



## NATIONAL MODEL RAILROAD ASSOCIATION, INC.

P.O. Box 1328 • Soddy Daisy, TN 37384-1328 • (423) 892-2846

March 31, 2020

Dear fellow NMRA officers:

We are writing you to make you aware of an important new policy enacted by the NMRA Board of Directors (BOD) at the winter meeting in Atlanta on March 7, 2020. We are providing you with this letter prior to making the policy public because we want you to be aware of the policy and prepared for questions you will inevitably be asked by members.

As we are all too aware, there are individuals in society who prey on those who are at risk or who require legal guardians. We see daily reports of Boy Scout leaders, church leaders, and teachers, just to name some occupations, who have engaged in pedophilia or sexual abuse of minors or those persons with guardians. It is sad to say but general statistics of the public at large lead to the conclusion that some of these predators are NMRA members.

This is a very serious issue in our society today. Last summer the Boy Scouts mortgaged their crown jewel, Philmont Ranch, to pay claims to boy scouts who were abused and assaulted. Just a few weeks ago the Boy Scouts declared bankruptcy over the payments. The Boy Scouts intend to reorganize and pay these claims. We will need to see if they do emerge from bankruptcy.

The NMRA does not have the assets or staff that the Boy Scouts do. To be honest and frank the NMRA would fold if there were a lawsuit brought against it. We have investigated purchasing insurance and there would be a significant charge for it.

Although the NMRA could pay for the insurance, the processes the NMRA would need to institute to ensure that those members who wanted to educate and encourage at-risk persons were properly scrutinized would be impossible for us to manage. It would involve hiring more staff to coordinate the review process plus pay companies for education of our members about predators and their actions. The more we investigated the possibility, the more the costs continued to escalate and we did not see a way to make absolutely sure that no one escaped scrutiny. Look again at The Boy Scouts. They have processes in place to investigate their volunteers and the money to educate their adult members and still some predators managed to sneak through.

In order to protect these at-risk individuals, the NMRA, and you, the BOD decided that we cannot have any programs aimed at these persons. An at-risk person is a person who is under the age of majority or who has a legal guardian. Not only do we have youth members, but some of our members may have disabilities such that they will require a legal guardian for their entire life.

This does not mean the NMRA is stating that our members cannot educate these at-risk persons. What we are stating is that *our members who want to work with at-risk persons must do so through other organizations*. We are encouraging NMRA regions and divisions to provide material support to these outside organizations. For instance, donations may be made of kits, tools, or money. In addition, we encourage regions and

divisions to take requests for help in educating at-risk persons and publish those requests to our members. We would allow regions and divisions to provide a non-NMRA contact name and telephone number or email by which our members may volunteer their own time with these outside organizations. However, no NMRA region or division is permitted to sponsor or undertake its own program aimed at at-risk persons.

Said another way, NMRA regions and divisions can **only** provide contact information for the other organization, but cannot coordinate the volunteer process – that must be done by the other organizations. Additionally, the activity cannot be billed as “Sponsored by the NMRA” or “Sponsored by the (NAME) region/division of the NMRA.”

With regard to our own members who are at-risk persons, we will continue to have them as members. However, going forward, *a parent or legal guardian must be physically present and in visual contact with their at-risk person at all times at all NMRA activities.* The parent or guardian may designate someone else to undertake this task of being present through use of a notarized affidavit. But the parent or guardian or designated individual must be physically present with the youth for the entire time of the activity.

The policy is enclosed with this letter. Please review it. We will be making the policy public on the website shortly. We will put up a copy of an affidavit that may be used and some FAQs. These will of course be modified from time to time.

We do regret being forced to make this policy; the NMRA BOD very reluctantly agreed to this policy. Moreover, we want our membership to support these outside groups should they choose to do so. However, we believe it is best for the at-risk person and for the NMRA that the NMRA at the region and division level undertake no programs aimed at at-risk persons.

Thank you and please send any questions you have to [president@nmra.org](mailto:president@nmra.org)

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### NMRA AT-RISK PERSONS POLICY

The NMRA has developed a policy with regard to persons who are at-risk.

#### 1. Definitions

- a. NMRA shall mean the National Model Railroad Association and its internal organizations, the regions and divisions.
  - b. At-risk persons are those persons under the age of the majority or those persons who have legal guardians.
  - c. Programs are any formal or informal activity by an NMRA entity aimed at at-risk persons.
  - d. Student Membership is a membership category in the NMRA is not a Program.
  - e. A Legal Guardian Designation Affidavit is a document in which the parent or legal guardian:
    - i. States the name of the at-risk person;
    - ii. States the name of the legal guardian or parent;
    - iii. States the parent or legal guardian is designating a person as their legal designee able to make all decisions for the at-risk person;
    - iv. Acknowledges that the legal designee must be physically present with the at-risk person at all times.
    - v. The parent or legal guardian signs the document; and,
    - vi. Has the signature of the person or legal guardian notarized.
  - f. Other organizations shall mean organizations other than the NMRA, its regions or divisions, such as, but not limited to, the Boy Scouts or 4H clubs.
2. The NMRA shall have no programs directed towards at-risk persons.
  3. Student members shall have a parent or legal guardian physically present with them at all NMRA activities at all times.
  4. Persons with legal guardians shall have a legal guardian physically present with them at all NMRA activities at all times.
  5. A parent or legal guardian may designate a person to be physically present at all times and responsible for the at-risk person by means of a Legal Guardian Designation Affidavit.
  6. The parent or legal guardian or designee authorized by means of the Legal Guardian Designation Affidavit who accompanies the at-risk person need not be a member of the NMRA but the person is entitled to and must be physically present with the at-risk person at all times regardless of the fact the person is not an NMRA member.

7. The policy does not prohibit individual NMRA members from participating in programs or activities of other organizations directed at or with exposure to at-risk persons on their own initiative.
8. The policy encourages NMRA regions and divisions to provide material support (e.g. kits, tools, money) to the extent a region or division is able, to other organizations so those other organizations may operate their programs directed to at-risk persons. However, such material support shall not be deemed to be a NMRA program but donations to other organizations only.
9. The policy permits the NMRA to publish requests for volunteers for railroad or model railroad related topics or activities by other organizations directed at or with exposure to at-risk persons. However, those volunteers must be directed to a contact person with the other organization.
10. The NMRA shall not organize or direct or otherwise control persons who volunteer for other organizations.
11. 100% NMRA Clubs are not a part of the NMRA or its regions and divisions. It is an insurance program to support model railroad clubs whose entire membership are NMRA members against personal injury lawsuits, only.

Adopted by NMRA BOD, March 7, 2020