

Official Communication for January 26, 2023

Boy Scout Administration Change Recommended by MI

In recent years, there has been significant litigation against the Boy Scouts of America (BSA), which subsequently, has impacted organizations and groups that have entered into agreements with the Boy Scouts to manage their programs locally. The exposure for a number of our Moose lodges is due to the signing of BSA Charter Organization Agreements when they first started hosting the programs.

According to legal counsel, the agreements that many lodges signed place total responsibility for the implementation, administration and supervision of the BSA program directly on the lodge. Therefore, any litigation concerning the Boy Scouts locally, could have a substantial financial impact on the lodge that has a Charter Organization Agreement in place. Currently, the BSA insurance policy will not cover the lodge in many instances, nor will the Fraternal insurance policy.

The Risk Management Department recommends that lodges act now to terminate their current Charter Organization Agreements and either sunset their affiliation with the Boy Scouts or move to a general lease with separate program management. If you do not have a Charter Organization Agreement in place, you should *still* review your relationship with the BSA to determine if any aspects put the lodge or its members at risk. In order to best protect yourselves, the scope of your relationships with the local BSA organizations needs to be limited to the lease agreement. Any activities you participate in that are outside of the lease puts the lodge at risk and potentially without Fraternal insurance coverage.

Attached are three documents that address this issue:

1. The first is a document that makes a recommendation regarding relations with the BSA, as well as the reasons this relationship should change if your lodge has a Charter Organization Agreement in place.
2. The second is a Notice of Termination template that should be used to create a document that ends the original Charter Agreement. Once completed, this should be given to the local BSA contact for the lodge.
3. The third is a General Lease Agreement should the lodge choose to continue to host the Boy Scouts in the lodge home, but under a different supervisory structure.

For more information or questions, please contact Kevin Duck at kduck@mooseintl.org.