

# Risk Management for Alaska 4-H Volunteer Leaders

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## I. Risk Management Basics:

### What is a Risk?

Simply put, RISK is the uncertainty about a future event that threatens our organization's ability to accomplish our mission. It is the things that can happen to **PEOPLE** (4-H members, volunteers, spectators, donors); **PROPERTY** (buildings, facilities, equipment, material); **INCOME/FINANCIAL** (Monies 4-H handles, grants, premium money from fair, fundraising in the name of 4-H, contributions); or **GOODWILL** (UAF, CES and 4-H's reputation, stature in the community, and ability to appeal to prospective 4-H members and volunteers, professional credibility of staff and volunteers).

### What is Risk Management?

Risk management is a discipline for dealing with the possibility that some future event will cause harm. Risk management may be as uncomplicated as asking and answering three basic questions:

- What can go wrong?
- What will we do (both to prevent the harm from occurring, and, in the aftermath of an "incident.")
- If something happens, how will we pay for it?

It is up to the 4-H Agents and volunteer leaders involved with the program to develop a risk management plan.

## II. Liability Basics:

Liability is based on Laws:

- a) Criminal
- b) Civil: Tort Laws and Contract Laws.

For our discussion, we will be discussing Civil Laws related to Tort Claims

**Tort** – A private wrong, independent of contract and committed against an individual, which gives rise to a legal liability and is adjudicated in a civil court. A tort can be either intentional or unintentional. It is mainly against liability for unintentional torts that one buys liability insurance.

**Contract** – An agreement formed by an exchange of promises in which the promise of one party is consideration supporting the promise of the other party.

### **Biggest Operational Risk:**

**NEGLIGENCE** – Failure to use that degree of care that an ordinary person of reasonable prudence would use under the given circumstances. Negligence may be constituted by acts of either omission, commission or both.

- **Reasonable** – Using or showing reason or sound judgment; not extreme or excessive – denotes a hypothetical person in society who exercises average care, skill, and judgment in conduct and who serves as a comparative standard for determining liability.

- **Prudent** – Exercising sound judgment in practical matters; cautious or discreet in conduct; not rash; managing carefully.

Basis for Allegations of **NEGLIGENCE** in Youth Programming –

- Hiring or recruiting (Background checks)
- Emergency Training (Info given ahead of time; what to do)
- Supervision Ratios (Two adult rule; 1:8 or 1:10)
- Safe Transportation (Seat Belts, auto insurance, youth drivers)
- Equipment and Animals (Safe repair, caution around animals)
- Safety Procedures (Identified, recognized ahead of time)
- Inadequate Warnings (Known safety issues communicated)
- Maintenance (Facilities, steps, etc)
- Equipment (Equipment we use in our programs, electric cords)
- Secondary Injury (Injury resulting while helping someone already injured, e.g. vehicle accident)

#### **FOUR Elements of Negligence:**

- **DUTY OWED** – Was there a legal duty owed the injured party?
- **DUTY BREACHED** – Was there a failure to fulfill this duty?
- **ACTUAL DAMAGES** – Was there an injury to the party owed the duty?
- **PROXIMATE CAUSE** - Was the failure to fulfill the duty the direct cause of the injury?

#### **III. Volunteer Leader Protection**

Leaders need to understand no one is immune from lawsuits and they can be sued at any time for any reason. It does not mean the party suing will win. The University provides liability protection for qualified volunteer 4-H leaders.

#### **General Coverage Information:**

The University agrees to defend, indemnify and hold harmless those it determines to be qualified Volunteers in the same manner and to the same extent the University protects its other agents and employees from any claim, demand, suit for property damages or personal injury including death allegedly caused by the Volunteer's activities if the Volunteer: a) at the time of the occurrence was acting in good faith within the course and scope of his/her volunteer duties in accordance with the directions of the Supervisor; b) provides immediate notice to the University of any claim; and c) cooperates in the prosecution or defense of such claim and does not stipulate to any judgment or settlement without the University's approval.

To qualify to receive liability protection through volunteer work, specific criteria must be met. The system office of UA Risk Management and/or General Counsel office will determine eligibility for defense or indemnification based, in part, on the following guidelines:

1. Volunteers **MUST** be working under the direct supervision of a PAID University of Alaska employee. Supervision by a University employee means that the Volunteer is given the means and the direction for the performance of the work.

2. An individual is performing work where there is a legitimate need for services. The work for which he Volunteer is being recruited should be productive work for which payment would normally be made.
3. Volunteers must be engaged in activities related to the business or operations of the University of Alaska. Such activities are defined as work that furthers the goals and missions of the university in education, research, or community service.
4. Volunteers have the skills necessary to perform the work.
5. The person authorizing the volunteer services is not a family member or co-habitant of the volunteer.
6. For Volunteers under the age of 18, written permission must be received from campus risk management offices and from a parent or legal guardian.

#### **Personal Risk Exposures –**

An employee and volunteer leader's homeowner/automobile coverage will always be primary when they have an activity in their home, or are driving their personal vehicle while volunteering. The university's program would be secondary, meaning if the limits of the employee/ volunteer's personal liability coverage are exceeded, the university's insurance should come into play if the employee/volunteer was acting within the course and scope of the mission the university wanted performed.

#### **IV. RISK HANDLING STRATEGIES:**

- Identify Risk Exposures (What can go Wrong?)
- Analyze the probability and severity of loss related to those exposures (in other words, how much do you need to worry about it?)

Don't drown in all the "what ifs" ... focus on issues that have a higher probability of occurring and a higher risk of loss if they do occur.

1. Retain Risk: Uninsured, Self-insurance

2. Avoid Risk: Do not participate in program/activity
3. Assume and/or Reduce Risk
4. Transfer Risk

## **New RISK Management Plan, October, 2006**

- Grounded in **Essential Elements** of 4-H
  - BELONGING – Safe Inclusive environment; positive Relationship with a caring adult
  
  - MASTERY – Engagement in Learning; opportunity for Mastery and skill
  
  - INDEPENDENCE – Opportunity for self-determination; seeing Oneself as an active participant in the future.
  
  - GENEROSITY - Opportunity to value and practice service For others; giving *back* to the community.
  
- **Risk Management Basics TRAINING:** Liability, Medical/Accident Insurance, Employee/Volunteer Protections, Risk Handling Techniques shared with staff/volunteers. WHY?
  - Reaffirm organization’s dedication to youth and their well-being
  - Carefully select adults to work in University of Alaska CES Extension youth programs: interview, background check, reference checks, position descriptions
  - Establish policies that provide a safe, positive environment for all participants.
  - Provide education and resources to detect and prevent child maltreatment, and establish barriers to unsafe situations in Extension youth programs.
  - Provide documentation of volunteer selection for coverage under University of Alaska criteria to receive liability protection through volunteer work.

Source: Adapted from University of Florida, Institute of Food and Agricultural Sciences (IFAS) “Volunteer Resource Packet, Selecting Volunteers and Establishing Safe Environments in Extension Youth Development Programs” August 2005

- **Standard Operating Procedures (SOP's) STANDARDIZED**
  - Live by "2 adult" rule
  - Work with youth in reasonably open spaces where others are welcome to enter.
  - Minimum 1 adult for every 10 youth for any events.
  - Respect privacy of youth, especially when clothes are changed or showers taken.
  - Never use physical punishment
  - One unrelated adult should not be lodged with one youth during an overnight stay.
  
- **Comprehensive Volunteer Leader Screening**
  - Returning Volunteer Leader Application revised
  - New Leader Application
  - Level 3 Scrutiny of Background Checks: National and State Data Base – criminal history, sexual offender list.
  - Cost: \$6.50, paid at time of application
  - Opportunity for self-disclosure and if negative report, Opportunity for refuting information.

## RISK MANAGEMENT FOR ESTABLISHING SAFE ENVIRONMENTS FOR YOUTH

### DEFINITIONS:

**Abuse** – Any willful act or threatened act that results in physical, mental or sexual injury. . . or significant impairment.

**Maltreatment** – Includes emotional, physical, sexual abuse or neglect.

**Neglect** – Occurs when a child is deprived or, is allowed to be deprived of necessary food, clothing, shelter, or medical treatment.

**Reasonable and Prudent** – Means that a person acts in a way that others, who have similar background and training would act in these circumstances.

**Threatened Harm** – A situation, circumstances, or behavior which leads a prudent person to have reasonable cause to suspect abuse or neglect

has occurred, or may occur in the immediate future, if no intervention is provided.

Source: Adapted from: University of Illinois, Extension 4-H, "Avoiding a Can of Worms: Developing Risk Management Strategies for 4-H meetings and Events."

**DECISION: TO ACCEPT OR NOT TO ACCEPT – A POTENTIAL VOLUNTEER**

Reasons to reject an application to work with youth in Extension Programs include, but are not limited to:

- Sexual assault
- Sexual abuse
- Purposefully injuring a child
- Incest
- Indecent exposure
- Abandonment or endangerment of a child
- Possession or promotion of child pornography
- The sale, distribution, or display of harmful material to a minor
- Criminal homicide
- Crimes related to the possession, use or sale of drugs or controlled substances
- Aggravated assault
- Kidnapping or unlawful restraint
- Convictions for driving while intoxicated, or repeated other driving offenses.

Alaska Dept. of Public Safety Sex Offender Registration/Registry  
<http://www.dps.state.ak.us/nSorcr/asp/>