

Nativity Lutheran Church Child, Youth, And Vulnerable Adult

Abuse Prevention Policy and Guidelines

Approved by Nativity Congregation Council March, 2010

I Introduction

As a congregation Nativity Lutheran Church (NLC) has been called to share Jesus' love. Our mission is to serve, witness, and nurture through our community in Christ. In order to fulfill our mission, we have adopted the following Child, Youth, and Vulnerable Adult Abuse Prevention Policy and Guidelines (C,Y,VA Abuse Prevention Policy and Guidelines).

This program arises out of our loving commitment to children, youth, and vulnerable adults. NLC places utmost importance on insuring that our church is safe for all. Recognizing the changes in our world, this requires official policies and guidelines to:

- Safeguard C,Y, VA from physical, sexual, emotional, and/or spiritual abuse and neglect, and economic exploitation..
- Protect church staff and volunteers from false allegations of abuse and neglect.
- Minimize our congregation's legal risk and liability due to abuse.

It is important that all NLC paid staff and volunteers understand and implement these policies and guidelines to help prevent all abuse against vulnerable people. Included below are our Purpose and Definitions for these policies and guidelines, the outlines of Protection and Prevention, and an Acknowledgment to be signed by those people working with children, youth, and vulnerable adults.

II Purpose

These procedures are designed to reduce the risk of any abuse of C,Y,VA, in order to:

1. Provide a safe and secure environment for children, youth, adults, members, volunteers, visitors, and

paid staff.

2. Assist NLC in evaluating a person's suitability to supervise, oversee, and lead the activities of children, youth, and vulnerable adults.
3. Satisfy the concerns of parents and staff members with a screening process for paid staff and volunteers.
4. Provide a system to respond to alleged victims of abuse and their families, as well as respond to the alleged perpetrator.
5. Reduce the possibility of false accusations of abuse made against volunteers and paid staff.

III Definitions

The following terms used herein are defined as follows:

1. Paid staff: Any pastor or employee who is paid.
2. Volunteer: Any unpaid person engaged in or leading activities and who is entrusted with the care and supervision of C,Y,VA, or a person who directly oversees C,Y,VA.
3. Children/youth/minor: Any person who has not reached his/her 18th birthday or the age of majority as defined by state law.
4. Vulnerable Adult: Any person who is over 18 and who is physically and/or mentally disabled and who participates in a situation where he/she could be taken advantage of physically, sexually, emotionally, and/or spiritually.
5. Adult: Any person who has reached his/her 18th birthday or as defined by state law.
6. Sexual Abuse: Includes, and is not limited to, unwelcome sexual remarks, jokes, advances, leering, whistling, or sexual gestures; sexual touching, fondling, molestation, assault, or other intimate physical contact; compelling any other person to engage in a sexual act by threats or fear or undue influence; and providing or displaying pornographic materials to another person. The employment, use,

inducement, enticement, or coercion of any minor or adult to engage in, or assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct or rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of minor or adult, or incest with a minor or adult, or as defined by federal and state law.

7. Emotional Abuse: Verbal or nonverbal conduct including mental exploitation, degrading communication, or humiliating or threatening conduct that may or may not include bullying, or as defined by state law.
8. Physical Abuse: Non-accidental injury which is intentionally inflicted upon another person.
9. Neglect: The failure to provide for a child, youth, or vulnerable adult's basic needs and/or the failure to protect a C,Y, VA from harm.
10. Spiritual Abuse: All disciples of Jesus Christ who are called and gathered into the faith community of Nativity have the right to worship and pray to God without fear of ridicule, judgment, or retribution. Though we are all God's people, we are also created as unique individuals by our Creator and given specific gifts and tastes. We are not all alike. We should have the opportunity to share our gifts and tastes freely within this faith community. No one person or group of persons has the right to belittle, begrudge, or threaten another person or group of persons because of their gifts, tastes or preferences. Nativity is open to and welcoming of all God's people. Discrimination or harassment because of differences is outside the norms of behavior of a Christian faith community and will not be tolerated.

Nativity, like all member congregations of the Evangelical Lutheran Church in America, has a constitution with a detailed process for discipline. Discipline is defined as the process of community accountability which will be followed in those cases where persons or groups behave outside the community rules and norms. A copy of the congregation's constitution is available from any Congregation Council member, in the church office, or by asking the pastor.

11. Economic Exploitation: The deliberate misplacement, exploitation, or wrongful temporary or permanent use of a child, youth, or vulnerable adult's belongings or money.

IV Protection and Prevention

Volunteer and Employee Screening Procedures

The following screening procedures are to be used with paid staff and volunteers who are entrusted with the care and supervision of C,Y,VA. All information collected should be maintained in confidence by NLC's Personnel Committee, unless otherwise required by law. All information discovered or obtained through the implementation of NLC's policy will be kept in a secure location and access to it will be restricted. These materials will be archived.

1. Employment Application and Volunteer Application: Any paid staff and volunteers who will work in a leadership role with C, Y, VA must attend an NLC Congregational Child Safety Workshop, and complete the Employment Application and/or the Volunteer Application. The release statement attached to the Application must be signed by the individual completing the Application to apply for and qualify for service.

Our Employment Application includes, but is not limited to:

- Current and previous residence addresses
- Current and previous employment, including addresses, dates, duties, titles, and reasons for leaving
- Names and addresses of schools attended and degree(s) earned
- References from previous employers and organizations that serve C,Y, VA.
- Pending criminal charges (where not prohibited by state law)
- Criminal history information

Our Volunteer Application includes, but is not limited to:

- Current address

- Volunteer experience
- Criminal history information
- Personal references

Applications include a statement, which the applicant will acknowledge in writing, certifying that statements provided in the application are true and complete. Any misrepresentation or omission may be grounds for rejection of the applicant or for dismissal if he/she is employed. This statement authorizes NLC to contact any individual or organization listed in the application.

2. Review all statements made in the application, paying specific attention to any gaps in time and irregular employment patterns or unexplained absence. Pursue these gaps with employers listed and in a subsequent interview with applicant.
3. An Interviewing Team will conduct interviews with qualified applicants. If detrimental information is uncovered, but the applicant remains desirable, discuss this information with the applicant. In the event the applicant is ultimately hired or accepted as a volunteer, document the reasons for overriding the prior information.
4. Contact all listed references for volunteers and ask for any information that might help determine the applicant's suitability for the position. If a response is not received within a reasonable period of time, follow-up and keep notes if possible.
5. Contact all listed references for paid staff. Ask for any information that might help determine the applicant's suitability for the position. If a response is not received within a reasonable period of time, follow-up and keep notes if possible.
6. Criminal Background Check: NLC will conduct a criminal background check on all paid staff and volunteers who are entrusted with the care and supervision of C, Y, VA or a person who directly oversees or leads children, youth, or vulnerable adults. All criminal background checks will be updated periodically.

7. All volunteer and paid staff will be required to read, sign, and return the back page of NLC's C, Y, VA policy as part of the application process.
8. Six-Month Rule: All volunteers will be required to have been an active participant of NLC for six months.
9. Volunteers who are participants in NLC activities which put them in close contact with C, Y, VA but not in leadership or supervisory roles will be required to attend an NLC Congregational Child Safety Workshop, fill out an application, complete a criminal background check, and read, sign and return the back page of the NLC C, Y, VA policy.

V Supervision Guidelines

Unless an extenuating situation exists, NLC:

1. Will have adequate number of screened and trained paid staff or volunteers present at events involving C, Y, VA. Supervision will increase in proportion to the risk of the activity.
2. Will monitor facilities during activities involving C, Y, VA.
3. Whenever possible will work with C, Y, VA in rooms with doors with windows and with any and all window coverings open.
4. Will release minors to a parent or guardian and utilize sign-in and sign-out sheets.
5. Will obtain written parental/guardian permission, including a signed medical treatment form and emergency contacts, before taking minors on trips. Will provide information regarding the trip to parents/guardians. Will abide by the Youth Travel Guidelines (appendix A) when traveling.
6. Will use two paid staff or volunteers when transporting minors in vehicles.
7. As needed, children will be accompanied to the restroom and the paid staff or volunteer will wait outside the facility to escort the child back to the activity. Whenever possible, assistance in toileting or

diapering will be given by child's parent/guardian. If the parent/guardian is not available, when possible the escort for toileting will be the same sex as the minor.

8. Will screen all paid staff and volunteers in order to approve in advance those individuals serving as supervisors, overseers, or leaders of any overnight activities.
9. Will work to ensure that youth are always in at least groups of three in all youth events.

VI Behavioral Guidelines for Paid Staff and Volunteers

All volunteers and paid staff will observe the following guidelines:

1. Do not provide alcoholic beverages, tobacco, drugs (other than medications provided by parent/guardian), contraband, or anything that is prohibited by law to minors.
2. To the extent possible, NLC events that are co-educational will have both male and female chaperones.
3. Whenever possible, at least two unrelated paid staff or volunteers will be in the room when minors are present. Speaking with a minor one-to-one should be done in public settings, where paid staff or volunteers are in sight of other people.
4. All touching shall be based on the needs of the individual being touched, not on the needs of the volunteer or paid staff. Appropriate touching can include a gentle touch on the shoulders, hands, arms, head, or back. Toddlers who need comfort should be held at one's side. In the event that a C,Y,VA initiates inappropriate touching, it is imperative to inform the C,Y,VA that such touching is inappropriate. Avoid all inappropriate touching!
5. Never engage in physical discipline of a minor.
6. Anyone who observes abuse of a C,Y,VA, or an inappropriate relationship developing, will take appropriate steps to immediately intervene and provide assistance. Report any inappropriate conduct to NLC's Pastor(s) and/or the President of the congregation. Document in writing the incident and how it was handled, using NLC form. [Based on Reducing the Risk, 3rd Edition, Appendix 1, pages 104, 105.]

7. Any Pastor, or paid C,Y,VA Worker, serving with NLC, will submit to C,Y,VA higher level screening for one-to-one counseling prior to being offered employment with NLC, including but not limited to a full nationwide police background check for any known criminal offenses. The above-named employees will also be required to take part in the Northwest Washington Synod of the ELCA workshop on sexual boundaries.

Our C,Y,VA Abuse Prevention Policy and Guidelines are designed to reduce isolation, increase accountability, and reduce the disparity of power between a paid staff person or volunteer and a C,Y,VA in our program. We expect all C,Y,VA staff and volunteers to follow the policies and guidelines we have adopted to accomplish these goals.

VII Disqualification

No person may be entrusted with the care and supervision of C,Y,VA or may directly oversee or lead activities with C,Y,VA who has been convicted of the offenses outlined below, been on a probated sentence or received deferred adjudication for any offense outlined below, or has presently pending any criminal charges for any offense outlined below until a determination of guilt or innocence has been made, including any person who is presently on deferred adjudication. The following offenses disqualify a person from care, supervision, or oversight of C,Y,VA.

1. Any offense against minors or VA as defined by state law.
2. A misdemeanor or felony offense as defined by state law that is classified as sexual assault, indecency with a minor or adult, assault of a minor or adult, injury to a minor or adult, abandoning or endangering a minor or VA, sexual performance with a minor or adult, possession or promoting child pornography, enticing a minor or VA, bigamy, incest, or family violence.
3. A prior criminal history of an offense against minors or VA.
4. Drug or alcohol related offenses: Nativity strives to be a community of reconciliation, forgiveness and new life. However, for the protection of our congregation and community, as well as the offender, we

will practice the following in regard to those in our faith community convicted of drug or alcohol related offenses:

1. Any youth or adult convicted of selling or supplying drugs or alcohol to a minor will be disqualified from care, supervision, or oversight of C,Y,VA.
2. If a youth or adult has been convicted of a drug or alcohol related offense which did not involve C,Y,VA, AND has complied with all conditions of their sentence, including sufficient work in recovery (i.e., participation in a twelve step program or other recovery treatment), that youth or adult may be a participant and / or have an assisting supervisory role in programs involving C,Y,VA with the presence of at least two other screened and approved adults. However, the adult will be disqualified from being a driver for C,Y,VA to and from NLC events.

VIII Sexual Offender at NLC

Nativity Lutheran Church may allow a person known to be a sexual offender to remain or become a member of the congregation but they must adhere to the following specific guidelines:

1. A known sexual offender cannot participate in any of the child, youth, or VA programs in any way;
2. A known sexual offender can only participate in a predetermined service each week; and
3. A known sexual offender must report in and be assigned to an escort who will accompany him/her at all times.
4. The identity of the sexual offender will be disclosed to the congregation.

IX Response to Abuse and/or Neglect

Nativity Lutheran Church will respond promptly to investigate any accusation of abuse and/or neglect. All accusations of abuse/neglect will be taken seriously. It is important to be appropriately respectful to the needs and feelings of those who allege abuse/neglect and those who have been accused of abuse/neglect. Any

investigation of an allegation will take into account patterns of behavior, and weigh them appropriately based on the nature of the complaint.

When an allegation is made involving abuse/neglect, the person reporting the complaint is to be told about the guidelines and the procedures to be followed. NLC's Pastor(s) and/or the President of the Congregation will begin investigating the allegations, with the assistance of legal counsel, the Bishop of the NW Washington Synod of the Evangelical Lutheran Church in America (ELCA), and/or other consultants. If NLC's pastor is the individual accused of abuse, then the President will conduct the investigation; if the President is the individual accused, then the Vice President will work with NLC's pastor in the response process. The investigation will be conducted as follows:

1. An official of NLC will report the incident to appropriate authorities in accordance with the state mandatory reporting laws.
2. An official of NLC will report the matter to NLC's insurance carrier and to the Bishop of the Northwest Washington Synod of the ELCA.
 - *The following steps may be implemented with the advice and consent of the Bishop of the Northwest Washington Synod of the ELCA:*
3. NLC will cooperate with authorities and the insurance carrier.
4. NLC may suspend (with pay for paid staff) the alleged offender while a confidential investigation is conducted.
5. An official of NLC and legal counsel and/or other consultants will then meet with NLC's Council and present a report on their investigations. The report will include findings and recommendations of action.
6. An official of NLC will meet with the alleged perpetrator and notify him/her of the results of the investigation and recommendations for action.
7. An official of NLC will meet with the alleged victim, along with his/her parents or guardians, and notify

them of the results of the investigation and recommendations for action.

8. During the investigation, an official of NLC shall maintain contact with the alleged victim and his/her parents or legal guardian to keep them informed of actions taken and to assist them in their process of healing.
9. An official of NLC and legal counsel and/or other consultants may meet with the alleged perpetrator, the alleged victim, and any others with knowledge of relevant facts.
10. An official of NLC will communicate with criminal and civil legal counsel of NLC.
11. An official of NLC will communicate with those affected by the ministry of the alleged perpetrator.
12. An official of NLC will hire a consultant or assign a spokesperson to respond to media and / or prepare a statement for the media if the need shall arise, subject to the approval of legal counsel for NLC.

Travel guidelines for youth activities

Appendix A to Nativity Lutheran Church Child, Youth, And Vulnerable Adult Abuse Prevention Policy and Guidelines

We are about to travel --

Parents:

We know that you have entrusted the most precious and valuable people in your life to us. Pray for us. Talk to your students about your expectations for behavior and your hopes for the trip. Feel free to express any concerns you have to the adult(s) in charge.

We emphasize safety and cooperation and hope you will reinforce that. Please read the following statement with your youth before our trip begins.

Travelers:

We expect you to cooperate, promote safety and have fun.

- 1) We all want to enjoy the trip, but not at the expense of other people.
- 2) We will speak our needs, hear the needs of others, and support decisions made by the group (or group leaders) for the benefit of all. These decisions will include times (starting, meeting, ending, sleeping), water safety, boundaries, etc.
- 3) We won't go off alone at any time, but will abide by the buddy system of groups of three. If the opportunity is given by the leaders for small group activities, we'll make sure the adult(s) in charge know where we are and when we'll be back.
- 4) Behavior will have its consequences. Energetic, cooperative behavior improves everyone's experience and fun! When inappropriate actions hurt the experience of the whole group, youth will be removed from participation. Any illegal behavior (including possession and/or use of alcohol, illegal drugs including cigarettes, any weapons, etc.) constitutes an immediate return home at participant / parent expense.

A final word about behavior: Everyone in the group should remember that during the trip, they are always representing the Church.

ONLY DRIVERS OVER THE AGE OF 25 WILL BE PERMITTED TO DRIVE FOR NATIVITY YOUTH OUTINGS.

Vehicles will move when:

- 1) Everyone is seated and belted. (In the case of buses without seat belts, everyone must be seated.)
- 2) Youth, drivers and chaperones have exchanged names and their commitment to a safe and enjoyable trip.
- 3) The next stop will be anticipated. Travelers are encouraged to "plan" restroom needs according to prearranged stops.

Vehicles will stop when:

- 1) Anyone becomes unbuckled.
- 2) Weather or road conditions threaten safety.
- 3) Any behavior in the vehicle is disruptive to the driver.
- 4) Any time the driver thinks it is necessary.

THIS POLICY WILL BE DISTRIBUTED TO PARENTS OF ALL YOUTH PRIOR TO TRAVEL.

I have received, read and understood this Abuse Prevention Policy and Guidelines.

_____ Applicant

_____ Date

_____ Witnessed by (member of NLC Personnel Committee)