

MARJORY STONEMAN DOUGLAS HIGH SCHOOL

VICTIMS' FUND

FINAL PROTOCOL

April 27, 2018

The February 14th attack at Marjory Stoneman Douglas High School was an atrocity that has devastated our community and shaken our entire nation. This unspeakable act of evil has been countered with a tremendous demonstration of compassion, resilience, support, and generosity from people across our country and from far corners of the world. These acts of kindness and concern, both large and small, are shining lights of hope which stand in stark contrast to the darkness which befell us.

This is a fund for the victims of the Marjory Stoneman Douglas shooting. For more than six terrible, agonizing minutes, a gunman took control and terrorized a school. To recover from victimization often means to reassert one's control and act on that deep-seated need to do *something*. People from all walks of life chose to honor the memory of those who were killed, and the indomitable spirit of those who survived, by contributing money for the benefit of the victims. We, the Steering Committee for this Fund, have a solemn obligation to honor the intent of donors to help the victims by administering these funds in a way that is fair, transparent, victim-centered, and trauma-informed.

No one has a legal claim or entitlement to these funds. They are a gift, an act of charity from the tremendous generosity of individuals and organizations. The Steering Committee's role is to fairly administer these funds for the direct benefit of the victims, within the context of other available services. We are inspired by the largesse of the public to help as many people as we can, as much as we can, though we are also poignantly aware of our constraints and limitations.

We cannot solve all of the problems arising from this event. All the money in the world cannot bring back those who were killed, nor erase that which was witnessed and endured by the survivors. We concede that that this model is not well-suited to address long-term needs or latent injuries which do not manifest themselves until long after our application period has passed. But this Fund does not exist in a vacuum; it is merely one part of an ongoing continuum of care in response to this atrocity. Immediate assistance was available through Florida's crime victim compensation program and a myriad of crowd-sourced funding sites. Long-term governmental and community assistance will likely be provided, though it may take up to 18-24 months for that assistance to become available. This Fund offers assistance in the medium term, to bridge the gap.

The gifts offered from this Fund are also qualitatively different from other sources of relief. These gifts are not based on any economic loss or expenses incurred. Those particular losses may be reimbursed by the Florida Crime Victim Compensation Bureau, and we seek to avoid any overlap with those existing benefits.

These gifts are given to victims without any restriction on their use. We believe that victims and survivors are in the best position to determine which use would be most beneficial to their healing. We also believe that empowering victims to decide for themselves is yet another way to help them regain the control that was taken from them on February 14th.

We do not know how much money will be raised, but we firmly pledge that 100% of what is donated for victims will be distributed to victims and their families. There has been some discussion about who qualifies as a victim. In the field of victim services, the terms "victim" and "survivor" are almost interchangeable, with many seeing the term "survivor" as more affirming. A crime victim is someone who is the target of, or directly impacted by, the commission of a criminal act. Everyone on the Stoneman Douglas campus at the time of the shooting qualifies as a victim, as well as the parents, children and siblings of those whose were killed or injured. Those same people, with the exception of the 17 who were murdered, can also be called survivors.

The success or failure of this Fund will not be measured in the amount of money raised, but rather by whether the funds were distributed fairly and transparently, and in accord with the intent of the donors. Individuals will receive monetary benefits. But what may be even more beneficial than any relief the money can provide—regardless of whether it was the product of a large corporate donation, or the proceeds of carwashes, bake sales, and lemonade stands—will be the comfort

in knowing that thousands of people donated because they care about the MSD community and want to help.

What follows is the Final Protocol to govern eligibility for benefits and the distribution of gifts. This Protocol is informed by public comment received at three different Town Hall meetings as well as written comment from students, teachers, parents, and members of the community at large. We are grateful to have the guidance of the *National Compassion Fund*, and the benefit of its experience in administering similar funds in the aftermath of other mass casualty crimes.

With a community as large and diverse as ours, we have no illusion that we can issue a protocol that will satisfy everyone. However, we can confirm that we have thoughtfully considered all feedback and suggestions derived from the public comment, and viewed all the videos submitted. Some suggestions to use the funds to demolish the 1200 building, build a memorial, or enhance school security, were considered, but dismissed as being beyond the stated scope and purpose of this fund. Other suggestions to gauge trauma based upon the proximity to the gunman and the violence to which the individual was exposed, were insightful, but ultimately impractical as this committee cannot obtain from law enforcement an objective, verifiable listing of the location of each person at the time of the shooting.

We have amended the protocols in response to the comments received. We were particularly influenced by the observation that in other mass-shootings, victims are not asked to regularly return to the scene of such a traumatic experience. Yet in this instance, unless a teacher or student is willing to separate themselves from their friends, community, and support system, we are asking them to return to this school for periods ranging from a few months to several years. We recognize that everyone has been severely impacted regardless of whether they found themselves in a position to actively seek or obtain mental health treatment. Any eligible person who wants benefits need only apply. We hope that we have produced a protocol that will provide the greatest amount of help possible to the largest number of people.

The terror visited upon our community on February 14th was not perpetrated by some foreign enemy far from our shores; instead, it came from within our own community. This makes it all the more important that the compassionate response to assist the victims and survivors of this attack come from our community as well. This effort can provide the opportunity for our community to heal and grow along with the victims and survivors.

Sincerely,

Senator George S. LeMieux
Chairman

This is the Final Distribution Protocol which will govern the Marjory Stoneman Douglas High School Victims' Fund (the "Fund"). It was developed by the Administrators, incorporating feedback from the Marjory Stoneman Douglas Victim Fund Local Steering Committee ("The Committee"), the Broward Education Foundation, the *National Center for Victims of Crime/National Compassion Fund*, the South Florida Community, and the general public; including those present at the Town Hall meetings held by the Administrators on April 10 and April 17, 2018.

All aspects of this Final Protocol including, without limitation, the classifications of claimants, the distribution criteria, the claims process, timetable, and amounts to be awarded, may be revised, and are subject to the full and complete discretion of the Administrators.

The Fund was established through the generosity of businesses, foundations, and individual donors. The Fund will be used to assist those families of the victims who were killed, the victims who were physically injured, and the victims who experienced psychological trauma while physically present on the campus of Marjory Stoneman Douglas High School in Parkland, Florida, on February 14, 2018 during the attack (the "MSD Attack"). The Broward Education Foundation is a 501(c)(3) nonprofit organization, Federal Tax ID # 59-2359433 and Florida

Registration # CH49396. The National Compassion Fund is a project of the National Center for Victims of Crime, a 501(c)(3) nonprofit organization, Federal Tax ID #30-0022798 and Florida Registration #CH21962.

The payments from the Fund are to be apportioned to the victims in accordance with the severity of the injuries arising from the MSD Attack.¹

The Distribution classifications are outlined below:

CATEGORIES OF ELIGIBLE APPLICANTS

A. Death Benefits

Eligible applicants for deceased victims killed as a result of the MSD Attack will receive the highest category of payment under the scope of this Protocol. A final payment determination will be made upon receipt of all pertinent data and is subject to all comments above.

B. Benefits for Injury by Gunshot Wound

Eligible applicants who were physically injured as a result of being shot (including grazed by a bullet) on February 14, 2018 will receive payment under this Final Protocol.

C. Benefits for Presence in the 1200 Building, but not Sustaining a Gunshot Wound

Eligible applicants who were physically present in the 1200 building at the time of the MSD Attack, but who did not sustain a gunshot wound, will receive a payment under this Final Protocol. Proof of such physical presence will be based upon contemporary attendance records.

D. Benefits for Presence on MSD Campus, not in the 1200 building and not Sustaining a Gunshot Wound

Eligible applicants who were physically present on the MSD Campus at the time of the shooting, though not in the 1200 building, and who did not sustain a gunshot wound, will receive a payment under this Final Protocol. Proof of such physical presence will be based upon contemporary attendance records.

PROCESS AND PROCEDURES

Eligible applicants must file an application for benefits in order to receive a payment from the Fund. The application will provide the opportunity to specify whether they are seeking benefits for Deceased Victims, an application for benefits for Injury from Gunshot wound, or an application for benefits for being Present on the campus of Marjory Stoneman Douglas High School during the attack. A single application for benefits should be submitted for each eligible applicant.

The process and procedures for consideration of eligible applications will be as follows:

- A.** The Fund will be administered by the *National Center for Victims of Crime/National Compassion Fund* and The Broward Education Foundation.

¹ Determination of the amounts for each eligible applicant will depend upon the following: (1) the balance in the Fund on June 30, 2018; (2) the receipt of updated data regarding the nature and the number of physical injuries and the number of individuals physically present on the campus of Marjory Stoneman Douglas High School; (3) completion of the review of all submitted applications; and (4) review and approval by the Administrators.

A link to submit an online application for benefits (“Application”) and the Final Protocol, will be made available to all known persons who have provided the necessary information to the Broward Education Foundation or the *National Compassion Fund* (“NCF”) by US mail and/or email. The Final Protocol and information concerning the application process will also be available on the nationalcompassionfund.org website beginning on May 1, 2018. Representatives from the *National Compassion Fund* and Angeion Group (collectively, the “Fund Administrators”) will administer and process the applications. **Only one Application should be submitted by, or on behalf of, each victim.** The Application must be completed and submitted to the Fund Administrators (along with all required supporting documentation detailed on the Application) no later than May 31, 2018. Questions regarding the completion of an Application can be sent via email to MSDFund@ncvc.org or made by telephone to 855-4VICTIM (855-484-2846).

B. Access to the Online Application System can be found at www.NationalCompassionFund.org. Applicants who lack access to the Internet are invited to call the toll-free claimant assistance number at 855-4VICTIM (855-484-2846) for guidance on alternative filing assistance.

C. In the event that an applicant submits an incomplete or deficient Application (*e.g.*, the applicant failed to include required documentation or failed to fully complete the Application), a representative from the Fund Administrators’ office may work with the applicant in an effort to cure any such deficiencies.

D. Payments will be issued shortly after the deadline for submission of all contributions and the final review and determination of all eligible Applications by the Fund Administrators. The Fund Administrators will submit final payment determinations to the Steering Committee for recommendation and submission to the Broward Education Foundation for approval of transmission of the payments, by check or electronic bank wire, to each eligible applicant. In the event sufficient contributions are received after the final payment determinations, a supplemental distribution may be made to eligible applicants.

E. An Application filed for a deceased victim will require the spouse or legal partner’s signature if the deceased individual was married at the time of death, and shall also include information pertaining to individuals (*e.g.*, spouse, children, parents, siblings) who may be eligible to receive compensation under the local probate law of the deceased victim’s domicile. In cases where the victim was not married, the personal representative legally authorized to administer the Estate must submit the Application. If the deceased did not leave a Will, the personal representative must prepare a proposed plan of distribution of the funds among the decedent’s legal heirs and beneficiaries. The proposed plan will be distributed to all such legal heirs and beneficiaries, each of whom must consent to the proposed distribution. If agreement among the heirs and beneficiaries cannot be reached as to who will serve as the personal representative, or with regard to the proposed distribution, the applicants will be required to obtain legal authorization from the Probate Court having jurisdiction to determine who is the legally-responsible person eligible to file the Claim. Under those circumstances, the Fund Administrators will recommend that the Broward Education Foundation deposit the affected funds with the Probate Court having jurisdiction, to be held in a separate account, and to be distributed only upon resolution in accordance with a valid court order.

F. For applications on behalf a minor child, the Application will require the consent of a parent or guardian. For applications on behalf of incompetent adults, the Application will require proof of representative capacity, such as a power-of-attorney, guardianship, or appointment of guardian or attorney *ad litem*.

G. An Application filed for a gunshot injury applicant must include an authorization to release medical information which confirms: (i) date of admission to the hospital, (ii) date of actual or expected discharge from the hospital, and (iii) the nature of the injury and that the injury was sustained as a result of the MSD attack.

I. An Application for Benefits for presence without a gunshot wound, must have their presence on the campus of Marjory Stoneman Douglas High School corroborated by confirmation from contemporary attendance records.

- J.** Pursuant to the Florida Uniform Transfer to Minors Act, funds in excess of \$10,000 paid to a beneficiary under the age of 21 must be deposited into a qualifying trust or custodial account held for the benefit of the minor.
- K.** For minor beneficiaries receiving less than \$10,000, and whose parents are not married to each other, both parents must agree where the funds will be deposited. If the parents cannot reach agreement, it will be within the discretion of the administrator to direct where the funds should be deposited for the benefit and use of the intended minor beneficiary.
- L.** The Fund cannot provide tax advice to those receiving payments from the Fund. The Fund Administrators recommend you consult your tax advisor for any questions regarding tax liability for these payments.
- M.** A full audit of the Marjory Stoneman Douglas High School Victims' Fund will be conducted by an independent auditing firm as soon as possible after August 15, 2018. The results of this audit will be made available to all applicants, donors, and the general public, along with a Final Report from the Fund Administrators.

OUTREACH

- A.** The *National Compassion Fund* will conduct outreach to victims of the MSD Attack by telephone, mail, in person, and other forms of electronic communication to provide them with information on the application process, to answer questions related to the filing of applications, to assist victims in curing deficiencies on Applications, and to work to ensure that all eligible persons who wish to submit Applications are able to do so before the May 31, 2018, filing deadline. But the *National Compassion Fund* does not guarantee that all who may be eligible will be contacted, nor does it guarantee that all eligible persons who are in contact with the *National Compassion Fund* are included in the Protocol. It is the responsibility of the person eligible to file an Application to make sure that the Application is timely filed and received.
- B.** Three public meetings were conducted by the Fund Administrators on Tuesday, April 10, 2018 at Rick Case Arena on the campus of Nova Southeastern University in Ft. Lauderdale, Florida, and on April 17, 2018 at the Coral Springs Performing Arts Center to explain the contents of the draft Protocol and the claim submission process, and to invite input and comments from potential claimants and the general public. Information collected from these group meetings, various communications, and correspondence between the interested parties, and the Fund Administrators have been considered in finalizing the Protocol.
- C.** This Final Protocol and application information will be disseminated to all known and registered victims, and made available on the NationalCompassionFund.org website beginning on May 1, 2018. The Fund Administrators will work directly with claimants as requested so that claims are submitted by the May 31 deadline.
- D.** Optional face-to-face meetings with the Fund Administrator will be scheduled at the claimant's request. All claims will be processed during the period between May 1 and June 25, 2018. All applicants requesting face-to-face meetings with the Fund Administrators before the application is processed will be afforded such a meeting during the period between May 1 and June 1, 2018. Meetings will be scheduled at mutually convenient times and locations. In lieu of a face-to-face meeting, the claimant may request a telephonic meeting. To request a meeting, please send your request via email to MSDFund@ncvc.org or by telephone at (855) 4VICTIM (855 484-2846).
- E.** All Applicants in Categories A and B will receive proactive assistance in submitting their application and supporting documentation.

PROPOSED TIMELINE

- April 30, 2018: The Final Protocol and Application instructions will be disseminated to all known applicants and potential applicants who registered through the Fund website. These documents will be made available on the Fund website for families and all interested parties.
- May 1 – May 31, 2018: Applications completed and submitted to the Fund Administrators along with the required documentation.
- May 31, 2018: Deadline for submission of Claim Forms.
- May 1 – June 1, 2018: All personal meetings requested with the Fund Administrators completed.
- June 25 – July 3, 2018: All Applications reviewed by the Fund Administrators and recommendations for payments to eligible claimants submitted to the Steering Committee for independent review and approval.
- July 16, 2018: Payment Distribution to approved eligible claimants begins on a rolling basis.
- After August 15, 2018: Independent Audit begins.