“RISK MANAGEMENT”

October 21, 2006

USASA Annual Midyear Meeting

"RISK MANAGEMENT" CAN MEAN MANY THINGS

- Can simply mean insurance
- Often used in USSF circles to refer to suspensions or disqualifications based on certain criminal behavior
- Can mean all the various "legal" issues organizations face
- <u>Should mean</u>: a plan for avoiding lawsuits

WHAT WE'LL ADDRESS TODAY

- USSF Policies that apply to its Members
- Scare Tactic: What sorts of "risk management" issues could arise
- Suggestions for How to Formulate a Plan

USSF BYLAWS AND POLICIES THAT DISCUSS RISK MANAGEMENT

- Bylaw 212, Section 1(7)
  - “if the Organization Member is responsible for recruiting, training, fielding, or funding soccer players, it must establish a risk management program that evaluates potential registrants to determine whether their participation poses a risk to the safety of other participants in the Organization Member’s activities”
- Bylaw 213, Section 1(a)(8)
  - “The Organization Member shall adopt policies prohibiting sexual and physical abuse that meet certain minimum criteria established by the Federation (subject to any contrary requirements contained in any federal, state, or local law applicable to the Organization Member)”

USSF Bylaws and Policies, cont.

- Policy 601-10 – Recognition of Risk Management Actions
  - Section 1. A disqualification or other disciplinary action for violation of Risk Management policies imposed by an Organization Member against a person participating or seeking membership in a program of USSF, an Organization Member, or a program of an Organization Member shall be recognized by all Organization Members
  - Section 3. An Organization Member's Board of Directors [or] its designee . . . shall conduct a review or hearing before allowing membership within the Organization Member to any individual who has been disqualified or otherwise disciplined by another Organization Member for violation of its Risk Management policies. The review or hearing shall be limited to whether the conduct . . . constitutes a violation of the prospective Organization Member's Risk Management policies

SOME RISK MANAGEMENT WORRIES

- Biggest PR nightmare: sexual assault or abuse, stalking
- Most common: physical injury, blamed on field maintenance, improper supervision, poor medical assistance, etc.
- The “out of control” coach/player: physical assault and verbal threats
- Competition-based claims: unfair application of rules, suspensions
- Other areas: driving, portable goals, embezzlement/fraud

SOME COMMON RISK MANAGEMENT APPROACHES

- Background checks
- Policies
- Organizational Plans/ Standards/ Checklists
- Insurance
- Education

- Any other specific examples?

BACKGROUND CHECKS

- Member policies vary widely in who they check
  - Coaches, administrators, trainers, etc? Referees?
  - Every volunteer? Those with issues? Random segment?
  - Every year? Every few years? New members only?
- Member policies vary widely in what they check for
  - Just felonies? All criminal violations? Traffic violations?

BACKGROUND CHECKS, cont.

- Some issues to consider in choosing a background check service:
  - Reliability/quality of data
  - Privacy protection
  - Administrative ease
  - Administrative/decision-making help
  - Cost

RISK MANAGEMENT POLICIES
The Major Components

- Make clear who policy covers (coaches, administrators, trainers, board members, etc.) Inclusion of referees is sometimes added.
- Detail the requirement (for example, background check or self-reporting)
  - Detailed procedures for review
    - Provide a form
    - Specify who will be processing it, what timeframe will be, etc.
    - Specify what problem areas are (felonies, acts of violence against a person, sexual abuse or assault, other misdemeanors that may indicate lack of integrity or character)
  - Make clear that providing false information or refusing to provide information is a violation

- Be specific about what problem areas are
  - Inappropriate physical contact
  - Certain categories of criminal convictions
- Be specific about the process
  - Processes for: (1) reporting; (2) investigating; (3) making a determination; (4) possible scope of punishment; (5) appealing
- Eliminate “bias” and “inconsistent” claims
  - Decision-makers and reviewers should not have personal knowledge of the issues, and preferably do not know the accused
  - Often a “Risk Management Committee” is formed
  - Background check companies sometimes can help
- Punishment: Lesser restrictions may be appropriate
  - Example: driving restrictions vs. membership denial

ORGANIZATIONAL PLANS, STANDARDS, AND CHECKLISTS

- Checklists and pre-determined plans of action can be helpful
  - Inspection of field (and facilities)
  - Inspection of equipment (both field equipment and player equipment)
  - How on-field injuries will be handled
  - How emergencies/weather will be handled
- Standards for security, supervision, first aid, crowd conduct

INSURANCE

- Types
  - Liability insurance
  - Accident/medical
  - Directors & Officers
  - Others (Crime, Property, Auto)
- Most common/important are liability and accident insurance
  - USASA policy provides general liability, accident up to $5000/occurrence, and D&O for state assocs.

EDUCATION

- It can be helpful to use organizational resources to "spread the word" about risks members may face
  - Example – need to anchor goals
  - First aid and sports medicine advice
    - Common sense items such as hydration, handling head injuries, caution with blood, etc.
  - Field maintenance/inspection advice (the "checklists")
- Education does two things:
  - Shows you tried
  - Diminishes the chances of an incident