To: Special Olympics U.S. Programs  
Date: March 10, 2021 *(revised from March 1 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 effect 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 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.

### 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.

**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.

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

**Does this waiver replace the COVID-19 Participant Code of Conduct and Risk Assessment Form?**
No. We recommend Programs continue to have participants complete the COVID-19 Participant Code of Conduct and Risk Assessment Form in addition to the Communicable Disease Participant Waiver.

The Code of Conduct and waiver are two independent documents and we recommend they not be combined.

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.

**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.

**Is an electronic communicable disease waiver acceptable?**
Yes, the Communicable Disease Participant Waiver can be converted to an electronic waiver so long as the signed communicable disease waiver is available in the event of a claim for at least 7 years from the date of the activity.

**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.

**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.

**Questions?**

If you have any questions regarding the Communicable Disease Participant Waiver, please reach out to Angela Ciccolo at aciccolo@specialolympics.org or Rashelle Thoms (rthoms@americanspecialty.com) or Jina Doyle (jdoyle@americanspecialty.com) at American Specialty.