



**MLS NEXT SAFETY AND WELLBEING POLICY**  
**September 11, 2020**

**MLS NEXT SAFETY AND WELLBEING POLICY**

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## **I. INTRODUCTION: PROMOTING ATHLETE PROTECTION**

MLS NEXT is an elite youth soccer competition platform with the mission of providing world class training, development, and competition for select young soccer players across the United States and Canada. MLS NEXT will also provide a professional player development pathway and an elite development pathway for future college players. MLS NEXT is organized, managed, and administered by Player Development, L.L.C. (“PDev”), a subsidiary of Major League Soccer, L.L.C. (“MLS”). MLS NEXT includes league and postseason competition, as well as other development-focused initiatives.

In order to pursue this mission in a manner that prioritizes the safety, wellbeing, and healthy development of MLS NEXT Participants under the age of 18 (which includes, but is not limited to, athletes and Minor referees), PDev has adopted this Safety and Wellbeing Policy (the “Policy”). This Policy sets forth rules, minimum standards and procedures for MLS NEXT and for its Members regarding the safety and wellbeing of Minor MLS NEXT Participants. PDev, any soccer club participating as a Member of MLS NEXT (“Club”), any grouping of Players by age and by a Club to play in MLS NEXT Competitions (“Team”), and all MLS NEXT Participants must comply with the requirements of this Policy. The Policy incorporates the Safe Soccer Framework of the United States Soccer Federation (“U.S. Soccer”). The Safe Soccer Framework is a comprehensive program of policies and processes for screening, training and education, reporting, monitoring and enforcement designed to help participants detect and report abuse, respond to it, and prevent future occurrences. This Policy incorporates each of those elements and in some cases may incorporate additional protections or adapt those procedures to suit the needs of MLS NEXT and its Members. Capitalized terms not defined in this Policy shall have the meaning ascribed to them in the MLS Next Rules and Regulations and MLS NEXT Disciplinary Code.

The Policy was created in accordance with Public Law 115-126, *Protecting Young Victims from Sexual Abuse and SafeSport Authorization Act of 2017* (the “SafeSport Act”), as incorporated into the *Ted Stevens Olympic and Amateur Sports Act* (the “Ted Stevens Act”), to the extent applicable to MLS NEXT. Furthermore, this Policy is implemented in accordance with U.S. Soccer’s Bylaw 212 and Policy 212-3, which requires PDev to, among other things, establish a risk management program to promote the safety and protect the welfare of participants, and adopt policies prohibiting sexual abuse. Therefore, all Clubs must comply with the substance of this Policy, regardless of whether a Club is a member of U.S. Soccer, or subject to the jurisdiction of the Center, which was established pursuant to the SafeSport Act to assist in the regulation and enforcement of the SafeSport Act.

PDev reserves the right, in its sole and absolute discretion at any time, to modify, amend, restate or supplement this Policy. PDev will use best efforts to provide Clubs with reasonable advance notice of any such change.

## A. REPORTING CONCERNS

PDev supports a culture of compliance, safety, and respect. PDev encourages open communication in which all participants feel comfortable reporting concerns involving suspected abuse or any other misconduct. MLS NEXT Participants are encouraged to raise concerns to Coaches, Game Officials, Team administrators and MLS NEXT Program Staff, as well as the Center. We encourage you to use the Player Development Safety and Wellbeing Hotline (“PDev Hotline”) to report any concerns involving suspected abuse or any other misconduct. The PDev Hotline can be contacted at (646) 682-5200 or by emailing [SafeSport@mlsplayerdevelopment.com](mailto:SafeSport@mlsplayerdevelopment.com). No direct fees or other costs will be associated with making a report to the PDev Hotline. Additionally, U.S. Soccer’s Integrity hotline can be utilized at <https://www.ussoccer.com/report-a-concern>.

When using the PDev Hotline, the identity of any individual submitting a report in good faith will be handled discreetly and kept confidential to the fullest extent possible, unless doing so does not comply with applicable law or prevents a full and effective investigation of the report. To the greatest extent possible, all personnel responsible for responding to such reports will maintain the confidentiality of all parties and matters relating to the report.

The PDev Hotline also supports anonymous reporting. That said, we encourage those individuals reporting any concerns to provide their identity so that we may have the best opportunity to follow up and to ensure we have addressed the concern raised. If a report comes into the PDev Hotline that concerns facts giving reason to suspect a child has suffered an incident of child abuse (“Reporting Obligation”)(see “Reporting Suspected Child Abuse to Law Enforcement” on Page 18), we will make the report directly and/or work with the reporting individual to make the report to law enforcement.

In addition, the Center has jurisdiction over claims of suspected abuse and other misconduct involving athletes who are minors.<sup>1</sup> Reports of such abuse or misconduct must be made to the Center, including on an anonymous basis, by visiting [www.safesport.org](http://www.safesport.org) and selecting the “Report a Concern” link, or by calling the Center at (720) 531-0340.

PDev does not tolerate retaliation of any kind. Clubs shall ensure that no individual who makes a good faith report to the PDev Hotline or to the Center shall be subject to any type of retaliation, including harassment, any adverse employment action, or any competitive consequences, as a result of making such a report. Any retaliatory act is a violation of this Policy and will be subject to discipline in accordance with the MLS NEXT Disciplinary Code.

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<sup>1</sup> For purposes of this Policy, any MLS NEXT Participant, whether athlete, referee, or otherwise, under the lesser of (1) the age of 18, or (2) the age of majority in the applicable state or province, is considered a minor.

## B. HOW TO USE THIS POLICY

This Policy is incorporated by reference into the MLS NEXT Rules and Regulations. This Policy provides the guiding safety and wellbeing policies applicable to all Clubs and MLS NEXT Participants that take part in any MLS NEXT activities.

This Policy is not an exclusive statement of all policies applicable to Clubs. In addition, Clubs shall implement additional policies and procedures specific to their operations (provided they do not conflict with and are no less protective of Minors than this Policy), to the extent required to effectively implement the terms of this Policy. **This Policy should not be viewed as creating a legal standard of care or a model of best practice.**

## C. WHO IS COVERED BY THIS POLICY / COVERED PERSONS / COVERED PROGRAMS

### 1. Covered Persons

This Policy applies to any individual age eighteen or older (“Adult”) that is an MLS NEXT Participant who has Regular Contact (defined below) with any amateur athlete or referee, who is under the age of eighteen (“Minor”), in connection with Covered Programs (defined below), including but not limited to travel, tournament, and/or camp activities. Regular Contact is defined as recurring, repeated or periodic contact between an Adult and Minor, or a person with supervisory or decision-making authority over an Adult who has recurring, repeated or periodic contact with Minors, including but not limited to overseeing, supervising, chaperoning, or otherwise interacting with (“Regular Contact”). For purposes of this Policy, Covered Persons includes, but is not limited to, all MLS NEXT Participants, PDev or Club employees, staff, Coaches, volunteers, independent contractors, referees, security, athletic trainers and health care professionals (collectively, “Covered Persons”).

Even if a Club or individual is deemed by an applicable legal authority to not be subject to the jurisdiction of the Center or U.S. Soccer, the content of this Policy and all references to obligations and prohibitions of the Center’s code shall be fully applicable to such persons (who are deemed Covered Persons under this Policy) and entities, through their incorporation into this document, including, but not limited to: (i) the section of this Policy entitled “Prohibited Conduct Policy,” (ii) the section of this Policy entitled “Reporting Suspected Child Abuse” (with the exception of the requirement to report to the Center), (iii) the section of this Policy entitled “Prevention Policies: Limiting One-On-One Interactions Between Adults and Minors,” and (iv) any law or ordinance concerning child abuse or reporting applicable to a Club.

### 2. Covered Programs

For the purposes of this Policy, a “Covered Program” is any sporting event, program, or academy program operated or organized in whole or in significant part by PDev or any Club (if the event is sanctioned by PDev), including MLS NEXT Competitions and MLS Events. This definition includes, but is not limited to, tournaments, leagues, showcases, and camps run by

PDev or MLS NEXT Member Clubs, including local affiliate organizations, or any Club (if the event is sanctioned by PDev). While PDev may not have authority or control over non-sanctioned events operated or organized by Clubs, any act or omission prohibited by this Policy may serve as an independent basis for PDev disciplinary action, if it calls into question a Covered Person's fitness to participate in PDev Covered Programs.

#### D. NOTE ON YOUTH REFEREE SAFETY

The abuse and assault of referees is expressly prohibited by U.S. Soccer Policy 531-9, but a particular note is required regarding referees who are also minors. Youth referees are trained game officials, and many are experienced players, but they are Minor participants nonetheless and are therefore entitled to all the protections extended to Minor athletes by this Policy. Without limiting the foregoing, wherever this Policy includes protections for Minor athletes or other participants, it should also be read as protecting any Minor referee.

#### E. NOTE ON CANADIAN CLUBS

The national governing body for amateur sports in Canada is Athletics Canada. That organization has its own rules and regulations concerning the prevention of child abuse, and its own reporting requirements and background screening requirements, applicable to Canadian entities. Information on these rules and regulations can be found at <https://abuse-free-sport.ca/>. Clubs in Canada should follow the reporting requirements and background screening requirements imposed by Athletics Canada and Canadian law and are urged to consult Canadian counsel to determine the scope of those requirements. Canadian Clubs must comply with (i) the section of this Policy entitled "Prohibited Conduct Policy," (ii) the section of this Policy entitled "Reporting Suspected Child Abuse" (with the exception of the requirement to report to the Center), (iii) the section of this Policy entitled "Prevention Policies: Limiting One-On-One Interactions Between Adults and Minors," (iv) all regulations comparable to the Center adopted by Athletics Canada or any other applicable body, such as the Canadian Soccer Association, and (v) any Canadian law concerning child abuse or reporting applicable to a Club. Failure to do so will be considered a violation of this Policy and will subject the Club to discipline in accordance with the MLS NEXT Disciplinary Code.

## **II. PROHIBITED CONDUCT POLICY**

PDev is committed to maintaining a work and competition environment that is free from all forms of abuse, misconduct, and other untoward acts. IT IS A VIOLATION OF THIS POLICY FOR ANY COVERED PERSON TO ENGAGE IN ANY OF THE FOLLOWING FORMS OF PROHIBITED CONDUCT.

For purposes of this Section, the following definitions describe the different types of misconduct prohibited in this Policy:

- Bullying Behaviors – repeated and/or severe physical, verbal, social, sexual or criminal behaviors that are (i) aggressive (ii) directed at another, and (iii) intended or likely to hurt, control, or diminish the other person emotionally, physically or sexually.
- Child Abuse – any act or failure to act on the part of an individual with the responsibility to care for a child that results in death, serious physical, mental or emotional harm, sexual abuse or exploitation, or any act or failure to act which presents an imminent risk of serious harm.
- Criminal Conduct – any conduct prohibited under federal or state criminal law.
- Emotional Misconduct – any conduct that is objectively and reasonably deemed to have caused harm to another person’s psychological or intellectual functioning, which may be exhibited by emotional damage such as severe anxiety, depression, withdrawal, or aggression.
- Harassment – repeated and/or severe conduct that (i) causes fear, humiliation or annoyance, (ii) offends or degrades, (iii) creates a Hostile Environment (as defined herein), or (iv) reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual or group based on gender, age, race, ethnicity, sexual orientation, religion, national origin, or mental or physical disability; any act or conduct described as harassment under federal or state law.
- Discrimination - unfair treatment because of a person’s Protected Status, including race, color, age, religion, marital status, sex, ancestry, national origin, citizenship, veteran’s status, pregnancy status, disability, sexual orientation, protected activity, or any other characteristic protected by federal, state or local law.
- Hazing – any conduct that subjects another person, whether physically, mentally, emotionally or psychologically, to anything that may endanger, abuse, humiliate, degrade or intimidate the person as a condition of joining or being socially accepted by a group, Team, or organization.

- Physical Misconduct – any interaction with another person that inflicts physical injury upon another person or reasonably threatens to cause physical injury to another person.
- Sexual Misconduct – sexual interactions with another person, including, but not limited to, non-consensual sexual contact, non-consensual sexual intercourse, sexual harassment, and sexual exploitation.
- Verbal Misconduct – any objectively inappropriate use of language aimed at another person that a reasonable person would find degrading or threatening.

It is a violation of this Policy for Covered Persons to engage in any of the following forms of Prohibited Conduct.

#### A. DISCRIMINATION

It is a violation of this Policy for any MLS NEXT Participant to engage in any conduct that amounts to unfair, adverse or unequal treatment based on an individual's Protected Status (as defined below) ("Discrimination"). PDev is committed to maintaining an environment at all MLS NEXT events that is free from all forms of Discrimination, including harassment. Accordingly, PDev does not permit any form of unlawful harassment, Discrimination or intimidation by and/or between MLS NEXT participants based on an individual's race, color, age, religion, marital status, sex, ancestry, national origin, citizenship, veteran's status, pregnancy status, disability, sexual orientation, protected activity, or any other characteristic protected by federal, state or local law ("Protected Status"). This Policy also prohibits harassment on the basis of the Protected Status of an individual's relatives, friends or associates.

##### 1. Inciting Hatred and Violence

Any MLS NEXT Participant or Program, Staff who publicly incites others to hatred or violence may be sanctioned

##### 2. Offensive Behavior

Anyone who has engaged in objectively insulting behavior, especially by using offensive gestures or language on or off the field, may be sanctioned.

#### B. HARASSMENT

Harassment is unwelcome conduct that is based on an individual's Protected Status and which is intended to causes fear, humiliation or annoyance, offend or degrade, create a Hostile Environment, or reflect discriminatory bias in an attempt to establish dominance, superiority or power over an individual. Whether conduct qualifies as Harassment depends on the totality of the circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior.

Conduct may not rise to the level of Harassment if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions. Harassment does not include professionally accepted (in youth soccer) coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, inspiring motivation, or improving athlete performance.

### C. CHILD ABUSE

It is a violation of this Policy for Covered Persons to engage in any form of Child Abuse. Child Abuse includes, but is not limited to, physical, emotional, verbal or sexual abuse, as well as neglect, of a minor. Each of these forms of Child Abuse is addressed in turn:

#### 1. Physical Child Abuse

Covered Persons shall not engage in any Physical Child Abuse. "Physical Child Abuse" is any purposeful attempt to inflict Physical Injury (as defined herein) upon a Minor by other than accidental means ("Physical Child Abuse"). "Physical Injury" means impairment of physical condition or substantial pain. Physical Injury may include, but is not limited to, lacerations, fractured bones, burns, internal injuries, severe or frequent bruising, or great bodily harm. Conduct qualifying as Physical Child Abuse may include, but is not limited to, hitting, spanking, shaking, slapping, unnecessary restraint, pushing, or other forceful physical contact. Physical Child Abuse does not include professionally accepted (in youth soccer) coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, inspiring motivation, or improving athletic performance.

#### 2. Emotional Child Abuse

Covered Persons shall not engage in any Emotional Child Abuse. "Emotional Child Abuse" is any conduct that reasonably causes harm to a Minor's psychological or intellectual functioning, which may be exhibited by Emotional Damage such as severe anxiety, depression, withdrawal, or aggression. "Emotional Damage" is a significantly unpleasant emotional reaction that may be demonstrated by substantial and observable changes in behavior, emotional response, or learning, which are incompatible with a Minor's age or stage of development. Examples of Emotional Child Abuse are shaming, humiliation, cruelty, personal insults, intimidating behaviors (such as throwing items or punching walls), isolation, or stalking. Emotional Child Abuse can be comprised of or caused by various other forms of abuse and misconduct described in this Section II. Emotional Child Abuse does not include professionally accepted (in youth soccer) coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, inspiring motivation, or improving athletic performance.

### 3. Verbal Child Abuse

Covered Persons shall not use language that is degrading or threatening, and may include verbal interactions such as name calling, insults, cursing, derogatory remarks, slurs of any kind, belittling, or shaming (“Verbal Child Abuse”). Verbal Child Abuse does not include professionally accepted (in youth soccer) coaching methods of appropriate discipline, instruction related to skill enhancement or physical conditioning, team building, inspiring motivation, or improving athletic performance.

### 4. Sexual Child Abuse

Covered Persons shall not engage in any activity involving a sexual act (“Sexual Interaction”) with a Minor. Sexual Interaction includes, but is not limited to, rape, sexual battery, physical sexual contact, sexually explicit or offensive verbal communication, verbal sexual harassment, voyeurism, sexually oriented conversations, sexual intercourse or sexual touching, sexual exploitation (including creating or disseminating pornographic images), exposing of genitalia, viewing of sexual activity, content or imagery of a sexual nature, or permitting, allowing, or encouraging a minor to engage in prostitution (collectively, “Sexual Child Abuse”).

### 5. Neglect

Covered Persons shall not engage in any activity involving Neglect. “Neglect” is defined as the failure, refusal, or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, water, clothing, medical or dental care, or shelter so as to seriously endanger the physical and mental health of a minor.

## D. SEXUAL MISCONDUCT

It is a violation of this Policy for Covered Persons to engage in Sexual Misconduct. Sexual Misconduct offenses include, but are not limited to:

- Sexual or Gender-related Harassment
- Non-consensual Sexual Contact (or attempts to commit the same)
- Non-consensual Sexual Intercourse (or attempts to commit the same)
- Sexual Exploitation
- Bullying Behaviors or Hazing, or other inappropriate conduct of a sexual nature.

Each of these forms of Sexual Misconduct is described below:

#### 1. Sexual or Gender-related Harassment

“Sexual Harassment” is defined as any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual Harassment includes harassment related to gender, sexual orientation, gender identity, or gender expression,

which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (a) or (b), below, are present.

- a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of any person's employment, standing in sport, or participation in events, sports programs and/or activities; or when submission to or rejection of such conduct is used as the basis for sporting decisions affecting the individual (often referred to as "quid pro quo" harassment); or
- b) Such conduct creates a Hostile Environment. A "Hostile Environment" exists when the conduct is sufficiently severe, persistent, and/or pervasive such that it interferes with, limits, or deprives any individual of the opportunity to participate in any Covered Program or activity. Conduct must be deemed severe, persistent, or pervasive from both a subjective and objective perspective. Whether a Hostile Environment exists depends on the totality of known circumstances, including, but not limited to:
  - (1) severity of the conduct;
  - (2) whether the conduct was physically threatening;
  - (3) the effect of the conduct on the victim's mental or emotional state;
  - (4) whether the conduct was directed at more than one person;
  - (5) whether the conduct arose in the context of other discriminatory conduct;
  - (6) whether the conduct unreasonably interfered with any person's participation in sports, education or work programs or activities; and
  - (7) whether the conduct implicates concerns related to protected speech.

A Hostile Environment can be created by persistent or pervasive conduct or by a single or isolated incident that is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a Hostile Environment, particularly if the conduct is physical. A single incident of sexual contact, for example, may be sufficiently severe to constitute a Hostile Environment. In contrast, the perceived offensiveness of a

single verbal or written expression, standing alone, is typically not sufficient to constitute a Hostile Environment.

## 2. Non-Consensual Sexual Contact

It is a violation of this Policy for Covered Persons to engage in any intentional touching of a sexual nature, however slight, with any object or body part (as described below), by a person upon another person (“Sexual Contact”) without his/her affirmative consent. Sexual Contact includes, but is not limited to: (i) kissing, (ii) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts; and (iii) making another touch themselves, or someone else with or on any of these body parts. **Under no circumstances can a Minor participant give consent to any Sexual Contact with an Adult.**

## 3. Non-Consensual Sexual Intercourse

It is a violation of this Policy for Covered Persons to engage in any penetration, however slight, with any object or body part (as described below), upon another person (“Sexual Intercourse”) without his/her affirmative consent. Sexual Intercourse includes, but is not limited to: (i) vaginal penetration by a penis, object, tongue, or finger; (ii) anal penetration by a penis, object, tongue, or finger; and (iii) any contact, no matter how slight, between the mouth of one person and the genitalia of another person. **Under no circumstances can a Minor participant give consent to Sexual Intercourse with an Adult.**

## 4. Sexual Exploitation

It is a violation of this Policy for Covered Persons to engage in Sexual Exploitation. “Sexual Exploitation” is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes. Sexual Exploitation occurs when a Participant purposely or knowingly:

- a) Allows third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., live-streaming of images) without the consent of all parties involved in the sexual activity.
- b) Records or photographs of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without the consent of all parties in the recording or photo.
- c) Engages in voyeurism (e.g., watching private sexual activity or viewing another person’s intimate parts when that person would have a reasonable expectation of privacy), without the consent of all parties being viewed.

- d) Disseminates, shows or posts images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without prior consent of the person depicted in the images.
- e) Intentionally exposes another person to a sexually transmitted infection or virus without that person's knowledge, and/or
- f) Engages in prostituting or trafficking another person.

**Under no circumstances can a Minor participant give consent to any of the above-listed acts with an Adult.**

5. Bullying Behaviors, Hazing, or Other Inappropriate Conduct of a Sexual Nature

It is a violation of this Policy for Covered Persons to engage in Bullying Behaviors, Hazing, and other inappropriate conduct of a sexual nature, as further defined in the corresponding sections below.

E. EMOTIONAL AND PHYSICAL MISCONDUCT

It is a violation of this Policy for Covered Persons to engage in Emotional Misconduct and/or Physical Misconduct in connection with a Covered Person's participation in MLS NEXT. Emotional Misconduct and/or Physical Misconduct can also take the forms of Bullying, Hazing or Harassment. Each of these forms of misconduct is addressed below.

1. Emotional Misconduct

Emotional Misconduct includes, but is not limited to (i) Verbal Acts, (ii) Physical Acts, (iii) Criminal Conduct relating to Emotional Misconduct, (iv) Acts that Deny Attention or Support, and (v) Stalking. When an act qualifies as Emotional Misconduct is determined objectively, and not whether harm is intended or results from the behaviors.

a) Verbal Acts

"Verbal Acts" are any acts that involve repeated and excessive verbal assaults or attacks against someone personally in a manner that serves no productive training or motivational purpose.

b) Physical Acts

"Physical Acts" are any acts that involve repeated and/or severe physically aggressive behaviors, including but not limited to, throwing sport equipment, water bottles or chairs at or in the presence of others, punching walls, windows or other objects.

c) Acts that Deny Attention or Support

“Acts that Deny Attention or Support” are any acts that involve ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding an athlete from practice.

d) Criminal Conduct

Any act or conduct described as emotional abuse or misconduct under federal or state law (e.g. child abuse, child neglect) would be considered a type of impermissible Emotional Misconduct under this Policy.

e) Stalking

Stalking occurs when a person purposefully engages in a course of conduct directed at a specific person, and knows or should know, that the course of conduct would cause a reasonable person to (i) fear for their safety, (ii) fear for the safety of a third person, or (iii) experience substantial emotional distress. “Course of conduct” means at least two or more acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property. “Substantial emotional distress” means significant mental suffering or anguish.

Stalking also includes “cyber-stalking,” wherein a person stalks another using electronic media, such as the internet, social media networks, blogs, cell phones, texts, or other similar devices or forms of contact.

f) Policy Exclusion

Emotional Misconduct does not include professionally accepted (in youth soccer) coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, inspiring motivation, or improving athlete performance. Emotional Misconduct also does not include conduct reasonably accepted as part of sport and/or conduct reasonably accepted as part of participation in the sport.

2. Physical Misconduct

Physical Misconduct may include, without limitation (i) physical contact acts, such as punching, biting, striking, strangling or slapping another; (ii) non-contact acts, such as isolating a person in a confined space or depriving another person of adequate hydration, nutrition, medical attention or sleep; and (iii) Criminal Conduct.

a) Physical Contact violations

“Physical contact” acts include punching, beating, biting, striking, strangling, slapping, tackling and fighting. Any involvement in a fight or brawl is a violation of this Policy. Anyone who has tried merely to prevent a fight, shield others, or separate those involved in a brawl shall not be in violation of this Policy and will not be subject to punishment.

b) Non-Contact violations

“Non-contact” acts include any of the following: isolating a person in a confined space, such as locking an athlete in a small space; forcing an athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface); withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; providing alcohol to a person under the legal drinking age; providing illegal drugs or non-prescribed medications to another.

c) Criminal Conduct

Physical Misconduct includes any act or conduct described as physical abuse or misconduct under federal, state or local law (e.g. child abuse, child neglect, assault).

d) Policy Exclusion

Physical Misconduct does not include professionally accepted (in youth soccer) coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, inspiring motivation, or improved athlete performance. For example, hitting and punching are well-regulated forms of contact in combat sports, but have no place in soccer. Physical Misconduct also does not include conduct reasonably accepted as part of sport and/or conduct reasonably accepted as part of participation in the sport.

3. Bullying Behavior

Bullying Behavior of any kind is expressly prohibited under this Policy. Examples of Bullying Behavior include, without limitation, repeated and/or severe Physical Bullying, Verbal Bullying, Sexual Bullying, Social Media Misconduct and Criminal Conduct, as detailed further below:

a) Physical Bullying

“Physical Bullying” is contact and non-contact behavior that can cause physical or emotional injury to an individual. Physical Bullying includes the hitting, pushing, punching, beating, biting, striking, kicking, strangling, slapping, spitting at, or throwing objects (such as sporting equipment) at another person, tying, taping or otherwise physically restraining another person; beating, paddling or other forms of physical assault.

b) Verbal Bullying

“Verbal Bullying” is the act of using words to forcefully criticize, threaten, insult or denounce another person. Verbal Misconduct includes the ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm.

c) Social Media Misconduct, including cyberbullying

“Social Media Misconduct” is the use of rumors or false statements about someone to diminish that person’s reputation using electronic communications. It includes, but is not limited to, the use of social media or other technology to harass, frighten, intimidate, humiliate and/or socially exclude someone, and asking others to do the same.

d) Sexual Bullying

Ridiculing or taunting based on gender identity, sexual orientation (real or perceived), gender traits, appearance and behavior, or teasing someone about their looks or behavior as it relates to sexual attractiveness.

e) Criminal Conduct

Bullying Behavior includes any conduct described as bullying under federal, state or local law.

f) Policy Exclusion

Conduct may not rise to the level of Bullying Behavior if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions. Bullying does not include professionally accepted (in youth soccer) coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, inspiring motivation, or improving athletic performance.

4. Hazing

Hazing of any kind is expressly prohibited under this Policy. Purported consent by the person subjected to Hazing is not a defense, regardless of the person’s perceived willingness to cooperate or participate. Examples of Hazing may include Physical Hazing, Emotional Misconduct (defined above), Verbal Misconduct (defined above), Sexualized Acts or Criminal Conduct, as detailed further below:

a) Physical Hazing

Physical misconduct that takes the form of Hazing may occur via contact or non-contact acts, as outlined below:

- (1) Contact Acts: Tying, taping or otherwise physically restraining another person; beating, paddling or other forms of physical assault.
- (2) Non-Contact Acts: Requiring or forcing the consumption of alcohol, illegal drugs or other substances, including participation in binge drinking and drinking games; personal servitude; requiring social actions (e.g.,

wearing inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water and/or food; restrictions on personal hygiene.

b) Sexualized Acts

Actual or simulated conduct of a sexual nature.

c) Criminal Acts

Any act or conduct that constitutes hazing under applicable federal, state or local law.

d) Policy Exclusion

Conduct may not rise to the level of Hazing if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions. Hazing does not include professionally accepted (in youth soccer) coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, inspiring motivation, or improving athletic performance.

F. ILLEGAL DRUGS, ALCOHOL, TOBACCO, AND VAPING

The illegal use of drugs (as determined by federal law), alcohol, tobacco, or vaping by players, Covered Persons, or Game Officials in MLS NEXT is strictly prohibited during the MLS NEXT Season. Covered Persons will not tolerate the use/consumption of performance-enhancing drugs. PDev forbids the use of any Prohibited Substances and Methods outlined in the U.S. Anti-Doping Agency Athlete Handbook (available at <https://www.usada.org/resources/publications-and-policies/>) in effect at the time of the alleged use. Covered Persons shall support athletes' efforts to be drug-free, and their participation in illegal activities is strictly forbidden. A violation of this provision may result in Sanctions.

G. AIDING AND ABETTING

Aiding and Abetting occurs when one aids, assists, facilitates, promotes, or encourages the commission of Prohibited Conduct by Covered Persons, including, but not limited to, knowingly:

1. Allowing any person who has been identified as suspended or otherwise ineligible by the Center to be in any way associated with or employed by PDev or a Club.
2. Allowing any person who has been identified as suspended or otherwise ineligible by the Center to coach or instruct Minor athletes.
3. Allowing any person who has been identified as ineligible by PDev to have ownership interest in a Club, or a Facility used by the Club.
4. Providing any coaching-related advice or service to an athlete who has been identified as suspended or otherwise ineligible by PDev.
5. Allowing any person to violate the terms of their suspension or any other sanctions imposed by PDev.
6. In addition, a Covered Person also violates this Policy if someone acts on behalf of that person to engage in Aiding or Abetting, or if the parent/legal guardian, family member, or Advisor of a Covered Person, including a minor athlete, engages in Aiding or Abetting.

#### H. OTHER INAPPROPRIATE CONDUCT

##### 1. Intimate Relationship

An Adult Covered Person violates this Policy by engaging in an intimate or romantic relationship where a Power Imbalance exists. A Power Imbalance may exist where, based on the totality of the circumstances, one person has supervisory, evaluative, or other authority over another. Whether there is a Power Imbalance depends on several factors, including, but not limited to: (i) the nature and extent of the supervisory role; (ii) the evaluative or other authority over the person; (iii) the actual relationship between the parties; (iv) the parties' respective roles; (v) the nature and duration of the relationship; (vi) the age of the parties involved; (vii) whether there is an aggressor; and (viii) whether there is a significant disparity in age, size, strength, or mental capacity.

Once a coach-athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-athlete relationship (regardless of age) and is presumed to continue for Minor athletes after the coach-athlete relationship terminates until the athlete reaches 20 years of age.

A Power Imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship (e.g., a relationship between two spouses or life partners that preceded the sport relationship).

An intimate or romantic relationship is a close personal relationship—other than a familial relationship—that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances, including, but not

limited to: (i) regular contact and/or interactions (electronically or in person) outside of or unrelated to the sport relationship, (ii) the parties' emotional connectedness, (iii) the exchange of gifts, (iv) ongoing physical and/or intimate contact and/or sexual activity, (v) identity as a couple, or (vi) the sharing of sensitive personal information, and/or intimate knowledge about each other's lives outside the sport relationship.

## 2. Intentional Exposure of Private Area

An Adult Covered Person violates this Policy by intentionally exposing breasts, buttocks, groin, or genitals, or induces another to do so, to an Adult where there is a Power Imbalance, or to a Minor.

## 3. Inappropriate Physical Contact

An Adult Covered Person violates this Policy by engaging in inappropriate physical contact with another person where there is a Power Imbalance. Such inappropriate contact includes, but is not limited to, intentionally (a) touching, slapping, or otherwise contacting the buttocks or genitals of a Covered Person, (b) excessively touching or hugging a Covered Person, or (c) kissing a Covered Person.

### I. PROHIBITED CONDUCT BY MINORS

MLS NEXT does not tolerate, and its Clubs shall not tolerate, abusive, harassing, or discriminatory conduct between its players, regardless of their ages. Depending on the facts and applicability of the above prohibitions to minors, MLS NEXT and its Clubs may discipline Players based on the above Prohibited Conduct. For instance, prohibitions on intimate relationships and electronic communications shall not apply as between minors unless a significant age or power disparity creates cause for concern, or they otherwise involve Prohibited Conduct. Disciplinary measures shall be appropriate to the infraction and in accordance with the Disciplinary Code. Nevertheless, Clubs shall have the authority to reasonably discipline their Players and are encouraged to do so. PDev, when present, or Club personnel shall have the authority to and are encouraged to take immediate action to stop abusive behavior in the moment of its occurrence or prevent its reasonably-anticipated occurrence with the goal of protecting the victim.

### III. REPORTING SUSPECTED CHILD ABUSE

#### A. REPORTS TO LAW ENFORCEMENT

On February 14, 2017, President Trump signed into law the *Protecting Young Victims from Sexual Abuse and SafeSport Authorization Act of 2017* (the “**SafeSport Act**”). Among other things, this comprehensive law amends the *Victims of Child Abuse Act of 1990*, 34 U.S.C. § 20341, *et seq.*, and clarifies who is a mandatory reporter for cases of suspected child abuse. Specifically, the definition of mandatory reporter now includes any “adult who is authorized, by a national governing body, a member of a national governing body, or an amateur sports organization that participates in interstate or international amateur athletic competition, to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization.” § 20341(c)(9). Consequently, PDev urges all Clubs and their employees, all PDev employees, and all other MLS NEXT Participants to understand their Reporting Obligations under this important federal law.

Under the SafeSport Act, 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. § 20341(a)(2). Under the Act, Child Abuse includes physical or emotional abuse, sexual abuse or exploitation, or negligent treatment of a child. Sexual Child Abuse includes, but is not limited to, the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children. Emotional Child Abuse means harm to a child’s psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response or cognition.

The SafeSport Act also includes qualified immunity for good faith reports. PDev urges all mandatory reporters to refrain from judging or evaluating the credibility of such allegations and to leave such assessments to law enforcement.

Failure to promptly report suspected child abuse to law enforcement authorities may constitute a violation of federal law and will also be deemed a violation of this Policy.

***The message is clear: if you suspect child abuse, report it to law enforcement immediately.***

#### B. OBLIGATIONS OF COVERED PERSONS TO REPORT SEXUAL ABUSE

In addition to the obligation to report to law enforcement pursuant to the SafeSport Act (as detailed above), Adult Covered Persons are also charged with reporting suspected incidents of sexual abuse to the Center **and** to PDev through the PDev Hotline. Additionally, any MLS NEXT Participant or any other concerned individual may report an incident to the U.S. Soccer

Integrity Hotline. For further detail, see the section entitled, “How to Report to the Center” and “How to Report to the PDev Safety and Wellbeing Hotline,” below.

Without limiting the foregoing Reporting Obligations of Covered Persons, Clubs are obligated to report any suspected violation of this Policy involving Club Representatives or athletes **of any age** to MLS NEXT through the PDev Hotline referenced above. Reports made to MLS NEXT involving the Center’s jurisdiction will be promptly forwarded to the Center.

MLS NEXT’s Disciplinary Code, including its jurisdictional scope, is incorporated into this Policy. ***Failure of a Club to report a potential violation of this Policy is grounds for remedial action up to and including termination of the Club’s participation in MLS NEXT.***

The obligation to report is not always satisfied by making an initial report. Covered Persons are required to report supplemental information of which they become aware that may be relevant to a pending investigation. Importantly, the passage of time, including civil or criminal statutes of limitations, do not affect or negate the obligation of a Covered Person to report possible sexual misconduct to either the Center or the PDev Hotline. Misconduct should always be reported, regardless of when it occurred or when it was discovered.

#### C. HOW TO REPORT TO THE PDEV HOTLINE

You may always raise a concern to Coaches, referees, Team administrators and MLS NEXT Program Staff. You may also report a concern to **SafeSport@mlsplayerdevelopment.com**.<sup>2</sup> In addition, we encourage you to use the PDev Hotline by calling **(646) 682-5200** and leaving a message. Reports submitted to the PDev Hotline will be handled as promptly and discreetly as possible, with facts made available only to those needed to investigate and resolve the matter. PDev is committed to safeguarding the confidentiality of individuals who submit reports. If PDev receives a report of suspected child abuse triggering a Reporting Obligation under this Policy and applicable federal law, MLS NEXT will make the report directly and/or work with the caller to make the report to law enforcement.

#### D. HOW TO REPORT TO THE CENTER

In addition to the PDev Hotline, reports may also be made directly to the Center, including on an anonymous basis, by visiting [www.safesport.org](http://www.safesport.org) and selecting the “Report a Concern” link, or by calling (720) 531-0340.

You may always report to the PDev Hotline or to the Center anonymously. If you do make a report of suspected child abuse to law enforcement or to the Center, please be aware that an anonymous report may not provide you with evidence that you discharged your mandatory Reporting Obligation.

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<sup>2</sup> For more on matters relating to health and safety, as well as reporting options, please see: <https://www.mlssoccer.com/mlsnext/resources>.

Nothing in this Policy should discourage any reporter from using the U.S. Soccer Integrity Hotline, which is available at (312) 528-7004, as well as via its website at <https://ussoccer.i-sight.com/portal>. For more information, see <https://www.ussoccer.com/report-a-concern>.

## E. MISCONDUCT RELATED TO REPORTING

### 1. Failure to Report

An Adult Covered Person who fails to report actual or suspected Sexual Misconduct or Child Abuse to PDev, the Center and, when required, to law enforcement has violated this Policy and may be subject to disciplinary action.

- a) The obligation to report is broader than reporting a pending charge or criminal arrest of a Covered Person; it requires reporting to PDev and to the Center any conduct which, if true, would constitute Sexual Misconduct and/or Child Abuse. The obligation to report to the Center is an ongoing one and is not satisfied simply by making an initial report. The obligation includes reporting, on a timely basis, all information of which an Adult Covered Person becomes aware, including, but not limited to, the names of witnesses, third-party reporters and victims.
- b) The obligation to report includes personally identifying information of a potential victim to the extent known at the time of the report, as well as a duty to reasonably supplement the report as to identifying information learned at a later time.
- c) MLS NEXT Participants should not investigate or attempt to evaluate the credibility or validity of allegations involving Sexual Misconduct and/or Child Abuse. MLS NEXT Participants making a good faith report are not required to prove the reports are true before reporting.

### 2. Intentionally Filing a False Report

Filing a knowingly false allegation that a Covered Person engaged in Prohibited Conduct is a violation of this Policy and may also violate state criminal law. Any person making such a knowingly false allegation shall be subject to disciplinary action under the MLS NEXT Disciplinary Code.

- a) An allegation is false if the events reported did not occur, and the person making the report knows or has reason to know that the events did not occur.
- b) A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an

allegation is true or false. Absent demonstrable misconduct, an unsubstantiated allegation alone is not grounds to find a violation of this Policy.

### 3. Retaliation

Retaliation against anyone for reporting a violation of this Policy is prohibited. A Covered Person, someone acting on behalf of a Covered Person and any Club shall not take an adverse action against any person for making a good faith report of a possible violation of this Policy to MLS NEXT or to the Center or to a law enforcement agency, or for participating in any process under this Policy.

Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from making or participating in the review or investigation of a report required by this Policy. Retaliation may be present even where there is a finding that no violation occurred.

Retaliation does not include good-faith actions lawfully pursued in response to a report of a violation of this Policy.

#### F. PROCEDURES FOR COMPLAINTS, INVESTIGATIONS, CORRECTIVE ACTION AND APPEALS

All Covered Persons are responsible to help ensure that we prevent any abuse and misconduct. PDev cannot act to eliminate abuse or misconduct unless it is aware of it. Covered Persons are charged with reporting any concerns regarding compliance with this Policy in the manner provided in the Section entitled "Obligation of Covered Persons to Report." As stated above, in some instances, Covered Persons are also required to report to law enforcement and/or the Center.

The investigation, adjudication, sanction imposed by the relevant Disciplinary Body ("Corrective Action Decision") and appeal of matters involving allegations or reports of abuse or other Prohibited Conduct will be performed in accordance with MLS NEXT's Disciplinary Code. All Covered Persons have an obligation to fully cooperate in any investigation, including providing any and all information concerning the complaint. Failure to do so is a violation of this Policy.

## **IV. BACKGROUND SCREENING**

### **A. SCOPE AND PURPOSE**

As noted by the Center, “[s]ound, practical and reasonable screening practices reduce the chances that an athlete will come in contact with potentially dangerous individuals.” Accordingly, PDev requires background screening on all Adult Covered Persons older. By way of example, this shall include, but not be limited to:

- PDev employees - all full- and part-time employees of PDev who are to have Regular Contact with minors.
- All Club staff members (Coaches, Team managers, administrators, trainers, etc.) who have Regular Contact with minors or who travel with or attend training with the Club.
- All PDev or Club-contracted physicians, athletic trainers, massage therapists, nutritionists, scouts and other certified professionals working directly with minors.<sup>3</sup>
- All Adult referees assigned by PDev
- All overnight chaperones at MLS NEXT Events or MLS Competitions.
- All other individuals who MLS NEXT determines, in its discretion, should be subject to a background check.

The background screening of Covered Persons will be at the sole cost and expense of PDev, and will be conducted in accordance with the procedures specified below.

#### **1. Club Background Check Requirements**

Any person who is authorized by the Club to have Regular Contact with minors outside the scope of Covered Programs as an employee, contractor, vendor or volunteer shall be required by the Club to undergo background screening. These people are referred to as “Club Participants.” The background screening of Club Participants shall be performed by a vendor hired by the Club, at the Club’s sole cost and expense, pursuant to substantially similar standards as those screenings described below. In connection with the Club’s annual registration with MLS NEXT, MLS NEXT reserves the right to require the Club to certify in

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<sup>3</sup> MLS NEXT rules require all Clubs to have a certified athletic trainer (“ATC”) or licensed medical professional who is trained in MLS NEXT’s Concussion Identification and Management Protocol present at each game or risk game cancellation and a fine. If the Club uses non-employee medical professionals, these professionals would still be subject to the background check requirement and would be considered MLS NEXT Participants. In the limited circumstance of a one-time substitution (e.g., Club’s regular ATC is ill and a parent who is an ER physician agrees to substitute for a single game to prevent cancellation), MLS NEXT may approve a one-time exception to this requirement. Clubs obtaining services through athletic training or medical practices are required to negotiate services agreements that allow for reasonable criminal background checks and that require SafeSport training for all contractors serving the Club pursuant to such service agreement.

writing that any person who is a Club Participant has undergone appropriate background screening and taken the training courses specified in Section V of this Policy.

## 2. Mandatory Self-Disclosure

**All Covered Persons have a mandatory self-disclosure obligation, which means that if at any point during their association with MLS NEXT and/or a Club a Covered Person has been disqualified or declared by another sport organization or league to be temporarily or permanently ineligible the Covered Person is required to self-disclose this information immediately. Failure to disclose is a basis for discipline/disqualification.**

## 3. Scope of Background Screening

PDev contracts with a third-party vendor to conduct a robust background check on all Covered Persons. Prior to an applicant's first activity in connection with MLS NEXT and in all subsequent evenly numbered calendar years (e.g. year 2020, 2022, etc.) this background check will include checks and/or reviews of:

- All available state sex offender registries;
- Individual's Social Security number and address;
- Federal prohibited person database;
- County criminal records by county; and
- The Center's Centralized Disciplinary Database.

In addition, if any Covered Person is a returning participant from the prior year, a reduced-scope check is performed during season registration in odd years, looking at one national database and all available state sex offender registries.

## 4. Screening Results

PDev's background-check vendor will report the findings of its search to PDev based on a "Red Light/Green Light" system.

- A "Green Light" or "meets the criteria" finding indicates that the background check did not identify criteria that would indicate that the individual is unsuitable for the intended role or activity.
- A "Red Light" or "does not meet the criteria" finding indicates that one or more of the below-listed criteria was flagged during the background screening process.

Unless otherwise prohibited by state law, any of the following criteria appearing on a background check will result in a "Red Light" finding:

- Any felony (any crime punishable by confinement of greater than one year);
- Any lesser crime involving force or threat of force against a person;

- Any lesser crime in which sexual misconduct is an element, including “victimless” crimes of a sexual nature (including pornography);
- Any lesser crime involving controlled substances or alcohol;
- Any lesser crime involving breaking and entering, loitering, trespassing, false impersonation, or theft;
- Any lesser crime involving neglect or cruelty to animals;
- Any lesser crime involving neglect or abuse of a child;
- Any sex offender registration; or
- Any violation noted in the Center’s Centralized Disciplinary Database.

#### 5. Background Screening Appeal Process – Employment Applicants

PDev is an equal opportunity employer and refrains from conducting background screening on both its job applicants and the applicants of Clubs unless and until a conditional offer of employment is made, with such offer conditioned upon completion of MLS NEXT’s mandated background screening process described above. No Club shall submit a Club’s employment applicant for a background check by PDev’s vendor until such conditional offer of employment is made. The background screening covers major criminal databases but does not search credit or financial history, in compliance with applicable state law.

In the event an individual with a conditional offer of employment from PDev, MLS NEXT or a Club receives a “Red Light” determination that is the result of a clerical or administrative error, the applicant has an opportunity to challenge the correctness of the determination by contacting PDev’s third party-vendor, JDP, at Oxford One Centre, 301 Grant Street, Suite 4300, Pittsburgh, PA 15219; 855-940-3232 within 10 days of this notice. JDP will either confirm or correct the contents of the applicant’s record, which will then be reassessed. Upon re-review, if the applicant still receives a “Red Light” determination as a result of one or more offenses or other matters noted in his/her background report, the applicant will be informed of the decision in writing, including instructions for an appeal process. The applicant may appeal the decision by sending a copy of the background check report, together with a written explanation of the reason why his/her application should be reconsidered, to safesport@mlsplayerdevelopment.com. The appeal must be received within 10 days of the adverse action notice and will be reviewed by PDev’s designated Youth Protection Compliance Officer, who may consider any or all of the following during the review process:

- How long ago the applicable offense/conviction occurred;
- The severity of the offense/conviction;
- Whether the offense is directly related to the applicant’s expected job duties; and
- Any other explanation or information provided by the applicant relevant to the offense.

In the event an applicant is denied participation in MLS NEXT solely or in part because of the “Red Light” determination, that information will be provided in writing to the applicant along with information concerning the applicant’s right to file a complaint, if applicable, under relevant state law. The determination of the Youth Protection Compliance Officer is final.

#### 6. Background Screening Appeal Process – Non-Employee Applicants

Should a PDev Participant who is not applying for employment with MLS NEXT or a Club (for example, a current employee or a non-employee participant, such as an Athletic Trainer provided by a third party) receive a “Red Light” during a routine background check or as a result of an individual disclosure, the individual will be notified and provided with a copy of his/her background check report. The Covered Person has the right to challenge the correctness of the “Red Light” determination by contacting PDev’s third party-vendor, JDP at Oxford One Centre, 301 Grant Street, Suite 4300, Pittsburgh, PA 15219; 855-940-3232 within 10 days of this notice. In the event of a clerical or administrative error, JDP will either confirm or correct the contents of the Covered Person’s record, which will then be reassessed. Upon re-review, if the Covered Person is determined to be ineligible to participate in MLS NEXT as a result of one or more offenses or other matters noted in his/her background report, the Covered Person will be informed of his/her ineligibility to remain associated with MLS NEXT in writing and will immediately be suspended from participation in MLS NEXT. The Covered Person has 10 days from the notice of adverse action to appeal the ineligibility decision by sending a copy of the background check report, together with a written explanation of the reason why he/she should remain eligible to participate, to MLS NEXT’s Youth Protection Compliance Officer at safesport@mlsplayerdevelopment.com. PDev’s Youth Protection Compliance Officer may consider any of the following during the appeal process:

- How long ago the applicable offense/conviction occurred;
- The severity of the offense/conviction;
- Whether the offense is directly related to the Covered Person’s job duties; and
- Any other explanation or information provided by the Covered Person relevant to the offense.

In addition to any evidence or argument provided by the Covered Person, PDev’s Youth Protection Compliance Officer may consider any recommendation of PDev’s legal advisors, including any written evidence that the legal advisor(s) wishes the Youth Protection Compliance Officer to consider and a list of witnesses that the Compliance Officer may interview. The Youth Compliance Officer has the authority to determine if the individual should be permitted to participate in a Covered Program, despite the individual’s receipt of a “Red Light” finding or adverse disclosure. The decision of the PDev Youth Compliance Officer shall be final and binding.

## V. TRAINING AND EDUCATION

The SafeSport Act requires amateur sports organizations to offer consistent training to adult members who are in Regular Contact with amateur athletes who are minors, and subject to parental consent, and to members who are minors, regarding the prevention of child abuse. The “Core SafeSport Training” offered by the Center meets the requirements of this Policy. It consists of three modules: (i) Sexual Misconduct Awareness Education; (ii) Mandatory Reporting, and (iii) Emotional & Physical Misconduct. It can be accessed at <https://uscenterforsafesport.org/training-and-education/training-and-education-services/>.

All Adult Covered Persons who have Regular Contact with minor athletes **must** successfully complete the required SafeSport training every year in order to participate in MLS NEXT.

For the avoidance of doubt, MLS NEXT requires the following persons to complete the Core SafeSport Training prior to the commencement of their association with MLS NEXT or a Club, or within 45 days of being hired, appointed or retained by PDev or a Club, but in any event before commencing contact with minors:

- MLS NEXT employees who will have Regular Contact with minors,
- Coaches,
- Contractors and Vendors with regular access to minors,
- Club technical staff and administrators,
- Athletic Trainers, Sport Scientists, Physicians, Massage Therapists,
- Adult Referees,
- Athletes 18 years of age or older,
- Chaperones and individuals advising with respect to various aspects Team functions (“Consultants”) who have access to athletes.

In connection with the annual registration process, all Covered Persons affiliated with Clubs who will have Regular Contact with Minors will have to certify that they have completed the required SafeSport training.

Training provides participants the necessary tools, vocabulary and information to more effectively monitor our sport, minimize the opportunities for child physical or sexual abuse and other types of misconduct, and respond to concerns.

Once a participant has successfully taken all three “Core Training” modules (including Sexual Misconduct Awareness Education, Mandatory Reporting, and Emotional & Physical Misconduct), they have met the “SafeSport Trained” requirement. Each year thereafter, the participant will only need to take the SafeSport Refresher Course.

### A. MINOR ATHLETES:

Minor athletes who participate in MLS NEXT will be offered training from the Center every year and may take the training with parental consent. Clubs will keep track of which minor athletes have taken the SafeSport training and when they did so. Such information will be made available to MLS NEXT on request.

## **VI. PREVENTION POLICIES: LIMITING ONE-ON-ONE INTERACTIONS BETWEEN ADULTS AND MINORS**

The majority of 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. Although appropriate physical contact and one-on-one interaction between minor athletes and Coaches/trainers, etc. may be conducive to improving physical skills, MLS NEXT believes prudent limitations on one-on-one interactions can reduce the potential for abuse and misconduct without negatively impacting player development or unnecessarily limiting one-on-one time with trusted adults.

### **A. ESTABLISHING BOUNDARIES: AVOIDING GIFTS**

Individuals who groom children will often provide special gifts or privileges, as one strategy to gain the child's trust and fill a need in his/her life, in advance of sexually abusing the child. Accordingly, PDev discourages employees and volunteers from giving gifts or granting special privileges to athletes and prohibits providing any such gift or privilege when not available to the entire Team.

### **B. APPROPRIATE PHYSICAL CONTACT**

PDev adheres to the following principles and guidelines regarding physical contact with our athletes:

#### **1. Common Criteria for Appropriate Physical Contact**

Physical contact with athletes – for safety, consolation and celebration – has multiple criteria in common which makes it both safe and appropriate. These criteria include:

- The physical contact takes place in a location that is open and accessible to all MLS Participants, volunteers and parents and has multiple Adults present (“Public”)
- There is no potential for, or actual, physical or sexual contact during the physical contact
- The physical contact is for the benefit of the athlete, not to meet an emotional or other need of an adult

#### **a) Safety**

The safety of our athletes is paramount, and in many instances, we make the athletic space safer through appropriate physical contact. Examples include:

- Spotting an athlete so that they will not be injured by a falling piece of equipment
- Positioning an athlete's body so that they more quickly acquire an athletic skill, get a better sense of where their body is in space, or improve their balance and coordination

- Making athletes aware that they might be in harm's way because of other athletes practicing around them or because of equipment in use

#### b) Celebration

Sports are physical by definition and we recognize participants often express their joy of participation, competition, achievement and victory through physical acts. We encourage these Public expressions of celebration, which include:

- Greeting gestures such as high-fives, fist bumps, and brief "side hugs"<sup>4</sup>
- Congratulatory gestures such as celebratory hugs, "jump-arounds" and pats on the back for any form of athletic or personal accomplishment

#### c) Consolation

It may be appropriate to console an emotionally distressed athlete (e.g., an athlete who has been injured or has just lost a competition). Appropriate consolation includes Publicly:

- Embracing a crying athlete (in a Public place or circumstance)
- Putting an arm around an athlete while verbally engaging them in an effort to calm them down ("side hugs")
- Lifting a fallen athlete off the playing surface and "dusting them off" to encourage them to continue competition

#### d) Supervision Generally

No Minor should be left alone at a training session or at any other time until they are picked up by their parent, older sibling or other designated adult. It is recommended that the last adult in addition to the Coach or athletic trainer wait at the site until the last Minor is picked up.

### C. ONE-ON-ONE INTERACTIONS / INDIVIDUAL MEETINGS

An individual meeting may be necessary to address an athlete's concerns, training program, or competition schedule. Under these circumstances, Covered Persons are to observe the following guidelines when dealing with Minor athletes/participants:

#### 1. Interactions Should Be Observable and Interruptible

- One-on-one interactions between Minors and an Adult (who is not the Minor's parent/legal guardian) are permitted if they occur at an observable and interruptible distance by another Adult.

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<sup>4</sup> NOTE: this does not include "butt-pats" or "chest bumps." This outdated means of celebration makes many athletes uncomfortable and is best replaced with a high-five or a fist bump.

- Isolated, one-on-one interactions between Minors and an Adult (who is not the Minor’s parent/legal guardian) are prohibited, except under emergency circumstances.

## 2. Interactions are Monitored

When one-on-one interactions between Covered Persons and Minors occur at an MLS NEXT or Club venue for Team training and games, including all parking, structures and ground on or immediately surrounding the venue (“Facility”), Covered Persons will monitor these interactions. Monitoring includes: (i) knowing that the one on-one interaction is occurring, (ii) knowing the approximate planned duration of the interaction, and (iii) dropping in on the interaction unannounced.

## 3. Meetings

- Meetings between Covered Persons and Minors at MLS NEXT or Club Facilities 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.
- If a one-on-one meeting takes place in an office, the door to the office must remain unlocked and open. If available, it will occur in an office that has windows, with the windows, blinds, and/or curtains remaining open during the meeting.
- If a mental health care professional meets with Minors at PDev or Club Facilities, a closed-door meeting may be permitted to protect patient privacy – provided that (i) the door remains unlocked, (ii) another adult is present at the facility, (iii) the other adult is advised that a closed-door meeting is occurring, and (iv) written consent of the parent/legal guardian of the Minor is obtained by the mental health care professional, with a copy provided to the Club.

## 4. Individual Training Sessions

An individual training session with an athlete (meaning not a Team training, but training involving one athlete and one Coach) may be necessary in order to further player development. Under these circumstances, the individual training session should be open and observable by others. Additionally, parent/legal guardian permission is required in advance of the individual training session(s), and parents/legal guardians are welcome to attend the individual training. Parents/legal guardians, and other caretakers must be allowed to observe individual training sessions. Permission for individual training sessions must be obtained at least every six months.

## 5. Out-of-Program Contacts

Covered Persons are prohibited from interacting one-on-one with minor athletes to whom they are not related in private settings outside of the program (including, but not limited to, one’s home and individual transportation), unless parent/legal guardian consent is provided for each out-of-program contact. Such arrangements are nonetheless strongly discouraged.

#### D. MESSAGE AND OTHER ATHLETIC TRAINING INTERACTIONS

- Any massage or other athletic training therapy or modality must be provided by a non-coach licensed athletic trainer or other certified professional. Such activities should never be done with only the Minor and Adult in the room. Where possible without compromising an athlete's privacy, such activities should be performed in open/Public areas (e.g., but not limited to, in a training room but not behind a screen) and in any event should be in an interruptible location.
- Even if a Coach is a licensed professional provider, the Coach shall not perform a massage or athletic training therapy or modality on an athlete under any circumstances.
- Icing and taping, though not limited to certified professionals, should, where possible without compromising an athlete's privacy, be performed in open/Public areas (e.g., on the bench; in locker room with others present).
- ***Icing and taping near the intimate areas of the body (i.e. "bathing suit areas") is not permitted*** by anyone other than a licensed medical professional and in any event cannot be done with only the minor athlete and professional alone in a room.

#### E. ELECTRONIC COMMUNICATIONS/SOCIAL MEDIA

Electronic communications are an ever-changing aspect of the way we communicate today. The specific rules below may reference certain forms of electronic communication, and the specific application of principles may change with regard to a given app, platform or method of communication, but regardless of the means, **the following principles apply across all manner of electronic communication and should be used to guide adult behavior when communicating with minor athletes:**

##### 1. Content Must Be Professional in Nature:

All electronic communications between a Coach/Team personnel and a minor athlete must be professional in nature (i.e. soccer-related) and for the purpose of communicating information about Team activities or Team-oriented communication (i.e. motivation, instruction).

- Communication or conversation regarding illegal or age inappropriate topics (drugs, alcohol use, sexually explicit language or imagery, or discussion of adult personal life, social activities, relationship or family issues) is not permitted.
- All communications must comply with the Prohibited Conduct defined in this Policy.

##### 2. Communications Must Be Open and Transparent:

The content of any electronic communication should generally be group-based and should always be readily available to share with the athlete's family, the Club, and MLS NEXT.

- Administrators, Coaches, staff and/or volunteers may not use SnapChat (or any similar app or app functionality that automatically deletes the content of a communication) to communicate with minor athletes.
- If a Covered Person needs to communicate directly with Minor via electronic communications, another Covered Person or the Minor’s parent/legal guardian will be copied.
- If a Minor communicates to the Covered Person privately first, the Covered Person should respond to the Minor, copying another Covered Person or the Minor’s parent/legal guardian.
- A Covered Person communicating electronically to the entire Team will copy another Covered Person.
- Consider using group-focused platforms under Club administrative control (e.g., but not limited to, Teamworks, etc.)

### 3. Keep Imagery Public

In posting imagery, Adults are expected to be sensitive to the status of Minors. This means any imagery posted to a Team website or social media should be soccer-related, not private (e.g., taken in Public view), and age appropriate.

- Under no circumstances should imagery depict any conduct that would violate any aspect of this Policy.
- Requests of parents/legal guardians of Minors to remove imagery in which their child is recognizable and individually featured will be honored to the extent practicable.<sup>5</sup>

*The following sections apply the above principles to specific areas of electronic communication and should not be viewed as narrowing the above.*

### 4. Prohibited Electronic Communications – Direct Messaging

- Covered Persons are not permitted to communicate privately via electronic communications with Minors, except under emergency circumstances.
- Covered Persons are not permitted to “private message,” “instant message,” “direct message,” or send photos to a Minor privately, regardless of what platform is used.
- Covered Persons are not permitted to maintain social media connections with Minors; such Adults are not permitted to accept new personal page requests on social media platforms from Minors; and existing social media connections with Minors shall be discontinued. Instead, athletes and parents can “friend” the

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<sup>5</sup> Where photos are team photos, although generally no child is individually featured the request will nonetheless be considered in good faith.

official organization's Team page and Coaches can communicate to athletes through the site or through similar group-focused methods of communication.

- Athletes and Coaches employed by Clubs may use email to communicate **provided** the Coach is using only his or her official club email account and further provided all email content between Coach and athlete otherwise complies with this Policy. When communicating with a Minor through email, another staff or volunteer member or parent must be copied.

#### 5. Requests to Discontinue

Parents/legal guardians may request in writing that their minor child not be contacted through electronic communication by the organization or by Covered Persons. PDev will abide by any such request, absent emergency circumstances.

#### 6. Social Media (including Texting, WhatsApp, GroupMe and Similar Apps)

- **Keep personal pages personal.** Administrators, Coaches, staff and/or volunteers may not invite or allow Minors to join a personal social media page unless they are directly related to that athlete and have the permission of the athlete's parent/legal guardian. Athletes should be reminded that initiating a "friend" request to administrators/Coaches/ staff/volunteers is not permitted.
- Administrators, Coaches, staff and/or volunteers are encouraged to set their social media pages to private settings.
- Similarly, those who work with Minors are reminded that they set an example for the Minors. If a page is not private, PDev expects administrators, Coaches, staff and/or volunteers who work with Minors to refrain from posting inappropriate, off-color content or content that would violate the Prohibited Conduct Policy or otherwise commenting on posts that would.
- **Choose Apps that support group-based communication.** Apps such as TeamWorks™ and GroupMe™ often provide a helpful way to communicate, but again, individual messages should be avoided.
- **Respect reasonable "soccer" hours:** Real-time electronic communications (e.g., texting via SMS, apps, etc.) between Coaches and athletes on a group basis is generally allowed between **8 am - 9 pm**, unless there is a specific safety- or soccer-related need to communicate.

#### F. LOCKER ROOMS/CHANGING AREAS

Athletes (especially minors) are particularly vulnerable in locker rooms and changing areas due to various stages of dress/undress and because athletes are less supervised than at many other times. The risk of athlete-to-athlete problems, such as child sexual abuse and bullying, harassment, and hazing, is present when coaches or staff members are not monitoring athletes. This is especially true in locker rooms. Adherence to a locker room and changing areas policy enhances privacy and reduces the likelihood of misconduct. The following

guidelines are designed to maintain personal privacy as well as to reduce the risk of misconduct in locker rooms and changing areas.

1. Use of Cell Phones and Other Mobile Recording Devices Prohibited

Cell phones and other mobile devices with recording capabilities, including voice recording, still cameras and video cameras increase the risk for different forms of misconduct in locker rooms and changing areas. As a result, **USE OF A DEVICE'S RECORDING CAPABILITIES IN THE LOCKER ROOMS, REST ROOMS, CHANGING AREAS OR SIMILAR SPACES IS PROHIBITED.** Exceptions may be made for media and championship celebrations, provided that such exceptions are approved by PDev and two or more adults are present.

2. Undress

Under no circumstances shall an Adult at an MLS NEXT or Club Facility be undressed (disrobed or partial or full nudity where private body parts are exposed) in front of Minors.

3. Isolated one-on-one interactions / Monitoring

- At no time are unrelated Adults permitted to be alone with a Minor in a locker room, rest room, or changing area when at an MLS NEXT or Club Facility, except under emergency circumstances.
- If a Club is using a Facility that has only a single set of such locker rooms, rest rooms or changing areas, times will be designated for use by each respective group (e.g., adults, minors, etc.).
- Locker rooms, rest rooms, and changing areas at MLS NEXT or Club Facilities should be regularly and randomly monitored to ensure compliance with this Policy.
- Adults will make every effort to recognize when a Minor goes to the locker room or changing area during practice and competition and, if the Minor does not return in a timely fashion, will check on the Minor's whereabouts.
- PDev discourages parents from entering locker rooms and changing areas unless it is truly necessary. In those instances, it should only be a same-sex parent. If this is necessary, parents should let a Coach or administrator know about this in advance.

4. Non-exclusive facility

If your organization uses a Facility not under its jurisdiction (e.g., for training or competition or similar events) and the Facility is used by multiple constituents, Covered Persons are nonetheless required to adhere to the rules set forth here.

G. LOCAL TRAVEL

Local travel consists of travel to training, practice, and competition that does not include coordinated overnight stay(s).

#### 1. Transportation

- PDev and the Clubs generally do not arrange for local travel for individual players from home to training/practice/competition.
- Covered Persons who are not also acting as a parent/legal guardian, shall not ride in a vehicle alone with an unrelated Minor, absent emergency circumstances, and may only drive with at least two other Minors or another Adult at all times, unless otherwise agreed to in writing by the Minor's parent/legal guardian in advance of each local travel.
- In any case where a staff member and/or volunteer is involved in a Minor's local travel, a parental release is required in advance. Parents/legal guardians are advised to consult the Center's Parental Toolkit concerning child abuse prevention before providing consent for their Minor to travel alone with an unrelated Adult.

#### 2. Shared or Carpool Travel Arrangement

We encourage parents/legal guardians to pick up their Minor first and drop off their Minor last in any shared or carpool travel arrangement.

### H. TEAM TRAVEL / OVERNIGHT STAYS

Team travel is travel that requires overnight stays away from home and occurs when any Club or Team sponsors, coordinates or arranges for travel so that Teams can compete locally, regionally, nationally or internationally. Because of the greater distances, Coaches, staff, volunteers and chaperones will often travel with the athletes.

#### 1. Covered Persons Requirements

Covered Persons who travel with a Team (whether Coach, trainer, referee, staff member, or volunteer/parent) must successfully pass a criminal background check and other screening requirements consistent with PDev's screening policies and complete the Core SafeSport Training.

#### 2. Travel to Competition

When only one Covered Person and one Minor travel to a competition, (including, but not limited to, youth referees) the Minor must provide evidence of his/her parent/legal guardian's written permission in advance of each competition before traveling alone with the Covered Person to a competition.

#### 3. Travel Arrangements

For Team travel, hotels and air travel will typically be booked in advance by the Club. Athletes typically will share rooms, with 2-4 athletes assigned per room depending on accommodations. The Club will also notify hotel management should any special arrangements be warranted. For instance, depending on the ages in travel parties, the Club may ask hotels to block pay per view channels or clear mini-bar areas. Depending on the size of the group, the Club may also request an additional large room or suite so that its members and athletes may socialize as a group. Meetings shall not occur in individual hotel rooms, and the Club will reserve a separate space for adults and athletes to socialize and/or to support appropriate athletic training appointments.

#### 4. Hotel Rooms

Adults shall not share a hotel room or other sleeping arrangement with a Minor (unless the Covered Persons/Individual is the parent/legal guardian, sibling, or is otherwise related to the minor athlete). Clubs shall make every reasonable effort to avoid assigning players to the same room who: (i) are not related and are more than two years apart in age (unless authorized in writing by the younger player's parent/legal guardian); or (ii) have a known history of misconduct either with or against one another. In addition, no Adult should enter the hotel room or other sleeping arrangement of a Minor unless necessary for the safety of the Minor (e.g., in the event of emergency). Team meetings should never be conducted in a hotel room used for sleeping.

#### 5. Meetings / Supervision

- Meetings will be conducted consistent with the Policy for one-on-one interactions – i.e., any such meeting shall be observable and interruptible.
- Meetings may not be conducted in a hotel room used for sleeping.
- During Team travel, when doing room checks, attending Team meetings and/or other activities, two-deep leadership and observable and interruptible environments should be maintained.

#### 6. Mixed-Gender and Mixed-Age Travel

Athletes may only share a room with other athletes of the same age group (e.g., Minors with Minors, adults with adults) and gender-identity (if requested). Every effort will be made to room together any younger players that are “playing up”—i.e., players participating in divisions that are typically designed for players in greater age ranges. Athletes will also be further grouped by age (and gender, if applicable) for the purposes of assigning an appropriate chaperone. Clubs must make every effort to provide these groups at least one chaperone of the same gender.

***Regardless of gender or age, a Coach shall not share a hotel room or other sleeping arrangement with an athlete (unless the Coach is the parent/legal guardian, sibling or spouse of that particular athlete).***

*Similarly, in the event of referee travel, an adult referee shall not share a hotel room or other sleeping arrangement with a youth/minor referee (unless the adult is the parent/legal guardian, sibling or spouse of that particular youth referee).*

## 7. Coach and Staff Responsibilities

During Team travel, Coaches and staff members will help athletes, fellow Coaches and staff members adhere to the Policy guidelines in this Handbook. When not practicing, training, competing, or preparing for competition, Coaches and staff will monitor the safety and activities of athletes, fellow coaches and staff during Team travel.

Coaches and staff will:

- Prepare athletes for Team travel and make athletes aware of all expectations. Supplemental information will be given to parents/legal guardians of athletes who are considered inexperienced travelers, new or relatively new to Team travel, or who are under the age of 14 to familiarize themselves with all travel itineraries and schedules before the initiation of Team travel;
- Conform, and monitor for others' adherence, to all policies during Team travel;
- Encourage Minors to participate in regular, at least daily, scheduled communications with their parents/legal guardians;
- Ensure athletes are not alone in a hotel room with any Adult apart from a family member; this includes Coaches, staff and chaperones;
- Not use drugs or alcohol in the presence of Minors or be under the influence of alcohol or drugs while performing their coaching/staff duties (this applies 24/7 throughout a camp or travel trip); and
- Immediately report any concerns about physical or sexual abuse, misconduct, or policy violations to MLS NEXT, the Center and the appropriate authorities.

## **VII. COVERED PERSONNEL CODE OF CONDUCT**

MLS NEXT has affirmative expectations of all MLS NEXT Participants. By seeking to participate in MLS NEXT, MLS NEXT Participants agree to conduct themselves in accordance with the following standards:

### **A. GENERAL PRINCIPLES**

- **Competence:** MLS NEXT Participants shall maintain high standards of work, recognize boundaries, competencies, and limitations of expertise, and provide services for which they are qualified. MLS NEXT Participants shall also maintain up-to-date certifications in connection with their duties while participating in MLS NEXT Events or Competitions. If it determined that MLS NEXT Participants failed to maintain these certifications, then such MLS NEXT Participants may incur Sanctions, including, but not limited to, a suspension from MLS NEXT.
- **Integrity:** MLS NEXT Participants shall promote integrity in the practice of coaching and Club administration through honesty and respect. MLS NEXT Participants should function appropriately in accordance with their roles within MLS NEXT or a Club and never participate in actions, conduct and/or relationships that would be considered to be improper and/or harmful. MLS NEXT Participants shall not engage in betting, gambling or any other form of wagering on MLS NEXT Games. MLS NEXT Participants shall also not receive any gifts, meals or other accommodations in connection with the result of an MLS NEXT Game. If it is determined that MLS NEXT Participants participated in any of the above activities, then such MLS NEXT Participants may incur serious and significant Sanctions, including, but not limited to, Lifetime Bans and Fines.
- **Professional Responsibility:** MLS NEXT Participants shall ensure that they understand their professional roles and obligations, shall conduct themselves appropriately in accordance with the highest standards in their execution of any of their Club obligations, and shall adapt their methods to the needs of different athletes. MLS NEXT Participants must consult with, refer to and cooperate with other Coaches and personnel within MLS NEXT to best serve the interests of athletes and MLS NEXT. Any individual that participates in any MLS NEXT Competition or Event should always conduct themselves in an ethical manner, both within their Club and with any other individual at any Covered Program. MLS NEXT Participants shall report any wrongdoing or violations of this Policy, MLS NEXT Rules and Regulations or Disciplinary Code to the appropriate governing bodies. If it is determined that MLS NEXT Participants failed to uphold their professional responsibility by failing to report such violations or wrongdoings, then such MLS NEXT Participants may incur serious and significant Sanctions, including, but not limited to, Lifetime Bans, Suspensions or Fines.

- Respect for Participants: MLS NEXT Participants shall respect the fundamental rights, dignity and worth of all MLS NEXT Participants and MLS NEXT Program Staff. All MLS NEXT Participants should be aware of and respect cultural, individual, and role differences, including, but not limited to, age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, and socioeconomic status. MLS NEXT Participants should confront unconscious bias head on and work to ensure that there are no discriminatory practices in their respective Clubs. If it is determined that MLS NEXT Participants failed to respect the fundamental rights, dignity and worth of any MLS NEXT Participant, Program Staff, parent or volunteers, then such MLS NEXT Participants may incur serious and substantial Sanctions, including, but not limited to, Lifetime Bans and Fines.
- Responsible Coaching: MLS NEXT Participants shall be aware of their professional responsibilities to the community and the society in which they work and live. All Club Representatives should be role models for MLS NEXT athletes. All MLS NEXT Participants represent MLS NEXT and should not act in any manner that suggests MLS NEXT does not respect the fundamental rights, dignity and worth of all individuals, including those in the Club's surrounding community.

#### B. RESPECTING OTHERS

- MLS NEXT Participants understand and will comply with this Policy at all times, refraining from any Prohibited Conduct and ensuring a safe and welcoming environment for all athletes. MLS NEXT Participants shall not insult, make fun of, ridicule, or disparage in any way another MLS NEXT Participant- this may not include conduct associated with socially accepted coaching methods. If it is determined that any MLS NEXT Participant failed to ensure a safe and welcoming environment for athletes, then such MLS NEXT Participants may be subject to Sanctions, including, but not limited to, suspensions from MLS NEXT.
- MLS NEXT Participants must be committed to facilitating a diverse and inclusive environment. Discrimination, offensive remarks or adverse action of any kind arising out of or in connection with an individual's race, gender, ethnicity, age, sexual orientation, religion or other protected characteristic will not be tolerated in MLS NEXT, and Clubs will face serious and significant penalties, up to and including removal from MLS NEXT, in the event such actions are determined to have occurred.

#### C. PROFESSIONALISM

- Coaches shall provide services within the boundaries of their competence. New techniques shall only be implemented after a Coach has received appropriate training in such techniques. Coaches shall take reasonable steps in emerging areas in which generally recognized standards for preparatory training do not

yet exist. If it is determined that a Coach deliberately provided false information to MLS NEXT about his/her training for specific techniques and emerging areas, then that Coach and his/her staff may be subject to suspension from MLS NEXT Events and Competitions.

- When engaged in coaching, Coaches shall present information accurately and with a reasonable degree of objectivity.
- Coaches must also recognize the power they hold over athletes and therefore shall avoid engaging in demeaning conduct or any other conduct that could significantly affect the emotional well-being of an athlete. Such actions include, but are not limited to, using untoward language, such as curse words, and demeaning an athlete for reasons unrelated to the sport in front of other athletes.
- Coaches should establish an appropriate process for providing feedback to athletes. Such evaluation shall be based on the actual performance of relevant and established Program requirements. Coaches must perform evaluations and Team selections in a professional manner. The assessment, recommendation reports, or evaluative statements used to select Team members shall be based on information and techniques sufficient to provide appropriate substantiation for their findings. Coaches shall not accept any gifts, meals or other forms of compensation in connection with selecting the athletes for his/her Team. If it is found to be true that a Coach engaged in such improper conduct, then that Coach and his/her staff may be subject to serious and significant discipline, including, but not limited to, a Lifetime Ban from MLS NEXT.
- MLS NEXT Participants must refrain from aligning a Club to, or engaging a Club in, any sponsorship or other activity or association, be it personal, financial, social, organizational, or political, that might lead to misuse of their influence in their professional capacity as a role model for MLS NEXT athletes. MLS NEXT Participants shall not endorse on behalf of a Club any organization or group that disrespects others based on race, gender, ethnicity, age, sexual orientation, religion or other protected characteristics.
- MLS NEXT Participants shall only delegate duties and responsibilities to those that can reasonably be expected to perform them competently.

#### D. COMMUNICATIONS

- MLS NEXT Participants shall communicate honestly and openly with all athletes, parents, and other stakeholders about Club operations and with an athlete and his parents/legal guardians about Player/Roster decisions involving that athlete.
- MLS NEXT Participants agree (i) to specify financial and billing arrangements as early as possible in the professional relationship between Players and the Club;

(ii) to not exploit players and their families; (iii) to remain at all times in compliance with all applicable laws; and (iv) to not misrepresent fees (including, but not limited to, registration fees, travel fees, ancillary costs, etc.) associated with a Club's MLS NEXT participation.

- MLS NEXT Participants shall not make public statements that are false, deceptive, misleading, fraudulent, or that violate this Policy, the MLS NEXT Rules and Regulations or the MLS NEXT Disciplinary Code.
- MLS NEXT Participants shall not engage, directly or through others, in uninvited in-person solicitation of business from actual or potential athletes, potential sponsors or other participants in connection with any and all MLS NEXT Championship, Competition, Event, Playoff, Pre-Season, Post-Season, Regular Season, Season or Showcase.
- MLS NEXT Participants are forthcoming with the format, structure, and cost of training. Each training session will be supervised with a Coach, and if the designated Coach cannot or will not attend, a Coach of similar capabilities will be in attendance. Clubs will make reasonable efforts to communicate and to avoid apparent misunderstandings about training.

## VIII. PHYSICAL WELL-BEING

### A. RECOGNIZE TO RECOVER™

Recognize to Recover™ ([www.recognizetorecover.org](http://www.recognizetorecover.org)) is U.S. Soccer's education and awareness program aimed at promoting safe play and reducing injuries in soccer players of all ages. This program was developed to provide coaches, players, parents and referees with information, guidance and additional educational materials to improve the prevention and management of injuries. This comprehensive program addresses:

- Emergency Action Plan Criteria
- Cardiac Conditions Response
- Head and Brain Conditions / Concussion Management, although any conflicting terms therein are superseded by MLS NEXT's Concussion Identification and Management Protocol ("MLS Next Concussion Protocol").
- Environmental Conditions
- Injury Prevention
- Nutrition and Hydration

All Club are required to follow Recognize to Recover™ guidelines and, in particular, the concussion management protocols available at:

- [www.recognizetorecover.org](http://www.recognizetorecover.org)
- [www.ussoccerda.com/sports-medicine](http://www.ussoccerda.com/sports-medicine)

### B. MEDICAL CLEARANCE FOR COMPETITION

#### 1. Pre-Season Clearance

MLS NEXT requires all individuals on Club rosters to obtain appropriate medical clearance before participating in MLS NEXT. Although MLS NEXT does not manage individual Clubs and Teams nationwide, Clubs shall require each athlete enrolled in their Club to obtain medical clearance from his/her personal physician within the last twelve months prior to the start of each season, and prior to attending practice, strength and conditioning sessions or competition.

Annual physical check-ups by qualified physicians may identify medical concerns that could impact safety or performance and are helpful in understanding an athlete's current physical state of readiness for play. Physicians generally should be asked to review medical history, height/weight, vision, pulse and blood pressure, physical examination, and where practicable, we encourage an orthopedic screening examination. In addition to the foregoing, a physician may recommend additional testing based on an athlete's specific situation.

## 2. Clearance following Injury

The following applies to all Clubs:

- If an injured player is sent to a physician, the physician will determine when the injury has healed enough that the athlete may return to participation.
- Once an athlete has been cleared for return to play by a physician, the Team's Athletic Trainer ("AT") or licensed health care provider determines when the athlete is prepared to return to practice and game situations.

Once an athlete has been cleared by the AT to participate in practice and/or games, it is the coaches' discretion as to when the athlete will resume participation.

## C. TREATING MEDICAL PROFESSIONALS

### 1. Medical Professionals and Para-Professionals Required at Matches.

At each Game (as defined in the Rules and Regulations), the home Club shall provide an AT or medical professional with knowledge of the MLS NEXT Concussion Protocol and trained in any required game-day testing or other requirements therein. If the home Club fails to ensure the presence of such a medical professional or paraprofessional, the Game shall be cancelled and the home Club shall be fined in accordance with the MLS NEXT Concussion Protocol and Disciplinary Code, and subject to any exceptions therein.

### 2. Licensure Policy

MLS NEXT requires that treating medical professionals and para-professionals (physicians, trainers, etc.) serving Clubs comply with applicable regulations for licensure, registration and certification established by and consistent with state and federal laws and generally recognized professional and accrediting organizations. MLS NEXT also requires primary source verification of temporary permits, licenses, registrations or certifications prior to beginning work. Individuals employed in those positions requiring licensure, registration or certifications, as indicated in the job description are responsible for providing copies of their permit, license, registration or certifications and must possess the required licensure or certification at time of hire in order to perform their duties unless otherwise allowed by regulation (e.g. Athletic Training interns directly supervised by licensed ATs). It is the Club employee's responsibility to ensure compliance with these requirements and to ensure that their medical professionals and paraprofessionals maintain their license in good standing, complete all continuing medical education requirements, as applicable, and ensure timely renewals. Club employees and contractors will not be permitted to work if their license has expired prior to the receipt of renewal documentation, and will remain ineligible until their license, registration, or certification has been verified by the Club. MLS NEXT reserves the right to demand documentation proving that the foregoing Club obligations are being complied with and that their medical professionals and paraprofessionals are complying

with this licensure policy. Failure to produce documentation of verification within ten working days after a request may result in termination.