

# Managing Your Volunteer Program's Risk

## 10 Tips To Avoid Unnecessary Lawsuits

### **1 Write A Clear Mission Or Purpose Statement**

Make sure your volunteers know why your organization exists and what it is trying to do. This protects you in two ways. First, volunteers won't make as many mistakes if they are well informed. Second, a mission statement makes it clear what kinds of behavior are acceptable and what kinds are not. If a volunteer does transgress, your mission statement makes it clear that the volunteer's acts were committed without the organization's approval.

### **2 Prepare A Job Description For Every Volunteer Position.**

What exactly do you expect the volunteer to do and what exactly are the skills and qualifications for the job? As Bob McMenamain points out; "It is extremely important to maintain written records of job and project description. Misunderstanding and miscommunication are two of the greatest and most fertile grounds...for disagreements, claims, and lawsuits."

### **3 Make Sure The Volunteer Is Suited To The Job.**

Bob McMenamain: "Many organizations operate under the theory that it is best to gather as many volunteers as possible of every kind, and then at a later date shake the tree, as to speak, to eliminate those who are unqualified. This is a waste of time and energy, and is unfair to the people who are turned away." With volunteers, you can reasonably - and legally - ask questions like, "Do you have any medical disability that would prevent you from performing the required tasks?"

### **4 Maintain A Paper Trail.**

Keep a personnel file for every volunteer, just as you would for a paid employee. If you are sued, proper records will prove that your organization acted responsibly.

### **5 Make Sure Every Volunteer Completes An Application Form - And Check Their References!**

Bob McMenamain: "A completed application form is the beginning of the paper trail of records which will protect both the organization and the volunteer." On the application form include name, address, telephone number, place of work or past work history, and other details about background interests, and abilities. Include a statement the volunteer can sign that permits disclosure, for instance: "I hereby give my consent for the Caring Friends IVC to contact my references; to contact my employers, past and present; and to conduct a routine police check." And, please, check those references. According to Bob, about 50% of organizations fail this critical step, and open themselves up to charges of negligence.

### **6 Assess Your Volunteers And Train Them To Do The Job Properly.**

Don't ask someone to do a job unless you know they can handle it. Your organization is responsible for providing adequate training to your volunteers and will be held accountable. Training prepares volunteers to make better decisions if they encounter a problem.

### **7 Make Sure Proper Supervision And Support Is Available To The Volunteer.**

Your organization will be held accountable for your volunteers' mistakes if better supervision could have prevented those mistakes.

### **8 Investigate All Rumors Or Notice Of Wrong-Doing Immediately.**

Maybe it's the lawyer's perspective, but Bob McMenamain is a strong believer in Murphy's Law ("Anything that can go wrong, will") and in O'Toole's corollary ("Murphy was an optimist"). When trouble happens, rush to find out the whole story. Don't wait - bad news takes on a life of its own.

### **9 If There Is A Problem Or Complaint, Offer Immediate Help.**

Bob says, "If someone in your organization has caused harm, then you have a responsibility to rush to help." People often hold back, assuming any willingness to help will be viewed as an admission of liability. In Bob McMenamain's experience, at least half the claims filed are withdrawn when the organization shows a willingness to help.

### **10 Try To Turn A Negative Into A Positive.**

Act morally. Compassion and concern should override the niceties of legal liability. If for no other reason, it makes good PR sense. People will neither forgive nor forget an organization that stonewalls and hides from responsibility.