

Protect Against Sexual Harassment Lawsuits When Working With Minors

In recent years, organizations in certain industries, especially the religious and education sectors, have been propelled into the spotlight because of lawsuits stemming from allegations of sexual misconduct or abuse toward minors. Sexual misconduct, molestation and abuse are serious liability issues for any business, but certain organizations are especially at risk if there is frequent, unsupervised interaction between children and an adult.

You can take several steps to ensure your organization does not have to undergo expensive and embarrassing lawsuits, including careful screening of all employees and volunteers; strictly enforced supervision guidelines; sufficient education and training; and a specific plan of action to follow when someone suspects or reports inappropriate behavior. Read on for more information on how you can protect your organization from these types of risks.

Conduct Background Checks

One of the most important things your organization can do to reduce the risk of a sexual misconduct or harassment allegation is to take on staff and volunteers carefully. Require that all paid staff, part-time or full-time and regardless of their job description, consent in writing to a federal criminal background check. Volunteers who have contact with minors in a close setting should also be subject to a background check before being allowed to mentor or conduct activities in your facility. If you sponsor or organize overnight trips, those volunteers should absolutely be required to consent to a federal

background check. You should also search for all potential employees and volunteers in the National Sex Offenders Public Registry, to check for any type of sex offender record.

Take preventive steps to protect your organization from the liability of sexual harassment allegations, whether legitimate or false.

In addition to an official background check and examining the National Sex Offenders Public Registry, you should require all applicants—whether paid or volunteer—to provide a list of non-family references, complete with contact information. However, it is not enough to simply ask for this information—with every applicant, you should follow through and contact the references. Ask specific questions about the applicant's reputation and character to evaluate whether he or she will present a risk to your organization.

Depending on the size of your organization, many people may look at one application and the review process could go through several hands. To make the process easier and more effective, require documentation for all background and reference checks conducted. Likewise, if any applicant is allowed to skip the background or reference check process, require that a waiver be signed by the person who made the decision to exempt the

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applicant.

Enforce Supervision Procedures

It is important to set guidelines for paid employees' and volunteers' conduct for two reasons. First, it protects minors from ill-intentioned adults and makes the environment safer. Also, it protects employees and volunteers from potentially false allegations, which is just as important for your organization.

Some suggestions for supervision guidelines include having two adults in the room with children, discouraging one-on-one contact, requiring two or more children to be present with one adult and having a leader or principal randomly checking in on classrooms on a regular basis. For religious organizations, consider implementing a policy that volunteers must be members of the community for at least eight months before being allowed to supervise children or youth alone. Of course, not all of these suggestions will be feasible for each organization. However, you should institute those guidelines that are applicable in order to have a preventative system in place.

If your organization conducts overnight trips, the liability becomes exponentially more serious. Be sure to provide an adequate ratio of adult volunteers to participants for security purposes, and never allow male and female participants to sleep in the same area. Sleeping areas should also have supervision guidelines such as the two-adult and the two-child rule previously mentioned.

Require Education and Training

An important step that some organizations overlook is providing adequate education and training to allow employees and volunteers to understand the risk of sexual misconduct allegations. If you educate employees and volunteers, they are more likely to work with you to help reduce the liabilities and risks associated with dealing with youth and children.

Take the time upon hiring to educate staff on the policies and procedures of Athletic Republic. Be sure to

emphasize that sexual misconduct training is not accusatory; rather, it is for their protection. Also, it is a good idea to re-train all staff annually as a reminder about the seriousness of the risk.

Respond Appropriately

Many organizations get into trouble not because they failed to conduct the necessary background and reference checks, but because when there was evidence of accusations or problems, they did not react quickly and appropriately.

In training sessions, stress that all staff—including volunteers—are required to report suspicions or evidence of abuse to senior staff members, provided they themselves are not involved in the allegation. Senior staff should forward these reports immediately to the proper law enforcement officials.

To avoid further risk, take immediate action. Remove the employee or volunteer allegedly responsible from duty and do not allow him or her to supervise or come in contact with youth until the investigation is complete. This may be a difficult step, especially if it causes hardship or if there is widespread belief the staff member is innocent, but it is crucial in preventing expensive lawsuits claiming negligence.

Documentation is the key to reduced risk in allegation response situations. Keep detailed, written records of the allegations and interviews from all victims and alleged abusers. Re-visit your records and make sure they reflect the adequate background checks and reference checks you conducted to further document your efforts to prevent abuse situations.

The bottom line is your organization should work to avoid all circumstances that could lead to accusations of sexual misconduct or abuse, whether those claims are legitimate or false. You have the duty to protect your staff, volunteers and participants from the risks of harassment and harassment accusations. The nature of your organization makes this significantly more difficult,

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but with proper guidance and careful planning, you can mitigate risks and liabilities.

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