
**Planning Committee Minutes
Wednesday, October 12, 2022
via zoom/telephone/in person**

MEMBERS PRESENT: Steve Hodgens, Paula Freedman,
MEMBERS EXCUSED: Shirley Copes (Chair)
MEMBERS ABSENT: Elizabeth Hakanson
STAFF PRESENT: Carolyn D. Brown, Nancy Turo, Holly Hastings, Todd Goehle

CALL TO ORDER:

The October 12, 2022 Planning Committee meeting called to order at 4:45 PM by Steve Hodgens. It was noted for the record that a quorum was present.

APPROVAL OF PREVIOUS MINUTES:

Steve Hodgens moved the motion to approve the September 2022 minutes. It was seconded by Paula Freedman and unanimously approved.

PRESENTATIONS:

Risk Assessment Report and Risk Assessment Executive Summary

Nancy Turo, PEACE, Inc. Controller presented the Bi-Annual Risk Assessment Report and Risk Assessment Executive Summary. The full reports are included in the board planning packets, and also attached to these minutes.

This risk assessment is completed every two years as a requirement of the CSBG TRACS/ACROS reviews Standard 4.6. A free risk assessment survey tool provided by the Community Action Partnership was utilized for completion of this standard. The tool consists of 14 modules and 365 total questions. Some of the 14 modules include areas such as Governance, Facilities, HR, Contracts, Fundraising, Client Participation, etc.

It was noted that the report is a resource to review PEACE, Inc. compliance in various subject areas and there are no outstanding issues of non-compliance.

After the presentation and discussion, ***a motion was made by Steve Hodgens to approve the Risk Assessment Report and Risk Assessment Executive Summary Report; it was seconded by Paula Freedman, and the motion passed.***

HS/EHS – Highlights of Spring 2022 GOLD Data and Presentation of School Readiness Goals

Ms. Holly Hastings, the Head Start & Early Head Start Child Development and Health Services (CDHS) Manager presented the Spring 2022 Teaching Strategies GOLD child assessment data to the Planning Board. Also presented were the school readiness goals identified for 2022-2023.

Program aggregate data (inclusive of all age ranges, 595 children) indicate the majority of children's skills and knowledge were assessed to be in the meeting and exceeding expectations across six major domains for the Spring 2022 checkpoint. The percentages in each of the domains are as follows: Social-emotional 88%; Physical 84%; Language 87%; Cognitive 87%; Literacy 81%; and Mathematics 80%. Comparing the Winter 2021 checkpoint data with the Spring 2022 assessment results, the percentage of children whose skills/knowledge assessed to be in the meeting/ exceeding ranges increased in all six major domains. Two of the areas with the most improvement are the mathematics domain, which increased from 63% in the Winter to 80% meeting/exceeding in the Spring checkpoint period and in the cognitive domain which increased from 73% in the Winter 2021 to 87% in the Spring 2022. When comparing Spring 2021 checkpoint results to Spring 2022 results, there were slight increases in all domains.

Spring 2022 Growth Reports were generated by age groups and for two specific groups, dual language learners (DLL) and children with a diagnosed disability. Growth reports provide valuable data on children's progress in gaining skills/knowledge between checkpoints. Once again, the Spring 2022 data indicate that the majority of children's progress in gaining developmentally appropriate skills and knowledge between the Fall 2021 and Spring 2022 GOLD checkpoints was in the meeting or above expectations growth ranges. Comparing the Spring 2021 growth reports to the Spring 2022 growth reports, the results showed a higher percentage of children whose knowledge and skills assessment scores were in the meeting or exceeding ranges in a majority of the areas of development for all ages groups.

The Child Development and Health Services Manager and the Child Development Specialist identified the School Readiness goals for our new program year based on the GOLD results as well as, data from classroom observation, the Devereaux Early Childhood Assessment (DECA) and our initiative for trauma informed practices. A brief summary of each goal is below.

Our first School Readiness Goal (SRG) examines the cultural responsiveness in effective practices for honoring the diverse perspectives and needs of our children and families. In previous school readiness goals, we learned more about meeting the needs of Dual language Learners. We then expanded on those theories and strategies for individualizing for all learners regardless of social emotional, language, or cognitive development. Through this school readiness goal for 2022-2023 we will continue to learn about the needs of the Whole Child, and how a cultural, diverse, inclusionary, and equitable approach from staff creates respectful environments with anti-bias teaching practices to ensure the participation of all children and families. The program will assist staff to increase their understanding of cultural, diverse, inclusion, and equitable teaching environments through training and technical assistance opportunities.

Our second SRG is in the Social Emotional Domain of the Head Start Early Learning Outcomes Framework (ELOF). Due to the traumatic events that many of our families experience we felt it necessary and beneficial to keep our Social/Emotional goal from 2021-2022. This goal supports secure attachments and relationship building. Specifically, it will assist children in developing expectations of consistent, positive interactions through secure relationships with adults using a trauma informed approach. Children will learn to use basic problem solving skills to resolve conflicts with peers. The objective of this goal is that children will develop skills necessary to foster secure attachments with adults, build peer relationships, regulate emotions and behaviors, and develop an understanding of how to think through problems and apply strategies for solving them. Staff will model and assist children in practicing skills to increase Protective Factors attachment/relationships, self-regulation, and initiative) and to support social emotional learning in a classroom or home setting. They will utilize Conscious Discipline© (CD), and other available Social Emotional Learning (SEL) resources to help meet the objectives of this goal.

Our third SRG is under the domain of Cognition/Mathematics Development. To increase mathematical skills in children, our data indicates that teaching staff would benefit from additional training in the cycle of teaching and learning; planning, implementation, observing, and assessing math skills for emergent learners. With Teaching Strategies Gold and the Teaching and Learning Cycle, staff will assist children in increasing math skills by planning for all children through individualization, providing developmentally appropriate activities to manipulate and explore numbers, numeracy, counting, cardinality, and observing children with a skilled eye to assess the child's math strengths and needs. We will provide a pre/post survey, based on TSG developmental math objectives for teachers to complete as a reflection of their own current strengths and distinguish the needs to be successful in increasing child outcomes. Our goal is to present teaching staff with a comprehensive training opportunity that incorporates Teaching Strategies Gold program of observation and assessment, and how to use what the program offers for planning, implementing, observing, and assessing children's development.

The fourth SRG is in Literacy Development. Our literacy goal from the past program year addressed language modeling. Our TSG data indicated 85% to 91% of four year old preschoolers met or exceeded last year's goal in language modeling. An increase of language modeling lends to an increase of reading books aloud to children. Therefore, increasing children's awareness of concepts of print and the ability to apply and demonstrate an understanding of how print is used and the rules that govern how print works is the next logical step in Literacy Development. Our school readiness goal for 2022-2023 emphasizes children developing a positive attitude towards books and enjoyment of reading when being read to by adults. As appreciation for books and reading develop, children begin to show awareness of concepts of print, comprehension and emergent reading skills. Early exposure to reading and hearing the written word through various parts of the day increases literacy skills as a precursor to discrimination sounds, such as alliteration and rhyming.

After the HS/EHS presentation, ***a motion was made by Paula Freedman to approve (i) end of year data report, (ii) the new school readiness goals; it was seconded by Steve Hodgins, and the motion passed.***

GRANTS REPORT

Todd Goehle, Community Engagement Director, presented the Grants Reports. (attached).

OLD BUSINESS: None

NEW BUSINESS: None

OTHER: None

ADJOURNMENT

At 5:15 PM, Paula Freedman moved a motion to adjourn the October 12, 2022 Planning Committee meeting. It was seconded by Steve Hodgins, and unanimously approved.

<u>Funding Source</u>	<u>Project</u>	<u>Program</u>	<u>Submission Date</u>	<u>Request Amount</u>	<u>Status</u>	<u>Award Date</u>	<u>Award Amount</u>	<u>FY Submitted</u>
M&T Bank	Free Tax Prep Program	Free Tax Prep Program	9/6/2022	\$25,000	Pending			
BNY Mellon	BBBS Mentor Manager Salaries	BBBS	8/31/2022	\$20,000	Pending			
Berkshire Bank	Free Tax Prep Program	Free Tax Prep Program	8/30/2022	\$25,000	Pending			
KeyBank	Free Tax Prep Program	Free Tax Prep Program	8/30/2022	\$25,000	Pending			
OCFS, Onondaga County Youth Bureau	BBBS Onondaga County Mentorship Programs	BBBS	8/15/2022	\$15,000	Pending			
CSBG Discretionary Funding	IT, Rental Assistance, NYSCAA	Various	8/9/2022	\$45,000	Pending	8/15/2022	\$45,000	
CSBG Discretionary Funding	HR Director Search	Human Resources	7/10/2022	\$41,907	Denied	8/8/2022		
Mother Cabrini Health Foundation	Reentry and Family Reunification Program	Family Services	7/8/2022	\$75,000	Pending			
Allyn Foundation	Southside FRC Summer Programming	Family Services	7/1/2022	\$19,375	Awarded	7/15/2022	\$19,375	
Syracuse City School District	Alternative Learning Site	Eastside Family Resource Center	6/30/2022	\$124,923.01	Awarded	8/31/2022	\$124,923	
JP Morgan Chase	Free Tax Prep Program	Free Tax Prep Program	6/17/2022	\$50,000.00	Pending			
Women's Fund of CNY	Women's Wellness Program	Family Resource Centers	6/15/2022	\$5,000	Pending			

PEACE, Inc. Recent Grant Applications 9/20/2022

Arby's Foundation / Inspire Brands	Big Brothers Big Sisters Salaries and Community Gatherings	Big Brothers Big Sisters	6/1/2022	\$5,700	Awarded	6/13/2022	\$5,700
Arby's Foundation/Inspire Brands	Big Brothers Big Sisters Salaries and Community Gatherings	Big Brothers Big Sisters	6/1/2022	\$19,500	Awarded	6/25/2022	\$19,500
Jim and Juli Boeheim Foundation	WSFRC Summer Youth Programming	Family Services	5/31/2022	\$12,500	Awarded	6/29/2022	\$10,000
Robert Wood Johnson Foundation/Community Foundation of Central New York (CNYCF)	Addressing Lead poisoning among Syracuse's Black, Latino and new American children using the Life Needs Assessment data network.	Cross Agency	5/26/2022	\$3,000	Denied		
Housing Visions	Housing Visions Resident Eviction Prevention Program (REPP)	Family Services	5/25/2022	\$25,557	Awarded	6/1/2022	\$25,557
Excellus - LOI	Women's Wellness Program	Family Services - WSFRC and SSFRC	5/24/2022	\$37,375.70	Denied		
Mother Cabrini Health Foundation - LOI	Reentry and Family Reunification Program	Family Services	5/13/2022	\$97,562.70	LOI Accepted	6/10/2022	Invited to apply for \$75,000
The Food Bank of CNY	Family Resource Centers	Family Services	4/28/2022	\$52,224.00	Awarded	6/30/2022	\$60,152
The Food Bank of CNY	Family Resource Center Food Pantries	Family Services	4/18/2022	\$6,000.00	Awarded	4/29/2022	\$6,000
US Department of Justice, Office of Violence Against Women	Engaging Men and Boys as Allies in the Prevention of Violence Against Women and Girls	Vera House / Family Services Collaboration	4/12/2022	\$120,003 for PEACE, Inc. (\$350,000 total request)	Pending		

Risk Assessment Executive Summary

Risk Management Basics

This segment of the executive summary contains recommendations related to Risk Management Basics, including the assignment of responsibility for risk management, risk oversight, and risk committees.

- Consider forming a risk committee to ensure a diverse array of perspectives in agency risk management. See the full report for tips to increase the effectiveness of your risk committee, or reach out to NRMC for Risk Help on this topic.

Governance Risk

This segment of your executive summary contains priority recommendations to strengthen your board.

- Consider updating your minute-taking process to one that captures the essence of key topics and board decisions, rather than a transcript of comments made during the board meeting.
- We recommend that you consider ways to involve the full board in the CEO's annual review, while retaining the current practice of having a committee lead or facilitate the process. See the full report for additional suggestions on this topic.
- See the full report for suggestions to increase the engagement and dialogue during Finance Committee presentations.

Facilities and Building Security

This section of your executive summary contains priority recommendations based on your answers to the questions in the Facilities and Building Security Module.

- Developing up-to-date evacuation plans for all of your facilities should be a top priority. See the full report for the key elements to include in your evacuation plans.
- Consider developing a clear, bomb threat policy for your agency. See your full report for additional resources.
- Consider the value of requiring ID badges for all visitors. Explore affordable options and possible barriers to implementation. Solicit input from staff prior to implementing a new badge policy.
- We recommend that your agency adopt a standard maintenance schedule or keep a repair log. For additional information, see the report for this module.

Human Resources and Employment Practices

This section of your executive summary notes priority recommendations based on your answers to the questions in the Human Resources and Employment Practices module.

- You indicated that your agency has not identified who is a 'disqualified person' under IRS regulations. We recommend that you learn more about this topic, determine whether your organization is required to comply with these regulations, and take steps to ensure compliance. See the full report for resources on this topic.

Contracts

This section of your executive summary features priority recommendations related to contracts and your nonprofit's contracting processes.

- Incorporated entities answer for their debts and liabilities. When your agency is asked to indemnify another, you are being asked to agree in advance of an incident to pay for the debts or liability of another party. As a general rule, an organization *receiving* a service should *not agree* to indemnify (or name as an additional insured) the organization *providing* a service.
- Revisit the current process for entering into Independent Contractor Agreements, to identify why it is especially challenging or time-consuming to finalize these agreements before work begins on a particular contract. Perhaps there are extra steps or other reasons why it takes longer than is practical to finalize these agreements. For example, some leaders report that onerous insurance requirements in their independent contractor agreements cause a hold-up on the contractor's end.
- Obtaining legal review of all significant contracts prior to execution should be a priority as you evolve risk management practices in your agency.

Client and Participant Safety

This section of your executive summary contains priority recommendations based on your answers to the questions in the Client and Participant Safety module.

We recommend that you revisit your policy and practices with regard to ensuring that program staff have access to the information they need to assist clientele.

Transportation

This section of your executive summary contains priority recommendations based on your answers to the questions in the Transportation module.

You indicated that your organization provides or sponsors transportation services or owns (or leases) vehicles. The following transportation issues were identified as concerns during the assessment. Look to the full report for details.

- Your organization may be directly or vicariously liable when volunteers or employees operate a vehicle on behalf of your organization. The conditions for each situation and the proper procedures are addressed in the full report.
- Creating a transportation risk management statement will provide an initial step toward richer risk management of transportation in your organization. The statement serves as a guide in creating other important items like policies or training programs.
- Pre- and post-use vehicle inspections help document vehicle conditions and assist with maintenance of your fleet. Consider creating an inspection procedure and documentation process to track.
- Utilizing a transportation provider highlights the intersection of transportation risks and the risk of using contractors to provide services. We recommend having a procedure in place to vet your providers in order to ensure they provide the services you need in a manner that is consistent with your own internal transportation guidelines.
- Remember that cargo is not typically covered under regular vehicle policy. Check with your broker to see if you have the appropriate policy for coverage (usually inland marine coverage).

Technology and Privacy Risk Management

This section of your executive summary contains priority recommendations based on your answers to the questions in the Technology and Privacy Risk Management module.

- See the report for this module for information on cyber liability insurance.

Special Events

This section of your executive summary contains priority recommendations based on your answers to the questions in the Special Events module.

- Hosting special events may require risk management efforts not normally associated with the normal operations of your organization. Be sure to consider the various components of the event and risks associated with these components. Doing so will help the event be successful and have a positive impact for your organization.
- Documentation is an important part of risk management in all phases of activity. We recommend you begin documenting risk management activities as soon as possible.
- Designate one person as 'safety officer' for your special event in order to provide risk management oversight.
- An absence of personnel devoted to security (and other emergency situations) at your event creates a liability for your organization. You should implement appropriate staffing internally or contract the appropriate vendor to provide security.
- Although there may be time and other resource constraints that apply, selection, training, and supervision of 'day of' volunteers for your special event should reflect the magnitude of the risks associated with their use.
- You should be taking the necessary steps to address spectator safety as a part of your event.
- Waivers may not be necessary for every special event activity, but you should consider using waivers for your events as a part of the overall documentation strategy.
- Vehicle operating and insurance concerns need to be addressed if you are transporting event participants yourself or by contracting an outside service.
- Verify that the documentation and procedures used for accident reporting is consistent with the requirements of your organization and those of any insurance providers for the event itself.

Crisis Management and Business Continuity Planning

This section of your executive summary contains priority recommendations based on your answers to questions in the Crisis Management and Business Continuity Planning module.

- To increase your confidence with respect to crisis planning, review the gaps in your crisis management plan identified in your full report for this module.
- Having key information available during a crisis will assist in providing for timely response. Look to the full report for examples of what to include in your crisis management plan.
- We recommend conducting a thorough review of your crisis communications plan within the next six months. See the full report for additional crisis communications tips.
- We recommend that you establish a timetable and appoint a small task force to assemble existing components of business continuity planning into a true BCP.

Volunteer Risk Management

This section of your executive summary offers priority recommendations based on your answers to the questions in the Volunteer Risk Management module.

- Consider adding volunteer position descriptions to your volunteer risk management toolbox. Additional information is provided in your full report.
- We recommend that you resolve to apply a consistent, documented process to guide the screening and selection of volunteers. Recognize that a consistent process related to the risks of volunteer service should be used with respect to all positions, or with respect to similar positions. For example, if you require reference checks for sensitive volunteer roles, you should require that references be checked and documented *prior* to the placement of a volunteer in a sensitive role. Staff members who refuse to follow your process should not be permitted to continue in screening roles, or offered additional training and support to help them follow your policies and process.
- Reference checking is an important and potentially invaluable part of a thorough screening process for volunteers. We recommend that you add reference checking to your volunteer screening process. See the full report for additional information related to this recommendation, including suggested reference checking questions.
- Although there are no federal laws or regulations that prohibit a nonprofit from permitting or inviting exempt, salaried staff to also serve as 'volunteers,' an employer should never coerce or require its staff to volunteer, and any work that is substantially related to the staff member's primary role should not be described as volunteer service. Non-exempt, hourly staff must be paid for every hour worked. Extreme caution should be used before asking a non-exempt employee to volunteer. See the full report for additional information on this topic.
- You indicated that some, but not all, volunteers undergo an orientation prior to serving. We recommend that you require an onboarding or orientation process for all volunteers. Doing so increases the likelihood that volunteers will serve safely and effectively. In cases where it is difficult or impossible to provide an orientation, closer supervision or periodic in-service training should be provided.
- You indicated that you encourage volunteers to raise concerns but that you do not have a formal process for them to follow. It may be confusing or discouraging to a volunteer who has a complaint but does not know how to resolve it. We suggest establishing a formal process for volunteers to voice concerns with your organization.
- Conducting exit interviews with departing volunteers offers many benefits. We recommend that you consider conducting exit interviews. See the full report for suggestions on components of an exit interview process as well as questions to include.

Fundraising and Resource Development

This section of your executive summary contains priority recommendations based on your answers to the questions in the Fundraising and Resource Development module.

- You indicated that your nonprofit may not be registered in all states where you solicit individual donations. We recommend that you make the resolution of this potential gap in policies a priority. See the full report for additional information and links to helpful resources.
- You indicated that your nonprofit does not have practices in place to manage the risk of non-compliance with the CAN-SPAM Act. See the full report for additional information on this federal law, including resource links.
- Nonprofits that have minimal experience with government contracts may be caught off guard and unprepared for some of the risks associated with such funding, including inadequate funding for infrastructure, late payment/reimbursement, and complex reporting requirements. Thoughtfully consider the range of risks and 'what ifs' before you seek any government contract.

End of Report - 10/6/2022 11:30:35 PM

PEACE, Inc.

Risk Assessment Report

Risk Management Basics

Introduction

Agency leadership teams manage risk in different ways and with different processes and structures. This segment of your Risk Assessment report provides feedback based on your answers to questions related to the assignment of risk responsibilities, whether you have a committee dedicated to risk management, risk oversight by the board, and your confidence with respect to understanding the property & casualty coverage purchased by your agency.

Risk Manager

You indicated that risk management has not been assigned to a key staff person at your agency, such as a risk manager. Designating a full-time risk manager can be an important step in strengthening a risk function. However, the vast majority of community action agencies do not have a risk professional on staff.

If resources do not permit the hiring of a professional risk manager, consider naming one or more 'risk champions'--team members who can champion risk management initiatives at your agency.

Risk champions:

- uplift the notion of 'risk' as something more dynamic than a threat--something that is worth consideration and investment
- cultivate a culture of inquiry and candor among team members who must be willing to openly discuss and deconstruct risks
- drive a holistic or systems perspective that takes into account many diverse perspectives on risks and recognizes how risks intersect and play out across many departments and functions of an organization
- instill productive--not punitive--risk assessment and risk management practices, including honest reflection on past risk events and organizational failures as a platform for collectively doing better next time.

For more information on the risk champion role, see *What's in a Word? Risk Management Leaders as Mission Champions*.

Risk Management Committees

You indicated that your agency does not have a staff-level risk management committee. Risk management committees can be an invaluable resource to an agency that is striving to evolve its risk management capacity. Here are a few tips for developing a risk committee:

- determine the process for appointing or recruiting members
- draft a committee charter indicating the overarching purposes of the committee, frequency of meetings, specific goals and responsibilities, committee composition, and committee authority

- develop realistic goals and a practical plan
- plan a dynamic committee kick off meeting

For additional tips on forming and sustaining a risk committee, see: [The Nitty Gritty of a Risk Committee](#).

Governance Risk

Introduction

This report section contains recommendations to strengthen your board, including its structure, policies and operations. Like other areas in an agency, governance weaknesses can be addressed with focus, commitment and consideration of the unique circumstances and needs of your agency. Keep in mind that governance should evolve as an agency evolves: the best possible board during a time of growth may not be an effective governing body of an agency that is winding down.

Board Awareness

You indicated that the members of your board understand and are able to convey your organization's mission and purpose. A board that is fluent with regard to an organization's mission and purpose is less likely to take actions that will invite litigation, or otherwise act in a manner that puts the organization's vital assets at risk.

Legal Compliance

You answered that the members of your board are not necessarily confident that the organization is in compliance with federal, state and local regulations. Every organization board should operate with a high level of confidence with respect to the organization's legal compliance. When this confidence is lacking, immediate steps should be taken to ensure compliance and share these action steps with the board. Organizations are subject to a wide range of regulations and laws issued by various regulatory bodies. Keeping up with these regulations and ensuring compliance is not an easy task, even in an organization that has a large number of paid staff. Most small organizations require outside assistance to monitor and ensure compliance.

The board's legal duty of obedience requires that a board act in accordance with the organization's mission and all applicable laws and regulations. Every organization needs professional advisors that it can turn to for assistance on legal, accounting, and insurance matters. These advisors can provide valuable assistance in keeping track of key laws and regulations, and suggesting strategies that ensure compliance.

The board should receive periodic updates from the organization's key staff or professional advisors about changes in laws that apply to the organization. The board should also be kept abreast of the organization's compliance activities. Healthy boards are inquisitive, interested, and engaged with the organization's success. This means asking questions about legal compliance from time to time.

Board Training

You indicated that your organization provides a board orientation in compliance with Standard 5.7, and that you also offer periodic educational session for your governing board. These practices are an excellent way to help a board meet its legal *duty of care*. Most organizations are dynamic organizations that regularly face new challenges and opportunities. By providing a regular forum in which to keep the board abreast of these changes you are providing the information the board needs to thoughtfully govern the organization.

Providing Timely Materials

You indicated that background materials are distributed to your board well in advance of board meetings. This is an excellent practice. A common complaint among organization CEOs is the time involved in preparing background materials for board meetings. Some argue that the time spent preparing for board meetings leaves little time to accomplish the organization's mission. Yet distributing thorough and comprehensive materials well in advance of board meetings is essential to managing an organization's governance risks. A board cannot meet its legal *duty of care* unless it has the opportunity to review information on programmatic activities, the organization's financial position, and current challenges and opportunities in time to formulate thoughtful questions. This review enables members to actively participate in board meetings.

Board Minutes

You indicated that the minutes of your board meetings are quite detailed, and include a wide range of comments made by participants. Although maintaining detailed records of the board's actions is one way to minimize the chance of a claim alleging malfeasance by the board, overly detailed minutes are a weakness.

We urge you to consider the following suggestions with respect to minute taking and documentation:

1. If possible, have a non-board member take notes during the meeting and prepare the minutes. Many nonprofit Bylaws indicate that the board Secretary is responsible for preparing minutes. However, with the exception of an all-volunteer organization, when the Secretary takes notes s/he may be unable to fully participate in board discussion.
2. Create a draft outline of the minutes before each board meeting. The outline should contain key sections, discussion topics, and expected attendees. Fill in as much as possible before the meeting, to simplify the process for the minute-taker.
3. The minutes should include:
 - A list, by name, of who attended the meeting. If someone joins or leaves a meeting while it's ongoing, they should be listed as an attendee.
 - A copy of the agenda and any other material that the board members received either before or during the meeting.
 - A brief summary of the discussion of major topics. The summary should reflect key points considered by the board, and if relevant, references to opposing or divergent views. (For example, "although there was consensus to proceed with the sale of the property, two board members, Mary and Bob, express strong concerns about the likelihood of selling the property without first completing renovations.")
 - The proper wording of any motions or resolutions.
 - A record of the vote on all items approved or rejected by the board, including the number of "ayes" and "nays" and the names of members that voted in the minority.
 - A summary of specific items requiring further action by board members or staff.
 - The time the meeting began and the time the meeting adjourned.
4. Document the declaration of any conflicts by a board member and indicate how the board handled the situation (e.g., the person left the room during the discussion and vote).
5. Stop the practice of providing transcript-style board minutes. Overly detailed minutes increase the chance that errors will be made (such as forgetting or mischaracterizing a comment), and potentially diverts the focus of readers on minute details instead of big-picture governance issues and decisions.

Additional questions about the process should be addressed to your legal counsel.

Annual Review of CEO

You indicated that a committee acting on behalf of the board conducts an annual review of the CEO. Evaluating the chief executive's performance is an often neglected, but essential responsibility of a nonprofit board. NRMC's view, however, is that this responsibility should not be fully delegated to a committee. Engaging the full board in the review--with a committee leading and organizing the process--ensures that the perspectives of all board members are considered. Doing so is also a way to ensure that every board member feels connected to the success of the CEO. NRMC recommends that board members be required to participate in the process, such as by completing a confidential survey on the CEO's effectiveness, or by speaking with a representative of the committee leading the review.

Fiscal Oversight

You indicated that you have an active board committee that receives periodic financial reports from staff, and that the committee transmits and presents these reports to the full board at regular meetings. Beyond the board's legal responsibilities and pure survival instincts--the desire to keep the organization healthy and focused on its mission--there are additional motivating factors for diligence in the area of financial management. Federal and state governments may impose criminal penalties on organizations and their elected and appointed leaders who misuse funds, allow the waste of charitable assets, or squander donor resources. Also, civil actions may be initiated alleging harm based on the mismanagement of the organization.

An active, engaged finance committee is key to effective fiscal oversight. Congratulations on the work completed to date to ensure a high level of engagement. Consider the following suggestions to sustain your success in this area:

- Consider rotating membership on your Finance Committee, with every board member serving for at least one or two years during their full term on the board
- Include discussion prompts and questions as part of financial presentations, to engage the board around critical financial issues facing the organization; strive to make financial presentations two-way conversations
- Experiment with having members of the Finance Committee present different segments of the report. For example, one member could present an overview of the current financial statements, another could address the year-end forecast, and a third could speak to proposed changes in the organization's fiscal policies or banking relationships.

Risk Oversight by the Board

You indicated that your board discharges its responsibility for risk oversight through its receipt of reports from staff regarding critical risks and agency risk management. This is a common practice in nonprofit organizations.

In addition to presenting information about risks, make sure that you're engaging the board in conversation about the risks and strategies described in your reports. These conversations can help the board engage with the management team to understand the changing risk landscape and also be assured that top risks have been assessed and addressed.

In a survey of nonprofit organizations conducted by NRMC in 2017, 40% of participants reported that their boards talk about risk management *more than once per year*, and an additional 15% indicated that the subjects of risk and risk management are discussed at *every board meeting*.

Another increasingly common approach, which is a bit different from yours, is to assign risk oversight responsibility to an existing board committee. For example, some nonprofits have broadened the scope

of the audit committee to become the Audit and Risk Oversight Committee. Other nonprofits form a risk committee of the board, such as an Enterprise Risk Management Committee or Risk Oversight Committee. Separating risk oversight from finance and audit is common when leaders believe that the most pressing risks fall outside the realm of financial management, internal controls and investments.

For additional insights on helping the board discharge its responsibility for risk oversight, see Chapter 9 - Risk Oversight by the Board in the NRMCM publication, *World-Class Risk Management for Nonprofits*.

Conflict of Interest Policy

You indicated that your organization has a conflict of interest policy that applies to board members. A conflict of interest policy is a risk management tool that can minimize the likelihood that the board will make a decision that is inconsistent with the best interests of the organization. You have taken an important step to protect your organization. If you haven't already done so, ask your legal counsel to review your policy to make certain that it meets the needs of your organization.

Board Self-Assessment

You indicated that your board of directors periodically assesses its own performance. This is an excellent practice that we encourage you to continue. Through a self-assessment exercise, an organization board can determine how well it is carrying out its responsibilities. A self-assessment also provides an opportunity to identify areas where the board can improve its performance. Self-assessments are often conducted prior to board retreats, and may be a valuable resource to consultants or other outside experts working with the organization to improve its performance.

Facilities and Building Security

Introduction

This section of your report contains recommendations based on your answers to the questions in the Facilities and Building Security Module.

Renting Space

You indicated that your agency rents space to others. Most property owners and landlords appreciate fully the risks and potential liabilities that exist when they operate campgrounds, conference centers, and other facilities open to the public on their property. These same owners and landlords, however, often fail to understand that these risks and potential liabilities still exist when they rent or loan their premises to outside groups.

As an owner or landlord, your agency owes a general duty of care to visitors to your sites, whether they are guests, campers, or outside rental group members. These persons enjoy the legal status of invitee. An owner must use ordinary care to maintain the premises in a reasonably safe condition for invitees. The duty of ordinary care requires an owner to look for unsafe or dangerous conditions on the premises and either remedy the problem or issue an appropriate warning. This duty attaches to both regular invitees and outside rental groups, unless specific affirmative steps are taken to limit that duty.

Limit Liability - There are a number of ways that an agency owner/landlord can limit its liability when dealing with rental groups. First, many states have "Recreational Use" statutes that limit a landlord's liability for any injuries that may arise if rental groups aren't charged for use of the property. Check with your legal counsel to see if your state has a "Recreational Use" statute and if it would apply to your situation.

Agreement - An agreement should establish, in clear terms, the duties and responsibilities of the owner/landlord and the group [borrowing the premises]. The following items should be considered for inclusion in the standard rental agreement, depending on the circumstances:

- **Maintenance and Upkeep:** While the owner typically remains responsible for any hazardous condition on the property in existence at the time of the lease, the rental agreement can establish who will be responsible for general upkeep such as trash pickup, repairing broken steps, clearing snow and ice, etc.
- **Indemnification Clause:** The agreement should include a provision holding the owner/landlord harmless for any negligent acts or omissions by the rental group during the term of the lease.
- **Instructions on Use of Property and Facilities:** The owner/landlord should provide detailed instructions on how its facilities operate or what to do if problems arise.
- **Limits on Accessible Areas:** If the group is only using a portion of the premises, or if certain areas are off-limits, those boundaries should be clearly established in the lease. Then, if a group member strays beyond this area, his status will change from an invitee to a trespasser. Once that occurs, the borrower takes the risk of the place as he finds it and the duty of the landowner is greatly reduced.
- **Potential Hazards:** Specific warnings about dangerous or hazardous conditions on the premises should be provided.
- **Delegation of Supervision:** Depending on the situation, the owner/landlord may need to provide its own staff members to assist with supervision. For example, if swimming is available on the premises, additional lifeguards may be required.

- **Alcohol Consumption:** If alcohol is part of the rental group's activities, it may be necessary to obtain a temporary liquor license. The lease or rental agreement should require the rental group to obtain both the license and, if available, liquor liability insurance, adding the owner/landlord as an additional insured. Finally, the contract should include an acknowledgment by the rental group that no one under the age of 21 will be served alcohol.

Renting Space for Special Events

Your agency rents additional space for special events, meetings or field trips. Renting space when needed can be an economical way to manage your agency's assets and fulfill its mission. You might rent a bowling alley for an outing, a room at the town library for a board meeting, an historic mansion for a fundraiser or a campground for an overnight field trip. No matter what the use, it's always wise to put the agreement in writing (even if--and maybe especially if--the property is owned by a "friend" of the agency). The rental agreement spells out the expectations and limits of both parties and thus may defuse many disputes before they occur.

Rental Agreement - Under the letter of the law, "rent" refers to property borrowed for a fee or for free. Rental agreements written by the owner/landlord serve the purpose of protecting the landlord. They are contracts and should be reviewed by the agency's attorney before being signed. The attorney can advise you whether or not you are getting the deal you discussed and whether you might protect yourself in other ways.

A rental agreement should establish, in clear terms, the duties and responsibilities of the owner/landlord and the rental group. The following items should be considered for inclusion in the standard rental agreement, depending on the circumstances:

- **Maintenance and Upkeep:** While the owner typically remains responsible for any hazardous condition on the property in existence at the time of the lease, the rental agreement can establish who will be responsible for general upkeep such as trash pickup, repairing broken steps, clearing snow and ice, etc.
- **Indemnification Clause:** The agreement should include a provision holding the owner/landlord harmless for any negligent acts or omissions by the rental group during the term of the lease.
- **Instructions on Use of Property and Facilities:** The owner/landlord should provide detailed instructions on how its facilities operate or what to do if problems arise.
- **Limits on Accessible Areas:** If the rental group is only using a portion of the premises, or if certain areas are off-limits, those boundaries should be clearly established in the lease. Then, if a renter strays beyond this area, his status will change from an invitee to a trespasser. Once that occurs, the renter takes the risk of the place as he finds it and the duty of the landowner is greatly reduced.
- **Potential Hazards:** Specific warnings about dangerous or hazardous conditions on the premises should be provided.
- **Delegation of Supervision:** Depending on the situation, the owner/landlord may need to provide its own staff members to assist with supervision. For example, if swimming is available on the premises, additional lifeguards may be required.
- **Alcohol Consumption:** If alcohol is part of the rental group's activities, it may be necessary to obtain a temporary liquor license. The lease or rental agreement should require the rental group to obtain both the license and, if available, liquor liability insurance, adding the owner/landlord as an additional insured. Finally, the contract should include an acknowledgment by the rental group that no one under the age of 21 will be served alcohol.

Evacuation Plan

You indicated that your agency has evacuation plans for all of your facilities but that they may not be up-to-date. This situation should be remedied as soon as possible. Invite a representative(s) of the fire departments serving the communities where you are located to visit your facilities and provide guidance with respect to developing a plan. The plan should contain information about the evacuation list, who is in charge of the evacuation, and outline primary and secondary escape routes from every part of the building.

When developing an evacuation plan, remember to include the following elements:

- Conditions under which an **evacuation** would be necessary
- Conditions under which it may be better to shelter-in-place
- A clear **chain of command** and designation of the person in your business authorized to order an evacuation or shutdown
- Specific evacuation procedures, including **routes and exits**
- **Specific evacuation procedures for high-rise buildings**
 - For employers
 - For employees
- Procedures for **assisting visitors and employees** to evacuate, particularly those with disabilities or who do not speak English
- **Designation of what, if any, employees will remain** after the evacuation alarm to shut down critical operations or perform other duties before evacuating
- A means of **accounting for employees** after an evacuation
- **Special equipment** for employees

Although some agencies are reluctant to test their evacuation plan, not testing it can cause anxiety. Once the plan is complete, conduct evacuation drills no less than annually, and convene your team for a debrief to discuss what went well and how your plan can be improved.

OSHA's helpful publication on evacuation planning is available here: www.osha.gov/Publications/osh3088.pdf

Up-to-Date Bomb Threat Policy

You indicated that your agency does not have an up-to-date bomb threat policy applicable to all locations, or location specific up-to-date policies.

See the following resources for guidance:

- https://emilms.fema.gov/is906/assets/ocso-bomb_threat_samepage-brochure.pdf
- <https://www.safetyinfo.com/bomb-threat-planning-and-training-free-index/>

Sign in/Sign out Log

You answered that your agency uses visitor sign in/sign out logs. Many people have a narrow view of who constitutes a "visitor" to the building. For security purposes, anyone who isn't an employee — temporary employees, VIPs, consultants, contractors, volunteers and clients — should sign in upon entering the building and sign out when exiting. When in doubt, you might ask an unknown visitor for photo identification to verify the person is who he says he is. Record the driver's permit number or other traceable number in case you need to follow up later.

ID Badges

You answered that visitors aren't required to wear identification badges while in your facilities. A visitor badge program helps quickly legitimize people in the building who aren't staff. The badge says the visitor has signed in at the reception desk or guard station and provided information about who they are and what their business is. All visitors should be instructed to turn in their badges prior to leaving the building.

Badges may be all alike or color-coded to quickly identify various types of visitors and their business with the organization:

- temporary employees
- general visitors, such as contractors
- clients or volunteers

The word "Visitor" and the date should be readable from several feet away. Some badge systems include a photo of the visitor, and others include a bold expiration date. No matter how simple or fancy, the purpose is to monitor and record the entrance and exit of people who are not employees of your agency.

Visitor Escorts

You indicated that escorts aren't required for visitors in all of your buildings. It may be helpful to have a consistent procedure for all buildings. Barring that, clearly identifying which buildings require an escort and which buildings don't will emphasize the importance of the procedure in areas where unescorted visitors could be a risk.

This practice, along with visitor logs and visitor badges, provides a level of protection for employees and clients of your agency. Consider instigating this practice if you serve a vulnerable population, or if it would be easy for visitors to get lost or "lose themselves" while navigating your facility. This would be the case if you have many floors or a low building that spreads over a lot of ground or has many wings or corridors. In practice, the receptionist or guard at the building entrance would phone the person being visited and ask the visitor to be seated until the escort arrives. The visitor log could have a space to indicate who the escort is for each visitor.

Landscaping

You indicated that there is there untrimmed or tall greenery at edge of the property where people can hide. This is a liability. The agency should keep shrubs, hedges and plants trimmed below 3 feet. Tree branches lower than 6 feet should be removed.

Standard Maintenance Schedule

You indicated that your agency doesn't follow a standard maintenance schedule or keep a repair log. Your agency is missing an opportunity to manage risk and should seriously consider a way to take advantage of this relatively simple risk management tool.

Regular maintenance of equipment such as heating, ventilation and air conditioning systems, water heaters, kitchen ranges, ovens and vent hoods make the equipment run more efficiently and fulfill their functions. Such procedures also go a long way toward reducing the risk of accidents, injuries or illnesses from fire, poor indoor-air quality, heat stroke, or scalds.

Remember to include the following information in your maintenance schedules and repair logs:

- name of equipment with serial and model numbers, and manufacturer
- name, address and phone number of the store/supplier where purchased
- name, address and phone number of service contractor, date of contract, length of contract
- date of service
- detailed list of what was found and what was done
- name of service person

Provide a permanent place to store repair logs so that can be referred to when determining when to replace a piece of equipment, or to establish that the agency provided reasonable care when providing for the safe and efficient use of the equipment.

Human Resources and Employment Practices

Introduction

This section of your report contains feedback and recommendations based on your answers to questions in the Human Resources and Employment Practices Module.

This report contains recommendations in the area of employment practices. Every agency with paid staff faces the possibility of a claim or lawsuit alleging illegal or unfair employment practices. The financial and other consequences of a claim can be substantial or devastating. Every organization can take steps to reduce the likelihood of a claim, and ensure a strong defense to charges of wrongdoing.

As you review these recommendations, remember that obtaining the assistance and advice of an employment attorney licensed in your state is absolutely essential to protecting your agency's assets and good name. Your mission is too important to risk losing it all in a suit you could have avoided.

Multiple Locations

You indicated that you employ workers at more than one location. While a structured approach to employment practices is advisable for all employers, it is particularly important for agencies with large workforces or workers deployed at more than one location. Multiple locations increase the likelihood that an employee will not be notified in a timely fashion of a new or changed policy. Therefore, it is very important that you commit to developing standardized, written employment policies and identify the most effective methods for ensuring that everyone in the organization receives timely notification of policies and practices.

The Human Resources Function

A cornerstone of effective and legal employment practices is the development and consistent application of sound policies. Unfortunately, some organizations develop and administer employment policies in an ad-hoc fashion. Where practical, it is advisable to centralize the human resources function. You indicated that responsibility for human resources in your organization is centralized in a position or department. This is an excellent first step to ensuring the development of coherent and effective policies.

Periodic Review of Employment Policies

You indicated that you have a process in place to ensure the periodic review of your employment practices. How often you review these practices depends on a number of factors, including your agency's hiring frequency, rate of turnover, employee satisfaction, resource constraints or opportunities, and size. Organizations facing rapid growth or high turnover should review hiring strategies and results semi-annually. All aspects of the recruitment and selection process should be considered in light of the organization's hiring goals and commitment to not pursue strategies that adversely affect a protected group of applicants. Smaller organizations or those with very low turnover may choose a less rigorous schedule, such as annually.

The Board's Role

Nonprofit boards have an important role to play in establishing appropriate employment policies and ensuring that an organization follows its policies.

The board must recognize that the policies included in an Employee Handbook or Personnel Policy Manual - as well as those found in other documents, such as employment letters, and those policies which emerge from practice - not only impose responsibilities or requirements on the employee (such as coming to work on time), but also create promises that the employer must honor and a court may enforce.

In most instances, a nonprofit board should avoid involvement in the day-to-day activities of personnel management - hiring (other than the executive director), promotions, discipline (except when the board has a defined role in a grievance process), and terminations. Overall, the board's main concern is the adoption and implementation of personnel policies and practices of the nonprofit, not its daily personnel actions.

Every board should be confident that the agency's employment policies comply with applicable federal and state laws. The board should seek guidance and assurance on this matter from an employment attorney licensed in the state in which the nonprofit operates. In addition, each board should be confident that the nonprofit's managers and supervisors are applying the policies uniformly. Board members should raise any concerns about special or preferential treatment with the chief executive officer.

For instance, did a manager terminate an entry-level employee for an infraction that he or she would have forgiven in a long-time staff member? This scenario raises the issue that every board should understand the nonprofit's policies concerning termination. Is "gross misconduct" - conduct for which an employee may be subject to immediate dismissal -- specified in the handbook? Is it clear in the handbook that certain policy violations (such as bringing a weapon to work) constitute grounds for immediate dismissal? The board should be informed and educated on these issues to ensure it fulfills its legal responsibilities. This does not mean that the board should review or question every employment action. Board members should, however, raise questions and seek clarification whenever they have reason to believe that the organization's employment policies are not in compliance with legal requirements or have not been followed.

Because termination of an employee raises considerable risk to the nonprofit, the board should know what the nonprofit's procedures are for termination and have total confidence that these procedures are adhered to.

Legal Review of Written Policies

You indicated that your Employee Handbook was reviewed by an employment attorney licensed in your state before it was distributed. This is an excellent practice and we urge you to obtain further review and counsel before making any changes to this important document.

You indicated that your Employee Handbook was reviewed by an attorney within the last 1-3 years. It is possible that some material in the Handbook may be out-of-date or inconsistent with new federal, state or local employment laws. We advise that you seek legal review as soon as possible to ensure that your written policies are up-to-date.

Policy Changes

You indicated that when a new employment policy is developed, a document explaining the policy is distributed to all staff. Written policies are the cornerstone to effective, defensible employment practices. Communicating the intent and nuances of new policies is essential. If not already your current practice, consider requiring each employee to acknowledge receipt of the written explanation of the policy and retaining these signed acknowledgements in your personnel files. In this way, the nonprofit

will be able to prove that each employee was aware of the changed or new policy.

Legal Review Prior to Implementing Policy Changes

You indicated that you consult an employment attorney before revising existing policies or adopting new policies. It is prudent practice to request a legal audit of existing policies and seek an employment lawyer's recommendations for revisions. Another way to approach the review is to meet with key staff and any other personnel-related resources at your disposal and request suggestions on policies that they would like to see changed. With firm objectives in hand, consult legal counsel, who can recommend how to coordinate the nonprofit's objectives with legal obligations.

Tracking Policy Distribution

It is prudent to request newly hired employees, whether in the offer letter, during orientation or another time, to sign an acknowledgement of receipt of personnel policies that includes a commitment, signed by the employee, to adhere to the policies. We recommend that you keep these acknowledgements in employee personnel files.

Confirming Receipt of Revised Policies

Be sure to keep a copy of each employee's acknowledgement in their personnel file. In one instance an employer could not prove that a particular employee had received the newly revised version of personnel policies and therefore the former version of the policies applied to her termination. The court required the employer to re-hire the employee because her termination, under the prior policies, was found to be invalid.

Workplace Violence Policy

You indicated that your nonprofit has a workplace violence policy. This reflects your understanding that violence is a reality in many workplaces today. Nonprofits, like other employers, need to train staff to be aware of the risk of workplace violence. Review your current workplace violence policy to make certain that it includes:

- Zero tolerance for violent, abusive conduct, threats of violence, or violent language;
- A complaint procedure;
- Emergency procedures in the event of any serious act of workplace violence;
- Designation of management personnel and security personnel who will be responsible to investigate complaints of violence and who will be responsible in the event of an emergency;
- Reservation of management's right to review employee e-mail, voice mail, and computer files.

While policies and raising awareness cannot completely insulate any nonprofit from the risk of workplace violence, the fact that the nonprofit has undertaken good faith efforts to educate and prepare staff for emergencies, and has acted promptly to address concerns of the incompetence of staff or threats of workplace violence, conveys the message that safety is a primary concern.

Technology Policy

A comprehensive office technology policy should address privacy and appropriate conduct concerns. Consider reviewing your current policy to make certain that it:

- Prohibits or limits personal use of the Internet and e-mail while at work and prohibits personal use

- of the nonprofit's hardware and software or copying of the nonprofit's software;
- Defines the systems used at work as the property of the nonprofit;
- Prohibits use of the telephone, facsimile, or e-mail system for the dissemination or solicitation of information about for-profit ventures, religious beliefs or political causes, or any non-job-related business;
- Prohibits use of the telephone, facsimile or e-mail system to create or transmit any offensive, hostile, sexually explicit or suggestive messages, racial slurs, gender-specific comments or any comment that is unprofessional or offensive regarding someone's age, race, color, creed, sexual orientation, religious beliefs, national origin, gender, disability, marital status or any other protected category;
- States that the nonprofit's e-mail system may not be used to upload or download any protected, copyrighted, or proprietary information;
- States that the nonprofit reserves the right to review, audit, intercept, access and disclose all messages created, received, or sent through voice mail, facsimile or the e-mail system for any purpose, and that the content of such communications may be disclosed by the nonprofit for any purpose with or without notice to the employee;
- States that the confidentiality of any message transmitted over the nonprofit's telephone, facsimile or e-mail system should not be assumed;
- States that the use of a password does not indicate that the employee should have any expectation of privacy in computerized communications; and
- States that the nonprofit will discipline any employee who violates the office technology policy, and that violations may result in termination of employment.

Workplace Privacy Policy

You indicated that you currently have a Workplace Privacy Policy. We recommend that you review your policy to make certain that it:

- reminds staff that work areas (including desks, filing cabinets, etc.) are the property of the nonprofit.
- requires that employees consent to monitoring.
- cautions employees not to have an expectation of privacy in voice mail, e-mail or requires consent to monitoring.

Sexual Harassment Policy

You indicated that your Employee Handbook includes a policy specifically prohibiting sexual harassment. As you know, the risk of liability for harassment may also come from outside the organization: clients, vendors, consultants, board members, or a member of the general public could pose a threat of sexual harassment to your staff. Your written policy sends a message to staff that the organization will not tolerate harassment and helps ensure that your staff will know what to do in the event they experience or observe prohibited harassment.

Your policy should also require the reporting of observed or experienced harassment at the workplace. It is to the employer's advantage to have knowledge of alleged wrongdoing. Once the nonprofit knows of allegations of improper conduct, steps can be taken to minimize the potential harm to victims -- and in so doing to minimize potential liability to the nonprofit. By taking swift and effective remedial action, many employers have been able to reduce their liability or eliminate it altogether.

Congratulations on having a written policy in place. We recommend, however, that you review your policy to make certain that it:

1. defines prohibited conduct;
2. encourages reporting of any offensive conduct *before* it rises to the level of a hostile environment and imposes no barrier on reporting complaints, such as requiring that complaints be in writing;
3. requires the reporting of observed or experienced harassment at the workplace;
4. explains the rights of complainants under the policy (such as not to be retaliated against and to have complaints and the investigation file maintained in confidence);
5. describes procedures for the investigation of complaints;
6. contains a description of the consequences for breach of the policy; and
7. provides at least two persons to whom the employee can report complaints to avoid any claim that the employee is excused from reporting because the person designated to accept complaints was the harasser, or a friend of the harasser.

Internal Complaint Procedure

You indicated that your Handbook describes your internal complaint procedure for sexual harassment. The burden on employers to promptly investigate and respond to complaints has increased in recent years. A well thought-out and prescribed complaint procedure is an excellent risk management tool. It sends a strong message to your employees that you intend to follow-up on any complaints of harassment and takes the guessing out of the process when an actual complaint is received.

Job Descriptions

Job descriptions should be used during the hiring process so that candidates for a position can review the job description and answer the question "Are you able to perform all the functions of this position?" Make sure that your written job descriptions are up to date and describe "essential functions." Identifying the essential functions is necessary in the event that an employee becomes disabled and there are concerns whether the employee is qualified. Essential functions are those tasks which are essential to the job. Examples are: the ability to lift a certain number of pounds, drive a van, carry a child, or raise arms over head. It is also helpful if the job descriptions identify whether the position is "exempt" from overtime or "nonexempt."

Employment Applications

Employment applications are important risk management tools. We suggest that you review your current application to determine if it contains:

- an "at-will employment" disclaimer that expressly states that the applicant understands that employment with the nonprofit is on an at-will basis;
- a truth clause or false information warning;
- an authorization to conduct record checks (criminal history, credit, etc.) - remember that whether to conduct a certain check should be determined by the risks of the position, not the particular applicant; and
- an authorization to check references (it is worthwhile to obtain permission from every applicant to check references, and it is required under the Fair Credit Reporting Act if your nonprofit uses a third-party agency to conduct reference checks).

Reference Checks

You indicated that you always check references, either before making an offer of employment or before a new hire begins work. This is an excellent practice. Reference checks are among the most valuable screening tools at your disposal. Remember that if a candidate does not provide work-related references,

you should press him or her to do so. If you discover a discrepancy between the information provided on an application and the information obtained from a reference, you should always investigate further. This investigation might include asking the candidate to clear up the discrepancy, calling additional references, or verifying credentials directly.

Pre-Employment Tests

Employers in the nonprofit, business and government sectors use a wide variety of pre-employment tests and background checks to obtain information about an applicant's suitability for particular positions. These screening tools are also used to verify factual information provided by an applicant.

The risks of these screening tools fall into two broad categories:

- inappropriate reliance on the information obtained through tests and background checks at the expense of more fundamental screening tools such as written applications, interviews and reference checks; and
- the inappropriate use or interpretation of test/background check results or the violation of an applicant's legal rights.

In the first category, the growing popularity of criminal history background checks as a screening tool for applicants in youth-serving organizations has led to the reliance on these checks as a barometer of suitability. Yet there is no question that these tests cannot be relied on to provide a "clean bill of health" for an applicant. Reliance on a "clean," state-based criminal history records check and discounting other screening tools is an unwise strategy.

In the second category of risk, many employers have rushed to use tests and background checks without first considering the legal limitations on the use of these screening tools or their appropriateness for a particular position. For example, it is unlikely that a credit check would be appropriate for the position of playground supervisor. Before using such tests and background checks, you must determine:

- what if any federal, state and local laws apply to restrict, limit or prohibit the use of these tools;
- whether the potential benefits outweigh the negative affect of the use of tests (for example, one negative effect might be that the use of background checks discourages applicants from a particular group);
- whether the proposed tests or checks offer truly reliable, job-related information;
- how the test/background check results will be evaluated. For example, will certain scores or findings disqualify an applicant? The failure to identify the criteria that will be used to evaluate results in advance increases the likelihood that the process will be a waste of precious resources;
- whether the proposed tests or background checks are clearly job-related and necessary to the thorough screening of applicants for a particular position.

Remember that few, if any tests or background checks are appropriate for every position in an organization.

Hiring Checklist

You indicated that you do not use a hiring checklist in your hiring process. A hiring checklist is a potentially useful tool that helps an employer avoid missing key steps in a legal and thorough hiring process. It is particularly important in an organization where more than one person hires staff - typically any nonprofit with more than a handful of staff. While different staff members may value certain aspects of the hiring process differently (for example, one supervisor may see references as critically important, while another believes that the interview is the most important screening tool), the use of a hiring

checklist helps ensure consistency and avoid missteps in the way an organization approaches hiring.

A typical hiring checklist contains items to "check off" under the following categories:

- *Application review* (questions might include whether the applicant signed all of the disclaimers on the application, whether the applicant's experience has any direct bearing on the qualifications for the open position, whether there were any gaps in employment history, and whether the applicant's cover letter (if applicable) was grammatical and professional in appearance as well as style).
- *Reference Checks* (questions might include whether all key credentials were verified, whether a criminal or credit check is necessary for the position and if so whether it was conducted, and whether the applicant's work-related references report satisfaction with his or her past performance).
- *Interview Outcomes* (questions on the checklist might include whether a script was used for the interview, whether the applicant was provided with a written job description before or during the interview, the interviewer's factual observations with respect to job-related experience, skills or background).
- *Determination Concerning Qualifications for Position* (questions might include whether the applicant meets all of the minimum educational qualifications for the position, licensing requirements, whether the applicant has references unqualified in their support for the applicant, and whether the applicant's previous work or volunteer experience indicate a set of skills or specialization which meets or exceeds the requirements for the position).

Offer Letters

A written offer letter is a practical way in which to confirm details about an offer of employment. It also provides an opportunity for an employer to obtain a prospective employee's acknowledgement of the terms of employment. An offer letter may increase the risk of a subsequent employment-related claim, however, if it is worded inappropriately or if it contains promises or commitments the employer is unwilling to live up to.

It is important to make certain that any written offer letters do not needlessly impair the employment-at-will relationship. Review the language of your offer letters and make certain that these letters reiterate the employment-at-will nature of the relationship being offered to the prospective employee. Also, make certain that your discussion of topics such as annual salary, eligibility for benefits, duration of employment, potential for advancement, probationary period or other job rights, does not contravene your written policies. Before mailing the letter, make certain that you are willing to live up to the commitments made in the offer letter.

Initial Work Review Period

You indicated that new employees serve an initial work review period. Review your policy to make certain that successful completion of the first few months of employment does not ensure job security or in any way conflict with your employment-at-will policy. Make certain that you have defined the purpose of the work review period in your written policies, noting that completion of the work review period does not increase an employee's rights in a job. Consider using language such as:

"An initial work review period is a training and get-acquainted period, completion of which does not guarantee continued employment. Following completion of this period, you still may resign and the organization has the right to terminate your employment at any time, with or without cause."

Rejecting Applicants

All applicants who are considered by your organization but not hired, should be informed of the reason for the rejection. Being truthful is a fundamental tenet of effective and legal employment practices. Applicants should never be given a false reason for rejection. This can lead to costly litigation. Make certain that your decision not to hire an individual is consistent with the reasons contained in your hiring records, and that the reasons and documentation are free from discriminatory bias.

Employee Orientation

You indicated that you have an orientation program for new employees. This is a good risk management strategy, and may help ensure that all new hires receive the same, thorough orientation to the nonprofit's policies. From a legal perspective, a formal orientation program where policies are explained provides a defense to a claim that an employee was not informed about a specific policy. But providing an orientation with out-of-date, incomplete or inaccurate materials may be more risky than never conducting one in the first place. Review your orientation format and procedures to make certain that all policies distributed and explained to new hires are current.

You indicated that you maintain up-to-date personnel files for each employee. This is an excellent risk management practice.

Performance Appraisals

You indicated that you conduct annual performance reviews for each employee. This practice is essential to (1) put employees on notice of unsatisfactory performance, and (2) articulate in an objective manner the goals and objectives for the employee's performance. In this way, employees are aware of their shortcomings and the nonprofit is in a strong position to support a discharge for poor performance. The practice of conducting regular, objective performance appraisals will also ensure that your organization is able to defend itself against charges of discriminatory employment practices.

A growing number of cases have reached the courts in which inadequate or nonexistent performance appraisals were the principal determining factor in a judgment for damages against an employer. Typically the litigation is brought by someone fired or denied a promotion, who then claims to be the victim of race, sex or age discrimination. The employer defends itself by claiming that the plaintiff simply wasn't doing his or her job. The plaintiff easily rebuts the employer's case by showing that his performance appraisals never mentioned any concerns or disappointments with performance. Employers that can present strong performance appraisal documentation are in a good position to defend their actions, whereas those that do not have written support for their position most often face liability. Consequently, evaluating the performance of staff and documenting the process carefully is "where the rubber meets the road" in employment-related risk management. Most often if there is a smoking gun in an employment action, performance appraisals (or the lack thereof) are the weapons of choice.

Evaluating performance is sound management and critical for the long-term health and prosperity of the nonprofit. In most cases the nonprofit's staff members are among the organization's most valuable assets. Staff influence the public's perception of the nonprofit, provide services to clients, and may be responsible for the welfare of vulnerable individuals on a daily basis. When staff can see how their own work successfully supports the achievement of the nonprofit's goals, a more effective organization will result.

If you are not already doing so, consider adding the review of performance appraisals by an administrator one tier above the actual supervisory relationship. This review can expose subjective

comments or inconsistent rankings. The objective review is also an opportunity to evaluate how well the supervisors are conducting their roles as job coaches. In order for the objective third-party review to be effective, you need to work out a schedule for annual or six-month reviews which permits an extra period of time for the objective reviews. The objective reviews should occur prior to the employee's receipt of the formal review, in order to allow time in the event the reviewer challenges what is written and the appraisal needs to be revised.

Narrative Versus Multiple Choice Ratings

Some experts believe that the most insightful appraisal format is pure narrative because supervisors are then forced to describe the employee's performance and can't make the mistake of checking a box that doesn't apply. However, narrative responses are also legally risky because a supervisor's comments might go off on a tangent that is irrelevant and subjective, or fails to support the rest of the appraisal. Or supervisors may put the nonprofit at risk by writing observations about performance that are not job-related and therefore inherently inappropriate. Most appraisal forms feature a combination of narrative and rating questions. Often there is a summary statement or rating which is useful when a distinction based on performance is required between similarly situated employees.

Performance appraisal software and human resources consultants are available to help customize appraisal forms. Customization is recommended over simply borrowing a format from another workplace. However, many nonprofits successfully borrow forms developed for another organization, and then customize those forms as they discover what works and what doesn't.

Remember that a senior manager or the executive director should review completed appraisal forms before they are shared with an employee. The purpose of this review is to make certain that the review does not contain inappropriate information or anything that is inconsistent with the organization's policies. For example, a statement on a review indicating, "I'd like to see Mary retire from this organization" could contravene the nonprofit's employment-at-will policy.

Third-Party Review

The best insurance against any pitfall in the performance appraisal process is an objective review by an administrator one tier above the actual supervisory relationship. This review can expose subjective comments or inconsistent rankings. The objective review is also an opportunity to evaluate how well supervisors are performing as job coaches. Remember that objective reviews should occur prior to the employee's receipt of the formal review, in order to allow time in the event the reviewer challenges what is written and the appraisal needs to be revised.

Training Supervisors to Conduct Reviews

You indicated that persons who conduct performance reviews of staff do not necessarily receive training or coaching on the importance of providing truthful, candid reviews. The tendency of many supervisors in the nonprofit world to provide glowing or neutral reviews for undeserving employees is a highly risky, but common practice. Most often if there is a smoking gun in an employment lawsuit, a favorable or neutral performance appraisal is the weapon of choice.

The reasons for this include: (1) most people find it difficult giving a candid appraisal, (2) many supervisors are unaware of the legal significance of the performance review process, and (3) some supervisors believe that a favorable review can motivate an employee to improve his or her performance.

The reluctance to provide a candid review should be acknowledged in any training or coaching program for supervisors. The organization should suggest strategies for communicating "bad news" in a respectful fashion and explain that an individual who is unable to convey bad news or impose discipline on an employee risks disqualification from supervisory status. Supervisors should be encouraged to provide ongoing feedback and not wait until the annual review to communicate dissatisfaction with an employee's performance. In addition, remind supervisors that they should document any performance counseling sessions with employees, making certain that these reports are signed by the employee and retained in the personnel file. The supervisor's notes - if not signed - may be disputed. The legal significance and importance of candid reviews should be emphasized with anyone required to conduct reviews. Written performance reviews are an organization's best evidence of whether an employee is meeting, surpassing or failing to meet the organization's expectations. Someone who is unwilling or unable to provide candid reviews of performance should not be allowed to continue in a supervisory capacity. The notion that a favorable review will motivate improved performance is untrue. Explaining to an employee why his or her performance falls short of the nonprofit's expectations remains the best strategy to motivating improvement.

We urge you to provide an orientation or training program for all supervisors who conduct performance reviews. Keep in mind that appropriate disciplinary action should be taken against any supervisor who fails to comply with your organization's requirement for timely, candid reviews of performance.

Multi-Source Assessments

The newest trend in performance evaluations is a multi-source assessment, also known as the "360 degree" evaluation. In this system each employee's performance is assessed by several, rather than only one, appraiser. Typically the supervisor reviews the subordinate, who may also be reviewed by the employee himself, and by clients, peers and vendors. In turn, the supervisees provide comments on their supervisors' performance. Usually the data on each supervisor is collected anonymously and bypasses the supervisor, going directly to the supervisor's supervisor for evaluation, in order to provide insurance against real, or perceived, retaliation.

As supervisors and subordinates become more comfortable with the process, supervisors can directly review feedback from their own subordinates. While the potential for helpful information using a multi-source appraisal system is great, there can be problems with the credibility of the feedback if staff are cynical and concerned that the feedback is an opportunity for retribution against an unpopular supervisor. Alternately, such a system could be seen as an opportunity for "deal-making: "I'll give you a favorable rating if you give me one...". In theory, the idea of a multi-source system is supposed to provide the highest level of management with a good sense of the effectiveness of the organization's supervisory staff. In practice, collecting such data as part of the formal appraisal system may not yield the most reliable results. Nonprofits must first have a culture of trust and honesty in order for 360-degree evaluations to be taken seriously. Many nonprofits find that facilitating roundtable discussions with staff about effective supervision and in extreme cases, arranging an internal arbitration between supervisors and supervisees is as effective as a formal system of multi-source evaluations.

Merit Raises

More and more nonprofits are moving to a "merit raise" system that rewards strong performance with the possibility of a higher salary adjustment. Some award merit raises in addition to cost-of-living (COLA) increases. A merit raise system provides an incentive for employees to improve performance. It also rewards strong performers, helping with the nonprofit's ability to retain the most effective employees. A common way to structure a merit raise system is to create a salary scale which assigns a certain percentage or range of percentages for salary increases in each of several categories. The

categories correspond to the rating system on the performance appraisal instrument. Each employee is eligible for whatever percentage raise is appropriate given the range for the rating assigned to that employee. For example, "Unacceptable" would merit no increase. "Meets expectations" would merit a 1-3% increase, "Exceeds expectations" would earn a 3.5%-4.5% increase, and "Greatly exceeds expectations" would be awarded a 5%+ increase. In this way, the CEO, finance or personnel committee can determine the budget for salary and compensation for the coming year by looking at historic data on the number of employees in each salary and performance range.

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Identification of Disqualified Persons

You indicated that your agency has not identified who is a 'disqualified person' under IRS regulations. A disqualified person is any person who was in a position to exercise substantial influence over the affairs of a tax-exempt organization during the 'lookback period.' To learn more about the concept of disqualified person, the definition of lookback period, and what your nonprofit should do to reduce the risk of intermediate sanctions, see:

- [Disqualified Person - Intermediate Sanctions - IRS](#)
- [How to Stay Exempt - Exemption Requirements for Nonprofits - IRS](#)
- [Intermediate Sanctions: A Brief Overview for Tax-Exempt Organizations](#)

Progressive Discipline Policy

You indicated that you currently have a Progressive Discipline policy. Remember that in general, only gross misconduct and serious violations of the nonprofit's policies justify skipping the first warning phases of progressive discipline and imposing more serious discipline in the first instance. The progression of disciplinary steps set forth in the nonprofit's Employee Handbook should be followed whenever possible, unless starting with a verbal warning would be illogical, as in a situation where an employee threatens another employee with physical violence.

Progressive discipline, if consistently applied and with flexibility for unusual cases, can be an effective risk management tool because it affords some assurance of fundamental fairness. The downside of progressive disciplinary policies is that they can create contractual obligations. If not carefully drafted, in most states policy language can be binding on the nonprofit under the theory of implied contract. Another downside of progressive discipline is that because the policy lists disciplinary steps in a certain order, the nonprofit's flexibility to select appropriate disciplinary action on a case-by-case basis can be

greatly reduced. Even with language that states that the disciplinary policy is not a contract, employees will expect to be treated as described in the policy, so fundamental fairness dictates that the progressive disciplinary procedures be followed unless the employee is given notice otherwise. "Taking the high road" in employment practices requires an employer to live up to its promises, and employees regard policies as promises.

Keep in mind that progressive discipline policies should be carefully drafted and reviewed by an employment lawyer to ensure that the nonprofit will not be needlessly vulnerable to claims of breach of contract. In order to give the nonprofit the most flexibility, it is advisable to draft progressive discipline policies as guidelines, rather than set procedures to be followed in all cases.

Opportunity to Correct Deficiencies

It is prudent to provide an opportunity for employees to correct deficiencies before you take adverse action against them. We urge you to continue this practice.

Third Party Review Prior to Termination

We urge you to continue the practice of having a person other than the affected employee's supervisor review the written record before an employee is terminated. This practice enables the organization to make certain that the action taken is supported in the written record, legally defensible, and consistent with action taken towards other employees.

Financial Reporting and Internal Controls

Introduction

This report section contains recommendations based on your answers to the questions in the Financial Reporting and Internal Controls Module. As a reminder, the assessment topics were: Fiscal Oversight, Financial Reporting, Financial Planning and Forecasting, Budgeting, Financial Monitoring, Contracts and Grants Management, Managing Fraud Risk and Internal Controls, Investments, Fiscal Policies and Audits.

As you review and consider these recommendations, keep in mind that some recommendations may need to be revised or tailored to suit your agency's unique structure or circumstances. In addition, remember to ask key advisors for their guidance and insights, including your internal finance team, board-level Finance Committee, Audit Committee, and any external finance advisors or audit firms.

Use of a Bank Lock Box

You indicated that your organization does not use a bank lock box. A lock box is like a cross between a post office box and direct deposit. When you rent lock box services from your bank, the bank provides you with a unique box number to which your organization can have payments sent. Once the payment arrives, the bank deposits the funds in your account and sends the documentation (invoices, correspondence, etc.) along to you. A lock box offers the following advantages:

- Funds are deposited to your account immediately without delay and begin earning interest.
- Reduces the risk of theft or mishandling of funds.
- Saves staff time in processing checks onsite and preparing and making deposits

The fees banks charge for lock box service can vary widely. Contact two or three institutions before making your choice.

Contracts

Introduction

This section of your report contains recommendations on the subject of contracts. Effective contracts help the contracting parties begin an endeavor with a shared vision of desired outcomes and deliverables, options to limit risk and exposure if either party decides to withdraw from the relationship, tools to minimize or prevent surprises with respect to staffing and cost, and a roadmap for winding up or winding down the relationships if warranted by the circumstances of either organization.

Typical Contract Problems

Some of the typical challenges nonprofits encounter with contracting include:

- failing to limit contracting authority to designated persons
- not specifying expectations
- signing contracts that lack sufficient clarity
- not considering the possibility of termination, breach, or the possibility of circumstances that make it impossible to continue
- not realizing they have entered into a contract in the first place
- failing to assign responsibility for harm and the costs of harm
- failing to protect the nonprofit's assets, such as copyrights
- unexpected costs or disagreement about each party's responsibility for project expenses

As you review the recommendations in this report, remember that obtaining the assistance and advice of a lawyer licensed in your state is absolutely essential to protecting your agency's assets and good name. Your mission is too important to risk losing it all in a lawsuit or over unfavorable (and avoidable) terms in a contract.

Indemnification

Incorporated entities answer for their debts and liabilities. When your agency is asked to indemnify another, you are being asked to agree in advance of an incident to pay for the debts or liability of another party. As a general rule, an organization *receiving* a service should *not agree* to indemnify (or name as an additional insured) the organization *providing* a service.

If you are providing goods or services, you may be asked to indemnify another party. The most likely places you will be asked for indemnification are: (1) facility rental agreements or leases; and (2) contracts to provide services to government agencies or other funding sources.

When you are asked to indemnify another, remember:

1. **Avoid indemnifying another party for anything that falls outside the control of your agency.**
2. The only actions that you should think of as being within your control are the actions of your directors, officers, employees, and, to a lesser extent, your members/attendees.
3. You should never agree to an all-inclusive indemnification provision, such as one requiring that you indemnify "for any and all liability" incurred in the conduct of an event because that would include liability even if it is caused by another organization's staff or negligent conduct, or caused by or to someone in the general public.
4. Try to limit any indemnification that you provide to any claims, losses, or damages to persons or

property due to the *negligence* or *gross negligence* of your directors, officers, employees, and (if necessary) your members and attendees.

5. Don't provide indemnification for your contractors. They should indemnify you.
6. **Before you provide any indemnification, check to make sure that you have insurance or other financial means to cover your promise to indemnify.** Agreeing to assume responsibility for another party's debts or liability is foolish unless you have the financial means in place to live up to your promise.
7. If you are asked to indemnify, try to make it reciprocal. Make sure the other party is indemnifying you for at least everything within their control.
8. If you are uncertain that someone who is indemnifying you can pay for the potential costs of indemnification (e.g., an author, an equipment rental company), have them provide evidence (e.g. a certificate of insurance) that they carry insurance that will cover their indemnification, and ask that your agency be named as an additional insured.

Independent Contractor Agreements

You indicated that your agency generally uses written agreements when you retain the services of independent contractors, however there are some instances when a contractor may begin work before the agreement has been finalized.

Congratulations on your use of independent contractor agreements. Using these agreements is an important risk management practice that can dramatically reduce the risk of a misunderstanding concerning the nature of the appointment and each party's expectations.

We recommend that you reconsider your process for entering into such agreements, so that you can be assured that the agreements will be signed before work begins. Perhaps there are extra steps or other reasons why it takes longer than is practical to finalize these agreements. For example, some nonprofits report that onerous insurance requirements in their independent contractor agreements cause a hold-up on the contractor's end. Try to identify the reasons that the agreements take so long to process, and identify process improvement steps.

Also, make certain that your Independent Contractor Agreements contain the following minimum information:

- Name, type of entity (e.g., corporation, limited liability company, partnership, other?), street address, telephone number, and individual contact person of the independent contractor.
- A description of the services being provided and a timetable with measurable mileposts for when specific aspects of the service/work must be completed.
- Compensation (on monthly/work completed basis) based on invoices with dates, hours, and services performed, reports on milepost completion of work, and any out-of-pocket expenses that are necessary for the performance of the services (such as travel, lodging, and meals), but only if approved in advance and supported by appropriate documentation.
- The term of the agreement (beginning when, ending when).
- Provisions for terminating the agreement:
 - How much prior notice is required before termination?
 - To whom or how must the notice be delivered?
 - How much, if anything, must the parties pay upon termination?
- Statement clarifying that the contractor is an independent contractor solely responsible for determining the means and methods for performing the services and for its own payment of taxes, with no entitlement to workers' compensation, unemployment compensation, or any employee benefits, statutory or otherwise.
- Statement that the contractor shall at all times comply with all laws, rules, regulations, and

- ordinances applicable to the performance of the services described in the contract.
- Statement that information obtained from you and about your organization and its operations and clients is confidential.
 - Statement that the contractor agrees that all creative ideas, developments and creations conceived in the performance of the contract are the property of the Organization and assigns all those rights to the organization.
 - Statement that the contractor will not engage in discrimination.
 - Statement that the contract is the entire agreement, which cannot be amended except in writing by both parties.
 - The State of governing law and forum for any legal action.
 - Statement that the work may not be re-assigned by the contractor (e.g., the contractor you choose has to do the work; s/he cannot have someone else do it).
 - The signatures of both parties.

Obtaining Legal Review of Contracts Prior to Execution

Unless your organization is volunteer-run and operated - which would suggest it might be small enough to be run with few contractual arrangements - you should have a lawyer review at least your organization's major contracts. By not using a lawyer in any way to protect your organization in its contracting is a risky practice.

Although a lawyer's time costs money (unless you manage to get legal services pro bono!), thoughtful use of a lawyer in contracting can save you money and headaches. If your organization uses any independent contractors, uses hotel rooms or meeting facilities, hires any fundraisers, leases office space, has employees, or uses volunteers extensively, getting legal advice and learning how to structure these arrangements will greatly limit your organization's exposure to risk.

Client and Participant Safety

Introduction

Every nonprofit offering services to children, dependent adults, individuals with disabilities and the elderly should take reasonable steps to protect its clients from foreseeable harm. The risk management tools available to a nonprofit must be evaluated and considered in light of practical, financial, and other considerations. This section of your report contains feedback and recommendations based on your answers to the questions in the Client and Participant Safety module.

Explicit Prohibitions Against Sexual Conduct

You indicated that your organization's guidelines make it clear that any behavior that is sexual in nature -- or that could be interpreted as sexual in nature -- is not permitted. While many organizations assume that such common sense guidance would not be needed, some have discovered that failure to be explicit concerning sexual behaviors has resulted in service recipients being victimized and some organizations subjected to lawsuits. This has been especially true in some programs for adolescents in which staff members may be close in age to the residents of the facility.

Staff Responses to Inappropriate Client Behavior

Staff members must know that it is their responsibility to set the boundaries when service recipients attempt to engage staff or other participants in inappropriate activities. You indicated that you have a policy that instructs staff about how they should respond when a service recipient attempts to initiate inappropriate contact.

Consider reviewing your policy to make sure that it instructs the staff to: confront the service recipient at the first sign of inappropriate behavior, identify the offensive behavior, explain that it is inappropriate, and request the service recipient to stop the behavior and not repeat it. Staff members should be directed to report all incidents to their supervisors. It is possible that service recipients may be attempting the same kind of boundary violations with other staff members and reporting it ensures that a consistent response is given. Repeat episodes should result in increased sanctions, including suspending the service recipient from the program.

Ensuring Adequate Staffing

Adequate staffing of all your organization's services is critical to the effective control of risks of personal injury and harm. Your policy that requires a minimum of two adults (such as two staff members or a staff member and a parent) to accompany all trips and outings helps to ensure that the opportunity for sexual abuse is minimized.

You indicated that your organization has a policy that establishes a required minimum ratio of staff/volunteers or parents to number of service recipients, depending on the nature of the activity and the requirements of participants for assistance. Adequate staffing is a key component of conducting safe activities and also provides protection for the staff and volunteers from false allegations of inappropriate conduct.

Limiting One-to-One Contact

You answered that your organization limits one-to-one contact between staff members and vulnerable clients. This is an excellent risk management strategy. Total elimination of one-to-one contact may not be practical - or possible - in your organization's programs. This is an example of a risk that can't be eliminated but should be monitored carefully.

Protecting Client Privacy

You indicated that your organization has a written privacy policy that protects service recipients. Having a policy concerning client privacy is an important first step. It is also important to make sure that all staff members - employees and volunteers - understand the policy and are aware of their responsibility to use information about service recipients only as required by the organization for the delivery of its services.

Preventing the Release of Sensitive Information

Service recipients expect that organizations offering them services will not release information about their association with the organization unless the organization received permission from them. By having a policy that provides a reasonable safeguard against the release of sensitive information, you are upholding an important trust.

Nonviolent Conflict Resolution Options

Resorting to violence may be due to frustration -- the feeling that no other options are available. By offering opportunities for nonviolent conflict resolution and stressing the importance of using them, your organization has taken an important step to lessen the level of frustrations that individuals may otherwise experience and thereby avoid violence.

Review of Disciplinary Actions

You answered that you have a review process for disciplinary actions to ensure fair treatment of service recipients. *An administrative review process before disciplinary action is taken can prevent unfair and angry reactions by service recipients against staff.* Your current practice reduces the risk that service recipients will respond inappropriately to discipline.

Activity Selection Policies

You indicated that your organization has policies that guide the selection of activities offered by your organization. You have taken an important step in managing the risks which result from the kinds of activities you sponsor.

Ensuring That Programs and Services Support the Mission of an Organization

An organization should only place the safety of their service recipients at risk to the degree necessary to accomplish its mission. You indicated that the programs and services offered by your organization are evaluated in terms of their relationship to the mission of your organization. This is an excellent practice that reduces the likelihood that service recipients will be needlessly exposed to risk.

Offering Appropriate Activities

You indicated that the activities and programs offered by your organization are assessed for their appropriateness for the ages and abilities of the intended participants or service recipients. This is an excellent practice. Keep in mind that appropriateness may be measured in the context of the mental,

physical, and emotional requirements for the program.

Requiring a Medical Clearance

You indicated that you require a medical clearance before accepting an individual into a program that might require physical exertion or exposure to substances that could cause an allergic reaction. As a reminder, remember that the staff members in charge of the activities need to be informed of the risks and the appropriate responses if any of the risks become realities.

Access to Medical Information

Your staff may require access to information on client medical issues in order to assist them in an emergency. Failure to prepare staff members to respond to something as simple as a bee sting may result in an untimely death of a participant who has an allergic reaction after being stung by a bee. Staff members need to know of any medical conditions that could affect an individual's participation in a program or activity. Such conditions include any restrictions on the individual's activities, symptoms that would indicate over-medication, allergic reactions, over-exertion, and the need for medication. We recommend that you revisit your policy and practices with regard to ensuring that program staff have access to the information they need to assist clientele.

Ensuring the Confidentiality of Medical Information

A policy intended to ensure the confidential handling of medical information obtained from service recipients is an excellent risk management strategy that protects your nonprofit as well as your clients. This policy should be continued and adherence to the policy monitored carefully.

Instructing Trip Leaders

You indicated that you require or provide instruction for leaders of trips and outings concerning the appropriate steps in emergency situations such as medical emergencies, automobile collisions, fatalities, or injuries. Often tragedies can be averted when prompt action is taken. When leaders of an organization's activities know how to respond in the face of an emergency, precious moments can be saved in obtaining the required assistance. While every organization should take reasonable steps to prevent injuries and other kinds of emergencies, every nonprofit and its staff members should be prepared to respond when necessary.

Obtaining Emergency Medical Care

Planning for activities should include the possibility that one or more participants may be injured. Individuals in charge of activities need to know how to respond when a service recipient is injured. Congratulations on your policy of providing instructions to key personnel about obtaining emergency medical care.

Prompt Reporting of Injuries

You indicated that your emergency procedures require staff to promptly report incidents that result in injuries to participants. This is an excellent practice. Reporting incidents involving injuries to participants enables the organization to mobilize its resources to assist the injured parties and their families. It also enables the organization to be prepared for any media attention that the incident generates.

Communicating During an Emergency

In many respects the availability of cellular communications has facilitated ready access to emergency services when a crisis looms. Cell phones are not a total answer, however, as cellular service may not be available in some areas in which your organization conducts its programs. Even when cellular service is available, batteries go dead and equipment may malfunction. In widespread emergencies, circuits may become overloaded. For these reasons, additional options should be considered.

Guidelines for Media Relations

You indicated that your organization has written guidelines governing contact between staff members and media representatives. A media relations policy is an excellent risk management tool that can preserve public support of nonprofit programs while ensuring appropriate and timely responses to inquiries.

Guidelines Governing Access to Facilities and Clients

You indicated that your organization requires visitors to report to a central check-in point. A sign-in procedure for visitors enables the organization to identify individuals who visit your location and determine if they have a legitimate reason for visiting by asking them whom they are visiting and the purpose of their visit.

Visitor Tags

The use of visitor tags enables staff members to extend courtesies and assistance to visitors as well as to monitor their activities. If visitors require escorts and do not have them, a staff member can offer to show them where they are going. If someone is wandering around a facility used by the organization for delivering services, the staff can send them to check-in properly. The safety of vulnerable clients may require establishing reasonable controls on the access of visitors to service recipients.

Physical Barriers to Control Access

You indicated that your organization employs physical barriers in order to control access to its facilities. Physical barriers can lessen the opportunity for unauthorized persons to gain access to your facilities and clients. Please note: do not create safety hazards by inappropriately locking fire/emergency exits in such a manner as to prevent evacuation in emergency situations. Also, never install or leave bars on windows unless the appropriate panic hardware is also installed.

Inspecting Facilities and Equipment

You responded that your organization requires periodic inspections of facilities and equipment used in conjunction with the services you offer. Inspecting program areas is an important risk management tool for identifying hazardous conditions before they injure a program participant.

Inspecting Program Areas

Inspections of program areas are important risk management tools for identifying hazardous conditions before they injure a program participant. Individuals conducting inspections should consider the perspective of the service recipient. For example, if an area is used for child care of toddlers, the inspector should make the inspection at the same eye level as the children for whom care is being given. If the area is used for programs serving individuals who use wheelchairs, the inspector might conduct

part of the inspection while seated in a wheelchair. Areas used for some of your organization's services may not have such unique requirements, but remember, even a loose bit of carpet or slippery stair tread can result in a serious injury.

Checklists

You indicated that your organization uses checklists for its inspections. Remember to keep your signed and dated checklists on file as documentation that scheduled inspections were performed.

Inspecting Equipment

You indicated that your organization requires regular safety inspections of your equipment. This is an excellent practice. Safety inspections ensure that equipment used by your organization is in safe operating condition and does not constitute a hazard when used for its intended purpose.

Making Your Expectations Clear

You indicated that your organization makes it clear during the screening and selection process what you expect with regard to the behavior of staff towards vulnerable service recipients. This is an important practice that reduces the risk that staff will subsequently act inappropriately.

Managers and board members of some organizations feel that an explicit statement prohibiting sexual acts with service recipients is unnecessary because no one in their right mind would consider such relationships to be proper. Unfortunately, the prevalence of inappropriate sexual conduct involving staff members and vulnerable service recipients gives rise to the need to clearly state what should be obvious. By making these statements during the screening process, you are putting individuals who are seeking a position with your organization in order to gain access to sexual opportunities on notice that the organization does not and will not tolerate such behaviors.

Position Descriptions for All Staff

You indicated that your organization uses written position descriptions for paid staff and unpaid volunteer positions. Position descriptions are a valuable risk management tool. Through the use of written position descriptions for all of your organization's employees and volunteers, you may establish the boundaries for the responsibilities that each position has and may even limit the activities of staff members to those that are within the scope of the position. This will help avoid staff members' involvement in activities for which they are not qualified or are outside the scope of your organization's services.

Use of Criminal History Record Checks

The most common types of criminal history record checks are state-based checks and federal (FBI) record checks. Generally, checking both state and federal criminal history databases involves two separate processes. State-level criminal history record checks will only reveal convictions for crimes that occurred in the state being checked. If you do not conduct a federal criminal history record check you may miss offenses committed in other states.

Verifying Required Credentials

When specific credentials -- degrees, licenses, or certificates -- are required for holding a position, your organization is wise to verify that applicants possess the applicable credentials. According to human

resources experts, more than a third of all resumes contain material misstatements.

Orienting New Staff

You responded that your nonprofit does not necessarily provide an orientation for new staff members. An orientation program is an important tool for reducing the risk that staff members will behave inappropriately toward clients, or otherwise violate the organization's rules and procedures. An effective orientation provides a clear explanation of the organization's mission, policies, procedures and expectations, and affords an opportunity for participants to pose questions about specific circumstances.

New staff members also need to know how to respond in situations in which the safety of service recipients is at stake. During the orientation session, their attention should be directed to policies that relate to first aid, emergency medical treatment, reporting to the organization, medical forms, and other information the organization should have on file about these service recipients.

If your organization offers services to service recipients who have mental retardation, physical disabilities, or are elderly and require assistance, new staff members need information concerning proper assistance techniques. For example, when assisting service recipients into and out of wheelchairs, they need to know how to set the brakes on the wheelchairs, how to place the footrests, where to hold the service recipient, and how to lift without injuring the service recipient or staff member.

Vulnerable service recipients, both child and adult, may be targets for abuse. Staff members need to know what abuse is, how to detect abuse, what actions to take when abuse of a service recipient is suspected, and what the staff member's legal responsibilities are.

Mandatory Reporting

You responded that you provide information about reporting procedures for suspected abuse of a service recipient during your orientation for new staff. *Vulnerable service recipients, both child and adult, may be targets for abuse.* Staff members need to know what abuse is, red flags of possible abuse, what actions to take when abuse of a service recipient is suspected, and what the staff member's legal responsibilities are.

Most states have laws requiring caregivers of vulnerable individuals to report suspected abuse to either a protective services agency in state or county government or to a law enforcement agency. Failure to report suspected abuse could result in both criminal and civil penalties.

See the following [website](#) for an overview of mandated reporter obligations in New York and basic information about the New York State Child Protective Services (CPS) system.

In-service Training

You indicated that your nonprofit provides in-service training for staff who work with vulnerable populations. This is an excellent practice. Congratulations on your efforts to train staff members in order to maintain the quality of your programs and the safety of your service recipients.

Transportation

Introduction

This segment of your report contains feedback and recommendations on the subject of transportation risks. Vehicular accidents are one of the leading causes of injury to nonprofit staff and volunteers and they are a common source of claims filed against nonprofit organizations. A surprisingly high percentage of these claims involve a single vehicle, such as property damage caused by backing into a post in a parking garage. Single vehicle accidents are most likely to occur when a driver is unfamiliar with a vehicle.

The risk of a transportation claim exists whenever a car, truck, bus, or other vehicle is used on behalf of a nonprofit. Many accidents can be avoided through the adoption of policies and procedures concerning drivers, vehicles, and passengers. In some cases, risk can be transferred to or shared with a contract transportation provider. A transportation risk financing strategy that includes automobile coverage is a must for every nonprofit.

Understanding Your Transportation Exposure

You indicated that your organization provides or sponsors transportation services or owns (or leases) one or more vehicles. Transportation is the means for an organization to carry clients, volunteers, employees, goods, or equipment from one place to another. For many nonprofits, transportation services are an integral part of fulfilling the organization's charitable mission. For example, a nonprofit that delivers hot meals to shut-ins cannot operate without volunteers or employees driving either their own or agency vehicles. Many nonprofits that do not provide transportation services overlook their incidental transportation exposures. It is nearly impossible for a nonprofit to operate today and not have some form of transportation exposure. The risks may arise from "incidental driving" such as an employee or volunteer driving his or her own vehicle to attend meetings, or an agency function, or to run an errand to the bank, post office, or office supply store.

While every nonprofit has the possibility of a loss from an automobile claim, the level of risk increases when an organization's core business includes transporting people, materials, or equipment, or when an organization owns or leases vehicles. Therefore, your agency must be diligent in managing the risks associated with your transportation activities as well as the risks from incidental driving.

It is always prudent to consider whether your nonprofit's transportation activities are essential to achieving your core mission, or whether you can transfer or share the risk of loss by engaging a contract provider of transportation services.

Direct Versus Vicarious Liability

Your organization's potential liability can be direct or vicarious. With direct liability, your organization may be responsible for the actions that caused harm to another. These allegations can include failure to screen, select, train, or supervise your drivers. Vicarious liability occurs when responsibility for the actions of your "agents" (drivers) is transferred to your nonprofit. Vicarious liability is the reason why your organization needs to be concerned about who is driving on its behalf - especially when they are driving their own vehicles. To be considered your "agent," the driver or agent must be acting on behalf of the organization and with its authority. Second, the organization must have the right to control the driver's actions. Finally, the incident must have occurred while the driver was acting within the scope of his or her duties.

The following section further explains the conditions needed for your organization to be deemed vicariously liable.

Organizational Authority

In order for a nonprofit to be vicariously liable for the actions of its drivers, the drivers must be acting on behalf of the organization and with its authority. Therefore, the driver must be an active part of your program and someone to whom you granted authority to drive on your behalf. Consider the following in determining if your personnel are operating with organizational authority. Did your organization:

- sanction or approve the activity?
- approve either the driver or the transportation activity (either actively or passively)?
- benefit from the approved transportation activities?
- have a formal driver selection and training program?

The issue of organizational authority is related closely to the organization's right to control its personnel and the scope of the person's duties.

Right to Control

The organization can also be liable if it had the right to control the driver, even if the organization never exercised its right of control. Consider the following questions when determining control. Did your organization:

- decide to undertake the activity?
- plan the scope and detail of the activity?
- ask the driver to participate?
- supervise driver performance and, if necessary, could it have reassigned the task to someone else?

Under some circumstances, a "yes" answer to any of these questions may prove to be sufficient evidence of the organization's right to control the driver.

Scope of Responsibility

Another factor in determining liability is whether or not the person causing the harm was acting within the scope of his or her duties. To determine the scope of the driver's responsibilities, consider:

- Was the activity consistent with your organization's mission?
- Was the activity a regular part of the organization's program?
- Did anyone within your organization authorize the trip?
- Was driving part of the person's position description?
- Was driving related, or incidental, to normal duties?
- Did your organization benefit from the trip?

A "yes" answer to any of these questions may prove to be sufficient evidence that the driver was acting within the scope of his or her duties.

Transportation Risk Management Statement

You responded that your organization does not have a written transportation risk management statement. Although you do not have a written statement, organizational culture and common practices may imply

your transportation risk management philosophy. However, it is always better for an organization to create written guidelines, rather than assume personnel understand your goals and priorities. Consider adopting a formal "safety first" philosophy for all of your organization's activities and services, not just for your transportation exposures.

The statement can also incorporate your basic driver safety rules. The rules may delineate desired behavior, such as always wear seatbelts, lock car doors, and do not play loud music, or have other distractions. Other guidelines are to not drive when overly tired or taking medication that impairs your abilities, do not use cell phones while driving and so on.

Vehicle Use Policy

You indicated that you have a policy concerning the use of your organization's vehicles. This is an important risk management tool.

We recommend that you review your policy and consider making sure that it clarifies:

- Who is authorized to drive the agency's vehicles;
- Who is authorized to drive their own vehicles on behalf of the organization;
- The approved uses for the vehicles (transporting clients, materials and equipment, etc.);
- If employees, volunteers, or clients can use the vehicles for personal errands. If yes, the process for requesting and granting permission for personal use of the organization's vehicles;
- If members of the employee's or volunteer's family can drive the organization's vehicles;
- Whether your organization prohibits any uses such as transporting hazardous materials, carrying passengers in an open truck bed, participating in car rallies, or other activities;
- What driving restrictions apply, such as limited night driving, limits on the number of hours someone may drive in one day, or the requirement that drivers take periodic rest breaks.

Passenger Behavior Policy

You indicated that you do not have a specific policy about passenger behavior. Most people have witnessed drivers coping with mild to severe passenger distractions. From heated arguments with "back seat drivers" to imposing discipline on children or other passengers within the vehicle, passenger distractions are accidents waiting to happen. Passenger safety and behavior guidelines are an important component of a comprehensive transportation program.

All passengers transported by your paid and volunteer staff should be required to use basic safety equipment such as seatbelts, child safety seats, and wheelchair tie-downs as needed. Passengers should also adhere to minimum safety procedures, such as not causing distractions to the driver of the vehicle, remaining seated, not playing loud music and no horseplay while in the vehicle. Drivers and other passengers should be required to report all violations of these rules to the appropriate personnel. The organization should consider disciplining passengers who repeatedly violate the organization's rules including the possibility of losing future transportation privileges. Passengers should also be encouraged to report any observed unsafe driving practices to the appropriate personnel.

Accident Reporting Procedures

Consider reviewing your guidelines to make sure that they:

- Stress the importance of reporting accidents to the organization as soon as practicably possible (after medical assistance has been rendered to victims).
- Clearly delineate the person to whom accidents should be reported.

- Emphasize that the organization's primary concern - and that of its drivers - is the health and well-being of the driver, passengers, the occupants of any other vehicles involved in the accident, and, if applicable, involved pedestrians or bystanders. Instruct the driver to stop at once and give aid to anyone injured in the accident and check for injuries. Drivers should also be told not to move occupants who appear to be seriously injured.
- Emphasize the importance of getting out of harm's way and protecting everyone after the accident. Many secondary accidents occur when drivers involved in a collision fail to pull over and get out of traffic lanes. A growing number of states are adopting fender-bender laws that require motorists involved in accidents to move their vehicles into breakdown lanes.
- Explain the importance of placing warning devices 200 to 300 feet behind the vehicle. Flares or markers should be placed so that traffic has enough warning to react and slow down.
- Instruct drivers and passengers involved in an accident to notify the police or highway patrol immediately, and also, to request a copy of the police accident report.
- Instruct drivers to collect additional information at the accident scene such as the license plate numbers of all involved vehicles, and the names, addresses, and driver's license numbers of all persons involved in the accident, including any witnesses. Require that an Accident Reporting Form be kept in the glove box of a vehicle at all times. Train all personnel in the proper completion and distribution of the form.
- Inform drivers and passengers that they may furnish the name and address of the insurance company that provides your organization's automobile liability insurance coverage to anyone involved in the accident who requests the information. They must also give the name of the organization's local insurance agent. This information should be accessible to all drivers, and may be stored in the glove compartment with blank accident forms. Most states require that every vehicle contain proof of insurance.
- Explain the importance of preserving evidence after a collision. Many organizations keep a disposable camera in their vehicles to use in taking pictures at the accident scene.
- Clarify the importance of avoiding a discussion with persons at the scene about who is to blame for the accident. Drivers should be instructed not to apologize or admit responsibility or guilt for the accident, but express concern without admitting liability.

Require an internal review following an accident to determine if the organization's policies and procedures were followed and if they were effective. Based upon the findings, revise any policies or procedures to more effectively respond to an automobile accident.

Potential Liability for Damages Caused by an Unpaid Driver

A nonprofit *can* be held liable for the negligent act of a volunteer whether the volunteer is driving an agency vehicle or his or her own auto on agency business. An organization can be held *directly* liable for actions that cause harm to another. The injured party might assert that the organization failed to screen and select its drivers properly. Another plaintiff might allege that a nonprofit failed to train or to supervise its drivers and other personnel.

A second form of liability is *vicarious* liability where the actions of an organization's agents are transferred to the nonprofit. Vicarious liability becomes important when a nonprofit has employees or volunteers driving their cars or other vehicles not owned by the nonprofit on agency business. Under the theory of vicarious liability, a nonprofit could be responsible for the actions of its drivers and other personnel if three conditions are met. First, the driver or agent must be acting on behalf of the organization and with its authority. Second, the organization must have the right to control the driver's actions. Finally, the incident must have occurred while the driver was acting within the scope of his or her duties.

Driver Screening

Screening all drivers makes good sense. Since you are already screening your drivers, you know how important this step can be. However, an effective screening and selection process needs to be quite thorough. Some organizations are casual about screening and selecting their drivers, but if there's an accident involving an "unqualified" driver, the organization's lax attitude toward screening may come back to haunt it.

The establishment of a driver selection process should be a part of your usual employee or volunteer screening program. As a rule of thumb, the greater the transportation exposure, the more extensive the driver screening process should be. First, you should review each employee and volunteer position description to determine if driving is a part of the position. The extent of the transportation exposure will vary by the position. You can view the exposures and appropriate selection process as a continuum. On one end of the continuum are the positions that do not involve any driving. At the other end of the continuum are the most hazardous positions that involve activities such as the use of buses and vans to transport people, handling special materials or equipment, transporting people with special needs such as wheelchair lift vans, or driving large, heavy vehicles. The middle section includes positions with less hazardous exposures such as transporting people in private passenger vehicles or more frequent driving as an essential function of the position that doesn't require any special licenses or training.

A basic screening process might include an application, personal interview, reference checks, verification that the applicant has a valid driver's license, and proof of personal auto insurance. Additional items that might be considered in a more rigorous process include: a statement of driving history, statement of medical condition, motor vehicle record, and a driving test.

A description of some of the tools available for driver screening and selection is provided below:

- *Position Application* - Collect basic personal information and questions regarding the person's driving status.
- *Personal Interviews* - Have someone from your organization interview the applicant to determine their acceptability for the position. Consider requiring the applicant to bring their motor vehicle record (MVR) to the interview.
- *Reference Checks* - Contact non-family references to determine the person's suitability for the position.
- *Valid Driver's License* - Confirm that the applicant has a valid driver's license and note any restrictions or limitations placed on their ability to drive (i.e., no night driving, special equipment, corrective lenses, etc.).
- *Statement of Driving History* - For the occasional driver, it may be acceptable to ask the applicant to complete a statement of driving history instead of ordering a copy of his or her motor vehicle record.
- *Proof of Personal Insurance* - If the person will be driving his own vehicle, your organization may want to require proof of personal automobile insurance with stipulated limits.
- *Motor Vehicle Records (MVR) Check* - Look to your state guidelines for how to access DMV records.
- *Special Licenses or Certifications* - Certain sizes and types of vehicles require special driver's licenses such as the Commercial Driver's License. In some jurisdictions drivers who transport persons with developmental disabilities must obtain a special certificate. Determine if there are any special requirements applicable to the types of vehicles your organization operates or the types of passengers served.
- *Statement of Medical Conditions* - Some organizations require their drivers to submit a statement of their medical condition that includes any medications the person is taking.

- *Driving Test* - You may want to work with your local police department to have applicants take an "on-the-road" driving test.
- *Physical Examination* - Some driving positions may require that the person receive a physical medical examination prior to operating the vehicle.
- *Drug and Alcohol Testing* - An organization may decide to implement a drug and alcohol testing program for its drivers. Such a program is mandatory for any position that requires a Commercial Driver's License.

Additional screening tools are available, but this highlights the main methods used by nonprofit organizations.

Driver Applications and Supplements

If a person is recruited as a driver or driving constitutes an important or major aspect of the person's position, a specific Driver Application should be used in conjunction with your organization's usual employment or volunteer application. When driving is not a major job function then you can either incorporate driving questions into your standard applications or use a supplemental application.

For positions requiring extensive driving, a Driver Application should request:

- Name
- Address
- Telephone Number
- Date of Birth
- Driver's License Number and State of Issue
- Emergency Contact Name and Telephone
- Current Employer (name and address)
- Position Held
- Dates of Employment
- Reason for Leaving
- Special Certificates: e.g., CPR, Medical Certificate, Defensive Driving, First Aid (indicate certificate(s) and expiration dates)
- Accident Record for the Past Five Years - Consider asking the applicants to list the dates of accidents, describe the nature of each accident (e.g. head-on, rear-end). Also indicate whether the applicant was found to be at fault, and if there were any fatalities or injuries.
- Traffic Violations for the Past Five Years - Moving violations only, but include any cases where the applicant received "probation before judgment." Request the city and state of each violation, date of the violation, and infraction and penalty.
- Have you ever been denied a license, a permit, or the privilege to operate a motor vehicle?
- Has any license, permit, or privilege ever been suspended or revoked?
- Personal Insurance - Do you have an insurance policy for your personal vehicle that meets or exceeds the limits required by state law? If yes, provide the name of your insurance carrier and your policy number.
- Agreement to Abide by the Nonprofit's Policies - The application should include a statement indicating that the applicant has read and agrees to abide by the nonprofit's policies, including its driving policies, will attend any courses or training required by the nonprofit, and will inform the nonprofit of any moving violations or at-fault accidents that occur during the applicant's tenure as a volunteer or staff member, whether or not they occur while working for the nonprofit.
- Seatbelt Warranty - Some nonprofits add language about seatbelt use as a warranty at the bottom of the application. For example, "I also understand it is the policy of [Nonprofit] that all passengers and drivers must at all times wear seatbelts when riding in an organization vehicle. I

agree to abide by this policy and will not transport a passenger who refuses to fasten or have his or her seatbelt fastened unless he or she is excused from this requirement by a physician's certificate."

- Truth Clause - Just above the applicant's signature should be a truth clause or false information warning. While there are many reasons for rejecting an applicant for a position at your nonprofit, dishonesty on the application is among the most defensible reasons for rejection. Every nonprofit application for volunteer or paid employment should include a truth clause. A sample is provided below:

"I certify that the answers given by me to all questions on this application and any attachments are, to the best of my knowledge and belief, true and correct and that I have not knowingly withheld any pertinent facts or circumstances. I understand that any omission or misrepresentation of fact in this application or on my resume may result in refusal of or separation from employment/volunteer service upon discovery thereof."

- Applicant's Signature, Date

For those positions with only incidental driving, the driving supplement might include the following:

- Driver's License Number and State of Issue
- Personal Insurance - Do you have an insurance policy for your personal vehicle that meets or exceeds the limits required by state law? If yes, provide the name of your insurance carrier and your policy number.
- Special Certificates - e.g., CPR, Medical Certificate, Defensive Driving, First Aid. Indicate certificate(s) and expiration dates.
- Accident Record for the Past Five Years - Ask the applicant to list the dates of accidents, describe the nature of each accident (e.g. head-on, rear-end), indicate whether the applicant was found to be at fault, and indicate if there were fatalities or injuries.
- Traffic Violations for the Past Five Years (moving violations only, include even if received "probation before judgment") - Request the city and state of each violation, date of the violation, and infraction and penalty.
- Agreement to Abide by the Nonprofit's Policies.

Verifying Licenses

By making certain that all authorized drivers of the organization's vehicles have current, valid drivers' licenses, you are performing a very simple, but important, task. Make sure that each driver is legally licensed to drive the type of vehicle to be used and that no license restrictions affect the person's ability to perform his or her duties. Always make a copy of the license for your files.

It is also a good practice to check for valid driver's licenses for all employees or volunteers that might drive occasionally for the organization. This includes employees and volunteers that use their own vehicles, not just the people driving the organization's vehicles.

You might also consider checking drivers' records through your state Department of Motor Vehicles. Some nonprofits require applicants for volunteer positions to produce a copy of their current Motor Vehicle Record (MVR), while other organizations obtain the applicant's permission to check their motor vehicle records and do so later.

MVR Checks

Checking the driving records of applicants for driver positions of agency vehicles is a reasonable and

appropriate risk management procedure. You should consider also checking the records for personnel that may drive their cars on your behalf. Driving records are maintained by the Department of Motor Vehicles (DMV) in each state. These agencies track each licensed driver's traffic violations and vehicle accidents. Like other tools, however, you need to use the information gathered properly to achieve your desired results. Checking official agency records is *not* a panacea. *Do not be lulled into a false sense of security.* Conducting a motor vehicle record check is not a substitute for using other screening tools or risk reduction techniques such as closely supervising personnel (employees and volunteers) and monitoring their performance after placement. Moreover, conducting a record check should not lead you to disregard danger signs that appear during other parts of the screening process.

Here's a suggested approach for checking motor vehicle records:

Step 1 - Determine if the position involves driving

The decision to check official agency records - including motor vehicle records - should be based primarily upon the specific responsibilities of the position. If operating a motor vehicle is not part of the position description, then why check driving records?

Step 2 - Decide if an MVR check is necessary

Decide which positions require that each person's MVR needs to be checked. Consider checking the MVRs of persons authorized to drive your nonprofit's vehicles. Remember, it may still be a good idea to check a driver's MVR, even when they will be driving their own vehicle. If the position involves only incidental driving, you may want to consider using a Statement of Driving History as a screening tool.

Some proponents of record checks assert that a check encourages self-screening. They believe that individuals with disqualifying records will be discouraged from applying for driving positions. Using official records as a screening tool may also strengthen your position in litigation. Although the organization is responsible if its driver is at fault (negligent) it can avoid possible allegations of gross negligence by showing that it took proper care in screening its drivers. An organization with access to these records may be subject to criticism if it fails to use it especially if the information is readily accessible and affordable. Both of these reasons for using record checks may be valid. However, every nonprofit must balance its selection of screening tools against the factors of relevance to the position, availability, usefulness, cost, and legal permissibility.

Step 3 - Establish criteria

Before ordering motor vehicle records on applicants, you must first carefully define your selection criteria that will enable your organization to function while following its policies and procedures on a consistent basis. The selection process should identify traffic violations or accidents that will disqualify someone automatically, establish rating criteria, define judgment factors, and permit the information to be examined in the context of organizational requirements and other life experience factors of the applicants.

For example, what motor vehicle offenses would automatically disqualify an applicant? Would an applicant with a recent moving violation be automatically disqualified? Would an applicant with a moving violation five years ago be disqualified automatically? What was the nature of the moving violation - speeding, running a stop sign or red light or driving under the influence? We suggest starting with a list of offenses that would automatically disqualify any applicant, e.g. any arrest or conviction for driving under the influence or driving while intoxicated, vehicular manslaughter, or reckless driving. Then develop more specific criteria: e.g. two moving violations in the past 5 years, for disqualifying an applicant.

Step 4 - Obtain MVR checks on all applicants for designated positions

If you decide that MVR checks are necessary for specific positions, you should obtain motor vehicle records for all candidates for those positions. Consistency is a key issue in any effective screening and selection process. The failure to conduct record checks on all candidates for a position may be viewed as discriminatory. In addition, it may be hard to explain if your organization placed a person not screened in accordance with your policies in such a position and that person caused an injury or perpetrated a crime.

Step 5 - Provide applicants with disqualifying offenses an opportunity to respond

Unfortunately, states can make errors in recording traffic violations. It is a good risk management practice to allow applicants with disqualifying offenses to confirm if the information is correct. If the information is incorrect, the applicant should have the opportunity to "correct the record."

At a minimum, all of your drivers should have an acceptable driving record as defined by your organization. Your insurance company and agent or broker can assist you in establishing effective guidelines. Remember that checking motor vehicle records must be an on-going process. Depending upon the extent of driving exposure, the MVRs can be reviewed annually. Also be prepared to take the appropriate action if a volunteer or employee develops an unacceptable driving record while working or volunteering for your organization.

NOTE: Under Federal law anyone driving a vehicle that holds sixteen or more people (including the driver), such as vans or buses, must have a valid Commercial Driver's License (CDL). The law also requires the driver of any vehicle over 26,000 pounds to have a Commercial Driver's License. Many states have adopted more stringent requirements for Commercial Driver's Licenses. For example, California requires that anyone driving a vehicle holding ten (10) or more passengers, including the driver, have a Commercial Driver's License (Class "B" License). Check with your state Department of Motor Vehicles or your insurance agent to determine your state's requirements.

The U.S. Department of Transportation's CDL regulations require prospective employers to check, within thirty days of the date the driver's employment begins, the motor vehicle records for the applicant's driving history. The organization must also conduct an investigation of the driver's employment record for the past three years.

Driver Training

You indicated that you train your drivers. This is an important risk management step. Just be sure that you train all drivers - employees *and* volunteers. In fact, you should provide the same training and risk management procedures for any person holding a specific position whether they are volunteers or employees. One training tool is a driver's handbook that states your policies and expectations clearly.

An effective training program, like the selection process, should be developed based upon the nature and extent of the driving performed for each position. Not everyone needs to be trained to the same level unless they are performing the same tasks.

Consider reviewing your training program to make sure that the topics listed below have been covered.

New Employee/Volunteer Orientation

- General Overview of transportation policies and procedures
- Transportation risk management statement including your organization's general driving rules

- Authorized drivers and vehicle use
- Mileage reimbursement policy
- Accident procedures

Position Specific

- Any skill requirements or special training or licenses (first aid, CPR, special driver's license, etc.)
- Training on driving certain types of vehicles (i.e., panel trucks, large passenger vans, trucks, or buses)
- Defensive driving and other driver training programs
- Passenger assistance
- Vehicle inspection and maintenance procedures including documentation
- Use of trip logs
- Supervision - chain of command
- Transportation safety program - incentive awards, safety meetings, safety committee, review of transportation issues/problems

Supervising Drivers

You indicated that you have someone responsible for overseeing your paid and volunteer drivers. Having a supervisor for driving activities is an important first step in managing transportation risks in your nonprofit. Make certain that this person has the authority to enforce the policies adopted by your organization. Also ensure that the supervisor is well versed on your transportation policies and procedures and can articulate them to all drivers in the program.

Monitoring Driver Performance

Monitoring driver performance on an ongoing basis is another effective risk management tool. The proper supervision of drivers requires continuous performance monitoring and evaluation. You indicated that you do evaluate your drivers. This is an important practice that we encourage you to continue. Consider reviewing your process for drivers of agency vehicles to include the applicable following elements:

- Periodic review of each driver's motor vehicle record
- Periodic road test
- Confirmation of medical condition if applicable
- Written driver safety tests
- Review of accident and incident reports
- Regular performance reviews and conferences
- Review of complaint logs
- Review of transportation program logs and reports (inspections, maintenance reports, trip logs, etc.)
- Verification of position requirements - current and valid driver's license, certificates or special licenses, and personal automobile insurance

Commercial Driver's License Issues

Under federal law, the drivers of vehicles holding 16 or more passengers (including the driver) or weighing more than 26,000 pounds must have a Commercial Driver's License (CDL). Aside from the need for a CDL, your organization is subject to numerous Federal and state regulations. The U.S. Department of Transportation's CDL regulations require prospective employers to check, within thirty

days of the date the driver's employment begins, the motor vehicle records for the applicant's driving history. The organization must also conduct an investigation of the driver's employment record for the past three years. For additional information on the regulatory requirements, contact the U.S. Department of Transportation (www.dot.gov) or your state Department of Motor Vehicles.

Owned or Leased Vehicles

You indicated that your organization owns or leases one or more vehicles. Your organization either provides transportation for your clients or has enough employee or volunteer travel to have its own vehicles.

No matter what type of vehicles you own - private passenger cars, buses, trucks or vans or some combination - your organization is responsible not only for who drives the vehicles but their maintenance and upkeep. Every nonprofit that owns vehicles should have policies and procedures in place to manage the risks of owning and operating motor vehicles.

Vehicle Selection Policy

You indicated that you have a vehicle selection and replacement policy. The following are some factors to consider in evaluating the adequacy of your policy:

- Do you have specific criteria for selecting the type of vehicle(s) your organization needs to fulfill its mission - private passenger cars, minivans, vans, different types of trucks, or buses? If you require buses, what passenger size is needed?
- Does the criteria include the type of safety equipment that must be installed such as airbags, side impact features, anti-lock brakes, four-wheel or all-wheel drive, head restraints, large side mirrors, backup alarms and mirrors, cargo holders and any special mechanical equipment such as lifts?
- How often will you replace your vehicles?
- Is replacement dependent upon the vehicles' age, mileage or obsolescence?

Trip Logs

You indicated that you maintain trip logs for your vehicles. These logs can assist you in evaluating the need for and effectiveness of the various vehicles your organization owns. The logs also can reinforce to personnel that they are driving an agency owned vehicle and that their actions have a direct effect on the organization.

Inspections

You indicated that your organization does not require or document pre- and/or post-trip inspections of your vehicles. Mechanical failures and poor maintenance may cause or contribute to an auto accident. Remember that you have a responsibility to maintain safe motor vehicles for your organization. We urge you to consider conducting pre- and post-trip vehicle inspections.

First, assign the responsibility for vehicle maintenance to one person (with a back-up), even if the vehicles are assigned to specific personnel. The assigned transportation staff person can work with others in the organization to ensure that your vehicles are properly maintained as well as be responsible for any fleet or pool vehicles owned by your organization.

For fleet or pool vehicles, the driver should, before each trip, perform a visual inspection of the vehicle. Create and use an inspection form that the driver should submit at the end of every trip. The checklist

form will enable the driver to check the various components and safety equipment of the vehicle. After the trip, the driver should re-inspect the vehicle and note any problems that developed during the trip. On a periodic basis, the transportation manager should also inspect the vehicles and take any action needed.

It is important to retain records of these various inspections and maintenance. Improper or inadequate maintenance can be a factor in an auto accident. Written records are important to confirm that people are performing appropriately and demonstrate that your organization maintains its vehicles in a safe operating condition.

Documenting Vehicle Maintenance

Ensuring proper maintenance and repairs is one of the primary reasons for the pre- and post-trip inspections. However, if a driver does not know how to inspect or how to report problems, the inspection procedures are meaningless. You indicated that your organization has established procedures including documentation for routine and special maintenance. This indicates that you recognize the critical connection between safe equipment and a safe transportation program.

Understanding the Exposures for Rented, Hired and Borrowed Vehicles

You answered that neither your employees nor volunteers rent, hire or borrow vehicles from others. Have you considered all of the possible circumstances in which someone from your organization may rent, hire or borrow a vehicle? They may rent a car while on a business trip, rent a van to transport staff or clients to an event, or rent or borrow a vehicle from another organization, such as a school, church, local business, or other nonprofit to move equipment or materials. Even if none of this occurs now, is it possible in the future that your organization will rent, hire or borrow vehicles?

Another issue is whether or not your organization loans its vehicles to other groups. Many organizations are surprised to learn that when they loan a vehicle their insurance is the first and often only source of recovery for both liability and damage to the vehicle in the event of an "at-fault" accident. Your insurance policy will pay for both a liability loss as well as the physical damage to your vehicle. Therefore, it is important to evaluate when, if at all, your organization will loan its vehicles to another organization.

Controlling the Non-Owned Auto Exposure

You indicated that your organization has an approval process for hiring, renting or borrowing vehicles. This process enables your organization to maintain control over its transportation exposures. An effective policy can include the following:

- Who has the authority to rent, hire or borrow a vehicle and who must approve the action;
- Who can drive these vehicles;
- The acceptable types of activities or reasons for renting, hiring or borrowing a vehicle;
- The types of acceptable vehicles;
- Any cost limitations or other factors in renting or hiring a vehicle;
- Guidance for verifying the vehicle owner's insurance including the extent of insurance provided by the rental company; and
- Explanation of your organization's auto insurance for hired, rented and borrowed autos.

Evaluating Transportation Providers

You indicated that your organization does not conduct due diligence before engaging the services of a transportation company. Your organization may have an exposure if it contracts with the "wrong" transportation company. First, there is the possibility that the contractor will breach the contract by being unable to meet the terms of the agreement. Another and perhaps greater risk is the possibility that your organization will be held liable for the negligent selection and retention of a contractor. Although this is not a common transportation exposure it could be a factor if the contractor acted with gross negligence and perhaps had inadequate insurance. Your organization should recognize how important it is to select a transportation contractor properly and document the selection process fully.

When developing a selection process, you may wish to consider the following factors:

- *Type of Service Needed* - Identify the need for and the type of service to be provided by the contractor.
- *Select Possible Contractors* - Identify possible contractors through recommendations or previous experience with the companies.
- *Evaluate Each Contractor* - Review each company's performance and operations, including compliance with state and federal regulations; current and proper operating authority; driver selection, training and supervision; vehicle maintenance; years of experience; loss history; and accident and safety procedures. Pre-qualify your service providers.
- *Check References* - Check references including business or trade associations and any regulatory agencies involved.
- *Avoid Conflicts of Interest* - If the contract is large enough, use a competitive bid process. For smaller contracts, get price quotes from more than one vendor.
- *Contract Review* - Review all contracts through your normal review procedures. Obtain assistance from an attorney and an insurance professional to ensure that any hold harmless or indemnification agreements and insurance requirements are acceptable.
- *Certificate of Insurance* - Request a certificate of insurance from the vendor before implementing the contract.

Monitoring Transportation Providers

You indicated that your organization does not monitor and evaluate the performance of its transportation service providers. A performance monitoring and evaluation system is necessary to effective risk management and organizational management. Without carefully monitoring the performance of contractors, your organization will be unable to identify and correct any problems or reward outstanding service.

Here are some features to consider in establishing your monitoring system:

- *Terms of the Contract* - Determine if the vendor is meeting the terms and conditions of the contract. If not, make sure that your organization takes appropriate action. Also evaluate if the vendor is providing the necessary services in a timely manner.
- *Service Evaluation* - Ask the service recipients to evaluate the contractors' performance. Your transportation person can coordinate the evaluation process.
- *Complaint Process* - Set up a process for service recipients to submit and resolve any complaints with the contractor. Also, identify a way for the contractor to submit complaints or problems to your organization.
- *Contract Renewal Process* - The final aspect of a monitoring system is the process of deciding if your organization wants to continue contracting with each transportation service provider. The renewal process may be automatic or you may need to have another competitive bidding process. Review the recent results and modify the contract or specifications as needed.

Verifying Personal Auto Coverage

You indicated that you do not require proof of personal auto insurance from personnel who drive their own vehicles for your organization's benefit. Requiring proof of coverage is an excellent risk management strategy when you have personnel driving their own vehicles on agency business. In the event of an at-fault auto accident, the vehicle owner's insurance policy is the first line of coverage for a liability loss. If the owner does not have auto insurance or the limits are very low, the responsibility for the financial consequences of the accident could be shifted to your organization. Therefore, your organization can protect itself by requiring your drivers to provide proof of personal auto insurance.

A related question is: what policy limits are appropriate for personnel using their own vehicles for the agency's business? Many organizations require that each driver have the limits required to meet the state's financial responsibility law.

Some organizations require liability limits higher than the state minimum. Your agency should evaluate its needs and resources to determine what personal auto liability limit it will require of its drivers. We encourage you to remind your employees and volunteers that their personal auto insurance will respond to any loss first. You should also tell them that your organization does not have any insurance coverage that will reimburse them for any physical damage to their car.

Cargo Insurance

You indicated that you transport cargo either in your own vehicles or through transportation companies. If you also have cargo insurance for these goods - well done! Few nonprofits recognize their potential exposure to loss from transporting goods and materials. Many organizations assume that a transportation company will assume responsibility. However, a company's liability for your cargo is usually very limited. Also, some larger nonprofits have their own trucks and tractor-trailers that they use to haul materials. No auto policy covers the cargo carried by, within or on the vehicle. For this exposure, you need an inland marine policy.

Technology and Privacy Risk Management

Introduction

This section of your report contains feedback and recommendations about managing technology risks based on your answers to the questions in the Technology and Privacy Risk Management module. The suggestions in this report follow the subtopic headings for the module: Technology Policies, Cybersecurity Assessment, Technology Vendors, Sensitive Information, and Cyber Liability Insurance.

Comprehensive Policy

You indicated that your technology policy is comprehensive, and that it addresses all or virtually all of the possible categories of misuse you have experienced in the past or anticipate in the future. The use of technology policies in the nonprofit sector is still an emerging practice. So your use of a policy that you believe is comprehensive is both unusual and commendable from a risk management perspective. As with any risk management tool or employment policy, you have to walk a fine line between presenting a comprehensive policy and formulating policies that are so lengthy or complex that they beg for an "executive summary." You don't want employees to violate your policies because they were hard to understand or took too long to digest. Here are a few questions you might want to ask with respect to your comprehensive technology policy:

- What are the most critical prohibitions or rules outlined in the policy?
- Does the policy place the proper emphasis on the most critical issues?
- Is the policy sufficiently or overly strict?
- How have employees reacted to the policy? Does it enjoy widespread support? Do employees understand the rationale behind the policy?
- Is the policy stated in clear terms that every employee can understand? If not, can technical terms or concepts be rewritten to increase understanding?
- Have any employees been reluctant to agree to the terms of the policy? If so, why? Are changes warranted to ensure greater acceptance of the policy?
- Is there anything about the way in which the policy is disseminated that dissuades employees from reviewing it on a timely basis? (Some nonprofits find that it works more effectively to separate the technology policy from the employee handbook, in order to emphasize its importance.)

Telework Agreements

A Telework Agreement can be an effective risk management tool, enabling a nonprofit to reduce the likelihood of surprise in the supervision of telecommuting employees. We suggest that you consider developing a Telework Agreement for your telecommuting program. As you develop an Agreement, you'll want to make certain that it includes the following critical elements:

- An overview of the parameters of the program, and any special requirements that apply (e.g. that telework locations be within the state where the nonprofit operates, or that the nonprofit will be allowed to inspect the work site).
- Information on the nonprofit's systems security provisions and instructions.
- A restatement of the nonprofit's applicable code of conduct.
- Information about the required work schedule and means of communications between the employee and the "home office" as well as contact between the employee and the nonprofit's clients and outside vendors.

- A signed statement that the employee agrees to establish and maintain a safe and secure home workstation and that the employee has read and understands the policy and agreed to abide by its provisions.

With minor necessary exceptions, telecommuting employees should be subject to the same rules that apply to employees working in your main office. Make sure that any changes in employment policies and practices are promptly communicated to these off-site employees.

As with any change in employment policy, an organization should always request legal review from a competent attorney familiar with the laws of the state in which the nonprofit conducts business before implementing the new policy.

There are numerous resources available to organizations seeking to formalize a telecommuting program. For example, the International Telework Association & Council Web site (www.telecommute.org) has a helpful FAQ section that addresses common questions about telecommuting. The American Society for Training and Development (ASTD) offers a guide to establishing a telecommuting program, *An Organizational Guide to Telecommuting: Setting Up and Running a Successful Telecommuter Program* as well as a 16-page booklet titled, *Training Telecommuters* (www.astd.org). The U.S. Office of Personnel Management offers a document titled *Steps for Implementing Telework* located at www.opm.gov/wrkfam/telecomm/steps.htm. Though the steps were developed to assist Federal government agencies, they offer additional tips beyond those provided above and many can be readily adapted to a nonprofit's needs. The Metropolitan Washington Council of Governments (www.mwcog.org/commuter/cogpolicy.html) has a *Sample Telework Policy and Agreement*.

Monitoring Employee Use of Technology

You indicated that your nonprofit monitors employee use of technology. Doing so is an important risk management strategy that backs-up any steps you have taken to dispel employees' expectation of privacy while using your systems. In addition, monitoring employee use of technology puts your organization in the best position to detect possible problems before they become catastrophic. As is true with other risk management techniques, it's important to strike a balance. You'll need to balance affordability of monitoring with the potential fallout and benefits of monitoring. You don't want monitoring to seem so invasive to employees that it damages morale in your organization. Nor do you want to spend a disproportionate amount of resources on monitoring compared to the threat of loss to your systems. It's also important to keep in mind that a significant percentage of system misuse is due to ignorance—an employee may not recognize that what he or she is doing violates your policies or poses some risk to your assets. Monitoring can provide a way to detect inadvertent missteps that happen despite the presence of a comprehensive technology policy. As with any risk management strategy, it's important to obtain a broad perspective on the "problem" you're trying to address as well as the "solution." So you might consider asking a group of employees to examine your existing monitoring practices and offer suggestions to improve the policy. This might be particularly important if your monitoring policy has been met with resistance, or you're encountering other difficulties implementing the policy.

Using Vendors

You indicated that your nonprofit uses independent contractors and/or firms to perform various technology-related functions. Vendors can be the source of a variety of risks when implementing changes within your organization. New systems usually mean the involvement of new vendors - companies and individuals with whom you may not have longstanding relationships.

When looking for a new vendor, whether for software, service or a fully outsourced technology

operation, the best way to identify prospective providers is through word-of-mouth referrals. Minimize your risk of receiving poor service by asking around at local meetings, conferences, and user groups. People are usually willing to share horror and success stories, so all you have to do is ask. Check the service record of the vendor by requesting a list of references from current nonprofit customers. If the vendor is hesitant to supply references, consider moving on to another provider.

Technology Contracts

You indicated that it is your practice to always use a written contract when hiring technology firms or contractors for specific projects. A contract is beneficial for various reasons. Most importantly, it spells out the expectations and requirements of each party and reduces the risk of surprise and disappointment. It can also provide a helpful roadmap in the event things turn out differently than expected and some deviation in the original plan is required. But a contract is only useful in this regard if it contains a sufficient degree of details and anticipates various contingencies.

Consider reviewing any pending or future technology contracts to make certain that they:

- Are written in language that is understood by both parties. When a technology firm presents a proposed contract for your review, you can expect that it will contain technical language. Make certain you understand the terms and language in the contract, or that they are specifically defined in the contract. Keep in mind that your definition of "database" or "system" may differ from the perspective of the contractor.
- Are explicit about the work the contractor will be performing and your expectations about the final product or system.
- Anticipate changes in technology that may occur during the life of the contract, helping you avoid receiving a product at the end of the process that is obsolete or inappropriate given the availability of newer technology.
- Include appropriate checkpoints in the process. You may require the vendor to provide periodic status reports, or you may agree to a timetable and have your staff responsible for determining if it has been met.
- Clearly and explicitly address the issue of ownership. Who owns what? Will the nonprofit "own" the software it is purchasing or only a license to use the software for a period of years? How will individual contributions of owned material be returned if the contractual parties decide to split? Vague statements about the vendor's obligation to return the nonprofit's property in the event the contract is cancelled are probably insufficient.
- Include a well-defined "exit strategy" in the event either party seeks to end the relationship. Some of the issues that should be addressed include: the length and form of notice required to cancel the contract, how the parting of company will be announced, and what equipment, documentation or other assets will be returned to the parties.

Cyber Liability Insurance

You indicated that want to better understand your existing cyber liability insurance, or that you don't have coverage despite having exposure to cyber liability claims. Your insurance agent or broker is the go-to resource for information about what's covered under the cyber liability policy you already purchased, or one you're considering. Each insurer offers different forms of coverage, but many policies address a few familiar coverage areas. Work with your agent or broker to purchase a policy that adequately protects your nonprofit. Understanding your coverage is critical as cyber risks and cyber insurance packages continue to evolve rapidly. Cyber liability policies may include third party coverages (items 1-5 below) and also first party coverages (items 6-7). Third party coverage protects the insured organization against claims that arise from losses suffered by third parties, such as donors or clients.

First party coverage protects the insured for its own losses. The typical coverages available through a cyber liability policy include:

1. **Notification Expenses:** Coverage for notification expenses helps protect your nonprofit from the strain on human and financial resources in the wake of a breach.
2. **Crisis Management:** Some cyber liability policies offer crisis management coverage to cover the cost of retaining a public relations firm or consultant to help minimize the damage to your organization's reputation.
3. **Regulatory Investigation Expense:** Some cyber liability policies include coverage for investigation costs, and fines and penalties levied for failing to comply with data breach notification laws.
4. **Data Breach Liability:** Defense costs for claims brought by a stakeholder who suffered a financial loss after their personal data was compromised.
5. **Content Liability:** Financial protection related to the content of your website, blog or social media sites, such as coverage for intellectual property claims, invasion of privacy, or personal media injury (defamation, slander, libel) via electronic content.
6. **Data Loss & System Damage (or Data Restoration Coverage):** Property policies may not cover the *data* stored on computers. Most cyber liability policies cover loss or theft of PII; some policies also include coverage for computer forensic analysis, the process used by an expert to assess the scope of the damage.
7. **Business Interruption:** Cyber policies often cover events related to the temporary or long-term shutdown of an insured's operations, such as: loss of revenue during the downtime after a hack, denial of service, damage to systems or data caused by a virus, etc.

Special Events

Introduction

This section of your report contains recommendations about managing special event risks. The suggestions in this report follow the subtopic headings for the module: Planning Safe Special Events; Key Personnel; Partners, Sponsors and Vendors; Facilities; People; Special Features; Accident and Crisis Management; and Insurance for Special Events.

Most nonprofits conduct special events from time to time. Yet risk management issues are often omitted from the planning process. In the excitement that surrounds various planning and fundraising activities, the possibility of someone getting injured may not be on the radar screen. The risk that the event will generate less than the event goal may be acknowledged, but not addressed.

While most events are delivered without serious harm or injury, an unanticipated accident at an event could be disastrous for your nonprofit. Every nonprofit that conducts special events should integrate risk management into the event planning process.

Hosting Special Events

You indicated that your nonprofit hosts special events. Special events are increasingly popular in the nonprofit sector as organizations look for ways to generate support for programs, raise funds for educational and service delivery initiatives, and raise public awareness about societal problems and issues. For many nonprofits special events are a cornerstone of program and service delivery. While special events can help an organization achieve its goals, they may be undertaken with little thought about the potential downsides or risks. Effective nonprofits cannot operate without risk, nor should they try to do so. However, a critical component of any special event is to identify and manage the risks related to the specific activity.

Documenting Risk Management Activities

You indicated that your nonprofit does not document its risk management and safety plans for special events. Proper analysis and documentation are good business practices. Written plans can assist with training and supervising personnel as well as help ensure that certain actions are taken. The documentation can also be useful if an accident occurs and your nonprofit must defend its actions. We recommend that you begin documenting risk management activities for your special events as soon as possible.

Use of a Safety Officer

You indicated that your nonprofit does not appoint a "safety officer" for each special event. The role of "safety officer" can be added to someone's position description - it does not have to be an additional position. However, it is important for risk management oversight to be assigned specifically to one person although safety is everyone's responsibility. Your organization should empower the "safety officer" to act as needed to safeguard the event, the organization, the participants, and others. Incorporate the risk management responsibilities in the person's position description and provide the training and resources needed to manage these risks effectively.

Partnership Risks

You answered that your organization establishes partnerships or collaborations with other nonprofits, businesses, and governmental agencies for special events. Establishing a partnership has its own set of risks that you need to manage before, during, and after you begin the relationship. The first issue is selecting the right partner. This can be accomplished through appropriate research and due diligence. An improper relationship in the eyes of the public can have a devastating public relations effect on your organization. Additionally, the roles and responsibilities of each party must be clear and understood by both parties. Many organizations formalize their relationships with contracts or memoranda of understanding.

Recruitment/Selection Process

You indicated that your nonprofit has a process for recruiting and selecting partners. Well done! Recruiting and selecting partners can be a treacherous endeavor. You need to find another organization that is reflective of your nonprofit's values and mission. The arrangement should make good business sense for all parties. One substantial risk is the public's reaction to the disclosure of inappropriate actions by one of your partners. The partner may use foreign "sweatshops," manufacture a dangerous product, or distribute a product that you do not want associated with your nonprofit (alcohol, guns, cigarettes, etc.). Adverse publicity affecting your partner can influence the public's perception of your organization. Choose your partners and sponsors wisely.

Selecting Appropriate Facilities

You indicated that your organization does not use a *Facilities Selection Checklist* when evaluating the possible locations for a special event. A Facilities Checklist is a valuable risk management and planning tool that enables you to identify and evaluate the features needed to hold a successful and safe special event at that facility. Some items that you may want to consider in selecting a facility are listed below. You may need to add specific criteria depending upon your organization's requirements and the nature of the event.

- Are the premises adequately maintained?
- Is the facility appropriate for the intended/designated use (size, equipment, accessibility)?
- Is the facility accessible for people with disabilities?
- Does the location have adequate restroom facilities?
- Are there any special hazards on or next to the premises?
- Is there proper lighting - inside and outside?
- Does the facility have adequate seating?
- Are there a sufficient number of well-marked exits?
- Can adequate security be provided at the facility?
- For outdoor events:
 - Is there adequate shelter from sun, heat, cold, and other weather?
 - Does the terrain pose any special risks?
 - Is the property accessible for emergency vehicles?

Security

You answered that your nonprofit does not provide security services at its special events.

Security personnel can perform a number of valuable services at a large special event. They may be needed to keep unwanted people away from the event as well as deal with the people attending or participating in the special event. You need people trained to deal with an emergency situation such as medical needs, or a fire or other event that requires the facilities to be evacuated. However, security

measures have their risks, too. The key to an effective security force is the selection, training and supervision of the security personnel, whether they are independent contractors or volunteers. If your organization does not want to assume the responsibility for providing volunteer security personnel, you should contract with a security firm. When using independent contractors, ensure that the contract requires the contractor to have insurance and to provide a Certificate of Insurance to your organization. Also, have your organization added as an additional insured to the security firm's general liability policy.

"Day of" Volunteers

You indicated that your nonprofit uses "day of" or one-time volunteers for some of your special events. The proper training and supervision of "day of" volunteers is one of the greatest risk management challenges facing a nonprofit that sponsors special events. A poorly trained and supervised volunteer can create significant harm for the organization. The volunteer may get hurt while working or harm someone else, and the organization may be held responsible for the volunteer's actions. While planning the event, identify the number of volunteers needed and the tasks to be performed. Modify your Volunteer Management program so that you still can screen or select your "day of" volunteers. You also need to develop creative ways to train these volunteers quickly and provide adequate supervision. It is easy to become overwhelmed by the large number of volunteers needed for some special events. However, with proper planning and training you can manage the risks associated with the use of one-time volunteers. One of the benefits of using "day of" volunteers is that some of the volunteers may become strong supporters and advocates for your organization.

Spectators

You indicated that you have special events that include spectators. Large events with a lot of spectators can be a challenge to your event organizers. Crowd control is the main concern with spectators. The organizers need to assess and design the flow of people into, throughout, and exiting the event. Road traffic and parking is another concern. Large crowds also require medical or first aid facilities plus the ability to evacuate people safely if needed.

Another challenge is to limit the spectators' access to event participants or their opportunity to interfere with the actual event. A concert with a very popular group or individual can create serious crowd control problems. Also, an event held on public streets or public property (e.g., bike ride, road race, or rally) presents challenges in limiting spectators' access and minimizing the chance for someone to get hurt.

Some special events may place the spectators in danger such as athletic competitions or amusement rides. Your organization can transfer some of the financial risk to the vendors that provide these services, but you still retain the risk of a public relations disaster if an accident occurs. Also, if your event includes the serving of alcoholic beverages, the organizers need to plan to limit consumption, avoid serving minors, and handle intoxicated people.

Waivers

Waivers and releases can be useful risk management tools. In many instances a waiver will hold up in court and insulate a nonprofit from liability. More importantly, however, waivers and releases warn the volunteer or participant about the special risks of an activity and alert the individual to use caution. Although it may not be necessary for all events, you should consider creating a waiver for specific activities. It is recommended that you have your attorney or legal counsel review the waiver before use.

Food and Beverages

You responded that food and beverages are furnished at your special events. The first risk management concern is who is providing and serving the food - a vendor or your employees and volunteers. If you are using vendors, you can transfer most of the financial risk associated with food to the vendor. However, if your organization is providing food and beverages there are few things to consider.

- *Facilities* - Does the premises have adequate preparation, storage, and refrigeration facilities for the type of food served?
- *Health Regulations* - Do you need a health department permit or are you subject to any other health department regulations?
- *Food Spoilage and Contamination* - Are the food handlers trained in the proper handling of the food to be served?

Entertainment

You indicated that your organization provides entertainment during some of your special events. Entertainment is a broad term and can include street performers (juggler, clown, mime, etc.), musicians, speakers, athletic events (rodeo, boxing, tennis, etc.), dances, games, and amusement rides. Each type of entertainment may have unique risks that you need to manage. The most significant exposures are bodily injury and damage to property.

Entertainment involving "name" personalities can place extraordinary stress on security and crowd control. The entertainment may also require stages with elaborate (and expensive) sound and light systems and special effects. Stages and bleachers can be extremely hazardous if not properly constructed and maintained.

The financial aspects of many entertainment risks can be transferred to another party. At a minimum, you should require that each entertainer provide you with proof of insurance. However, be aware that many entertainers (bands, street performers, etc.) do not have insurance. Without insurance, the financial consequences for any losses caused by these performers can become the responsibility of your organization. You can decide to assume that risk, or, for a larger event, you may be able to make arrangements for the entertainers to purchase a special event liability policy.

Require a certificate of insurance from each performer, vendor and contractor involved with the special event. Also, ask to have your organization added as an additional insured to their general liability policy. Ideally, each entity should also have workers' compensation insurance. However, many states do not require sole proprietors to purchase workers' compensation coverage.

Parking

You responded that your organization offers parking at your special events. The risks associated with event parking depend upon who is running the parking operation. Often the parking lots are a part of the facility you are using and facility personnel handle the parking for the event. If this is the case, you have transferred the risk to the facility; however, review carefully the rental contract to ensure that the facility is responsible for all aspects of the parking operation. If your organization is responsible for operating the parking lot, be careful to whom you assign those tasks. You should train and supervise the parking aides and provide them with the appropriate safety equipment (reflective vests, flashlights, whistles, and radios). Consider posting notices and disclaimers that your organization is not responsible for any damage or loss of property while on the parking lots. If the event is at night or in a dangerous neighborhood, consider hiring a security firm to patrol the lot and assist your guests as needed.

Check the parking lots for smooth, even surfaces and mark any hazardous conditions. Often guests are parking in fields and other unpaved surfaces so be aware of the hazards of uneven surfaces and the

possible consequences of inclement weather on the parking area. Also, consider the traffic flow and work with the local law enforcement agencies to minimize disruptions to traffic.

Transportation

You indicated that you provide transportation services as a part of your special events. One form of transportation service can be a shuttle service between the location and another, such as from the parking lots, airport, hotel, or from venue to venue. Another type of service is transporting people for the event such as a bus trip to a resort area or camp, or a tour to another city or country. There are two risk management strategies for this transportation risk: transfer the risk to another entity or provide appropriate vehicles and suitable drivers.

If you choose to transfer the risk, you need to be diligent in selecting a transportation service provider. If you are chartering the service, request certificates of insurance. When your organization provides the transportation you should take additional precautions. Your transportation service may involve the use of cars, boats or airplanes. In all cases you need to know who is "driving" and whether they are acceptable "drivers." Also, and unless the drivers are using vehicles owned by your agency, confirm that they have the proper insurance. Finally, your organization should purchase insurance coverage for non-owned automobiles. In special circumstances when you may be using non-commercial watercraft and aircraft, make certain that you are properly insured for these special transportation activities.

Cash

You indicated that you do not handle a significant amount of cash, checks, or credit card receipts during your special events. However, you may be surprised how quickly the receipts can add up to a large sum of money. You may collect admission or registration fees, parking charges, or payments for the sale of merchandise, food and beverages. Other sources include auction receipts, pledges and donations, raffles or opportunity drawings, and the money from a casino night. The proper safeguarding of money, especially cash, is difficult and often overlooked when planning a special event. Some activities generate large sums of cash and checks that if lost or stolen can create a financial hardship for your organization.

The main exposure is that the funds are stolen either by an outsider or an employee, client, or volunteer. Here are some techniques for protecting your financial assets.

- *Segregate money handling duties* - A different person should be responsible for each step - receiving the funds, depositing, recording, disbursing funds, recording disbursements and reconciling your accounts. There is a significant chance for fraud if only one or two people handle all of these transactions. The more eyes overseeing the handling of your funds the better. Segregation of duties is difficult for many small nonprofits but can be accomplished with the use of employees and volunteers.
- *Safeguard undeposited receipts* - First, do not forget to stamp checks with a restrictive notice when they are first received. Make deposits frequently and safely. Vary the time of day and routes taken to the bank. If the funds are not deposited on a particular day, take the necessary steps to store the money and checks safely, especially when you are away from your office.
- *Count twice, deposit once* - Money should be collected and counted independently by two people. Many organizations establish a guarded "money room" where all of the cash is taken and counted with several witnesses. Also, when handling cash, use either a cash register or other system for recording all cash transactions. The register tape or other receipts should then be reconciled with the amount of cash collected.

Accident Reporting Form

You answered that your nonprofit uses a standard Accident or Incident Report form during its special events. As you are no doubt aware, it is important for your organization to gather information regarding the accident. The information collected will be critically important in any subsequent investigation of the accident. You can also use the information to learn from the incident and implement changes.

Contact your insurance professional for any recommended or required forms. Train your employees and key volunteers on the proper techniques for completing these forms. The documentation should only include an *objective description* of the accident and the injuries. The person completing the form should avoid personal opinions and any editorializing. Never admit liability to anyone and do not include an admission of liability in the report. Unless your insurance professional or carrier requires that you use a specific form, review the form that is in use at your organization to make sure that it contains the following information:

- *General Information* - Your organization's name and address plus the name, date and location of the special event.
- *Injured Person(s)* - This section should identify the injured person(s) and provide basic information on the accident. Include the person's name, address, telephone number, age and gender. Note the date, time and location of the accident and a brief description of what happened. Describe the nature of the injury. Indicate how the injured person left the scene (e.g. on foot, in personal vehicle, in an ambulance)
- *Witnesses* - Record the name, address and telephone numbers of any witnesses. Ask each witness for a brief statement or description of the accident. The witnesses' statements should be recorded accurately, reviewed, and signed.
- *Medical Treatment* - Note if any first aid treatment was administered and by whom. Many organizations have their medical volunteers complete this section of the report. Also, document if any professional treatment was performed such as the person being transported to the local hospital.
- *Accident Documentation* - Describe how the accident/injury occurred. Draw a diagram of the accident scene. Many organizations take photographs or use a video camera to document the accident scene. These pictures and diagrams will be helpful in investigating and settling any claim made against your organization.
- *Preparer's Signature* - The person that prepared the form should sign and date the form and include his or her address and telephone number.

It's always a good idea to talk to your insurance professional before you're facing an accident to discuss how your insurance company wants you to report claims. Some insurance companies want you to report every incident so they at least have a file in the event the injured party submits a claim. Other insurers do not want a claims notification form until the injured party seeks compensation. Even if your insurance company does not want immediate notification of any incidents it is prudent for your nonprofit to establish and retain incident report files. After talking with your insurance professional, establish the appropriate accident reporting procedures.

Notifying Victims' Families

You answered that you do not have a procedure for notifying the family or caregiver of an injured person. This is an important task that should be done with great compassion. Depending upon the relationship of the person to your organization (employee, volunteer or client), you may have difficulty identifying the people to contact. In some cases you may have to rely on the local authorities to proceed. Whoever notifies the family-organization or the police-compassion is important while conveying your nonprofit's concern for the injured person and his or her family. This is especially true for any follow-up contact with the injured person or their family. While your representative should never make promises to

compensate the victim or accept fault, you may avert legal action simply by demonstrating concern for the individual and their family.

Crisis Management and Business Continuity Planning

Introduction

This section of your report contains feedback and recommendations based on your answers to questions in the Crisis Management and Business Continuity Planning module.

Crisis Management Plan

You indicated that your agency has components of a crisis management plan in place, but not an up-to-date plan. An up-to-date plan can substantially increase your confidence and comfort when a crisis looms. Keep in mind that focusing on the source or nature of the crisis is not often the best place to begin crisis management planning.

Crisis response team

Identifying who will be a part of the crisis response team is an important part of effectively addressing a crisis. When putting together your team, consider the following:

Define roles - Your organization will need to draw on various abilities and perspectives in a crisis situation. Knowing who will fill these roles in advance will assist in responding quickly. Consider some of the following roles but keep in mind that the exact composition of the team may vary given the human resources you have available.

- Crisis commander - You'll need to designate someone to take charge and to coordinate response efforts.
- Finance / Legal / Insurance experts - Having expertise in these areas will help inform critical decisions that will need to be made
- Response leaders - This role is to address specific response. It may be something specific like providing medical assistance or coordinating an evacuation. It may also address tasks that are delegated by the crisis commander.
- Communicators - One or more people should be charged with helping facilitate communication internally and externally during the crisis.
- Resource protectors - Resources range from things like data and facilities to the people connected to your nonprofit - staff, volunteers and clients as well. Resource protectors are charged with addressing these safety needs during a crisis.
- Subject matter experts - Be aware of the specific skillsets in your organization and draw upon those people when necessary for a specific crisis. This role may change personnel depending on the nature of the crisis.

Establish backups - Having redundancy in the assignments helps to reduce gaps in coverage of crisis responsibilities. It is helpful to identify the backup person for each role. Alternately, highlighting additional informational resources or sources of aid is helpful where backups are not available.

Avoid letting the crisis team get too large or it may be difficult to coordinate activities during a crisis. You are encouraged to involve a wide range of people during the planning phase in order to identify valuable resources to address a crisis. However, the actual core response team should be relatively small.

Key Information

It is important to have access to the right information during a crisis. Make sure the plan and its information is easily accessible to the crisis response team. Electronic and hard copies should be available in multiple locations - redundancy can be key in a crisis situation. In general, look to include the following information in your crisis management plan.

- Organization chart with roles, photos, contact information and other pertinent information about the Crisis Response Team. This should also include information about who serves in a backup role to the members of the team.
- Board roster and contact information
- Roster of key vendors & partners with contact information
- Location (primary and backup) of essential documentation and resources (insurance, financial, etc.)
- Pre-developed responses to crisis situations - In some cases, your team will have made plans for specific situations.

Facility Information

Although some crises may not involve your facility directly, a facility emergency like a fire, active shooter, or medical emergency will call for facility-specific information in its response. Facility information may include:

- Floor plans
- Evacuation routes & procedures
- Guidelines for gathering points for staff
- Organization chart / checklist of all staff who work in facility along with their contact information
- Contact information for building owner, security or other facility stakeholders
- Location of emergency kits, fire extinguishers, AED's, or other emergency equipment
- Contact information for local first responders and authorities

Responses to Common Emergencies

There are some emergencies that are more easily identifiable and allow for the development of a specific plan to address the crisis. A fire in your facility, a medical emergency, a bomb threat, or severe weather incident may feel like they are unlikely but you will be grateful for advance planning should one occur. Use a planning committee to catalog these scenarios and determine what the appropriate response should be. Develop the documentation to outline the plan but remember to keep things brief. In the event of an emergency, it is unlikely that someone would have time to read a long manual to determine what to do. Practice the plans that you develop in order to determine the efficacy of the response. This will help identify gaps in the planning and will provide for a more effective response.

Crisis Review

After a crisis, the initial feeling will often be to move on and try to 'get back to normal' with day-to-day operations. Resist this urge and make sure to conduct a postmortem of the crisis event and your organizational response. Crisis events rarely unfold according to expectations and your crisis management plan may have contained strategies that were more or less effective as a result. Review and reflection after the event will assist in improving the response to future crisis events, whether it is a reoccurrence of a similar event or something less related.

Crisis Communication Plan

You answered that you have some crisis communications pieces developed, but not a full or comprehensive plan. Some agencies integrate crisis communications materials into their overall crisis management plan, while others maintain a separate crisis communications plan. Remember to choose the approach that best suits your agency.

Review the areas identified below as targets for improvement in your crisis communication plan. Gather a diverse group of leaders--with different backgrounds and life experiences--to consider issues such as chain of command, key messages, and strategies to keep key stakeholders informed during a crisis. Remember to review and update your plan regularly.

Business Continuity Plan

You indicated that your agency has elements of business continuity planning in place, but that your plan may not be adequately comprehensive or up-to-date. We recommend that you review the existing pieces to determine whether you have identified:

- mission critical functions--those functions that cannot be curtailed, even during an interruption to normal operations;
- plans for short-term replacement for workspace / equipment / communications if regular resources are not available (e.g., telecommute options, alternate office space, computer equipment rental)
- access to and protection for critical organization data

Volunteer Risk Management

Introduction

This section of your report offers feedback and recommendations based on your answers to questions about volunteer service at your agency.

Volunteer Position Descriptions

You indicated that your nonprofit uses volunteer agreements, but not volunteer position descriptions. It's useful to have a volunteer agreement to help supervise individuals who act as volunteers with your organization. A volunteer agreement helps to identify the guidelines around volunteer service. However, volunteer agreements are typically used once a volunteer has come on board with your organization. By developing and using volunteer position descriptions, you are providing advance notice of the expectations of various volunteer roles. Position descriptions also enable prospective volunteers to self-screen--decide for themselves whether the role possibly suits their interests and skills. Position descriptions shared during the recruitment process and volunteer agreements executed with new volunteers work hand-in-hand to communicate expectations to your prospective and newly assigned volunteers.

Consistent Screening and Selection of Volunteers

You indicated that your organization doesn't necessarily follow a consistent screening process when it screens volunteers. Perhaps the screening process differs slightly or more substantially depending on specific volunteer roles. For example, short-term volunteers that are working a single day for an event may not face the same level of rigor in the screening process as someone who is volunteering for an extended period of time in a position with critical responsibilities. However, it is important to apply the same process consistently to each volunteer within a particular category. In the former example, you may use a position description, simple application, and a brief interview as the primary screening tools for short-term volunteers. Whereas for longer-term, sensitive volunteer roles you may use a longer application, reference checks, multiple interviews, and background check. An important risk consideration is to use the same process for each and every volunteer of that type. This consistency will help ensure that your nonprofit selects the volunteers most suited for specific roles in your organization, regardless of who is doing the selection and screening. Also remember that adopting a clear, written process is just the first step. Holding hiring managers accountable is essential to achieving the goals of your volunteer screening and selection process.

Checking References

References are an invaluable screening tool. You should follow up with references provided by the volunteer applicant just as you would for a paid position in your organization. Although few people truly enjoy hunting down references and collecting reference information, it is a vital step in a comprehensive screening process that can help your nonprofit find the best volunteers avoid hiring unsuitable volunteers. Effective reference checking involves asking probing questions that will yield information you can use to determine an applicant's eligibility for service at your nonprofit. Here are some sample questions that could be asked of a person providing a reference for an applicant for a volunteer position:

- Could you describe an example of a service performed by the applicant while serving as a volunteer at your organization?

- Compared to other volunteers in similar roles, how would you rate the applicant?
- Is the applicant eligible to serve your nonprofit as a volunteer in the future? If not, can you explain why not?
- Would you utilize the applicant in the capacity for which they will be volunteering at our organization? If not, why not?
- To the best of your recollection, how did the applicant handle frustration and criticism while on the job?

Staff Volunteering

Although it may be legally permissible for certain paid staff of the organization to volunteer their time as well, there are some guidelines that must be followed depending on the classification of the staff person as exempt or non-exempt.

Non-exempt employees are hourly employees who must be paid for every hour worked. In most states any hours worked in excess of 40 per week entitle the employee to overtime pay. If the duties that a non-exempt staff person is performing when they want to volunteer are *similar* to those for which other employees are compensated, then it is likely that the time would be considered 'work' time and count toward the hourly total. However, if the volunteer duties are significantly different than the regular capacity of the non-exempt employee, then it is possible for this time to be considered 'volunteer' time. For example, if an employee who otherwise has no responsibilities related to special events or their execution wants to volunteer as support staff during a special event, this would likely be acceptable as volunteer time and would not be counted toward work hours. Finally, it is important for your organization to recognize that when staff also serve as volunteers, volunteer service must always be on a volunteer basis, without coercion on the part of the organization and with no expectation of compensation on the part of the staff member/volunteer.

Exempt employees are typically paid a salary that isn't tied to the number of hours worked in a particular week. Salaried, exempt staff are expected to work as many hours as necessary to perform their duties and responsibilities. Exempt, salaried employees generally receive no additional compensation when they work more than 40 hours in a work week. Additional work requested of a salaried, exempt employee could be considered an extension of their responsibilities. An employer should not describe these additional hours--when the work is substantially similar to or related to the employee's position--as 'volunteer' work. Although there are no federal standards which restrict a nonprofit from asking exempt employees to work extra hours, requiring exempt employees to work excessive amounts of time under the guise of volunteering could have a negative effect on morale and lead to high staff turnover. When an exempt employee is invited to 'volunteer' their time for a different role, make certain that your organization doesn't coerce or require such service. True volunteer service is willingly offered with no expectation of financial or other rewards.

Volunteer Orientation

Orientation is an important part of the onboarding process for your volunteers. Inconsistent participation in your orientation can create gaps in your volunteers' knowledge of your organization and its procedures. Take steps to ensure that all of your volunteers take part in your orientation in your program.

In some cases, a volunteer may not be able to participate in orientation. If this is the case, you could use on-the-job training or other supervisory opportunities to cover the material that would normally be offered in the orientation session. Be sure to document that the volunteer has reviewed the material.

Grievance Policy for Volunteers

Although you encourage volunteers to raise concerns, a lack of clarity of how to do so may in fact discourage volunteers from bringing their concerns to light. Establishing a grievance policy that outlines the process will encourage volunteers to raise issues they encounter. Identifying the proper channels for communication will ensure that the complaints are heard and addressed. In turn, this reinforces the feeling of value that a volunteer has from the organization.

Exit Interviews

By not conducting exit interviews with departing volunteers, you are missing a valuable opportunity to gain perspective on your operations and to have each volunteer leave with a positive impression of your organization. An exit interview is a direct and inexpensive way to discover information about your operations. Exit interviews are also an opportunity to express appreciation for a departing volunteer's service and unique contributions to your mission. We recommend that you put the same priority on conducting exit interviews as you would on collecting keys or equipment.

For an effective exit interview, consider:

Having a conversation - Take the time to sit down and talk to the volunteer. A conversation will provide greater detail than an exit survey alone and allows the interviewer to ask some clarifying questions.

Utilizing an exit interview form - Utilizing a form to frame the discussion will help with consistency across exit interviews, particularly if the same person does not conduct all of the interviews.

Following up - Collecting information without action is an empty activity. Even if the information from the exit interview is positive, it helps reinforce information key to providing the best possible experience for your volunteers.

Choosing appropriate questions - The questions you ask are the most important part of the interview. Consider some of these as a starting point for your interview:

- What did you like most about volunteering?
- What could have been better about your volunteer experience?
- What advice would you give to someone considering becoming a volunteer?
- Did you receive adequate training and support in your role as a volunteer? How can we do better?
- How would you suggest we improve the experience of future volunteers?

If an in-person or telephone exit interview isn't possible, consider using an online survey to share information with the volunteer and request their feedback.

Fundraising and Resource Development

Introduction

This section of your report contains feedback and recommendations based on your answers to questions in the Fundraising and Resource Development module.

Compliance with State Charitable Registration Laws

You indicated that your nonprofit may not be registered in all states where you solicit individual donations. According to Don Kramer, editor of NonProfit Issues, "Charities soliciting charitable contributions to further their mission can be tripped up significantly if they don't pay attention to the requirements for charitable solicitation registration."

Keep in mind that:

- 39 states and the District of Columbia require that your nonprofit register before asking residents for contributions
- The requirement to register applies in your home state, but also in any other state where you are seeking donations
- States may impose fines and issue injunctions prohibiting solicitation of residents if you fail to register
- When your nonprofit receives a contribution from a resident of a state, sends a thank you, and later requests another donation, you are engaging in direct solicitation that triggers the registration requirements

For more information on this topic, see:

- *Charitable Registration: Resolve to Comply*, by Don Kramer
- Charitable Registration State Map
- NASCO - Listing of Federal Government, National Resources and State-Specific Resources - scroll down for contact information for each state's regulatory office, including the web page relevant to charitable registration

Compliance with the CAN-SPAM Act

You indicated that your nonprofit does not have practices in place to manage the risk of non-compliance with the CAN-SPAM Act. According to the Federal Trade Commission (FTC), the Act is a federal law that "establishes requirements for commercial messages, gives recipients the right to have you stop emailing them, and spells out tough penalties for violations."

- The CAN-SPAM Act applies to all commercial messages, not just bulk email.
- A commercial message is: "any electronic mail message the primary purpose of which is the commercial advertisement or promotion of a commercial product or service."
- The law does not prohibit nonprofits from sending unsolicited bulk emails, but such emails must follow certain requirements. For example, they must be from a legitimate, active email address, provide accurate header and mailing information, contain an accurate subject line, and provide recipients with an opt-out path.
- Each separate email in violation of the law is subject to penalties of up to \$40,654, and more than one person may be held responsible for violations.

- Although the FTC does not have jurisdiction over nonprofits, state attorneys general are empowered to enforce the law.

For more information on the CAN-SPAM Act, see this [webpage](#) from FTC, and also the CAN-SPAM checklist featured in this [article](#) from GuideStar.

Government Contracts

Many nonprofits look to government contracts as a principal source of funding. According to the National Center for Charitable Statistics, "Fees for Services & Goods from Government" represented 23.1% of nonprofit revenues in 2014, second only to "fees for services and goods from private sources" (50%). (Source: Nonprofit Sector in Brief 2014 - National Center for Charitable Statistics).

Government grants and contracts come with a set of challenges that may differ from the risks associated with other funding sources. If you are relying on government financial support, remember to consider:

- *Underfunding for infrastructure* - Government contracts may not fully cover these costs, but weak infrastructure may make it difficult or impossible to meet the program and service expectations of your funders.
- *Risk of late payment* - Many government contracts are structured on a reimbursement basis, which means that your nonprofit will have to cover costs up front and wait to be reimbursed.
- *Complex reporting requirements* - These requirements will likely put an additional administrative burden on your organization. Try to learn as much as possible about reporting requirements before you bid on or apply for a government contract. Ensure that your organization is in position to comply before you apply.

Celebrity Spokesperson

A high-profile or celebrity spokesperson could bring some much-needed attention and accompanying financial support to your nonprofit. However, it takes effort to establish that relationships and there are potential hazards for your organization to consider along with the benefits.

Before you even initiate contact with a potential spokesperson, you want to thoroughly research them to determine their match to your organization's mission and values. It's possible that their past actions or espoused values may not be the best fit for your organization. Aside from uncovering potential issues, the benefit of the research is that it will help you craft your approach to the celebrity in hopes of gaining their support and involvement.

As you look for candidates, there are a few additional points to consider beyond individual background research. First, look for a person who is a good fit based on the size of your audience. Smaller organizations that operate in a local or regional environment may benefit more from having a local celebrity involved. Second, remember that although you benefit from the potential reach of the celebrity, they need to understand how they can benefit from associating with your organization. Finally, start small and work your way up. It's possible that a small appeal for support can organically evolve into a more developed relationship with greater support.

Service Delivery Risks

No action warranted

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End of Report - 10/6/2022 11:28:29 PM

Growth Reports
Fall 2021 to Spring 2022
Children with an IFSP or IEP

Filters:
Areas of Development: All Areas
Compare to: Widely Held Expectations
Checkpoint Periods : Fall 2021/2022, Spring 2021/2022
Checkpoint Types: Finalized Checkpoint ratings
Children to Compare: Only Children with Ratings in All Checkpoint Periods
Report Level: Organization

Age or Class/Grade at Checkpoint Period: 1 to 2 years (Orange)

Growth Summary					
Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range
Social-Emotional	1	0	0%	1	100%
Physical	3	0	0%	3	100%
Language	3	1	33%	2	67%
Cognitive	3	1	33%	2	67%
Literacy	4	1	25%	3	75%
Mathematics	4	1	25%	3	75%

Age or Class/Grade at Checkpoint Period: 2 to 3 years (Yellow)

Growth Summary					
Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range
Social-Emotional	7	1	14%	6	86%
Physical	7	0	0%	7	100%
Language	9	0	0%	9	100%
Cognitive	9	0	0%	9	100%
Literacy	9	1	11%	8	89%
Mathematics	9	1	11%	8	89%

Age or Class/Grade at Checkpoint Period: Preschool 3 class/grade (Green)

Growth Summary					
Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range
Social-Emotional	21	5	24%	16	76%
Physical	21	6	29%	15	71%
Language	21	4	19%	17	81%
Cognitive	21	4	19%	17	81%
Literacy	20	5	25%	15	75%
Mathematics	21	7	33%	14	67%

Age or Class/Grade at Checkpoint Period: Pre-K 4 class/grade (Blue)

Growth Summary					
Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range
Social-Emotional	23	6	26%	17	74%
Physical	23	5	22%	18	78%
Language	25	6	24%	19	76%
Cognitive	22	8	36%	14	64%
Literacy	23	5	22%	18	78%
Mathematics	25	4	16%	21	84%

PEACE Inc. Head Start/EHS
Teaching Strategies GOLD® Snapshot Report
October 03, 2022

Profile of Children

Out of 76 possible children, 74 children have enough *GOLD* data in **Spring 2021/2022** to be included in this report.

The 74 children included in this report are in 27 classes in 12 sites and have the following demographics:

Gender:	Male: 42% Female: 58%
Race:	Bhutanese: 1% Other Asian: 5% Black or African American: 22% White: 4% No Response: 42%
Ethnicity:	Hispanic or Latino: 7% Mexican: 1% Puerto Rican: 4% Unknown Hispanic: 1% Not Hispanic or Latino: 64% No Response: 23%
IFSP/IEP Status:	Children Without IFSP: 97% Children With IFSP: 3% Children Without IEP: 96% Children With IEP: 4%
Funding Source(s):	Child Care: 3% Head Start: 42% Multiple Funding Sources: 7% Pre-K: 15%
Age or Class/Grade:	Birth to 1 year (Red): 3% 1 to 2 years (Orange): 1% 2 to 3 years (Yellow): 16% Preschool 3 class/grade (Green): 34% Pre-K 4 class/grade (Blue): 46%
Primary Language:	Spanish: 18% Chinese (all dialects): 1% French: 3% Vietnamese: 1% Polish: 3% Arabic: 9% Unknown: 14% African: 1% Burmese: 5% Korean: 3% Nepali: 4% Persian: 3% Somali: 8% Swahili: 4% Other: 23%

Note: At the beginning of the year, it is appropriate for a student's skills and abilities to fall below widely held expectations for his age or class/grade because he may not have received instruction for that level. In

Kindergarten, for example, we would expect him to come into Kindergarten with those skills represented just before the purple color band begins, or where blue meets purple but doesn't overlap.

Table 1: Social-Emotional by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	3	4%	33.3	47	64%	45.6	24	32%	57.8

Table 2: Physical by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	8	11%	22.5	56	77%	29.0	9	12%	36.2

Table 3: Language by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	6	8%	28.0	51	71%	43.1	15	21%	54.9

Table 4: Spanish Language by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	1	100%	29.0						

Table 5: Cognitive by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	2	3%	28.0	54	75%	45.9	16	22%	58.9

Table 6: Literacy by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	8	11%	24.9	48	67%	48.3	16	22%	56.8

Table 7: Spanish Literacy by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	1	100%	12.0						

Table 8: Mathematics by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	7	10%	18.4	49	67%	32.2	17	23%	47.7

Appendix

Report Criteria

The criteria used to generate this report are summarized in the Profile of Children. This Appendix shows all of the criteria that were selected to run this report.

Checkpoint Period:

Spring 2021/2022

Gender:

Data Not Captured

Male

Female

Non-Binary

Prefer not to Say

Primary Language:

Spanish

Chinese (all dialects)

French

German

Tagalog

Vietnamese
Italian
Russian
Polish
Arabic
Unknown
African
Afrikaans
Albanian
Aleut-Eskimo Languages
American Indian
American Sign Language (ASL)
Amharic
Apache
Armenian
Bantu
Bengali
Bisayan
Bulgarian
Burmese
Cajun
Chamorro
Cherokee
Croatian
Cushite
Czech
Danish
Dutch
Finnish
Formosan
French Creole
Greek
Gujarathi
Hawaiian
Hebrew
Hindi
Hocano
Hopi
Hungarian
India N.E.C.
Indonesian
Irish Gaelic
Jamaican Creole
Japanese
Kannada
Kickapoo
Korean
Kru, Ibo, Yoruba
Kurdish
Laotian
Lettish
Lithuanian
Macedonian
Malay
Malayalam

Mande
Marathi
Mon-Khmer, Cambodian
Navajo
Nepali
Norwegian
Pakistan N.E.C.
Punjabi
Pashto
Patois
Pennsylvania Dutch
Persian
Pima
Polish
Portuguese
Romanian
Russian
Samoan
Serbian
Serbocroatian
Sinhalese
Slovak
Somali
South/Central America Indian
Swahili
Swedish
Syriac
Tamil
Telugu
Thai
Tongan
Turkish
Ukrainian
Urdu
Yiddish
Other

Race:

All

Ethnicity:

All

Funding Source(s):

All

Show Results For:

Social-Emotional, Physical, Language, Spanish Language,
Cognitive, Literacy, Spanish Literacy, Mathematics,
Science and Technology, Social Studies, The Arts

Generated On:

10/03/2022

Growth Reports
Fall 2021 to Spring 2022
Multi Language Learners

Filters:
 Areas of Development: All Areas
 Compare to: Widely Held Expectations
 Checkpoint Periods : Fall 2021/2022, Spring 2021/2022
 Checkpoint Types: Finalized Checkpoint ratings
 Children to Compare: Only Children with Ratings in All Checkpoint Periods
 Report Level: Organization

Age or Class/Grade at Checkpoint Period: 1 to 2 years (Orange)

Growth Summary					
Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range
Social-Emotional	3	0	0%	3	100%
Physical	3	0	0%	3	100%
Language	3	0	0%	3	100%
Cognitive	3	0	0%	3	100%
Literacy	4	0	0%	4	100%
Mathematics	4	0	0%	4	100%

Age or Class/Grade at Checkpoint Period: 2 to 3 years (Yellow)

Growth Summary					
Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range
Social-Emotional	4	2	50%	2	50%
Physical	3	0	0%	3	100%
Language	4	1	25%	3	75%
Cognitive	4	0	0%	4	100%
Literacy	3	0	0%	3	100%
Mathematics	3	1	33%	2	67%

Age or Class/Grade at Checkpoint Period: Preschool 3 class/grade (Green)

Growth Summary					
Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range
Social-Emotional	24	6	25%	18	75%
Physical	17	3	18%	14	82%
Language	17	2	12%	15	88%
Cognitive	17	1	6%	16	94%
Literacy	17	3	18%	14	82%
Mathematics	17	1	6%	16	94%

Age or Class/Grade at Checkpoint Period: Pre-K 4 class/grade (Blue)

Growth Summary						
Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range	
Social-Emotional	25	7	28%	18	72%	
Physical	25	9	36%	16	64%	
Language	26	8	31%	18	69%	
Cognitive	24	3	13%	21	87%	
Literacy	24	1	4%	23	96%	
Mathematics	26	2	8%	24	92%	

PEACE Inc. Head Start/EHS
Teaching Strategies GOLD® Snapshot Report
July 28, 2022

Profile of Children

Out of **595** possible children, **574** children have enough *GOLD* data in **Spring 2021/2022** to be included in this report.

The **574** children included in this report are in **60** classes in **18** sites and have the following demographics:

Gender:	Male: 46% Female: 54%
Race:	American Indian or Alaska Native: 2% Bhutanese: 0% Burmese: 0% Other Asian: 1% Black or African American: 31% White: 18% No Response: 38%
Ethnicity:	Hispanic or Latino: 4% Mexican: 0% Puerto Rican: 1% Cuban: 0% Unknown Hispanic: 1% Other Hispanic: 0% Not Hispanic or Latino: 56% No Response: 38%
IFSP/IEP Status:	Children Without IFSP: 96% Children With IFSP: 4% Children Without IEP: 90% Children With IEP: 10%
Funding Source(s):	Child Care: 3% Family Child Care: 0% Head Start: 68% Multiple Funding Sources: 1% Other: 0% Pre-K: 16% Private: 0%
Age or Class/Grade:	Birth to 1 year (Red): 2% 1 to 2 years (Orange): 5% 2 to 3 years (Yellow): 13% Preschool 3 class/grade (Green): 40% Pre-K 4 class/grade (Blue): 41%
Primary Language:	English: 87% Spanish: 2% Chinese (all dialects): 0% French: 0% Vietnamese: 0% Polish: 0% Arabic: 1% Unknown: 2% African: 0% Burmese: 1% Korean: 0%

Nepali: 0%
Persian: 0%
Somali: 1%
Swahili: 1%
Other: 3%

Note: At the beginning of the year, it is appropriate for a student's skills and abilities to fall below widely held expectations for his age or class/grade because he may not have received instruction for that level. In Kindergarten, for example, we would expect him to come into Kindergarten with those skills represented just before the purple color band begins, or where blue meets purple but doesn't overlap.

Table 1: Social-Emotional by Colored Band

Colored Band	Expectation	Below			Meeting			Exceeding		
		Count	%	Mean	Count	%	Mean	Count	%	Mean
Birth to 1 year (Red)	4 - 16				9	90%	12.0	1	10%	17.0
1 to 2 years (Orange)	14 - 30	9	33%	7.2	18	67%	21.6			
2 to 3 years (Yellow)	24 - 39	14	21%	16.1	40	60%	30.1	13	19%	43.7
Preschool 3 class /grade (Green)	34 - 50	11	5%	27.5	147	64%	43.3	70	31%	59.3
Pre-K 4 class/grade (Blue)	46 - 61	32	14%	39.2	166	71%	54.9	35	15%	64.5

Table 2: Physical by Colored Band

Colored Band	Expectation	Below			Meeting			Exceeding		
		Count	%	Mean	Count	%	Mean	Count	%	Mean
Birth to 1 year (Red)	4 - 12	2	20%	2.0	7	70%	6.6	1	10%	16.0
1 to 2 years (Orange)	12 - 19	13	50%	9.2	13	50%	14.4			
2 to 3 years (Yellow)	18 - 26	21	29%	15.0	47	64%	21.3	5	7%	29.0
Preschool 3 class /grade (Green)	23 - 32	19	8%	19.8	167	73%	27.5	43	19%	36.2
Pre-K 4 class/grade (Blue)	29 - 39	38	17%	24.4	179	78%	33.4	13	6%	41.2

Table 3: Language by Colored Band

Colored Band	Expectation	Below			Meeting			Exceeding		
		Count	%	Mean	Count	%	Mean	Count	%	Mean
Birth to 1 year (Red)	3 - 15				9	100%	8.8			
1 to 2 years (Orange)	14 - 29	11	39%	9.1	17	61%	19.2			
2 to 3 years (Yellow)	25 - 39	25	34%	16.0	39	53%	31.3	9	12%	45.6
Preschool 3 class /grade (Green)	34 - 49	8	3%	22.4	164	72%	42.4	57	25%	56.6
Pre-K 4 class/grade (Blue)	43 - 58	26	11%	35.8	182	79%	51.3	21	9%	61.2

Table 4: Spanish Language by Colored Band

Colored Band	Expectation	Below			Meeting			Exceeding		
		Count	%	Mean	Count	%	Mean	Count	%	Mean
Birth to 1 year (Red)										
1 to 2 years (Orange)										
2 to 3 years (Yellow)										
Preschool 3 class /grade (Green)	34 - 49	1	100%	29.0						
Pre-K 4 class/grade (Blue)										

Table 5: Cognitive by Colored Band

Colored Band	Expectation	Below			Meeting			Exceeding		
		Count	%	Mean	Count	%	Mean	Count	%	Mean

		Count	%	Mean	Count	%	Mean	Count	%	Mean
Birth to 1 year (Red)	2 - 13				9	100%	8.3			
1 to 2 years (Orange)	9 - 27	8	30%	4.9	18	67%	17.4	1	4%	28.0
2 to 3 years (Yellow)	23 - 39	14	19%	14.9	43	60%	29.1	15	21%	43.4
Preschool 3 class /grade (Green)	36 - 52	17	7%	28.8	163	71%	43.8	49	21%	57.7
Pre-K 4 class/grade (Blue)	46 - 66	34	15%	40.6	185	81%	55.2	9	4%	68.2

Table 6: Literacy by Colored Band

Colored Band	Expectation	Below			Meeting			Exceeding		
		Count	%	Mean	Count	%	Mean	Count	%	Mean
Birth to 1 year (Red)	0 - 2				8	80%	1.4	2	20%	4.5
1 to 2 years (Orange)	2 - 13	2	7%	1.0	26	93%	5.9			
2 to 3 years (Yellow)	12 - 28	28	39%	8.5	35	49%	17.2	8	11%	34.3
Preschool 3 class /grade (Green)	26 - 52	36	16%	19.3	156	68%	37.1	36	16%	63.1
Pre-K 4 class/grade (Blue)	40 - 81	46	20%	30.9	177	78%	60.4	5	2%	88.0

Table 7: Spanish Literacy by Colored Band

Colored Band	Expectation	Below			Meeting			Exceeding		
		Count	%	Mean	Count	%	Mean	Count	%	Mean
Birth to 1 year (Red)										
1 to 2 years (Orange)										
2 to 3 years (Yellow)										
Preschool 3 class /grade (Green)	26 - 52	1	100%	12.0						
Pre-K 4 class/grade (Blue)										

Table 8: Mathematics by Colored Band

Colored Band	Expectation	Below			Meeting			Exceeding		
		Count	%	Mean	Count	%	Mean	Count	%	Mean
Birth to 1 year (Red)	0 - 2				10	100%	0.5			
1 to 2 years (Orange)	2 - 12	9	33%	0.1	18	67%	4.3			
2 to 3 years (Yellow)	10 - 24	27	38%	4.5	35	49%	15.6	9	13%	28.8
Preschool 3 class /grade (Green)	20 - 36	22	10%	14.7	162	71%	28.3	45	20%	44.0
Pre-K 4 class/grade (Blue)	35 - 53	51	22%	27.3	148	65%	43.1	30	13%	57.0

Appendix
Report Criteria

The criteria used to generate this report are summarized in the Profile of Children. This Appendix shows all of the criteria that were selected to run this report.

Checkpoint Period:	Spring 2021/2022
Gender:	Data Not Captured Male Female Non-Binary Prefer not to Say
Primary Language:	All
Race:	All
Ethnicity:	All
Funding Source(s):	All
Show Results For:	Social-Emotional, Physical, Language, Spanish Language, Cognitive, Literacy, Spanish Literacy, Mathematics, Science and Technology, Social Studies, The Arts
Generated On:	07/28/2022

Growth Reports
Fall 2021 to Spring 2022
All Children With Ratings in All Checkpoint Periods

Filters:

Areas of Development: All Areas

Compare to: Widely Held Expectations

Checkpoint Periods : Fall 2021/2022, Spring 2021/2022

Checkpoint Types: Finalized Checkpoint ratings

Children to Compare: Only Children with Ratings in All Checkpoint Periods

Report Level: Organization, Programs, and Sites

Age or Class/Grade at Checkpoint Period: Birth to 1 year (Red)

Growth Summary					
Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range
Social-Emotional	10	1	10%	9	90%
Physical	10	0	0%	10	100%
Language	11	0	0%	11	100%
Cognitive	10	0	0%	10	100%
Literacy	11	0	0%	11	100%
Mathematics	11	3	27%	8	73%

Age or Class/Grade at Checkpoint Period: 1 to 2 years (Orange)

Growth Summary					
Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range
Social-Emotional	25	3	12%	22	88%
Physical	24	1	4%	23	96%
Language	28	4	14%	24	86%
Cognitive	27	5	19%	22	81%
Literacy	28	5	18%	23	82%
Mathematics	29	5	17%	24	83%

Age or Class/Grade at Checkpoint Period: 2 to 3 years (Yellow)

Growth Summary					
Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range
Social-Emotional	27	7	26%	20	74%
Physical	27	1	4%	26	96%
Language	30	3	10%	27	90%
Cognitive	31	2	6%	29	94%
Literacy	29	3	10%	26	90%
Mathematics	29	4	14%	25	86%

Age or Class/Grade at Checkpoint Period: Preschool 3 class/grade (Green)

Growth Summary					
Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range
Social-Emotional	163	43	26%	120	74%
Physical	154	31	20%	123	80%
Language	152	32	21%	120	79%
Cognitive	154	37	24%	117	76%
Literacy	151	36	24%	115	76%
Mathematics	154	38	25%	116	75%

Age or Class/Grade at Checkpoint Period: Pre-K 4 class/grade (Blue)

Growth Summary

Area of Development	Number of Children	Number of Children Below Growth Range	Percentage of Children Below Growth Range	Number of Children Meeting or Above Growth Range	Percentage of Children Meeting or Above Growth Range
Social-Emotional	173	40	23%	133	77%
Physical	170	31	18%	139	82%
Language	176	31	18%	145	82%
Cognitive	165	43	26%	122	74%
Literacy	167	22	13%	145	87%
Mathematics	176	20	11%	156	89%

PEACE Inc. Head Start/EHS
Teaching Strategies GOLD® Snapshot Report
October 03, 2022

Profile of Children

Out of **80** possible children, **78** children have enough *GOLD* data in **Spring 2021/2022** to be included in this report.

The **78** children included in this report are in **29** classes in **11** sites and have the following demographics:

Gender:	Male: 59% Female: 41%
Race:	American Indian or Alaska Native: 5% Black or African American: 18% White: 23% No Response: 44%
Ethnicity:	Hispanic or Latino: 3% Not Hispanic or Latino: 58% No Response: 40%
IFSP/IEP Status:	Children Without IFSP: 71% Children With IFSP: 29% Children Without IEP: 27% Children With IEP: 73%
Funding Source(s):	Head Start: 74% Other: 1% Pre-K: 18%
Age or Class/Grade:	1 to 2 years (Orange): 4% 2 to 3 years (Yellow): 19% Preschool 3 class/grade (Green): 40% Pre-K 4 class/grade (Blue): 37%
Primary Language:	English: 94% Spanish: 1% Polish: 1% Somali: 1% Other: 3%

Note: At the beginning of the year, it is appropriate for a student's skills and abilities to fall below widely held expectations for his age or class/grade because he may not have received instruction for that level. In Kindergarten, for example, we would expect him to come into Kindergarten with those skills represented just before the purple color band begins, or where blue meets purple but doesn't overlap.

Table 1: Social-Emotional by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	17	23%	31.9	45	61%	45.7	12	16%	55.0

Table 2: Physical by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	19	24%	20.5	56	72%	27.6	3	4%	38.0

Table 3: Language by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	12	15%	24.2	63	81%	41.6	3	4%	56.3

Table 4: Spanish Language by Organization
(0 Children)

Table 5: Cognitive by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	17	22%	32.5	53	69%	43.2	7	9%	51.3

Table 6: Literacy by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	19	24%	18.3	57	73%	41.1	2	3%	65.0

Table 7: Spanish Literacy by Organization
(0 Children)

Table 8: Mathematics by Organization

Organization Name	Below			Meeting			Exceeding		
	Count	%	Mean	Count	%	Mean	Count	%	Mean
PEACE Inc. Head Start/EHS	19	24%	18.5	54	69%	29.4	5	6%	48.8

Appendix Report Criteria

The criteria used to generate this report are summarized in the Profile of Children. This Appendix shows all of the criteria that were selected to run this report.

Checkpoint Period:	Spring 2021/2022
Gender:	Data Not Captured Male Female Non-Binary Prefer not to Say
Primary Language:	All
Race:	All
Ethnicity:	All
Funding Source(s):	All
Has IFSP or IEP:	Yes
Show Results For:	Social-Emotional, Physical, Language, Spanish Language,

Cognitive, Literacy, Spanish Literacy, Mathematics,
Science and Technology, Social Studies, The Arts
10/03/2022

Generated On:

School Readiness Goals 2022/2023

- 1. Cultural, Diversity, Inclusion, and Equity driven approach to support staff, families, and children to ensure full and effective participation within the program.**

Staff will create respectful, inclusive environments that invite and honor the diverse perspectives and needs of children and families to ensure effective participation in the program. (HSPS 1302.30, 1302.31).

- Children will benefit from program services that ensure the effective participation of all children with focus on individualizing for children's language, cognitive, motor, and social emotional needs.
- Staff will promote school readiness for all children and engagement of their families.
- Parents and staff will collaborate to promote the development of a positive classroom culture and individual approaches to learning for all children and their families.
- The program will assist staff to increase their understanding of Cultural, Diverse, Inclusion, and Equitable teaching environments through training and technical assistance opportunities.
- Measurement and assessment: Teaching Strategies Fidelity Tool Checklists, Classroom Assessment Scoring System (CLASS).

- 2. Social Emotional Development Goal IT- SE 1, 2, 3; P-SE 3, 4, 5**

Children develop expectations of consistent, positive interactions through secure relationships with adults using a Trauma Informed Approach and use basic problem solving skills to resolve conflicts with other children. (TSG obj. 2a, b, c, 3b)

- Children will develop skills necessary to foster secure attachments with adults, build peer relationships, regulate their own emotions and behaviors, and develop an understanding of how to think through problems and apply strategies for solving them.
- Staff will assist children to practice skills to increase Protective Factors and support social emotional functioning in a classroom or home setting, through creating a School Family and responding to children's emotional needs through providing positive language and appropriate activities utilizing Conscious Discipline, and other available resources.
- Parents and staff will work together to increase children's social emotional development by discussing Conscious Discipline and sharing DECA Strengths for Living and Learning and Teaching Strategies Gold developmental levels, and develop appropriate goals.
- The program will assist staff in their understanding of building a social emotional foundation using an agency-wide approach with Conscious Discipline to build resilient early childhood settings.
- Measurement and assessment: Teaching Strategies Gold, DECA Strengths for Living and Learning, CLASS Tool, Conscious Discipline implementation checklist and observations notes.

3. **Mathematics Development Goal P-MATH 1 - 3**

Children will identify number names, count in sequence, recognize the numbers of objects in a small set, and understand the relationship between numbers and quantities. (TSG obj. 20a, b, c)

- Children will develop a conceptual understanding of numbers, their relationship, combinations, and operations.
- Staff will assist children in increasing their emergent mathematical skills by understanding the planning, implementation, observation, and evaluation cycle using the Teaching Strategies Gold Assessment Tool.

- Parents and staff will work together to increase children's emergent mathematical skills by discussing Teaching Strategies Gold developmental levels and develop appropriate goals.
- Program will assist staff to increase their knowledge and understanding of planning, implementing, observing, and evaluating children's emergent mathematical skills through training and/or technical assistance opportunities.
- Measurement and assessment: Teaching Strategies Gold, Pre and Post Training Survey of Teaching Strategies Gold Assessment Skills.

4. Literacy Development Goal IT-LC10, 11, 12; P-LIT 1, 2, 5

Children will develop a positive attitude towards books and an enjoyment of reading when being read to by adults. As an appreciation for books and reading develop, children begin to show awareness of concepts of print, comprehension and emergent reading skills. (TSG obj. 17a, b, 18a, b).

- Children will develop a positive attitude towards books and reading to guide emergent reading skills and demonstrate an understanding of how print is used and the rules that govern how print works.
- Staff will assist children in increasing literacy skills by providing numerous read aloud opportunities throughout the program day including lessons in the concept of print.
- Parents and staff will work together to increase children's literacy skills by discussing Teaching Strategies Gold developmental levels and develop appropriate goals. As well as, parent engagement activities such as The Same Book.
- Program will assist staff to increase their understanding of building children's literacy knowledge, interest, and skills through training and/or technical assistance opportunities.
- Measurement and assessment: Teaching Strategies Gold, lesson plans, observation.