



# **Capable Kids General Organizational Policies**

**2023**

## Table of Contents

<b>Capable Kids General Organizational Policies</b> .....	1
<b>Section 1.01: About Us</b> .....	3
<b>Section 1.02: Vision</b> .....	3
<b>Section 1.03: and Mission Statement</b> .....	3
<b>Section 1.04: Founding Principles of Capable Kids</b> .....	4
<b>Section 1.05: Structure of Capable Kids</b> .....	5
<b>Section 1.06: Locations of Capable Kids</b> .....	6
<b>Section 2.01: Eligibility for Participation in Capable Kids</b> .....	7
<b>Section 2.02: Registration for Membership</b> .....	7
<b>Section 2.03: Use of Member' Names and Likenesses</b> .....	8
<b>Section 2.04: Counting and Reporting Participating Members</b> .....	9
<b>Capable Kids Governance Authority and Responsibility</b> .....	9
<b>Section 3.02: Lines of Communication within Capable Kids</b> .....	10
<b>Section 3.03: CK's Decision-making</b> .....	11
<b>Section 3.04: Amendments to General Rules</b> .....	11
<b>Section 3.05: Amendment of Other Policies</b> .....	13
<b>Section 3.06: Advisory Committee</b> .....	13
<b>Section 3.09: Sports Advisory Committee</b> .....	14
<b>Section 3.10: Advisory Committees</b> .....	14
<b>Section 3.12: Broadcasting and Recording Matters</b> .....	15
<b>Section 3.13: Registration and Protection of CK Marks</b> .....	16
<b>Section 4.01: Alcohol and Tobacco Policy</b> .....	16
<b>Section 4.2: Compliance with Laws</b> .....	17
<b>Section 4.3: Compliance with Voluntary Standards</b> .....	17
<b>Section 4.4: Contracts with Third Parties</b> .....	17
<b>Section 4.5: Conflicts of Interest Policy</b> .....	17
<b>Section 4.6: Financial and Insurance Requirements</b> .....	18
<b>Section 4.7: Codes of Conduct</b> .....	18
<b>Section 5.01: Division of Fund-Raising Responsibilities within Capable Kids</b> .....	18
<b>Section 5.02: CK's Exclusive Authority</b> .....	19
<b>Section 5.04: CK's Designation of Exclusive and Non-Exclusive Sponsors</b> .....	20
<b>Section 6.01: Contracting Policy</b> .....	21
<b>Section 6.02: Insurance Coverage</b> .....	21
<b>Section 7.01: Standards for Financial Management</b> .....	21
<b>Section 7.02: Fiscal Years</b> .....	23
<b>Section 7.03: Development of Strategic Annual Plans and Program Budget</b> .....	23
<b>Section 7.04: Finances</b> .....	23
<b>Section 7.05: Audit Requirements</b> .....	24
<b>Section 7.06: Reporting Requirements</b> .....	25
<b>Section 8.01: Non-Discrimination Policy</b> .....	25
<b>Section 9.01: Harassment Policy</b> .....	26
<b>Section 10.01: Confidentiality and Duty to Disclose</b> .....	27
<b>Section 11.01 Grievance Process</b> .....	28
<b>Section 12.01 Disclosure of Fraud</b> .....	30
<b>Section 13.01 Transparency Policy</b> .....	31
<b>Section 13.02 Whistleblower Policy</b> .....	32

## Section 1.01: About Us

### Who We Are

Play is the right of every child, and creating a sense of belonging is the responsibility of every community. By mobilizing resources and aligning advocacy efforts, we can raise awareness, break down barriers, foster friendships, and unite communities across the Rio Grande Valley to achieve exceptional outcomes. Providing training, education, access to resources, and the opportunity to engage in inclusive social interactions makes a community stronger and more cohesive, allowing every individual the ability to build the empathy, confidence, and skills necessary to create a better tomorrow for all Texans.

Studies show that people with disabilities perform better in inclusive environments, learning alongside their peers without disabilities, developing friendships, and cultivating executive functioning skills.

Capable Kid's multi-program and multi-pronged training program approaches draw upon the skills and lessons learned in each program. This culmination of knowledge provides opportunities to understand each other and participate in inclusive, equitable play and social experiences throughout all stages of development, thereby enhancing the quality of life for children, families, and our greater society.

Capable Kids Foundation was created in 2015 by a group of speech, physical and occupational therapists to help bridge the gap in inclusive services available to children and young adults with disabilities and their families within the Rio Grande Valley. Capable Kids (CK) consist of three primary programs: CK Sports, CK Social, and CK Impact, to address the lack of inclusive sporting and social opportunities for children and young adults within the RGV.

Since 2015, we have continued to grow and evolve, expanding our efforts to improve the quality of life for children and adults with disabilities within the RGV.

## Section 1.02: Vision

CK commits to the inclusion of each and every child and young adult with special needs with typically developing peers in all environments within the RGV

## Section 1.03: and Mission Statement

Our mission is to promote these Guiding Principles:

**Increase Equitable Opportunity:** Inclusion of children and young adults with disabilities is a priority in decision making about program design and resource

allocation in order to ensure equitable access and full participation in all RGV environments.

**Partner with Families:** We ensure the meaningful and supported engagement of families in policy/guidance decisions, planning, and evaluation of programs.

**Share Benefits of Inclusion:** We recognize and intentionally raise public awareness of the well-researched benefits of inclusion in all settings.

**Build and Support a Competent Community:** Every business, organization and governmental agency who interacts or services children and young adults with disabilities or their families should have the knowledge, competencies and supports to implement evidence-based practices. We deliberately shift policy to support elements critical to this effort: appropriate professional standards, embedded professional development, culturally and linguistically responsive practices, positive attitudes and beliefs about inclusion, and knowledge of disabilities.

**Unified Purpose:** We intentionally and strategically engage in formal collaboration across agencies and related nonprofits to make significant progress toward high quality inclusion across the RGV.

**Set Goals and Track Data:** Across all three programs we set concrete goals for expanding access to inclusive opportunities, including a baseline number of children with and without disabilities in play, educational, and social settings, and benchmarks that track progress toward the goal

#### **Section 1.04: Founding Principles of Capable Kids**

The principles on which Capable Kids was founded, and which must continue to guide the operation and expansion Capable Kids, include the following (collectively, the "Founding Principles"):

##### **1.04 (a)**

Play is the right of every child and every child should be able to actively engage in all right of passage related to childhood.

##### **1.04 (b)**

Capable Kids is non-disability specific and believes that every child and young adult with disabilities deserves access to services regardless of their specific disability.

##### **1.04 (c)**

Through inclusive social and sporting opportunities children and young adults with disabilities benefit physically, mentally, and socially; families are strengthened; and the community at large, through education, observation and participation, is strengthened by creating an environment of equality, respect and acceptance.

#### **1.04 (d)**

Every child and young adult with disabilities should have the opportunity to participate in and benefit from the sports and social programs offered by Capable Kids.

#### **1.04 (e)**

Capable Kids must transcend all boundaries of race, gender, religion, national origin, geography, and political philosophy, and offer inclusive sport and social programming to all eligible children and young adults with disabilities and their families

#### **1.04 (f)**

Capable Kids celebrates and strives to promote the spirit of dignity and respect. To that end, Capable Kids aims to provide every CK member with an opportunity to participate in adaptive programming to encourage the child or young adult to reach his or her fullest potential, regardless of the members level of intellectual or physical ability. Capable Kids therefore requires that programming be offered that can be adapted to be appropriate for members of all levels of ability.

#### **1.04 (g)**

Capable Kids understands that children and young adults may want to engage in different types of activities so Capable Kids offers programming to younger members through Capable Kids and to older members through Capable Kids at Heart.

### **Section 1.05: Structure of Capable Kids**

The Capable Kids Movement consists of the following programs and individuals:

#### **1.05 (a): *Capable Kids Foundation (CK)***

CK was founded in 2015 by a group of therapists who noticed a need for relevant social and sport programming that was accessible by all children and young adults with disabilities regardless of the type or level of disability. The founders also noticed a need for training and education on the importance and benefits of inclusion. CK is a not-for-profit corporation organized under the laws of the state of Texas, with its principal office in Mcallen, TX, USA.

#### **1.05 (b): *CK Programs***

##### ***(1) CK Impact***

CK Impact focuses on community capacity building by educating government agencies, public institutions, local businesses, and community members on the importance of inclusion in creating stronger, healthier communities. CK impact also supports inclusive efforts through targeted partnerships.

##### ***(2) CK Sports***

CK Sports now includes adaptive versions of football, soccer, baseball, golf, and, adaptive tennis. These programs have allowed children and young adults with

disabilities to participate in the right of passage that sports provide, engaging in the related comradery, teamwork, and sense of accomplishment that has a huge impact on self-worth and confidence. CK Sports focuses more on skills training and less on competition to help teach the required skills training to help foster teamwork and increase confidence. Participation is open to all children and young adults with disabilities and is Subject to these General Rules and other program specific policies.

**(3) CK Social**

CK Social helps create opportunities for inclusion and interaction with all peers in a supportive environment. This is created through the implementation of dances and social events that include peers with and without disabilities. Activities are focused on creating a fun and supportive environment that all everyone to interact and support each. These interactions help increase self-confidence and empathy while allowing everyone to have fun and interact, learning from each other.

**1.05 (c): Management Structure**

CK is a hierarchical structure. The board of directors determine the strategic direction of the organization and provides oversight of the organization. The CEO manages the day-to-day operations of the organization and the staff.



**Section 1.06: Locations of Capable Kids**

	Office Location	Address	Office Contact information
	Mission- CEED	801 Bryan Rd, Mission, TX 78572	956-905-5437 info@ckrgv.org Alexis@ckrgv.org

<b>Location Specific:</b>	McAllen	1223 E Hackberry Ave, PO Box5268 McAllen, TX 78501	Jessica@ckrgv.org
	<b>Name</b>	<b>Email</b>	<b>Phone</b>
<b>Chief Executive Officer</b>	Bobbie Krynicki	Bobbie@ckrgv.org	574-229-2326

## Section 2.01: Eligibility for Participation in Capable Kids

### 2.01 (a): General Statement of Eligibility

Capable Kids membership is open to any child or young adult with disabilities regardless of race, color, religion, sex, gender identity, national origin, economic circumstances or any other characteristic protected by state or federal law.

### 2.01 (b): Age Requirements

Every child and young adult with a disability who is at least three years old is eligible to participate in Capable Kids. There is no hard set maximum age limitation for participation in Capable Kids but programming is targeted toward children and young adults. Programming is divided into two age categories: activities targeted toward younger children and activities targeted toward older teens and young adults. Parents and CK members have a duty to verify the activity content and decide if it is age and level appropriate for the CK member. Descriptions of events are clearly posted for each event

### 2.1 (c): Degree of Disability

Degree or type of disability is not a determining factor on eligibility so long as the individual registers as a member to participate in Capable Kids and agrees to follow the general and program specific rules.

## Section 2.02: Registration for Membership

### 2.2 (a): Required Procedures

Before participating in any Capable Kids activity or event, an eligible person, under Section 2.01, must register and complete all membership requirements.

Registration as a Capable Kids member shall include the submission of the following:

- (1) Registration data to include personal information;
- (2) Initial Assessment;
- (3) CK Member Handbook agreement and Photo Release and, if applicable, a Cheerleading agreement

### 2.02 (b): Participation Release Form

A properly signed standardized release must be submitted to the Capable Kids on

behalf of every CK Member as part of the registration process. The standardized release shall grant the appropriate Capable Kids entities permission to make certain limited uses of an Member's name and likeness (in accordance with Section 2.03), acknowledge the potential impact of participating in Programming or sports, and authorizes Capable Kids to make arrangements for emergency medical treatment, if the parent is not able to do so. The content and format of the release shall be subject to CK's approval and must conform to the release form entitled "Official Capable Kids Release Form," and any supplement or amendment to that form, approved by CK. The Release Form must be signed by an adult member or by the parent or guardian of any member who is legally a minor or under the legal care of a parent or guardian.

### **2.02 (c): *Submission of Required Forms***

Capable Kids is obligated to ensure that all application and registration materials, including CK Member Handbook Acknowledgement and Photo Release and, if applicable, program specific policies and releases, required by this Section 2.02 are properly completed and submitted by each member, or by his/her parent or guardian, before permitting that member to participate in any Capable Kids Activity or Program.

### **2.2 (d): *Assessments***

Once registered, an assessment is required. This assessment reviews the health and mobility of the child as well as family information and interests. This information is gathered to help us better serve your child. Any financial information gathered would only be used to for fee waivers and all information is kept confidential.

**Assessments must be updated yearly to maintain active membership status**

## **Section 2.03: Use of Member' Names and Likenesses**

### **2.3 (a): *Permissible Uses; Required Consents***

No corporate sponsor, organizational supporter, donor, or volunteer may use, display, broadcast, reproduce or publish the name or likeness of any Capable Kids member for any purpose whatsoever, except those expressly authorized in the Photo Release Form (pursuant to Section 2.02 (d)) signed by or on behalf of that member at the time of his/her initial registration with Capable Kids, without obtaining a separate additional written consent from that member, or from the parent or guardian of a minor child member. If such a separate consent is required because the proposed use of an member's name or likeness will go beyond the purposes permitted by the Photo Release Form, that separate consent shall clearly identify when, where and how the Member's name and likeness will be used, the nature and purpose of the activity in connection with which that use will occur, including whether the activity involves the marketing or sale of commercial products or services, and what monetary benefit, if any, Capable Kids would expect to receive as a result of that activity. CK reserves the right to prohibit the use of a member's name or likeness in ways which go beyond the purposes permitted by the



Photo Release Form, if CK determines that the proposed use is contrary to the best interests of Capable Kids. Capable Kids shall NOT knowingly permit the name or likeness of any Capable Kids athlete to be exploited for commercial purposes. The publicity release contained in the Photo Release Form is intentionally limited by CK to authorization for the use of an Member's name, likeness, voice and words for the purpose of promoting and publicizing the purpose of Capable Kids and/or applying for or raising funds for the support of Capable Kids programs, and does not include commercial activities or the marketing or endorsement of commercial products or services.

### **2.03 (b): *Manner of Use***

Capable Kids will ensure that any Member's name, likeness, voice or words, when used by CK or by any of its sponsors or other supporters in ways that conform to the permissions granted in the Photo Release Form, will also be used at all times in a manner that respects the dignity of the Member and preserves the public image of Capable Kids.

### **Section 2.04: Counting and Reporting Participating Members**

A Capable Kids Member is currently defined as a person who: is eligible to participate and registers to participate in sports and programming in accordance with these General Rules; CK shall approve a standardized methodology pursuant to Section 5.06(c), which shall prescribe the standards and methods used by all Programs for counting and reporting on the numbers of registered and participating Capable Kids Members.

### **Capable Kids Governance Authority and Responsibility**

Capable Kids has the right and the responsibility to ensure that all activities and events offered to persons with disabilities under the name or auspices of "Capable Kids" are organized, financed and conducted in accordance with uniform international standards, and in a manner that preserves the quality and reputation of Capable Kids and best serves the interests of persons with disabilities in the RGV. To that end, Capable Kids has the authority to interpret, issue and periodically amend or update these General Rules and the other Uniform Standards as well as other written policies on matters covering the entire scope of the Capable Kids Foundation organization, including, to the extent necessary in CK's judgment, matters pertaining to the proper management and operation of Capable Kids Programming. Final authority on all matters affecting the organization, financing and conduct of Capable Kids programs rests with Capable Kids Foundation.

### **3.01 (a): *Powers and Responsibilities of CK***

CK establishes and enforces all policies and requirements concerning the organization and conduct of Capable Kids Program throughout the RGV and is the final authority on all matters relating to Capable Kids. Without limiting the

generality of the preceding sentence, CK's powers and responsibilities include the following:

**3.01 (b): *Protecting and Licensing Use of All Intellectual Property of Capable Kids***

As sole owner of the official logo of the Capable Kids and all other CK Marks, CK establishes and enforces the conditions under which any other party may be permitted to use the name "Capable Kids Foundation" or any other CK Mark(s).

**3.01 (c): *Establishing Uniform Standards***

To preserve the image and integrity of Capable Kids, CK establishes and enforces uniform standards, for all Programs and all activities conducted in the name of or under the auspices of "Capable Kids," including the standards set forth in these General Rules.

**3.01 (d): *Establishing Rules for Capable Kids participation in events and Programming***

CK establishes and enforces the rules and procedures governing the conduct of Capable Kids programming, including policies concerning eligibility for participation in Capable Kids, requirements for volunteers, minimum standards for participation in specific programming or sports related activities, and procedures for organizing, financing and conducting Capable Kids programming.

**3.01 (e): *Conducting Programs and Activities for the Benefit of CK***

CK conducts specific Capable Kids programs and holds or sponsors specific programs and events, publicity and promotional events in various locations throughout the RGV, for the benefit of CK and the Capable Kids Movement.

**3.01 (f): *Overseeing Fund-Raising and Development Activities***

CK establishes and enforces requirements concerning all activities conducted by individuals or organizations which seek to raise funds in the name of, or for the benefit of, "Capable Kids."

**3.1 (k): *Enforcing Capable Kids Policies***

CK has the right to suspend or permanently ban any Capable Kids member, parent, volunteer, and take any other disciplinary, preventive or enforcement action against any Capable Kids member, parent, volunteer, or against any other party to the extent permitted by law, in any case involving violation(s) of these General Rules or the other Uniform Standards.

**Section 3.02: Lines of Communication within Capable Kids**

**3.2 (a): *Generally***

Unless otherwise provided in these General Rules or in any other Uniform Standards, communications and reporting within the Capable Kids will be conducted vertically as between CK members and parents, staff and the Board of Directors

### **3.2 (b): Notice to Members of Policy-Making**

CK will provide all members with written notice of all changes or supplements to the Uniform Standards. If practicable in CK's judgment, CK will provide parents with at least thirty (30) days' prior written notice of any new or amended Uniform Standard which requires members or parents, volunteers and staff members to complete forms or complete new required processes related to major changes in existing procedures.

## **Section 3.03: CK's Decision-making**

### **3.3 (a): Authority of CK's Board**

CK is governed by its Board of Directors ("CK's Board"). CK's Board is ultimately responsible for establishing all policies which govern CK and the Capable Kids. CK's Board discharges this responsibility by approving the General Rules and all major policies embodied in the other Uniform Standards.

### **3.3 (b): Authority of CK Executives**

The Board of Directors may delegate authority to manage the day-to-day affairs of CK and to discharge CK's policy-making responsibilities over the Capable Kids to a Chief Executive Officer (or other official designated in CK's corporate by-laws), except, however, that these General Rules and any subsequent changes to them shall be approved by CK's Board. Subject to the ultimate authority of CK's Board and to the extent permitted by CK's corporate by-laws, CK's Chief Executive Officer may, in turn, delegate CK's decision-making authority concerning Capable Kids to one or more senior CK staff members. All such delegations of authority within CK shall be made in accordance with CK's by-laws.

## **Section 3.04: Amendments to General Rules**

### **3.4 (a): Proposed Amendments**

CK reserves the right to amend the General Rules whenever CK determines that the amendment is in the best interests of Capable Kids, subject to the authority of CK's Board to approve any such amendment. In addition, amendments to the General Rules may also be proposed by (i) the President of the Board of Directors, (ii) the Chief Executive Officer, (iii) Parent Steering Committee, or (vi) as advised by external government agencies or organizations.

### **3.04 (b): Format for Proposed Amendments**

After the initial creation of the Member Handbook and formal Capable Kids Policies, all proposed amendments to the General Rules shall be submitted to CK in writing, and shall identify clearly the specific nature and purpose of the proposed amendment. If possible, the proposed amendment shall be submitted in a form which shows what, if any, existing language from the affected section or subsection of the General Rules would be deleted (using brackets or "overstrike" marks to ensure that the stricken language is still readable), and what language would be adopted in its place if the proposed amendment were approved (using underlining or italics to identify the new language). If a party proposing an amendment does

not wish to propose specific new language to be added to the General Rules as part of the proposed amendment, that party may describe in detail the substance and intended effect of the amendment, in lieu of drafting proposed new language for insertion in the General Rules. (In this latter case, however, the proposal shall nevertheless clearly identify any language which would be deleted from the General Rules if the proposed amendment were adopted.) CK reserves the right to decline to consider any proposed amendment which CK determines is unclear or too lacking in detail to enable CK to evaluate its purpose or impact.

#### **3.04 (c): *Initial Screening of Proposed Amendments***

All proposed amendments to the General Rules shall be reviewed by CK. CK may seek the views of the Parent Steering Committee, the membership, or legal counsel concerning the substance or implementation of any proposed amendment, if CK determines that such input would assist CK in evaluating the proposal. In that case, CK shall provide affected Programs with a reasonable period within which to review and comment on the proposed amendment. Any comments submitted shall be advisory only and shall not be binding on CK's Board.

#### **3.04 (d): *Approval of Proposed Amendments***

CK's Chief Executive Officer shall have the power to approve any amendment to the General Rules, provided that the Chief Executive Officer's approval of all such amendments is ratified and adopted by CK's Board at its next regularly scheduled meeting. If CK's Chief Executive Officer determines that a particular amendment needs to become effective before the next regularly scheduled meeting of CK's Board, then any such amendment to the General Rules shall, following its approval by CK's Chief Executive Officer, be submitted promptly for ratification and adoption by the Executive Committee of CK's Board (which discharges the powers of CK's Board in between scheduled meetings of CK's Board). All meetings and votes of CK's Board and/or of the Executive Committee of CK's Board concerning proposed amendments to the General Rules shall be held and taken in accordance with CK's corporate by-laws.

#### **3.4 (e): *Effective Date of Approved Amendments***

##### **(1) *Non-Emergency Amendments.***

Except as otherwise provided in subsection (2) below, an approved amendment to the General Rules shall take effect ninety (90) days after the date on which the amendment is ratified and adopted by CK's Board in accordance with this Section 4.04, unless CK's Board specifies a later effective date.

##### **(2) *Emergency Amendments.***

An amendment to the General Rules may be approved by CK's Chief Executive Officer to take effect in less than ninety (90) days after adoption if CK's Chief Executive Officer determines that earlier implementation of the amendment is required in order to: (i) protect the health and safety of individuals involved in Capable Kids programs, (ii) protect the public image, reputation, or financial integrity of CK or Capable Kids, or (iii) prevent immediate and substantial harm to CK Programs.

### **(3) Exceptions to Implementation Requirements.**

CK's Chief Executive Officer may extend, in writing, the deadline by which a particular Capable Kid will be required to comply with an amendment to the General Rules if CK's Chief Executive Officer determines that specific circumstances confronting the affected Capable Kid would make it impossible for the Capable Kid to comply with the effective date specified for the amendment. In the absence of such a written waiver, however, all Accredited Programs shall be required to comply with the approved amendment to the General Rules by the effective date specified for that amendment.

## **Section 3.05: Amendment of Other Policies**

### **3.5 (a): CK Sports Rules**

Amendments to the CK Sports Rules including required attendance policies shall be considered and approved by CK in accordance with the specific amendment provisions contained in the CK Sports and Cheer policies.

### **3.5 (b): Other Policies**

The procedures for amending any Policies other than these General Rules or the Official CK Sports Rules shall be governed in the first instance by whatever provisions concerning amendments are found in the specific Policy being amended. If that document does not contain its own procedure for amendments, CK may adopt amendments to those Policies by following the procedures specified in Section 3.04 for amending these General Rules.

## **Section 3.06: Advisory Committee**

### **3.6 (a): Responsibilities**

One of the committees created by Capable Kids shall be a "Parent Steering Committee" or "Parent Advisory Committee." This Advisory Committee (the "**PAC**") shall be responsible for advising CK's Board on matters related to the Capable Kids Programming. The PAC will be responsible for researching logistics related to Programming or standards/rules recommendations concerning matters affecting the Capable Kids and CK Programming. Each quarter, Information will be reported to CK's Board concerning all recommendations being made by the PAC by the Program Coordinator or CEO at the next board meeting following the quarterly PAC meeting.

### **3.06 (b): Size and Composition**

The PAC should consist of at least seven (7) members and the membership should be representative of both the Capable Kids Programming that serves children 15 and younger and the Capable Kids at Heart program targeted to older teens and young adults.

### **3.06 (c): *Criteria for Membership***

Persons elected to membership on the PAC shall meet the following criteria:

- (1) To participate in the PAC, a person must be a parent, loco parentis, or legal guardian of an active CK member.
- (2) Have extensive knowledge of, and significant prior experience with Capable Kids as an adult participant;
- (3) Understand the role and responsibilities of the PAC;
- (4) Be an effective advocate for the mission and Founding Principles of Capable Kids; and
- (5) Regularly attend or participate in meetings or conference calls convened by the PAC.

## **Section 3.09: Sports Advisory Committee**

### **3.09 (a): *Purpose***

The purpose of the Sports Advisory Committee is to conduct an on-going review of the CK Sports Rules and make recommendations to CK concerning amendments to the CK Sports Rules proposed by the Committee and/or Programs.

### **3.09 (b): *Composition***

The Sports Advisory Committee shall consist of members who are sports experts, coaches, parents, athletes, Executive/Program Directors of Programs or members of CK's Board. Committee members shall be drawn from all sports programs, including Cheerleading and shall be as diverse and in scope as is reasonably practicable. CK's Board shall determine the size of the Sports Advisory Committee.

### **3.09 (c): *Selection and Terms of Members***

A CK Board member is designated as the Chairman of the CK Sports Advisory Committee. The Board member or the CK's Chief Executive Officer, or his/her designee, shall appoint and may remove all members of the Sports Advisory Committee. In making these appointments, CK may consider recommendations from Programming or from other persons who participate in or are affiliated with Capable Kids. Each member of the Sports Advisory Committee shall serve for a term of two (2) years. CK's Chief Executive Officer will appoint a replacement for any Committee member who is unable or unwilling to complete his/her two-year term.

### **3.09 (d): *Requirements of CK Sports Rules***

The CK Sports Rules contain additional provisions concerning the Sports Rules Advisory Committee, which address, among other things, the Committee's functional responsibilities, the responsibilities of sports subcommittees, the procedures for adopting and modifying the CK Sports Rules, and the timetable for reviewing and adopting proposed amendments to the CK Sports Rules. The Sports Advisory Committee shall comply with these additional procedural provisions in the CK Sports Rules in conducting its affairs.

## **Section 3.10: Advisory Committees**

CK may periodically authorize the creation of Advisory Committees (including, but not limited to, Leadership Councils) in addition to or in lieu of those expressly provided for in these General Rules, if CK determines that their formation would be in the best interests of Capable Kids. If CK chooses to authorize the formation of any additional Advisory Committees (which may be organized according to functional responsibilities or other non-geographic lines), then at that time, CK will determine how that new Advisory Committee will be required to handle the procedural and operational matters.

### **Section 3.11: CK Program Activities**

The structure and operations of all CK Programs, and all activities conducted by or under the authority of CK Programs in the name of or for the benefit of Capable Kids, shall be subject to CK's ongoing approval. CK will create its own programming with input from the PAC. Furthermore Formal and informal partnerships with other related nonprofits will be leveraged to maximize programming while minimizing duplication of efforts.

### **Section 3.12: Broadcasting and Recording Matters**

#### **3.12(a): *CK's Authority***

CK shall be the sole and exclusive owner of all copyright and other intellectual property rights of all logos, and retains the sole and exclusive right to license others to film, record and broadcast, whether on a live or pre-recorded basis, any audio, or visual, or digital signals of any Capable Kids events. This does extend to private recordings made by parents or recordings made by media or news outlets with permission of CK.

#### **3.12 (b): *Effect on Partner Programs and outside agencies***

No Partner Program or outside agency may grant, or purport to grant to any party (including without limit, any producer, director, radio broadcaster, over-the-air or cable television broadcaster, radio or television network, or any Internet provider) any right of any kind to film, record, broadcast or otherwise disseminate any CK event Recordings without CK's prior written consent, or to otherwise publish, display, or transmit CK Recordings through computers, digital or analog modem signals or fiber optic signals, Internet sites, World Wide Web communications, networks or any other form of on-line or off-line communications or downloads without CK's prior written consent.

#### **3.12 (c): *Recording Rights***

No Partner Programs or outside individuals or agencies shall, without CK's prior written permission, either itself or by license to any other party, produce, promote, and/or sell video or vocal recording of any kind, including without limit any CD, record, tape, Internet broadcast, digital video disk, or any other electronic media, whether now in existence or created in the future, for the benefit of the Capable Kids.

## **Section 3.13: Registration and Protection of CK Marks**

### **3.13 (a): *CK's Responsibilities***

As the owner of the CK Marks, CK is responsible for registering, protecting and enforcing all of CK's ownership and related rights to the use of the CK Marks and the goodwill and value associated with them. CK is therefore exclusively responsible for registering or recording all trademarks, service marks, copyrights, and all other recordable interests in any intellectual property comprising the CK Marks with the appropriate legal or governmental entities throughout the world, and for filing and prosecuting all actions against third parties for misappropriation, infringement or other misuse of the CK Marks or other intellectual property associated with Capable Kids.

### **3.13 (b): *Effect on Programs***

No Program, Sub-Program or related committees established by CK or by authority of these General Rules may register any CK Mark or any copyright which is owned by CK or which is related to or to be used in connection with Capable Kids with any non-government entity, with any national or local governmental authority or with any multi-national or international tribunal responsible for the recordation, cataloging or enforcement of trademarks or copyrights without CK's prior written consent. In addition, no Program or Sub-Program may file or prosecute any claim for misappropriation, infringement or other misuse of the CK Marks or other intellectual property associated with Capable Kids or the Capable Kids without CK's prior written consent. CK will, however, consider requests from specific Programs for authorization to proceed with such registration or enforcement activities in the name of and on behalf of CK, if CK determines that granting such authorization is a more efficient and expedient method, in a particular instance, of protecting the CK Marks and other intellectual property associated with Capable Kids in areas outside of the RGV or the United States.

## **Section 4.01: Alcohol and Tobacco Policy**

### **4.01 (a): *Use of Alcoholic Beverages and Tobacco Products***

Capable Kids shall knowingly permit the use of any alcohol or tobacco products at any Capable Kids Member Focused Activity or Member focused Event.

### **4.01 (b): *Prohibitions Concerning Affiliations of the Capable Kids Name or CK Marks with Alcoholic Beverages and Tobacco Products***

Capable Kids shall not permit the name "Capable Kids," the CK Logo or any other CK tagline or CK Mark to be publicly or visibly connected or associated with the name or trademark of any of the following companies or products:

(1) any tobacco product, or the manufacturer or distributor of a tobacco product;  
or

(2) any alcoholic beverage, or the manufacturer or distributor of an alcoholic beverage.



#### **4.01 (d): *Obtaining Required Guidance from CK***

Corporate Sponsors or program partners agree that they shall contact CK for guidance and further authorization in any instance where it is uncertain whether the CK logo may be used in marketing materials associated with tobacco products or alcoholic beverages. CK's decision on such matters will be final and binding.

### **Section 4.2: Compliance with Laws**

Capable Kids shall conduct its affairs and operate Capable Kids programs in accordance with all laws and regulations which may govern or apply to its activities, including, but not limited to, all laws and regulations concerning: (a) non-profit corporate or other organizational status or governance; (b) obligations concerning income, payroll and other types of taxes, and requirements for obtaining and maintaining exemption from income taxation; (c) revenue and expenditure reporting; (d) fund-raising activities, including laws and regulations which govern charitable solicitation and/or cause-related marketing promotion activities; (e) auditing, preparing and/or filing financial statements and other required financial reporting to government authorities; (f) disclosure of information to members of the public; (g) occupational health and safety requirements; (h) the hiring, firing and selection of employees; (i) prohibitions against discrimination and requirements concerning equal opportunity in the hiring of employees and the conduct of Capable Kids; and (j) procedures and policies concerning the use of volunteers.

### **Section 4.3: Compliance with Voluntary Standards**

CK voluntarily complies with the non-profit management and fund-raising standards issued in the United States from time to time by certain major charity monitoring groups, such as the Better Business Bureau Wise Giving Alliance (collectively, the "**Voluntary Standards**"). CK's policy is to encourage full compliance with all such Voluntary Standards

### **Section 4.4: Contracts with Third Parties**

Capable Kids will comply with all applicable laws and requirements concerning fund-raising activities and the standards and conditions to be met or included in all agreements with corporate sponsors or other third parties that provide financial support or services for the Capable Kids. Capable Kids shall NOT enter into an MOU, MOA or contract with any third party that incorporates a license to the third party to use Capable Kids name or logo and which has a term or duration which extends beyond the specific event or designated partnership timeframe and reserves the right to terminate any MOU, MOA, or contract without penalty in the event of false or inaccurate information; potential misuse of donated funds or the inappropriate or misuse of CK's logo, name or CK Marks is found.

### **Section 4.5: Conflicts of Interest Policy**

#### **4.05; *Conflict of interest***

In order to preserve the integrity and reputation of the Capable Kids, all board members, Executive/Program Directors, committee members and employees, shall scrupulously avoid conflicts of interest, whether real or potential, between their own personal and financial interests, or the interests of companies or businesses in which they have an interest, and the interests of the Capable Kids organization in which they are an officer, Executive/Program Director, member of a Board of Directors/Program Committee, or employee.

The preceding sentence obligates all Capable Kids Board members, volunteers and staff to avoid not only actual conflicts in situations in which there is a true conflict between competing interests, but also to avoid conflicts which are "potential," in that they may create an appearance of impropriety, and thus risk public embarrassment to Capable Kids or damage to its reputation, even if there is no actual impropriety or conflict. To meet this requirement, all potential conflicts shall be disclosed fully and promptly to the CK Board of Directors for resolution. If any Capable Kids employee has a doubt about whether a particular situation creates a potential conflict of interest, that doubt shall be resolved, in all instances, in favor of disclosing the potential conflict as required by this Section.

Every year all Board members must review the policy and disclose any potential conflicts of interest and are required to recuse themselves on voting for any decision that may be impacted by a conflict of interest.

#### **Section 4.6: Financial and Insurance Requirements**

Capable Kids shall comply with the funding, financial reporting, and insurance requirements.

#### **Section 4.7: Codes of Conduct**

CK has written and adopted codes of conduct for members and parents of members and reserves the right to adopt or develop written codes of conduct concerning the actions or activities of specific types of participants in Capable Kids Programming. CK will provide all CK members, parents and staff with written notice of any such codes of conduct, and at least 30 days to implement any provisions which require changes in operations, policies or procedures.

#### **Section 5.01: Division of Fund-Raising Responsibilities within Capable Kids**

Capable Kids solicits sponsorships, donations and does fundraising activities in order to support programming efforts. CK is responsible for raising the funds needed for CK's programs and administrative operations, and for supporting the growth of existing Programs (through grants from CK and other means) as well as the regional expansion of Capable Kids. The CK Board of Directors has the exclusive authority within Capable Kids to conduct, or to approve arrangements for, a broad range of fund-raising activities. All funds raised will be used in the manner in which

the fund were intended by the donor and tracked accordingly, in compliance with donating organizations and IRS requirements.

## **Section 5.02: CK's Exclusive Authority**

CK has the exclusive right and authority to conduct (or to authorize third parties to conduct) any or all of the following activities for the purpose of raising funds for the benefit of CK and/or Capable Kids:

### **5.02 (a): *Licensing Use of "Capable Kids" Name***

To enter into all agreements which contemplate or require that a corporate sponsor or any other third party be granted authorization to make any use of the name "Capable Kids," either in marketing its own products or services (such as through a cause-related marketing promotion in which the public is informed that its purchase of a particular item will raise funds for Capable Kids), in sponsoring a particular event, or in acknowledging its own support for the Capable Kids Movement (such as where a sponsor publicizes that it is a supporter of "Capable Kids").

### **5.02 (b): *Endowment Fund-Raising***

To conduct (or to authorize third parties to conduct) all fund-raising activities which are dedicated to or directed at the development of an endowment fund for the benefit of the Capable Kids Movement.

### **5.02 (c): *Foundation Grants***

To approach and seek grants or other forms of funding from foundations, wherever located, which offer grants or other types of financial support to non-profit organizations.

### **5.02 (d): *Digital Fund-Raising***

In order to promote uniform standards for all Digital Fund-Raising conducted in the name or for the benefit of Capable Kids, CK shall provide written guidelines for any outside organization wishing to engage in Digital Fund-Raising for benefit of Capable Kids. Digital Fundraising shall include any fund-raising activities which are to be undertaken for the benefit of Capable Kids using the Internet, social media or any other form of international or interstate computer-based or telecommunications technology other than mere telephone solicitation, whether presently known or developed in the future, which involves the solicitation or receipt of contributions through computer-based marketing of goods or services, e-mail messages to or from donors or through any website, social media channel, text messages or other on-line telecommunications or digital media sources (collectively, "**Digital Fund-Raising**"). Outside organization or individual has the authority to engage in any Digital Fund-Raising unless those activities are conducted in accordance with these General Rules and CK's written guidelines and only with written approval from the CK Board of Directors.

## **5.2 (e): *Other CK Fund-Raising***

In addition to CK's exclusive authority under this Section 5.02, CK also has the authority to conduct or authorize all other fund-raising activities not specifically enumerated in this Section 5.02, including but not limited to cause-related marketing promotion projects, Corporate Sponsorship arrangements, and the implementation of Raffles, Auctions and Special Events.

## **Section 5.03 *Names of Program and Fund-Raising Events; Identification of 5.03 (a) Sponsors***

(1) Identification of Sponsors. Corporate sponsors or other organizations which Capable Kids shall be recognized by only as "sponsors," "providers," or "supporters" Capable Kids, or other similar terminology. Capable Kids does not permit any Sponsor or organization "Capable Kids," or any other CK Mark in their own names or in the names of their products or services.

(2) Names of Program Events. Capable Kids shall not permit any corporate sponsor or other organizational supporter of Capable Kids to add its organizational or product names to the name of any Capable Kids event, activity or program without express written permission based on Sponsor requirements.

(3) Names of Fund-Raising Events. Corporate sponsors or other organizational supporters of Capable Kids which conduct their own promotional or fund-raising events for the benefit of Capable Kids may identify their own events using their organizational or product names, and indicate that the events are "for the benefit of" Capable Kids, but may only use the name of Capable Kids or CK Marks in accordance with the above-mentioned standards and CK policies. CK shall have an ongoing right to approve the ways in which any CK Mark is used by such organizations, in announcing and publicizing their support of Capable Kids.

## **5.3 (b): *Compliance with Sponsorship Requirements***

All Accredited Programs shall comply with the sponsorship designations in Section 5.03.

## **5.03 (c): *Contributions from Parents***

Capable Kids may solicit or accept unsolicited contributions from persons who are the parents or guardians of Capable Kids members.

## **5.3 (d): *Tax Exemption Considerations***

Capable Kids shall conduct all fund-raising activities in a manner which complies with the requirements in its jurisdiction for maintaining its exemption from taxes.

## **Section 5.04: CK's Designation of Exclusive and Non-Exclusive Sponsors**

### **5.4 (a): *Definitions***

For purposes of this Article 5, the terms listed below have the following meanings:

(1) "Exclusive Sponsor" means a sponsor of CK has agreed, consistent with the requirements of this Section 5.02, to recognize exclusively within a particular category of programs, a particular type of service, or a particular event as a supporter of CK.

(2) "Non-Exclusive Sponsor" means a sponsor of CK has not made any exclusivity commitment or requirement in that sponsor's support of a program or event.

**5.04 (b): *CK's Authority to Designate Exclusive Sponsors and Multi-Jurisdictional Sponsors; Obligations of Accredited Programs***

CK has the sole authority to select and contract with Exclusive Event or Program Sponsors or to authorize the use of levels for sponsorship and agrees to honor the specific commitment of benefits related to Exclusive or level sponsorship's and to be transparent about those benefits to all sponsors.

**5.04 (c): Sponsor Recognition Requirements**

Capable Kids shall recognize the support of Exclusive Sponsors (and honor their exclusivity arrangements with CK, and recognize the support of Non-Exclusive Sponsors as provided in Sponsorship level agreement

**Section 6.01: Contracting Policy**

**6.1 : Contracting Policy**

All agreements entered into by Capable Kids shall be in writing, and must include the following minimum contract protections, unless otherwise approved in advance and in writing by CK.

Bids will be solicited for venues and services over a pre-determined threshold to ensure CK is being a good steward of donated monies.

**Section 6.02: Insurance Coverage**

**6.2 (a): CK Member Insurance Coverage**

All Capable Kid members are required to have adequate medical coverage to participate in events.

**6.02 (b): Company Insurance Coverage**

Capable Kids will maintain the required commercial liability insurance, D& O, workman's comp and any other insurance required by law. In addition, CK may also engage in additional insurance coverage as required in order to meet programming needs.

**6.04: Indemnification**

Capable Kids will be indemnified by the third party from damages, costs, expenses and attorneys' fees arising out of any claims that might be made against Capable Kids.

**Section 7.01: Standards for Financial Management**

Capable Kids shall comply with the standards set forth in this Section 7.01 concerning sound financial management.

**7.01 (a): *Protection of Assets***

Every Capable Kids shall have written procedures, to be approved by its Board of

Directors/Program Committee, for protecting, accounting for, and if applicable, investing all cash and other assets of Capable Kids.

**7.01 (b): *Use of Assets***

Capable Kids shall use its assets solely for the purpose of operating and conducting Capable Kids programs. Capable Kids shall never use any of its funds or other assets raised in the name of or provided for the benefit of Capable Kids for the support or benefit of any other charitable or commercial program, activity or organization without express permission by the Board of Directors and only if the charitable organization supports also CK members in its programming.

**7.01 (c): *Accounting and Control***

Capable Kids has implemented reliable internal control systems for recording and accounting for the receipt and expenditure of funds by creating Accounting Policies and Procedures that are GAAP compliant to guard against unauthorized and fraudulent acts and the Board of Directors and outside auditors of the Capable Kids regularly review these systems for compliance of financial management and decision-making.

**7.01 (d): *Compliance with Accounting Standards Applicable Accounting Principles***

Capable Kids has an established accounting system which complies with generally accepted accounting principles and standards, as articulated from time to time by national or review boards or associations of certified public accountants.

**7.01 (e): *Separate Bank Accounts***

Unless otherwise authorized by CK, all monetary instruments received by or raised on behalf of an Capable Kids must be deposited into bank accounts opened and maintained solely in the name of that Capable Kids, and authorized to be opened for that purpose by written directive of the CK's Board of Directors. Capable Kids Organizational Documents provide that funds may be disbursed from these accounts only by the specific officials or employees of the Capable Kids who are authorized to make withdrawals or disbursements, or to sign checks or drafts drawn on these accounts, by written directive of the CK's Board of Directors. All deposits into and expenditures from these accounts are to be properly recorded in accordance with applicable accounting principles in the Accredited Program's financial books and records.

**7.01 (f): *Compliance with Laws***

Capable Kids shall comply with the laws and regulations, including but not limited to all laws and regulations which govern taxation, tax-exempt status, financial reporting, authorization to conduct business, and fund-raising activities and practices.

**7.01 (g): *Conflicts of Interest***

Capable Kids shall comply with the conflicts-avoidance policies set forth in Section 4.6.

## **Section 7.02: Fiscal Years**

The fiscal year recognized by Capable Kids shall be the calendar year.

## **Section 7.03: Development of Strategic Annual Plans and Program Budget**

### **7.03(a)**

Capable Kids has developed a multi-year plan aligned with CK's strategic plans and priorities, setting forth comprehensive goals for the Capable Kids sports, programmatic, administrative and fund-raising goals, and its plans for growth. Each Strategic Plan is prepared in accordance with guidance provided by CK Board of Directors.

### **7.03(b)**

Each year an annual plan is formulated based on the strategic plan and includes a written budget detailing all revenues and expenditures projected for the coming fiscal year, (the "**Program Budget**"). Each Annual Plan and accompanying Program Budget must be approved in advance of its adoption by the CK Board of Directors.

## **Section 7.04: Finances**

### **7.04 (b): Financial Statements**

Capable Kids is required to develop and maintain accurate financial statements which comply with applicable accounting principles. The CK Board reviews a financial dashboard monthly of revenue and expenses and its comparison to the Program Budget. Capable Kids shall prepare annual financial statements, in accordance with applicable accounting principles, for each fiscal year. Such annual financial statements shall be filed with the applicable government agencies as part of the reporting requirements of Section 7.06.

### **7.4 (b): Finance Committee Purpose and Responsibilities**

#### **Purpose**

The Finance Committee will assist the Capable Kids Board of Directors in its oversight responsibilities relating to fiscal management. The Committee will consist of Board Members, the Treasurer will chair the committee and at-large community members will be selected as deemed necessary:

- a) Review and recommend approval of an annual operating budget;
- b) Regularly review financial results;
- c) Oversee the management financial assets;
- d) Review and evaluate internal controls and make recommendations.

**Key Responsibilities:** To fulfill its purposes, the Committee shall:

Review and Approve an Annual Operating Budget:

Annually, the Committee will review the proposed annual operating budget for the ensuing fiscal year. After review and amendment, if necessary, the

Committee will recommend a final operating budget to the full Board of Directors for approval.

### **Review of the Financial Results:**

Members of the Committee will receive and review financial statements consisting of the then current year-to-date: 1) statement of financial position, 2) operating statements, 3) cash flows; and 4) key financial performance benchmarks that the Committee deems relevant from time-to-time. These financial statements will be accompanied by a narrative from management highlighting any financial issues and, where necessary, management actions related thereto.

### **Oversee the Management of Financial Assets**

The Committee will consider the management of financial assets, their protection and sufficiency in order to determine the sustainability of the Capable Kids Foundation.

### **Review and Evaluate Internal Controls and make Recommendations**

The Committee will periodically review and update Capable Kids Foundation accounting manual and determine the sufficiency of controls in order to protect the Capable Kids Foundation from fraud or abuse. It will make recommendations for improvements to the board of Directors

In addition, at its regularly scheduled meetings, the Committee will also review the status of the Capable Kids Foundation financial condition and discuss, in detail, issues that emerge from the review.

### **Timely/Accurate Financial Information:**

The Committee will continually review and advise management regarding the form, content and frequency of financial information necessary for it to fulfill its responsibilities described herein. Further, to the extent necessary to inform decision-makers, the Committee may advise management regarding key financial information and performance indicators necessary to evaluate the various internal business units throughout the organization.

## **Section 7.05: Audit Requirements**

### **7.5 (a): *Generally***

Capable Kids' annual financial statement shall be audited by an independent third party accounting firm yearly

### **7.5 (b): *Results of Audit***

The results of all audits required by this Section 7.05 shall be reported in writing to the Board of Directors. The financial controls and accounting systems used by each



Capable Kids must be sufficient to enable the outside auditors of the Capable Kids to give their unqualified written opinion that those financial statements fairly reflect, in all material respects, the financial condition of CK. Information from the third-party audit will be used in the yearly compilation of an annual report which will be provided to the public each year at the annual meeting.

## **Section 7.06: Reporting Requirements**

### **7.6 (a): *Periodic Reporting***

Capable Kids will provide to provide monthly financials and other program reports to the CK Board of Directors monthly reviewing its finances and financial operations, in order to ensure that the Capable Kids is able to discharge its obligations.

### **7.06 (b): *Annual Reporting***

No later than six (6) months following the end of each fiscal year, or by the date (if later than six (6) months following the end of the fiscal year) when the Capable Kids must file any annual tax return, financial statement or other form of financial report required by law, Capable Kids shall provide an Audit report to the CK Board of Directors.

### **7.06 (c): *990 Submission***

Capable Kids Foundation requires all voting members of the Board of Directors to have access for review purposes of the IRS Form 990 prior to it being filed with the Internal Revenue Service. The Chief Executive Officer will submit a draft copy of the form to the Board of Directors at the earlier of either the Board meeting prior to the due date of the return or 30 days before the return is due. Each board member will be given the opportunity to respond in writing or by e-mail to the Chief Executive Officer asking any questions or objecting to any information presented on the form. In the event that the objection cannot be resolved between the Board Member and the Chief Executive Officer then the return shall be extended and the subject is included as an agenda item at the next regularly scheduled Board meeting.

It shall be deemed sufficient for the Chief Executive Officer to provide a draft copy to all voting members by e-mail, and requesting that approval is implied by a no response to the e-mail. The Chief Executive Officer shall provide evidence in the 990 file that this policy has been complied with and copies of all correspondence, questions and objections.

## **Section 8.01: Non-Discrimination Policy**

### **8.01 Non-Discrimination Policy**

It is the policy of this organization to ensure that all staffing and volunteer decisions shall be based on merit, qualifications, and competence. Except where required or permitted by law, organizational practices shall not be influenced or affected by virtue of an applicant's or volunteer's race, color, religion, creed, age, sex, national origin or ancestry, marital status, veteran status, sexual orientation, or status as a qualified disabled or handicapped individual, or any characteristic protected by law. In addition, it is the organization's policy to provide an environment that is free of unlawful harassment of any kind, including that which is sexual, age-related, or ethnic.

## **Section 9.01: Harassment Policy**

### **9.01 (a): *Policy Requiring Reporting of Any Harassment of Employees, volunteers or participants***

Capable Kids is committed to providing an environment that is free of harassment of all kinds while working, volunteering or participating. More specifically, it is the CK's policy that none of its staff, volunteers, or participants may be subjected to harassment of any kind, but particularly harassment forbidden by law such as harassment because of one's race, sex, ethnicity, age, religion, national origin, color, height, marital status, veteran status, disability, or sexual orientation. This prohibition includes, of course, sexual harassment as described below. All types of harassment are prohibited and the Capable Kids (CK) will take strong disciplinary steps, up to and including discharge or suspension, against any employee, volunteer, parent or participant who engages in it.

It is also the policy of Capable Kids (CK) that any employee, volunteer, parent or participant who believes that he or she has been subjected to such harassment must report that fact immediately in writing to the Chief Executive Officer. The report will be promptly investigated and remedial action will be undertaken as appropriate. To the extent possible, the investigation will be conducted in a manner calculated to protect the privacy of the individuals involved. When a report of harassment is made in good faith, the Capable Kids (CK) will protect the employee, volunteer, parent or participant from retaliation or any other detrimental impact on his or her employment volunteering or participation.

### **9.01 (b): Harassment Policy**

It is the policy of Capable Kids (CK) to maintain a working environment which encourages mutual respect, promotes respectful and congenial relationships between employees, volunteers, parents or participants and is free from all forms of harassment of any volunteer by anyone, including parent/participants, volunteers, supervisors, co-workers, vendors, or participants. Harassment in any manner or form is expressly prohibited and will not be tolerated by Capable Kids (CK). Accordingly, the Capable Kids (CK) is committed to vigorously enforcing this policy against harassment, including but not limited to sexual harassment, at all levels within Capable Kids (CK).

All reported or suspected occurrences of harassment will be promptly and thoroughly investigated. Where harassment is determined to have occurred, Capable Kids (CK) will immediately take appropriate disciplinary action, including written warnings and possible suspension, and/or termination. Capable Kids (CK) will not permit or condone any acts of retaliation against anyone who files harassment complaints or cooperates in the investigation of same.

1. The term “harassment” includes but is not limited to unwelcome slurs, jokes, verbal, graphic or physical conduct relating to an individual’s race, religion, sex, sexual orientation, age, national origin, or disability.
2. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:
  - a. Submission to such conduct is an explicit or implicit term or condition of volunteering
  - b. Decisions are based on a volunteer’s submission to or rejection of such conduct; or,
  - c. Such conduct interferes with an individual’s work performance or creates an intimidating, hostile or offensive working environment.
3. The term “harassment” may also include conduct of volunteers, employees, supervisors, vendors and/or customers who engage in verbally or physically harassing behavior which has the potential for humiliating or embarrassing an employee, volunteer, parent or participant of Capable Kids (CK).

Any employee, volunteer, parent or participant who feels that they have been or are being harassed, or discriminated against, is encouraged to immediately inform the alleged harasser that the behavior is unwelcome. If the informal discussion with the alleged harasser is unsuccessful in remedying the problem or if such an approach is not possible, the employee, volunteer, parent or participant should immediately report the conduct to the CEO. The report should include all facts available to the employee, volunteer, parent or participant regarding the harassment.

### **9.01 (c): Anti-Bullying Policy**

Capable Kids was created to be a safe and supportive organization for children and young adults with disabilities. Capable Kids has a zero tolerance for bullying and has an anti-bullying Policy in place which can be reviewed in the handbook.

## **Section 10.01: Confidentiality and Duty to Disclose**

### **10.1 (a): Confidentiality**

Respecting the privacy of our members and their families, donors, staff, volunteers and of the Capable Kids Foundation itself is a basic value of Capable Kids. Personal and financial information is

- confidential and should not be disclosed or discussed with anyone without permission or
- authorization from the CEO. Care shall also be taken to ensure that unauthorized
- individuals do not overhear any discussion of confidential information and that document
- containing confidential information are not left in the open or inadvertently shared.
- Employees, volunteers and board members of Capable Kids may be exposed to information which is confidential and/or privileged and proprietary in nature. It is the policy of Capable Kids that such information must be kept confidential both during and after employment or volunteer service. Staff and volunteers, including board members, are expected to return materials containing privileged or confidential information at the time of separation from employment or expiration of service.
- Unauthorized disclosure of confidential or privileged information is a serious violation of this policy and will subject the person(s) who made the unauthorized disclosure to appropriate discipline, including removal/dismissal.

Any information pertaining to the customers, parent/participants, or families which the volunteers receive in the course of their duties is strictly confidential. No discussions of any CK member or their family situations of any kind are to be held in any public places. Should there be a question as to whom employees or volunteers may speak to about a concern, please contact the Capable Kids (CK) Chief Executive Officer or Program Coordinator.

#### **10.01 (b): Duty to Disclose**

Duty to Disclose: Exceptions to Confidentiality - employees and volunteers are NOT protected by privilege, like a doctor-patient or lawyer-parent/participant relationship

Employees and Volunteers have a duty to immediately disclose instances where the employee or volunteer suspect (1) Child Abuse and/or neglect; (2) Someone may harm her/himself or others. Such disclosure should be to the CK Program Coordinator or Chief Executive Officer. Capable Kids leadership will report the concerns to the appropriate authorities and agencies. Employees or Volunteers that have a question about disclosure should immediately call the CK Office.

### **Section 11.01 Grievance Process**

#### **11.01 (a): Parent/participant Concern and Grievance Policy**

It is the policy of the Capable Kids Foundation to treat all customers and parent/participants with fairness and professionalism and to strive for excellence in providing services to parent/participants. The CK policy provides parent/participants and their families or legal guardians with the opportunity to express a problem or grievance related to the quality of services. If you feel you have been treated unfairly, unprofessionally or feel that your rights have been breached, the following procedure should be used.

### **11.01 (b): Reason for policy**

The CK's grievance procedure is designed to provide a means for those applying for services and parent/participants receiving services to bring a grievance to the attention of the CK and to reach a speedy resolution. The CK has a strict policy prohibiting retaliation in any form against anyone who files a grievance.

### **11.01 (c): Definition**

A grievance is defined as any situation or condition that a parent/participant or customer may think is unfair, unjust or inequitable. In addition, if a parent/participant merely states they want to file a grievance, a grievance should be completed.

### **11.1 (c): Reporting Process**

Under this Parent/participant Grievance Procedure, you should submit a grievance in the following sequence:

If a parent/participant or customer has a concern, the concern can be discussed with an appropriate CK staff member. If the customer or parent/participant decides to speak to a The CK's staff and an agreement cannot be reached, the parent/participant/customer should be directed to proceed to the next step of this grievance procedure.

1. A parent/participant/customer can also file a grievance without any discussion and proceed to the next step.
  - o Request to speak with a senior Manager or CEO.
2. The CEO or Program Coordinator will meet with the parent/participant/customer then or can schedule a meeting at the parent/participant/customer convenience.
3. The grievance concern will be reviewed and investigated by the CEO.
4. If the Program Coordinator investigates the grievance, the CEO is briefed of the concern in writing and is provided with all steps taken for investigation and copies of all related documentation and findings.

Parent/participant/customer may opt to fill out a Grievance/ Comment Cards form requesting redress:

On Capable Kids website at [www.ckrgv.org](http://www.ckrgv.org). submit comment

1. Once notified of a concern, The CK will initiate an investigation by assigning an investigator within two business days and provide an acknowledgment to parent/participant/ customer within 7 business days.
2. The CK will report the outcome of the complaint investigation to the parent/participant /customer within 14 business days after the complaint is received.
3. If it has not been possible to gather the necessary information that would lead to a resolution by 14 days, the parent/participant/ customer will be notified and given a new date, up to 30 days, by which a resolution or determination will be made.
4. All policies and rules applicable related to the grievance investigation findings will be followed.
5. If for any reason, a parent/participant/customer is unsatisfied with the results, they should be directed to contact The CK Chief Executive Officer to further discuss the matter.
6. The CEO will conduct a second review of the matter and will respond to the parent/participant/customer in writing within 10 business days. The CEO's decision and recommendations will be final.

Public Comments may also be made to the Board. All Monthly Board meeting dates and times are made public on the CK website.

### **11.01 (d): Reporting Procedure**

The grievance form is to be completed if a parent/participant/customer wishes to make or file a grievance or complaint (Attachment 1). The parent/member may also ask someone else who is acting with their knowledge and consent to write or express the grievance. A grievance may be filed anonymously, without a name, however it may make it more difficult for the CK to address the matter.

## **Section 12.01 Disclosure of Fraud**

### **12.01 (a): *Disclosure of Fraud***

According to requirements of the Internal Revenue Service on Form 990. The organization shall report all fraud that the organization became aware of during the tax year exceeding \$250,000 or 5% of the organization's gross receipts or total assets for the year or as of the end of the tax year.

For purposes of reporting the organization shall report the nature of the diversion, amounts or the property taken, corrective actions taken to address the matter, but not the name of the individual in Schedule O of the form in the year that the diversion became known.

## Section 13.01 Transparency Policy

### 13.1 (a): *Transparency Policy*

Capable Kids desires to conduct business in an atmosphere that is open and transparent with the goal of promoting trust and understanding. The organization is responsive to members and the public who request relevant information, as defined by FOIA, in a timely manner in accordance with IRS and FOIA guidelines and timelines.

To facilitate transparency, the organization will:

1. Share on a timely basis with the membership and appropriate persons:
  - Decisions made in board meetings that are not executive sessions, as recorded in meeting minutes.
  - Public records as set by law.
  - The financial position of the organization as reported and/or certified by an independent auditor.
  - Board approved policies and positions, when appropriate.
  - Information on organizational structure.
  - Other information as may be determined by the board to be of importance to members and stakeholders.
2. Monthly Board meetings are open to the public with dates of meetings posted on the company website and the organization event calendar. Individuals may attend the public forum part of the board meetings and public comments are requested. Board meeting dates are published at least 30 days out and any changes are confirmed and posted at least 24 hours prior to the meeting to remain compliant.
3. Members are encouraged to offer their input to benefit decision-making processes. The Parent Steering Committee provides feedback on desired events and incorporation of the events and feedback is then reviewed with the committee.
4. Annual reports for both Texas and the IRS are filed annually as required by law.
5. A third -Party Audit to review the financial transactions and organizational standing will be conducted each year with information released and reviewed in the Annual Report to be released at the Annual meeting each May in conjunction with the Volunteer Appreciation event. Information for the Annual meeting will be posted on the Organizational Calendar. The Annual meeting may be attended by any person in the public by the accompanying volunteer event is by invitation only.

## Section 13.02 Whistleblower Policy

### **13.2 (a): Whistleblower Policy**

A whistleblower as defined by this policy is an employee of Capable Kids Foundation who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or the Executive Director. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination. Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. In so far as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The Capable Kids Foundation will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Executive Director or President of the Board immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. Defend Trade Secrets Act (DTSA) Compliance: "Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing:

1. Immunity—An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that—(A) is made—(i) in confidence to a federal, state or local government official, either directly or indirectly, or to an attorney; and (ii) solely for the purpose of reporting or investigating a suspected violation of law; or (B) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.
2. Use of Trade Secret Information in Anti-Retaliation Lawsuit—An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the
3. individual—(A) files any document containing the trade secret under seal; and (B) does not disclose the trade secret, except pursuant to court order."

All reports of illegal and dishonest activities will be promptly submitted to the Executive Directors who is responsible for investigating and coordinating corrective action. Employees with any questions regarding this policy should contact the Executive Director. To facilitate transparency, the organization



will:

- i. Share on a timely basis with the membership and appropriate persons:
  - a) Decisions made in board meetings that are not executive sessions, as recorded in meeting minutes.
  - b) Public records as set by law.
  - c) The financial position of the organization as reported and/or certified by an independent auditor.
  - d) Board approved policies and positions, when appropriate.
  - e) Information on organizational structure.
  - f) Other information as may be determined by the board to be of importance to members and stakeholders.
  
- ii. Monthly Board meetings are open to the public with dates of meetings posted on the company website and the organization event calendar. Individuals may attend the public forum part of the board meetings and public comments are requested. Board meeting dates are published at least 30 days out and any changes are confirmed and posted at least 24 hours prior to the meeting to remain compliant.
  
- iii. Members are encouraged to offer their input to benefit decision-making processes. The Parent Steering Committee provides feedback on desired events and incorporation of the events and feedback is then reviewed with the committee.
  
- iv. Annual reports for both Texas and the IRS are filed annually as required by law.
  
- v. A third-Party Audit to review the financial transactions and organizational standing will be conducted each year with information released and reviewed in the Annual Report to be released at the Annual meeting each May in conjunction with the Volunteer Appreciation event. Information for the Annual meeting will be posted on the Organizational Calendar. The Annual meeting may be attended by any person in the public by the accompanying volunteer event is by invitation only.