



Boys & Girls Clubs of America Independent Review of Safety Programs and Protocols

SUMMARY OF KEY FINDINGS & RECOMMENDATIONS

Prepared by ALSTON & BIRD and RAINN

August 3, 2020

INTRODUCTION

The prevalence of sexual harassment and misconduct is increasingly evident in today's environment and has highlighted the changing expectations of our entire society, including organizations, employers, employees, patrons and stakeholders. Organizations are now held to a higher level of accountability, transparency, and proficiency in combating sexual misconduct. Reactive practices that address sexual misconduct after the fact are no longer acceptable. Values-based action requires expanding the focus from triaging past incidents to intervening in real time to resolve issues while also simultaneously putting safeguards in place to prevent recurrence. This includes strong, clearly defined response training and protocols. It also means moving beyond compliance to equip community members with skills and resources to recognize, stop, and, when possible and appropriate, course-correct inappropriate behavior before it can escalate.

For decades, BGCA has been leading youth-serving organizations in child safety practices and has demonstrated an ongoing commitment to continuing enhancement of policies and practices in this area. BGCA has an extensive organizational network that analyzes, develops, trains, and responds to the complex issues that Clubs face. BGCA has made significant strides in their sexual misconduct prevention and response programming and it continues to roll out new initiatives to protect their community and keep their members safe. These strategies have included:

- Establishing a dedicated Child & Club Safety Team to support Member Organizations by providing on-the-ground support in the case of a critical incident (2012)
- Partnering with external experts to bolster internal capacity in areas like training, quality assurance, and evaluation (2012-2020)
- Introducing a Critical Incident Management System able to track and assess trends in incidents across the country, thereby enabling BGCA to provide key guidance and resources to Member Organizations (2014)
- Enhancing background check requirements for Member Organizations to ensure strong hiring practices across the Clubs (2015)
- Maintaining all safety-related resources and staff positions, demonstrating that child safety is its number one priority, despite the pressures created by COVID-19 (2020)

In the fall of 2019, as a part of its ongoing safety initiatives, BGCA's Legal Governance Committee engaged Alston & Bird to lead a third-party independent review of BGCA's sexual misconduct prevention policies and procedures. Alston & Bird partnered with RAINN, the nation's largest anti-sexual violence organization, as subject matter experts, to conduct an independent review.

INDEPENDENT REVIEW PROCESS

Phase One. In Phase One, RAINN conducted a document review by analyzing more than 2,000 documents located on BGCA.net. This included a wide range of BGCA-developed materials to support the Clubs with sexual misconduct prevention and response, including:

- Trainings through Spillet University,
- Sample policies (e.g., Crisis Communications Guide, Restroom Policy, Incident Reports), and
- Templates (e.g., Employment Application, Emergency Operations Plan Template).

Alston & Bird and RAINN also met both in-person and by telephone with more than a dozen BGCA Staff to gain a deeper understanding of the BGCA organization and the “tone at the top,” as well as the intricacies of its federated model, BGCA’s relationship with the Clubs, and the varied and complex differences between Clubs. Throughout the engagement, BGCA staff were welcoming, knowledgeable, passionate about their work, and demonstrated an impressive depth of expertise.

Phase Two. In the second phase, RAINN identified 20 locations across the country that would represent a wide spectrum of Club experiences. The factors used to select these 20 sites included:

- Geographic region and state
- Type of environment (urban, suburban, rural, very rural),
- Site category (traditional, school-based, Native American, public housing)
- Size of location and operating budget
- Average daily attendance and number of registered members
- Total number of critical incident reports in the past five years

Demographic Breakdown of Clubs Visited

	<i>Region</i>	<i>Site Category</i>	<i>Community Location</i>	<i>Unit/Extension</i>	<i>Average Daily Attendance</i>
1	Southeast	Traditional	Rural	Unit	350
2	Southeast	Public Housing	Urban	Unit	109
3	Southeast	Traditional	Suburban	Unit	185
4	Southeast	Traditional	Urban	Unit	124
5	Northeast	Traditional	Very Rural	Unit	86
6	Northeast	Public Housing	Urban	Unit	1200
7	Pacific	School	Rural	Extension	60
8	Pacific	Native	Very Rural	Extension	75
9	Pacific	School	Suburban	Unit	N/A
10	Pacific	Traditional	Urban	Unit	121
11	Southwest	School	Urban	Extension	76
12	Midwest	School	Urban	Extension	69
13	Midwest	Native	Rural	Unit	66
14	Northeast	Traditional	Suburban	Unit	209
15	Midwest	Public Housing	Urban	Unit	124
16	Midwest	Traditional	Urban	Unit	595
17	Southwest	Traditional	Suburban	Unit	131
18	Southwest	Traditional	Rural	Unit	47
19	Northeast	Traditional	Suburban	Unit	153
20	Southwest	School	Suburban	Unit	125

The site visits to these Clubs were conducted from January – April 2020, the majority of which were conducted in-person; the last four visits were conducted virtually due to the Coronavirus pandemic and associated physical access restrictions.

SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS

RAINN identified a number of strengths in the current BGCA sexual abuse prevention practices. Key examples include:

- **BGCA meets and exceeds current best practices for background checks, which are a critical feature of safety protocols.** All Clubs are required to run background checks on prospective employees, volunteers, and board members with direct, repetitive contact with children. Effectively screening individuals through a background check is complex. Under the Membership Requirements, Clubs must also determine if the background check result falls into one of a number of listed barrier crimes. The Clubs visited take steps (such as contacting an attorney or developing a relationship with local law enforcement) to address any potential interpretation issues. BGCA also continues to appropriately update barrier crimes, for example by adding misdemeanors involving children to the list of barrier crimes, which is an important addition. Membership Requirements also exceed the best practices regarding re-conducting background checks by requiring an annual renewal process. This is an optimum practice, especially when considering the influx of temporary staff at Clubs in the summer.
- **BGCA provides 13 online training modules for Club staff specific to child abuse – a significant investment on a crucial topic.** While RAINN has recommendations for improving the quality of the content, BGCA has already removed the first barrier to this issue – lack of dedicated attention – by investing resources in training and encouraging open and transparent communication. Without exception, every single Club CEO interviewed considered child sexual abuse prevention a key priority and, more importantly, almost all staff had been engaged in some type of discussion and training on the topic.
- **BGCA devotes a significant amount of resources to quality assurance around Club facilities.** The organization has created a multi-level quality assurance system that includes an annual self-assessment and is currently augmenting this to include an external assessment. BGCA has effectively leveraged the federated model in this critical area. While some of the provided guidance on facilities addresses more general topics (e.g., a bookshelf being bolted to the wall, a broken window), others look at particular “high-risk” incident areas (e.g., restrooms). BGCA is able to deploy assistance from the national organization to an individual Member Organization or Club when needed. Club staff reported that BGCA employees did not just come in with a checklist of areas to review, but instead, worked with senior Club staff to brainstorm effective solutions for the issues facing an individual Club location.

However, even with strong programs and protocols, there are ways to enhance and further strengthen both processes and substantive content. **One key finding of the independent review is that programming is not being fully implemented at the Club level.**

RAINN found that Clubs are not fully utilizing the national resources, training programs, or guidance currently offered by BGCA. Additionally, RAINN found that Clubs have largely not developed their own resources or programming to fill that gap. For example, RAINN found that Clubs are not fully executing a consistent and methodical response to reported incidents of sexual misconduct. RAINN has observed that this is a common challenge experienced across multiple industries and types of organizations. This is particularly difficult in organizations with low reporting numbers; if an organization has not had a reported incident, they are less likely to have invested in creating a specific response practice, and less equipped to craft an effective practice, to address a scenario that has never

occurred. However, this makes it even more critical for BGCA to provide strong, implementable direction and resources from the national level.

KEY IMPLEMENTATION STRATEGIES

RAINN's key recommendations focus on implementation strategies to more effectively encourage Clubs to actively engage with and leverage the sexual misconduct resources (from policy templates to training videos) provided by BGCA. This will enable Clubs to be better positioned and empowered to make and execute the prevention and response strategies appropriate for their own communities, including the individual, environment-specific choices that must be made when creating an effective response process. Increased implementation of these resources will better prepare Clubs to adapt the BGCA practices to their own unique circumstances and challenges, thereby increasing compliance both with the letter and the spirit of these programs.

There are three general categories of challenges that frequently limited the full implementation of the BGCA programs at the Club level:

- Difficulty in finding and accessing BGCA resources,
- Limitations on the ability to execute resource-intensive BGCA programs within the Club environment, and
- Incomplete understanding of the purpose and intent of BGCA programs and resources, which limits Clubs' ability to effectively adapt resources for use onsite in a way that is consistent with the spirit of the guidance.

INCREASING ACCESSIBILITY

The first challenge to implementation of BGCA programs is the difficulty in finding key resources. The following obstacles, which hinder ready access to the resources available on the BGCA intranet site (BGCA.net), were identified:

- Not all staff and volunteers have logins to the BGCA intranet (BGCA.net).
- BGCA.net is rich in content but contains an overwhelming amount of information.¹
- Resources are not clearly grouped by intended audience or intended use, making it difficult for the reader to identify the resource that they need for a particular purpose.

Recommended Solutions:

I. Update BGCA.net.

- Remove out-of-date materials.
- Introduce a sort-by-audience function (e.g., identify resources appropriate for Boards and CEOs vs. youth development professionals).
- Re-label documents with clear and descriptive titles.
- Include active hyperlinks within materials that reference other documents.

¹ On average, RAINN found that keyword searches pull up between 2 and 20 pages of results.

2. Move key resources to the public website BGCA.org.

- Designate a page for Child Safety on the main website in order to make key resources more accessible not only to staff but also to the communities that BGCA serves.

REDUCING RESOURCE-INTENSIVE HURDLES TO IMPLEMENTATION

This second challenge is reflective of the differing levels of resources available to individual Clubs across the country. For example, implementing youth programs (i.e., BGCA-developed curriculum and or/courses intended to be executed as packaged) at the Club level depends on numerous factors including available funding or grants, staff capacity, and time constraints. Another challenge is found in implementing Club staff training programs through Spillet Leadership University (i.e., virtually delivered training modules developed or purchased by BGCA for use at the Club level). The online modules found within Spillet University are intended to provide an opportunity for staff to complete training at any time; however, most Clubs reported that these were time-intensive and required not only the trainee to be present but also supervisory staff to assist because the content was difficult to navigate and not cohesive. The need for assistance to access these materials diverts the time and attention of staff members and negatively impacts the Club's ability to meet staff-child ratios.

Recommended Solutions:

1. Leverage current youth programming to create more flexible, “plug-and-play” content.

- Repurpose content from packaged, comprehensive curriculum into more digestible pieces in order to encourage more frequent and regular utilization.
- Include informal or responsive modules that help staff redirect challenging day-to-day scenarios into learning opportunities.
- Include formal or proactive modules specific to sexual misconduct that staff can incorporate into other day-to-day Club activities (e.g., creating space for discussion of boundaries in advance of sports activities).

2. Update and tailor employee training programs to better facilitate self-guided learning.

- Address functionality issues (e.g., inability to upload or access modules, inaccurate module completion tracking records) within Spillet Leadership University.
- Build a training pathway specific to sexual misconduct.
- Provide an accompanying Training Guide that explains the purpose of the modules. The Training Guide can reference other relevant modules that should be reviewed outside of those specific to sexual misconduct.

IMPROVING PROGRAM QUALITY THROUGH BROADER AND MORE INCLUSIVE APPLICABILITY

The following recommendations are aimed at improving existing programs. RAINN recommends that the following strategies be prioritized, as stronger content and greater inclusivity are likely to better reflect the diverse needs and realities across different Club communities.

Recommended Solutions:

1. Evaluate and update training modules to reflect a victim-centered, trauma-informed approach.

- BGCA should revisit all training modules, activities, and materials to ensure that they are victim-centered and trauma-informed. It is important that BGCA consistently communicate the message that they believe survivors and will support them through a fair and equitable response process.

2. Evaluate programming materials to ensure inclusive and respectful representation.

- Conduct a review of all educational content and program materials (Club staff training as well as youth program content) to ensure that they are inclusive, representative, and respectful of various identities.
- Provide direct, in-person training for BGCA program development staff on diversity and inclusion, including information on common challenges, strengths, and vulnerabilities of particular communities.

CONCLUSION

The commitment to fostering and maintaining a safe environment for youth is evident throughout the different parts of the BGCA Movement that RAINN worked with during the independent review.

RAINN's recommendations are designed to provide guidance to BGCA for a best-in-class sexual misconduct prevention and response program. It is recommended that BGCA develop a three- to five-year strategic plan so that it is able to make comprehensive, intentional, and measurable changes within Club communities.