



Quarterly Insight into Current
Insurance Concerns for Churches



You Don't Have to Live in Tornado Alley to Prepare!

Tornadoes can devastate an entire city. When a tornado strikes, there is little anyone can do except head to the nearest storm shelter, or safe room in a designated area of a building or basement. But what if these options are unavailable?

This was the dilemma facing two students when an EF-3 tornado ripped through two buildings owned by the Presbytery of Southern Louisiana. The tornado struck New Orleans in February 2017 severely damaging many residences and commercial buildings. The students worked for Project Homecoming, a non-profit organization dedicated to helping survivors of hurricane Katrina, which was housed in both buildings.

The tornado, which was the most powerful one to hit New Orleans since 1950, ripped the roof off one of the buildings and destroyed the main sanctuary in the second building.

According to the National Weather Service, the prime season for tornadoes in the U.S. is

between March and June although severe tornadoes can strike any time. Experts agree that there is no guaranteed safety from a tornado. A violent one can destroy any structure. However, the National Weather Service lists several steps individuals can take to boost survivability if access to a storm shelter or designated safe room is not available:

- Wearing head protection such as a bike helmet to protect from flying objects.
- In houses with no basement, or in dorms/apartments, avoid windows and doors. Go to the lowest floor, or a small center room such as a bathroom or closet, under a stairwell or interior hallway with no windows.
- In the basement, get under something that offers sturdy protection such as a workbench or table. Cover yourself with a mattress or sleeping bag. It is important to know where heavy objects are on the floor above (pianos, refrigerators, etc.) and to not be under them because they can fall through. A bathtub can also

offer some partial protection.

It is also important to heed the following signs that a tornado is in your area:

- Strong, persistent rotation in the clouds.
- Whirling dust or debris on the ground under a cloud base.
- Hail or heavy rain followed by either dead calm or a fast, intense wind shift. Many tornadoes are wrapped in heavy **precipitation and can't be seen.**
- Loud, continuous roar/rumble that **doesn't fade quickly like thunder.**
- At night: small, bright, blue-green to white flashes at ground level near a thunderstorm which means power lines are being snapped by strong winds.
- At night: persistent lowering from the cloud base, illuminated or silhouetted by lightning especially if it is on the ground or there is a blue-green-white power flash underneath.

In the case of the students who were suddenly caught in the New Orleans tornado,



Sanctuary Church for Immigrants

The Insurance Board has received numerous inquiries related to insurance and risk management implications associated with the sanctuary movement in churches. The discussion that follows does not address the legal implications of the sanctuary movement. We recommend that any faith group, faith leader, or congregation member who is considering engaging in “sanctuary” activities consult a lawyer.

Be aware that interpretation of insurance coverage at the time of a claim is highly dependent on the facts specific to that claim. And interpretation is subject to changes in statutory and case law; and to conflicting interpretation in different jurisdictions. What follows is intended to be general information only.

The Sanctuary Movement

Traditionally, “sanctuary” is a term that has been used to describe the protection of individuals in a place of worship. Sanctuary is generally considered to involve providing comfort and assistance to immigrants and their family members who are at risk of apprehension by federal immigration authorities or mistreatment by others. The sanctuary movement may call on faith communities to house and/or provide other services such as transportation to undocumented immigrants, with the goal to prevent their arrest and/or deportation.

The federal criminal harboring law prohibits the actual or attempted concealing, harboring, or shielding of an undocumented immigrant from detection by the authorities, when done with knowledge or reckless regard of the immigrant’s unlawful status. The federal criminal transporting law pro-

hibits the actual or attempted transporting or moving of an undocumented immigrant from one place to another, with knowledge or reckless disregard of the fact of the immigrant’s unlawful status, where the transportation helps the immigrant remain in the United States unlawfully.

Federal courts across the Country have approached conviction of a person for harboring in different ways, and have applied different standards. Whether a certain action places one at risk for a criminal conviction varies throughout the country.

Insurance Implications

The coverages provided by the Insurance Board Program are broad and may be expected to respond to most issues related to providing “sanctuary” subject to usual policy terms and conditions. But, there are a few provisions in commercial insurance policies that address Governmental Action and/or Criminal Acts. These provisions include the following:

- Property coverage – A coverage exclusion for seizure or destruction of property by order of governmental authority.
- Liability coverage – A coverage exclusion for allegations of false arrest; invasion of privacy, etc. arising out of a criminal act committed by or at the direction of the insured.
- Nurses Professional, Pastoral and Counseling Liability – excludes loss arising out of any criminal act.
- Directors & Officers Liability – A Conduct Clause excludes a deliberate criminal act by the insured, if estab-

lished by final adjudication; also, loss shall not include civil or criminal fines or penalties.

Determining in advance how the insurance will respond is uncertain based on the different standards for criminal prosecution, as described above.

Risk Mgmt/Loss Control Implications

Some loss control concerns should be evaluated, should you decide to provide sanctuary. The National Fire Protection Association (NFPA) has fire codes, based on occupancy. Churches mainly fall under the classification of Assembly. If people sleep overnight, the occupancy would be considered Lodging or Rooming House (for 16 or fewer persons, transient or permanent). Emergency lighting and smoke detectors are essential. If the smoke detectors are not hard wired, the facility **must** demonstrate the testing, maintenance, and battery replacement program to ensure the reliability of the smoke detectors. A secondary means of egress is also essential. Additionally, if there are fuel burning appliances or fireplaces or an attached garage, then carbon monoxide detectors should be installed.

In addition to life safety issues, health and environmental concerns should be evaluated. Some factors may include sleeping facilities, security, food preparation, sanitation, illness, medical care, cleanliness, and childcare. Following is a link to a CDC Environmental Health Assessment Form for Shelters which can be a useful tool when planning to use your church as housing.

<https://emergency.cdc.gov/shelterassessment/pdf/shelter-tool-form.pdf>

Responding to Sexual Abuse Allegations

A youth member accuses your most trusted volunteer of abuse. What are your first steps? Do you immediately take a statement from the victim? Do you talk to the accused volunteer? Do you call the police?

Child protective services? The child's guardian? What if the media shows up asking questions? What if the youth member accuses another youth member?

How you first respond to an allegation or incident can dramatically impact the harm to the individual and the damage to your church's reputation. Once someone of authority within the church learns of a concern or allegation about the treatment of another member, swift and determined action must be taken to reduce any subsequent risk of harm.

All churches should have procedures in place for responding to allegations of abuse. These policies, which should reflect your individual state's mandatory reporting laws, should address the following:

- the appropriate response when a church member reveals an abuse incident
- the appropriate response when a staff member or volunteer reports the allegation
- the administrative response to an allegation of abuse

Having these steps in place BEFORE an allegation is reported prepares you to respond swiftly and thoughtfully.



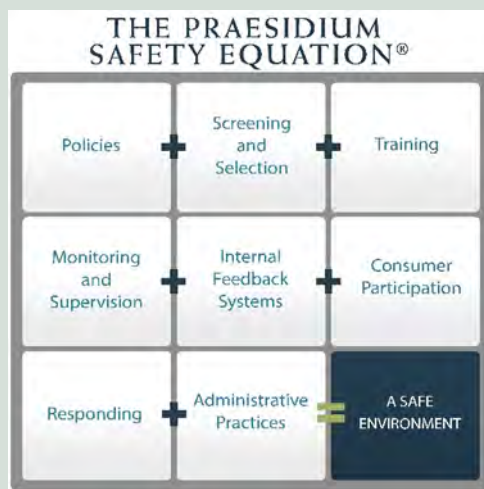
The Insurance Board provides services and support to help your church develop policies and procedures to help prevent sexual abuse incidents, and respond appropriately to allegations. Some of our services include discounted background checks through Praesidium, a Safe Conduct Policy & Procedure Template, free online sexual abuse prevention courses through Praesidium, a policy self-assessment tool, and technical expert response advice supported by Praesidium.

Visit our website to see all of the services available <https://www.InsuranceBoard.org/safety-resources/safeconduct-workbench/>

Another New Free Service For Our Churches

As many of you already know, Insurance Board partners with Praesidium, the national leader in abuse risk management, to provide abuse prevention tools and resources through the SafeConduct Workbench. Among those tools, IB participants and members have free access to the *Know Your Score!* (KYS!) online self-assessment tool. KYS! is built on the foundation of The Praesidium Safety Equation, which establishes standards for abuse prevention in eight critical operations: Policies, Screening and Selection, Training, Monitoring and Supervision, Internal Feedback Systems, Consumer Participation, Responding, and Administrative Practices.

Completing an assessment will help you identify potential gaps in your abuse prevention practices in each of the eight operations of the Safety Equation. The tool also includes updated resources to fill these



gaps to protect those you serve.

Know Your Score! is an upgraded version of the previous online self-assessment tool available through the Insurance Board's website (reports from the previous assessment will be available upon request). KYS! Has lots of great new features:

- nicely formatted reports with graphs to

help you identify gaps

- tailored to address specific exposures particular to your church
- tools to help you develop a corrective action plan and prioritize results
- resources to help you fill identified gaps, included updated model policies
- reports showing how your scores have progressed over time
- Praesidium support staff to help you throughout the KYS! process

Know Your Score! is provided as a free tool for IB participants and members. Praesidium will be providing free instructional webinars on how to use KYS!

Details to follow.





+ Posting a Prayer List, Invasion of Privacy?

By: Richard Hammar for Church Law & Tax Report

Q: Some churches post “prayer lists” on their website that describe the prayer needs of members. Needs may include medical diagnoses, relational or financial problems. Does posting this information on a church website constitute invasion of privacy?

A: Possibly. A church can reduce if not eliminate this risk by obtaining consent from people before putting their names on a list. This can be done either by contacting persons directly and obtaining their written consent to having their name (and need) posted on the website prayer list or by instructing members to include this written consent at the time the prayer request is submitted if they desire for it to be shared publicly online.

Some churches seek to avoid the inconvenience of obtaining the consent of every person on a prayer list by creating a “no prayer



list” and notifying the congregation periodically (i.e., in church bulletins or newsletters) that persons who do not want the congregation to pray for them should contact the church office and have their names placed on the “no prayer list.” This “implied” consent is not as effective as the express consent obtained by contacting each person directly, and it is far from clear whether it would be deemed effective by a court.

We are pleased to offer Wednesday Webinars:

- Risk Management for Keeping Youth Safe at Camps on May 10th, 2pm Eastern
- Fire Prevention and Protection for Churches on July 12th, 2pm Eastern
- Keeping Your Ministries Safe: 5 Things Churches Can Do to Prevent Abuse on September 13th, 2pm Eastern

To register for any of these *free* webinars, please see the link to the IB website at:

www.InsuranceBoard.org/online-learning

Tornadoes, continued from front

they wisely hid in a bathroom that was located near the center of the main building. This not only saved their lives, but resulted in their surviving the storm completely unscathed.

Warning or Watch!

A tornado watch means tornadoes are possible. Remain alert for approaching storms. Watch the sky and stay tuned for information. A tornado warning means a tornado has been sighted or indicated by weather radar. Take shelter immediately. Remember it this way: a watch means keeping watch for a tornado, but a warning means you are being warned and you need to take shelter.

After A Tornado

Listen to local officials for updates and instructions. Check-in with family and friends. Watch out for debris and downed power lines. If you are trapped, do not move about or kick up dust. Tap on a pipe or wall or use a whistle, if you have one, so that rescuers can locate you. Stay out of damaged buildings and homes until local authorities indicate it is safe. Photograph the damage to your property in order to assist in filing an insurance claim.



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File a Claim Online:

www.InsuranceBoard.org

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