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Bruce A. Hidley
Grand Exalted Ruler

March 2023

A Fraternal Organization

TO: Local Lodges

Re: UPDATE Scouting Charters/Sponsorship

For generations, the Boy Scouts of America (BSA) has been an important component of the youth programs of the Benevolent and Protective Order of Elks. Unfortunately, due to the myriad of sexual abuse and molestation lawsuits being filed against the BSA (many including the Elks as a Defendant), ongoing bankruptcy proceedings and concerns over the adequacy of the BSA insurance to protect our Order from future claims, we have been placed in an untenable position and forced to make a difficult decision with regard to our relationship with the BSA.

After nearly two years of discussions and negotiations with the BSA, at every level, our exhaustive efforts to secure adequate insurance coverage have failed, and our attorneys and insurance broker, Gallagher, have advised that the insurance offered by the BSA falls far short of that needed to adequately protect our Members, Lodges, State Associations and Grand Lodge and will likely lead to future disputes. Therefore, Grand Lodge Advisory has reluctantly determined that it is in the best interests of our Order for Local Lodges to end their official relationship with the BSA as a "Charter Organization." This decision follows the actions of numerous other organizations that have also ended their relationship with the BSA as "Charter Organizations."

The BSA is confronted with over 82,500 lawsuits brought by former Scouts, and it appears that being a "Charter Organization" creates a special relationship with the BSA that causes increased exposure to liability. Despite the lack of active involvement or knowledge of the circumstances which lead to a claim, this special relationship appears to have opened our Lodges to unwarranted claims and allegations that the Lodges are somehow responsible for the injuries caused to the Scouts.

Our Order was always assured that we were covered as an "additional insured" under the BSA insurance program. However, a few years ago, we found this was not necessarily the case when we were denied coverage in a lawsuit. It now appears the BSA has little or no leverage to negotiate the terms of coverage with their insurance carrier, and as a result, the current BSA insurance provides for limited coverage for the BSA and, consequently, is wholly inadequate to protect the Elks as an "additional insured."

While Lodges may no longer engage with the BSA as a “Charter Organization” or as an official sponsor of any Scout Unit, we continue to believe in the stated mission of the BSA, and Lodges may choose to continue supporting Scout activities and providing them with the use of Lodge facilities as they would any other youth organization in accordance with the Grand Lodge Youth Protection Guidelines (located in Elks.org/Members Only/Manuals).

We are advised that the BSA can provide each Lodge with a “Facilities Use & Indemnity Agreement.” While not offering absolute protection for our Lodges, the Agreement does offer to treat the Lodges as an additional insured to a limited extent, including sexual abuse and molestation cases, and is a prudent approach to any continued engagement with the BSA. Lodges that desire to continue their support of Scouting activities should insist that the local Scout Unit or Council execute this Agreement. Caution: The Agreement must be renewed every year and a current Agreement must be on file, otherwise the Lodge will lose any protection provided in prior Agreements.

Lodges should also be mindful of the provisions of our own Grand Lodge Liability Insurance Program and the requirement for Certificates of Insurance from those who are using our facilities, whether as a single event or on a long-term basis. These Certificates will include the Lodge as an additional insured and provide even more protection for the Lodges.

Support for the youth of the communities we serve remains a most important part of the mission of the Benevolent and Protective Order of Elks. However, in doing so, we must always be mindful that our youth are the most vulnerable among us and be wary of today’s litigious society. Lodges are encouraged to proceed with caution and exercise great care and prudence when dealing with any youth group or organization.

Fraternally and sincerely,



Bruce A. Hidley
Grand Exalted Ruler

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 Board of Grand Trustees
 Grand Forum
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