

Auto Claims

If you are involved in an accident:

- STOP. Get names, addresses and phone numbers of drivers, owners and occupants involved. Use the accident report to document this information.
- Call the police.
- Get names, addresses and phone numbers of witnesses.
- Remember location of cars and pedestrians involved in the accident, both before and after the occurrence, so that you will be able to draw a diagram. If you have a camera, even on a cell phone, take pictures of the accident from various angles.
- Express no opinion as to who was at fault. Give no information except as required by authorities. Sign no statement for anyone except an identified representative of your school/parish or as required by authorities.
- Your interest will be best served if you are courteous and engage in no controversy at the scene of the accident. Leave the entire handling of the claim to Gallagher Bassett Services.

Contact your parish/school office immediately.

BE COURTEOUS * KEEP CALM

Liability Claims

When a loss occurs...

1. Make a copy of the blank Gallagher Bassett Services Accident Report – General Liability form (enclosed).
2. Complete the Accident Report.
3. Forward the report to your business manager or the person who handles insurance claims.

Youth Ministry Risk Management Checklist

Sample

From *YouthWorks*

Field Trips

- Is the trip sponsored by the parish or entity?
- Were any parents contacted for their input and concerns?
- Are the times and dates of the trip beneficial to the majority of the youth involved?
- Are permission slips with medical authorization forms signed and returned covering date, time, location, transportation, coordinator and activities?

Supervision

- Are all supervisors 25 or older? *Ages 21-25 only with pastor permission
- Are the supervisors “responsible adults”?
- Do all of the supervisors have a listing of the youth attending the field trip?
- Have all of the supervisors been advised of their duties, obligations and requirements?
- Has each supervisor been provided with a list of the youth directly under their control?
- Have all of the supervisors been aware of any potential problems involving the youth under their control?

Transportation

- Are all drivers 25 or older?
- Are all vehicles in good working condition?
- Have the driving records been checked?
- Are all vehicles insured and if the vehicle is non-owned, does the driver have permission to utilize the vehicle?
- Have the vehicles been inspected?
- Are the proper number of students assigned to each individual vehicle, depending upon its capacity?
- Have the drivers been advised on the route of travel and what to do in the event they become lost?
- Are all drivers advised to travel as a group?

Screening of Volunteers

- Have all volunteers completed the screening process in place?
- Have all references been checked for each volunteer?
- Has the criminal background check been completed for each volunteer?

The Copyright Law

A complete copy of the Copyright Law of 1976 and further information regarding the Copyright Law may be obtained by writing: The Copyright Office, Library of Congress, Washington, DC 20559.

GUIDELINES FOR USE OF COPYRIGHTED MUSIC MATERIAL

1. What does “copyright” mean?

Our nation’s founding fathers determined that it was in the public interest that the creative works of a person’s mind and spirit should belong, for a limited time, to the creator. The protection of these works is called “copyright.” The United States Copyright Law grants to any copyright owner the exclusive rights to original material for a term which is equal to the length of the life of the author/creator plus 75 years. (For many songs written prior to 1978, the term is 75 years.) The copyright owner is the only one who has the privilege of reproducing the work. If any other party wants to reproduce the material in some manner, permission must be obtained from the copyright owner.

Visible notice of copyright should appear on all copies of copyrighted music. Whether on the owner’s original works or on permitted copies, the notice should be visible and contain the word “copyright” or the symbol c (for printed material) or R (for sound recordings), the year of first publication and the name of the copyright owner.

2. What are the rights of copyright owners?

- 2.1 To reproduce the copyrighted work in printed copies or on records, tapes, video cassettes or any duplicating process now know or which later comes into being.
- 2.2 To make arrangements and adaptations of that copyrighted work.
- 2.3 To distribute and/or sell printed or recorded copies of the work or to license others to do so.
- 2.4 To perform the copyrighted work.
- 2.5 To display the copyrighted work.

3. Who owns the legal right to make copies?

The original creators (authors and composers) and/or publishers, assigned agents, etc.

4. Do other countries have copyright laws?

Yes, most of the world now seems to recognize the need to give incentive and protection to creative persons. Copyrighted material owned by United States citizens is protected in many countries.

5. What if I'm faced with a special situation?

If you want to include copyrighted lyrics in a song sheet, arrange a copyrighted song for four baritones and kazoo, or make any special use of copyrighted music which the publisher cannot supply in regular published form, the magic word is **ASK**. You may or may not receive permission, but when you use someone else's property you must have the property owner's consent.

6. What if there's not time to write?

Think of copyrighted music as a piece of property, and you'll be on the right track. Plan ahead. Some publishers routinely grant permissions over the phone.

7. What about photocopies or tapes that are now in our church?

Immediately destroy any unauthorized photocopies, tapes, etc., and replace them with legal editions. Possession of any illegal copies puts you in the position of harboring stolen goods.

8. Is it permissible to:

- Make a photocopy of a copyrighted work for my accompanist in order to sing a solo?
- Print words only of a copyrighted work on a one-time basis for uses such as church bulletins or song sheets?
- Print a songbook or song sheets containing copyrighted works and use them in churches, Bible studies or home prayer groups as long as they are not sold?
- Make a transparency or slide of a copyrighted work for use by projector?
- Make copies of copyrighted music first and then as permission?

NO. Permission must be secured prior to any such uses and/or duplications.

9. What if I can't find the owner of a copyrighted song? Can I go ahead and use it without permission?

No. Check the copyright notice on the work, and/or check with the publisher of the collection in which the work appears. Once you know the name of the copyright owner, write or call the Church Music Publishers Association, P.O. Box 158992, Nashville, TN 37215; 615-791-0273. For a cost of \$2, C.M.P.A. will supply a current listing of major sacred music copyright holders/publishers. Please send cash; C.M.P.A. cannot invoice.

10. But what about items that are out of print?

Most publishers are agreeable, under special circumstances, to all reprinting of out-of-print items; but again, permission must be secured from the copyright owner prior to any duplication.

11. What is public domain?

If a song is in the public domain (PD), the copyright protection for the song has expired and the song is dedicated to the public for use as it sees fit with no permission being required from anyone. The absence of a copyright notice (see question 1) is one indication that a song may be PD.

12. What is fair use?

Fair use is not generally available to churches. It is a doctrine developed by the courts that permits portions of copyrighted works to be reproduced legally for purposes of criticism, comment, news reporting, classroom teaching, scholarship and research. In no instance does this apply to a performance. The various interest groups involved have agreed upon guidelines which constitute the minimum and not the maximum standards of educational fair use. If you are interested in a copy of these guidelines, please contact C.M.P.A., P.O. Box 158992, Nashville, TN 37215, and enclose a self-addressed stamped 6x9 envelope (\$.53 postage) with your request.

13. Is it permissible to perform copyrighted religious works in church?

Yes. You may perform copyrighted religious works from legal editions in the course of services at places of worship or at religious assemblies. Legal editions do not result from unauthorized duplications of religious works, but to purchase one copy of religious sheet music, then make 30 copies for the choir without permission and then perform it in worship service is not legal or ethical.

14. Can I make an original recording of a copyrighted song?

Yes, but you must secure a recording license from the copyright owner, and pay, effective January 1, 1988, a royalty of 5-1/4 cents per song, per record or tape manufactured. (This rate increases every two years.) This includes copies of recordings or tapes of church services, concerts, musicals or any programs that include copyrighted music.

15. Can I make a record or tape using a prerecorded instrumental accompaniment track?

Yes, provided you have permission. Two different permissions are necessary in this situation. The first is from the copyright owner of the selection to be recorded (see question 13), and the second is from the producer/manufacturer of the accompaniment track. Fees are usually required for each permission.

16. Is it permissible to make duplicates of the tape that accompanies a musical or printed work for “learning” or “rehearsal” purposes?

No, it is illegal. As good as an idea as this is, and as helpful as it would be to teach the music to members of the choir, it is against the law without permission. Write or call the publisher of the music. They will usually work with you concerning your request.

17. If I buy a record, is it permissible to make a copy for a friend?

Duplication of copyrighted materials is against the law when the purpose is to avoid a legal purchase.

18. What are the penalties for making unauthorized copies of copyrighted music?

Embarrassment is the first. Additionally, the law provides for the owner off a copyright to recover damages for unauthorized use of copyrighted music. These damages include the profits of the infringer and statutory damages ranging from not less than \$250 to not more than \$50,000 per infringement. In addition, prison terms are provided for will (i.e., you knew what you were doing was wrong!) and commercial infringement. Remember, churches, schools and not-for-profit organizations can be infringers too!

19. What about photocopiers who don't "get caught"?

Frankly, we cannot imagine what kind of school, church or professional musician would derive satisfaction from doing something illegal. They force the price of legal editions higher. They risk embarrassment from professional colleagues who understand the laws. They risk fines and jail sentences if taken to court.

Plainly stated, the making of unauthorized copies of all copyrighted material is strictly illegal. However, all music publishers desire to have their songs used in as many ways as possible; so in some cases, permission can be obtained. You must contact the copyright owner prior to use or duplication.

The Diocese of Dallas strongly upholds the copyright laws of the United States and of other countries. All persons within the Diocese of Dallas must adhere to these laws. If there are any questions concerning copyrights, contact the Office of Worship at 214-528-2360. Always ASK, before using music, tapes, words, etc. It is against the law to do otherwise.

Why do we use the Waiver and Medical Consent Form?

The General Idea of the Form

The idea behind this form is to accomplish several things at one time so that we can get families to fill out one form instead of several.

Hold Harmless Agreement

One of the key purposes of the form is that people, by signing, agree not to sue the parish, the youth ministry program, adult leaders, etc. They are agreeing not to sue if their child has an accident, gets hurt, didn't like the program, feels like the youth ministry leader doesn't like them and so on. Should the parish be sued by a family, the diocesan attorneys would surely take this form with them to court and say to the court in their defense, "This family agreed not to sue us." The hold harmless agreement using standard wording reminds those bringing suits against the church that they should lose their suit, the Church *could* seek damages for legal fees. This is to discourage frivolous lawsuits. Having said that, are there times when a family will sue a church? Yes, when they feel that the church or the youth ministry has been negligent with their child's care and that an injury of some kind occurred because of the negligence. If a family proves legal negligence in a court, they will probably be awarded damages that will be paid by the parish and diocesan insurance and of course the parish will not be able to seek any reimbursement for legal fees.

Seeking medical care for your child

It is the intent to never seek medical attention for any child without first contacting the parent or guardian. Obviously in emergency life or death situations, it will be most important to take care of the emergency before phoning for authorization. But in cases that are not emergencies (Ex: a sprained arm) every effort will be made to contact the parent/guardian or the contact person named on the medical form.

Basic medical information

This form is also comprehensive asking the necessary medical questions that can come up on any youth outing such as a teen requesting any medication as well as particular reactions they have either emotional or physical which could make a difference to them on an event and which an adult leader could help.

Insurance information

There is a request for information on the form because anyone that has gone to the emergency room lately knows that the first thing they ask for is your insurance card. But there is also a section which allows you to write in the necessary information because not everybody has an insurance card or access to a copy machine. Some people will fill out the section and attach an insurance card but only one or the other is necessary. (A copy of the insurance card is preferred.) The social security number requested in that section is not for the child but for the primary insured person in the household.