

Guiding the Guides: Legal Considerations in Working with Volunteer Mentors



J.W. Fanning Institute
for Leadership Development
UNIVERSITY OF GEORGIA



BOYS & GIRLS CLUBS
OF AMERICA

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**J.W. Fanning Institute
for Leadership Development**
UNIVERSITY OF GEORGIA



MENTOR
GEORGIA

MISSION

Our mission is to strengthen the quality and increase the quantity of mentoring relationships for Georgia's young people and to close the mentoring gap.

WHAT WE DO

Provide training, capacity-building, technical assistance, and other supports to youth mentoring programs – wherever they are – in the state of Georgia. Through collaborations like this one, we provide monthly trainings around organizational best practices, as well as training in evidence-based programmatic best practices for mentoring. MENTOR Georgia offers no-cost technical assistance to youth mentoring programs through the National Mentoring Resource Center, consultation on program design, individualized program supports, and opportunities for youth mentoring organizations to collaborate with and learn from each other.

Mission of Pro Bono Partnership of Atlanta

To provide free legal assistance to community-based nonprofits that serve low-income or disadvantaged individuals.

We match eligible organizations with volunteer lawyers from the leading corporations and law firms in Atlanta who can assist nonprofits with their business law matters.

Client Criteria

In order to be a client of Pro Bono Partnership of Atlanta, an organization must:

- Be a 501(c)(3) nonprofit.
- Be located in or serve the greater Atlanta area.
- Serve low-income or disadvantaged individuals.
- Be unable to afford legal services.

Visit our website at www.pbpatl.org to apply.

PBPA Learning Center for Georgia Nonprofits

www.pbpatl.org/resources

ARTICLES

WORKSHOPS



WEBCASTS

PODCASTS

Legal Information

This webinar presents general guidelines for Georgia nonprofit organizations and should not be construed as legal advice. Always consult an attorney to address your particular situation.

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Agenda

- Background Checks
- Orientation/Handbooks
- Codes of Conduct
- Special circumstances
 - One on one mentoring
 - Driving with youth mentees
 - On-site vs in-the-community programming
- Insurance recommendations

Background Check Policy

- Require a background check for volunteers who have direct repetitive contact with youth
 - Identity
 - Sex Offender Registry
 - Criminal search
- Application of background check findings
 - Refusal to consent
 - False statement
 - Barrier Crimes
- Reference Checks

Orientation/Onboarding

BGCA Requirement:

All volunteers who have direct, repetitive interaction with youth must complete a documented orientation/onboarding process.

All volunteer participation must be comprehensively tracked by Member Organizations (e.g., by tracking sign-in, program participation, sign-out, etc.).

Volunteer Handbooks/Manuals

Purpose:

- To ensure every volunteer and staff member is on the same page.
- To reiterate the Safety Policies.
- To inform volunteers about the organization and their role(s) within the organization.
- To provide volunteers with clear objectives, program goals and mission, direction and support.
- To be a convenient reference source for volunteers.

Codes of Conduct

- Supervision of volunteers
- No form of abuse
 - Verbal, sexual, physical, mental, neglect
 - Reporting requirements
- Respect and inclusiveness
- No smoking, drugs, alcohol
- Dress code
- No profanity or off-color jokes
- Release of youth/confidentiality
- One on one policies

One on one Mentoring

- Board of Directors approval of policies and procedures
- Add in additional screening layers to further vet staff & volunteers. Some examples may be:
 - Extra screening questions
 - Additional reference checks
 - Mandatory child sexual abuse prevention training
 - Reviewing/signing the code of conduct
 - In-depth orientation process
- Create frequent check-ins for all mentors and mentees with a supervisor. These will provide extra support, communication and documentation.
- Educate all parents/guardians on the policies and procedures of the program.
- Educate all parents/guardians on the signs of abuse, how to talk to their child about abuse and how they can report any red flag behaviors.
- Require all volunteers/program participants to sign a general liability waiver.

One on one Mentoring

Safety Recommendations for Meetings

- Install camera/video streaming options so that you can monitor all interactions. If programming is happening virtually, make sure that all sessions are recorded.
- Conduct random audits of the program where leadership can check in to make sure things are going well.
- Schedule meetings during operating hours and at a facility location. Hold mentor and coaching sessions in areas where other staff and/or volunteers are present and can see you. For example, have pairs break up in a large room so that each meeting can be seen, but not heard.
- If meeting outside of the organization, always attempt to meet outdoors, or in public places. If this is not possible, require approval from a supervisor and/or parents/guardians before changing locations.
- Provide internal/external feedback systems to report red flag behaviors.
 - Document check-ins with youth participants with someone other than their direct mentor.
- Have mentors copy parents, staff, or other youth (when appropriate) on written and/or electronic communications.

Transportation

- Develop a transportation policy and training
- One staff member should not transport one single child at any time in a vehicle. Make accommodations to ensure at least three people (2 staff and one youth or one staff and 2 youth) are together when traveling.
- If a program requires staff to provide transportation to one single youth, implement the following:
 - Require the youth to sit in the backseat regardless of age
 - Call a supervisor to be on speakerphone while in the car
 - Document & communicate departure and arrival times to parents/guardians
- In each instance a youth travels to any off-site event/location, have a parent/guardian provide written consent.
- Avoid transporting youth in an employee's personal vehicle.

Community partners

- Work with counsel to ensure appropriate written agreements are fair to both parties, and have a clear transfer of risk.
- Request/provide a certificate of insurance.
- Depending on the nature of your programming, include a memorandum of understanding (MOU) to outline responsibilities between both parties.

Insurance

- **General liability insurance.** These policies cover your organization if a third-party gets injured and can include professional liability and abuse and molestation liability.
- **Property insurance:** If your organization owns the facility where you operate, you should have commercial property insurance.
- **Volunteer liability and injuries:** In Georgia, most volunteers are not covered under workers' compensation insurance. You can purchase a policy designed to cover physical injuries to a volunteer.
- **Directors and officers liability insurance:** Employees, volunteers, or clients can sue your organization's leaders personally in addition to suing the organization. For
- **Volunteer dishonesty:** If a volunteer misuses or steals assets, a volunteer dishonesty policy will help you recover the funds they took. Some grants require nonprofits to have a volunteer or employee dishonesty policy in place to receive funding.
- **Cyber liability:** These crimes can be costly financially

Questions?

Pro Bono Partnership of Atlanta

www.pbpatl.org

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