

# Challenging Travelers and Situations: Traveler Annotation, Suspension, and/or Removal\*

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*\*This presentation contains general information only and is not intended to provide specific legal advice. Organizations should consult with their legal counsel regarding application of relevant state and federal law, as well as considerations regarding their specific business or operation.*

*“Have you had a traveler who shows up unprepared for the trip? Or is physically or mentally unable to further participate in the tour? Or a disruptive traveler who needs to be removed and sent home? This session will explore how to address a situation in the field and also how to handle it afterward. We will discuss annotation, suspension, removal and revoking of future privilege.”*

## I. Introduction

- a. Describe the issues (travelers unprepared, physically/mentally unable to continue, unacceptable behavior) – what to do?
- b. Examples

II. **What is the risk:** Compromise risk management and safety for the person and group; negatively impact the group (community, itinerary, culture), etc.

III. **Which travelers** – common in member based organization where many repeat travelers

IV. **What are your options?** Allow to stay; warnings/behavior contract; choose to dismiss (how, when and where)

## V. Pre-Trip processes/docs in place

- a. Right to Separate (including who pays costs of departure, no refund, etc.)
- b. Medical screening; physician review/authorization?
- c. Code of Conduct and/or Essential Eligibility Criteria
- d. Guide reporting: Annotation template and associated process and policy

## VI. Function of Annotation

- a. Goes to the individual’s file – ‘head’s up’ for future leaders
- b. Leaders required to review trip participants’ files (to catch any annotation)
- c. Could be:
  - i. health challenge (including a ‘disability’ as defined under ADA)
  - ii. a behavior issue
  - iii. or both (behavior emanating from a health condition – such as Dementia, Autism Spectrum, Bipolar, OCD, HACE or HAPE).

**d. Three basic options**

- i. Work with the person – reminding of expectations, EEC; why health or behavior is an issue; behavior contract, warning...
- ii. Allow to stay
- iii. Dismissal

**e. After Return**

- i. Leader de-briefs with Director; decide whether to annotate – if so:
- ii. Completes Annotation - handle differently if health challenge or behavior issue
- iii. Annotation can be flagged as an 'alert' (e.g. if a health challenge) to alert future leaders to re-consider issues/changes (can they now meet EEC?)
- iv. A 'suspension' or 'revocation' – typically in cases of behavior issues; preceded by an investigations; interviews with other trip members, etc. and decision by an organization committee.
- v. After Decision, contact the individual
- vi. Right to appeal?

**VII. Practical and Legal Issues**

- a. Be prepared – this can seriously impact the trip (quality, risk management, safety)
- b. Did leaders adequately screen participants pre-trip? Consider modifications?
- c. Why is a thoughtfully crafted annotation policy important?
- d. And, post dismissal claims – wanting refund or other costs of return; claims of discrimination (ADA, state discrimination laws, other)

**VIII. Q & A Discussion**