

July 20, 2020

Dear ATD Chapter Leaders,

We hope you and your families are well during this summer season.

Much has happened globally since the COVID-19 pandemic reached the United States several months ago, and the situation continues to evolve. As all of us look to the second half of the year and what our new normal may be, many chapters are anxious about whether they will be able to meet again in person. These are difficult decisions, and there are many factors to consider, the most important of which is the health and safety of your members and potential meeting attendees.

Centers for Disease Control and Prevention Considerations

The U.S. Centers for Disease Control and Prevention (CDC) has published a detailed web page called "[Considerations for Events and Gatherings](#)."* We urge you to thoroughly review the information on this page, starting with these guiding principles:

- A gathering refers to a planned or spontaneous event, indoors or outdoors, with a small number of people participating or a large number of people in attendance such as a community event or gathering, concert, festival, conference, parade, wedding, or sporting event.
- The *more people* an individual interacts with at a gathering and the longer that interaction lasts, the higher the risk of becoming infected with COVID-19 and COVID-19 spreading.
- The [higher the level of community transmission](#) in the area that the gathering is being held, the higher the risk of COVID-19 spreading during a gathering.
- The size of an event or gathering should be determined based on state, local, territorial, or tribal safety laws and regulations.¹

If your chapter is considering holding an in-person meeting or gathering any time during the remainder of 2020, please inform Erin Murphy of ATD Chapter Services at emurphy@td.org. Your chapter will likely need to take on new responsibilities to reduce the risk of COVID-19 spreading.

Important Considerations for Your Chapter

Your chapter should take necessary precautions to demonstrate that you have put in the level of effort required to meet a "reasonable" standard of care.

Failure to meet the standard of care that is reasonable for an organization hosting a gathering may expose your chapter to liability. Simply following the requirements imposed by your specific state or locality may not be sufficient to demonstrate that you have satisfied the required standard of care. Rather, following recommendations issued by your locality, state, and the CDC to minimize COVID-19 spreading may be needed to protect your chapter from potential liability.

What does this mean? This includes things like ensuring the space you're using has met the CDC's cleaning and disinfecting protocols, requiring the use of face masks when required or recommended, adhering to social distancing guidelines, providing hand sanitizer in public spaces, and possibly taking additional steps based on any other applicable recommendations and requirements. These responsibilities are important items to discuss with your chapter board as you weigh your chapter's risk

*Note: Guidance is changing often, so please check the CDC website frequently for updates.

¹ This section pulled directly from:

<https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>

tolerance and your ability to take on the responsibility of ensuring your chapter is following all applicable recommendations and requirements to provide and maintain a healthy environment.

Additional Questions to Consider

- **Have you polled your members and contacts about their willingness or interest to meet?** While parts of the country are opening up to varying degrees, the ability to hold in-person events and people's desire to attend may differ. Additionally, companies may have restrictions on employee participation during these kinds of events. Having a clearer sense of your members' preferences and ability to convene (in-person or virtual) would be useful information to collect, particularly to understand whether it makes sense financially to hold in-person events.
- **Where is the meeting location or facility?** Is it indoors or outdoors? Does the chapter have a contract in place with the venue? Will the facility provide a copy of their cleaning protocols? Does the venue have signage regarding traffic flow, limits on room capacities, and a social distancing plan for your meeting attendees that your chapter board can review? It will be important for you to understand any precautions the meeting venue will require and what precautions you will need to take to ensure that basic cleaning and social distancing recommendations or requirements are followed during that event.
- **Will the chapter provide food and beverages?** Is there a plan for how food will be handled? It is inadvisable for individuals to access the same open food (such as buffets) or share items (such as serving spoons and condiment containers). If the event includes food service, refer to the CDC's COVID-19 considerations for [restaurants and bars](#).
- **Will you screen your staff and attendees to ensure that people who exhibit COVID-19 symptoms do not attend an event?** Will you ask meeting staff and attendees to complete a questionnaire before they attend an event to confirm that they have not exhibited any symptoms? Will you ask all staff and attendees to undergo a temperature check before entering the building? If you have a contract in place with a venue for the event, have you confirmed what safety protocols you will have to follow before the attendees enter the venue? Performing some kind of screening before individuals gather for your event may help reduce the risk of someone with COVID-19 attending the event and infecting others.
- **Can a chapter ask attendees to sign a waiver when signing up for an event (online or as they arrive)?** Some organizations are requiring attendees to sign a waiver, acknowledging that the attendee is joining the meeting voluntarily and that they are waiving their legal right to sue the organization if they become infected with COVID-19 at the event. While this kind of waiver may protect your chapter from some amount of liability, it will not fully protect a chapter against liability in connection with the spread of COVID-19 at a chapter event. If you are interested in asking attendees to sign a waiver, how the waiver is worded and how you ask attendees to sign this waiver will be important. We recommend consulting legal counsel on these matters.
- **Is the chapter prepared to communicate with attendees and everyone involved in the meeting?** Does your chapter have a strong communications team, including your chapter board, to ensure that a communications plan is in place ahead of, during, and after the meeting takes

place? It is important to ensure that the board has thought through contingencies and back-up plans that allow your chapter to send out communications in a quick manner if necessary.

- **Do you have a plan to review the trend of the spread of COVID-19 in the city in which the event will be held a certain number of days before the event?** The CDC recommends canceling all events of any size if there is a substantial spread of COVID-19 in the community. It will be important to assess the spread of COVID-19 a few days before the event to determine whether it is safe to continue with the event as scheduled.
- **Is there a virtual option to attend the event?** This may be especially important for a member who does not feel comfortable attending in person but wants to access the content and derive value from the meeting (especially if the meeting is free to all chapter members).
- **What are your plans if you discover that someone is sick during the event or after the event has ended?** The CDC has recommended that event planners should have a plan to separate staff and attendees with COVID-19 symptoms immediately after discovering that they are sick and send them home or to a healthcare facility, depending on the severity of their symptoms. Additionally, if you discover that someone who attended the event was sick with COVID-19 after the event has ended, your chapter should consider having a plan for how to share this information with staff and attendees so that they can take necessary precautions based on their potential exposure to COVID-19.
- **What insurance coverage does your chapter have to protect against liability arising from the spread of COVID-19 at your event?** In assessing the risk of beginning to host in-person events, it would be helpful to talk to your insurance agent to determine whether the spread of COVID-19 is a liability that is covered under your insurance. (Note that it may be difficult to obtain any coverage at this point if your chapter does not already have insurance coverage.)

Some chapters have asked what it means to have Directors and Officers (D&O) insurance. D&O insurance protects the personal assets of corporate directors and officers and their spouses if they are personally sued by employees, vendors, competitors, investors, customers, or other parties for actual or alleged wrongful acts of their chapters. This may be particularly important for chapters that have not formally incorporated with the state, given that the directors and officers of unincorporated chapters have greater exposure to being personally sued for their chapters' activities (compared with nonprofit corporations). ***Your D&O insurance may not protect the chapter from suits against the chapter for the spread of COVID-19 at a chapter meeting or event.***

Next Steps

In all situations, ATD chapters should heed all CDC guidance and, most important, adhere to all applicable government mandates and health and safety guidelines given by state and local authorities regarding gatherings. ***Your chapter board must review, understand, and be certain that the chapter can comply with all local and/or state requirements if you are holding a meeting this year.*** If the chapter has contracted with a facility, then the board must ensure that the facility can meet all local and state requirements.

Please note that this information is based on current guidance available from the CDC, ***but this memo should not be considered a comprehensive summary of all factors that your chapter should consider in hosting an event and should not be viewed as specific legal advice. Circumstances are changing rapidly, and therefore your chapter should review all up-to-date CDC guidance and all local and state guidance on this topic in planning a meeting, program, or event.***

If your chapter has additional questions or requires additional input, please [complete the online form](#). Or you may choose to seek your own guidance from local legal counsel in your area who may have familiarity with your locality or state's rules and restrictions.

If your chapter is currently working through a meeting cancellation or postponement, please work with your meeting venue regarding any changes, including contractual obligations related to cancellation or rescheduling as part of your programming strategy.

Thank you for your support of and commitment to your chapter and your local community.

Sincerely,

ATD Chapter Services