



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 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 attract 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, the "unexpected" must be anticipated and preparations made 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 approved by the AMBUCS National Board.
- 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.
- A list of common sense guidelines developed and published for members to use in their efforts to avoid improper sexual conduct incidents.

G. Who will be required to undergo criminal background checks?

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 visits or deliveries, especially to homes.

NOTE: Chapters are not limited in the number of members who undergo a criminal background check, although anyone recommended for a check should meet the "role" criteria. There will be no "opt out" exceptions for people we know or have worked with in the past. This policy is not about making "guess-timates" about other people's behavior; it's about complying fully with the insurer's requirements. Identifying candidates by their roles effectively meets their requirements and our needs.

H. How will the background checks be conducted?

1. Administration of the Process

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

- a. The results of this particular type of criminal background check show only offenses that led to actual convictions, not "arrest only" data.
- b. 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.
- c. The Administrative Supervisor, located at the AMBUCS Resource Center (ARC) will be the sole point of contact and communication with IntelliCorp and with all AMBUCS staff, members, and volunteers involved in the process.
- d. 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.

2. Procedure

- a. Individuals will go to a link on the AMBUCS website (www.ambucs.org), and using a password provided to them beforehand by the Administrative Supervisor, they will be connected to the secure IntelliCorp website where they will enter the following personal information as required on the Authorization and Release form:
 - First, Middle, and Last Names

- Social Security Number
 - Date of Birth
 - Gender
 - Address (house or apartment number, street, city, state, zip code)
 - Email address
 - State where the work or volunteering will take place
- (Completing the electronic form takes about fifteen minutes, after which the individual simply logs out.)

- b. When the electronic search is complete, the report will be processed, and IntelliCorp will transmit the final results to the Administrative Supervisor by email. Thereafter, the electronic results reside only in the IntelliCorp database, where they are available in the event of a future legal need.
- c. Simultaneously, if any convictions of improper sexual conduct are discovered in the background check, IntelliCorp will notify that person directly via contact information the individual previously provided on the electronic form. Disqualified individuals may challenge the accuracy of screening results only by resolving disputes directly with IntelliCorp, but until/unless AMBUCS receives a correction from IntelliCorp, the initial results received will be considered valid.

3. 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 then send out invoices to those chapters. Bills mailed to the Resource Center from IntelliCorp, and invoices mailed from the Resource Center to the chapters, will contain only member/volunteer names associated with each test and related financial data, **no test results**.
- 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.

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

1. Chapters are strongly encouraged to adopt the practice of having members use the "buddy system" when dealing with vulnerable populations. In these cases, members would always work in pairs, regardless whether the person served is accompanied by a friend or relative. Such a practice prevents a staff person, member, or volunteer from being in a 1-to-1 unsupervised situation with a person served.
2. 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, 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 "Common Sense Measures to Maintain Safe Environments for Charitable Activities," which is a companion document to this policy and is also available on our website.