

**SCOUTS-L**

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**BSA RULES  
AND POLICIES**

**Date:** Thu, 15 Jun 1995 23:02:16 -0400 (EDT)  
**From:** "Michael F. Bowman" <mfbowman@capaccess.org>  
**Subject:** Who Has Authority to Drop Scouts  
**To:** SCOUTS-L Youth Groups Discussion List <SCOUTS-L@TCUBVM.IS.TCU.EDU>

Dan,

You are right that only BSA has the authority to drop a Scout once he is registered. However, a unit can drop the Scout from the unit roster. At this point the Scout is still registered and can still work on merit badges, etc. It does get a little difficult though as a practical matter. But if the Scout is still interested, he might find this a way to bridge the gap while looking for a different unit. I had a couple of Scouts in a provisional Troop at a Camp that had been dropped by their units (very strict attendance rules). They were still very interested, but had conflicts. Summer camp rekindled their enthusiasm and they moved on to more accepting units.

At recharter time, an inactive Scout need not be re-registered. This is the only time that a unit in fact drops a boy.

For those who have been discussing great attendance policies - remember that while attendance is important for a boy to be exposed to the opportunities of the Scouting program and certainly makes it easier for the unit, it is not the objective of the program. Some Scouts are going to have conflicts, problems at home, a sports season, etc. Let's not make them have to choose. We all may well lose. If you must have an attendance policy make sure that it is well salted with a lot of care and understanding in practice. If a Scout is not attending regularly, ask why. You may find that there is a problem that the Scout is facing where a little help is welcome. Maybe its as simple as shifting the Scout to a new patrol or allowing that the Scout's parents are shipping him off for the summer to live with Grandparents. Scouting and attendance are not an end in themselves, merely methods to help the boys develop character, citizenship and fitness. It may be that the Scout is doing one or more of these things in other activities too and that a little creativity can be used to integrate the experiences so that the Scout sees the relation.

Easier said than done? Yep. Its easy to make a rule. Hard to help a boy grow. We all get tired of Congress trying to legislate a fix for every problem - hamstringing us in the process. Lets not do the same to the Scouts. Use rules sparingly and you'll find they are easier to live with

and more effective.

Well I see I've been on the soapbox again from the accumulating suds around the PC, so I'd better stop. :-)

**Speaking only for myself in the Scouting Spirit, Michael F. Bowman  
Prof. Beaver, Nat. Capital Area Council, BSA mfbowman@CAPACCESS.ORG**

**Date: Sun, 13 Aug 1995 00:09:45 -0400 (EDT)  
From: "Michael F. Bowman" <mfbowman@CapAccess.org>  
Subject: Re: Requirements**

**Mike,**

**The committee and SM in your inquiry are not free to alter the rules and policies regarding advancement established by National including the Board of Review. They might need to be reminded that it is not their program, rather a program that the chartering organization elected to use as a youth program. Part of that charter represents an agreement to abide by those rules and policies. Their actions could have the following consequences, if somebody makes a fuss:**

- 1. Revocation of the charter.**
- 2. Non-recognition of rank advancement for lack of proper board of review.**
- 3. Rejection of Eagle applications - same - didn't have BSA approved boards of review for ranks.**
- 4. And if someone doesn't raise a fuss, the leaders are teaching these Scouts that you only obey the rules you like and ignore the rest - something counter to one of the principle aims of Scouting - participating citizenship. They can work towards change, but are not free to implement this change on their own.**

**In such a case, it would be a good idea for the DE and/or District Commissioner to sit down with the Institutional Head and COR to make sure that the chartering organization understands its obligation. At the same time the commissioner staff needs to be talking with the committee and SM.**

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**Date: Fri, 25 Aug 1995 02:52:23 -0400 (EDT)  
From: "Michael F. Bowman" <mfbowman@CapAccess.org>  
Subject: Re: Inner Tube Raft Race**

**Mike Burton,**

**You wrote:**

**>Here in the Cherokee Area Council we have had a raft race  
>down the Hiwassee River at Reliance, TN for 12 ? years.  
>The scouts lash a framework to inner tubes and 'race'  
>2 miles or so to the finish. It was just cancelled because  
>according to the 'Guide to Safe Scouting' ( g2ss.txt in AOL  
>Scouting library ) under Safety Afloat <each> raft must have an  
>accompanying canoe with water-trained adults in it. I can't seem to  
>find this particular bit of information.**

**The most recent edition of "Guide to Safe Scouting" does impose a number of safety requirements on trips afloat; e.g. adults participating must complete Safety Afloat Training. Safety Afloat requires one adult to every ten Scouts with a minimum of two adults. The ratio for cub Scouts is one adult to every five Cubs with a minimum of two adults. Cubs are also restricted to flat water ponds - no river trips. The "Guide to Safe Scouting" uses this ratio for "a BSA group" but does not define what a group is, could it be that they didn't use the word "unit" to allow for regatta or other larger activities or camp waterfronts?**

**Apparently your Council has decided that a group is a any small group on a single watercraft or so it would sound. Even if this is so, the "Guide to Safe Scouting" does not say they have to be in an accompanying canoe. It just says there must be two adults supervising the activity. Presumably they could do so in a rowboat, riding the raft, etc.**

**Does your Council require an accompanying boat for each boat of Scouts on it camp property? I suspect not. You might want to start with that as a question and find out how they operate a waterfront for camp. Most likely they will tell you that they count the aquatics staff and adult leaders in getting the ratios met to allow several canoes, rowboats, etc. out on the water. The next question, is why something similar could not be done here. Sounds like the same logic should apply. If there is enough adult supervision all along the course for the larger group, maybe this is a possibility.**

**However, I would have to defer to your Council's concerns with liability and any local laws. But, it is certainly worth talking to your Council's professional staff.**

**BTW the file you cited G2ss.txt does not appear to be on AOL. I used the file search gizmo and scanned through the Scouting Library and did not find it. The only text file on Scout Safety was a 1994 version of the Guide to Safe Scouting which may have been edited. Sit down with your folks with a current edition in hand to go through the rules and how they have been interpreted.**

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**From mfbowman@CapAccess.org Wed Oct 4 00:54:40 1995  
To: SCOUTS-L Youth Groups Discussion List <SCOUTS-L@TCUBVM.IS.TCU.EDU>  
Subject: Re: Driver Age Requirements**

**Don and Carol,**

**In addition to being stated on the Tour Permit Application, BSA's Health and Safety Guide and BSA's Guide to Safe Scouting both state that a driver need only be 18. All three also include an except to allow a driver of 16 or older when traveling to an area, regional or national event, provided there is a person of 21 or older in the vehicle.**

**Realize however, that this is the minimum standard established by National. Many Council's revise and reprint their own version of the Guide to Safe Scouting with more stringent requirements, based on the**

**Council's Risk Management Committee's suggestions. In some Councils there may be a requirement for a 21 year old driver. If so, then the minimum age in your Council is 21. Check with your Scout Office for details, if there is a question about this.**

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**From mfbowman@CapAccess.org Wed Oct 4 01:34:02 1995  
To: rosebro@ggpl.arsusda.gov  
Subject: Re: Legalize**

**Bob,**

**Renting vans is often a great option for transporting Scouts and cheaper than a bus. BSA does not insure the vehicle for you. In fact you are expected to have at least the minimum liability insurance on your car as part of the requisites for a tour permit. Same for a rented car. Usually your personal auto policy will have a clause that provides coverage for rental vehicles with the same liability limits as for your own car. I recommend that each driver contact their own insurer and make sure the coverage exists and will cover the transportation of Scouts. In addition it would be a good idea to contact your Council for advice on a unit policy. This would supplement personal liability insurance for all leaders on the trip and during the year. It is relatively inexpensive, but really worth it, if anything happens.**

**BSA encourages large groups to use common carriers because of their good safety record. Even if you use a common carrier, your own insurance for personal liability and that of each Scout's family for property (up to the family whether to insure property) will be the source for coverage against liability and property loss.**

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**From mfbowman@CapAccess.org Sun Oct 8 01:04:47 1995**

**To: SCOUTS-L Youth Groups Discussion List <SCOUTS-L@TCUBVM.IS.TCU.EDU>**  
**Subject: Re: BSA Aquatics Instructor**

**Chris,**

**Your intuition is correct. BSA Aquatics Instructor is the highest level of training, achievement, and recognition in Scouting aquatics. Certification as an Aquatics Instructor is given by the National Organization (BSA) upon satisfactory completion of the aquatics section of the aquatics section program conducted at a National Camping School. This certification can be earned by an 18 year old, but will not allow the individual to serve as an aquatics director at a BSA facility until the person has reached the age of 21. This certification is limited to five years and may be renewed by subsequent National Camping School certification, participation on the Camping School staff (certified by the director), or by completing a three-day BSA Aquatics Instructor recertification course under the auspices of the National Camping School.**

**This information was taken from BSA's 1993 Health and Safety Guide.**

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**Date: Fri, 10 Nov 1995 02:56:32 -0500 (EST)  
From: "Michael F. Bowman" <mfbowman@CapAccess.org>  
To: Bruce Harper <bharper@VT.EDU>  
Subject: Re: Cub Scouts -- Definition of "Camping"**

**Bruce,**

**Just thought I'd throw in my two cents. I've looked high and low for a definitive statement about what Scout camping is and couldn't find one. This isn't surprising, because BSA tends to want to keep flexibility. The net result is that you have to look to the spirit of the thing and it seems to me that any overnighter with Cubs should have a one to one parent or guardian relationship to avoid any liability. The alternative**

is to have the activity as a non-Scouting church activity. However, that is just my reaction. The right thing to do is to ask to talk with the chairman of your Counsel's Risk Assessment Committee - that's the group charged with setting policies to avoid unnecessary liability for Scouting. They may already have a local policy that you are unaware of. Likewise they know best the local laws, court cases, etc., that would have a bearing on the situation. If it were in NCAC, the answer would be to treat it as a Camping trip with one to one.

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Date: Tue, 20 Feb 1996 00:24:34 -0500 (EST)  
From: "Michael F. Bowman" <mfbowman@CapAccess.org>  
To: SCOUTS-L - Youth Groups Discussion List <SCOUTS-L@TCUBVM.IS.TCU.EDU>  
Subject: Re: Scouts driving

Vince,

The Guide to Safe Scouting, Chapter XII Transportation under the heading of Automobiles at paragraph 4 in your 1994 edition is the same as what I am seeing in the most recent 1995 edition (there were three here). The basic rule is that a driver must be 18 years old. The rule states an exception for area, regional, or national Boy Scout Activities or Exploring activities which allows a 16 year old driver to drive when the 16 year old has at least six months driving experience, has no record of accidents or moving violations, has parental permission granted to the leader, driver and riders, and has a 21 year-old licensed driver as a passenger in the vehicle.

This rule applies during a Scouting event and would preclude a 16 year old driving from the Troop meeting place to a campout.

The harder question is whether there is a restriction on a Scout driving from home to the meeting or from home to a campout. It gets tougher when you throw in transporting a younger sibling.

Generally the trip to the meeting is the responsibility of the parents and probably shouldn't be considered as transportation during a Scout activity, unless your local Council has developed a risk management

policy in this area. Driving to a campout might seem to be a bird of the same feather, but I would argue that safety considerations would dictate against the Scout driving to an activity distant from the meeting place. When you add the sibling to the equation, I would become more hesitant.

In any case this is a matter that needs to be taken up with your professional staff. Why? Each local Council has a Risk Assessment Committee that reports to the Council Executive Board. They are charged with developing policies to manage risk in light of local laws and known court cases, etc. In many Councils additional restrictions on transportation may be under consideration or in effect. You won't know without asking.

Aside from the theoretical underpinnings, this is really about the safety of the Scouts under the leader's charge. We are all too keenly aware that most accidents occur within 25 miles of home and that young male drivers rack up a disproportionate share of accidents. Letting a Scout drive in any setting under the leader's control simply increases risk unnecessarily. And I can relate to this all too well. Before BSA had this policy way back when I remember driving to a camporee as a 16 year old and leaving during the day for a High School event. Wouldn't you know I had an accident. I caught heck from my dad and that was the end of it, but I wouldn't bet on the same luck now for an SM.

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Date: Sun, 19 May 1996 03:26:29 -0400 (EDT)  
From: "Michael F. Bowman" <[mfbowman@CapAccess.org](mailto:mfbowman@CapAccess.org)>  
To: SCOUTS-L - Youth Groups Discussion List <[SCOUTS-L@TCUBVM.IS.TCU.EDU](mailto:SCOUTS-L@TCUBVM.IS.TCU.EDU)>  
cc: Multiple recipients of list SCOUTS-L <[SCOUTS-L@TCUBVM.IS.TCU.EDU](mailto:SCOUTS-L@TCUBVM.IS.TCU.EDU)>  
Subject: Re: Re[2]: Guns and such like (Never camp outside of Scout Camps)

Bob,

BSA's policy on firearms is pretty clear and is not one that a Troop Committee can redesign. Folks that have been in wild back country have some strong feelings about having a firearm for safety to be sure. We can argue about the wisdom of having a firearm to defend against a moose, etc., but this will not change the rules BSA has established.

As a lawyer, I am not sure that I would entirely agree with your analysis of when a leader might be held negligent. I am unaware of any cases suggesting that a Scout leader was negligent for not having and using a weapon against a wild animal. If somebody were to sue a leader after an incident with a wild animal, the question most likely to be raised is whether the Scouts should have been in the area at all and if so was this a risk that they accepted. In many places, as Ted and Rhett have observed, Scouts are going to be in country where they will find bears, moose, etc. In all of the times that Scouts have hiked and camped in these surroundings how many times have leaders with weapons (whether allowed or not) actually used their weapons to defend against a wild animal? In those circumstances where there was an attack or the like, how many times would the leader have had time to get the weapon ready and have a clear shot? It may be comforting to have a weapon, but in how many cases would it have been useful and would that outweigh the risks? BSA has evaluated the risks and reached a conclusion that the risk of injury to a Scout from a firearm outweighs the risks of being in back country.

Now on the other hand, let us suppose that a Scout were to be injured or killed as a result of a firearm being present and misused. Because BSA has established an organizational rule against the carrying of firearms on its activities, except in specifically controlled circumstances like a rifle range, the leader the brought the firearm risks being found negligent as a matter of law. In addition, if the weapon was concealed in a backpack and without a permit, the leader may face criminal charges for carrying the concealed weapon. In some jurisdictions it may be that the leader could also be charged with a negligent homicide, if a Scout were killed. And because this activity is outside the rules of BSA, the leader would not have any support or liability protection from BSA.

And while I might be inclined to have a weapon, if I were to be in a wild and wooley area on a personal adventure or with family, I think I would think twice about having one if it were with a group of Scouts.

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