

POLICY 801-1 RISK MANAGEMENT

Section 1. Purpose

- A. The purpose of this risk management policy is to provide a program to evaluate whether the participation of individuals in the programs of the Association or its member clubs poses a risk:
 - 1. to the safety of other participants as required by Federation Bylaw 212.Section 1.(7), or
 - 2. to the security of the Association or any of its member clubs.
- B. This policy provides procedures and guidelines to administer the risk management program of the Association in a manner that:
 - 1. Provides a fair process to all persons involved in risk management decisions
 - 2. Provides reasonable standards for making risk management decisions
 - 3. Provides an opportunity to appeal an adverse risk management decision.
- C. No adult may actively participate in the activities of the Association or any of its member clubs until that person has registered with the Association as an Administrator and has a risk status of Approved.

Section 2. Definitions

- A. **Administrator** - any adult participant in the activities of the Association or its member clubs who acts as an official representative of the Association or club, including:
 - 1. Board members
 - 2. Employees
 - 3. Coaches
 - 4. Assistant coaches
 - 5. Team Managers
 - 6. Trainers
 - 7. Other adult Volunteers
 - 8. Youth over the age of 16 who serve in any of the positions listed in Section 2.A.1-7
 - 9. Any applicant for any of the positions listed in Section 2.A.1-7
- B. **Association (or OYSA)** - the Oregon Youth Soccer Association
- C. **Background Check** - the process of determining whether a person has a criminal history.
- D. **Background Report** - a report provided to the RMC containing details of an individual's criminal history.

- E. **Conditional Approval Agreement (CAA)** - an agreement between an Administrator, the RMC, and an Administrator's club which grants an Administrator a risk status of Approved, subject to the Administrator's compliance with conditions. The Administrator's club must also agree to any conditions which require supervision of the Administrator's activities.
- F. **Conviction** - an official entry in the records of a duly constituted court stating that an individual has been found guilty of a violation of a particular criminal statute of the jurisdiction for which the court is responsible. A conviction includes a finding of guilt based upon the entry of a plea of guilty or no contest, in addition to any finding of guilt after a trial.
- G. **Crime** - any offense defined by applicable law which has a potential sentence of confinement in jail or prison for a period of 30 days or longer, regardless of the actual sentence imposed.
- H. **Criminal History Disclosure** - the answers given by an applicant for a position as an Administrator to questions regarding the applicant's criminal record.
- I. **Disqualification** - a risk management decision which determines after a review of a person's background report that the participation of that individual in the programs of the Association and its member clubs poses an unacceptable risk to the Association, its member clubs, or the other participants.
- J. **Federation (or USSF)** - the United States Soccer Federation.
- K. **Felony** - an offense which is defined by applicable law as having a maximum sentence of confinement in jail or prison greater than one year.
- L. **Misdemeanor** - an offense which is defined by applicable law as having a maximum sentence of confinement in jail or prison for not more than one year.
- M. **Moral Turpitude** - refers to crimes that include elements of fraud and deception or intentional or reckless actions that cause harm to person or property. Whether a particular crime involves moral turpitude shall be determined by the elements stated in the law defining the crime.
- N. **Risk Management Coordinator (RMC)** - an individual employee of the Association who has been designated by the Executive Director to be responsible for reviewing background reports and making initial risk management decisions.

- O. **Risk Management Decision** - a decision regarding an individual's eligibility to participate in the activities of the Association or any of its member clubs which is made following a review of that individual's background report.
- P. **Risk Status** - the results of risk management decisions that are displayed in OYSA's Affinity database and are viewable by league and Association users of that database. The risk status for an individual administrator will be one of the following:
 - 1. Approved - a background check has been completed and no disqualifying criminal record is present.
 - 2. Under Review - a background check has been performed, but the information discovered must be reviewed before a final risk management decision is made regarding eligibility.
 - 3. Failed - a background check has been completed and a risk management decision has been made that the individual is disqualified from participating in the programs of the Association or any of its member clubs.
 - 4. Expired - more than 12 months has elapsed since the last background check was completed for an individual.
 - 5. None - no background check has yet been completed because the application is missing required information.

Section 3. Authority and Administration

- A. The Executive Director of the Association shall appoint an individual staff member to serve as the Risk Management Coordinator (RMC) of the Association.
- B. The Vice President shall be the OYSA Board's liaison with the RMC and shall manage appeals of risk management decisions as provided in this policy.
- C. The RMC's authority and duties shall include the following :
 - 1. Investigating reported violations of Risk Management policies.
 - 2. Reviewing background reports regarding Administrators.
 - 3. Making Risk Management Decisions regarding Administrators based on a review of background reports or other information received.
 - 4. Creating and maintaining records of background reports and risk management decisions.

- a. All such records are considered confidential and will be maintained in a secure manner.
 - (1) Paper records will be maintained in locked storage with only the RMC having access.
 - (2) Electronic records will be maintained in secure storage with access limited to the RMC.
 - b. Records may be shared with the Risk Management Coordinator of a member club to assist in enforcing risk management decisions.
 - c. Records may be shared with the members of an appeal panel in the course of handling an appeal.
5. Preparing and maintaining in consultation with the Vice President written guidelines indicating which specific crimes and classifications of crimes will be considered to cause a person to be ineligible.
 6. Entering into agreements with individual Administrators to grant a risk status of Approved subject to the individual's meeting specific requirements which may include, but are not limited to:
 - a. Enrolling in and successfully completing a drug or alcohol treatment program;
 - b. Enrolling in and successfully completing an anger management program;
 - c. Not driving a vehicle providing transportation to any club member other than the person's own family; or
 - d. Not being involved in any financial activities of a member club.
 7. Reporting the results of risk management decisions to US Youth Soccer or to the Federation as required by their bylaws and policies.
 8. Taking such other actions as may be reasonably necessary to carry out the purposes of this risk management policy.
- D. The RMC may request additional information from an individual and/or the risk management coordinator of the club to which an individual has applied during the course of evaluating a background report.

Section 4. Background Checks

- A. All Administrators of the Association and its member clubs are required to

have a background check prior to beginning any activities as an Administrator and annually thereafter.

1. The information necessary to complete a background check shall be collected in an individual's application to serve as an Administrator.
 2. The application shall require the applicant's:
 - a. Full legal name;
 - b. Date of birth;
 - c. Contact information;
 - d. Driver's license details;
 - e. Criminal History Disclosure;
 - f. Permission to submit information for a criminal background check; and
 - g. Acknowledgment of the requirement to promptly notify the Association's Risk Management Coordinator upon being charged with, or convicted of, any crime.
 3. The application may contain other information required by the Association or the club to which the application is submitted.
 4. Association staff shall provide necessary forms to collect required information.
 5. Information collection may be done entirely electronically as part of the Association's procedures for registering individuals as Administrators.
- B. Association staff shall arrange with a qualified provider
1. to perform background checks for each Administrator using the information collected in the Administrator's registration, and
 2. to provide Background Reports to the RMC for any Administrator who is found to have pending criminal charges or a record of conviction(s).

Section 5. Obligation to Disclose Criminal Record

- A. Every individual who applies for a position as an Administrator shall fully disclose their criminal history as a part of the initial application.

1. Failure to fully answer the Criminal History Disclosure in an application for a position as an Administrator may result in disqualification.
 2. Failure to disclose a conviction for a felony will result in disqualification.
 3. Failure to disclose a conviction for a misdemeanor may result in disqualification if:
 - a. Less than 7 years have elapsed since the conviction; or
 - b. Less than 10 years have elapsed since the conviction and the crime involved
 - (1) intentional injury to a person,
 - (2) the victim was a minor, or
 - (3) the crime was a sexual offense.
 4. There shall be no disqualification for failure to disclose a conviction if the conviction:
 - a. Has been set aside under the provisions of applicable law, or
 - b. Has been reduced to a violation or dismissed by court order following an individual's compliance with conditions set by the court.
- B. Any club official preparing an Administrator application for another person shall have written permission from the applicant to complete the Criminal History Disclosure and to grant permission to conduct a background check. The club shall retain a copy of the written permission in its records for a period of not less than 3 years.
- C. Once submitted, the Criminal History Disclosure will remain a permanent part of the individual's data record with the Association, visible only to that Administrator and Association users of the Affinity database with risk management clearance. An Administrator's Criminal History Disclosure does not need to be resubmitted unless there is a change in that Administrator's criminal record.
- D. Every registered Administrator shall promptly notify the Association's RMC, as well as the risk management coordinator of the club of which that person is an individual member, upon the occurrence of any of the following:
1. The individual is formally charged with a crime;
 2. The individual is convicted of a crime upon entry of a plea of guilty or no contest;
 3. The individual is convicted of a crime following a trial; or

4. The individual enters into a diversion agreement or other agreement that suspends entry of a sentence pending the individual's compliance with the conditions set in such agreement.
- E. The notice required by 6 must be delivered to the RMC not later than 30 days after any of the events stated in 6
- F. Any Administrator who willfully fails to provide the notice required by 6 and 7 shall be suspended from all activities with the Association or any of its member clubs as soon as the RMC receives confirmation of the pending charge(s) or conviction(s) for a period of not less than one year. The disqualification provided in this section shall be in addition to any other period of suspension or disqualification that may result from the charge(s) or conviction(s).

Section 6. Guidelines for Eligibility

- A. The RMC shall review the eligibility of an Administrator for participation in the programs of the Association or any of its member clubs:
 1. When the RMC receives a background report for an Administrator or applicant to be an Administrator;
 2. When the RMC receives information indicating that an Administrator has been charged with a crime; or
 3. When the RMC receives information indicating that an Administrator has engaged in conduct that is detrimental to youth players, whether or not any criminal charges have been filed as a result of such conduct.
- B. The Association and its member clubs will not knowingly allow any person to become, or continue as, an Administrator when that person's history of criminal convictions, pending criminal charges, or other actions involves activities detrimental to youth players.
- C. Activities detrimental to youth players include:
 1. Felonies and crimes of moral turpitude;
 2. Offenses in which a child is a victim or in which a child is caused to participate in the offense;
 3. Offenses in which sexual activity is an element;
 4. Sexual activity between an adult and a minor, regardless of whether the activity is consensual or whether any criminal charges are ever filed against the adult.

5. Offenses involving illegal use, possession, or distribution of controlled substances or alcohol, including DUIL;
 6. Offenses that indicate a pattern of disregard for authority; and
 7. Any other offenses which indicate a lack of regard for the property or rights of others.
- D. The RMC shall have the authority to determine whether an individual's criminal history or other actions are detrimental to youth players.
1. In evaluating whether an individual's criminal history or other actions are detrimental to youth players, the RMC shall consider:
 - a. The nature and severity of the crime for which an individual has been convicted or charged.
 - (1) All elements of a crime as defined by applicable law are presumed to have been proven.
 - (2) The severity of a crime will be measured by the maximum possible sentence that could have been applied as defined by applicable law.
 - (3) The actual sentence imposed does not affect an evaluation of the severity of a crime unless the judgment of the court specifically reduced the classification level of the offense as a part of the judgment—e.g., reducing a felony to a misdemeanor, or a misdemeanor to a violation.
 - b. The period of time that has elapsed since the conviction.
 - c. Whether the individual is currently under parole or probation supervision for the crime, and when such supervision is scheduled to be completed.
 - d. Whether the individual has successfully completed an appropriate treatment program, either voluntarily or as required by the court.
 - e. Whether the conviction is a single event or there is a history of other offenses.
 2. The RMC may request information from the risk management coordinator of the individual's club to determine whether:
 - a. The club has been informed of the individual's criminal record
 - b. The club supports the individual's serving as an Administrator despite the criminal record

- c. The club is willing and able to provide any additional supervision that may be required to enforce the terms of a conditional Approval Agreement
 - d. The individual has demonstrated remorse and provided restitution to victims as appropriate.
 - e. The individual is at risk to commit another crime.
- E. The RMC shall have the authority to disqualify any Administrator from serving in such capacity when the RMC finds that the person does not meet risk management eligibility guidelines.
- F. Special situations
 - 1. An individual who has entered into a diversion agreement with a court to avoid entry of a conviction for DUII may be considered ineligible until the court officially dismisses the charge.
 - 2. An individual who, following a conviction, is under supervision on probation or parole may be considered ineligible until such supervision has ended.
 - 3. Any conviction for an offense in which a minor is a victim or is caused to participate in the offense may be considered as a reason for disqualification for a longer period than a conviction for the same offense when no minor is involved.
 - 4. Convictions for offenses based on sexual conduct may be considered as a reason for disqualification for a longer period than the same classification of offense that does not involve sexual conduct.
- G. The Risk Management Coordinator shall have authority to enter into a Conditional Approval Agreement (CAA) with an Administrator and the Administrator's club in situations where the RMC has determined that the risk posed by the Administrator is modest, there will be a significant benefit to the club and its players by utilizing the services of the Administrator, and supervision by the Administrator's club will mitigate the risks to the Association, the club and its players.
 - 1. Any CAA must include full disclosure of the Administrator's background report to the club's risk management coordinator.
 - 2. The agreement must be in writing.
 - 3. If the CAA requires supervision by the club, the club must specifically agree to provide supervision.
 - 4. The club must agree to notify the RMC if the club learns that the

Administrator has violated the conditions of the agreement.

5. The agreement must be signed by the RMC, the Administrator, and the club's president.
 6. If the RMC finds that the Administrator has failed to comply with the terms of the CAA, the RMC may revoke the CAA and disqualify the Administrator. In such a case, the provisions of this Policy regarding disqualification will apply.
 7. An administrator who enters into a CAA may not appeal the decision of the RMC that a CAA is required to grant Approval.
 8. An Administrator whose CAA has been revoked may only appeal any subsequent disqualification on the issue of whether the Administrator has failed to comply with the conditions of the CAA.
- H. An Administrator who is disqualified under any of the provisions of this Section 6 shall be sent a notice as provided in Policy 801-1, Section 8.A.

Section 7. Suspension During Litigation

- A. The RMC shall suspend any Administrator who becomes a defendant in litigation detrimental to the welfare of youth players or litigation based on activities detrimental to the welfare of youth players from all activities in the Association or any of its member clubs.
 1. Matters detrimental to the welfare of youth players include crimes of moral turpitude, felonies, and other offenses as stated in Policy 801-1, Section 6.C
 2. An individual who is suspended under the provisions of this section shall be sent notice of the suspension as provided in Policy 801-1, Section 8.A.
 3. The suspension shall remain in effect until there is a final resolution of the litigation.
- B. A person who has been suspended under this Section may appeal, but the scope of the appeal is limited to whether the actions stated in the charges fall within the definition of activities detrimental to the welfare of youth players as defined in Policy 801-1, Section 6.C
- C. When the litigation is completed, the suspended individual may apply for reinstatement.
 1. The request for reinstatement must be sent in writing to the RMC.

2. The request must include a certified copy of the judgment of the court.
- D. Upon receipt of a request for reinstatement, the RMC will review the court's decision and will make a risk management decision whether to reinstate the individual.
1. If charges are dismissed based on a civil compromise, the RMC may consider the terms of the compromise in making the decision.
 2. If the individual has been convicted of a crime, the RMC will consider the criminal record in accordance with Policy 801-1, Section 6.D
 3. If the individual did not provide notice of the charges as required by Policy 801-1, Section 5.D, the RMC shall impose the suspension required by Policy 801-1, Section 5.F.
 4. If the individual is disqualified or suspended, the individual may appeal the decision as provided in Policy 801-1, Section 9

Section 8. Notice of Disqualification or Suspension

- A. When a risk management decision has been made that a person is not eligible to serve as an Administrator under any of the provisions of this policy, the RMC shall provide written notice to the person who is disqualified or suspended.
1. The notice shall inform the individual of
 - a. the details of the disqualification or suspension,
 - b. the right to appeal, and
 - c. provide information regarding when and where to submit a notice of appeal
 2. The notice shall be sent both by certified mail, return receipt requested, and by first class postal mail to the address provided by the individual in their registration record.
 3. A copy of the notice shall be sent to the risk management coordinator of the member club(s) where the individual has applied to be an administrator, or where the individual is already serving as an Administrator.
- B. The disqualification or suspension is effective when the individual's risk status is set to Failed in the registration database.

1. A disqualification or suspension shall remain in effect during any appeal.
 2. If an appeal is successful, the risk status will be changed as directed by the Appeal committee.
- C. A disqualification or suspension will remain in effect until a risk management decision is made to change the person's risk status to Approved.
- D. A new application will not be accepted from an individual in the same seasonal year that the notice of disqualification was sent, unless the disqualified individual provides the RMC with information showing a change in the person's criminal history or the individual's circumstances that affect eligibility.

Section 9. Risk Management Appeals.

- A. Any individual who has been sent a notice of disqualification or suspension in accordance with Policy 801-1, Section 8.A shall have a right to appeal.
- B. An individual who wishes to appeal a disqualification or suspension must file a notice of appeal with the RMC as follows:
1. The RMC may publish a form of Notice of Appeal, but the form is not required as long as required information is included.
 2. The notice must be in writing and be signed by the individual who has been disqualified or suspended.
 3. The notice must include the following information:
 - a. The name of the person appealing
 - b. A statement that the person is appealing from a disqualification or suspension
 - c. The postmark date shown on the notice
 - d. The date the individual received the notice
 - e. A statement of the grounds for appeal.
- C. The Notice of Appeal will be accepted only if it includes the required filing fee in the amount of \$100.00

D. Time of Appeal

1. The Notice of Appeal must be delivered to the RMC not later than 14 days following the date the notice of disqualification is received, or 21 days after the notice of disqualification was mailed, whichever comes first.
2. The Notice of Appeal must be received in the office of the Association by the close of business on the date stated in the Notice of Disqualification or Suspension.
3. The RMC may extend the date for filing the Notice of Appeal for good cause.
4. Failure to receive a notice of disqualification because the individual has moved and has not updated the mailing address shown in the individual's registration account in OYSA's Affinity database shall not be considered good cause to extend the time to file a Notice of Appeal.
5. If the Notice of Appeal is not received within the required time and no good cause is shown for an extension of the filing date, the RMC shall notify the appellant that the appeal has been dismissed.

E. Grounds for Appeal

1. The notice of appeal must state a specific reason why the decision of the RMC should be set aside.
2. Grounds for appeal include:
 - a. Factual errors that affect the risk management decision, such as:
 - (1) Incorrectly identifying the person disqualified;
 - (2) The background report does not show a court's reduction in the level of an offense at sentencing;
 - (3) A conviction has been set aside;
 - (4) Parole or probation supervision has been terminated by the supervising authority;
 - (5) An order of dismissal has been entered upon completion of diversion; or
 - (6) Other factual matters which may have affected the decision to disqualify.
 - b. The activities that are the basis of the disqualification are not detrimental to youth players as defined in Policy 801-1, Section 6.C; or
 - c. The appellant does not present a risk to players or member clubs despite the criminal history.

3. A claim that the disqualification or suspension will have an adverse effect on the appellant is not a ground for appeal.
4. The RMC shall dismiss an appeal if the Notice of Appeal does not state any grounds for appeal.

F. Reconsideration by RMC

1. If the stated ground for appeal is a factual error, the RMC will reconsider the disqualification.
2. If the RMC determines that the disqualification was based on a factual error, the RMC shall take one of the following steps:
 - a. Reinstate the individual and change the person's risk status to Approved;
 - b. Enter into a CAA with the individual; or
 - c. Leave the disqualification in effect despite the factual error and forward the appeal to the Vice President for presentation to a Risk Management Appeal Committee.
3. If the RMC determines that no factual error occurred, the appeal shall be forwarded to the Vice President for presentation to a Risk Management Appeal Committee.

G. The RMC shall forward the Notice of Appeal to the Vice President as soon as practical after it has been received.

H. The RMC shall send the Risk Management Record of the appellant to the Vice President along with the Notice of Appeal. The Risk Management Record shall include:

1. A copy of the appellant's Administrator Application, including the Criminal History Disclosure;
2. A copy of the background report for the individual;
3. A copy of the relevant statutes defining the crime(s) appearing in the background report; and
4. Copies of all written communications between the RMC and the appellant regarding the subject matter of the disqualification or suspension.

I. Appeal Committee

1. The Association Board of Directors shall appoint a panel of 5-7 persons who agree to hear risk management appeals.

- a. The persons appointed to the panel will serve for a term of one year.
 - b. The panel shall consist of persons who are not currently Administrators of the Association or any of its member clubs.
 - c. The panel may include individuals who have children actively participating in the programs of the Association or its member clubs.
2. Upon receipt of an appeal forwarded by the RMC, the Vice President shall appoint a committee of 3 persons drawn from the panel to hear the appeal.
 3. The Vice President shall select persons who are impartial to the outcome of the hearing. The committee members shall not:
 - a. Have a business or personal relationship with the appellant; or
 - b. Be members, or former members, of a club at which the appellant is a member.
 4. The members of an appeal committee shall keep confidential all information received during the course of a hearing and all deliberations of the committee.

J. Appeal Hearing

1. The Vice President shall schedule the date and time for the appeal hearing within 10 days following the Association's receipt of a Notice of Appeal.
2. The hearing shall take place within 30 days following the Association's receipt of the Notice of Appeal, unless the appellant agrees to a later date.
3. Unless otherwise arranged by the Vice President, Appeal Hearings will take place at the office of the Association, 4840 SW Western Ave, Suite 800, Beaverton, OR 97005.
4. The appellant and all witnesses are required to attend in person, unless an arrangement has been made with the Vice President for attendance by conference call.
5. The appellant may submit written documentation in support of the appeal. All such documentation shall be sent to the RMC who will forward the materials to the Vice President. The Vice President shall be responsible for providing copies of all written materials to the Appeal Committee
6. The RMC may submit a written report to the Appeal Committee regarding the appeal.

7. The Vice President will chair the Appeal hearing and participate in deliberation, but will not participate in the committee's decision.
8. The appellant may call witnesses in support of the appeal.
 - a. The committee will question the witnesses.
 - b. The appellant may question the witnesses after the committee has done so.
9. The committee may call the RMC as a witness to discuss the Risk Management Record or the RMC's report.
10. After hearing from witnesses and receiving any oral statement from the appellant, the Appeal Committee shall deliberate in private to reach a decision on the appeal. Only the members of the committee and the Vice President may be present during deliberations.
 - a. The committee may make notes of its deliberations and shall make a written record of its decisions.
 - b. The committee shall make specific written findings in support of its decision.

K. Scope of Review

1. The committee will not accept any evidence that is offered to show that the appellant is not guilty of a conviction appearing on the appellant's background report or that any such conviction was improperly obtained. All elements required by the statute defining the crime of which the person was convicted are conclusively presumed to have been proven or admitted as the basis for the conviction.
2. The committee will not accept any evidence regarding the legal process that resulted in any conviction appearing on the appellant's background report.
3. The committee will accept evidence that bears on the grounds for appeal stated in the Notice of Appeal.
4. The appellant has the burden of establishing the basis for the appeal.
 - a. If the basis of the appeal is a disputed question of fact, the appellant must provide clear and convincing evidence that the facts are as stated by the appellant.
 - (1) Issues regarding the judgment of a court may only be controverted by certified copies of court records

- (2) Issues of identity must be established by appropriate documentary evidence.
- b. If the basis of the appeal is a disagreement with the RMC's decisions regarding matters within the authority of the RMC, the committee shall uphold the RMC's decision unless the appellant establishes by clear and convincing evidence that the decision of the RMC is based on bias against the appellant, the RMC has abused his or her discretion, or there is not a reasonable basis to support the RMC's decision. Matters within the RMC's authority include:
 - (1) Determining whether an Administrator's criminal history or other actions are detrimental to youth players as defined in Policy 801-1, Section 6.C
 - (2) Determining whether an Administrator poses a risk to youth players, the Administrator's club, or to the Association based on the individual's background report.
5. In evaluating the appellant's claims on appeal, the committee shall consider that serving as an Administrator for the Association or any of its member clubs is a privilege, not a right. The programs of the Association and its member clubs are not intended to operate as a means of rehabilitating individuals who have encountered legal problems. They are intended to provide programs where youth players can participate in an environment of reasonable safety.

L. Decision on Appeal

1. The committee shall make specific findings regarding all issues in dispute on the appeal.
2. The committee shall make one of the following decisions:
 - a. Deny the appeal leaving the disqualification or suspension in effect;
 - b. Uphold the appeal and direct the RMC to change the appellant's risk status to Approved; or
 - c. Return the matter to the RMC with directions to enter into a CAA with the appellant and the appellant's club under the conditions set by the committee.
3. The Vice President shall prepare a memorandum which states the specific findings of the committee on the issues in dispute and the decision of the committee.
4. The Vice President will send the committee's decision to the appellant not later than 10 days following the hearing. The decision will be sent by both regular postal mail and certified mail, return receipt requested.

5. If the committee has directed that the parties enter into a CAA, the RMC shall prepare a CAA incorporating the conditions imposed by the committee and shall arrange to obtain signatures of the parties to the agreement.
6. The RMC shall maintain a database containing a record of the decisions of the committee.
 - a. Records of prior decisions, with names redacted, shall be made available to the committee.
 - b. Decisions in prior appeals that address the same or similar issues may be considered as a guide, but are not binding on the committee.