



The Role of Prevention Councils

Prevent Child Abuse Indiana believes the most effective approach to reducing child abuse and neglect is to maintain a statewide network of volunteers to work on behalf of child abuse prevention in communities throughout Indiana. Chartered Councils can ensure that there is a unified and continuous voice advocating for child abuse prevention services and programs throughout Indiana. Working partnerships between **Prevent Child Abuse** Indiana and local Councils involve information sharing, technical assistance, resource development, program implementation, advocacy, and decision making.

Often Councils begin by assessing their community to see what services are available related to children and what services are lacking. They also form around the development of activities for the month of April -- the designated month pertaining to child abuse and neglect as declared by the Governor.

Many Councils are involved in educating their communities and their school-age children about child abuse and neglect. They provide programs, join with other community organizations as advocates for children, host activities at their county fairs, host candidate debates for public offices overseeing children, do media campaigns to educate their communities, and fundraising.

Councils choose one of two organizational structures; either they obtain their own corporate and tax-exempt status, or they operate as a part of another nonprofit organization. Either of these options allow a Council to apply for grant funding and to do fundraising activities to support their activities.

As projects are determined through the Council's Annual Plan, additional people in the community are asked to assist in the success of specific projects. This allows a more diversified base to accomplish activities to protect children and strengthen families and continues to expand the message to all levels in the local community.

Prevent Child Abuse Indiana
3833 North Meridian Street
Indianapolis, IN 46208
(317) 775-6439

www.pcain.org

Prevent Child Abuse Indiana Responsibilities to Chartered Prevention Councils

Prevent Child Abuse Indiana staff members operate in an advisory and support capacity to each Chartered Council. PCAIN staff members are not eligible to participate as a voting member or officer of any Chartered Council.

Prevent Child Abuse Indiana (PCAIN) will provide the following resources and support to Chartered Councils to strengthen prevention efforts in local communities:

1. Offer on-site visits at least once annually.
2. Offer ongoing technical assistance from PCAIN staff via email, on-site support, regular meetings, and publications for local Councils. Specific assistance and resources may include, but not be limited to:
 - a) Public Policy Education
 - b) Council Development
 - c) Media and Public Relations
 - d) Fundraising
 - e) Board and Volunteer Development
 - f) Special Event Planning
 - g) Guest Speakers for Special Events
 - h) Program Development
 - i) Prevention Education
3. Additional resources and services may be provided on a fee-for-services basis.
4. Authorize use of the current PCAIN logo, tag lines, and camera-ready art - providing they are used consistently within established guidelines (Appendix D).
5. Annually provide Indiana Child Abuse and Neglect Prevention Awareness Month materials to each PCAIN Chartered Council at no charge. Additional materials may be subject to a processing fee.
6. Give PCAIN Chartered Councils access to a toll-free phone line for consultation.
7. Include each PCAIN Chartered Council's name and contact information on the PCAIN website and appropriate communications to the public.
8. Plan, facilitate, and evaluate statewide training/retreats for all Councils.
9. Provide training and tools to enhance the PCAIN Councils' capacity to be an effective and leading advocate for child abuse prevention in their communities.
10. Provide regular communications of Council-related materials, e.g., Council Profiles, appropriate communications from PCAA – including Position Statements, research articles, and resource materials.

Expectations of Chartered Prevention Councils

1. **MISSION:** Adopt a mission that is consistent with PCAIN and PCAA's shared vision, core values, guiding principles, and position statements. (Appendix F)
2. **ACTIVITIES:** Pursue prevention of child abuse and neglect by annually:
 - a. Sponsoring or participating in a collaborative community activity to raise awareness during Indiana Child Abuse and Neglect Prevention Awareness Month in April.
 - b. Coordinating at least one prevention education presentation or community forum/dialogue annually (with Council members or general public).
 - c. **Sending one or more representatives to statewide retreats/conferences.**
 - d. Working steadfastly to develop a Board that represents diverse sectors of the community and welcomes and involves the community-at-large.
3. **COMMUNICATION WITH PCAIN:** Maintain open and regular communication with PCAIN by:
 - a. Providing information regularly to PCAIN regarding the Councils' efforts to prevent child abuse and neglect.
 - b. Notifying PCAIN of contact and Board member changes.
 - c. Notifying PCAIN staff regarding any changes in the Council's nonprofit status, including federal and state status changes.
 - d. Sharing information for publication in the Council Courier newsletter.
 - e. Participating in periodic reviews of your operations by PCAIN. Reviews will not occur more than once per year unless the Council is in breach of this Chartering Agreement.
4. **STATE AFFILIATION:** Identify affiliation with PCAIN on printed and promotional materials, including online entities such as Facebook or websites.
5. **CHARTERING:** Pay the Chartering Fee annually to **Prevent Child Abuse** Indiana; date of submission and payment to be no later than December 31st. For the purposes of this document, the Chartering Agreement includes the signed Agreement, fee payment in full, proof of tax-exempt status (where applicable), and Council Contact Form.
6. **NONPROFIT STATUS:** Maintain an effective and financially stable nonprofit organization by meeting one of the following three conditions:
 - a. Showing proof of current 501 (c) (3) federal tax-exempt status and Indiana corporate status OR
 - b. Showing proof of a written agreement with another 501 (c) (3) organization to serve as the Council's fiscal agent OR
 - c. Showing proof of application for 501 (c) (3) tax exempt status.
7. **FISCAL MANAGEMENT:** For Councils that have their own checking/savings accounts: Councils are required to have a written Fiscal Management policy that includes:
 - a. Having at least two signers on the account(s) and
 - b. Producing a monthly financial report showing up-to-date expenditures and account balances.

8. **INSURANCE:** Use best efforts to obtain insurance coverage that is reasonable and appropriate, including professional liability and general liability insurance.
9. **BACKGROUND CHECKS:** To the extent permitted by law, it is recommended that PCAIN Chartered Councils conduct all possible background checks on all staff and Board members who work with children or represent the Council prior to hiring or electing them. These background checks would be done to determine that such individuals do not have a history of activities that involve child abuse or other behavior deemed inappropriate for representing the Council.
10. **MEETINGS:** Conduct a minimum of four (4) meetings per year of the Council's full Board of Directors.



To charter online (preferred method) use this link:
[Digital Charter Agreement Form - Prevent Child Abuse Indiana](#)

Child Abuse Prevention Council Chartering Packet Contents & Instructions

Items to be returned no later than Tuesday, December 31st:

- Original chartering signature sheet:** Please have your Council President sign this and return the signed original to us by December 31st.

- Yearly Chartering Fee - \$150.00**

- A copy (NOT the original) of your most recent 501(c)(3) letter from the Internal Revenue Service:** This is only for Councils that have their own nonprofit status. If your Council operates under the umbrella of another nonprofit, you do not need to provide a copy of your IRS letter.

Mailed submissions should arrive at our office by December 31st; please allow plenty of time for the postal service to deliver items.

**MAILING ADDRESS:
Prevent Child Abuse Indiana
3833 North Meridian Street, Indianapolis, IN 46208**

Keep for your files:

- Appendix A: **Prevent Child Abuse** Indiana's responsibilities to Chartered Councils
- Appendix B: Your responsibilities as a Chartered Council
- Appendix C: Maintaining Your Council Charter
- Appendix D: Logo, Tag Line and Materials Use
- Appendix E: Prevention Definitions and Activities
- Appendix F: The Meaning of the Pinwheel (NEW)
- Appendix G: PCAIN Vision and Core Values
- Appendix H: **Strategic Planning for Prevention Councils** explains the strategic planning services available for your Council through PCAIN.

If you have questions, please call the PCAIN Office at 317-775-6439



COUNTY: _____

3833 N. Meridian Street, Indianapolis, IN 46208

Prevention Council Chartering Agreement

This document establishes the agreement between **Prevent Child Abuse** Indiana, a Division of The Villages,

(heretofore referred to as "PCAIN") and _____
(heretofore referred to as "PCAIN Chartered Council") for the period of January 1st to December 31st.

The Agreement

The agreement between PCAIN and all PCAIN Chartered Councils is based on the mutual understanding that we will continually work together to build a statewide organization and network that enables all sectors of the community to play a significant role in preventing child abuse and neglect.

Mutuality of Agreement

In affirmation of our agreement, both PCAIN and the PCAIN Chartered Council will support and promote one another to the greatest extent possible. It is respectfully understood that each of our activities in some way reflects **Prevent Child Abuse** America (PCAA) as well as our state and local images. *Each entity must take great care to ensure that our actions correspond with the vision, core values, guiding principles and position statements established by PCAA.*

PCAIN Responsibilities

PCAIN has a commitment to provide technical assistance to Chartered Councils, resources permitting. Chartered Councils will receive all established benefits, outlined in Appendix A.

Council Responsibilities

Chartered Councils are expected to maintain compliance with the criteria for PCAIN Chartered Councils throughout the charter period (Appendix B). **Should there be any major change in a Council's organization or in its ability to be in compliance with the criteria, the Council agrees to notify PCAIN in writing within sixty (60) calendar days.**

The Charter

This charter acknowledges that the PCAIN Chartered Council is in compliance with the criteria of PCAIN and is granted annually. When a charter is granted, the PCAIN Chartered Council will pay a Chartering Fee of \$150.00 per year. Chartering fees are non-refundable.

Appendices (Council President's initials required)

The attached Appendices (A through H) are considered an integral part of this Chartering Agreement.

The Council President is to initial to the left of each Appendix to indicate that he/she has reviewed each item.

| President's Initials | Appendix | Description |
|-----------------------------|-----------------|--|
| | Appendix A | Prevent Child Abuse Indiana Responsibilities |
| | Appendix B | PCAIN Chartered Council Responsibilities |
| | Appendix C | Maintaining Your Council Charter |
| | Appendix D | Logo, Tag Line and Materials Use |
| | Appendix E | Prevention – Definitions and Activities |
| | Appendix F | The Meaning of the Pinwheel |
| | Appendix G | Vision, Core Values and Guiding Principles |
| | Appendix H | Strategic Planning for Prevention Councils |

CERTIFICATION

As an authorized officer of _____, I hereby certify that our organization is applying to be a Chartered Prevention Council of Prevent Child Abuse Indiana. I further certify that we understand this agreement (including all Appendices) and that we will maintain compliance with it.

Please Print Name: _____

Signature: _____
 President (or Presiding Officer)

_____ Date

Please return the original signed copy of this page and the preceding page to
 PCAIN, 3833 N. Meridian Street, Indianapolis IN 46208.
 The remaining pages are for your Council's records.
DUE DATE: DECEMBER 31st

Prevent Child Abuse Indiana
Prevention Council Contact Information
Due by December 31st

COUNCIL NAME: _____

COUNTY/COUNTIES SERVED: _____

Primary Contact Information

This information will appear on the Prevent Child Abuse Indiana website so that people can contact your Council. We will also use this information to send postal mail.

MAIN CONTACT PERSON: _____

MAILING ADDRESS*: _____
Street or P.O. Box City State Zip

EMAIL: _____

Preferred Phone: (_____) _____ Home Work Cell

Alternate Phone: (_____) _____ Home Work Cell

DESCRIPTION OF COUNCIL ACTIVITIES: *Please provide a brief description of your Council's activities. For instance, you may want to include regularly scheduled events that you conduct or special community initiatives. **This description will be included in the information about your Council on the PCAIN website.***

****If your primary mailing address is a post office box, please also provide a street address for shipping materials to you. UPS does not deliver to post office boxes. The shipping address will NOT appear on the website.***

SHIPPING ADDRESS: _____
Street City State Zip

Prevention Council Officers

| |
|--|
| PRESIDENT: NAME: _____ Term Expires _____ Month & Year |
| EMAIL: _____ |
| Preferred Phone: (_____) _____ <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell |
| Alternate Phone: (_____) _____ <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell |

| |
|--|
| VICE PRES.: NAME: _____ Term Expires _____ Month & Year |
| EMAIL: _____ |
| Preferred Phone: (_____) _____ <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell |
| Alternate Phone: (_____) _____ <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell |

| |
|--|
| SECRETARY: NAME: _____ Term Expires _____ Month & Year |
| EMAIL: _____ |
| Preferred Phone: (_____) _____ <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell |
| Alternate Phone: (_____) _____ <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell |

| |
|--|
| TREASURER: NAME: _____ Term Expires _____ Month & Year |
| EMAIL: _____ |
| Preferred Phone: (_____) _____ <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell |
| Alternate Phone: (_____) _____ <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell |

Prevention Council Members

Please provide the names and contact information for other members of your Council who do not serve as officers. Depending on the number of members, you may need to duplicate this page.

NAME: _____

EMAIL: _____

Council Background & Structure

*** SECTION ONE ***

Corporate & Tax-Exempt Status

1. What year was your Council established? _____
2. Is your Council a separate Indiana nonprofit corporation? yes no* not sure

****If NO, please skip to Section Two now.***

3. Did your Council file an Entity Report with the Indiana Secretary of State during 2015? yes no
4. Is your Council a tax-exempt organization in good standing with the Internal Revenue Service? yes no
5. Has there been any change in your federal tax-exempt status since last year? yes no not sure
6. Please attach a copy (NOT the original) of your most recent tax exemption letter from the IRS Attached
7. Are your Council bylaws up to date? yes no Date of last revision if known: _____

*** SECTION TWO ***

Fiscal Structure

1. Does your Council operate under the umbrella of another organization? yes no
2. **If YES**, please state the organization name: _____
3. Does your Council have a written policy for handling funds? yes no not sure
4. What is your Council's approximate yearly budget? _____
5. Major sources of funding: _____

*** SECTION THREE ***

Council Meetings & Personnel

1. When do you usually hold your meetings: Frequency: _____ (i.e., monthly, bi-monthly, etc.)
2. Day of the week: _____ Which week of the month? First Second Third Fourth
3. Time: _____ a.m. p.m.
4. Meeting location (**exact address**): _____
5. How many people serve on your Council? _____
6. When do you usually hold officer elections? _____
7. Does your Council have a paid Coordinator, Director or other staff? yes no

***** SECTION FOUR *****

Social Media

1. Does your Council have a website? yes no
2. *If yes*, what is the address? _____
3. Does your Council website include a link to the PCA Indiana website? yes no
4. Does your Council have a Facebook page? yes no
5. Does your Council have a Twitter account? yes no
6. Do you use any other social media to promote your Council? (Such as Instagram, Pinterest, YouTube, Vine, etc.)
yes no *If yes*, what do you use? _____

***** SECTION FIVE *****

Anticipated Needs for 2016 (Check all that apply)

- Strategic planning Volunteer recruitment Board Orientation
- Will you need a box of prevention materials? No Yes, please ship immediately.
- Other needs (please describe): _____

***** SECTION SIX *****

Retreat & Conference Attendance

One of the requirements of Chartered Prevention Councils includes sending one or more representatives to a Regional Prevention Council Retreat (usually held in the fall) and to the annual PCAIN Conference or Signature Event. Who will be representing your Prevention Council at these events?

Council Retreat: _____

BTC Conference: _____

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10. **MEETINGS:** Conduct a minimum of four (4) meetings per year of the Council's full Board of Directors.

Maintaining Your Council Charter

PCAIN is committed to the continued success of all PCAIN Chartered Councils. We will provide assistance and training to strengthen PCAIN Chartered Councils and to help overcome any problems you may be experiencing.

Notification: In the event that a Council becomes unable to meet its responsibilities, the senior officer or other Council members must contact PCAIN as soon as possible. PCAIN staff will meet with the Council to assist in determining next steps.

PCAIN believes a policy for alteration or revocation of the charter is necessary to protect the integrity of the program and to provide a process for review of serious issues.

Provisional Status: If PCAIN staff determines that the situation can be resolved, but that the Council needs a temporary break to reorganize, PCAIN staff can change the Council's charter to Provisional Status. This means that the Council is still chartered while the members focus on immediate steps to resolve any problems.

Relinquishment of Charter: In the event that there is disagreement among Council members as to whether the group should discontinue operations, PCAIN may or may not accept the relinquishment of the charter. If there are Council members who wish to work on resolving the problems, PCAIN can continue to work with them.

Revocation/Alteration of Charter: PCAIN may revoke or change a Council's Charter under any one or more of the following conditions:

1. The Council activities are not consistent with PCAIN's vision, mission, core values, guiding principles, and/or position statements.
2. A Council is unable to function in accordance with its own bylaws, fails to hold regularly scheduled Board meetings, and is unable to maintain Board members and/or voluntary members.
3. The Council, either by commission or omission, fails to maintain fiscal responsibility and/or financial viability in its community; or fails to pay the annual chartering fee.
4. The Council violates ethical, moral, or legal mandates as stated or implied in the mission, purpose, and goals of PCAIN.
5. The Council fails to submit information to PCAIN as requested within the terms of the Charter Agreement or to meet the Charter Agreement terms.

The following procedure will be used in the process of revoking a Council's Charter:

1. PCAIN will communicate in writing (postal or email) to the Council President (or senior officer) the reasons for the proposed revocation of the Charter.

2. The Chartered Council may make an appeal of revocation directly to PCAIN's Program Director in writing (postal or email) within thirty calendar days of receipt of the original correspondence.
3. Following the appeal process, the future relationship with the Council will be determined with written notification to concerned parties.

Effect of Revocation of Charter: In the event of the termination of a Council's Charter, PCAIN will remove the Council from all mailing lists as a contact for local prevention efforts. The Council agrees to discontinue any use of the name, logo or any language indicating affiliation with PCAIN and PCAA and agrees to discontinue using the name "Prevent Child Abuse _____ County."

Logo, Tag Line and Materials Use

Prevent Child Abuse Indiana (PCAIN) is responsible for ensuring the correct use and integrity of the identifying marks. The goal of PCAIN is to bring cohesion to the messages and visual identity of all chartered Councils and affiliates, while branding the look of the organization. To that end, **Prevent Child Abuse** Indiana (PCAIN) will provide and authorize use of the logo and tag line to all Chartered Councils providing that the use is within established guidelines. PCAIN will provide each Chartered Council with camera-ready art and a copy of the logo on disk or via email for use on local publications and printed materials.

Demonstrating Affiliation

Councils are required to identify affiliation with **Prevent Child Abuse** Indiana on printed, written and online materials using the line, “A Chartered Council of **Prevent Child Abuse** Indiana”. Examples:

Prevent Child Abuse Lake County
A Chartered Council of **Prevent Child Abuse** Indiana

Ripley County Child Abuse Prevention Council
A Chartered Council of **Prevent Child Abuse** Indiana

Pinwheel Promises of Hamilton County
A Chartered Council of **Prevent Child Abuse** Indiana

NOTE: Please contact PCAIN’s Administrative Assistant if you need an updated logo.

Using PCAIN Materials or Literature

- PCAIN logo, name, or contact information is not to be removed from any literature or materials produced by PCAIN.
- A Chartered Council may add its own logo to PCAIN’s material with prior written approval from PCAIN.
- A Chartered Council may use information from PCAIN’s materials, providing that PCAIN is credited in writing on the document as the source of the information.
- Chartered Councils are not to change PCAIN’s logo (for instance, printing it in a different color or cutting off the text portion)

Website Standards

- Councils are expected to identify affiliation with PCAIN on the front page of their websites using the line, “A Chartered Council of **Prevent Child Abuse** Indiana.”
- Chartered Councils are not to change PCAIN’s logo (for instance, displaying it in a different color or cutting off the text portion)
- PCAIN logo, name, or contact information is not to be removed from any literature or materials produced by PCAIN.
- A Chartered Council may add its own logo to PCAIN’s material with prior written approval from PCAIN.

Using Prevent Child Abuse America (PCAA) Materials or Literature

- PCAA logo, name, or contact information is not to be removed from any literature or materials produce by PCAA.
- A Chartered Council may add its own logo to PCAA’s material with prior written approval from PCAA.
- A Chartered Council may use information from PCAA’s materials, providing that PCAA is credited in writing on the document as the source of the information.
- Chartered Councils are not to change PCAA’s logo (for instance, printing it in a different color or cutting off the text portion)

Logo Standards

A complete Graphics Standard Manual is available online at PCAIN’s website: [PCAA-Brand-Visual-Identity-Guide-Updated-102020.pdf \(pcain.org\)](https://pcain.org/PCAA-Brand-Visual-Identity-Guide-Updated-102020.pdf)

The manual addresses the following topics:

- Organizational Graphic Standards
- Logo Placement and Usage
- Notation of Affiliation
- Additional Graphic Standards (such as for the “Pinwheels for Prevention” logo)

Chartered Councils are expected to be familiar with the graphic standards, to consult the manual, and to contact PCAIN with any questions.

PCAIN will request corrections and/or alterations in the event a Chartered Council uses the logo incorrectly or applies the standards incorrectly. Chartered Councils agree to make any necessary changes as promptly as possible.

**If your Council does not have the appropriate logo,
please contact the PCAIN office for assistance.**

Logo Colors

The Pinwheels for Prevention® logo colors are blue PMS 286 and gray PMS 7545 (Pantone Matching System). Printing the logo in the two Pantone colors (blue and gray) is preferred. See example to the right.

C=100 M=66 Y=0 K=2



C=23 M=2 Y=0 K=63



Acceptable alternatives include:

- Two-color blue and gray (PMS 286 blue; solid and varying tints and PMS 7545 gray; solid and varying tints). For this coloration, "Pinwheels" text is always 70% tint of PMS 286.
- One-color in varying tints of PMS 286 blue. For this coloration, "Pinwheels" text is always 70% tint of PMS 286.
- One-color in varying tints of black (also referred to as Black & White). For this coloration, "Pinwheels" text is always 70% tint of Black.
- Reversed out against blue PMS 286 background; solid white and 30% blue (also referred to as Knocked Out or KO).
- Reversed out against dark background (also referred to as Knocked Out or KO). For this coloration, "Pinwheels" text is always white.

Logo Protection

The "Circle R" mark is to be used next to "Prevention" and "America" in the Pinwheels for Prevention logo, as shown at right. On state versions, the "Circle R" is to be used next to "Prevention" and a "TM" mark next to the state name.



Prevention – Definitions and Activities

For purposes of this Chartering Agreement:

1. **Primary prevention** efforts are defined as programs and activities that are provided to the general public, an example of which would be PCAIN’s Prevention Education program.
2. **Secondary prevention** efforts are defined as programs and activities that are directed at particular individuals or groups at risk.
3. **Tertiary prevention** efforts are defined as programs with a principal focus on populations that have already experienced abuse with the purpose of preventing future abuse.

The following are examples of prevention activities:

Primary Prevention

- Public awareness and education efforts (annual fundraisers, exhibits, LifeSavers, Roof Sit events, pinwheel gardens or displays)
- Prevention education programs for children, parents, caregivers
- Child abuse prevention training for adolescents and adults
- Public policy efforts
- Speakers Bureau—Trained individuals presenting information regarding the prevention of child abuse and neglect to interested groups in your community, i.e. Rotary, Exchange Clubs, Kiwanis, churches, etc.
- Support and education programs for prospective and new parents such as Promoting Non-Abusive Behavior, First Steps, and general parent education programs
- Violence prevention education programs
- Life skills curricula in schools
- Parenting skills classes that are open to the general public

Secondary Prevention

- Healthy Families Indiana Home Visitor Program for High-Risk Families

Tertiary Prevention

- Survivor Support Programs
- Child advocacy centers
- Education programs and support groups for abused children and/or perpetrators
- Court-Appointed Special Advocates (CASA) or other programs for families already in the CPS system
- Prevention and parent education programs in juvenile detention facilities and prisons

Chartered Prevention Councils are expected to focus the majority of their efforts on Primary Prevention activities.

The Meaning of the Pinwheel



Prevent Child Abuse Indiana’s campaign is built around the symbol of the pinwheel. Pinwheels are a happy and uplifting symbol of childhood.

As a prevention symbol, a pinwheel conveys the message that every child deserves the chance be raised in a healthy, safe, and nurturing environment.

This symbol is to be used to represent the happy, carefree childhood we want for every child.

Pinwheels should never be used to represent deaths from child abuse or reported cases of child abuse.

Ideas for incorporating Pinwheels into your Child Abuse Prevention activities include:

- Choose a highly visible location and “plant” a pinwheel “garden.” Equate pinwheels with the number of children served by your agency or the number of births in your community. Use your pinwheels to promote the good you are doing in your community.
- Offer people in your community the chance to make a personal statement in support of your work by purchasing pinwheels.
- Let the media know about your pinwheel garden and its significance.
- Ask your local radio stations to run public service announcements in support of Child Abuse Prevention Month.
- Consider planting Pinwheels at childcare centers, schools, nursing homes, hospitals, courthouses, health departments, libraries, and other highly visible locations.
- Decorate your home, office, classroom or business with Pinwheels.
- Make your own Pinwheels as a group or class project using the template found in this packet. Pinwheel color sheets are also available.
- Carry Pinwheels in parades, give them as prizes or sell them as a fundraiser

If your Prevention Council has questions about how to use pinwheels, please contact Prevent Child Abuse Indiana at 317-775-6439.

Pinwheels are normally ordered at the time of Chartering at discount with no shipping charges. If you need additional pinwheels during the year, please go to our website SHOP to order. Councils do get a 25% discount at that time from the original cost – Use Code COUNCIL25 but will need to pay a \$25 per box shipping charge.

Vision

To live in a (nation, state, community) where children flourish free from abuse and neglect

Core Values

Valuing Children - We believe that:

- Every child deserves to be cherished and nurtured in a safe and healthy environment.
- Abusing a child in any way is unacceptable.
- Societal values must change so that everyone recognizes that abusing a child is unacceptable.
- We work to prevent child abuse and neglect so that all of our children can grow to realize their full potential.

Strengthening Families – We believe that:

- Family members and caregivers want to be successful in raising children.
- We help to strengthen families and prevent child abuse and neglect by providing families with the information, education, and support they need and want.

Engaging Communities – We believe that:

- The prevention of child abuse and neglect occurs most effectively at the local level, in safe, healthy, and nurturing communities.
- By giving communities access to the support, education, and tools they need to care for and nurture their children, we can prevent child abuse and neglect.

Guiding Principles

Leadership:

- We will strive to provide the leadership necessary to advance our mission to prevent child abuse and neglect.
- We will seek board members, employees, partners, and volunteers who are willing and capable to assume the responsibilities of leadership.

Collaboration:

- We will seek and create opportunities for collaboration and shared leadership with individuals and organizations that share our vision, mission, and core values.

Integrity:

- All of our actions will be guided by adherence to an uncompromising standard of conduct, in accordance with standards set forth by the Board Source.

Diversity and Respect:

- We embrace inclusiveness in all aspects of our organization from the people with whom we work, collaborate and serve, to the ideas and solutions we develop and implement in support of our mission.
- We will strive to ensure cultural sensitivity and competency throughout our materials and activities.

Research-based:

- We are committed to – and our work, programs and services will be grounded in – continuous and rigorous research and evaluation.

Strategic Planning for Prevention Councils

What is Strategic Planning?

Strategic planning is a process for your council to come together to:

- **Analyze** your organization and the community around you
- **Evaluate** the opportunities for bringing primary prevention to your community
- Confirm your council's **mission** and **vision**
- Work together to identify **key results** that will guide you in determining your success
- Establish **objectives** for obtaining those results

Why do it?

There are many benefits in having a strategic plan:

- **Member buy-in:** Having a well-thought out plan that is created with input from all Council members helps ensure that everyone feels a part of the process. People who help create the plan are more likely to participate enthusiastically in implementing it.
- **Effective Use of Time:** A plan helps you avoid having to “decide how to decide” every time you’re faced with a decision. In essence, you are deciding several important matters ahead of time.
- **Volunteer Recruitment:** Potential volunteers like to know ahead of time what sorts of activities and time commitments will be asked of them. A strategic plan helps your council be specific about volunteer needs, and makes it easier for volunteers to make a good decision. A plan communicates to volunteers that their time is valuable.
- **Community Support:** Foundations, corporations and civic groups feel more confident investing money, volunteer time and other resources in organizations that have a strategic plan.

What kind of time commitment is involved in strategic planning?

We recommend two separate meetings, each about three hours. The meetings should be held about a week apart. The first meeting is a SWOT analysis, where we look at your council's:

- **Strengths**
- **Weaknesses**
- **Opportunities and**
- **Threats**

After the first meeting, the recording secretary will send meeting notes to all Council members.

The second meeting involves analyzing the mission statement, crafting a vision, deciding on key results areas (KRAs) that help guide you in deciding how to live out your mission and vision in your community. We will also decide on specific objectives for each key results area.

Having at least a week between the two meetings is very important to a successful planning process; it gives members time to reflect on the SWOT analysis and to give some thought to ideas to bring to the next meeting.

What will it cost us?

As long as you are in good standing as a chartered council of Prevent Child Abuse Indiana, there is no charge for this service.

Who will conduct the planning sessions?

The Council Coordinator for Prevent Child Abuse, facilitates strategic planning sessions for councils.

How do we get the ball rolling?

Call the PCAIN office at 317-775-6439. If Indianapolis is long distance for you.

Please Note:

In order for the planning sessions to be successful, it is vital that you have as many of your Council members present as possible. A plan crafted by just a few Council members is less likely to succeed.



Nonprofit Basics for Chartered Prevention Councils

Prevent Child Abuse Indiana requires that all Chartered Prevention Councils meet one of two requirements:

1. Obtain tax exempt (501 (c) (3) status through the Internal Revenue Service **or**
2. Operate under another tax-exempt nonprofit that will serve as a fiscal agent for your Council.

Since Chartered Councils must raise the funding to carry out their mission, they need to have tax exempt status. People who donate usually expect to be able to deduct donations from their taxes. In addition, most funding organizations such as charitable foundations and United Ways require that recipients to be tax exempt organizations.

The purpose of this section is to help you become familiar with the requirements for being a nonprofit corporation in Indiana as well as the requirements for obtaining and maintaining federal tax-exempt status.

Being (or Becoming) a Separate Tax Exempt Nonprofit

If your Council decides to become a tax-exempt nonprofit corporation rather than operate under another organization, you will need to be familiar with these concepts.

Being a nonprofit, tax exempt organization involves ***both*** State and Federal requirements:

1. Being a nonprofit corporation in the state of Indiana and
2. Having (or acquiring) tax exempt status from the federal government through the Internal Revenue Service

HELPFUL TIP:

Being incorporated in Indiana is **not** the same as being a tax exempt organization. These are two completely different relationships: one is with the State of Indiana and one is with the federal government. If your Council is incorporated in Indiana but does not have its 501(c)(3) tax exempt status with the Internal Revenue Service, you cannot tell donors that their contributions are tax deductible.

Non-profit status is a state law concept. Non-profit status may make an organization eligible for certain benefits, such as state sales, property, and income tax exemptions. Although most federal tax-exempt organizations are non-profit organizations, organizing as a non-profit organization at the state level does not automatically grant the organization exemption from federal income tax. To qualify as exempt from federal income taxes, an organization must meet requirements set forth in the Internal Revenue Code (www.irs.gov)

The term “tax exempt” can have a couple of different meanings:

- A nonprofit corporation in the state of Indiana is exempt from paying **retail sales tax** on purchases. The state issues a retail sales tax exemption number to nonprofit corporations.
- A nonprofit organization that has tax exempt status from the IRS is exempt from paying **income tax** on money that is donated to the organization.



Being Incorporated in Indiana:

If you are not sure if your Council is already incorporated in Indiana, here's how to check: Go to the Secretary of State's website for corporations at <http://www.in.gov/sos/business/>

1. Look under "Latest Features" (about halfway down the page) and click on the "Corporations" link.
2. Click on the third link "Corporations Online"
3. Click on the second link "Business Entity Name Search"
4. Enter your Council's legal name.
5. Your Council's data will come up if you are incorporated in Indiana.

If your Council's name does not come up at all, contact the Secretary of State's office at 317-232-6576 to confirm whether your Council has ever been a nonprofit corporation in Indiana. If your Council has never filed for incorporation, you will need to do so as soon as possible. To prepare for filing, you will need to:

- Select a Board of Directors and elect officers.
- Prepare and approve bylaws.
- Obtain a Federal Employer Identification Number (EIN); you will need this even if your Council has no paid staff.
- File Articles of Incorporation
- Open a checking account. When opening an account do some comparison shopping. Some banks will give free checking to nonprofit organizations.

Go to: <http://www.in.gov/sos/business/3648.htm>

Click on "Form a New Business Online" and follow the directions. The fee for registering a nonprofit organization is \$25, and you should be prepared to pay it online using a credit card.

However, if the information indicates that your corporation was "administratively dissolved" you will need to file for reinstatement rather than starting all over. The reinstatement packet is available online at <http://www.in.gov/sos/business/2426.htm>

HELPFUL TIP:

Business Entity Reports:

Once a year, the Indiana Secretary of State requires nonprofits to file a simple report to update your organization's information. You can complete the report online. The fee is around \$7.00.

It's very important to keep these up to date. If an organization fails to file a report for several years, the Secretary of State will dissolve the corporation.



Articles of Incorporation:

To form a Nonprofit Corporation, Articles of Incorporation must be filed. The Articles of Incorporation must include the following: (IC 23-17-3-2)

- The name of the corporation (which must include "Corporation", "Company," "Incorporated," "Limited," or an abbreviation thereof);
- A statement as to whether the corporation will be a public benefit, religious or mutual benefit corporation;
- The name and address of the Registered Agent;
- The name and address of all the incorporators;
- A statement as to whether the corporation will have members;
- A statement regarding the distribution of assets upon dissolution (IC 23-17-22-5); and
- A \$30.00 filing fee.

SAMPLE ARTICLES OF INCORPORATION (From www.irs.gov)

Article of Incorporation of the undersigned, a majority of whom are citizens of the United States, desiring to form a Non-Profit Corporation under the Non-Profit Corporation Law of _____, do hereby certify:

First: The name of the Corporation shall be _____.

Second: The place in this state where the principal office of the Corporation is to be located is the City of _____,
_____ County.

Third: Said corporation is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Fourth: The names and addresses of the persons who are the initial trustees of the corporation are as follows:

Name _____ Address _____

Name _____ Address _____

Fifth: No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

If reference to federal law in articles of incorporation imposes a limitation that is invalid in your state, you may wish to substitute the following for the last sentence of the preceding paragraph: "Notwithstanding any other provision of these articles, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes of this corporation."

Sixth: Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

In witness whereof, we have hereunto subscribed our names this day of _____ 20____.

| | |
|------------|-------|
| _____ | _____ |
| Print Name | Title |
| _____ | |
| Signature | |
| _____ | |
| Date | |

501 (c) (3) Tax Exempt Status: What does it mean?

The Internal Revenue Service (IRS) of the federal government oversees the establishment of tax exempt organizations. 501 (c) (3) refers to the part of the federal tax code that defines different types of tax exempt organizations.

BENEFITS:

- Obtaining 501 (c) (3) tax exempt status gives your Council a huge advantage. First, any income you bring in is not taxable. If you receive a grant for \$1,000, all of that money can go toward your mission.
- Second, donors can deduct their contributions on their tax returns (depending on the donor's tax situation). If someone gives you \$100, he/she may not have to pay taxes on that amount of their income.
- Third, your Council can apply for grants. In fact, in most cases you must have 501 (c) (3) status in order to apply for grants.

RESPONSIBILITIES:

Having your 501 (c) (3) tax exempt status is a gift, and your Council should protect that status. This means knowing the requirements for keeping it and making sure you meet those requirements.

Here are some tips for making sure you meet the requirements:

- **Keep accurate records of donors:** Note the first and last name of each donor, how much they gave and when they gave it. You will need this information later on.
- **Provide receipts** for donors who give over \$250 in a year: this is required by the IRS.
- **Be sure that you give no goods or services in return for a donation.** If, for instance, you have a fundraising event and the ticket admission price is \$15, that amount is not tax deductible because people are getting something in exchange for their \$15. However, you can break down the ticket price to allow for a partial deduction. For instance, let's say you determine that the actual worth of the event is \$10. You can print on the ticket "*\$10 admission plus \$5 tax deductible donation.*"
- **Tax Return:** If your Council brings in more than \$25,000 in a year you must file a tax return form called the IRS Form 990.

- **E-Postcard:** If your Council brings in less than \$25,000 in a year, you will need to file an e-postcard form, which is available online at www.irs.gov . It's a little like the yearly Business Entity Report required by the State of Indiana.
- **Advance Ruling Period:** Until recently, when an organization received its initial 501 (c) (3) tax exempt letter from the IRS, the letter mentioned the Advance Ruling Period. The Advance Ruling Period usually is five years. During that time, your Council must ensure that your income comes from a variety of sources. Why? Because the IRS does not look kindly on people who establish a nonprofit as a personal tax shelter for themselves.

Within 90 days of the end of the five-year Advance Ruling Period, your Council must provide information to the IRS about who contributed to you and how much they contributed. If you only have one or two donors, the IRS could rule that you do not qualify to be a 501 (c) (3) organization. Often in such cases they rule that the organization is a private foundation and is subject to income tax.

This is why it is so important to keep good records of people and organizations that contribute to the work of your Council.

However, the IRS has changed its regulations on the Advance Ruling Period, effective June 9, 2008.

New regulations eliminate the advance ruling process, under which a section 501(c)(3) organization was required to file Form 8734 to establish that it had been a publicly supported charity during its first five tax years. The new rules apply to organizations with advance rulings expiring on or after June 9, 2008.

The IRS previously notified organizations of the need to file by sending Notice CP 158, enclosing a copy of Form 8734. With the elimination of the advance ruling period, this notice has been revised, and is now being used to notify organizations of the new rules; however, Form 8734 was inadvertently enclosed with the revised notice that was mailed to some organizations. An organization that received a form should not file it, unless its advance ruling period expired before June 9, 2008.

Prevention Councils are staffed mainly with volunteers, and as we all know, volunteers come and go. While it's good to have a fresh influx of new talent, it can create problems if you don't have a specific way of passing on Council records and history.

If your Council has its 501 (c) (3) tax exempt status, you should have a letter from the IRS confirming your status. The letter will likely be one to two pages long, and sometimes looks as though it was printed with an old-style dot matrix printer. On the next page is an example of such a letter.



TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

OCT 20 2005

Date:

Church of Reality
754 Glenview Drive, Suite 201
San Bruno, CA 96066

SAMPLE

Employer Identification Number:
65-1208537
Person to Contact and ID Number:
Robert Charnoff 50-29632
Toll Free Contact Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
509(a)(1) & 170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
November 6, 2003
Contribution Deductibility:
Yes
Advance Ruling Ending Date:
December 31, 2007

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. **Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.**

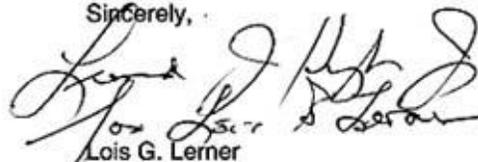
Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of exemption and ends with the advance ruling ending date shown in the heading of this letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, *Support Schedule for Advance Ruling Period*. You will have 90 days after the end of your advance ruling period to return the completed form. We will review the information you provide and determine whether you have met the public support test. We will then notify you, in writing, about your public charity status.

Church of Reality

Please see enclosed *Information for Organizations Exempt Under Section 501(c)(3)* for some helpful information about your responsibilities as an exempt organization.

Sincerely,


Lois G. Lerner
Director, Exempt Organizations
Rulings & Agreements

Note that this letter was for a new organization. Do you see the reference to the Advance Ruling Period in the lower half of the right-hand column? Their Advance Ruling Period ended on December 31, 2007. This means that this particular letter is no longer current. If this organization did their homework, they should have turned in information about their contributors by March 31, 2008. If the IRS saw that they had a fairly broad base of contributors, they would have issued a new letter sometime in 2008.

HELPFUL TIP:

It's extremely important that your Council have a safe and accessible place to keep the original copy of your tax-exempt letter.

If you can't locate your letter, you can request another one by writing to:

Internal Revenue Service
Exempt Organizations Determinations
P.O. Box 2508
Cincinnati, OH 45201

You can also call them at (877) 829-5500, although they may require a written request from you in the long run.



What if We're Not Sure We Even Have Our 501 (c) (3) Tax Exempt Status?

This is easy to check online.

- Go to www.irs.gov.
- Click the "Charities & Nonprofits" link at the top of the page.
- Click the link "Search for Charities" to the left.
- Click the "Search Now" link, located about 2/3 of the way down the screen.
- Under "Organization" type in the name of your Council. Check the box titled "All of the words."
- If your Council is a 501 (c) (3) organization, your name should come up.

We Thought We Had Our Tax Exempt Status, But We Don't! *What Now?*

First, call the IRS and check to make sure that's true. If you confirm that your Council is **not** a 501 (c) (3) tax exempt organization, you will need to meet to decide your course of action. Your Council may choose to operate under another tax exempt nonprofit, or you may choose to apply for your own nonprofit tax exempt status.

It is possible that your Council once had tax exempt status, but that status has been taken away because your Council did not complete paperwork required by the IRS. If that is the case, you usually don't have to start all over. Call the IRS and see if they will reactivate your status if you complete the paperwork needed.

The IRS number for charities and nonprofits is (877) 829-5500.

Applying for 501 (c) (3) Tax Exempt Status

Applying for federal tax-exempt status involves submitting two different applications.

First, if you have not previously received an Employer Number (EIN), you must apply for one, *even if your Council doesn't plan on having any paid staff*. You can apply for an EIN on-line, over the telephone, via fax or through the mail.

- To get an EIN over the IRS's toll-free telephone number, call (800) 829-4933. Hours of operation are 7:00 a.m. to 10:00 p.m. local time, Monday through Friday.
- To request an EIN via fax, 24 hours a day / 7 days a week, dial the fax number at the location accepting applications from your state. The instructions on the Form SS-4 indicate which location will accept your faxed request.
- To receive an EIN through the mail, complete Form SS-4. The instructions on the form provide the correct address.

See the instructions for Form SS-4 , *Application for Employer I.D. Number*, for further details. This is a free service provided by the IRS. Beware of any organization that offers to do this for you for a fee.

Form SS4 itself is available at <http://www.irs.gov/pub/irs-pdf/fss4.pdf>

Second, you will need to complete an **application for recognition of exemption**, called IRS Form 1023. The application is available at <http://www.irs.gov/pub/irs-pdf/f1023.pdf> . You may complete it online, or you may print it out and fill it in.

The application fee for nonprofits is \$350 for existing organizations that have had annual gross receipts averaging not more than \$10,000 during the preceding four years or for new organizations that anticipate gross receipts averaging not more than \$10,000 during their first four years. If an organization has or anticipates they will have gross receipts of more than \$10,000, the filing fee is \$750.

HELPFUL TIP

If you have never completed this form before, it would be a good idea to seek the assistance of an attorney or paralegal with experience in this area. If that is not possible, you may want to contact the Indiana Youth Institute. They have consultants available at a reasonable charge that can assist with tax exemption applications. Their website is www.iyi.org and their toll free number is 1-800-343-7060.

Operating Under Another Tax Exempt Nonprofit

Some Prevention Councils choose to not obtain 501 (c) (3) tax exempt status. Instead, they operate under another nonprofit organization. This has advantages and disadvantages. Operating under another tax exempt nonprofit means that:

- You don't have to worry about filing tax returns or entity reports.
- You don't have to do your own financial reports, since all money is run through the nonprofit.
- No need to incorporate in Indiana.
- You can apply for grants using the nonprofit as your fiscal agent.
- If the nonprofit has a newsletter and/or website, you can ask that the activities of your Council be included.

However, it also means that:

- Your Council will have less autonomy since you will have to check with the nonprofit about fundraising and other activities.
- You may not be able to apply for grants if the nonprofit is already applying to the same sources you want to approach.
- You will need to navigate the nonprofit's rules and structure.
- If the nonprofit's management changes, they may decide that your Council is no longer a good fit for them.

Every county and community is different. Only your Council members can determine what will work best for you.

HELPFUL TIP:

If you do decide to operate under another tax-exempt nonprofit, make sure you negotiate a memorandum of understanding that is signed by the nonprofit's director and your Council President. Work out all of the "what ifs" in advance.

BYLAWS

(Name of Group)

ARTICLE 1. NAME, CHARTERS AND JURISDICTION

Section 1. Name. The name of the Corporation is _____.

Section 2. Charters. (If applicable) The Corporation was formed and operates by reason of a charter granted to it by **Prevent Child Abuse, Indiana** (a division of The Villages), heretofore known as PCAI, for the purpose of _____.

Section 3. Jurisdiction. The territorial jurisdiction of the Corporation shall be the boundaries of _____.

Section 4. Certain References. All references in these Bylaws to the Indiana Nonprofit Corporation Act of 1991 9 (“Act”) and the Articles of Incorporation of the Corporation shall include the Act and the Articles of Incorporation, respectively, as now in effect or as may be amended hereafter from time to time.

ARTICLES II. PURPOSES, OBJECTIVES AND LIMITATIONS

Section 1. Purpose. The purpose of this corporation (or organization) shall be _____.

Section 2. Objectives. The objectives of the corporation (or organization) shall be to:_____.

Section 3. Public Positions. The corporation (or organization) shall not speak or advance positions for other corporations or organizations, except in accordance with the Bylaws, regulations or policies of PCAI.

Section 4. Acts or Omissions. Under no circumstances shall any act or omission of a corporation officer or member be chargeable to or incur a liability for PCAI or The Villages and no Corporation officer or member is authorized to undertake such an act or incur such a liability.

Section 5. Responsibility of PCAI. Under no circumstance shall PCAI or The Villages be responsible for any act, omission, debt or obligation of the Corporation.

ARTICLE III. MEMBERSHIP

The membership of the Corporation may consist of voting and non-voting members.

Section 1. Voting Members. Voting members are individuals elected to serve a specified term on the Board of Directors and pay annual membership dues established by the Board of Directors.

Section 2. Non-voting Members. Non-voting members are individuals, agencies or corporations who support the objectives and goals of the Corporation and pay annual membership fees in a selected category or serve as Honorary Board Members.

ARTICLE IV. BOARD OF DIRECTORS

Section 1. Composition. The Board of Directors shall consist of not less than 10 members nor more than 30 members. To the extent possible, one-third of the Board of Directors shall be professionals from a human service field, one-third shall be civic and community leaders, and one-third shall be from the business and corporate community.

- (a) An Individual may be designated as an Honorary Board member by a majority vote of the Board of Directors.

Section 2. Election. Members of the Board of Directors shall be elected at meeting of the Corporation and shall assume office January 1. Members of the Board of Directors shall be elected to represent the geographic areas of _____.

- (a) An individual elected as an Honorary Board member shall assume office immediately upon election.

Section 3. Term of Office. The term of office relating to the term limits for serving as a member of the Board of Directors, except where noted below, shall be for three (3) years. Thereafter, a Member shall be eligible for succession on annual basis of one additional three (3) year term. The term of office for an Honorary Board member shall be determined by the Board of Directors.

Section 4. Vacancies. A vacancy of one the Board of Directors shall be filled as follows:

- (a) In the case of an unexpired term of a Board member, the vacancy shall be filled by eligible candidates elected at a regularly scheduled meeting of the Board. The member elected to fill an unexpired term shall be eligible for election to two (2) more full terms of office as specified in Section 3 above.

Section 5. Duties. It shall be the duty of the Board of Directors to deliberate on all policies and problems of the Corporation; to hear and act on all appeals brought before it; and recommend the establishment of dissolution of affiliations or programs.

The Board of Directors shall actively seek the participation of minorities and women and shall not discriminate based on race, age, color, national origin, sex, handicap or ancestry.

The duties and responsibilities of Honorary Directors shall be determined by the Board of Directors.

ARTICLE V. OFFICERS

Section 1. Titles. The officers of the Board of Directors of the Corporation shall be a President, a President-Elect, a First Vice-President, a Second Vice-President, a Secretary, and a Treasurer. The officers of the Board of Directors shall serve as the officers of the Corporation.

Section 2. Election. The officers shall be elected by the voting members of the Board at meeting of the full board of directors and shall assume office January 1, except where noted in Section 7 below.

Section 3. Term of Office. The term of office for each officer shall be for one (1) year or until a successor is elected.

Section 4. Removal. Any principal officer may be removed with or without cause at any time by resolution adopted at any meeting of the Board of Directors by a majority of the actual number of directors elected and qualified.

Section 5. Subordinate Officers. In addition to the principal officers enumerated in Section 1 of this Article V, the Corporation may have one or more Assistant Treasurers, one or more Assistant Secretaries, and such other officers, agents and employees as the Board of Directors may deem necessary or appropriate, each of whom shall hold office for such period, may be removed with or without cause, have

such authority and perform such duties as the President or the Board of Directors may from time to time determine. The Board of Directors may delegate to any principal officer the power to appoint and to remove any such subordinate officers, agents or employees.

Section 6. Resignations. Any officer may resign at any time by giving written notice to the Board of Directors or the President. Any such resignation shall take effect upon receipt of such notice or at a time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 7. Vacancies. When an office becomes vacant, it shall be filled as follows:

- (a) The unexpired term of the President shall be filled by the President Elect.
- (b) The unexpired term of the President Elect shall be filled by the First Vice-President.
- (c) The unexpired term of the First Vice-President shall be filled by the Second Vice-President.
- (d) The unexpired term of all other officers shall be filled by eligible candidates elected at a regularly scheduled Board of Directors' meeting.

Section 8. Duties. The duties of the officers shall be as follows:

- (a) The President shall:
 - perform the duties usually executed by the chief officer.
 - preside at all meeting of the Corporation, Board of Directors and Executive Committee.
 - appoint chairpersons, except where noted in these Bylaws, and/or members of standing and additional committees to facilitate the operation of the Corporation.

The President may enter into any contract or execute and deliver any instrument or document in the name and on behalf of the Corporation, as long as a majority of the Board has given approval in advance. In general, the President shall perform all duties and have all powers as, from time to time, may be assigned to the President by the Board of Directors.

- (b) The President-Elect shall:
 - assume and perform the duties of the chief officer in the absence of the President.
 - fill the unexpired term of the President.
- (c) The First Vice-President shall:
 - assume the duties of the chief officer in the absence of the President and President Elect.

- fill the unexpired term of the President-Elect.
- (d) The Second Vice-President shall:
- assume and perform the duties of the Chief Officer in the absence of the President Elect and the First Vice-President.
 - be responsible for the proper conduct of all meetings of the Board pursuant to these Bylaws and the parliamentary authority set forth in Article X.
 - fill the unexpired term of the First Vice-President.
- (e) The Secretary shall:
- keep accurate records of the minutes and of the correspondence of the Corporation and its Board of Directors.
- (f) The Treasurer shall:
- keep records of the financial transactions of the Corporation, including all tax records.
 - Be the custodian of any funds of the Corporation, except as may otherwise be provided or ordered by the Board of Directors.

ARTICLES VI. MEETINGS

Section 1. Full Board Meetings. Regularly scheduled meetings of the full Board of Directors shall be held at least four (4) times a year.

- (a) Quorum.** One-third of the actual number of directors in office, from time to time, shall be necessary to constitute a quorum for the transaction of any business except the filling of vacancies, and the act of a majority of the directors present at the meeting, at which a quorum is present, shall be the act of the Board of Directors, unless the act of greater number is required by the Act, by the Articles of Incorporation or by these Bylaws. A director who is present at the meeting of the Board of Directors or a committee of the Board of Directors at which action on any corporate matter is taken shall be conclusively presumed to have assented to the action taken, unless (a) he objects at the beginning of the meeting (or promptly upon his arrival) to holding the meeting or transacting business at the meeting; (b) his dissent or abstention from the action taken is entered in the minutes of the meeting; or, (c) he delivers written notice of his dissent or abstention to the presiding officer of the meeting before its adjournment or to the secretary of the corporation immediately after adjournment of the meeting. The right of dissent or abstention is not available to a director who votes in favor of the action taken.

(b) Consent Action by Directors. Any action required or permitted to be taken at any meeting of the Board of Directors or any committee thereof may be taken without a meeting if one (1) or more written consents describing the action taken are signed by all members of the Board of Directors or such committees, as the case may be, and such written consent is filed with the minutes of the proceedings of the Board of Directors or committee or filed with the corporate records reflecting the action taken. Action taken under this section is effective when the last director signs the consent, unless the consent specifies a different prior or subsequent effective date.

Section 2. Removal of Directors. Unless otherwise provided in the Articles of Incorporation, any or all directors may be removed at any time with or without cause at a meeting called for that purpose only by the affirmative vote of a majority of the actual number of directors in office from time to time, other than the director whose removal is at issue. Any director who misses greater than fifty (50) percent of the regular meetings of the Board of Directors, in a one year period, may be removed as a director by a majority vote of the Board.

Section 3. Resignations. Any director may resign at any time by giving written notice to the Board of Directors of the President. Any such resignation shall take effect as provided in the Act or at any later time specified in the resignation, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 4. Annual Meeting. There shall be an Annual Meeting of the Corporation to held each _____ (*specify month*) with the time and place to be determined by the Board of Directors. To the extent desirable, the Annual Meeting may be held in connection with a regularly scheduled meeting of the full Board.

(a) Notices. Not later than fifteen days prior to the date of the annual meeting, written notice of the time, place and agenda of such meeting shall be mailed to each member of the Board of Directors and, at the discretion of the Executive Director of the Corporation, to other interested members of the Corporation, provided, however, that no additional notice is required if the annual meeting takes place during the regularly scheduled meeting of the Board and notice of the time and date of that meeting has been previously given.

Section 5. Conflict of Interest of Directors. A contract or other transaction between the Corporation and a director of the Corporation or any other corporation, firm, association, or entity in which a director of the Corporation is a director or an officer or is financially interested, may not be either void or voidable because of this relationship or interest or because the director is present at the meeting of the Board of Directors or a committee of the Board of Directors that authorizes, approves, or ratifies the contract or transaction or because the director's votes are counted for such purposes if:

- (a) The fact of the relationship or interest is disclosed or known to the Board of Directors or committee that authorizes, approves, or ratifies the contract or transaction by a vote or consent sufficient for the purpose without counting the votes or consents of the interested director;
- (b) The contract or transaction is fair and reasonable to the Corporation. Common or interested directors may be counted in determining the presence of a quorum at a meeting of the Board of Directors or a committee of the Board of Directors that authorizes, approves, or ratifies the contract or transaction.

Section 6. Email and Phone Meetings and Votes. Constraints of distance and time sometimes require the Board of Directors to take action without members being able to attend face-to-face meetings at the designated site. Phone and e-mail technology provide the opportunities for all members of the full Board to participate in a more timely and cost-effective manner.

- (a) The Board of Directors may attend meetings and cast votes by phone for meetings of the full Board when there is a quorum and when the meeting is presided over by the President, President-Elect, or First Vice-President. Actions approved at meetings where members are present by phone are binding decisions of the Board of Directors.
- (b) The Board of Directors may cast votes by e-mail for approval at meetings when there is a quorum and when the President, President-Elect, or First Vice-President presides.
- (c) Members of the full Board are to be given notice of the actions to be presented for Board approval at least twenty-four (24) hours prior to the scheduled meeting time. When possible, e-mail votes should be sent to the Designee at least five (5) hours before the scheduled meeting.

ARTICLES VII. COMMITTEES

Section 1. Committees. The Board of Directors may by resolution adopted by a majority of the actual number of directors in office from time to time, designate from among its members an Executive Committee and one or more other Standing Committees each of which may exercise authority to the extent provided in the resolution or in the Act, the Articles of Incorporation or these Bylaws.

Section 2. Executive Committee. The Executive Committee shall consist of the President as Chairperson, Officers, Immediate Past President, and Committee Chairs as designated by the President. This committee shall meet bi-monthly to address routine business prior to the Full Board meeting and to act in the absence of the Full Board. It shall provide direction for major issues such as long range planning, personnel, finance, and Board development and nominations. It shall develop policy for recommendations to the Full Board. The committee shall assess progress in meeting stated goals and objectives. It shall approve the program of the Annual Meeting, Annual Board Retreat and Board Orientation. It shall evaluate, hire and/or fire the chief executive officer.

Section 3. Committee Chairpersons. Except where otherwise provided for in these Bylaws, the President shall appoint Committee Chairpersons from among members of the Board.

It shall be the duty of all Committee Chairpersons to:

- (a) Accept overall responsibility for activities and direction of the committee being chaired, including recruitment of members.
- (b) Be responsible for composition of committee, except the Executive Committee, and seek volunteers outside of Board membership.
- (c) Preside at all committee meetings.
- (d) Appoint a secretary to take minutes. It shall be the secretary's duty to record minutes of each meeting and send copies of those minutes to the corporation to keep on file.
- (e) Understand the charge of the committee. Prepare a work plan with specific goals for committee activity to be shared with all committee members and Board members. Build consensus within the committee around goals and objectives.
- (f) Prepare and give committee reports to the Board of Directors.
- (g) Prepare an annual report of committee activity at the close of term.

Section 4. Additional Committees. Additional committees to facilitate the operations of the Corporation may be formulated by the President and confirmed by the Executive Committee as deemed necessary.

ARTICLES VII. FINANCES

Section 1. Fiscal Year. The fiscal year of the Corporation shall be _____.

Section 21. Use of Funds. The Corporation shall use its funds only to accomplish the objectives and purposes specified in these Bylaws, and no part of its funds shall inure to the benefit of or be distributed to the members of the Corporation. On dissolution of the Corporation, any funds remaining after payment of the Corporation's obligations shall be distributed to one or more organizations organized and operated for educational and charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and qualified as exempt from federal income tax as an organization described in Section 501(c)(3) of the internal Revenue Code. The selection of recipient organizations shall be determined by the Board.

Section 3. Audit. The Corporation Board of Directors is authorized to retain the services of outside accountants to provide for an annual financial audit as required to conduct business according to best nonprofit practices. Additional audits may be conducted as the Board of Directors may otherwise deem desirable.

ARTICLE IX. AMENDMENTS AND REVISIONS

The Bylaws may be amended or repealed and new Bylaws may be adopted at any regular meeting of the Board of Directors of the Corporation by a two-thirds vote of those present, provided written notice shall have been given at least ten (10) days before the meeting that amendment or repeal of the Bylaws is to be considered. Amendments of these bylaws shall take effect immediately upon adoption.

ARTICLE X. PARLIAMENTARY AUTHORITY

The rules contained in Roberts' Rules of Orders (Newly Revised) shall be the parliamentary authority in all cases not covered by these Bylaws.

Approved: Date

Bylaws Committee: Members

Essentials of Good Minutes

From the Virginia Community Association Network

Minutes document decisions made during a meeting. They provide a permanent public record of positions and actions taken by the board and are the official record of the business conducted.

A recorder is appointed to record and prepare the minutes. The secretary is responsible for maintaining all official records, including the minute book of all board meetings.

Minutes should reflect what was **done** at a meeting, not what was **said**. The chairperson uses them for reference and all the directors use the minutes of committee meetings to keep informed of committee activities.

Minutes of both board and committee meetings are normally distributed to all board members in the Board Package. They are essential for continuity and for providing a formal record to future committees and directors.

Content

1. Place the name of the group at the top of the first page.
2. Kind of meeting, regular or special.
3. Name of the group.
4. Date, time, and place of the meeting.
5. Name of the presiding officer and secretary or their substitutes.
6. Presence of a quorum and the names of members present and those absent.
7. Whether minutes of the previous meetings were approved as read or as corrected.
8. Exact wording of each motion adopted, with the name of the person making the motion, the name of the person seconding the motion, and whether the motion was adopted, lost or withdrawn. If the vote was split, the names of those dissenting should also be shown.
9. The date, time and place of the next meeting.
10. Hour of adjournment.
11. The name and position of the recorder.

The recorder should prepare the minutes within a day or two of the meeting while it is still fresh in his or her mind and make them available for inclusion in the board package and a synopsis for publication.

After the minutes have been approved, the secretary should write *Approved* with the date at the bottom.

Separate from the official minutes, each participant should keep their own notes, especially of ideas expressed and main points made, including projects or goals to be undertaken, suggestions proposed, and clarifications offered. This will help them remember what transpired during the meeting and keep things in perspective.

Tips for the Recorder

1. Make sure you have a copy of the meeting agenda. Most information may be recorded directly on the agenda.
2. Obtain a copy or notes of any lengthy reports from the person giving the report, then summarize it. There is no need to record volumes of information from a report if the information is available in the files of another committee or file. In most cases, the report can be attached to the minutes and merely be referred to in the minutes.
3. Request that all motions, other than routine administrative motions, should be written out and given to you. This assists with accuracy and understanding.
4. Minutes should be written within two days after the meeting, preferably within 24 hours, to assist memory retention and improve accuracy.
5. When applicable, emphasize (highlight, underline, or capitalize) topical headings to help the reader focus on specific areas.
6. Attach the agenda for the next meeting, if available, or list items that will be on the agenda that need special thought in preparation for the meeting.
7. Go over the minutes with the chairperson to insure accuracy.
8. Distribute the minutes to all board or committee members as appropriate a week or two before the next meeting.



Rules of Order: Short and Sweet

A time-tested way to control meetings is with rules of order. The United States Congress adopted Robert's Rules of Order in 1876 to help guide its deliberations and they have been widely adopted, at least in concept, by many organizations.

Principles of the rules of order are:

- The majority rules,
- The minority has a right to be heard,
- Everyone is entitled to an opinion, and
- Only one subject is addressed at a time.

The purpose of having rules is to assure orderly conduct of business, protection of the rights of members, solid foundation for resolving questions of procedure, and decorum in debate.

The fundamentals of Robert's Rules of Order are:

- The chairperson presides,
- There is a fixed agenda,
- Members speak only when given the floor by the chairperson,
- Discussion is permitted only after a motion has been made and seconded,
- Decisions are made by majority vote (unless otherwise specified in the documents), and
- Rules of debate are obeyed.

The success of a meeting is proportional to the effectiveness of the chairperson in applying these rules to manage the discussion and achieving the meeting objective. It takes a forceful and sometimes aggressive leader – and the cooperation of the other board members to achieve a well organized, effective and well executed meeting.

The Board Building Cycle

It is a scenario repeated all too often. Annual elections are coming up, the board hastily forms a nominating committee, and members scramble to find willing candidates to fill the open positions, often choosing less-than-ideal replacements in the interest of time.

But the job of building the board is more than just filling slots. It is about being strategic in the way a board looks at its composition and operations.

Rapid changes in the nonprofit sector have required that organizations take a closer look at not only how the business of the organization is conducted, but how decisions are made and by whom. The most effective boards - those whose members are deeply committed to the organization's mission, who bring expertise in key areas, and who represent diverse points of view - evolve over time through careful planning.

The departure of a key board member does not catch these boards off-guard because the process of identifying and cultivating potential candidates is ongoing. Traditionally, the committee that fills this role has been called a "nominating committee" and its charge has been limited to replacing departing board members. This article uses the term "governance committee" instead, broadening the group's scope and expanding its importance. This committee tackles one of the principal responsibilities of the board: to ensure that the board continuously works to be as effective as it can be.

The governance committee is more proactive than the traditional nominating committee. That may mean recommending, due to a strategic shift in the organization, that a new board member with special expertise be brought on to the board. It could also mean asking another person to step down to make way for someone with different skill sets more appropriate to the growing, changing organization. It may mean taking notice of board malaise (waning attendance or declining discussions) and taking corrective action. Such action could include making a few phone calls, calling for an executive session, or conducting a board self-assessment.

The governance committee's work is vital to the health of the board and organization's work will bring results and that the organization uses time and time again.

The board building cycle:

Step 1: Identify the needs of the board: the skills, knowledge, perspectives, connections, etc., needed to implement the strategic plan. What do you have? What is missing? Identify sources of board members with the desired characteristics.

Step 2: Cultivate potential board members. Ask current board members, senior staff, and others to suggest potential candidates. Find ways to connect with those candidates, get them interested in your organization, and keep them informed of your progress.

Step 3: Recruit prospects. Describe why a prospective member is wanted and needed. Explain expectations and responsibilities of board members, and don't minimize requirements. Invite questions, elicit their interest, and find out if they would be prepared to serve.

Step 4: Orient new board members both to the organization - explaining the history, programs, pressing issues, finances, facilities, bylaws, and organizational chart - and to the board -describing committees, board member responsibilities, and lists of board members and key staff members.

Step 5: Engage all board members. Discover their interests and availability. Involve them in committees or task forces. Assign them a board "buddy." Solicit feedback. Hold everyone accountable. Express appreciation for work well done.

Step 6: Educate the board. Provide information concerning your mission area. Promote exploration of issues facing the organization. Hold retreats and encourage board development activities by sending board members to seminars and workshops. Don't hide difficulties.

Step 7: Rotate board members. Establish term limits. Do not automatically reelect for an additional term; consider the board's needs and the board member's performance. Explore advisability of resigning with members who are not active. Develop new leadership.

Step 8: Evaluate the board as a whole, as well as individual board members. Examine how the board and chief executive work as a team. Engage the board in assessing its own performance. Identify ways in which to improve. Encourage individual self-assessment.

Step 9: Celebrate! Recognize victories and progress, no matter how small. Appreciate individual contributions to the board, the organization, and the community. Make room for humor and a good laugh.

From The Board Building Cycle published by the National Center for Nonprofit Boards (NCNB), 1828 L Street, NW, Suite 900, Washington, DC. 20036-5104.

Prevention Council Roles and Responsibilities

Chair Job Description

The following description was adapted from materials from BoardSource. This position can be called “Chair” or “President,” as the Board sees fit.

In addition to the responsibilities outlined in the Board Member job description, this position:

1. Is a member of the Board
2. Serves as the Chief Volunteer of the organization
3. Is a partner with the paid coordinator (if the Council has one) in achieving the organization's mission.
4. Provides leadership to the Board of Directors, who sets policy and to whom the Chief Executive is accountable.
5. Chairs meetings of the Board.
6. Encourages Board's role in strategic planning.
7. Appoints the chairpersons of committees, in consultation with other Board members.
8. Serves ex officio as a member of committees and attends their meetings when invited.
9. Discusses issues confronting the organization with the paid coordinator (if the Council has one).
10. Helps guide and mediate Board actions with respect to organizational priorities and governance concerns.
11. Reviews with the paid coordinator (if the Council has one) any issues of concern to the Board.
12. Monitors financial planning and financial reports.
13. Plays a leading role in fundraising activities.
14. Leads evaluation of the performance of the paid coordinator (if the Council has one) and informally evaluates the effectiveness of the Board members.
15. Evaluates annually the performance of the organization in achieving its mission.
16. Performs other responsibilities assigned by the Board.

Prevention Council Vice Chair Job Description

The following description was adapted from materials from BoardSource. This position can be called “Vice Chair” or “Vice President,” as the Board sees fit.

This position is typically the successor to the Chair position. In addition to the responsibilities outlined in the Board Member job description, this position:

1. Is a member of the Board
2. Performs Chair responsibilities when the Chair cannot be available (see Chair Job Description)
3. Reports to the Board's Chair
4. Works closely with the Chair and other staff
5. Participates closely with the Chair to develop and implement officer transition plans.
6. Performs other responsibilities as assigned by the Board.

Prevention Council Committee Chair Job Description

The following description was adapted from materials from BoardSource.

In addition to the responsibilities outlined in the Board Member job description, this position:

1. Is a member of the Board
2. Sets tone for the committee work.
3. Ensures that members have the information needed to do their jobs.
4. Oversees the logistics of committee's operations.
5. Reports to the Board's Chair.
6. Reports to the full Board on committee's decisions/recommendations.
7. Works closely with the paid coordinator (if the Council has one) and other staff as agreed to by the coordinator.
8. Assigns work to the committee members, sets the agenda and runs the meetings, and ensures distribution of meeting minutes.
9. Initiates and leads the committee's annual evaluation.

Prevention Council Board Member Job Description

The following description was adapted from materials from BoardSource.

1. Regularly attends board meetings and important related meetings.
2. Makes serious commitment to participate actively in committee work.
3. Volunteers for and willingly accepts assignments and completes them thoroughly and on time.
4. Stays informed about committee matters, prepares themselves well for meetings, and reviews and comments on minutes and reports.
5. Gets to know other committee members and builds a collegial working relationship that contributes to consensus.
6. Is an active participant in the committee's annual evaluation and planning efforts.
7. Participates in fund raising for the organization.

Prevention Council Board Secretary Job Description

The following description was adapted from materials from the National Center for Nonprofit Boards.

In addition to the responsibilities outlined in the Board Member job description, this position:

1. Is a member of the Board
2. Maintains records of the board and ensures effective management of organization's records
3. Keeps accurate minutes of board meetings.
4. Ensures minutes are distributed to members shortly after each meeting
5. Is sufficiently familiar with legal documents (articles, by-laws, IRS letters, etc.) to note applicability during meetings

Prevention Council Board Treasurer Job Description

The following description was adapted from materials from the National Center for Nonprofit Boards.

In addition to the responsibilities outlined in the Board Member job description, this position:

1. Is a member of the Board.
2. Manages finances of the organization.
3. Administers fiscal matters of the organization.
4. Ensures that the organization has a written policy for handling funds, including but not limited to: check signing, use of funds, and prompt acknowledgment of donations.
5. Takes the lead on creating annual budget to the board for members' approval.
6. Ensures development and board review of financial policies and procedures

The Business of Prevention Councils

Some Prevention Council members have asked, “Why should we be so formal in how we conduct business? We all know one another, and isn’t it just easier to get together and get things done?”

That is a fair question. It’s true—it is nice to be able to come together and get things done. And it works when everyone is already in agreement. But what happens when there is disagreement about how to proceed? What should you do when people have different ideas about what things are most important?

The first thing to remember is that a Prevention Council is a business. As a business, it makes sense to be clear about the “whys and hows” of meeting goals.

Here are some basics for making sure your Council conducts business in a clear fashion:

1. **Know your mission** and be able to describe it to anyone in under thirty seconds. Be sure every Council member can do this.
2. **Keep your bylaws up to date and follow them.** Review them once a year and ask yourselves, “Do these bylaws reflect how we actually conduct business?” If the answer is “no,” it’s time to determine whether you need to change your procedures to fit the bylaws or whether you need to revise your bylaws.
3. **Keep accurate meeting minutes** and make sure all Council members receive copies. Minutes are the legal record of decisions and actions of the Council. Don’t assume anyone will remember what you decided at a meeting six months ago!
Write it down.
4. **Keep accurate financial records.** This includes donations received, expenses paid, and monthly financial statements.

5. **Have at least two signers on your bank account.** If your Treasurer departs suddenly, it's best if someone else on the Council can access your bank account.
6. **If you can't afford a full audit, at least have someone review your financial records once a year.** Often CPAs will do this at a low cost or as a donation of services. Having a system of checks and balances makes it less likely that funds will go missing.
7. **Vote in new members.** Whenever a new person joins your Board, vote him/her in and note the vote in the minutes. Sure, this seems silly when you're in a small group. But if a Board member becomes troublesome, it's difficult to vote for the person off the Board if you never voted him on in the first place.
8. **Provide an orientation meeting for new Board members.** Just because someone expresses interest in preventing child abuse doesn't mean they understand how your Council addresses the issue. Be clear from the start.
9. **Have a Strategic Plan and follow it.** There are thousands of creative ways to live out the mission of primary prevention. Decide together what your Council wants to do and determine the specifics: what you will do; why it makes sense; when you will do it; what success will look like; and who will do it.

MANAGING RISK
YOUTH PROGRAMMING AND VOLUNTEERS

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**Prevent Child Abuse Indiana
Breaking the Cycle XXIX Conference
May 7th and 8th, 2007**

INTRODUCTION

Many organizations, whether for-profit or not-for-profit that work to prevent child abuse are dependent on the involvement of substantial numbers of volunteers to achieve the Organization's mission. This is particularly true for not-for-profit organizations. Indeed, the very essence of most not-for-profit organizations is the active participation of volunteers. The volunteers participate in the Organization at all levels, from Board membership to program management to operations. Because of the roles played by volunteers in not-for-profit organizations, they have the ability to create substantial legal liability. Every not-for-profit organization needs to have in place a program to manage the liability issues.

Many not-for-profit organizations are increasingly involving youth in new and broader roles in the Organization. Some Organizations are including youth as Board members, others are setting up programs in which youth play an active, and sometimes predominant, role in determining the nature, direction, and implementation of the program. Youth as managers and decision-makers create unique legal liability issues for an Organization. The interaction of adult employees and volunteers, and youth with youth, also creates liability issues. Every not-for-profit organization should have in place a program to manage these risks. Many not-for-profit organizations continue to operate under the belief that because not-for-profits are charitable, they are not subject to the same liability as for-profit organizations. This perception of "charitable immunity" does not exist in today's legal environment.

Nothing in these materials should be taken as discouraging the use of volunteers or limiting the role of youth in a not-for-profit Organization. Indeed, both youth and volunteers are vital to many Organizations. It is simply necessary that the Organization be aware of potential risks and take preventative steps to address them.

The information in these materials is equally applicable to any type of for profit or not-for-profit Organization, be it a school, community foundation, sports club, church, or other entity.

GENERAL LIABILITY

To understand the potential liability a not-for-profit Organization risks because of the conduct of volunteers or youth leaders participating in the Organization's programs, it is first necessary to look at the liability an Organization faces for its employees. The law involving liability for volunteers and youth leaders has developed from the law concerning employee liability.

An Organization, Whether For-Profit or Not-For-Profit, is Responsible for the Acts of Its Officers, Managers, and Employees.

Managers or officers who engage in employment discrimination, harassing conduct, financial improprieties, or negligently cause injury to co-workers or third parties while acting within the scope of their duties create liability for their employer. In the case of employment law, an employer is liable for lost pay and benefits, and compensatory damages, to employees who are unlawfully discriminated against by a manager or officer. Similarly, an employer is liable for workplace harassment directed at employees by their co-workers or anyone else with whom the employee comes in contact as a result of his/her job. In the case of physical injuries to co-workers or third parties, an employer is liable where an employee injures another (co-worker or non-employee) and the employee was engaged in the employer's business at the time of the injury.

The Types of Conduct for Which an Employer may be Liable Include Negligent Acts, Intentional Acts, and Unintentional Acts.

In most cases, it is not the state of mind or intent of the employee who commits the wrong that creates liability, the issue is solely whether damage or injury occurred because of the employee's conduct.

Negligent Acts. An individual, or Organization, is negligent when they fail to exercise a "reasonable degree of care" in performing his/her work or conducting its business. Examples of these types of acts include:

- assigning someone who has a known drinking problem to drive a vehicle or operate equipment is negligent;
- assigning someone with a known physical abuse or sexual abuse history to deal with the types of persons whom the individual has abused in the past (i.e., females or children) is negligent; and
- not taking necessary affirmative steps to avoid injury or harm to others is also negligence. For example, failing to conduct an adequate background investigation as to a prospective employee, or an employee who is to be assigned to work with youth or engage in other activities that could create risk, is negligent. The courts reason that "surely a responsible Organization would not hire an employee to work with youth without carefully checking the individual's background and suitability for the assignment."

Intentional Acts. An individual's purposeful act that could foreseeably cause injury or harm to another creates liability. Again, the standard is what a reasonable person would expect as the result of his/her actions. Examples of these types of acts include:

- an individual engaging in harassing conduct of another could reasonably expect to cause emotional injury to that person, or force them to leave their employment to avoid the harassing situation;
- an individual driving after using drugs or drinking could reasonably expect to have impaired his/her reaction time and ability to drive safely; and
- an individual taking money from an Organization is engaged in an intentional act. Organizations have liability when any of their employees or officers engage in this type of conduct.

Unintentional Acts. Many times injury or harm is caused when no one was negligent and there was certainly no intent of loss. However, if the conduct or action is such that an injury or harm was caused by the action, and was not an "Act of God," then the Organization will have liability. Examples of these types of conduct include:

- an employee driving to an assignment is in an automobile accident, injuring a third party. The employee was a safe and sober driver. There was no reason to foresee the accident. The Organization still has liability. The Act of God exception applies where an event occurs that is completely unpredictable. For example, an employee is standing at the door of the Organization's office, at the top of a flight of stairs. The individual has a heart attack, falling down the stairs and injuring someone who is also on the stairs. There is likely no liability in this situation for the injury to the third party because of the unique circumstance. However, the employer would have worker's compensation liability for the individual who had the heart attack.

Examples of Conduct by Officers and Employees for Which Organizations are Liable.

Financial Misconduct. When an individual steals money from an Organization causing harm to a third party, the Organization is liable for that loss. Needless to say the Organization suffers its own loss if the money is stolen from it. However, where the money is taken from a third party, the Organization is answerable for the employee's conduct.

Automobile Accident. In many cases, employees drive a vehicle as part of their job. The individual may travel from one job site to another, or one program to another, or transport co-workers or program participants to and from the activities of an Organization. If the individual is in an automobile accident in the course of his/her employment, all injured persons, including those in the employee's car and those struck by the employee, have a cause of action against the employer. The employee is acting on behalf of the employer at the time of the injury. In most cases, an employer is not liable for injuries caused by an employee on his/her way to and from work (beginning and end of day), as that time is not on the employer's behalf. It is the time spent during the workday, or transporting others to an Organization's activity, that creates liability.

Assault and Battery. A battery is defined as the aggressive and intentional touching of another person. An assault is defined as placing another person in fear of harm by belligerent conduct. Individuals who are injured as a result of an assault or battery may bring a claim for damages against the employer of the individual engaged in the conduct, if it occurs in the course of employment. As an example, if an employee strikes a visitor on the employer's premises, or a participant in an Organization's program, this is a battery, and the Organization is liable. This is true even though the employee was obviously not hired to engage in this type of conduct, and it was unforeseen. The employee may have criminal liability for his/her conduct, but that would not relieve the employer of its civil or financial liability. As another example, an adult striking a child who is participating in an Organization's activities creates liability, even though the child may, in fact, sustain no real injury.

Sexual and Other Types of Harassment. Harassing conduct based on sex, race, national origin, religion, disability or age is prohibited by both federal and state law. Managers or employees who engage in conduct that is considered sufficiently harassing create liability for their employing Organization. If the conduct is the very occasional telling of a sex or race joke, that is not likely to create liability. However, repeated conduct of that type is actionable. Certainly, single instances of harassing conduct, if sufficiently severe (i.e., a sexual touching or gross racial or ethnic comments that could be considered threatening), will create liability.

Hazing. Some Organizations and activities have developed an "initiation" ritual to which new members or participants are subjected. This may range from the type of activities seen by a college fraternity directed at its pledges, to the more mundane of new employees being required to endure insults. This type of activity is frequently seen in youth-based programs. Examples include a swim team's shaving of new members' heads, "horseplay" conduct directed at new members (i.e., locker room type activities), or requiring new members to eat raw meat, etc. Where such conduct occurs, the Organization is liable for any injury/or emotional distress caused by it.

Volunteers/Youth Leaders are Considered "Employees" for Purposes of Liability.

The courts in Indiana have frequently considered the issue of an Organization's liability for the actions of its volunteers and youth leaders. The courts have held that the same standard of liability exists as if the individual were a paid employee. Thus, if an Organization would be liable for the action had it been engaged in by an employee (i.e., automobile accident, sexual harassment, hazing) and the conduct is engaged in by a volunteer or a young person who is placed in a leadership role, the liability is the same. Since an Organization will be held to the same standards for the conduct of volunteers and youth leaders that it is for its own employees, the Organization must take the same degree of precautions in selecting, retaining, training, and directing the activities of its volunteers and youth leaders that it does its employees.

VOLUNTEER LIABILITY

Automobile Accidents.

Indiana courts have considered the liability of not-for-profit Organizations for automobile accidents caused by volunteers in the service of the Organization. In one case, an adult volunteer was delivering food to shut-ins on behalf of his Sunday School class. While driving from the church, where the food had been gathered, to the shut-ins home, the volunteer struck a motorcycle and injured the driver. The court imposed liability on the church even though there had been no negligence in selecting the volunteer, or in the volunteer's own conduct. The court reasoned the volunteer was the same as an "employee," he had caused injury to a third party while on his "employer's" business (delivering food) and, therefore, the church had liability. Similarly, volunteers (adults or youth) driving program participants to an Organization-sponsored activity and involved in an accident that injures the passengers en route creates liability. The liability exists even though the volunteer may have been carefully selected, and was acting in a reasonable way. (However, as discussed below, there is increased liability if the volunteer were not carefully selected.)

Sexual Conduct.

The involvement of youth in an Organization's activities or programs may bring that youth in contact with someone who engages in sexual misconduct directed at the youth. In one Indiana case, an individual was the coach of a Little League team and used his position to engage in sexual misconduct with team members at sporting events. The not-for-profit Little League Organization was held liable for the coach's conduct. The coach was an unpaid volunteer.

Harassing Conduct.

Volunteers, donors, and others who are not employees but are involved in an Organization's operations or activities and engage in harassing conduct directed at employees, volunteers, or other participants have been held by the courts to create liability for the Organization. There are cases where volunteers sexually harassed an Organization's employees, and made derogatory racial, sexual, and religious comments to employees, participants, and volunteers, and the Organization was held liable for those comments and conduct.

Negligent Selection of Volunteers.

Indiana courts recognized several years ago a cause of action known as "negligent hire/retention." This involves an employer not adequately investigating the background of an applicant before hiring the individual. Because of the negligence in conducting the background check, an individual with a criminal or sexual record is hired, the record could have been found if an adequate background investigation were conducted, and, after hire, the individual engages in the same type of misconduct for which he/she has a record. Courts have reasoned the employer was negligent and, therefore, had greater liability because it put the person in a position where he/she could engage in that conduct again. In one Indiana case, an Organization allowed an individual to volunteer as a youth program leader, where that individual had a prior record for sexual misconduct with youth. The individual repeated this conduct with the youth participants in the program, parents sued, and the court found the not-for-profit Organization was negligent in its volunteer selection process because it did not do a criminal background check. The court stated that any Organization would surely conduct a background check of a volunteer before they placed him/her in direct contact with youth. The court also found the Organization was negligent because it did not adequately supervise the volunteer.

YOUTH LIABILITY

Injury to Youth Participants.

An Organization must exercise due care in making certain that any program in which youth participate is structured and monitored such that risk of injury to the youth is minimized. There are many Indiana court cases involving not-for-profit organizations in which youth participants were injured (physically or emotionally) during the course of their participation, and the court imposed liability because of lack of adult supervision. In one case, teenage youth leaders were conducting sports programs for younger persons and one of the younger persons was injured when a fellow participant struck him with a baseball bat. The court imposed liability, finding that there was inadequate adult supervision because the individual running the program was 15 years old. The court stated it was reasonable to anticipate that young children will strike each other with baseball bats during a sporting activity and leaving a 15-year-old in charge of the program without on-site adult supervision was negligent. Indiana courts have also imposed liability on a not-for-profit Organization where youth participants in activities injured one another though the participants were all peers. The lesson is that minors (those less than 18 years of age) should not be left in charge of an Organization's activities, either of their peers or of younger persons, without on-site active adult supervision. Further, youth leaders should receive training in safety before being allowed to run a youth program.

Youth Hazing Activities.

It is not uncommon to see media stories about "hazing" activities or "initiation rituals" conducted by youths on new members in their Organizations. For example, in Illinois, a school was found liable for acts by female upper classman against new members in a "Powder Puff" football game. In Elkhart, youth on a swim club shaved the heads of new members, one of the individuals was cut during the shaving, and liability was imposed on the sponsoring not-for-

profit Organization. It was shown the "shaving" ritual was well known to the adult leaders, and no action had been taken to stop it. It is virtually commonplace for youth on school sports teams, club sports teams, and band members to "initiate" new members by various types of "locker room conduct," both on the field, in the locker room, and at summer camps. Without hesitation, courts are imposing liability on the sponsoring Organizations on the theory the adult leaders knew of the "initiation" rituals and did nothing to stop them. The lesson is team activities and youth group outings must be closely monitored by adults and absolutely no initiation ritual conduct permitted.

Youth Sexual Conduct.

Because of the high hormone level, and prevailing community standards concerning youth sexual activity, it is not at all uncommon for youth to engage in extreme examples of public displays of affection, making of sexual comments, or general sexual banter. The types of conduct that 15 to 17 year old's (without regard to gender) consider appropriate is often impermissible sexual harassment. Organizations involving youth volunteers and youth leaders must take extra precautions to make certain these individuals are not engaging in any sexual conduct at Organization-sponsored activities. Moreover, the Organizations must make certain the youth are trained as to what is, and is not, appropriate conduct. The lesson is that youth must be trained to leave their amorous and sexual behaviors at home.

Youth Decision-Makers.

In some Organizations, youth are being placed on the Boards of Directors. In other Organizations, Youth Boards are being created on which the youth make decisions concerning financial issues. Under Indiana law, "contracts" entered into by someone under the age of 18 are voidable. The term "voidable" means that any party may reject the transaction because of the youth's participation. The action is not illegal, it simply may be cancelled by either party,

at-will. A "contract" may be as simple as purchasing items or agreeing to purchase items. No formal document is necessary. As an example, a youth group of a community foundation agrees to spend \$300.00 renting a meeting hall and buying food for a dinner. Adults are present at the time the motion is made and passed, and adults are even present when the youth visit the meeting hall manager to make the rental arrangements. The "contract" is still voidable, since it is based on youth actions. For the contract to be valid, it must be signed or entered into by an adult. There is also risk in situations where youth act as voting members of a Board of Directors that also includes adults, the youth votes are the "tie breakers" in making a decision for the Organization to take certain action or enter into a certain contract, and the action or contract is voidable because the youth, in essence, made the decision. This is true even though the contract or transaction is actually signed by Board officers, all of whom are adults. The decision was made with active youth participation, and the youth votes were key to the action passing.

Another issue involving youth as "decision-makers" is their inherent lack of experience with business and financial matters. Allowing 16 or 17 year old's to make decisions concerning substantial amounts of money, particularly money entrusted to a not-for-profit Organization, may create liability because the Organization has not followed the "prudent person" rule. The question must be asked whether it is "prudent" to allow mid-teenagers to spend several hundred or several thousand dollars of money entrusted by donors to a not-for-profit Organization. The lesson is that all decisions concerning contracting or financial matters by a Youth Board must subsequently be approved by an adult in order to be enforceable. Similarly, youth votes on an adult Board should not be allowed to break ties or result in an Organization taking action or not taking action.

Acts that are Illegal for Youth.

Federal and state law prohibit youth from engaging in certain types of actions. For example, individuals under the age of 18 cannot operate power-driven equipment (lawn mowers excluded). Power-driven equipment includes such things as meat slicers, food fryers, ice machines, forklifts, etc. In one instance, a youth at a summer camp was instructed by an adult to attempt to service the ice machine that was jammed. The youth was injured. The court found that since the ice machine was a piece of powered equipment, it was negligent and, automatically illegal, to assign a youth to operate it and the Organization had liability for the injury caused. Driving a car is powered equipment. Just as a commercial enterprise cannot employ someone under 18 to drive a vehicle for its business, a not-for-profit Organization should not allow youth to drive vehicles for the Organization's purpose. This does not include driving back and forth to Organization functions by the youth, but would involve the Organization sponsoring car pools in which the youth drive one another to activities. The lesson is minors should not be assigned any tasks that are prohibited to them by law.

Youth as Agents of a Board

Under Indiana law, each member of an Organization's Board of Directors is an agent. This means that actions by the Board members, within the scope of their membership, are imputable to the Organization, and it is liable for those actions. It also means that third parties can deal with the individual as a Board member, and reasonably consider the Board bound by such actions. The lesson is an Organization should place youth Board members in a different category than adult Board members.

NECESSARY STEPS TO MINIMIZE RISKS¹

¹ Please note that the suggestions in this Section apply to individuals volunteering or serving as youth leaders with an Organization, and not individuals who are merely participating in a program.

Board Member/Volunteer/Youth Leader Application Forms.

Just as an Organization has an employee job application form, so should the Organization have a similar form for volunteers (including Board members) and youth leader participants. A sample form is included with these materials. The form should seek information about the individual's employment record, school record, criminal record, and references. The purpose is to identify situations in which the individual may have engaged in misconduct that would disqualify him/her from service. Obtaining the application form is just the first step. There must be a thorough background check based on the information provided on the form. Employers should be contacted, schools checked, and personal references sought. An individual who cannot provide this kind of background information should not be allowed to serve as a youth leader or volunteer. It is negligent to allow someone to act as a youth leader or volunteer without investigating their background.

Police Record Checks.

Not-for-profit Organizations have the right to obtain police records on volunteers from the Indiana State Police or County Sheriff. The information can be obtained in one of two ways. First, the Organization can require the volunteer to get his/her own police record and provide it as part of the application process. This may save time and the small application fee. Second, the Organization may contact the County Sheriff and State Police, complete the required forms, pay the fee, and get the background report directly. This is the preferable method, because it prevents the applicant from forging a record. It is important to get both the County Sheriff and State Police records, because the information on each report is not always complete. If the individual has a conviction record, and the nature of the conviction calls into question the person's character as it relates to the not-for-profit Organization's activities, then

the individual should be rejected. **CAUTION:** It is unlawful race discrimination to disqualify a minority from serving as a volunteer based solely on an arrest record. Instead, the facts concerning the arrest need to be investigated with the County Prosecutor and an independent determination made as to whether the individual engaged in the misconduct. The individual may then be barred based on the facts of his/her conduct, not the arrest itself.

In the case of youth, police records are confidential and will not be released. As a result, thorough checks through the school and individual references are necessary concerning youth leaders. It is generally common knowledge among youth as to whether their peers have a criminal, drinking or drug record. An Organization should not hesitate to ask youth leaders if they have any knowledge of misconduct by their peers. This is not an invasion of privacy if the individual is seeking a youth leader position.

Contacting personal references is also important, both for volunteers and youth leaders. This should include ministers, teachers, and other responsible adults. Unavoidably, individuals will give their "friends" as personal references. But that check is better than none. The issue on background checks of both references and criminal records is that failure to do such a check is considered negligence and allowing a volunteer or youth leader to participate in a program without conducting that check creates liability for negligent selection or retention.

References from School Officials.

For many reasons, including restrictions under federal law on schools releasing information about students, school officials may be reluctant to provide information about a youth. However, youth leaders should be required to obtain written references from teachers or other school officials before being allowed to participate. If there are substantial negative factors involving the youth, the teacher is not likely to provide any information. It is unlikely the teacher would provide false information. Thus, the need for the process.

Youth Organization Decisions.

Because Indiana law provides that decisions by youth are "voidable," it is suggested that youth groups making decisions concerning spending money or retaining services should make those decisions in the form of a "recommendation" that is then forwarded to the adult sponsoring Board for approval. Thus, a Community Foundation's youth group that decides to spend \$300.00 on a program, should make that in the form of a recommendation to the Community Foundation Board, that then makes the decision based on the recommendation and actually enters into the contractual relationship. The Community Foundation Board could delegate approval authority to Board officers or to two or three of its Board members who are the liaisons to the youth group. The important point is that the youth group not make the final decision. Youth serving on adult Boards should not be allowed to vote. To do so runs the risk that the decision is subject to challenge as "voidable." The same is the likely result in counting youth as part of a Board's quorum. If the Board only has a quorum because of a youth member's presence, any action taken by the Board at that meeting may be voidable. The youth should not be counted as part of the quorum.

Separate Youth Entity.

Some writers in the area of youth liability have suggested that Organizations with substantial assets may want to consider creating completely separate not-for-profit Organizations of which the youth leaders are then the Board members or leaders. The entity would have to have adults involved in its operation for purposes of reasonable supervision of the youth. But the entity would have very limited assets. Thus, if a suit were brought against the entity because of the conduct of the youth, the assets that could be the subject of the suit are limited.

Orientation of Volunteers and Youth Leaders.

There must be a detailed orientation process for youth leaders and volunteers. This should include informing youth leaders and volunteers as to the Organization's mission and their role in it. In the case of youth leaders, it is also advisable to conduct parental orientation so that the parents understand their child's role and responsibilities. Parents should be introduced to Board members, so they have a contact point to address concerns. Some writers have suggested that there be a "Letter of Agreement" between an Organization and its youth leaders. The Letter spelling out what the Organization intends to provide to the youth leaders, and what is expected of the youth leaders.

Training of Volunteers and Youth Leaders.

Because volunteers and youth leaders stand the same as employees as it relates to creating liability for a not-for-profit Organization, they should be provided the same training that an Organization provides its officers and employees concerning legal issues. Indeed, because volunteers and youth may not think of themselves as "employees" and, therefore, not consider their actions as creating liability, it is arguably even more important that they be trained. The issues on which they should be trained include the Organization's policies prohibiting harassment and hazing. The youth leaders and volunteers should also be made aware that their conduct in general may create liability for the Organization and, therefore, the need to conduct themselves responsibly at all times. Indiana courts have held that not-for-profit Organizations should take "reasonable steps" to minimize loss because of the actions of volunteers and youth leaders, and training is one component in those reasonable steps. It is imperative that any training be documented, both as to the attendees (a sign-in roster) and the information covered. The training should be conducted by someone who is himself/herself adequately trained concerning the issues covered.

Supervision of Volunteers and Youth Leaders.

The activities of volunteers in providing service to the Organization should be monitored. An officer or employee of the Organization should periodically meet with each volunteer to discuss what they are doing, problems encountered, and the Organization's expectation. These meetings should be documented showing both the positive actions of the volunteer and the steps needed to improve on a going-forward basis. A court is likely to find that an Organization is negligent if it does not monitor and direct the activity of volunteers in the same way that it "supervises" the activities of employees. In the case of youth leaders, and youth Organizations, on-site, active adult supervision is always necessary. Youth groups should not be allowed to meet or conduct a program without adult leaders present and actively monitoring the youth activities. As an example, a not-for-profit Organization that sponsors a sports league should not allow the youth to practice before a game, unless an adult leader is present at the practice. Youth should not hold a meeting of their Organization without adult supervision present.

Structural Changes.

By-Laws and Articles of Incorporation. Any Organization that is considering placing youth on its Board should carefully examine its Articles of Incorporation and By-Laws to see if this is permissible. Either the Articles of Incorporation or By-Laws may state that Board membership is limited to "adults." If necessary, the Articles of Incorporation or By-Laws may be amended to allow for youth participation as Board members. If that is done, the By-Laws or Articles of Incorporation should make clear the limited role of the youth so as to protect the Organization from liability. For example, the youth could be limited to "non-voting" Board positions.

Conflict of Interest Policy. The Organization should have a conflict of interest policy. The policy should be reviewed with youth leaders who are sitting on Boards, in the same way it is reviewed with all Board members or employees.

Position Descriptions. There should be written position descriptions for volunteers and youth leaders. The description should include details as to the role of the volunteers and youth leaders. The description should also

include limitations as to the youth leaders and volunteers' authority and responsibility.

Informed Board. There should be open and thorough discussion with the Organization's Board as to the potential risks of allowing youth leader participation. It is important to emphasize this is not meant to limit or discourage the role of youth, but, rather, for the Board to make an informed decision. The Organization's minutes should reflect the discussion and decision.

Drivers Licenses and Insurance of Volunteers.

If volunteers drive on behalf of an Organization, either to deliver the Organization's services or transport others, the Organization should conduct an adequate investigation to make certain the individual has a driver's license and State law required insurance. (This does not apply to individuals driving to and from Organizational activities unless they are transporting others or delivering something to be used in the activity.) Each volunteer should be required to provide a photocopy of his/her driver's license and automobile insurance card. This shows the individual has either a restricted or unrestricted license, and adequate insurance. The Organization should retain copies of these records. The Organization should monitor expiration dates to make certain both the insurance and driver's license are kept current. There is no reason to keep this type of record for youth leaders, because they should not be driving on behalf of the Organization.

Off-Site Programs.

Many not-for-profit Organizations hold programs away from their office, such as at sporting sites, meeting rooms, or restaurants. Services by vendors may be provided at those sites, such as food service. The Organization has an obligation to investigate the host site to make certain it is safe and does not have any apparent hazards. For example, allowing an Organization-sponsored basketball event to occur at a gym where the bleachers are in ill repair could create liability for the Organization. Food poisoning because a vendor is not properly

licensed, or prepares food in unsanitary conditions, creates liability. The Organization needs to check out both venues and vendors before contracting for services.

Insurance.

Insurance is available for almost every kind of liability. A not-for-profit Organization can purchase insurance to protect itself from misconduct by employees, volunteers, and youth leaders. Such insurance should be purchased. Liability should be **at least \$1,000,000.00**. The insurance policy should be carefully reviewed by either legal or insurance professionals to make certain all risks concerning youth and volunteers are covered. Some insurance covers only actions by employees. That is not sufficiently broad. Similarly, the insurance should be checked to make certain it covers programs sponsored by the Organization, such as sporting tournaments and transportation to and from those events. It should be made certain that the coverage includes not only injury to the volunteers and youth leaders, but to third parties who are either participating in the programs, or merely happen to be present at the event. As important as insurance coverage is for not-for-profit Organizations, it should not be thought of as a substitute for an effective risk-management program.

Risk Management Planning.

All not-for-profit Organizations should have an established risk management plan. An Organization should designate a few individuals within the Organization to identify, evaluate and manage the risks mentioned above. These individuals should include not only Board Members, but the Executive Director, and, if applicable, select employees from the organization.

CONCLUSION

Volunteers are an essential part of any not-for-profit Organization. Unfortunately, as with any business, there are risks involved. As such, the volunteers and these participants can

create liability for an Organization. The best way to minimize the risks associated with volunteers and avoid liability is to take preventative measures so that if the Organization is ever questioned or even sued, the Organization can show that it took reasonable steps to prevent any harm. By developing a risk management plan and instituting some of the preventative steps listed in these materials, an Organization has a better chance of minimizing liability that can result from its volunteers' activity.