

## FAQ from Webinar regarding Hold Harmless Waiver

- If you are going to circulate a blanket hold-harmless, I would suggest you include representations by the parents that they will not bring a player to practice if they are running a temperature or exhibiting symptoms of COVID-19. At a minimum, it will emphasize to parents that they have responsibility to avoid the spread.
  - Yes, that would be a good inclusion and should be considered as part of “best practices”.
- Would having parents complete a Hold Harmless actually protect us at all? Or is just an attempt to offer us protection on paper, but not actually carry any weight legally?
  - Our counsel is of the opinion that the Hold Harmless agreement will be enforceable. Recreational facilities will be opened in Phase 4 of the “Reopening” of New York. It is anticipated that there will be a multitude of required procedures as well as additional “best practices” procedures for recreational venues and activities. USA Soccer may also issue their guidance on ‘best practices”. The adherence to not only the minimum required procedures but also the best practices will be important to preserve the protection of the Hold Harmless agreement.
- If contact tracing exposes that an outbreak can be traced back to one of our teams, would we be held responsible for allowing games/practices, or would the Hold Harmless offer us protection?
  - In a situation where contact tracing demonstrates that an outbreak traces to one of our teams through games or practices any potential liability will be a direct function of the degree to which the practices, competitions, and organizations adhere to the State required procedures and “best practices” that will be set out in the requirements for reopening of the state in Phase 4, as well as any recommendations from USA Soccer. “Best practices” should obviously include admonitions against attending a practice or competition if the player or anyone the player has been in contact with, exhibits, or has exhibited Covid symptoms. The requirements will no doubt spell out additional required and recommended procedures. As noted above preservation of the Hold Harmless provisions will require adherence to the mandated guidelines as well as best practices for prevention of transmission of the Covid virus.

***NYSWYSA is working on a hold harmless template and will send it out to all clubs once it is finalized.***