



Improper Sexual Conduct Policy National AMBUCS, Inc.

Policy Statement: National AMBUCS, Inc. has zero tolerance for improper sexual conduct - from staff, volunteers, or anyone else designated to act in a capacity associated with our name or our mission. We always have been, and will continue to be, committed to the safety and well-being of all persons we serve.

A. What is Improper Sexual Conduct Liability Insurance?

The intent of Improper Sexual Conduct Liability coverage is to provide an organization the means to legally respond to sexual abuse allegations against employees or volunteers.

NOTE: *Sexual abuse* should not be confused with *sexual harassment*. “Sexual abuse” can be defined generally as taking advantage of a person below the age of sexual consent or incapable of sexual consent.

B. How is this issue relevant to an organization such as AMBUCS?

According to our insurer, any organization that provides services to children/youth, developmentally disabled individuals of any age, or senior citizens should take reasonable steps to protect its clients from foreseeable harm. This includes adopting policies that limit opportunities for abuse to occur and ensuring the prompt detection of abuse.

In the for-profit world, businesses are held responsible for the actions of those they supervise. In volunteer organizations, the non-profit is responsible for the actions of paid staff and volunteers. Liability insurers are imposing stronger accountability requirements on organizations, including non-profits such as AMBUCS, for them to be eligible for Improper Sexual Conduct (ISC) coverage.

C. Aren't we already meeting this responsibility with the populations we serve?

As per our policy statement, National AMBUCS, Inc. wants to make clear that our organization has always had zero tolerance for such behavior - from staff, volunteers, or anyone else designated to act in a capacity associated with our name or our mission. By enacting this policy now and raising awareness about related legal considerations, we have an opportunity to re-emphasize our commitment to the safety and well-being of all persons we serve.

D. What are the ramifications to the organization, itself?

Accountability in non-profit organizations is more than a good stewardship of funds. It includes delivering our products and services while protecting people and property. Failure to do so can pose obstacles to achieving our mission:

- Legal battles could be costly in terms of actual damages, punitive damages, or settlements. Whereas only 1 in 125 non-profits ever experiences an Improper Sexual Conduct incident, the average claim cost is \$78,000. (Compare that to the average auto liability claim with injury, which costs about \$6,000.)
- The impact goes well beyond financial transactions. Adverse news coverage can damage credibility and trust, negatively affecting employees, community supporters, and service recipients. It may be more difficult to recruit volunteers and to land donors. And regulators might be prompted to suspect other perceived irregularities.

E. The Role of Risk Management

It's important to recognize the benefits of ensuring appropriate interactions between staff/volunteers and clients as opposed to ignoring the risks associated with inappropriate actions. Granted, in organizations, as in life, risks can't be entirely avoided; the price for participating in the world is to accept some level of risk. But it is feasible to minimize the possibility that something will happen and to proactively plan a response.

We manage risks to safeguard resources from surprising losses, to minimize the adverse effects of the losses that do occur, and to demonstrate due diligence. For a non-profit to achieve full potential for itself and those it seeks to serve, surprises must be anticipated and preparations must be made in order to turn aside or overcome the threats of bad surprises.

Reducing risk exposure is a shared responsibility. Everyone - employees, volunteers, chapter leadership, the board of directors, etc. - must work together to protect the client.

F. What are the new requirements and how is AMBUCS responding to them?

The elevated requirements are more about prevention than anything else. Our response is as follows.

- Agreement by National AMBUCS, Inc. to comply with the insurer's elevated requirements for Improper Sexual Conduct Liability coverage (as demonstrated by our signed business contract).
- Commitment and plan of approach formalized in this documented policy.
- Policy distributed to all staff and volunteers (via website) for self-education.
- Criminal background checks conducted on all paid staff as well as in clearly specified volunteer roles to screen for previous *convictions* of improper sexual conduct.
- Develop and distribute a list of common sense guidelines for members to use in their efforts to avoid improper sexual conduct incidents.

G. Who will be required to undergo criminal background checks and how will they be conducted?

Organizations providing services to vulnerable populations have a duty to take reasonable steps to screen applicants for paid or volunteer positions. In so doing, the AMBUCS policy does not violate any federal, state, or local laws prohibiting discrimination in the workplace.

1. Roles Designated for Compliance

According to our insurance agent, any paid staff person or volunteer who may be in a 1-to-1 unsupervised situation with a person served is required to get a criminal background check. The AMBUCS Executive Director and the AMBUCS National President have designated the following groups and individuals to be included, ***according to their roles:***

- a. All staff on the AMBUCS payroll, whether working at the ARC or elsewhere.
- b. All members of the AMBUCS National Board.
- c. All members of the Amtryke Advisory Committee.
- d. All Road Show Captains.
- e. Any member or volunteer routinely designated to make unaccompanied home visits or deliveries.

NOTE: There will be no exceptions to this list even, for example, for people we know or have worked with in the past. This action is not about making “guess-timates” about other people’s character; it’s about complying fully and in good faith with the insurer’s requirements.

2. Administration of the Process

The criminal background check process will be handled with the highest level of confidentiality and professionalism:

- a. Intellicorp is a nationwide provider of comprehensive background checks and employment screening solutions accredited by the National Association of Professional Background Screeners (NAPBS). They will electronically receive and analyze all personal data required for the checks.
- b. The Administrative Supervisor, located at the AMBUCS Resource Center is the only staff member authorized for this assignment. She will be the point of contact and communication for all other parties involved in the process.
- c. Chapter Presidents will ensure that members/volunteers in the designated roles in their chapter are aware of the requirement, are provided the information they need to comply, and that their eligibility to participate in activities with special populations has been verified.

3. Procedure

- a. Individuals will go to a link on the AMBUCS website (www.ambucs.org), and with a password provided by the Administrative Supervisor they will be connected to the secure Intellicorp website where they will enter the personal information required on an Authorization and Release form.
- b. When the electronic searches are complete, the report will be processed, and Intellicorp will transmit the results to the Administrative Supervisor by e-mail.
- c. If any convictions of improper sexual conduct are discovered in the background check, Intellicorp will notify that person directly via contact information previously provided. Disqualified individuals may challenge the accuracy of screening results by resolving disputes with Intellicorp, but until/unless AMBUCS receives a

correction from the agency, it will be assumed that the initial results received are valid.

NOTE: The results of this particular type of criminal background check show only offenses that led to actual convictions, not arrest-only data.

- d. Thereafter, the electronic results reside only in the Intellicorp database, where they are available in the event of a future legal need.

4. Billing

- a. Intellicorp will bill National AMBUCS, Inc. for the processing of all reports. The Resource Center will sort out which reports are the financial responsibility of each chapter and will send out invoices to those chapters.

- b. Records of accounts payable will be maintained by the Resource Center and included in appropriate financial reports.

NOTE: In recognition of this additional expense to the chapters, each chapter will be allowed one free report (\$14.95 value) to help get this requirement underway.

H. **Do chapters need to take any additional measures beyond the background checks?**

In light of the prevailing view that most improper sexual conduct perpetrated in non-profit organizations is not by individuals with prior convictions for such offenses (meaning, this is their first offense or they have not been caught before), guidelines have been developed for members to consult as a reference when sponsoring charitable events as further means to discourage the occurrence of improper sexual conduct. (See attachment: "Common Sense Measures to Maintain Safe Environments for Charitable Activities.")

**Common Sense Measures
to Maintain Safe Environments for Charitable Activities**
Attachment to National AMBUCS Improper Sexual Conduct Policy

**Improper Sexual Conduct Policy Statement
National AMBUCS, Inc.**

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It is an unfortunate truth that even with good intentions and caring hearts, bad things can happen around us. Even more reason for us to anticipate what could possibly go wrong and then work diligently to prevent it. Here are few suggestions on measures you can take to help protect the AMBUCS mission:

1. Plan for Safety.

- In each pre-event planning session, make sure the discussions include safety issues that are in the best interest of the client(s).
- Identify the people who will run the event, whether they are well-known volunteers or some who are just helping out for that one time.
- Be clear about roles and responsibilities and “who” will be “where” and “when.”
- Be sure it is clear to all parties what the start and stop times are for the event, which indicates the duration of your responsibilities.

2. In Selecting a Location or Assigning Duties, Avoid Isolation.

- Spaces that are open and visible to multiple people can create an uncomfortable environment for an individual at risk for exhibiting improper sexual conduct; therefore, incidents are less likely to occur.
- A volunteer/staff person should never meet alone with a client. If privacy is required, they can be out of earshot of others, but not out of sight. Or, encourage a parent or other relative or companion to accompany the client.
- If the activities are outside, make sure the landscape has open, visible spaces, with no possible concealment. Just remember, it can be easy to lose track of people in spaces that are really wide open.
- If the activities are inside, make sure there are clear lines of sight throughout the building, for example, no closed doors.
- Bright lighting is good - whether inside or outside.

- Avoid transporting clients alone under any circumstances. Even if you have to wait somewhere with a client for their transportation to arrive, make sure you have another staff/volunteer with you.
 - If you have to deliver an item to a client's home, it's best to take another volunteer/staff member with you. For our purposes, we'll call this the "buddy system."
- 3. Know Who Is Part of the Sponsoring Group and Who Is a Legitimate Visitor.**
- Don't assume that your obligation to prevent improper sexual conduct pertains only to staff/volunteers.
 - Be very careful about allowing people to help with the event who have not been made aware of improper sexual conduct issues and have no obligation for enforcing a safe environment. (NOTE: Providing a "newbie" with this handout, reviewing it with them, and addressing their questions and concerns is advised.)
 - Access Control: If you're outside, fencing around borders can prevent strangers from passing through.
 - Access Control: Consider using a single point of entry or a check-in at a central location where visitors can sign in and receive a nametag or other identifying sticker of some sort.
 - Definitely maintain sign-in/out records that specify date and time of client's attendance. These records should be retained by the sponsoring chapter should they be needed in the defense of a claim alleging improper sexual conduct.
- 4. Be on Guard.**
- Monitor who is present at all times; you want to be extra alert in situations that pose more risk for inappropriate behavior.
 - Monitor the situation by observing interactions and reacting appropriately.
 - Encourage other staff/volunteers to actively interact with clients to maintain adequate supervision.
- 5. For a complete explanation on how National AMBUCS meets the insurance carrier's requirements for Improper Sexual Conduct Liability coverage, visit www.ambucs.org. The full policy includes answers to the following questions:**
- What is Improper Sexual Conduct Liability Insurance?
 - How is this issue relevant to an organization such as AMBUCS?
 - Aren't we already meeting this responsibility with the populations we serve?
 - What are the ramifications to the organization, itself?
 - The Role of Risk Management
 - What are the new requirements and how is AMBUCS responding to them?
 - Who will be required to undergo criminal background checks and how will they be conducted?
 - Do chapters need to take any additional measures beyond the background checks?