



Insurance &
Risk Management
Guide

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CHAPTER 1

INTRODUCTION - THE RISK MANAGEMENT PROCESS

DEFINITION OF LUCK:

When opportunity meets preparation.

As the definition of luck quoted above indicates, good things usually do not just happen. This is true in risk management. As we are all aware, there are always plenty of "opportunities" for accidents to occur. This is true for every aspect of a DeMolay chapter's activities. It is only through proper "preparation" that we are able to react to the "opportunity" and turn it into a safe activity for our young men.

The primary goal of this Risk Management Guide is to provide general information to DeMolay Advisors working directly with DeMolay chapters and to aid and assist them in managing a DeMolay program that creates a safe environment for our members. Through proper "preparation", we can help insure this will occur. This preparation is called "risk management".

"Risk management" is a term that will appear throughout this manual. Risk management is nothing more than a method to address potential safety concerns in such a way as to protect both our DeMolays and Advisors from potentially dangerous situations. Simply put, heightened awareness of potential dangers will lead to a decrease in the likelihood of those dangers occurring.

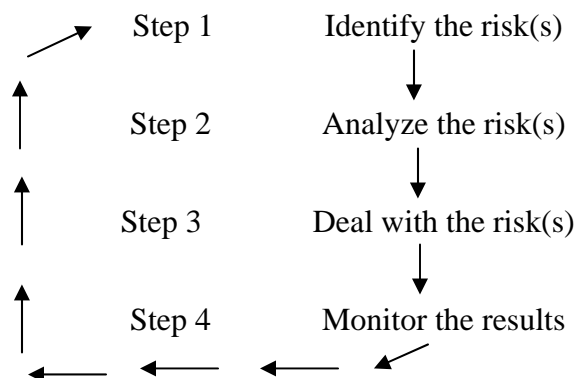
This Risk Management Guide does not attempt to detail every area of potential concern. This is not meant to be an overly technical guide, but rather a practical, common sense guide to address potential areas of concern that may arise when operating a DeMolay chapter.

Throughout this Risk Management Guide, reference is made to a typical DeMolay chapter. However, the Risk Management Guide itself is equally applicable to all DeMolay entities including chapters, priories, districts, regions, or jurisdictions.

Traditionally, DeMolay chapters have approached events with a variety of priorities or concerns. Those priorities have included things such as budgetary constraints (i.e., can we make money at the event?), and the level of success (i.e., will the event be fun?). The purpose of this Risk Management Guide is to suggest that risk management or safety considerations be added as a priority in the planning process.

Outlined below (Figure 1) is a diagram which shows the four steps that are involved in implementing a successful risk management program. If you employ this process when planning each event for your chapter, you will be better able to recognize potential risks and deal with them accordingly.

Figure 1 The Risk Management Process



The risk management process is simple to apply. For example, take a typical DeMolay event: A midnight bowling party. By implementing the four-step risk management process referred to in Figure 1, we will see how easy it is to make risk management a priority.

Step 1 IDENTIFY THE RISK(S)

In a typical midnight bowling party, there are several potential risks. For example, transportation to and from the bowling alley is a potential problem. Additionally, there is always a concern of property damage while at the bowling alley. Finally, given the late hour, you should be concerned about the ending time for your event. These risks should be identified by the Advisory Council prior to the event.

Step 2 ANALYZE THE RISK(S)

Each of the potential risks described in the preceding section should be discussed or analyzed at either the Advisory Council meeting or the chapter meeting. Don't be afraid to involve DeMolays in the process of analysis. Some of the risks are more likely to occur than others (i.e., a traffic accident is more likely to happen than property damage to the bowling alley itself). Therefore, once the potential risks have been identified, your analysis should focus on the proper method of dealing with each of these risks. From this analysis you should have a plan which will minimize the potential risks.

In analyzing the potential risks associated with any event, you should keep in mind not only the likelihood of the risk to occur, but the potential severity. Some risks are not very likely to occur, but the results would be devastating. In that situation, you must use extreme caution to avoid the possibility of that event occurring. In the midnight bowling party example, an automobile accident could have a potentially devastating effects both on the DeMolay chapter and the young people involved in the potential accident. Therefore, in planning the bowling party, you must take whatever steps are necessary to insure safe transportation for the DeMolay chapter.

Step 3 DEAL WITH RISK(S)

Once you have identified the potential risks, you must design a plan as to how you can minimize those risks. As indicated in the preceding section, these risks must be analyzed both in terms of the likelihood of their occurrence, as well as the severity.

The transportation risk is probably the most likely to occur. You should have a preconceived plan on how to transport your members to and from the bowling alley. Make sure that the drivers and vehicles are safe, and that you are not exposing your members to any undue risks in transporting them to or from the bowling alley. Make sure that the members will get home at a reasonable time and that the parents will know when to expect their child home.

The property damage to the bowling alley is probably the least of your risks. Proper supervision and instruction will prevent property damage from occurring. You can accomplish this by making sure that an appropriate number of Advisors at the activity.

Finally in analyzing the risks, the late hour the event is occurring should also be considered. You should ask questions such as: Are your drivers well rested? Do you have a definite ending time? Do the parents know the DeMolays will be out and when to expect them to return home? These are all concerns that should be addressed and dealt with.

Step 4 MONITOR THE RESULTS

After the event is over, re-evaluate the event from all aspects. You typically do this in any event. If the goal of the event was to raise money, when the event has concluded you will balance the receipts versus the expenses. Likewise, monitor the results of every event from a risk management standpoint. Review the event to make sure that there were no undue risks to which your members were exposed. By monitoring the results in this manner, you will complete the risk management process. This will necessarily involve returning to Step 1) "Identify the Risk(s)".

As Figure 1 indicates, risk management is an ongoing process. Applied correctly, it need not be time consuming, nor unduly burdensome. It should however, be done in connection with every DeMolay activity. If you keep in the mind the simple four-step approach for every event, the purpose of this Risk Management Guide will have been met.

There are a few considerations that should be kept in mind when planning any event. While this list is not meant to be comprehensive, these are considerations that should be examined in the planning process of each and every event, from events as simple as going out for pizza after a meeting, and as complex as planning and executing a Conclave.

SUGGESTIONS FOR BETTER RISK MANAGEMENT

- 1) All events should have a definite starting and ending time. This will assist in increasing all participants' knowledge as to what is expected. Parents and Advisors will know to plan their time accordingly and when to expect the event to end.
- 2) Keep parents informed. Parents and legal guardians should be kept informed of the activities of a chapter. This may be done in many ways. It can be done orally, simply through telephoning the parents to let them know what is going on. It also may be appropriate to start a chapter newsletter and detail the chapter's events in that publication. Parents should be invited to events and asked to help supervise where appropriate.
- 3) Keep records of events. In the chapter minutes, there should appear a reference to all authorized chapter events. Those minutes should describe the event and the relevant details (starting and ending times), as well as a list of participants.
- 4) Keep in mind the age of the participants. Your activities should be planned so that they are appropriate for age and skill of the young men in your DeMolay chapter. The things that may be appropriate for 19 year olds are not always appropriate for 13 year olds. When overnight stay is involved, it is a good idea to select roommates of approximately the same age.
- 5) Use the Release and Consent form. (See Chapter 4 regarding the appropriate form.) Although no Release and Consent form will totally protect you or your DeMolay chapter, a release form, properly used, can have many benefits. It will help keep the parents and DeMolays advised of exactly what events are going to take place. It will help set the expectations of the participants. A Release and Consent form will also provide you with valuable medical and insurance information about the DeMolay participant.

- 6) Make sure there is proper supervision for each event. Consider the age and skills of the participants as well as the number of participants. You should make sure that there is adequate supervision, both in terms of the number of Advisors present and the skill level of the participants.
- 7) All registered adult workers must have on file a properly completed DeMolay Adult Worker Profile form. Additionally, if parents, members of the sponsoring body, or any other adult volunteers are regularly working with the DeMolay chapter, they too should be asked to complete the DeMolay Adult Worker Profile form.
- 8) Your Advisors should be "DAD" trained. All Advisors of your DeMolay chapter, together with any other adults who regularly work with the DeMolay chapter, should take the DAD training program. This program should be offered in your jurisdiction on a regular basis. It provides valuable information for Advisors. It is also a good idea to repeat the DAD training program at regular intervals.

MOST COMMONLY ASKED QUESTIONS

1. **Who can be a DeMolay Advisor?** Any Senior DeMolay, Master Mason, or the father, mother, stepfather, stepmother, or guardian can be a DeMolay Advisor. In addition, the Statutes of the International Supreme Council have been changed to allow for Executive Officers to make provisions for including other non-Masonic Advisors on a DeMolay Advisory Council. These provisions are in effect in every jurisdiction, and if you have any questions about whether an individual may serve on a DeMolay Advisory Council, you should contact your Executive Officer. Non-Masonic Advisors can not be a Chairman of an Advisory Council.

2. **Can older DeMolays assist in supervision?** The answer to this question is yes, but only in very limited situations. It is natural for younger DeMolays to look up to older DeMolays for guidance and leadership. You, as an Advisor, may find ways to better supervise your chapter with the assistance of these older DeMolays. This is perfectly acceptable. However, it is not acceptable for older DeMolays to be responsible for discipline or put in a position where they alone are responsible for supervision. Use of older DeMolays in a supervisory capacity is only permissible where there are qualified DeMolay Advisors present. Qualified DeMolay Advisors will have the primary supervisory responsibility.

CHAPTER 2

AREAS OF CONCERN

A. AUTOMOBILE TRAVEL

We all know that in this country, there are some 40,000 traffic deaths each year. Based upon present DeMolay membership, we can expect that between seven and ten of these deaths will be active DeMolays.

In addition, there are over 1.5 million automobile related injuries each year that are serious enough to require medical attention. They range from minor cuts and bruises to permanently disabling injuries. Based upon present DeMolay membership, we can expect that between 250 and 300 of those so injured will be DeMolays.

Statistically, few of these deaths and injuries will occur at DeMolay functions. Most of the deaths and injuries that happen to young adults occur when adult supervision is not present. However, within our organization, there have been serious auto accidents. Therefore, we cannot assume that it will never happen to us or those in our charge.

Most of our local DeMolay Chapters will, from time to time, have activities and events that will require automobile transportation. Further, the primary way most of our members reach an activity, including jurisdiction meetings, is by automobile.

In an organization such as ours, unless we arrange it, most transportation to and from our stated meetings is provided by the members themselves or by members' parents. For the most part, how this is done is completely beyond our control.

However, if we arrange for transportation to and from a stated meeting, or if we arrange for transportation from a gathering point to and from a special function or activity, our organization may be held liable for any resulting transportation related injury. The most common example of such an injury is one received in an automobile accident.

Most of the private automobile transportation that will be arranged for members at the chapter level will be made with and through chapter Advisors and parents of our members. In some cases, it may even be made with members and their own or family's automobile.

There is no simple solution to meeting this potential risk. Often, we may not know who the driver will be or what automobile will be involved until very close to the activity. There are, however, reasonable steps that can be taken in regard to automobile travel that reduce the potential risks.

- 1) Avoid the use of unsafe drivers, regardless of age. We can not expose our DeMolays to unsafe driving habits or unsafe drivers. We can not condone individuals driving who exhibit a pattern of unsafe driving. You should not allow drivers who "hot rod", or race or otherwise drive in an unsafe manner.
- 2) You should not allow DeMolays to be transported in vehicles that are obviously unsafe. For example, if a vehicle has bald tires it is visibly unsafe; do not allow its use in any DeMolay activity.

- 3) Make sure the method of transportation is reasonable. Do not overload vehicles or use vehicles that are inappropriate. For example, do not put more people in the vehicle than is reasonably allowed. Do not transport people in vehicles that are not meant for transportation (i.e., the back of a pickup truck).
- 4) Make sure all traffic and safety laws are being obeyed. Encourage your drivers to have all passengers of the vehicles wear seat belts. Follow the local traffic laws in all respects.
- 5) Be aware of extraneous factors such as weather and traffic conditions. It is better to cancel or postpone an event, or to be late for an event than to embark on a trip that will be unsafe.
- 6) Make sure that your drivers are in an appropriate condition to drive. Make sure your drivers are well rested and able to drive in a safe manner. Consider making arrangements so those who will be driving the next day will be given an opportunity to get adequate rest, so that they will be properly prepared to make the drive home.
- 7) Consider traveling as a group. Although in some states it is illegal to "caravan", there is nothing wrong with driving in a group. By doing this, if one of the vehicles breaks down, there will be others on hand to lend assistance.

MOST COMMONLY ASKED QUESTIONS

1. Who can drive? Our national insurance policy does not set a minimum age for those who are able to drive to and from DeMolay activities. Anyone is allowed to drive that has a valid driver's license and is a safe driver. You may want to try and encourage parents or Advisors to do the majority of the driving, especially on long trips.

Some jurisdictions may set special limitations on the age of drivers who are allowed to drive to DeMolay events. The reasons for these special limitations vary, and include recognition of local laws, regulations, and driving customs. You should check the INSURANCE UPDATE to see if your jurisdiction places any special restrictions on the age of drivers. If you have any questions about the age of drivers who are allowed to drive to DeMolay events, please check with your Executive Officer.

2. Do I need to do anything with the driver information on the DeMolay Adult Worker Profile form? You should review the information when the profile is submitted. This is part of evaluating whether a driver is a "safe" driver. That information is just part of the analysis in determining who is an appropriate driver for your DeMolay chapter.

3. Do I need to do a driver's record check? It is a useful tool in determining whether a driver is safe, but is not mandatory. Accidents can happen at any time and unsafe drivers are not necessarily discovered by such a check. While none of us can predict when an accident will occur, common sense says that we should make sure that the drivers are safe.

4. If there is an accident, who's insurance will pay? DeMolay's insurance is secondary only. We expect the drivers to be insured and their insurance will be primary.

DeMolay, as an organization, does not provide any physical damage insurance for vehicles of volunteers. This means simply that Advisors or volunteers, such as parents or Masonic sponsors, who drive will have to rely on their own insurance if their vehicle is damaged during the trip.

B. ATHLETIC EVENTS AND SPORTS

Athletics and sporting events are some of the most common and popular activities that DeMolay has to offer. Virtually every DeMolay has engaged in athletics and sporting events. Although the likelihood of severe injury in sporting events is not as probable as other activities (i.e., a car accident), there is a greater likelihood of minor injuries occurring.

The most single common source of reported occurrences submitted to DeMolay insurance are injuries associated with athletics and sporting events. In response to the frequency of claims, our insurance company has, from time to time, placed restrictions on the types of events in which we, as DeMolays, may participate. Each year, an "INSURANCE UPDATE" will be produced and distributed to each and every DeMolay chapter. In this "INSURANCE UPDATE", you will find a list and description of approved and prohibited activities. These are changed each year to reflect the underwriting standards of our current insurer. Please refer to this list when reviewing potential athletic and sporting events. We must follow these guidelines strictly. If you have any questions about their operation or implementation, contact your Executive Officer or the DeMolay International Service and Leadership Center.

The definition of "approved" and "prohibited" activities varies from year to year depending on the insurance coverage in place. Some years, there may be no list of "approved" activities, but rather, all activities will be approved other than those that are specifically prohibited. Insurance companies evaluate our loss history in determining whether to specify a list of "approved" activities. We must rely on your common sense and experience in deciding whether an activity is appropriate for a DeMolay event. Just because an activity is not specifically "prohibited" in the "INSURANCE UPDATE", do not automatically assume that is appropriate for a DeMolay event.

In planning and organizing athletic and sporting events, there are a few steps that can be taken which will help insure safe and fun events. They are as follows:

- 1) **Rules.** You should have a definite set of rules for each athletic or sporting event. These rules should be prepared in advance and made known to your members. These rules should seek to insure the safe conduct of the event. The rules should be prepared recognizing the ages of the participants, the degree of their skill, and the ease of understanding. The rules need not be in writing, but they should be communicated to your members.
- 2) **Supervision.** You should make sure that each and every sporting or athletic event is properly supervised. Sometimes more than one Advisor is required. Judge each event based upon the number and age of the participants and the likelihood of injury.
- 3) **First Aid Kits.** Depending on the event, you may want to have a first aid kit available. The necessity for this will depend on the event itself and the likelihood of injury.
- 4) **Use the Release and Consent Form.** If you are going to engage in a long-term event, such as a softball league, it is especially appropriate to use the Release and Consent form. As indicated before, this will help keep the parents advised as to what is going on and let the DeMolays know what is expected. It will also provide you with valuable information in the unlikely event that an injury would occur. (See Chapter 4)
- 5) **Safety Equipment.** Make sure appropriate safety equipment is available. Some events, such as canoeing and boating, will require the presence of safety devices such as life preservers. Make sure appropriate safety devices are available for all participants.

- 6) **Instruction.** Some events, by their very nature, will require instruction by qualified individuals. Examples are archery and any type of events involving the use of firearms. If appropriate, have a qualified, experienced instructor available to assist your members in the safety aspects of the event.
- 7) **Equipment.** Some events require special equipment. Make sure that proper and safe equipment is available. For example, if you are playing basketball, tennis shoes are required rather than street shoes. If you are playing broom ball, participants should wear a helmet.
- 8) **Location.** Make sure the location is appropriate for the event. Some events will require a field, while others will require indoor courts. Make sure your event is being conducted in a location appropriate for the event.
- 9) **Common sense.** As an Advisor, you must use your common sense in deciding what athletic activities are appropriate for your DeMolay chapter. This will involve consideration of the age and skill of your chapter, together with the adult supervision that can be provided. Keep in mind that even though an accident may be unlikely, if it should occur, it may have a potentially devastating impact on you, your DeMolay chapter, and the individual injured. Make sure the events that you plan are safe for all involved.

MOST COMMONLY ASKED QUESTIONS

1. **How do I get an event approved?** Contact your Executive Officer and he will file the request with the appropriate person. Do not engage in any event that is not approved until you receive official notice that the event has been classified as "approved".
2. **What if an event is neither "approved" or "prohibited"?** If an event is neither "approved" or "prohibited", contact your Executive Officer. Your Executive Officer will check with the appropriate representative to find out which category the event will be placed. Again, you should not engage or commit to an activity until you receive permission from your Executive Officer.
3. **Are there events that are approved, but only under certain conditions?** Yes. This information is contained in the "INSURANCE UPDATE". You should be aware that restrictions on events changes from year to year and thus, consult your most recent "INSURANCE UPDATE".
4. **Are prospects covered by our insurance while participating in an athletic or sporting event?** The answer to this question depends on the type of insurance coverage that is being considered. Refer to Chapter 5 "Insurance Information" for general description of the insurance coverage in effect at any given time. In addition, the yearly "INSURANCE UPDATE" will contain a description of the types and limits of the insurance coverages provided during the given year. Generally, there is liability insurance provided for any participant in a DeMolay activity, regardless of whether that participant is a DeMolay or a prospect, or Advisor. There is, under some circumstances, medical insurance for injuries incurred during the event. However, this insurance is very limited. It is always expected that a DeMolay's or his parent's medical insurance will be primarily responsible for all medical bills. The same is true for prospects or any others attending an event.
5. **Can Advisors, sweethearts, or parents participate in an athletic or sporting event?** Yes. However, care should be taken to make sure that the event is being run in a safe manner. You must also

keep in mind the age of the participants and the nature of the event. An Advisor or sweetheart should not participate if their participation will increase the likelihood of an injury.

6. Do we need licensed umpires or referees? No. However, the referees and umpires should be qualified and familiar with the sport in question. They should also be advised of the rules and help enforce them.

7. Is it permissible to engage in "prohibited" activities if additional insurance is purchased? NO!! The prohibited activities list applies to all DeMolay activities regardless of whether you have purchased special insurance or not. If the event is prohibited, you may not engage in the event under any circumstances, regardless of whether you have insurance with other sources.

C. YOUTH PROTECTION

DeMolay International has produced a Youth Protection program specifically designed to reduce the potential of drug, alcohol, and child abuse. Every chapter should have in its possession a current copy of the Youth Protection Program. This program consists of various educational materials, video tapes and written materials. If you do not have a copy of this Youth Protection Program, contact your Executive Officer or the DeMolay International Service and Leadership Center.

The Youth Protection Program is designed to address many issues including the risk management aspects of youth protection. If you have any questions about risk management as it applies to youth protection, contact your Executive Officer or the DeMolay International Service and Leadership Center.

The Youth Protection Program is designed to be shown to every DeMolay and every adult working with DeMolay. It should be shown as often as possible to everyone who comes in contact with a DeMolay chapter including all DeMolays, all Advisors, Masonic sponsors, and parents. It is also appropriate for other youth groups such as church groups, Boy Scouts, etc.

There are a few simple rules which will help implement the Youth Protection Program as it applies to the risk management process.

- 1) Make sure all DeMolays are shown the Youth Protection Program. All existing DeMolays should be shown the program immediately. In addition, immediately after initiation, all new members should be shown the Youth Protection Program.
- 2) All Advisors and adult volunteers should be shown the Youth Protection Program. All registered Advisors must have viewed the Youth Protection Program. In addition, any adult who comes into contact with the DeMolay chapter, with any regularity, should be shown the Youth Protection Program. DeMolay recommends that as many people as possible be shown this program.
- 3) Do not room Advisors with DeMolays. It is inappropriate to have Advisors and DeMolays rooming together on overnight stays. Likewise, you should try and avoid rooming older DeMolays with younger DeMolays. You should try to have roommates approximately the same age.
- 4) Employ the two deep advising concept. This concept provides that at least two adults should accompany the chapter on all trips, outings, and activities. Some activities may require more than two adults.

- 5) Implement the safety rule of four. This rule requires that no fewer than four individuals (including at least two adults) go on all outings and trips. With the safety rule of four, if an accident occurs, one person can stay with the injured and two can go for help.
- 6) No hazing or unauthorized initiation activities are allowed. Only those official initiation proceedings defined in the International Supreme Council Statutes or the authorized ritual of DeMolay are allowed.
- 7) Follow the reporting procedures and guidelines contained in the Youth Protection Program. The Youth Protection Program contains explicit and detailed reporting procedures and guidelines for dealing with our youth. All Advisors and adult volunteers should be familiar with these guidelines and follow them.

MOST COMMONLY ASKED QUESTIONS

1. **Does the Youth Protection Program cost anything?** Each chapter was provided with a copy of the Youth Protection kit free of charge. If additional or replacement copies are desired, they may be purchased by calling 1-800-DEMOLAY.
2. **How often should the Youth Protection Program be utilized?** Every existing DeMolay should be shown the Youth Protection Program as soon as possible. Thereafter, when a young man joins DeMolay, he should be shown the Youth Protection Program. In addition, any new adult volunteer coming into contact with the chapter should view the adult portion of the Youth Protection Program. Every DeMolay Advisor must have participated in the program. It is also a good idea to have any adult who may come in contact with your DeMolay chapter to view the program.
3. **Are DeMolay Adult Worker Profiles forms part of the Youth Protection Program?** Yes. Every Advisor is required to have on file at the DeMolay International Service and Leadership Center a completed and approved DeMolay Adult Worker Profile form. In addition, any adult (parents, Masonic sponsor, or any adult volunteer) who is going to be serving as an Advisor on a regular basis, should complete and forward to his Executive Officer a DeMolay Adult Worker Profile form.
4. **Is it necessary that all adults working with a DeMolay chapter have on file a DeMolay Adult Worker Profile form?** Any Advisor who is duly registered on the Advisory Council Registration form must have on file a DeMolay Adult Worker Profile form. In addition, jurisdictional staff and International Supreme Council members must also complete and file the DeMolay Adult Worker Profile form. Other adult volunteers should be encouraged to complete and file the form also.
5. **Do new Advisors have to complete the DeMolay Adult Worker Profile?** Yes. Every person who is an official "Advisor" must have on file a completed DeMolay Adult Worker Profile form before becoming an Advisor.
6. **Is there really a need for a "Youth Protection Program" in DeMolay?** Yes, DeMolay has designed its Youth Protection Program to protect its members, and an important part of that program is the DeMolay Adult Worker Profile form. It is therefore absolutely necessary that the Youth Protection Program is implemented as written by all parties involved in DeMolay, including both the DeMolays themselves and Advisors.

D. EVENTS FOR WHICH A FEE IS CHARGED

Public events for which a fee is charged present special risk management concerns. A good example of this type of activity is a dance that is open to the public, and for which an admission fee is charged. Those attending are paying patrons!

Always remember that the law requires a higher standard of care toward paying patrons than it does toward non-paying guests or our own members. Great care must be exercised at all such events to eliminate or reduce anything that could be a source of injury to someone attending the event. There are a few simple rules that can help prevent accidents in these type of events.

- 1) Always make sure the location is appropriate for the event. One of the primary concerns with any public event for which a fee is charged is the appropriateness of the place where the event is to be held. For example, if you are going to hold a spaghetti dinner at the Masonic lodge, you should ensure that the building itself is in a safe condition. Are the sidewalks shoveled and free of ice? Are the steps and entrances safe for those who will be coming and going? Are there any unusual hazards in the lodge such as loose carpeting or a slippery floor? Are there any unusual risks that must be warned against?
- 2) Check with both state and local entities for public liability insurance requirements. Some entities such as state and local government will require that the user of a facility file proof of insurance, commonly called a "certificate of insurance". The requirements for obtaining a certificate of insurance is explained in more detail in Chapter 5. You may obtain a certificate of insurance by contacting your Executive Officer.
- 3) Is a "special event policy" necessary? If the activity is going to be held away from your regular meeting place, and involves paying patrons as well as building and contents liability, you may need to consider the purchase of a special events policy. This policy would be purchased through a local insurance agent. Before doing so, check with your Executive Officer and discuss with him the event itself and the insurance needs.

If the activity is going to be held away from your regular meeting place, you should check both local and state requirements for public liability insurance. You then should coordinate with your Executive Officer on DeMolay coverage. The coverage that DeMolay carries was never intended to provide coverage for a large commercial activity with paying patrons held away from your regular meeting place.

If the activity is going to be held away from your regular meeting place, you should check with the owner of the facility to determine your potential liability for the building and its contents. The coverage that DeMolay carries was never intended to provide building and contents coverages outside your regular meeting place and in most cases will be substantially inadequate.

If the activity involves paying patrons, questions may arise as to building and contents liability. In the event, the chapter may want to consider purchasing a "Special Events Policy" through a local insurance agent. Before doing so, coordinate with your Executive Officer, who may establish certain coverage minimums and conditions on the event. The Executive Officer will then forward the request to the DeMolay Service and Leadership Center. (See Chapter 5 for details).

MOST COMMONLY ASKED QUESTIONS

- 1. How do I obtain a "certificate of insurance"?** A certificate of insurance may be obtained by contacting your Executive Officer. See Chapter 5 for details.
- 2. What type of insurance does DeMolay provide with respect to public events for which a fee is charged?** The type of insurance provided by DeMolay is detailed in Chapter 5, as well as the "INSURANCE UPDATE". DeMolay provides a policy of comprehensive liability insurance. DeMolay does not provide property insurance coverage for buildings or property which DeMolay utilizes. See Chapter 5 and the "INSURANCE UPDATE" for specifics.
- 3. Are there any activities, which would constitute public activities for which a fee is charged, which are not allowed?** This is a difficult question to answer. Generally, the answer to the question depends extensively on the type of activity that is being considered. Typical activities, such as a spaghetti dinner or pancake breakfast, are generally acceptable. Even though they are acceptable, you should take care to insure that the location is suitable. Other public activities, such as rock concerts or sporting events, may or may not be acceptable depending on the circumstances. For any of these types of unusual activities, make sure your Executive Officer is kept advised of the activity and obtain his permission to hold the activity.

E. PROHIBITED ACTIVITIES

DeMolay is governed by the Statutes of the International Supreme Council. These Statutes set the guidelines by which all DeMolays, Advisors, and International Supreme Council members are governed.

The Statutes of the International Supreme Council contain certain prohibitions, such as prohibitions against the use of controlled substances. The Statutes also set certain minimum standards for membership, both for DeMolays and Advisory Councils. These provisions should be followed closely.

In addition, there are certain other activities, which by their very nature, can not be tolerated. The following is a list of prohibited activities:

- 1) **Drugs and Alcohol.** Drugs and alcohol can not be tolerated in any form at any DeMolay event. Use of drugs or alcohol can not be allowed before, during, or after any DeMolay event. This prohibition includes all controlled substances and applies to both DeMolays and Advisors.
- 2) **Sexual contact.** Sexual contact of any kind is not allowed at any DeMolay activity. This includes heterosexual or homosexual contact.
- 3) **Fireworks or firecrackers.** These are not allowed by either DeMolays or Advisors. If fireworks or firecrackers are discovered at a DeMolay event, they should be confiscated.
- 4) **Certain sporting events.** See the "INSURANCE UPDATE" for specifics. These activities will vary from year to year depending on the underwriting standards of our insurance carrier.

- 5) Owned vehicles. No DeMolay organization of any kind may own a vehicle. Ownership is prohibited by the Statutes of the International Supreme Council. Additionally, there is no insurance for vehicles owned by a chapter or jurisdiction.
- 6) Hazing or an unauthorized initiation. Hazing or an unauthorized initiation is not allowed. Any type of an initiation not specifically allowed either by the Statutes of the International Supreme Council or an authorized ritual are not allowed.
- 7) Pornography. No viewing or possession of pornographic materials can be allowed at any DeMolay event or in connection with any DeMolay activity. Pornographic materials should be confiscated upon discovery.

In addition to the above enumerated prohibited activities, there are many other activities which, by their nature, are inappropriate for DeMolay activities. Every activity must be judged in light of the purposes of DeMolay and the seven cardinal virtues. If you have any questions about a specific event, contact your Executive Officer or the DeMolay International Service and Leadership Center.

MOST COMMONLY ASKED QUESTIONS

1. **Is there insurance coverage for incidents involving the use of alcohol?** Probably not. See Chapter 5 and the current "INSURANCE UPDATE" for the specifics of DeMolay's coverage. Most insurance policies contain exclusions for incidents involving the use of alcohol. A typical exclusion would not provide coverage for bodily injury or property damage for which any member may be held liable by causing or contributing to the intoxication of any person, furnishing alcoholic beverages to those under the legal drinking age, or violating any statute or ordinance relating to sale or distribution of alcohol. Assume that there is no insurance coverage for these types of activities.

2. **If I confiscate alcohol at a DeMolay event, should it be returned upon completion of the event?** No. It is unlawful for those under the age of 21 to possess alcohol. You should not return the alcohol to any minor. Either destroy the alcohol or turn it over to the minor's parents.

3. **What should I do if a DeMolay is caught in possession of a prohibited substance (drugs, alcohol, and fireworks)?** The disciplinary procedures of DeMolay are contained in the Statutes of the International Supreme Council. Consult with your Executive Officer or other person in charge of the event and discuss the appropriate disciplinary proceedings. Any discipline should be carried out in conjunction with the guidelines contained in the Statutes of the International Supreme Council.

4. **What should I do if I have knowledge of a DeMolay or Advisor engaging in prohibited activities?** Immediately report the incident to your Executive Officer. He will then take charge and decide what action should be taken.

CHAPTER 3

INCIDENTS & REPORTING PROCEDURES

Even with a good risk management program, accidents do occur. This chapter will provide you with the basic steps on how to handle an accident and how to report an incident.

Once an accident occurs, there are several steps that should immediately be followed. They are as follows:

- 1) Take care of any injuries. Clearly, your first obligation is to care for any injured person, regardless of whether the person is a DeMolay, Advisor, guest, or an innocent third party. This care may involve medical assistance or notifying the authorities or both. We, as DeMolays and Advisors, must take the necessary steps to prevent further harm from occurring.
- 2) Where appropriate, notify the authorities. If an injury or accident has occurred, it may be appropriate to notify the authorities. This will depend on what the event is, and whether there is personal injury or property damage. We must govern ourselves with the reporting obligations imposed by the laws of your state or jurisdiction.
- 3) Gather the basic facts. In order for your Chapter DAD, Advisory Council Chairman, Executive Officer, DeMolay Service & Leadership Center, or DeMolay's insurance carrier to evaluate an occurrence, it is necessary that certain basic information about the occurrence be obtained.
 1. WHEN did the occurrence happen?
 2. WHERE did the occurrence happen?
 3. WHAT HAPPENED: Property Damage? Injury to a person?
 4. WHO was involved? Us? Them?
 5. LAW ENFORCEMENT CALLED? If so, Who?

Remember that you are not an investigator, nor should you try to be one. If you know any of the parties involved, and you probably will, you will most likely be biased. That an accident happened, or that somebody was injured, will be fact. Who, if anybody, was at fault, is YOUR OPINION. DeMolay is not initially interested in assessing who is at fault. You should simply gather the facts so that all responsible parties will be aware of what occurred. Make use of the Report Form contained in the Appendix of this guide. Please complete the form with the facts of the accident. At a later time, you may be asked for your opinions as to what occurred, however, during the initial investigatory stage just report the facts.

- 4) Do not encourage a claim. Just because something has happened, someone has been hurt, or property has been damaged, it does not automatically follow that we are liable. Liability can be created because someone has volunteered it. For example, after an automobile accident, people often have great sympathy for those who are hurt, even to the point of expressing fault where fault did not exist. Resist making any statement concerning liability at the accident scene.

Liability can be created inadvertently. Say a minor in our charge is hurt at an activity. A parent may assume that because it was our activity, we will automatically "take care of it". If we expect a family's medical insurance coverage to be primary, and we do, we must clearly communicate this to the parents before anything happens! The best opportunity to do this is through the proper use of a Release and Consent form. By doing this, the parents will know that they are expected to be responsible if an accident should occur.

- 5) Reportable occurrence. Any event where there is potential bodily injury or property damage exceeding \$100.00 must be reported. You should use the Report Form found in the Appendix of this manual to gather the basic facts and report them in accordance with the following outline (Figure 2).

Figure 2 Reporting Procedure

- A) Chapters. DeMolay members, chapter Advisors, and Advisory Council members should report all occurrences to their Advisory Council Chairman or Chapter DAD. If they are not available, contact your Executive Officer.
- B) Advisory Council Chairman or Chapter DAD. Report to your Executive Officer.
- C) Executive Officers. Report to the DeMolay International Service and Leadership Center.
- D) DeMolay International Service and Leadership Center. Report to the proper party representing our national liability insurance policy.
- E) District Officers (such as District Deputy or District Governors). If your Executive Officer has designated an Advisor or Advisors with the title and authority of District Deputy, occurrences happening at the chapter level should also be reported to this Officer, usually with a copy of what is transmitted to the Executive Officer.
- F) Major Damage or Major Injury. In the event of major property damage loss, very serious injury, or death, your Executive Officer should be notified by telephone immediately.
- G) Unavailability of Executive Officer. If in the event of major damage or major injury and immediate notification to the Executive Officer by telephone is not possible or cannot be completed, immediate notification should then be given to the District Deputy. If he too is unavailable, then give immediate notice by telephone to the DeMolay International Service and Leadership Center in Kansas City at (816) 891-8333. Alternatively, you may fax a copy of the Reporting Form to the DeMolay International Service and Leadership Center at (816) 891-9062.
- H) Notification to Masonic Body. If the occurrence happens on Masonic property, there may be concurrent liability on the part of that Masonic body. The Advisory Council Chairman should give ORAL NOTIFICATION to that Masonic body. A record should be made of the date, time, and to whom such a report was made. This information should then be provided to your Executive Officer.
- I) Jurisdiction or Local Chapter Policies. In addition to the national DeMolay policy, there also may be in effect a local or a jurisdictional insurance policy. These may be purchased by local DeMolay foundations, local chapters, local Lodges, or any entity connected with DeMolay. You should follow the same reporting procedures outlined above, except also notify your local insurance agent or other representative of the local or jurisdictional insurance company. You should also notify your

Executive Officer and the DeMolay International Service and Leadership Center of the existence of any local or jurisdictional insurance policy. You should provide them with the name of the insurance carrier, the policy number, the name and address of the local agent, and the appropriate adjuster.

- 6) Keep a copy of all documents. You should keep a copy of all documents regardless of whether you are Chapter Dad, Chairman of the Advisory Council, District Deputy or Governor, or the Executive Officer. This includes a copy of any insurance reports or notices that you receive.
- 7) Insurance investigators. In the course of any investigation, it is possible that you will be contacted by an insurance investigator. This investigator may or may not represent DeMolay or DeMolay's insurance carrier. If you are contacted by an insurance investigator or non-law enforcement person asking questions about the occurrence, you should contact your Executive Officer before speaking to that investigator. Your Executive Officer will contact the DeMolay International Service and Leadership Center and determine whether the investigator is representing DeMolay and DeMolay's interests.
- 8) Legal Action. If you are served with any type of legal document, immediately notify your Executive Officer and proceed according to his instructions. If your Executive Officer is not readily available, contact the DeMolay International Service and Leadership Center in Kansas City at (816) 891-8333 and ask for the Executive Director, or in his absence, some other director level employee. In addition, if you have a fax machine, you may fax a copy of any legal document to the DeMolay International Service and Leadership Center at (816) 891-9062.

MOST COMMONLY ASKED QUESTIONS

1. **If we are sued, will DeMolay provide me with a defense?** DeMolay purchases insurance which covers all DeMolays, Advisors, and volunteers. For details of that insurance, See Chapter 5 and the "INSURANCE UPDATE". Generally, the insurance provides coverage for all accidents. Under no circumstances does the insurance provide coverage for any intentional acts. This includes things such as physical or sexual abuse, or providing drugs or alcohol to minors. Insurance policies, by their very nature, cover only accidents, never intentional acts.
2. **How much detail should be included in the Reporting Form?** You should include as much detail as is necessary to convey what occurred. Keep in mind that you should report all the facts of the occurrence. Try to avoid any opinions or conclusions drawn from the facts. While these may be important later, they will simply confuse the issue during the initial report.
3. **Should I cooperate with the police in their investigation of an accident?** Yes. You must cooperate with the police during their investigation of an incident. However, if you are contacted by an insurance company investigator, law firm representative, or private investigator, you should refer them to your Executive Officer. You are under no obligation to cooperate with them, without first determining who they are and who they represent.

CHAPTER 4

RELEASES AND CONSENT FORMS

Release and consent forms play a very valuable role in a proper Risk Management program. In the Appendix of this manual, you will find a suggested Release and Consent Form for use at your events and activities.

DeMolay International recommends that the Release and Consent Form be used in all major events. Events where this form would be proper would be Conclave, ski weekends, sports weekends, any event involving overnight stay, or out of town travel. In addition, they should be used for any event which is unusual or where there may be a risk of injury. In your analysis of the risks involved with every activity, you should consider whether it would be appropriate to use a Release and Consent form.

In many events, it will be very helpful to have every person who joins your DeMolay chapter immediately fill out a Release and Consent form. This form should have medical authorization language allowing you to seek medical treatment if the parents are not available. If these forms are kept in a book and brought to all DeMolay activities, it may be useful in obtaining medical treatment should an accident occur.

There is no magic language to be contained in a Release and Consent form. In the Appendix of this guide is a suggested form, however, as the laws of every jurisdiction vary in regard to the legality and effect of releases, you may want to have the form reviewed by a local attorney in your state.

There are several purposes of the Release and Consent forms. First, they allow you to identify the risk involved in the particular activity. By having the parent and DeMolay sign the form, you also advise them of the activities being participated in and the potential risk. Thus, all participants will be aware of what to expect.

Second, by having the parent and DeMolay sign the form, you gain their consent for the activity. This can be very important, especially when an overnight stay is involved.

Third, any Release and Consent form should involve identification of the DeMolay and parent's medical insurance provider. As indicated in other sections of this guide, DeMolay provides only very limited medical insurance. The personal medical insurance of the DeMolay's parent is always primary and should always be the insurance relied upon. Therefore, it is important that this insurance be identified so that it may be utilized at the appropriate time. The Release and Consent form will thus contain valuable information regarding the appropriate medical insurance.

It is suggested that the Release and Consent form be made part of the registration form for all major events. If you make it part of your conclave registration, for example, the participants will naturally fill it out. The same is true with regard to other events.

If you have any questions about the proper use of the Release and Consent form, consult your Executive Officer or the DeMolay International Service and Leadership Center.

MOST COMMONLY ASKED QUESTIONS

1. **Will a Release and Consent form prevent DeMolay from being sued?** This question is very hard to answer, as the laws of every state differ. Generally, a minor can not validly enter into a release, but the release may be binding on the parents. The purpose of the form is not so much to insulate DeMolay from suit as it is to gain the consent and approval of the DeMolay and his parent for the activities involved.
2. **Does the signature on the Release and Consent form have to be notarized?** No. However, some states do require notarized signatures. If you have a question, check with your state. In addition, we should not allow any signature to be forged.
3. **Do both parents have to sign the Release and Consent form?** No. However, the parent or legal guardian should sign the form in the appropriate place.
4. **How long should you retain the form after each event?** The forms should be maintained as part of your records. They may be destroyed after ten years.
5. **Can someone register for an event without a completed Release and Consent form?** You should refer the decision on this matter to your Executive Officer. Generally, the decision as to whether or not to allow a DeMolay to participate in the event without a Release and Consent form is a discretionary one. It is suggested that if the DeMolay is allowed to register without a signed Release and Consent form, then the parents should be called and oral consent be obtained and noted on the form. This would require that the form be read to the parent and the parent acknowledging he/she heard it and agreed to it. The DeMolay can then sign it.
6. **Does a DeMolay who is still an active DeMolay but has reached his jurisdiction's legal majority need to have his parents sign the Release and Consent form?** This is discretionary. It is recommended that all DeMolays, including those of legal majority, have their parents sign the form. If you have questions about this, refer them to your Executive Officer.
7. **Do Advisors need to complete the Release and Consent forms?** It is recommended that all participants, including Advisors and other adults, who will be present, complete the form.
8. **How often should the Consent/Medical Release form be updated?** The requirements vary from state to state with regard to the updating of a consent/medical release form. Some states recommend that they be completed every year, while in other states, consent/medical release forms is valid for much longer. Check with your Executive Officer to determine whether there are any specific procedures that have been established in your jurisdiction.

CHAPTER 5 INSURANCE INFORMATION

DeMolay International purchases insurance to cover itself against various risks. No insurance policy covers every risk. Every insurance policy contains exclusions and conditions which define the limits of the insurance contract. The purpose of this chapter is not to describe in detail all aspects of the insurance coverage. The purpose is, rather, to provide you with a general understanding of the type of insurance that is purchased. If you have any specific questions about the type or extent of the insurance that is in existence at any given time, you should consult the "INSURANCE UPDATE", contact your Executive Officer or the DeMolay International Service and Leadership Center.

DeMolay International purchases insurance to cover its physical property, including the DeMolay Service and Leadership Center and the other properties owned by DeMolay. DeMolay does not seek to insure the property of any jurisdiction or individual chapters including chapter equipment, lodges, or chapter meeting places.

DeMolay International also maintains a Directors and Operators insurance and Workers' Compensation insurance. Again, this does not cover jurisdiction associations or local chapters.

DeMolay International provides only limited medical insurance for its members. The member and his parents' insurance always is expected to cover the loss. Refer to the "INSURANCE UPDATE" for specifics regarding the limited medical insurance provided.

DeMolay purchases comprehensive general liability insurance to cover the liability of its members and Advisors. This liability insurance applies only to accidents. It never applies to intentional destruction of property or intentional injury to person(s). For specifics of the comprehensive general liability insurance, see the "INSURANCE UPDATE", contact your Executive Officer, or the DeMolay International Service and Leadership Center.

DeMolay insurance applies only to liabilities incurred in connection with DeMolay events. It is impossible to define exactly what a DeMolay event is, and is not necessary that we attempt to do so in this document. The importance of recognizing a DeMolay event is simply to insure that our insurance carrier is satisfied that any incident involved DeMolays, and DeMolay Advisors or adult volunteers in conjunction with a DeMolay event. Therefore, in previous sections of this guide, it has been suggested that every event be reflected in the minutes of the chapter, and documented as far as beginning and ending time and participants. This will allow us to prove, if questioned, that the incident involved was a DeMolay event.

DeMolay insurance has historically been affected by loss history and underwriting guidelines. Underwriters for our various insurance carriers have, in past years, refused to write insurance for us or have placed severe limits on the types of activities that could be conducted. The result of this has been this Risk Management Guide which has attempted to provide some guidance which will limit our risk and loss history. By following the suggestions and recommendations in the Risk Management Guide, DeMolay will be able to reduce its loss exposure, promote safety among its members, and insure the availability of insurance in future years.

The insurance purchased by DeMolay International is subject to a deductible. Thus, you should refer to the current "INSURANCE UPDATE" for details about the amount of the deductibles and when it applies.

Certificates of insurance are often requested by public agencies, such as universities and colleges. A certificate of insurance is simply a document proving that DeMolay carries insurance, and indicates the limits of that insurance. Your Executive Officer has been provided with the INSURANCE UPDATE and a copy of the declaration sheet for the DeMolay insurance. This declaration sheet may be useful in providing proof of insurance and in many situations, will be adequate instead of a certificate of insurance.

APPENDIX

INCIDENT REPORT FORM

INCIDENT INFORMATION

Date of Incident _____

Time of incident _____

Location of incident _____

Description of incident _____

(Use additional pages if necessary)

DeMolays present

NAME

ADDRESS

TELEPHONE

Advisors present

NAME

ADDRESS

TELEPHONE

Witnesses to incident

NAME

ADDRESS

TELEPHONE

REPORTER INFORMATION

Name

Address

Telephone _____

Date of report _____

RELEASE AND CONSENT FORM

Jurisdiction: _____

Chapter Name _____

- 1) I, the undersigned Parent or Legal Guardian of _____, do hereby give my consent and permission for him/her to participate in _____. I understand all activities and events of any duly chartered Chapter, Order of DeMolay, of the Jurisdiction of _____, including any activities or events conducted at the state or jurisdictional level, or by the International Supreme Council, Order of DeMolay; WITH THE FOLLOWING EXCEPTIONS: (State on line below, if NONE, write NONE.)

- 2) In the event of injury or illness to the above named minor, I, the undersigned Parent or Guardian, hereby authorize any adult DeMolay Advisor in attendance to secure, and any physician in attendance to provide, such emergency medical treatment as shall be deemed necessary by those present; including but not limited to hospitalization, injections, anesthesia, surgery, x-ray, blood, and medications. I understand that every reasonable effort shall be made to contact me prior to medical treatment.

- 3) The above named minor is subject to the following medical problems, and/or is receiving treatment under the supervision of proper medical authorities as follows: (State on the line below, if NONE state NONE):

- 4) Neither DeMolay International nor the jurisdiction of _____, Order of DeMolay, maintains any medical insurance for its members. I understand that we will be responsible for any and all costs of medical treatment incurred by or on behalf of _____. My family health insurance carrier and policy numbers are as follows:

Insurance Company Name

Policy Number(s)

Policy Holder's Name

- 5) I, the undersigned Parent or Legal Guardian, AND the undersigned Youth (legal minor), do hereby agree that we will abide by the Statutes, rules, regulations, and edicts of the International Supreme Council, Order of DeMolay, and its duly authorized representatives. We agree that if in the opinion of any DeMolay Advisor that if either of us should be removed or asked to leave any DeMolay activity for violation of the same, that the undersigned Parent or Legal Guardian will immediately take the necessary action to cause the transportation of violator from the activity site at the expense of the undersigned Parent or Legal Guardian.

- 6) We hereby agree to release and hold harmless the International Supreme Council, Order of DeMolay, the Grand Master of DeMolay International, and its members together with the Executive Officer, staff members, and Advisors of _____ jurisdiction, Order of DeMolay, from any and all claims or cause of action which the undersigned has or may have.

This specifically includes any and all plans which arrive out of the attendance at _____ event, including transportation to and from said event.

7) IN THE EVENT OF AN EMERGENCY, AND THE UNDERSIGNED PARENT OR GUARDIAN CANNOT BE REACHED, THE UNDERSIGNED PARENT OR GUARDIAN HEREBY AUTHORIZE THE FOLLOWING PERSON TO ACT ON THEIR BEHALF:

REPORTER INFORMATION

Name _____ Address _____
Telephone _____ Relationship _____

8) Parent or Legal Guardian: Please provide the following information about yourself:

Your full name: _____
Street & Mailing Address: _____
(if different)
City/State/Zip: _____
Telephones: (Home): _____ (Work): _____
Relationship to Youth: _____

9) If youth's address is different than Parent or Legal Guardian, please state on lines below. (If SAME, write SAME.)

Signature of Parent or Legal Guardian

Signature of Youth (legal minor)

