older. Prevention Policies must be in effect when this age of majority athlete interacts with minor athletes 15 or younger. (e.g., An 18-year-old teammate is

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not necessarily subject to disciplinary action for emailing a 16-year-old teammate unless that email would violate the Prohibited Conduct Policy.) Should a minor athlete reach the age of majority and then obtain a position that presents a potential power imbalance, such as becoming a coach, the individual is subject to Prevention Policies.

**Background Screenings** are required of Participating Adults. Direct Participating Adults must complete background screening via the US Club Soccer staff registration process. Background screening is required by the earlier of before regular contact with a Youth Participant, or within the first 45 days of the individual taking on the roles specified or that otherwise proves access to Youth Participants, and every other year thereafter.

Completion of **US Center for SafeSport's Core Training** is required of Participating Adults, by the earlier of prior to regular contact with a Youth Participant, or within the first 45 days of the individual taking on the roles specified or that otherwise provide access to Youth Participants. Thereafter, the US Center for SafeSport's Refresher Training is required on an annual basis following completion of Core training. Direct Participating Adults must complete or document compliance with SafeSport Training via the US Club Soccer staff registration process.

402 DA strongly encourages all players age 18 or older to follow the SafeSport Training requirements outlined herein. 402 DA also encourages all Youth Participants, subject to parental consent, to take the US Center for SafeSport Youth Athlete Training on an annual basis. The training is free and available at [athletesafety.org](http://athletesafety.org) .

402 DA strongly encourages all parents of Youth Participants to take the US Center for SafeSport Parents' Guide to Misconduct in Sport training on an annual basis. The training is free and available at [athletesafety.org](http://athletesafety.org) .

**Compliance** with this Policy is mandatory. 402 DA reserves the right to require certifications of Covered Personnel's compliance with 402 DA's Participant and Safety Risk Management Policy. Violation of this Policy may result in disqualification and/or disciplinary action.

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*The undersigned hereby acknowledges receiving this Policy, reading it in its entirety, and agrees to abide by all its terms and conditions. If any section of this policy is unclear, the undersigned agrees to proactively seek out clarification from 402 DA management. The undersigned further acknowledges that failure to abide by this Policy is an explicit violation of any employment contract, and 402 DA may terminate any employment contract for cause.*

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Adult Participant Signature

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Adult Participant Printed Name

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Date

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