



Resolution of Conflicts

It is predictable that there will be certain conflicts that arise between employees of the Ministry with other employees, with the Ministry itself, or with outside third-parties. The Ministry's policies for dealing with such conflicts are as follows:

8.01 Conflict of Interest.

The purpose of the conflict of interest policy is to protect the Ministry's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of a director or officer of the Ministry or might result in a possible excess benefit transaction. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.

A. Definitions.

1. Interested Person. Any director, employee, leader, or member of a committee with powers delegated by the Board, who has a direct or indirect financial interest, as defined below, is an interested person.

2. Financial Interest. A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- An ownership or investment interest in an entity with which the Ministry has a transaction or arrangement;
- A compensation arrangement with the Ministry or with an entity or individual with which the Ministry has a transaction or arrangement; or
- A potential ownership or investment interest in, or compensation arrangement with, an entity or individual with which the Ministry is negotiating a transaction or arrangement.

Compensation includes direct or indirect remuneration, as well as gifts or favors that are not insubstantial. A financial interest is not necessarily a conflict of interest.

B. Procedures.

1. Duty to Disclose. In connection with an actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given an opportunity to disclose all material facts to the Board.

2. Determining Whether a Conflict of Interest Exists. After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he or she shall leave the Board meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board members shall decide if a conflict of interest exists.

a. Procedures for Addressing a Conflict of Interest.

- An interested person may make a presentation to the Board, but after the presentation, the interested person shall leave the meeting during the discussion of and the vote on the transaction or arrangement involving the possible conflict of interest.
- The chairman of the Board may, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- After exercising due diligence, the Board shall determine whether the Ministry can obtain, with reasonable efforts, a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Board shall determine by a majority vote of the disinterested directors or Directors whether the transaction or arrangement is in the Ministry's best interests, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, the Board shall make its decision as to whether to enter into the transaction or arrangement.

b. Violations of the Conflicts of Interest Policy.

- If the Board has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, the Board shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Board determines that the member has failed to disclose an actual or possible conflict of interest, the Board shall take appropriate disciplinary and corrective action.

C. Records of Proceedings. The minutes of the Board shall contain:

1. The names of the person(s) who disclosed or was otherwise found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, action taken to determine whether a conflict of interest was present, and the Board's decision as to whether a conflict of interest in fact existed.
2. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

8.02 Whistleblower Policy.

It is the policy of the Ministry that it shall not, by and through any officer, director, employee, volunteer, or agent, knowingly engage in any illegal or unethical activity. This policy is intended to supplement, but not replace, any applicable state and federal laws governing the duty to prevent or report such activity applicable to nonprofit and charitable organization.

D. Definitions

1. Engage No person shall engage in illegal or unethical activity including by direct participation or by providing support, encouragement or assistance to another, by assisting another in hiding their participation in such activity, or by failing to report such activity in conformity with this policy.
2. Illegal or Unethical Activity. "Illegal or Unethical Activity" could include, but is not limited to the following:
 - Conduct that is in violation of nonprofit law under federal or state statute;
 - Conduct that is in violation of any penal code or criminal statute;
 - Conduct that is in violation of the United States Tax Code or any state or municipal statute, rule or ordinance;
 - Conduct that is in violation of any federal, state, or municipal statute, rule, or ordinance;
 - Conduct that is contrary to biblical concepts or teachings or that tends to damage the reputation of the Ministry.

B. Procedures.

1. **Duty to Disclose.** In connection with any situation in which any person has good cause to believe that the Ministry, by and through its personnel, is engaged in illegal or unethical activity, that person (a) shall disclose if he or she is an officer, director, employee, volunteer, or agent of the Ministries, and (b) is encouraged to disclose if he or she is an outside third-party, the existence of the facts and circumstances giving rise to that belief to the Board or Executive Director.

2. **Determining Whether Illegal or Unethical Activity Exists.** Whenever the Board or Executive Director is made aware of any alleged illegal or unethical activity of the Ministry, the Board shall conduct a special meeting as soon as practical, have the known facts stated, appoint a person or committee to investigate the veracity of the reported facts, and report back to the Board in a specified and expedited manner.

3. **Procedures for Addressing Illegal or Unethical Activity.** In such instances where it is determined by the Board that there has been illegal or unethical conduct by someone acting for or on behalf of the Ministry, the Board may decide to do one or more of the following:

- Discipline an employee found to be in violation, ranging from counseling to termination;
- Reassign or suspend volunteers found to be in violation;
- Rescind, change, or cease any activity or position of the Ministry necessary to remedy the problem;
- Amend or modify any documents that have been created or filed that perpetuate the illegal or unethical conduct or create new paperwork to remedy the problem;
- Self-report the activity to applicable police or government authorities;
- Any other action calculated to bring an end to any illegal or unethical activity.
- No Retaliation.
- The Board shall maintain the confidentiality of any person making a report of suspected illegal or unethical activity and shall only allow that person's identity to be disclosed if necessary to complete an investigation and limit such disclosure to person(s) having a need to know.
- No person having made a report of suspected illegal or unethical activity shall be the recipient of retaliation by the Ministry such as an adverse employment decision or other action.

C. Records of Proceedings. The minutes of the Board shall contain:

- (1) The name(s) of the person(s) who report illegal or unethical activity and the general facts that were reported;
- (2) The name(s) of the person(s) assigned to investigate the report;
- (3) A general summary of what is learned from the investigation; and
- (4) A general summary of what action, if any, the Ministries takes as a result of the report. If the report concludes that no reasonable basis exists to believe that the Ministry engaged in illegal or unethical activity, then the minutes shall reflect that finding.

8.03 Binding Arbitration

Any and all claims or disputes, whether claimed against employer, employer's officers or employees, arising from or relating to an employment agreement, other terms or conditions of the employment, or for any other dispute involving the Ministry other than a claim for injunctive relief, shall first be submitted to mediation in Ascension Parish, Louisiana, in accordance with the then governing Rules of Procedure for Christian Conciliation, Institute for Christian Conciliation. If efforts to conciliate or mediate the dispute fail, then the matter shall be resolved through binding arbitration with the Institute for Christian Conciliation. The decision of the arbitrator(s) shall be binding on both parties, and both parties submit themselves to the personal jurisdiction of the courts of Ascension Parish, Louisiana, both state and federal, for the entry of a judgment confirming the arbitrator's award.

The Ministry will pay the mediator's/arbitrator's fees and will pay that portion of the mediation or arbitration fee in excess of the similar court filing fee that would have been charged if the employee had gone to court. Both parties waive any right to have any contested or disputed matter heard or decided by a trial before a trial judge or jury other than to have a trial judge grant injunctive relief to protect the status quo pending disposition by mediation/arbitration. The parties agree that the availability of mediation/arbitration does not change or alter the at-will employment relationship between them.

If a dispute could result in an award of monetary damages that is covered by a Ministry's insurance policy, then use of the conciliation, mediation, and arbitration procedure is conditioned on acceptance of the procedure by the liability insurer of the Ministry and the insurer's agreement to honor any mediation, conciliation or arbitration award up to any applicable policy limits.

Record Retention and Destruction Policy

1) Policy

This Policy represents the Children's Cup's policy regarding the retention and disposal of records and the retention and disposal of electronic documents.

2) Administration

Attached as Appendix A is a Record Retention Schedule that is approved as the initial maintenance, retention and disposal schedule for physical records of Children's Cup and the retention and disposal of electronic documents. The Finance Director (the "Administrator") is the officer in charge of the administration of this Policy and the implementation of processes and procedures to ensure that the Record Retention Schedule is followed. The Administrator is also authorized to: make modifications to the Record Retention Schedule from time to time to ensure that it is in compliance with local, state and federal laws and includes the appropriate document and record categories for Children's Cup; monitor local, state and federal laws affecting record retention; annually review the record retention and disposal program; and monitor compliance with this Policy.

3) Suspension of Record Disposal In Event of Litigation or Claims

In the event Children's Cup is served with any subpoena or request for documents or any employee becomes aware of a governmental investigation or audit concerning Children's Cup or the commencement of any litigation against or concerning Children's Cup, such employee shall inform the Administrator and any further disposal of documents shall be suspended until such time as the Administrator, with the advice of counsel, determines otherwise. The Administrator shall take such steps as is necessary to promptly inform all staff of any suspension in the further disposal of documents.

4) Applicability

This Policy applies to all physical records generated in the course of Children's Cup's operation, including both original documents and reproductions. It also applies to the electronic documents described above. This Policy was approved by the Executive Director of Children's Cup on July 15, 2014.

Appendix A – Record Retention Schedule

The Record Retention Schedule is organized as follows:

SECTION TOPIC

- A. Accounting and Finance
- B. Contracts
- C. Corporate Records
- D. Electronic Documents
- E. Payroll Documents
- F. Personnel Records
- G. Property Records

H. Tax Records

I. Contribution Records

The following are some common retention periods. These apply to both physical and electronic documents. If no physical copy of an electronic document is retained, the means to “read” the electronic document must also be retained.

A. ACCOUNTING AND FINANCE

<u>Record Type</u>	<u>Retention Period</u>
Accounts Payable & Accounts Receivable ledgers and schedules	7 years
Annual Audit Reports and Financial Statements	Permanent
Annual Audit Records, including work papers and other documents that relate to the audit	7 years after completion of audit
Bank Statements and Canceled Checks	7 years
Credit card numbers	Full credit card numbers should not be retained any longer than immediate business needs and merchant account agreements dictate.
Employee Expense Reports	7 years
General Ledgers	Permanent
Notes Receivable ledgers and schedules	7 years
Investment Records	7 years after sale of investment

B. CONTRACTS

<u>Record Type</u>	<u>Retention Period</u>
Contracts and Related Correspondence (including any proposal that resulted in the contract and all other supportive documentation)	7 years after expiration or termination

C. CORPORATE RECORDS

<u>Record Type</u>	<u>Retention Period</u>
Corporate Records (minute books, signed minutes of the Board and all committees, corporate seals, articles of incorporation, bylaws, annual corporate reports)	Permanent
Licenses and Permits	Permanent

D. ELECTRONIC DOCUMENTS

1. Electronic Mail: Not all email needs to be retained, depending on the subject matter.

- All e-mail—from internal or external sources—is to be deleted after 12 months.
- Staff will strive to keep all but an insignificant minority of their e-mail related to business issues.
- Children’s Cup will archive e-mail for six months after the staff has deleted it, after which time the email will be permanently deleted.
- All Children’s Cup business-related email should be downloaded to a service center or user directory on the server.
- Staff will not store or transfer Children’s Cup-related e-mail on non-work-related computers except as necessary or appropriate for Children’s Cup purposes.
- Staff will take care not to send confidential/proprietary Children’s Cup information to outside sources.
- Any e-mail staff deems vital to the performance of their job should be copied to the Administrator, and printed and stored in the employee’s workspace.

2. Electronic Documents: including Microsoft Office Suite and PDF files. Retention depends on the subject matter.

3. Web Page Files: Internet Cookies

- All workstations: Internet Explorer should be scheduled to delete Internet cookies once per month.

In certain cases a document will be maintained in both paper and electronic form. In such cases the official document will be the electronic document.

E. PAYROLL DOCUMENTS

<u>Record Type</u>	<u>Retention Period</u>
Employee Deduction Authorizations	4 years after termination
Payroll Deductions	Termination + 7 years
W-2 and W-4 Forms	Termination + 7 years
Garnishments, Assignments, Attachments	Termination + 7 years
Payroll Registers (gross and net)	7 years
Time Cards/Sheets	2 years
Unclaimed Wage Records	6 years

F. PERSONNEL RECORDS

<u>Record Type</u>	<u>Retention Period</u>
Commissions/Bonuses/Incentives/Awards	7 years
EEO- I /EEO-2 - Employer Information Reports	2 years after superseded or filing (whichever is longer)
Employee Earnings Records	Separation + 7 years
Employee Handbooks	1 copy kept permanently
Employee Personnel Records (including individual attendance records, application forms, job or status change records, performance evaluations, termination papers, withholding information, garnishments, test results, training and qualification records)	6 years after separation
Employment Contracts – Individual	7 years after separation
Employment Records - Correspondence with Employment Agencies and Advertisements for Job Openings 3 years from date of hiring decision Employment Records - All Non-Hired Applicants (including all applications and resumes - whether solicited or unsolicited, results of post-offer, pre-employment physicals, results of background investigations, if any, related correspondence)	2-4 years (4 years if file contains any correspondence which might be construed as an offer)
Job Descriptions	3 years after superseded
Personnel Count Records	3 years
Forms I-9	3 years after hiring, or 1 year after separation if later

G. PROPERTY RECORDS

<u>Record Type</u>	<u>Retention Period</u>
Correspondence, Property Deeds, Assessments, Licenses, Rights of Way	Permanent
Property Insurance Policies	Permanent

H. TAX RECORDS

<u>Record Type</u>	<u>Retention Period</u>
Tax-Exemption Documents and Related Correspondence	Permanent
IRS Rulings	Permanent
Excise Tax Records	7 years
Payroll Tax Records	7 years
Tax Bills, Receipts, Statements	7 years
Tax Returns - Income, Franchise, Property	Permanent
Tax Workpaper Packages - Originals	7 years
Sales/Use Tax Records	7 years
Annual Information Returns - Federal and State Permanent	Permanent
IRS or other Government Audit Records	7 years

I. CONTRIBUTION RECORDS

<u>Record Type</u>	<u>Retention Period</u>
Records of Contributions	7 years
Documents evidencing terms, conditions or restrictions on gifts	7 years after funds are expended