Education and Non-Profit Insurance Company of America, LLC formerly The Ruboyianes Company, is an Independent Insurance Agency located in Tucson, Arizona specializing in insurance, risk management, and training for non-profit organizations, private and charter schools, CTSOs and other youth serving organizations.

ENPICA, LLC is a long-time partner and trusted advisor to CTSOs across the country. We currently work with organizations in over forty states in every program of study.

www.enpica.com
What are the roles of a HOSA Advisor?
Safety Champion!
Promoting a culture of safety starts here.

What are the responsibilities and concerns that you think of?
Crisis Situations
Abuse and Molestation

3rd Party Property Damage
3rd Party Bodily Injury
Advertising Injury
Wrongful Death
Equipment Loss/Theft
Employee Theft
Credit Card Forgery
Inadequate Background Screenings
Trademark Infringement
Cancelled Event
Due Diligence

Business Purpose Doctrine
Car Accidents
Volunteer Injuries

Age Discrimination
ADA Claims
Loss of Wages
Sexual Harassment
Breach of Contract
Bylaws Disputes
Scoring/Judging Disputes
Donation Loss

Due Diligence
Inadequate Background Screenings
Real Situations

Focus on the following:
Was this preventable? How?
First and best response?
Follow up and follow through?
Does your current insurance cover it?
Situation #1
While at officer leadership camp, a student officer discloses she was recently raped. It did not happen at this conference, nor did one of the members or volunteers do it. She is only 16 and has mentioned it was an older boy who did it. She is obviously shaken and looking to you for help.
Situation #1

- Make sure student is not in imminent danger
- Immediately report the rape to local authorities
- Do not “investigate” or promise to “fix” everything
- Notify your board and other vested partners
- Do chapter advisors and volunteers understand mandatory reporting, institutional reporting?
- “Safe to Tell”
- Abuse & Molestation, Professional Liability
Situation #2

During campaigning for state office, “Sara” tries to get her fellow candidates to bully one of the candidates. She devises a plan to start rumors and sabotage his schedule, so he will be nervous and unable to do well during his speech. Her fellow candidates report her behaviors to their state advisor. Their state advisor accuses “Sara” of bullying and lying when she denies it.

“Sara” reports this to her parents, and by then end of the day the advisor has received an email from an attorney, threatening her with a lawsuit.
Situation #2

- Make sure student involved in bullying is ok and in no danger of self harm, depression, etc.
- Do not accuse students until you have all of the facts
- Follow all written procedures for discipline
- Anti-Bullying contracts
- Notify your board and all vested partners
- Involve local advisor or parents as needed
- All students involved should complete witness report
- “Safe to Tell”
- Professional Liability, Directors & Officers
Situation #3

A CTSO hires a travel agency to take on travel planning for their NLC, including shuttle services from the airport. When the shuttle arrives, they immediately realize it is smaller than promised and not everyone fits. They are in a hurry and get in anyway. While on the road the back door opens, spilling luggage onto the highway for a few miles before the driver realizes it and stops. Most of their luggage is ruined.

The advisor replaces needed items with his personal credit card. He has no contract in place with either company and the travel agent will not return his calls.
Situation #3

- Always have signed contracts in place for all vendors
- If possible, obtain COIs from vendors
- It possible, have contracts reviewed
- A safe arrival is most important, take multiple trips
- All students and volunteers present should fill out a witness report
- Do not use personal credit cards
- Notify your board and other vested partners
- Commercial Property, Directors & Officers
Situation #4

While at FLC, a student has a seizure during competition. In the midst of this seizure she falls and hits the side of her head. The student is epileptic and has medication with her. She was running late for her session this morning and did not stop to meet up with her chapter advisor to get the medication, and her advisor failed to remind her.

After the seizure is over, the students seems fine and does not want to go to the hospital, but has a bruise on the side of her head.
Situation #4

- Make sure the student is safe and not in imminent danger
- Any student with an existing medical condition should have an action plan on file with advisor and it should be followed, within reason
- With a head injury, most likely always call 911
- Notify parent and guardian immediately
- All students and volunteers present should fill out a witness report
- Professional Liability, Accident Medical
While at your FLC, two girls sneak out of their room to go “party” after curfew with some students from another chapter. In the morning the girls tell their chapter advisor that they were sexually assaulted by two of the boys in the room.

Your chapter advisor tells you and the chapter advisor from the boys school. She says the boys are good kids, seniors who have never been in trouble, she’s sure it isn’t true. The girls are 15, this is their first time away on a school sanctioned trip.
Situation #5

- Make sure all students involved are safe and do not leave the victims alone if still at event
- Inform local authorities as soon as you become aware
- Do not “investigate” or promise to “fix” everything
- Notify all parents and guardians
- Follow all written procedures for discipline for any students involved in drinking and curfew breaking, etc.
- All students and volunteers present should fill out a witness report
- Notify your board and other vested parties
- Abuse & Molestation, Professional Liability
While at SLC, a chapter advisor decides to skip opening session and takes her students to the beach. Despite rough water warnings, several of the students go swimming. Almost immediately, one student is swept up in the current and goes missing. Several days later his body is found. His advisor was unaware that he was not a good swimmer, nor did she know that her school district policy was no swimming at off campus events.
Situation #6

- Immediately call 911 and parents or guardians
- Find any students and volunteers who saw anything and make sure they speak to the authorities
- If witnesses are ok, they should fill out witness reports
- Notify your board and other vested parties, work with them to prepare a message for the media, parents, schools etc. and make decision on continuing conference
- Provide counseling to students, volunteers, etc.
- Always make sure advisors are following the stricter of whatever policy is in place, in this case no swimming
- If swimming is allowed, students must have a signed permission slip
- Professional Liability, General Liability, Accident Medical
Situation #7
While traveling on behalf of a CTSO, a state officer arrives at the airport and is told to take an Uber to where he is staying. The Uber arrives and will not take him because he is a minor. He is left alone trying to figure out where to go and how to get there.
Situation #7

- Plan ahead for safe/reliable transportation
- Understand the line between teaching students self-reliance and Association Responsibility
- Know State regulations on student transport
- Follow up with parents on situation
- Avoid “public” transport if student is not chaperoned
- Professional Liability, Auto Liability
Situation #8

A mass shooting or other incident involving injury to multiple students occurs during Closing Session of your State Leadership Conference.
Situation #8

- Familiarize yourself with your surroundings – know your venue and your resources
- Checking credentials and bags at entrance
- Encouraging students and volunteers to report any suspicious behavior – Safe to Tell
- Keeping aware of comments being made on social media, looking for threats
- Reach out to local police during conference planning
- Crisis Management Planning/ALICE Training
Always Keep in Mind
Never offer to take responsibility
Do not gossip, speculate or over share
Share information on a need to know basis
You must report any (alleged) crime
Consistent documentation
Students should never be alone with adult
Always notify HOSA and your Board
Other Concerns:
- Background Checks/Screening
- Contracts
- Certificates of Insurance
- UBER/Public Transportation
- Internal Theft
- Abuse Prevention Training
- Conference Entry – Credentials
- Crisis Management Planning
Know your Resources:

Don't be an Island

HOSA, Inc

State Department of Education

Your Board

Local Police

Other CTSO Advisors in your state

Other HOSA Advisors

Insurance
STUDENT PERMISSION/MEDICAL RELEASE FORM
Code of Conduct Agreement, Permission to Participate in Activities, Media Authorization
Release of Liability, Emergency Medical Treatment Authorization:

Student Name: ___________________________ Date of Birth: ______ Phone: _______________

Address: _____________________________ Email: _____________________________

High School: ___________________________ Adviser: _____________________________

Parent/Guardian Phone: _______________ Email: _____________________________

This is to certify __________________ has my permission to attend all (Organization) sponsored activities for the ______ School Year. I also release (Organization), the school officials, the (Organization) chapter advisers, conference staff, and (Organization) staff and volunteers from any claims for personal injuries/damages which might be sustained while (s)he is traveling to and from an event or during an (Organization) sponsored activity.

I certify that my child is a swimmer / non-swimmer. I give permission for them to participate in aquatic activities.

I give permission to (Organization) and its staff, volunteers, and sponsors, and local or state Department of Education to use the student’s name and likeness (including photos, videos or quotes) in publications, productions, social media and on websites for informational, promotional or other (Organization) purposes without further contact.

I acknowledge and understand that the chapter adviser establishes the guidelines for individual students to attend and participate at all (Organization) events.

I authorize the above named adviser or (Organization) staff to secure the services of a doctor or hospital for __________. I will pay the expenses for necessary services in the event of accident or illness.

We have read and agree to abide by the supplied (Organization) Code of Conduct. Should a Code of Conduct violation occur, law enforcement personnel and or security may be called. A student in violation of this Code of Conduct may be disqualified and sent home at his or her family’s expense and membership may be revoked. If the student is an officer, a violation may result in removal from office. If the student is sent home, all measures will be used to secure a safe and financially sound method of travel home.

Student Signature: ___________________________ Date: ____________________________

Parent/ Guardian Signature: ___________________________ Date: ____________________________

Chapter Adviser Signature: ___________________________ Date: ____________________________

MEDICAL INFORMATION

Known Allergies (drug or natural) ____________________________________________________________

Current Medication ____________________________________________________________

History of heart condition, diabetes, asthma, epilepsy or other chronic condition ____________________________

Any physical restrictions ____________________________________________________________

Other conditions ____________________________________________________________

Primary Care Physician __________________________________ Phone: ________________________

INSURANCE INFORMATION

Company Name ___________________________ Phone: ____________________________

Please attach a copy of your insurance card.
Background Screening Guide for Youth Serving Organizations

Organizations that work with children value the safety of children in their care, and also the employees, volunteers and the people whom they serve. Therefore they should be proactive in protecting their human and material resources. Criminal background checks, motor vehicle checks and credit bureau records should be conducted for all organization personnel, contractors and volunteers working in any organization who have unsupervised contact with a child, the elderly or other vulnerable populations.

These screening tools are particularly important because of the threat of abuse or molestation of children and vulnerable adults is real and the perpetrator can be operating right in your town serving as a volunteer, coach or other leader. Under The Volunteers for Children Act of 1998, an organization can be held liable if it can be determined that the molester has been previously convicted of a similar crime.

CRIMINAL BACKGROUND CHECKS (CBC)

Who should be screened?
All paid personnel and volunteers who have direct contact with children and vulnerable adults during normal organized events must be screened. This includes but is not limited to: employees, civil servants, board members, counselors, contractors, and. To simplify and manage many variables, we recommend that you divide your workers into the following three categories:

EMPLOYEES
"Employee": Any lay person who is employed by the organization, whether part-time or full-time, who is given payment for services rendered, and for whom the institution is obligated to withhold payroll taxes. This definition does not include independent contractors, consultants, vendors or other persons who are not subject to the supervision of the institution and for whom no such duty to withhold payroll taxes exists.

VOLUNTEERS
"Volunteer": Any unpaid person engaged or involved in an activity, and who is entrusted with the care and supervision of children, or who have regular individual contact with the minors or other vulnerable population. Primary Volunteers – Volunteers with regular contact with youth or vulnerable population. This category also includes volunteers active in higher risk activities: largely unsupervised activities, off-site activities, overnight activities, drivers, etc. Primary volunteers should also be diligently screened. Secondary Volunteers – Volunteers who have occasional contact with youth or vulnerable population, but never in a one-to-one setting. This category also includes volunteers less than 18 years of age working with participants. Your organization may review the risks and decide to require less diligent screening.

How often should background screening checks be completed?
During the initial screening process and annually for all the above persons who have contact with children in the organization or its programs. Every three years for employees or volunteers that participate in supervised activities with children or vulnerable population. There should be no exceptions permitted.
LOSS CONTROL TECHNICAL BULLETIN

DISQUALIFIER GUIDELINES

What results are reasons to be disqualified for a position as employee, volunteer, leader, etc?

A person shall be disqualified and prohibited from serving as a representative of the institution, volunteer, and/or affiliated with the institution in any fashion:

➢ Refuses to consent to a personal criminal background search.

➢ Convicted of a crime of child abuse, sexual assault, child neglect, murder, voluntary manslaughter, felony assault, arson, robbery, burglary, indecent exposure, public lewdness, terrorist threat, and offenses against a minor, kidnapping, or felony of the Controlled Substance Act (including crimes whereby a plea of “No Contest” was entered).

➢ Has been convicted, in any combination, of the following offenses: misdemeanor assault and battery, Misdemeanor Theft.

➢ Has been twice convicted, in any combination during the past seven years, of the following offenses: Driving While Intoxicated (DWI) or Driving Under Influence (DUI), or any violation of the Controlled Substance Act.

➢ Judged liable for civil penalties or damages involving sexual or physical abuse of children; or subject to any court order involving any sexual abuse or physical abuse of a minor, including but not limited to domestic order for protection.

➢ Convicted of any lesser crime in which sexual relations is an element, including “victimless” crimes or a sexual nature (including pornography).

➢ Convicted of any lesser crime involving cruelty to animals.
LOSS CONTROL TECHNICAL BULLETIN

A QUICK GUIDE

➢ Refrain from one-on-one only contact or individual counseling.

➢ Avoid private conversations with youth members if at all possible.

➢ Have a written touching policy - only acceptable when it is consentual, appropriate and respectful.

➢ Have a written conduct policy - Refrain from name calling, ridicule or put-downs (verbal child abuse) Refrain from hurting, touching or excessive exercise used as punishment (physical abuse) - Refrain from threats to perform unreasonable tasks (emotional abuse) - Refrain from unwanted sexual contact or attempt at sexual contact that occurs between the responsible adult and a child for the purpose of the adult’s sexual gratification or financial benefit (sexual abuse).

➢ Use a buddy system - We recommend that every activity sponsored by your organization have a buddy system in space. Each participant should be assigned a buddy during sponsored activities. No child should go anywhere – to the bathrooms or other locations – without his or her buddy

➢ Prompt response to accusations - The organization must act quickly regarding all accusations of sexual or physical abuse. A person accused may be asked to resign voluntarily or may be suspended until the matter is resolved. A person who is accused but later cleared or charges, may apply to be reinstated. Reinstatement is not a right, and there should be no guarantee made that he or she will be reinstated to their former position.

➢ Chaperone ratio: The ratio of adults to youth should be a minimum of 1:8.
  ▪ Note: a maximum of at least two adult participants MUST always be present.
  ▪ When traveling overnight, children should be paired up with other children of same gender and similar age. Chaperones should be in separate but nearby rooms.

➢ Training / Awareness Program: One of the most important features of a screening program is the establishment and implementation of a formalized procedure for reporting abuse or suspected abuse. A very specific awareness program must be established that highlights the key guidelines and steps required when identifying and reporting suspected abuse. These steps must be documented and communicated to all participants in the organization. Initial training and continued-education training should also be an integral part of the Training / Awareness Program. Suggested areas of the program would include:

  1. Incident report documentation
  2. Reporting information to authorities
  3. Reporting procedures and communication procedures internally
CTSO
Debit and Credit Card Policy and Use Form

I, ________________________________, acknowledge the following policies regarding my use of the CTSO credit and/or debit cards:

1. The Arizona CTSO issued credit or debit card is to be used for CTSO business only. At no time will either card be used for personal or non CTSO business.

2. There will be no cash withdrawals.

3. All charges to CTSO credit or debit cards must be pre-approved. This may be done by completing a Credit & Debit Card Approval Form and having it approved and signed by the appropriate personnel.

4. Detailed receipts are required for each purchase or card activity. The card user is required to submit all receipts, along with the Credit & Debit Card Approval Form and a detailed Business Expense Form. Please attach all forms together and submit by the ___ of each month to:


5. Credit Limits must be respected at all times.

6. Lost or stolen cards must be reported immediately.

7. Misuse of the credit and/or debit card, either by using it for personal or non CTSO business, or stealing, will result in the user being held liable for restitution. Additionally, the card user understands that he/she may be charged and prosecuted for theft of Association funds.

8. Each card holder will sign a copy of this policy at the time the credit and/or debit card is issued.

I have read the CTSO Debit and Credit Card Policy. I understand, and agree to abide by all terms.

_____________________________________________  __ ______________________
Name         Date
Volunteer Screening and Training Certification
(Please Read Carefully)

(ORGANIZATION) is dedicated to protecting the safety and success of our members. In order to do so, as well as stay in compliance with (STATE) and Federal Laws, all employees, volunteers, staff, chaperones and guests of chaperones (“staff”) in direct contact with (ORGANIZATION) members must submit to a Criminal Background Check and complete Sexual Abuse Prevention Training. In partnership with local chapters, this form is required to be completed by an authorized representative of the school (district), certifying that all staff provided by the school (district) and working with members of (ORGANIZATION) have completed and passed a Criminal Background Check and Sexual Abuse Prevention Training.

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Information obtained is not an automatic bar to volunteering with (ORGANIZATION), but will be considered in view of all relevant circumstances. Please notify contact@organization.com of any issues, concerns or questions.

The above statements are true and complete to the best of my knowledge.

________________________________________
Signature

________________________________________
Print Name

________________________________________
Date

________________________________________
Phone Number

IMPORTANT NOTICE - The information and suggestions presented by ENPICA, PLLC are for your consideration in your loss prevention efforts. They are not intended to be complete or definitive in identifying all hazards associated with your organization, releasing you from all liability, or complying with any safety related, or other, laws or regulations. You are encouraged to alter them to fit the specific organization and to have your legal counsel review all of your plans and company policies.
YOUTH CONDUCT POLICY

Welcome to_____________________. We are pleased to have been selected to host your group for your event in _________________ and we look forward to being of service to our young guests and their chaperones to ensure that everyone has a great experience here. Please keep in mind that we do have other guests in the hotel as well. For the comfort and safety of both our youth and adult guests, we have instituted the following policies:

1. The guest signing for each room will be the person responsible for that room’s actions.
2. Please conduct yourself as ladies and gentlemen. Proper dress is required in all common areas of the hotel. (shoes, shirts, etc.)
3. Please refrain from congregating in the halls, lobby and walkways. Should you need a place to gather your group together, please see our Front Desk Staff who will direct you to a location that does not block the flow of traffic through the hotel.
4. When departing or returning to the hotel, please do so in a mannerly and quiet fashion.
5. Please keep your rooms as orderly as possible. If you order food to be delivered from outside of the hotel, please dispose of the leftovers properly. If additional trash bags are needed please contact the operator or Front Desk Staff.
6. While in your room, please keep the television and radio volume as well as conversation at a moderate level. These sounds carry through the walls to adjacent rooms.
7. The use of any athletic equipment is prohibited while inside the hotel. Any equipment seen being used will be confiscated by our staff.
8. Pulling fire alarms is a felony offense and will not be permitted.
9. Loud, obscene or boisterous behavior will not be tolerated and will result in only one warning.
10. A curfew of 10:00 pm is in effect. Please reduce your sound levels (talking, television, radios, etc.) to a low level at that time for the remainder of the night and ensure that guests under the age of 18 are in guest rooms or accompanied by an adult.

Please advise that the hotel staff will address any behavior issues with the guests involved, their chaperones, and possibly the host organization for your event. Failure to adhere to warning, or severe breaches of conduct may subject the individuals involved to be evicted from the hotel, without refund. We look forward to working together to ensure an enjoyable and successful stay in _________________for your group.

________________________________________________________________________

Chaperone/Advisor                                          Guest Signature/Room#/Date