

Policy/Guidelines for the Prevention and Investigating of Sexual Misconduct

Our Savior Lutheran Church
5101 Dell Range Blvd.
Cheyenne, WY 82009

I. General Procedures

- A. All volunteers, employees, and staff shall be trained by video and workshop about sexual misconduct before beginning (volunteer) service in the congregation.
- B. All volunteers, employees, and staff will receive refresher training every three years.
- C. No minor shall be allowed to be alone with one adult on Our Savior Lutheran Church premises and/or at an activity sponsored by Our Savior Lutheran Church unless it is a counseling situation by one of the regular staff.
- D. A six-month waiting period will be in affect before new volunteers may interact with minors.
- E. All volunteers, employees, and staff shall permit (signed release form) background searches at the expense of Our Savior Lutheran Church.

1. Process for Reference Checks

- a) Form with previous employees and references.
- b) Appropriate person (pastor, trustee, secretary, teacher) will contact references, request recommendations, and verify facts.
- c) Record of contacts and comments will be entered in a file.
- d) Should some problem arise, a report will be made to the appropriate board and/or the church council, which shall decide the course of action.

II. Responding to Sexual Misconduct Allegations

- A. A person having concerns regarding the gross sexual misconduct of a volunteer, employee, or staff member should speak promptly to the pastor(s); or if the alleged offender is the pastor, to the elders and/or the Wyoming District President.
- B. The pastor (or District President) will conduct an initial inquiry to determine whether evidence exists to support the concern and warrant further investigation.

C. Efforts shall be made during this initial inquiry to the extent possible to protect the anonymity of the complainant, and like wise, to protect the reputation of the alleged offender to the extent possible.

D. In cases of insufficient evidence the inquiry will be closed, the complainant informed, and the reputation of the accused protected, and if necessary restored.

E. When sufficient evidence exists to support continued concern regarding the workers conduct, a thorough investigation will be conducted and if evidence provides a substantial basis of sexual misconduct the worker will be disciplined according to the Word of God and the constitution of the congregation, with immediate removal of the worker/staff member from duties and contact with minors until completed.

Policy/Guidelines for the Prevention and Investigation of Child Abuse

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I. Purpose

In following the instructions of our Lord Jesus Christ to *"let the little children come to me, and do not hinder them, for the kingdom of heaven belongs to such as these"* (Matthew 19:14), it is the purpose of the members and staff of Our Savior Lutheran Church to provide a safe and secure environment for preschoolers, children, youth, and mentally handicapped persons entrusted to our care. We do this to encourage those preschoolers, children, youth, and their families to come to a saving relationship with Jesus Christ, and to grow in their relationship with him. A safe and secure environment includes a formal, written policy to help prevent the occurrence of child abuse, sexual abuse, and sexual misconduct. The following policy and procedures are for the protection of our preschoolers, children, youth, employees, volunteers, and our entire church family at Our Savior Lutheran Church.

II. Scope

This policy shall apply to all current and future workers, compensated and/or volunteer, who will have the responsibility of supervising the activities of preschoolers, children, youth, and mentally handicapped persons.

III. Definitions

For the purpose of this policy the following definitions shall apply:

- **"Preschooler"**, **"child"**, **"children"**, **"youth"**, and **"minor"** shall be defined as any individual under the age of 18, or whose mental capacity is that of a minor.
- **"Adult"** shall be defined as any individual at least 18 years of age.
- **"Worker"** shall be defined as any adult who serves as a volunteer and/or paid position given the responsibility of working with or caring for minors.
- **"Teenage Worker"** shall be defined as any worker at least 14 years old, but under the age of 18, enlisted to assist with the care of minors.
- **"Child Abuse"** shall be defined as verbal, physical, emotional, or sexual abuse of a preschooler, child, youth, or minor.
- **"Criminal Background Check"** (CBC) is the procedure used by the United Way Volunteer Center, DPS, or other qualified agency to check the background of adult volunteers for criminal activity.

IV. What is Child Sexual Abuse?

Child sexual abuse is any sexual activity with a child - whether in the home by a caretaker, in a day care situation, in a foster/residential setting, or in any other setting, including on the street by a person unknown to the child. The abuser may be an adult, an adolescent, or another child, provided the child is at least four years older than the victim. Child sexual abuse may be violent or non-violent. All child sexual abuse is an exploitation of a child's vulnerability and powerlessness in which the abuser is fully responsible for the action. Child sexual abuse is criminal behavior that involves children in sexual behaviors for which they

are not personally, socially, or developmentally ready. Child sexual abuse includes behaviors that involve touching and non-touching aspects.

V. Worker Enlistment

All paid employees of Our Savior Lutheran Church will be required to complete an employment application. Whether a paid employee or a volunteer, each worker desiring to work with minors, also will be required to complete an application form which is specifically designed for workers who will be working with minors. After an application is received, prior employment and volunteer service and personal references will be checked. Any prospective worker that has prior incidents of sexual misconduct or child abuse will not be allowed to serve in any capacity where they would have contact with minors.

Criminal background checks will be performed on each applicant after they have signed the authorization/waiver/indemnity form and prior to being enlisted as a worker. Annual criminal background checks will be performed on workers, randomly or as deemed necessary. Only qualified representatives of Our Savior Lutheran Church will have access to the criminal background check report. This individual will give recommendations as to the qualification of applicants.

Standard interview questions will be developed and used in personal interviews with volunteer and employee applicants, after reviewing the applications of the applicant, checking all references, and receiving a criminal background check report. These interview sheets will be filled out with the results of the interview and kept in the employee personnel file, with the reference checks and the applications. A separate file will be maintained permanently on each worker, whether paid or a volunteer. No volunteer will be allowed to work with minors until they have been a member of the church for a minimum of six months, or a regular attendee for a minimum of one year.

When an employee or volunteer is engaged to work with minors, they will be photographed and the picture will be kept in the person's employment file. Photographs will be updated every two years or as deemed necessary.

At the applicant's request, Our Savior Lutheran Church shall allow the applicant to review his/her criminal history record and transcript at the church, but in no event shall the church allow the applicant to retain and/or copy his/her transcript. The church shall immediately notify the Volunteer Center or other qualified agency if an internal grievance (applicant disputes) is filed by an applicant because of incorrect information or other reasons related to criminal histories provided by the agency. The church shall submit, in a reasonable time period, the Criminal History Record Resolution Request or a similar document to the agency.

VI. Worker Training

Each new worker will be given the legal definition of child abuse in writing, as well as the policy of the church on reporting child abuse. New workers also will be required to view child abuse prevention videos and read the written materials available on this subject to help them gain an appreciation for the reality of the concern. This will help workers identify child abuse in the future if they see signs of it.

VII. Volunteer Information Form

Employees, teachers of minors, and volunteers of activities or programs for minors of Our Savior Lutheran Church will be required to complete a Volunteer Information Form providing

personal and confidential information necessary to perform security background checks and reference checks on each individual worker. While this process understandably trespasses into the privacy of our lives, the security of our children outweighs the personal invasion inherent with such investigation and disclosures. All personal information voluntarily disclosed, the results of all security background and reference checks, or the refusal of any person to participate in a program or activity in lieu of such disclosure requirements will be maintained in the strictest of confidence.

Whether disclosed voluntarily or by result of the security background check, the following items will automatically disqualify a volunteer from participating in the leadership, sponsorship, or supervising of any activities or programs with minors: any conviction for criminal homicide; aggravated assault; crimes related to the possession, use, or sale of drugs or controlled substances; sexual abuse; sexual assault (rape); aggravated sexual assault; injury to a child; incest; indecency with a child; inducing sexual contact or sexual performance of a child; possession or promotion of child pornography; the sale distribution, or display of harmful material to a minor; employment harmful to children; abandonment or endangerment of a child; kidnapping or unlawful restraint; public lewdness or indecent exposure; and enticing a child.

All charges for these crimes, or charges, or convictions for any other crimes not listed above will be reviewed by those trained for interpretation of the criminal history record transcript and approved by the church for reviewing applicant transcripts. Only qualified persons (as stated above) may view information obtained on the criminal history record transcript.

VIII. Specific Acts and Omissions in Violation of the Policy

The following acts or omissions are violations of this policy and will not be tolerated or accepted during any church activity or program, and are to be immediately reported to the designated program staff after the safety of the child, children, youth, or minor involved has been assured.

- Any direct observations or evidence of sexual activity in the presence of or in association with a minor.
- Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a minor.
- Sexual advances or sexual activity of any kind between any person and a minor.
- Infliction or physically abusive behavior or bodily injury to a minor.
- Physical neglect of a minor, including failure to provide adequate supervision in relation to the activities of Our Savior Lutheran Church.
- Mental or emotional injury to a minor caused or exacerbated by a worker.
- The presence or possession of obscene or pornographic materials at any function of Our Savior Lutheran Church.
- The presence, possession, or being under the influence of any illegal or illicit drugs.
- The consumption of or being under the influence of illegal or illicit drugs or alcohol while leading or participation in a function for minors at Our Savior Lutheran Church.

IX. Worker Supervision

The church will adopt the "unrelated two adult" rule, which means no adult shall be left alone with a child, and requires a reasonable ration of adult workers to be maintained in each situation involving the supervision of children. Church staff members and volunteer directors will supervise activities on and on-going basis and make unannounced visits into

classes or other program sites from time to time. Supervisors shall complete a log to show which rooms, activities, time, and date the class or activity was visited.

An identification system shall be adopted so that the adults who drop off a child are the same adults who pick up the child. Permission slips will be available for adults to sign, authorizing the release of the child(ren) to other adults.

In counseling sessions with minors, parental permission shall be obtained prior to a minister meeting privately with a minor, or the two adult rule shall be used in that instance. Parents may grant prior permission to cover a particular time period (i.e., a school year) for their child to receive counseling from a particular minister.

Lists of workers that meet church approval shall be posted near each classroom or area where minors are located.

X. Occasional Volunteer Workers

Those who only volunteer occasionally also must go through the entire volunteer screening process.

Teenagers under the age of 18 wanting to serve as teen workers in any capacity with activities, studies, or programs for preschoolers or children will need to complete a Teen Volunteer Information Form and go through the training. The only step in the process they are exempt from is the criminal background check.

XI. Supervision of Volunteers (as explained in Section X)

Parental permission shall be obtained in advance for involvement in church sponsored programs, activities or whenever an adult might be spending time alone with a child in an unsupervised situation.

- A door without windows shall remain open at all times.
- Use a "check-in/check-out" procedure for all kindergarten-aged children and younger.
- A list of possible violations and proper reporting procedures will be posted in each room where activities or programs for minors are conducted.
- Educate all volunteers and paid workers with minors as to the church's policies and procedures concerning this matter.

XII. Child Abuse Prevention Reporting

Any person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect shall report their belief in accordance with this procedure. Non-accusatory reports (reports that identify the victim of abuse or neglect whether or not the person responsible for the abuse or neglect is known) shall be made to the local or state law enforcement agency by calling 911 or the local number.

- 1) Fully comply with the child abuse reporting statute.
- 2) The church also should immediately contact its insurance company and attorney to report the occurrence.
- 3) In instances where child abuse is confirmed and a member of the ministerial staff is the perpetrator, the immediate supervisor (congregation and/or district president) should be contacted and advised.
- 4) This procedure is not only required as a condition of your job or volunteer position, but also required by law.

- 5) Upon the first suspicion of an instance of child abuse, the following steps should be taken immediately.
 - a) Do not treat the suspicion as frivolous.
 - b) Commence the investigation immediately, and conclude it as soon as possible.
 - i) If a sponsor or volunteer of minors suspects a case of child abuse, he or she is required by law to report his/her suspicions within 24 hours to the applicable state agency, it is the policy of Our Savior that it also be reported immediately to one of the paid staff ministers of the church.
 - ii) The minister receiving the initial report will be responsible for confirming the facts reported and the condition of the child, on the same day on which the first report was made, this individual must utilize the Reducing the Risk Checklist to complete the church/staff responsibilities involved with the occurrence.
 - iii) Data concerning the child's name, address, and other pertinent information will be obtained through discussions with the initial reporter and other staff members. The name and address of the person responsible for the care of the child, if available, also needs to be obtained.
 - iv) after the information is secured, the minister will contact the applicable state agency.
 - c) Maintain confidentiality of the investigation as much as possible. Emphasize confidentiality of the victim and any accused person.
 - i) On the same day that the case is first reported verbally to the applicable state agency, the report will be documented on a Child Abuse Report Form. A copy of this form must be sent within the applicable time period required by the state.
 - d) Cooperate fully with law enforcement officials.
 - e) Suspend any accused person from the performance of duties involving children until the investigation has been complete.
 - f) Inform the victim and the victim's family of the steps that are being taken, and continue to keep them advised of the status of the investigation. If child abuse is confirmed, ask the victim and the victim's family what action they would like to take in the matter, and fully cooperate to address their request within the bound of a legal and prudent response. (Church legal counsel should assist in this determination.)
 - g) In instances where child abuse is confirmed, the church should immediately dismiss the worker from their position. Member termination should be considered, as appropriate in the circumstances.
 - h) In instances where evidence is inconclusive, the church must take action depending on the strength of the evidence available and after consideration of the victim's family's request.
 - i) Keep the congregation informed of the investigation with respect to matters that are not confidential, so that the congregation will hear about the investigation from within the church rather than from the news media.
- 6) Promptly take steps to plan for a response to the media and attempt to speak to the media only through one contact person. This is imperative so that the church can emphasize its position on child abuse, concern for the victim, and the extensive steps the church is taking to address the present occurrence and to reduce the risk and provide a safe environment for other children.

Every allegation of sexual offense or molestation should be investigated promptly and thoroughly by officials and reported to the church insurance company immediately. If is

unlikely the problem will ever be resolved by relying on promises of the employee or volunteer to reform. Failure to take remedial action will make a claim difficult to defend.

XIII. Insurance

The church shall obtain a sufficient level of liability insurance coverage that covers child abuse and sexual misconduct claims. If available, the church should have the levels of coverage, which are required for limited immunity.

XIV. Conclusion

Churches need to be prepared. This is the legal reason for creating safety policies, but there's a deeper, more significant reason - to protect children. Policies are only printed expressions of the value placed on children. If the only reason for safety policies is to protect the organization, the church has missed Jesus' passion for children.

Some people may think that our church is too small to worry about these safety problems or that our church "knows" everyone. Remember that it's much easier to make plans and develop safety policies as a means of prevention, rather than wait until they are needed as a reaction to an abuse case.

Some churches tend to take the biblical concept of trusting God to an extreme. They think nothing bad can happen to Christians. Although Jesus does promise many things about His care and provision for us, we must not be unwise regarding children's safety. When Jesus sent His disciples out on their first missionary venture, He sent them out in pairs and told them they were like sheep among wolves. He also told them that bad things would happen to them, but that He would be with them (Matthew 10:16-19).

There is no automatic protection from evil for Christians. We're to watch and be ready. Accidents will always happen. There will always be unforeseen circumstances that need to be handled. Therefore, churches should build sturdy safety-policy fire blocks into the walls of its ministry to protect children.