



Final Protocol Overview

The Club Q Victims and Survivors Compassion Fund (the Fund) will distribute funds as gifts to victim/survivors of the November 19-20, 2022, shooting at Club Q in Colorado Springs, Colorado. The funds may be used however the recipients wish.

Decisions about eligibility and distribution are made by the local Steering Committee with intentions of transparency, integrity, compassion, and fairness. This Final Protocol was developed by the Steering Committee with guidance from National Compassion Fund, and incorporates feedback received during the public comment period.

The Final Protocol includes four categories of eligibility:

- Loved ones of those who were killed as a direct result of the shooting
- Those who were physically injured by gunshot wound(s) in the shooting
- Those who suffered some other type of physical injury during the shooting
- Those who were present at the Club Q at the time of the shooting and experienced psychological trauma as a result

All interested parties should sign up for the Fund's contact list by filling out and submitting the form on <https://nationalcompassion.org/fund/club-q-victims-survivors-compassion-fund>. Emails will be sent regarding:

- When the Final Protocol for the Fund is available
- When the application is available
- When the deadline for submitting an application is approaching

Representatives from the National Compassion Fund are available to help throughout this process through meetings or phone calls. Email ClubQ@NationalCompassion.org with any questions or to set up a meeting.

Club Q Victims and Survivors Compassion Fund Local Steering Committee

Faith Haug	Founder of fund and queer business owner
Danielle Starr	Community advocate and queer business owner
Jamie Sarche	Director of Pre-Planning at Feldman Mortuary, community organizer and fundraiser
Angelle Foucher	Strategic Communication, Media/PR Professional
Marisol Solarte Erlacher	Trauma Therapist, Consultant
Laurence Gendelman	Trust and Estates Attorney, Past-President of CO LGBTQ Bar Association
Amy Cook	Aurora Shooting Survivor
Karen Gomez	Aurora Shooting Survivor
Dr. Zachary Blair	Vice President of VictimsFirst
Cole Danielson	local community organizer
Rev. Alycia Erikson	Pastor, Pikes Peak Metropolitan Community Church
Chad Skurdahl	Learning and Development Manager

Responses to Feedback Received:

- **Why haven't you included employees and contractors of Club Q who were not present the night of the shooting but lost income and jobs because of it?**

The original intent of this fund was to help victims and survivors – those physically present. This fund is not need-based, meaning it is not meant to make anyone financially “whole”. Feedback from victims and survivors of both this tragedy and other mass shootings tells us that giving funds to those who were not physically there takes away from those who were, which feels unfair to those who were physically present or had a loved one(s) murdered. While we understand that those employed by Club Q and those who regularly contracted there have lost income and were close to those killed or injured, there are other resources and funds established to help those impacted but not physically present.

- **Some people were not physically injured but suffered more psychological trauma than others; why is that category not further broken down?**

Quantifying psychological trauma is virtually impossible. An individual's level of psychological trauma is not only a result of what they witnessed, but also of their past experiences and other subjective factors. Tiering psychological trauma would require those impacted to share in detail what they witnessed and why it was "more" traumatizing to them than it may have been to others. We heard from many victims and survivors of this shooting and others that having to "prove they deserved" higher dollar amounts than other people would be re-traumatizing.

- **The protocol is written in "legalese" and hard to understand.**

The language used and the information included is there to best direct and describe all possible scenarios for which this fund is intended to help. The process was explained in simpler language at the town hall, and for those unable to come, the National Compassion Fund staff is readily willing to answer your questions and explain it to you in ways easier to understand. Please email clubq@nationalcompassion.org or call 844-743-3334 ext. 702, for assistance in understanding the protocol or any questions regarding your eligibility or the process.

- **Filling out an application and providing documentation is too much to ask of victims and survivors, especially those who already don't trust organizations because of experiences they've had in other places due to their gender identity, sexual orientation, or other factors.**

We understand and acknowledge that this process may feel cold and institutional to some, and that the legal and social issues present in the LGBTQA+ community are unique. Commonly understood principles of equity and fairness have been prioritized in every decision made and asking all who are requesting funds to submit their information so their identity and presence can be validated in the only way to ensure we are protecting the funds meant for victims and survivors against fraudulent claims. As much as we wish fraudulent claims weren't a consideration, there have been such claims in every mass shooting, that is the unfortunate reality. For this reason, the application process must require that certain information be provided for verification purposes, and we fully acknowledge that this may cause some to feel retraumatized in the process. This is an unavoidable and unfortunate reality.

- **How were these decisions made?**

Feedback about these issues from victims and survivors of the ClubQ shooting was across the board – some strongly feel one way, and others strongly feel the opposite way. When survivors from the same shooting give opposing feedback, we were faced to answer the question of whose feedback matters more. It is impossible to create a process in which everyone is satisfied where every individual opinion and need is met. This committee’s decisions were based on what is most fair to the most people, giving priority to the opinions of those who lost direct family members or loved ones in this shooting or other shootings.

Since the beginning of this fund, I have openly admitted my personal ignorance of the issues surrounding mass shootings and have sought the counsel of those who had survived one. I cannot promise every victim, survivor, or other impacted person of the Club Q shooting will agree with all the decisions made. I can promise you that the issues were discussed in depth, every conceivable option was examined, and the deciding factor in every case was “what is the most ethical and fair to the most people?” Since the very first days of this fund, I have listened to those impacted and have used the lived experience and clarity of hindsight from prior survivors as the compass and will continue to do so.

Sincerely,

Faith Haug
Organizer and Steering Committee Chair

Final Protocol

January 26, 2023

This is the Final Protocol which will govern distribution of the Club Q Victims and Survivors Compassion Fund (the Fund), as developed by the Local Steering Committee, incorporating relevant and appropriate feedback from the National Compassion Fund (NCF), the victim/survivors, and the general public, including those present at the Town Hall meeting held by the Administrators on January 19, 2023.

The money paid by the fund is a gift to which no person has a legal claim, enforceable or entitlement. All aspects of this Final Protocol including, without limitation, the classifications of applicants, distribution criteria, application process, and timetable, may be revised and are subject to the full and complete discretion of NCF, which serves as Fund Administrator. The level of benefits paid within each category of eligibility is determined by the steering committee.

The Fund was enhanced through the generosity of businesses, foundations, and individual donors. It will be used to assist the loved ones of the victims who were killed, the victim/survivors who were physically injured, and the victim/survivors who were present at the Club Q during the shooting (the Shooting) on November 19-20, 2022. The National Compassion Fund, LLC is a subsidiary of the National Center for Victims of Crime, a 501(c)(3) nonprofit organization (Federal Tax ID #30-0022798).

ALL APPLICATIONS MUST BE SUBMITTED ONLINE NO LATER THAN MARCH 8, 2023, TO BE ELIGIBLE TO RECEIVE PAYMENT. IF THE VICTIM IS UNDER THE AGE OF 18 OR IS A LEGALLY INCAPACITATED ADULT, A PARENT OR GUARDIAN MUST APPLY ON THE VICTIM'S BEHALF.

The amounts awarded from the Fund will take into consideration variables that include: (1) the balance in the Fund on March 31, 2023, after it is closed for donations; (2) the completion of the review of all submitted applications; (3) the review and approval by the Administrators; and the Steering Committee's prioritization of categories of beneficiaries. The Administrators reserve all rights to determining the validity of all information submitted by applicants.

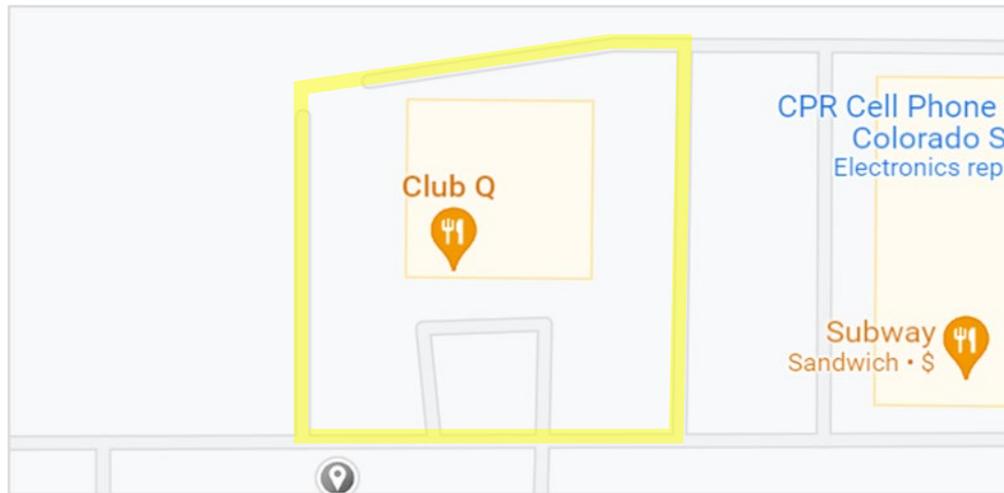
Neither citizenship, immigration status, sexual orientation, or gender identity will be considered in determining an applicant's eligibility.

SECTION ONE: ELIGIBILITY

AREA OF ELIGIBILITY

Individuals in the categories listed below will be deemed to have been "present" and eligible for payment if they were physically present inside or in the parking lot of Club Q at the time of the shooting or in its aftermath and were present before law enforcement arrived on the scene.

Figure 1



CATEGORIES OF ELIGIBLE APPLICANTS (ELIGIBILITY IS LIMITED TO ONE CATEGORY)

A. Application for Legal Heirs of Those Killed

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

B. Individual Physical Injury Applications for Victims Wounded by Gunfire

Applicants who were physically present within the area of eligibility designated in figure 1 above at Club Q at the time of the Shooting and were physically injured by gunfire, which shall be defined as being hit by bullets or shrapnel, will receive payment under this Final Protocol.

C. Individual Physical Injury Applications of Victims Treated on an Out-Patient Basis

Eligible applicants who were physically present within the area of eligibility designated in figure 1 above at the Club Q at the time of the Shooting, who suffered non-gunshot wound physical injuries as a result of the Shooting, and who received medical treatment no later than Tuesday, March 7, 2023, will receive a payment under this Final Protocol.

D. Individuals Present at the Site Experiencing Psychological Trauma

Any individuals who were present at Club Q at the time of the Shooting and experienced psychological trauma are eligible to receive payment under this Final Protocol.

SECTION TWO: PROCESS AND PROCEDURES

Eligible applicants must file an application in order to receive a payment from the Fund. **ALL APPLICATIONS MUST BE SUBMITTED BY THE DEADLINE OF MARCH 8, 2023;** however, the Fund Administrators reserve the right in their sole discretion to grant a deadline extension.

When completing the application, applicants will specify ONE appropriate category: for deceased victims, for physical injury by gunfire, for other physical injury, or for psychological trauma. In their application, applicants must choose only one distribution category for which they are eligible.

Each eligible applicant should submit only one application per victim/survivor. An applicant may submit more than one application only on behalf of separate victim/survivors. For example, a person who was present or injured may submit their own application. They may also submit an application on behalf of a minor (if that person is the designated parent or legal guardian of the minor) or on behalf of a family member who was killed (if they are the designated representative).

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

A. The Fund will be administered by NCF. The Final Protocol to govern the Fund and a link to submit an online application for benefits will be emailed to all known potential applicants who have signed up for the Fund's contact list on the NCF website (<https://nationalcompassion.org/fund/club-q-victims-survivors-compassion-fund>). The Final Protocol and information concerning the application process will also be available on the NCF website beginning on January 26, 2023. Representatives from NCF (the Fund Administrators) will administer and process the applications. Only one application should be submitted by, or on behalf of, each victim/survivor. All applications must be completed and submitted to the Fund Administrators (along with all required supporting documentation detailed in the application or such information curing any deficiencies in information) no later than March 8, 2023. Questions regarding the completion of an application should be sent via email to **ClubQ@NationalCompassion.org** or call 844-743-3334 ext 702.

B. A public meeting was conducted by the Fund Administrators on Wednesday, January 19, 2023, at Pike's Peak MCC in Colorado Springs. At the meeting, there was an explanation of the Draft Protocol and the application submission process, and Fund Administrators invited input and comments from potential applicants and the general public. Information collected from these group meetings, various communications, and correspondence between the applicants, other interested parties, and the Fund Administrators was considered in finalizing the Final Protocol.

C. Access to the application online will be available at <https://nationalcompassion.org/fund/club-q-victims-survivors-compassion-fund> around February 8, 2023. Applicants who lack access to the internet are invited to call the applicant assistance number at 844-743-3334, ext. 702 for guidance on alternative filing assistance. Lack of internet access will not alter the application deadline.

D. 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 will send an email notification to the applicant in an effort to resolve any such deficiencies.

E. Shortly after the deadline for submission of all financial contributions and the final review and determination of all eligible applications by the Fund Administrators, payments will be issued. The Fund Administrators will submit final payment determinations to the Steering Committee for approval of transmission of the payments, by check or electronic transfer, to each eligible applicant. Applicants may not rely on the timing of any payment. The Administrators, the Steering Committee, and NCF shall have no liability whatsoever for any damage of any kind arising out of or resulting from the timing of any payment from the Fund.

F. Applications for a Deceased Victim

1. Applications for deceased victims with a Last Will & Testament: If the deceased victim had a Last Will & Testament, the court-appointed personal representative or special administrator legally authorized to administer the Estate must submit the application, along with a copy of the Will and the Fund will issue payment in accordance with the Will.
2. Applications for deceased victims with no Last Will & Testament:
 - a. If a personal representative has been appointed to administer the Estate, such personal representative must submit the application and provide the information set out below.
 - b. If there is no court appointed personal representative and the deceased victim was married at the time of death, the deceased victim's spouse or legal partner will submit the application and provide the information set out below.
 - c. If there is no court appointed personal representative and the deceased victim was not married, one application should be submitted on behalf of all of the deceased victim's heirs and provide the information set out below.
 - d. For deceased victims who did not have a Last Will & Testament, the application shall include information pertaining to individuals (e.g. spouse, children, parents, siblings) who may be eligible to receive compensation under the local intestacy law of the jurisdiction where the deceased victim was domiciled. In circumstances where the deceased was, at the time of their death, engaged to be married, cohabitating with an intimate partner, separated from a spouse, financially supporting an individual, or being cared for by a legal guardian or foster parent, the Fund Administrators may, in their discretion, require a fiancé, intimate partner, legal guardian, financial dependent, foster parent, foster child, household members, or children of the

deceased to be included in the proposed distribution plan. The proposed plan will be distributed to all such legal heirs, beneficiaries, a fiancé, cohabitating intimate partner, guardian or foster parent, each of whom must consent to the proposed distribution. If agreement among the heirs cannot be reached as to who will serve as the personal representative or with regard to the proposed distribution, the Fund Administrators will, in their discretion, will distribute funds as they deem appropriate. Each application for a deceased victim must include a proposed plan of distribution of the funds among the deceased's legal heirs and beneficiaries. The proposed plan will be distributed to all known legal heirs, beneficiaries, and fiancé or cohabitating intimate partner, or other individuals referenced above, each of whom must consent to the proposed distribution.

G. If a minor child's application must be submitted and signed by a parent or legal guardian. If an application is required for an adult lacking legal capacity, it will require proof of representative capacity, such as a power-of-attorney, guardianship, and appointment of guardian or attorney *ad litem*.

H. An application filed for a physical injury applicant must include an authorization to release medical information which confirms: (i) the date of initial treatment, (ii) the date of admission to the hospital if applicable, (iii) the date of discharge from the hospital if applicable, and (iv) the nature of the injury and contemporaneous evidence from the treating professional that the injury was sustained as a result of the Shooting.

I. An application filed for psychological trauma must have the applicant's presence at Club Q at the time of the Shooting corroborated by law enforcement records or by Club Q video surveillance footage. The Fund Administrators (rather than the applicant) will be responsible for validating this information.

J. NCF, its Fund Administrators, and the Steering Committee will use reasonable efforts to maintain confidentiality of all information submitted by applicants but cannot guarantee confidentiality. Applicants are asked to consider any personal ramifications should any information submitted under this Draft Protocol become publicly available.

K. The Fund cannot provide tax advice to those receiving payments from the Fund. The Fund Administrators recommend consulting a tax advisor for any questions regarding tax liability for these payments.

L. When all distributions of payments have been completed, a full examination of the Fund will be conducted according to Agreed Upon Procedures by an independent auditing firm. The results of these Agreed Upon Procedures will be made available to all applicants, donors, and the general public, along with a Final Report from the Fund Administrators.

SECTION THREE: OUTREACH AND COMMUNICATION

A. The National Compassion Fund (NCF) may conduct outreach to victim/survivors of the Shooting 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 victim/survivors 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 March 8, 2023, filing deadline. NCF 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 NCF will be included in the Final Distribution. It is the responsibility of the applicant to make sure that the application is timely filed and received by the deadline. Contact information that is held by law enforcement or healthcare professionals is never shared with NCF, and there should be no assumption that anyone who is eligible will be contacted simply because they have shared their contact information with either law enforcement, the Red Cross, or any other service provider. Contact information must be shared with NCF via the Fund-specific online contact form.

B. Once finalized, the Final Protocol and application information will be disseminated to all known victim/survivors who have signed up for the online contact form on <https://nationalcompassion.org/fund/club-q-victims-survivors-compassion-fund>. The Fund Administrators will work directly with applicants as requested so that applications are submitted by the March 8, 2023, deadline.

C. Applicants may request to schedule optional meetings face-to-face or by telephone with the Fund Administrators. All applicants requesting meetings with the Fund Administrators before the application is processed will be afforded such a meeting during the period between January 26, 2023, and March 7, 2023. Meetings will be scheduled at mutually convenient times and locations. To request a meeting, please email a request to **ClubQ@NationalCompassion.org**.

SECTION FOUR: PROPOSED CLUB Q TIMELINE

- November 19-20, 2022 – Shooting occurs
- December 13, 2022 – First meeting of Steering Committee; approve Draft Protocol and send for translation
- December 21, 2022 – Publish Draft Protocol and public comment period begins
- January 18, 2023 – Town Hall Meeting to receive feedback on Draft Protocol
- January 19, 2023 – Steering Committee meets to approve Final Protocol
- January 24, 2023 – Receive Final Protocol translations
- January 26, 2023– Final Protocol published to NCF website for survivors, victims, and interested parties
- February 8, 2023 – Application is available online. Application instructions are disseminated to all known applicants and potential applicants.
- **February 8 – March 7, 2023 – Applications completed (with required documentation) and submitted to the Fund Administrators**
- January 26, 2023 – March 7, 2023 – All personal meetings requested with the Fund Administrators completed
- February 9, 2023 – April 8, 2023 – All applications reviewed by the Fund Administrators. Recommendations for payments to eligible applicants submitted to the Steering Committee for independent review and approval.
- **March 8, 2023 – Deadline for submission of applications**
- March 20, 2023 – Fund closes to donations
- April 12, 2023 – Steering Committee approves Funds Distribution Plan
- April 19, 2023 – Distribution of payments to approved eligible beneficiaries begins on a rolling basis
- Three weeks after the end of the month in which all disbursements are completed – Independent auditing firm conducts examination of Fund according to Agreed Upon Procedures