



To: Special Olympics U.S. Programs
Date: April 15, 2021 (*revised from March 10 memo*)
Re: Special Olympics Corporate Insurance Program (SOCIP) General Liability Policy Communicable Disease Participant Waiver Requirement

Throughout this document “participants” are defined as all athletes, Unified partners, coaches, volunteers.

2021 General Liability Coverage – Communicable Disease

Background:

General liability insurance coverage provided under SOCIP is an essential component of our comprehensive insurance program which protects U.S. Programs and SOI. During 2020, the Special Olympics Risk Management & Insurance Task Force along with SOI Legal and American Specialty shared a trend they were seeing in general liability coverage with U.S. Programs. This trend showed that many insurers reacted to the COVID-19 pandemic by adding a communicable disease exclusion to their general liability insurance policies. The impact of this exclusion is to remove general liability coverage for claims of COVID-19 transmission or other diseases and leaving U.S. Programs and SOI vulnerable to communicable disease claims at this uncertain time.

The Special Olympics Corporate Insurance Program general liability insurer, Philadelphia Insurance Company, is among the insurers taking this approach for much of their business. In preparation for the 12/31/2020 – 12/31/2021 insurance renewal, our insurance representatives at American Specialty Insurance worked with Special Olympics Legal, Special Olympics North America and also reviewed the COVID protocols available on the Special Olympics Resources site and used this valuable information to advocate for a renewal policy with no communicable disease exclusion for the 12/31/2020 – 12/31/2021 policy period with Philadelphia Insurance.

Because of your hard work, the hard work of your caring staff and your dedication to risk management, **we are pleased to report we were successful in renewing the SOCIP general liability policy without a communicable disease exclusion.** This is a significant achievement in the current insurance marketplace.

Please note, the SOCIP excess program, which supplements our general liability coverage does exclude losses arising from a communicable disease. This means it is imperative we follow the internal and external guidance relative to safe Return to Activities in an effort to keep everyone safe and reduce our liability as an organization.

Important: In order to secure this coveted coverage under our general liability coverage with Philadelphia Insurance, Special Olympics U.S. Programs must have participants sign a Communicable Disease Release of Liability waiver prior to participating in Special Olympics in-person activities. For the purposes of this requirement, the insurer defines participants as: all athletes, Unified partners, coaches, volunteers (day-of and Class A Volunteers). The Communicable Disease Release of Liability waiver does not need to be signed by spectators or family members who are not volunteering their time for Special Olympics.

Communicable Disease Participant Waiver

What is it?

The release of liability waiver is designed to protect Special Olympics, U.S. Programs and its directors, officers, sponsors, etc. from liability arising from the actual or alleged spread of communicable disease at a Special Olympics activity. The insurer requires that Special Olympics utilize this release in order to avoid a communicable disease exclusion on the SOCIP general liability policy.



Who is required to sign the Communicable Disease Participant Waiver?

All registered athletes, Unified Partners, coaches, and volunteers when participating in sanctioned Special Olympics activities; including fundraising events, but only when the participant has a specific role and is acting at the direction of the Program (e.g., event volunteer, Global Messenger giving a speech, etc.).

However, for in-person fundraising activities, we recommend Programs continue using a release of liability waiver for all paying/registered event participants which includes a release for claims arising from a communicable disease. Sample General Waiver of Liability Assumption of Risk and Indemnity for fundraising activities can be found on the Special Olympics Resources site [here](#).

We recommend reviewing any waiver use with your local legal counsel to confirm compliance with any existing waiver requirements for your jurisdiction.

What about General Rule Section 2.04 Releases from Athletes?

The Communicable Disease Participant Waiver has been approved by SOI in order to keep this important general liability coverage in place to protect Special Olympics and U.S. Programs during this unprecedented pandemic.

When does the requirement go into effect?

Effective immediately, the Communicable Disease Participant Waiver will need to be signed by all participants as outlined above, regardless if a participant has previously completed the COVID-19 Participant Code of Conduct and Risk Assessment Form.

How long do we need to keep the waiver?

The waiver should be kept for at least 7 years and longer in the event of a communicable disease breakout at the Special Olympics activity.

Are electronic / online communicable disease waivers and COVID-19 Participant Code of Conduct forms acceptable?

Yes, both the Communicable Disease Participant Waiver and COVID-19 Participant Code of Conduct form can be converted to an electronic waiver. The signed communicable disease waiver needs to be kept on file, in the event of a claim, for at least 7 years from the date of the activity. The COVID-19 Participant Code of Conduct form should be kept on file in accordance with their respective Record Retention Policies and Protocols regarding the retention and destruction of records related to health and other documents.

How often does the communicable disease waiver need to be signed?

The Communicable Disease Participant Waiver should be signed at the time the participant returns to in-person activities. Given the fluid nature of the waiver requirement and pandemic, we are suggesting that the communicable disease waiver be signed again at the time of the athlete medical renewal for athletes and at the time of the criminal background check renewal for volunteers. As the coverage and pandemic status changes, the communicable disease waiver requirement will be reevaluated. Please note that attached guidance provides an overview on how to update GMS to add certifications for tracking the Communicable Disease Waiver and the COVID-19 Participant Code of Conduct.

Does the Communicable Disease Waiver replace the COVID-19 Participant Code of Conduct and Risk Assessment Form?

No, it does not replace the COVID-19 Participant Code of Conduct and Risk Assessment Form.



	Communicable Disease Participant Waiver	COVID-19 Participant Code of Conduct and Risk Assessment Form
Athletes	Required; Guardian signature required if athlete is not his/her own legal guardian	Required per the SOI Return to Activities Protocol
Unified Partners	Required	Required per the SOI Return to Activities Protocol
Coaches	Required	Required per the SOI Return to Activities Protocol
Class A Volunteers	Required	Required per the SOI Return to Activities Protocol
Day of Volunteers	Required	Required per the SOI Return to Activities Protocol
Spectators	Not Required	Required per the SOI Return to Activities Protocol
Family Members	Not Required	Required per the SOI Return to Activities Protocol when meeting the definition of participant
Fundraising Participants (i.e., individuals “plunging” into the water at a Polar Plunge)	Communicable Disease Participant Waiver is not required, but General Waiver of Liability Assumption of Risk and Indemnity waiver should be utilized	Recommended per the SOI Return to Activities Protocol
Athletes performing a volunteer function at a fundraising event (i.e., speaking at the Polar Plunge)	Required; Guardian signature required if athlete is not his/her own legal guardian	Required per the SOI Return to Activities Protocol
Athletes attending a fundraiser as a fundraising participant (i.e., Polar Plunge participant)	Communicable Disease Participant Waiver is not required, but General Waiver of Liability Assumption of Risk and Indemnity waiver should be utilized	Recommended per the SOI Return to Activities Protocol

Can the Code of Conduct and Communicable Disease Participant Waiver be combined?

While combining a release of liability waiver with any other document (i.e., COVID-19 Participant Code of Conduct) potentially reduces the effectiveness of the release of liability waiver, the insurer has agreed to allow the Communicable Disease Participant Waiver and the COVID-19 Participant Code of Conduct and Risk Assessment Form to be combined subject to the following:

- Review and approval by local legal counsel to ensure the validity of the combined Communicable Disease Participant Waiver and Code of Conduct in your jurisdiction.
- The Communicable Disease Participant Waiver must generally remain in-tact, including the title, introduction paragraph, 1 – 4, final paragraph, signature, and guardian signature paragraph.

We have not included a sample combined form, as each state law will dictate how/if the forms can be combined.

How often should COVID-19 Participant Code of Conduct and Risk Assessment form be signed?

Programs can decide how often this document is signed. Please note that SONA has provided an accompanying [guidance document](#) on how to update GMS to add certifications for the Communicable Disease Waiver and the COVID-19 Participant Code of Conduct.

Are minor athletes required to sign/submit the Communicable Disease Participant Waiver?



The waiver includes a section for the parents/guardians of participants under the age of majority to sign. This section should also be used for those participants over the age of 18 that are not their own guardian.

Questions?

If you have any questions regarding the Communicable Disease Participant Waiver, please reach out to SOI Legal Dept. (legal@specialolympics.org), Angela Ciccolo at (aciccolo@specialolympics.org) and Jina Doyle (jdoyle@americanspecialty.com) and Rashelle Thoms (rthoms@americanspecialty.com) at American Specialty, with a courtesy copy to Amie Dugan, SONA (adugan@specialolympics.org).