

Who's Responsible for Staff After Hours?

Organizational responsibility for staff members becomes fuzzy during non-work hours or after camp has closed for the season. Markel has received a number of sexual abuse claims involving staff (usually younger male staff) and youth after camp has closed or during non-work hours away from the club. Many administrators believe the camp or club should not be responsible for staff actions during this time. However, because the relationship was begun at the youth organization, the courts tend to look at the organization's policy manuals and training programs to determine what types of staff-youth relationships are permitted during non-work times. The courts also look at what parents were told was permitted by the organization.

Appropriate risk management steps to take include:

- Have a written policy specifically detailing acceptable contact between staff and youth after hours or after camp has ended. Communicate this policy at least annually to all staff.
- Include in that policy the acceptability of e-mail communications between staff and youth, and clearly describe the type of content that the organization considers unacceptable.
- Communicate to parents the organization's policy regarding staff contact with youth after hours or after camp has ended. Clearly indicate that the staff member is not acting on behalf of the organization at that time. Provide parents with a contact name and telephone number for reporting any suspicions or problems.
- Investigate immediately if you receive a complaint from a parent, hear suspicions voiced by another staff member, or view inappropriate behavior. Although the liability issue may be questionable, the potential public relations nightmare could reflect poorly on your organization.

If you have a safety or risk management question or a suggestion for a topic, please contact Markel's Risk Management Department at safety1st@markelcorp.com.