

SCHMITT SCHNECK

CASEY EVEN & WILLIAMS, P.C.

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Campus Preservation Planning™ **Legal Risk Evaluation Tool**

To help you more clearly understand your current risk profile, rate your reactions to these questions. Decide where you lie on the scale of from 0 to 5. Then add up your total from each column and see the preliminary score analysis at the bottom. For other free resources, go to churchandministrylaw.com.

Questions	Doesn't Apply 0 points	Yes 0 points	Sometimes Maybe? 1 point	Don't Know 3 points	No 5 points
1. Managing the Risk of Personal Injury					
a) We require our youth leaders to use vehicle safety checklists for all sponsored trips in ministry owned vehicles.					
b) We require all volunteers and staff to use vehicle safety checklists for all sponsored trips with privately owned vehicles.					
c) We have a sworn affidavit from each driver on a ministry sponsored trip affirming no recent arrests or convictions for traffic violations or substance abuse incidents.					
d) Our youth leaders are trained in first aid.					
e) We prohibit volunteer staff from using ladders on the Church campus					
f) We have no foreign mission trips.					
g) We use a professional trip planner for our foreign mission trips and we have a special endorsement on our liability insurance policy for mission trips.					
Total This Section: (0 to 35 points): _____					

SCHMITT SCHNECK

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2. Insurance & Risk Management					
a) We own more than one parcel of real estate in the same corporation which operates our ministry or other ministry and which conducts foreign travel or mission activity.					
b) We have a comprehensive checklist which is used (and then retained for five years) to ensure that all appropriate documents are obtained and checked to confirm insurance coverage and travel arrangements for foreign mission travel.					
c) We have had our insurance policies reviewed by an independent consultant within the last 12 months.					
d) We have photocopies of the driver's license and current liability insurance policies for all drivers on all ministry trips.					
e) We have an annual risk management review calendar and checklist.					
f) We have conducted a risk management review in cooperation with our insurance company, auditor or legal counsel.					
g) Our liability insurance policy includes non-owned auto coverage.					
Total This Section: (0 to 35 points): _____					
3. Employment Practices					
a) We have a current employee manual which was prepared by a law firm or other human resources specialist.					
b) We have an independent committee of our board of directors which reviews salaries for our senior pastors and staff.					
c) We have a written policy regarding use of social media by our pastors, staff and employees.					

SCHMITT SCHNECK

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d) We have a written policy prohibiting use of cell phones and texting while driving ministry owned vehicles.					
e) Each employee has a written job description; regular written performance evaluation.					
Total This Section: (0 to 25 points): _____					
4. Protecting Our Children Against Predators					
a) We have a publicized policy and procedures for reporting suspicions of sexual abuse.					
b) We have a written policy to protect children from abuse.					
c) We permit volunteers or staff to work with minors only after they:					
i) have been associated with the ministry for at least six months,					
ii) have a clean background check, and					
iii) sign a written statement acknowledging their compliance with the "two person" rule.					
Total This Section: (0 to 25 points): _____					
5. Critical Incidents Response					
a) We have an established policy for responding to threats of violence and violence and have trained staff in these procedures.					
b) We have conducted on-site practice drills responding to violent incidents in cooperation with our local police department and fire department.					
c) We have armed security guards and a written policy governing this activity.					
Total This Section: (0 to 15): _____					

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6. Basic Corporate Documentation					
a) Our articles of incorporation and bylaws have been reviewed by independent counsel within the last 36 months.					
b) We have a corporate minute book with copies of minutes of all meetings of members and director's meetings.					
c) We have adopted written policies per IRS suggested policies for:					
i) Whistleblowers					
ii) Record Retention					
iii) Conflict of Interest					
iv) Facilities Use					
d) The Bylaws have a Statement of Belief with a clause regarding marriage and sexuality					
e) The Bylaws state that the Church's governing body is the sole authoritative interpreter of Scripture.					
Total This Section: (0 to 40): _____					
7. Board Governance					
a) We have a well-defined, written policy for selecting, recruiting, training, and retaining elders (i.e., directors of our corporation).					
b) We train new board members.					
c) We have regularly retained legal counsel and/or pro bono legal counsel in attendance at all board meetings.					
d) We have at least \$3 million liability limits in officers and directors liability insurance coverage which has been reviewed by an independent consultant to confirm that the policy contains:					
i) a contract non-rescission clause,					

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ii) a "no imputation between officers" clause,					
iii) No "oral claims" language					
iv) A clause which specifies monthly reimbursement of defense costs with preapproved legal counsel of your choice					
v) A clause which allows for a minimum of 60 day reporting, and					
vi) coverage for whistleblower claims.					
Total This Section: (0 to 45): _____					
8. Membership Issues					
a) We do not expel members.					
b) If we do conduct ministry discipline resulting in expulsion of members, our bylaws and membership application contain specific procedures and a consent form.					
c) We have reviewed our articles of incorporation and bylaws to confirm that these documents do not grant members the right to demand sensitive corporate information.					
d) While we do have "scriptural members", we do not have corporate "members" who qualify under our state's corporate code with legal standing to sue our Corporation in the state courts.					
Total This Section: (0 to 20 points): _____					
9. Handling Ministry Finances					
a) I have personally reviewed an annual audit of our ministry financial records by independent CPA.					
b) We have an independent committee of our Board of Directors which meets with our CPA and reviews the results of the audit.					

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c) In the last 12 months we reviewed our cash management, Accounts Receivable and Accounts Payable procedures with our CPA to reduce the risk of embezzlement.					
d) We have lost money due to embezzlement and have now changed our procedures to prevent a recurrence.					
Total This Section: (0 to 20): _____					
10) Miscellaneous					
a) The ministry has never been sued.					
b) We follow our bylaws to the letter.					
c) We have no youth ministry.					
d) We have trained our pastor's staff on the rules and regulations regarding copyright infringement.					
e) We have completed a Campus Preservation Planning© program to protect our campus against uninsured claims.					
Total This Section: (0 to 25): _____					
OVERALL TOTAL (0 to 285): _____					
<p>0 – 50: Your Ministry is a Miracle!</p> <p>51 – 100: Below Average Risk</p> <p>101 – 150: Average Risk</p> <p>151 – 200: Above Average Risk</p> <p>>200: Your Ministry will need a Miracle!</p>					

Note: This tool is a preliminary indicator only and may not be considered to be legal advice. If you are concerned about the score and would like to speak with an attorney about it, please feel free to call Bob Brown of the Church and Ministry Law Group at 602-740-1032 or by email at bob@ChurchLaw.us.