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TRANSFORMING THE TREND

PRE-SYMPOSIUM RESOURCES

Q&A With Industry Leaders

In preparation for Gallagher's upcoming symposium, Transforming the Trend—Working Together to Disrupt the Pattern of Child Sexual Abuse, we've asked national experts and thought leaders from K-12 schools, nonprofits, religious organizations and higher education institutions, and the insurance industry to address a few questions.

This information is intended to establish shared knowledge of the current environment. The information is from multiple sources and perspectives, and the author's presentations are their own, individual views and opinions and not those of their employers.

Author: Timothy J. O'Malley

Director of Ministerial Standards and Safe Environment, RC Archdiocese of Saint Paul and Minneapolis

Q: How did you go about changing culture at the archdiocese?

A: Cultural change requires the persistent participation of many. Key influencing factors include leadership, partnerships, processes and capacity.

- **LEADERSHIP:** We have been blessed for the past seven years to have principled yet practical leaders in place. As is often the case, leadership starts at the top. The Holy See appointed the right man at the right time with the assignment of Archbishop Hebda in 2015. In addition, the positive contributions of laity in many ways, including on the Archdiocesan Corporate Board, Review Board, as ombudsperson, a victim/survivor as outreach coordinator, and the many employees and volunteers in leadership positions throughout the archdiocese, must be recognized.
- **PARTNERSHIPS:** If this question is asked at any gathering—"Who here is in favor of harming children?"—not a single hand will be raised. There are so many who want to help, and who have the expertise and diverse perspectives to be real difference makers. It is vital to encourage and welcome the assistance of civil authorities, academia, counselors, nonprofits, attorneys, canon lawyers, clergy and, most importantly, victims/survivors and their families.
- **PROCESSES:** We must be truth seekers. Replicable processes that are fair to all and that lead to informed, fact-based decisions are essential. The result is justice and accountability.
- **CAPACITY:** Cultural change requires widespread involvement and buy-in. Everyone plays a role. The more eyes and ears paying attention, the better. There is no room for complacency. Maintaining safe environments is part of what we all do every day. No one person has to be a hero every day, but we can all be prepared when the need for action arises.

Author: Henry DeHart

COO, American Camp Association

The following are common questions the American Camp Association receives related to how to best train staff, and identify and reduce the continued trauma to our children in a camp setting.

Q: Are there any common mistakes or areas overlooked?

A: There are many places where misses can happen. Here are two that frequently occur.

1. **SUPERVISION OF MINORS:** Universities fully understand the supervision of adults but need different policies, procedures, staffing and staff training related to supervising children. Supervision ratios are one of the essential tools to use in decreasing the potential for abuse, especially considering camper-on-camper abuse.
2. **MANDATED REPORTERS:** Every person who works with minors is a mandated reporter. If you believe a child has been harmed physically, sexually or emotionally (whether at home, outside of camp or at camp), you should report concerns to the appropriate authorities. In every state, qualified experts are available who can listen to your concerns. It is not your job to judge the validity of suspected abuse. If you have any doubts, call. Always call. All staff need to be aware of their responsibility. A staff member does not need permission from a supervisor to report suspected abuse.

Q: Are there best practices for teaching new staff, especially when there is high turnover, to recognize risky behavior that could lead to abuse?

A: Practice, practice, practice. Role-playing events that can happen will help young staff be prepared in an emergency (e.g., a lost camper, bullying, weather situations). Be prepared for supervision in public spaces and in spaces where instances of abuse may be more likely (e.g., in sleeping quarters and bathing facilities), and be prepared for general behavior management of youth, including age-group characteristics, appropriate discipline of youth and recognizing risky behavior that can lead to abuse. Bring someone in if you don't have someone on your staff who can provide this training and related role-playing.

Q: Is there anything unique about training 18- to 25-year-olds and seasonal staff?

A: Assume they know nothing. Teach them everything. Use a variety of teaching methods in order to maintain interest and align with specific learning preferences (auditory, written, video, role-playing, etc.). Break learning sessions into smaller bite-size pieces. Include frequent, short in-service training refreshers that align with the specific issues that occur at different phases of your program.

Q: Many camps have a high social media presence and savvy social media users. What impact do electronic communications have regarding child sex abuse?

A: Develop and implement policies and procedures that disallow one-on-one situations between campers and staff. Some call this the rule of three or always having someone else in the situation. This applies to electronic communications as well, including email. Policies should address staff not posting photos of campers on social media and not having relationships with campers outside of camp, including on social media. Eliminating opportunities for relationships outside of camp reduces the possibility of inappropriate relationships. It is important to inform parents of these policies, so they address the situation with any staff who may be breaking this rule.

Q: What other critical concerns should we consider when addressing this topic?

A: Campers may have experienced trauma at home or school. Staff should be trained and practice how to respond in a variety of situations. Provide training on trauma-informed care. Put staff in as many role-playing situations as possible, and they will be better prepared to support campers. Train staff as to which issues can be handled in the cabin or huddle (which should be elevated to leadership staff at the camp) and which should be referred to a credentialed individual supporting the program.

Author: Stacie Kroll

Managing Director, Higher Education, Gallagher

Q: Stacie, based on your years of experience as a risk manager in higher education, and now as Gallagher's Higher Education practice leader, how would you describe the approach that higher education institutions take regarding child safety?

A: Currently, it appears our approach is very compliance focused. Child safety policies on campuses have been developed in response to insurance providers and regulators mandating that we do more to protect children. Understandably, that focuses our risk management efforts on implementing policies in order to comply with x.

However, with a compliance check-the-box focus, we are excluding critical factors that need to be considered when protecting children. For example, if we are only focused on compliance, then we are not leading the effort with empathy or fully considering the weight of responsibility associated with engaging children in our programs. These are factors that cannot be captured in an insurance application or through regulation and reporting.

Q: Say more about what colleges and universities are missing if they only focus on compliance and insurance.

A: First of all, we still have colleges and universities who do not recognize that they are youth-serving organizations as well as college-student organizations. That's a problem. Managing the risks associated with children on campus needs to go beyond compliance requirements. The cornerstone event that really sparked change in higher education happened more than a decade ago, with the Sandusky event. That was groundbreaking for several reasons, one of which was that it raised awareness and highlighted the need to fully understand how we are serving children in our college programs. By many accounts, there are more under-18-aged students engaged on college campuses than young adults. That means we should evaluate whether we have appropriate institutional resources committed to this initiative given the sheer scale of our youth services.

If we take the view that managing children is a compliance function, we may think that adopting model policies and complying with mandatory reporting is enough. It means that we are relying on those requirements to protect the institution. That is a shortsighted view that can be dangerous.

For example, it's dangerous if reporting becomes punitive. If I witness a boundary violation and report it, the individual I report could easily be labeled as an abuser or potential abuser. That's an incredibly heavy lift for both parties, and it doesn't incorporate the opportunity to identify learning opportunities without penalties. Instead of that, I advocate that we create policies that can allow for more dialogue, learning and reconciliation.

Additionally, consider to whom we are reporting violations. If all policy violations are reported to law enforcement, that implies that all policy violations are criminal. Again, a heavy lift for both parties. A different reporting structure could allow for learning opportunities that incorporate varying levels of violation.

Q: Any ground-level advice about where to start?

A: Yes. I think it all starts with how you communicate your "why," and how you engage your community around this initiative. You could start with a review of the language you use to communicate the importance of this policy. Do you have a "youth programs compliance officer" or a "youth program liaison?" Both titles can have the same job description, but the difference in language is significant, communicating open dialogue and communication instead of fear. Even the most subtle variations in our communication style can reinforce our culture around youth protection and whether we can leverage a common-sense approach.

I think we can learn a lot from our non-industry peers as well. Non-higher-education youth-serving organizations have been tackling this initiative for more than three decades. There is a lot to learn.

At the end of the day, we need to be mindful that the reason we are implementing these programs should not be because someone told us we had to, but rather because it is in the best interest of the children in our care.

Author: John Chino

Area Senior Vice President, Gallagher

John Chino leads the broker team for three of the largest school pools in California that together provide coverage to more than 1,000 individual charter schools and school districts serving some 4.5 million students.

Q: California has certainly seen an explosion in verdicts and awards for SAM claims in the past year. Do you think this trend will continue?

A: This is not a trend or temporary; this is the new normal. These claims are happening everywhere—in urban and rural schools alike—and the uncertainty of the financial hit to an individual school or district is enormous. There was a time when certain venues were more conservative, but that is not the case any longer. We are in a very new environment.

Q: What do we need to consider in order to respond to this new environment?

A: If you consider everything that is being done to address this risk, and look at the potential gains from your investments in risk management, training and claims management, you will see we need to expand our thinking about this. For example, even if you enact the best risk management and prevention practices, that might reduce your overall costs by about 10% or 20%. If you implement protocols to handle claims proactively and negotiate settlements that aren't just cash awards, you might be able to protect your school's reputation, but you won't save much money. In the meantime, the size of the awards has exploded—some as much as 10 times greater than expected. In order to develop meaningful risk financing solutions, we've got to go way beyond claims-made coverage or layered self-insurance structures.

Q: Can you give some examples of what your clients are considering?

A: Sure. One of my pools has created a captive to pay up to \$3 million for claims that are above \$2 million (the amount that the pool retains). We now need to look at structured reinsurance above that. There are not a lot of markets interested in providing that, so we have work to do to convince them.

Q: Do you have any advice for schools or school pools in states where SAM claims have not been as volatile as California?

A: Get ready. Obviously, we have to double down on our risk management efforts, and better training for students is key. We have done a good job of prevention training for employees and even reached out to parents, but student-centric education has not been dynamically provided.

As the final piece of this portion of pre-symposium resources, we invite you to read the article [Use a Code of Conduct to Prevent Abuse in Youth-Serving Nonprofits](#).

Written by Joan Dove, CPCU, an area executive vice president at Gallagher, this article shares why adopting and integrating a practical and meaningful code of conduct is the foundation of proper supervision of children in your care.