Nonprofit Risk Management Center

The Kids Are All Right

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The beginning of the school year offers a reminder to children and teens that learning isn't always easy, that hard work generally pays off, and that rules and limits often exist to keep us safe. The same can be said about the lessons, hard work, and rules and limits that collectively comprise a youth protection program in a nonprofit.

The recent verdict in the criminal case against Jerry Sandusky offered a sobering reminder about the risk of sexual misconduct or abuse facing every nonprofit that provides services to vulnerable clientele, including children, individuals with disabilities and the elderly. While it remains true that vulnerable service recipients are statistically safer while participating in programs sponsored by nonprofits than they are in their own homes, the compassionate leaders of today's nonprofits must be aware of the potential for harm and avoid the naïve thinking that puts our clients at undue risk.

In the wake of the Sandusky trial, leaders of nonprofits seeking insurance coverage to fund the defense of potential claims are pressed to persuade their liability carriers that their organizations have learned from the mistakes of others and have implemented sound youth protection programs. Yet doing the hard work necessary to reduce the likelihood of misconduct should be primarily motivated by the sincere commitment to mission, rather than the more tangible goal of saving dollars on insurance coverage.

The technical elements of a youth protection program often include position and activity design, a staff screening protocol, and careful supervision of youth-serving programs and personnel. As a risk management consultant to leading nonprofits I've learned that in addition to these technical elements, a few underlying premises are key. These include:

1. ***Any adult in your nonprofit who is "above suspicion" shouldn't be.***During the 20-year history of the Nonprofit Risk Management Center, we have been retained on numerous occasions to conduct post-incident reviews for client organizations that have faced allegations of abuse. During several of these engagements we were told that the alleged—and eventually convicted perpetrator—was "an ideal citizen," "beloved volunteer," or "walked on water as far as we were concerned."No one in any nonprofit should ever be above suspicion or exempt from appropriate screening or supervision protocols.
2. ***Never ignore or discount reports of misconduct involving vulnerable clients.***During the Sandusky trial, the jury and public learned that reports of misconduct made by a graduate student in 1998 were not investigated. As difficult as it may be to imagine that a trusted insider has perpetrated a crime or violated your policies regarding the care of clients, allegations of wrongdoing must be investigated promptly and thoroughly.When inappropriate conduct or injury is alleged, it is imperative to

determine what happened, how it happened and identify immediate steps to prevent further harm.

3. ***Criminal history background checks do no inoculate your agency from the risk of misconduct.***Despite the volume of information now available on predators, including the fact that most have committed multiple offenses before their first arrest, too many nonprofit leaders continue to rely on background checking as a principal or sole youth protection measure. And many underwriters naively regard background checks as synonymous with youth protection.The hard truth is that background checks are simply one tool in what should be an evolving toolkit of practical strategies.
4. ***Never assume that staff and volunteers have a shared understanding of what constitutes permitted and impermissible behavior.***Many onlookers in the Sandusky case were dismayed, if not shocked, to read about the inappropriate “games” the now convicted coach played with young participants.Guidelines that clearly specify permitted and strictly prohibited conduct are a “must” for nonprofits serving vulnerable clients.
5. ***Changes in program scope, size or delivery warrant a close-up look at the effectiveness of youth protection measures.***The publicity surrounding the Sandusky case recently led the leaders of two leading nonprofits to engage the Center for an independent review of youth protection measures. The leaders of these client organizations recognized that as their organizations evolve, strategies to provide a safe environment must also evolve.
6. ***No risk management strategy can prevent all harm. Don’t wait until harm is alleged before deciding how you will respond to allegations.***Nonprofit leaders are well-served to consider today how they will respond in the wake of allegations of misconduct involving a vulnerable client. Not even the nation’s largest and most respected agencies can guarantee a safe environment. Every organization should take the time to consider how it will respond with compassion even in the glare of a media spotlight.

Some nonprofit and insurance sector leaders expressed shock at the conduct that came to light in the Sandusky criminal trial. Some of these leaders no doubt wondered whether similar misconduct could occur in the organizations they serve or insure. The simple answer is “Yes, it could.”

But rather than dwell on that sobering reality, the key takeaway from the events at Penn State is that no organization is immune from heinous conduct by staff and volunteers. Leaders of youth-serving nonprofits should convert their fears into action. Step one is to recognize the reality of misconduct involving children, including that adults who prey on children are hard to spot. Step two is to design and implement practical strategies to reduce the likelihood of harm and ensure that misconduct is quickly surfaced and addressed. Step three is to thoroughly investigate any allegation of misconduct involving a young participant.

Effective youth protection programs can be implemented in large as well as small nonprofits. By first recognizing the potential for harm and then designing custom-fit strategies, we have the opportunity, if not the moral duty, to increase the odds that our kids are indeed, all right.

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