

Holy Trinity Lutheran Church Policy
For
Creating a Safe Congregation

Holy Trinity Lutheran Church
149 Manzanita Avenue
San Carlos CA 94070
650-593-0325
Fax 650-593-0699
www.sancarloshtlc.org

Adopted by October 22, 2013
A Commitment to Sanctuary

In recognition of the spiritual and public trust given to this faith community, Holy Trinity Lutheran Church is committed to being a true sanctuary, both nurturing and protecting its members and visitors. Worship of God happens when there is openness, trust, intimacy, vulnerability, and a safe, supportive community. Abuse and harassment are, therefore, violations of the faith shared by this congregation. Accordingly, the congregation will maintain official policies and procedures, *which are intended for the prevention of instances of abuse, appropriate intervention into alleged incidents of abusive behavior, and care for all involved.* To correspond to changes in civil law and the community, these procedures will be reviewed annually by a Committee of 3 to include the Custodian of Records and 2 others appointed by the Personnel Committee.

In picturing how we might live out our vision of sanctuary, we determine that:

- . *Children can grow in faith and know God only if they are physically and emotionally safe at church.*
- . *Parents need to feel assured of their children's safety in all church activities, and of the church's commitment to provide for their children's safety, in order to focus on worship and their own spiritual growth.*
- . *Church Workers need to be equipped, protected, supported and accountable as they lead and nurture children.*

Statement of Intent

The Safe Congregation Policy is intended solely for the use of Holy Trinity Lutheran Church in performing its functions as a religious body. It reflects the church's best intentions, and may be interpreted and applied compassionately in accordance with the theological and Biblical principles of the Gospel.

The Safe Congregation Committee, authorized by the Congregational Council of Holy Trinity Lutheran Church, has worked to develop policies and procedures to keep our congregation a safe sanctuary for all members and particularly for our children and youth. The advice of expert authors of the Church Law and Tax Report, among others, has shaped our response and assured us that measures designed to protect children and youth may also help protect our congregation from unfounded charges and legal liability. These policies and procedures are designed to enhance our service to Christ. Our goal is to implement, and in the future, to modify, these policies and procedures, as needed.

To assure a sense of sanctuary in our midst, we need to know if any participants need extra boundaries to be able to safely participate in our community. Therefore, every quarter the California State public database of sex offenders considered dangerous (www.meganslaw.ca.gov) will be scanned by the Custodian of Records in concert with the Pastor and the Council President, for the names of any Church Workers, members, visitors or other program participants. If a name is recognized, the response will follow the guidelines in the Appendix "Convicted Sex Offenders" on page 15.

Creating a Safe Congregation

We have developed *strategies* to help ensure that the children entrusted to us are safe at our church, parents are assured of their safety, and adults who work with them are equipped, protected, supported, and held accountable. Since our Church Workers are often in situations where they are working and talking with youth, they may be the first ones to recognize a problem or concern facing a child. Our policy, therefore, is designed not only to protect families but also to provide Church Workers with resources to help them report suspected abuse.

Our strategy involves a plan for:

- | | |
|---|--------------------|
| . Church Worker Selection and Screening | Page 4 |
| . Church Worker Training | Page 5 |
| . Safe Practices/Standards of Behavior | Page 5,6,7 |
| . Supervision | Page 7,8 |
| . Reporting of Safety Concerns or Suspected/Alleged Abuse | Page 9, 10, 11, 12 |
| . Record Keeping | Page 13 |
| . Appendix-Pastoral Care and Counseling | Page 14 |
| . Appendix-Convicted Sex Offenders in the Congregation | Page 15 |
| . Bibliography | Page 16 |

**Note: This needs to be developed and implemented—see Action Item Document
Orienting/Introducing Safe Congregation Policy to:
All current Members, New Members, New Program Participants, etc**

DEFINITIONS

Participants

<i>Staff:</i>	paid employee(s) of the church.
<i>Clergy:</i>	Pastor(s) of the church.
<i>Volunteer(s):</i> the	individual(s) who of their own free will offer to serve in a ministry of church without monetary compensation.
<i>Church Worker:</i>	any clergy, employee or volunteer serving the church
<i>Minors:</i>	any child from infancy to eleven (11) years of age and any youth twelve (12) through seventeen (17) years of age.
<i>Adults:</i>	an individual who is 18 years of age or older
<i>Vulnerable Adult:</i>	any person over 18 years of age with diminished physical, mental, or emotional capacities (in California anyone 65 or older is considered vulnerable)
<i>Response Team:</i>	A group of at least 3 Church Workers who guide the response to concerns related to this Safe Congregation Policy

Responsibility Criteria

<i>Primary Church Worker:</i>	Church Workers who are primarily responsible for or regularly working with minors or vulnerable adults. Any Church Worker who in the course of their ministry might be alone with a minor or vulnerable adult from the congregation. (This includes, but is not limited to, all paid staff, pastors, associates in ministry, administrative assistants, secretaries, directors of Christian education, family ministry, youth and family ministers, Sunday School and Confirmation leaders and teachers, nursery workers, choir directors, Vacation Bible School workers, custodial workers, and Congregational Council members.)
<i>Secondary Church Worker:</i>	Church Workers 12 – 17 years of age. Church Workers over the age of eighteen (18) years of age who are NOT primarily responsible for or regularly working with minors. <i>Secondary Workers always work with a Primary Worker present.</i>

Church Activity

Any church-related event, gathering, or occasion which is sponsored or advertised by ministries of the church. "Church Activity" may be off-campus, including out-of-state, and out of the country.

Types of Abuse

<i>Physical Abuse:</i>	The deliberate, non-accidental physical injury or pain to a minor or adult. This includes willful cruelty or unjustifiable punishment.
<i>Emotional Abuse:</i>	Maltreatment of a minor or vulnerable adult that elicits low self-esteem, undue fear, anxiety, shame or other damage to a person's well-being caused by such acts as angry fault finding, humiliating and/or belittling a person for mistakes or failures, and deliberate inattention to someone's emotional needs. Emotional abuse causes mental or emotional injury that result in an observable and material impairment in a person's growth, development or psychological functioning.

Types of Abuse

Neglect:

Failure to provide food, clothing, shelter, health care, psychological nurturing, education, supervision, or other basic necessities. This includes failure to protect a minor or vulnerable adult from harm.

Sexual Abuse:

Any sexual activity with a minor or vulnerable adult that is meant to arouse or gratify the sexual desires of the adult, child, or youth. The abuser may be an adult, an adolescent, or another child. Sexual abuse may be violent or non-violent. All sexual abuse is an exploitation of a person's vulnerability and the abuser is fully responsible for the action.

Financial Abuse:

Taking advantage of the vulnerability of an adult by deliberate misplacement, exploitation, or wrongful temporary or permanent use of the person's belongings or funds.

Sexual Harassment:

Unwanted and unwelcome visual, verbal or physical conduct that is gender-based or of a sexual nature; requests for sexual favors; or offensive third-party conduct to which the victim is subjected.

Other Harassment:

Other forms of harassment include discrimination, exploitation, intimidation, bullying or coercion based on race, ethnicity, national origin, age, sexual orientation, gender identity, socioeconomic status, or physical ability.

CHURCH WORKER SELECTION AND SCREENING

We Want To Make Sure Each Church Worker Is a Good Match!

All who work on behalf of Holy Trinity Lutheran Church with any children, youth or vulnerable adults will be properly selected, screened, trained, and supervised, not only to minimize the risk of child abuse at Holy Trinity Lutheran Church by volunteer or paid Church Workers, but to honor Holy Trinity Lutheran Church's commitment to helping people discover their God-given gifts and apply them in God's service.

All Church Workers must go through a screening procedure and adhere to this Safe Congregation Policy. When selecting Church Workers, we cannot guarantee that an individual will be an effective and safe leader. The selection process helps us gather information to make an informed decision.

Therefore, we ask that **Primary Church Workers and Secondary Church Workers:**

- . Be actively involved in the congregation for at least six (6) months before applying for a position with Primary Responsibility.
- . Complete the Registration Forms before they begin work with minors or vulnerable adults.
- . Be interviewed by the direct supervisor of the program area in which the applicant has interest.

In addition, **Primary Church Workers** must:

- . Submit to a background check through the California Department of Justice.
(All information will be kept in strict confidence. See Record Keeping page 13 for rules regarding record security)

Disqualifications include, but are not limited to:

- . Prior incidence of sexual misconduct or other forms of abuse.
- . Felonies and misdemeanors that resulted in harm to another person.
- . Crimes related to the sale of drugs or controlled substances within the past 10 years
- . Crimes related to illegal use, sale or possession of firearms

CHURCH WORKER TRAINING

Primary Church Workers will receive training that includes:

- . A description of the historical background of the issue and why churches need to be involved.
- . A description of Holy Trinity Lutheran Church's Safe Congregation Policy, including the procedures for reporting concerns or suspected abuse.
- . An explanation of the expectations of persons who work with minors and vulnerable adults.
- . Basic information about abuse and neglect so that these persons can understand the dynamics and be alert to signs of abuse.

Primary Church Workers must attend at least one training session within six (6) months of beginning their work with children and/or youth.

SAFE PRACTICES/STANDARDS OF BEHAVIOR

Each Church Worker at Holy Trinity Lutheran Church is expected to:

- . Be a role model for youth.
- . Organize meaningful experiences.
- . Adhere to the specific guidelines developed for his/her position.
- . Practice the following standards of behavior.

Minimum Age/Supervision Requirements for Church Workers

<u>Age of Child</u>	<u>Supervising Role</u>	<u>Helping Role</u>
<i>Infant to 5th grade</i>	Primary 16+years	Secondary 12-17 years
<i>6th gr to 12th grade</i>	Primary 21+ years	Secondary 18+years

A minimum of two (2) years of age difference must be maintained between Primary Church Workers and child/youth.

Ratios

Programs that involve children or youth must always include adequate supervision by Church Workers. The suggested ratios are:

<u>Age of Child</u>	<u>Ratio of Children to Church Worker</u>
<i>Infants (ages 0-12 mos)</i>	3 to 1 Church Worker
<i>Toddlers (12 – 35 mos)</i>	5 to 1 Church Worker
<i>Preschool (3 – 5 yrs old)</i>	7 to 1 Church Worker
<i>School Age (5 – 18 yrs old)</i>	12 to 1 Church Worker

“Two-Adult Rule”

The Two-Adult Rule is our goal when working with children and youth. Situations in which an adult is completely alone with one or more children is to be avoided.

During Sunday School, Confirmation, mid-week programs, Vacation Bible Camp, Band rehearsals, etc., the second adult may be a Primary Church Worker who often spontaneously checks into the class and meeting rooms and can be easily contacted by a child if needed.

Informal Contact (Independent of Church Activities)

Informal contact refers to phone calls, text messaging, social networking (Facebook, Linked In, etc), letters, face-to-face contact between a Church Worker and a minor that is not connected to official church activities. The Church recognizes that informal contact Church Workers and youth frequently occurs. However, Church Workers should

Informal Contact (Independent of Church Activities) cont.

seek written permission of parents before having informal contact with their youth. The Church Worker should clearly let the parent know the nature of the contact and that it is not part of a church activity. This planned individual contact should occur only in a public place. Parents are responsible for monitoring the informal contact.

Visibility

All Church Workers and the youth should not be afraid to be seen modeling nurturing and respectful behavior. All rooms used as gathering places for children and youth will be centrally located and visually accessible so that Church Workers are easily observable by other adults and there is no isolation or secrecy. Visibility is especially important when supervising or assisting private activities such as dressing or diapering infants. When children or youth are present, windows may not be covered and doors may not be blocked. Holy Trinity strives to have windows in all offices and meeting rooms and in all doors to these rooms if at all feasible. If there is no window in the meeting room's door, the door must remain open whenever children are present. All unnecessary adjacent rooms and closets should be locked. Activities should never take place in private rooms, offices or isolated parts of a building or vehicle.

Open Door Policy

All events involving children and youth should be open such that parents, caregivers, and others are always welcome to attend classes, rehearsals, practices, programs, meetings, and events.

Positive Discipline

Discipline used in church activities should be positive, respectful, and caring. Physical punishment and emotional abuse are not permitted. Positive Discipline helps a child develop a conscience guided by his own internal discipline and compassion for others. Positive discipline teaches and reinforces a good behavior to displace a bad behavior, without hurting the child verbally or physically.

Transportation

Transportation to and from events is generally the responsibility of the families.

To ensure all minors are safely transported to church-sponsored activities that require volunteer drivers, Holy Trinity Lutheran Church requires that all drivers complete an Authorized Driver Form, attach proof of insurance, and attach a copy of a valid driver's license. In addition, drivers must be 21 yrs or older if they are to drive other passengers under the age of 18. When driving children, Holy Trinity requires at least two (2) adults at each outing. To aid the adult volunteer driver in the event of an emergency, the driver should have every passenger's health history and medical release forms in the car at all times. In the event passengers change cars, it is recommended that the drivers have this information for every youth or child at the event. Authorized driver policy applies to transportation to and from the event from the point of origin. Getting to and from the point of origin is outside the policy.

Respect of Privacy

Church Workers need to respect the privacy of minors and intrude only insofar as health and safety require. Situations requiring privacy include rest rooms, changing clothes, and taking showers. Adults need to protect their own privacy in similar situations.

Off-site Activities

Whenever children, youth, or dependent adults (under a Conservatorship) will be off-campus, and outside the direct supervision of their parents/guardians, a permission form shall be signed by the parents/guardian. The leaders of those off-site activities must have a list of names, emergency contacts and medical conditions with them at all times, so that the leaders have permission to treat a child, youth, or dependent adult if they are injured or become sick during the off-campus event.

Information will be provided to the parents/guardians regarding the event along with a copy of Holy Trinity Lutheran Church's Safe Congregation Policy for their reference.

Overnight Accommodations

A minimum of two (2) adult leaders (Church Workers) should be present at any overnight activity. If youth participants include males and females, ideally the adult leaders would be males and females. If this condition cannot be met, the event will proceed only upon approval of the direct supervisor of the program area. When minors and adults must share a tent, bedroom, or hotel room for the sake of safety and/or cost-efficiency, parents will be informed ahead of time. An adult should not occupy the same bed as the minor. When private homes are used for overnight events, the program staff member will make final approval of all adults involved as hosts, hostesses, and chaperones. At least two (2) youth will be assigned to each home.

Boundary Issues

It is important for the adult Church Workers to be clear about appropriate behaviors. Adult Church Workers must be attentive to appropriate dress codes, appropriate use of language, and appropriate demonstration of affection and encouragement. Church Workers should be alert to the physical and emotional health of the children and youth with whom they work.

Those working with minors are generally discouraged from giving personal gifts to them. When the giving of personal gifts is desired, the Church Worker must first notify the minor's parents and pastor. Gifts can easily be misinterpreted. Gifts given to groups of young people are appropriate, such as graduation presents or awards of participation.

No romantic or sexual activity is permitted between Church Workers and minors. Intimate life stories should be shared guardedly. Sexual comments or jokes, the showing of sexual material, the exposure of sexual parts of the minor's body and/or the adult's body and other sexualized behaviors are all prohibited.

The distribution of tobacco, firearms or illegal drugs to children or youth is prohibited. **ALCOHOL USE IS ONLY PERMITTED IN CONFORMITY WITH THE CHURCH ALCOHOL USE POLICY.** These boundary issues will be discussed in the annual training for Church Workers.

SUPERVISING CHURCH WORKERS

All paid staff will be supervised regarding Policy compliance by Holy Trinity Lutheran Church's Personnel Committee or Executive Council as designated by the Council. The Congregational Council will supervise all other Church Workers.

Committee Chairpersons will arrange to meet regularly with Church Workers, who in turn must meet periodically with the Personnel Committee or the Congregational Council to discuss any issues regarding these guidelines. Appropriate topics for discussion include problems, accountability, policy clarification, personal feelings, or other issues that may interfere with the safety at Holy Trinity Lutheran Church. That open communication also includes a periodic review with each Church Worker regarding satisfaction and success in his or her area of ministry.

Policy Compliance

Church Staff will supervise church activities on an ongoing basis and may make unannounced visits into classes or other program sites from time to time, to assure policy compliance.

Primary Church Workers will carefully supervise the Secondary Church Workers, minors, and any other adults involved with the activities for which the Primary Church Worker is responsible.

Policy Compliance cont.

All church participants should be aware of unsupervised children, risky situations, and other issues that might prevent Holy Trinity Lutheran Church from being a safe place to worship and thrive, and they should report promptly to the Pastor or Safe Congregation Committee member.

The President of the Church Council is responsible for ensuring an audit is performed annually on or before January 31st to ensure that all staff/volunteers who work with minors or vulnerable adults are compliant with this policy and that the policy itself is working effectively.

Acts and Omissions in Violation of the Policy

The following acts or omissions are violations of this Policy, will not be tolerated or accepted during any activity or program, and are to be immediately reported to the designated program staff or Pastor after the safety of any person involved has been assured. The Pastor or Church Council will determine appropriate response to any policy violations by Church Workers. Response may include training, temporary leave from the position, reassignment, or expulsion from the Church membership.

1. Verbally abusive language such as belittling, derogatory name-calling, bullying or harassment.
2. Any direct observations or evidence of sexual activity in the presence of or in association with a minor or vulnerable adult. Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a minor or vulnerable adult.
3. Sexual advances or sexual activity of any kind between any person and a minor, or any person and a vulnerable adult.
4. Physically abusive behavior or infliction of bodily injury to a minor or vulnerable adult.
5. Mental or emotional injury to a minor or vulnerable adult caused or exacerbated by the Church Worker.
6. Physical neglect of a minor or vulnerable adult, including failure to provide adequate supervision in relation to the activities of Holy Trinity Lutheran Church.
7. The presence or possession of obscene or pornographic materials at any function of Holy Trinity Lutheran Church.
8. The presence, possession, or being under the influence of any illegal or illicit drug while leading a Holy Trinity Lutheran Church activity where minors are present.
9. Any other type of harassment or abuse, as per the definitions on pages 3-4.

REPORTING OF SAFETY CONCERNS OR SUSPECTED/ALLEGED ABUSE

All participants in Holy Trinity Lutheran Church's ministry are encouraged to contact church leaders (Pastor(s), Youth Minister, Teachers, Band Directors, VBC leaders, Ushers) if they are ever concerned about a safety issue, whether it's a hazardous sidewalk or risk of harm to a child, youth or vulnerable adult in the church. Any member or guest of Holy Trinity Lutheran Church is encouraged TO REPORT without hesitation or fear of reprisal if he or she witnesses, experiences, or hears about situations involving abuse, harassment, or exploitation. All concerns and allegations shall be taken seriously and receive some type of action or response immediately, according to church policy.

- . Information about the concern, observation, or allegation can be given to a Pastor, or any member of the Church Council. An individual with a complaint or allegation may be asked to complete a written report describing the basis of his or her concern.
- . The complainant(s) need not be the victim of the inappropriate behavior, but instead may be an observer or someone who has been told information by the victim. Any committee of Holy Trinity Lutheran Church may also initiate the formal complaint process.
- . Any person bringing a harassment or exploitation complaint or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment, church membership or affiliation, or otherwise discriminated against or discharged.
- . Whoever is first told must *not* ask investigative questions or investigate the complaint or concern, but should make notes on what is said with as much detail as is communicated and report the information to the appropriate leader or committee for resolution—*unless* the concern involves suspicions of abuse, in which law enforcement or protective services may be contacted directly.
- . No Church Worker should confront a parent or parents or suggest any suspicion of child abuse to the child or youth in question.
- . No other Third Party will be told any details of any reported matter, unless that person has a legal, or pastoral reason to be informed of the results of any investigation, or any actions taken in response to such investigation.

If the concern relates to Suspected/Alleged Abuse of a Minor or Vulnerable Adult, protective services (and other specialists if appropriate) must be contacted.

- . Clergy and staff, including contract workers who have direct responsibilities for children and youth, are mandated reporters of suspected abuse; however every person who has grounds to suspect abuse of our children, youth, or vulnerable adults should consider it his/her duty to comply with reporting process in the State of California. Clergy are also mandated by California law to alert authorities of any suspicions of abuse of vulnerable adults. This is regardless of whether the suspected abuser is part of this community of faith.
- . Any person who intends to file a report with civil authorities may alert the Pastor, who will help in making the report. A report of suspected abuse must be made within 24 hours after a person has reasonable suspicion of possible current or future abuse.
- . Some mandated reporters find that it is helpful to make notes before calling civil authorities. The written information about individuals involved and the description of the incident will be of value in making the oral report on the phone and can then be easily transferred to a reporting form and sent to Child Protective Services or Police within 36 hours. Full cooperation must be given to civil authorities.

REPORTING OF SAFETY CONCERNS OR SUSPECTED/ALLEGED ABUSE con't.

Contact phone numbers:

911

SAN CARLOS POLICE DEPARTMENT 650-802-4277 www.cityofsancarlos.org

SAN MATEO POLICE DEPARTMENT 650-522-7700 www.cityofsanmateo.org

BELMONT POLICE DEPARTMENT 650-595-7400 www.belmont.gov

REDWOOD CITY POLICE DEPARTMENT 650-780-7100 www.redwoodcity.org

FOSTER CITY POLICE DEPARTMENT 650-286-3300 www.fostercity.org

**SAN MATEO COUNTY CHILD PROTECTIVE SERVICES 650-595-7922 or 1-800-632-4615 www.co.sanmateo.ca.us
Human Services Agency; Child and Family Services; Child Protective
Services.**

**SAN MATEO COUNTY ADULT PROTECTIVE SERVICES 1-800-675-8437 (voice) or 1-800-994-6166 (TDD)
www.smhealth.org/aas**

- . The Pastor may speak with the principals in an alleged incident immediately after a report has been made, if civil authorities allow such communication. Often pastors are advised that any contact with principals may affect the investigation. The Pastor's objective will be to encourage candor, cooperation with Child Protective Services or Adult Protective Services, and maintenance of church relationships through the ensuing process.
- . Reported persons should be asked to stop any of their ministerial duties until the concern is resolved. The Pastor will follow insurance guidelines in this matter.
- . If the alleged abuse occurs within the ministries of Holy Trinity Lutheran Church, whether the alleged perpetrator is staff or lay, the Pastor will report the situation to the Church Council and the Church insurance company immediately.

INSURANCE COMPANY INFORMATION

POLICY NO. 1237-216 RENEWAL

MINISTRY PACIFIC LLC
2508 GARFIELD AVE STE F
CARMICHAEL CA 95608
(866)870-2700
WWW.MinistryPacific.GuideOne.com

- . The Pastor will also notify the denominational authorities as soon as allegations of abuse are received and keep those authorities aware of the congregation's actions throughout the process, up to and including the final resolution of the situation.

If the concern relates to situations internal to the church (such as abuse on the campus, sexual harassment, inappropriate behavior by a Church Worker, or other serious complaint), convene the Response Team.

- . A Response Team with no fewer than three members, at least one male and one female, will be called together by the Pastor or Council President from the members previously appointed by the Council. The Response Team will familiarize itself with the terms of this policy and will follow these procedures of Holy Trinity Lutheran Church for dealing with a complaint of alleged sexual exploitation, sexual harassment, or other forms of harassment.

- . If a Church Worker is accused of inappropriate behavior, he or she may be suspended until an investigation is complete.

- . The Response Team will assure that one of several approaches are taken to address the complaint or concern:
 1. The complainant can attempt to resolve the matter directly with the respondent (the individual accused of abuse, exploitation or harassment).
 2. The complainant can report the incident to the Pastor, in an effort to resolve the matter informally.
 3. If an informal resolution of the complaint does not seem wise, appropriate, possible, or does not succeed, the complainant may request that the Response Team institute formal proceedings which will include the following steps:
 - a. The Response Team shall advise the Pastor, Council President, and Vice President of the receipt of all complaints and shall keep them apprised of ongoing steps and actions taken. If the Pastor, Council President, or Vice President is the subject of the complaint, the Response Team shall notify those who are not the subject of the complaint. NOTE: If a clergy person is the subject of the complaint, the matter will be reported immediately to:

SIERRA PACIFIC SYNOD 1-800-275-3522 www.spselca.org
Office of the Bishop Sacramento 1-916-756-1665
Office of the Bishop Burlingame 650-590-0980
Office of the Bishop Fresno 1-559-345-2725
 - b. The Response Team shall gather statements or other information from the individuals involved in the alleged exploitation or harassment, including the respondent (the subject of the complaint), and from others who may have pertinent information, such as qualified professional consultants, and present such information to the respondent's supervisor and supervisory body. Refer to item d. below.
 - c. The respondent's supervisory body, or an appropriate subcommittee thereof, shall make determinations and take actions appropriate to resolve the matter. These may include:
 - . Finding that exploitation or harassment did not occur, or
 - . Finding that exploitation or harassment has occurred, and that the appropriate body of the church is called upon to take action accordingly. Such action may include one or more of the following:
 - . A Formal Reprimand, with defined expectations for changed behavior;
 - . Recommendation for psychological or psychiatric assessment, counseling / treatment;
 - . Probationary Standing, with the terms of the probation clearly defined;
 - . Dismissal from Church Worker position/Dismissal of employment;
 - . Termination of affiliation with, or membership in the church ;
 - d. The Response Team may seek the advice of legal counsel or others to advise it in performing its functions.

In determining whether alleged conduct constitutes harassment or exploitation, consideration shall be given to the record of the alleged incident(s) as a whole and to the totality of the circumstances, including the context in which the alleged incident(s) occurred.

. If the complainant or respondent is not satisfied with the disposition of the matter by the respondent's supervisory body, he or she has the right to appeal to the Council President or to the Vice President if the Council President is the subject of the complaint, who shall refer the matter to the Council. The subject of any such appeal to the Council shall be limited solely to whether the procedures of this policy were not followed. The matter will not be reconsidered on its merits. The decision of the Council will be the final resolution of the matter. If the Council determines that the procedures of this policy were not followed, it will refer the matter back to the respondent's supervisory body to complete the processing of the complaint in accordance with these procedures.

. A Written Summary of the Response Team's proceedings will be maintained and protected from anyone without a legitimate right or need to know.

- . Adequate care must be shown for the wellbeing of the victims, the accused and the families involved. Situations must be handled forthrightly with due respect for individuals' privacy and confidentiality. Accusatory attitudes and statements should be avoided. No victims should be blamed in any way, nor should their stories be minimized.
- . A spokesperson may be selected to report to the Church Council on the response process (to maintain transparency while protecting the confidentiality of all parties). The Pastor, or his/her designee, is the only person(s) authorized to make statements to the representatives of the media; all requests for statements should be directed to the Pastor. IF THE (SENIOR) PASTOR IS THE ACCUSED PARTY, THE CHURCH COUNCIL PRESIDENT SHALL HAVE THAT AUTHORITY.

RECORD KEEPING

NOTE: All Records pertaining to Safe Congregation Policy will be easily recognized in the Church Files using Color Coded/***** identifiers on the Folder.

The following materials will be kept on file using color-coded ***** identifiers, for all persons covered by the Safe Congregation Policy:

- . Child/Youth Worker Registration Forms, including documentation of the interview and references
- . Driver Authorization
- . Documentation of training, for Primary Church Workers
- . Results of Criminal Records Check for Primary Church Workers (Custodian of Records keeps this)
- . Forms of Important Content, such as Restraining Orders, Medication Requirements, etc.

Security of Records

Records on Church Workers will be kept in a locked file in the Pastor's office. They will be available only to direct supervisors of the program areas *on a need-to-know basis*. Access is only with permission of the Custodian of Records, who shall be appointed by Church Council.

Responsibility for Maintaining Records

Each direct supervisor of program areas covered by the Safe Congregation Policy will do the following:

- . For each Primary Church Worker under his or her supervision, collect and compile the materials to be kept on file (with the exception of results of the criminal record check) and give these to the Custodian of records for filing.
- . When requested, provide the Church Council with a list of all Church Workers under his or her supervision.

APPENDIX

Pastoral Care and Counseling

The Pastoral staff encourages anyone in the congregation to ask for spiritual guidance and emotional support whenever the need arises. The Pastor(s) offer Pastoral Care whenever there are life crises such as death, illness, divorce, loss of job, or any other transition or circumstance causing distress. This Pastoral Care includes prayer, direction, and encouragement offered to individuals or families in our congregation who are struggling spiritually, physically, or emotionally for any reason. A Church Worker may also provide Pastoral Care, but should do so under the supervision of an ordained pastor. However, the Pastor(s) on staff do not offer ongoing, comprehensive counseling, regardless of their training. Pastors may meet with individuals/families up to three times in the same year for the same life issue, but shall then refer the individual/family to a professional therapist, spiritual director, or other specialist outside the church for more ongoing counseling or support.

Pastors will maintain confidentiality about their Pastoral Care sessions unless someone is at risk of harming him/herself or someone else; then in compliance with the denominational standards and state law, community intervention specialists and /or protective services will be contacted.

Pastors and other staff will never receive compensation for Pastoral Care or counseling.

For Pastoral Care of Minors, team counseling is preferable whenever possible. A male/female team is generally appropriate for counseling either gender. If team counseling is not feasible, parental permission shall be obtained before a Pastor, director or volunteer can meet privately with a child or youth. Prior permission may be granted by parents to cover a particular time period (i.e. a school year) for their child to receive Pastoral Care from a particular Pastor. In addition, a separate Adult must be notified of the location of the meeting and the persons involved.

Pastoral Care of Minors should be done in a public place where private conversations are possible but occur in full view of others, thereby guarding carefully to avoid seclusion. At any session, the door of the room used should remain open for the entire session—or the Pastor, director, and responsible adult should be easily visible through the door's window. If necessary, one-on-one meetings may also be in an openly visible, public area, such as a courtyard or a coffee shop. One-on-one Pastoral Care sessions shall not be conducted in a private residence without an adult family member present.

Church Workers should not meet with youth more than two times to discuss the same issue, because they are not prepared or supported for long-term counseling or formal therapy. Church Workers are encouraged to refer youth or vulnerable adults who they suspect have a serious need for counseling to professionals in the community. Appropriate referrals should be discussed promptly with the Pastor(s), Christian Education leader, or program director.

APPENDIX

Convicted Sex Offenders in the Congregation: Balancing Radical Hospitality with Sanctuary

A Registered Sex Offender is any person who has been convicted of a sexual offense and is now required to register his/her whereabouts with local law enforcement. Megan's Law allows the public to search for information regarding the location of certain Registered Sex Offenders. The information is easily accessible via www.meganslaw.ca.gov (California) or www.nsopw.gov (in other states). This policy also covers anyone who was convicted on a sexual abuse charge, even if the names of these persons does not appear on the on-line registry, and anyone who may not be required to register because of a lesser offense as a misdemeanor.

Holy Trinity Lutheran Church is a welcoming church that both nurtures and protects its members and visitors. In the event that a known sex offender is a visitor, constituent, or member in the life of the congregation, the following policy will be used.

1. If the convicted sexual offense involves a member of the congregation, the convicted Sex Offender may be asked to leave the membership.
2. There will be consultation among the Mutual Ministry Committee, appropriate staff, and key volunteers about the specific policy regarding the convicted sex offender.
3. The specific policy will address ways of limiting the exposure of the convicted sex offender to vulnerable populations.
4. The (Senior) Pastor, Council President and/or the Chair of Mutual Ministry, and others of appropriate responsibility, will meet with convicted sex offender to inform him or her of the specifics of the policy.
5. The Pastor(s), Council President and/or the Chair of Mutual Ministry will enter into a covenant with each convicted sex offender. This covenant will document the convicted sex offender's conviction and will outline the policy specific to his or her conviction history and be attentive to the safety needs of Holy Trinity Lutheran Church.
6. The spouse or significant other of the offender may also be asked to enter into and sign a covenant of behavior.
7. The convicted sex offender may be restricted from access to the church campus and may be barred from all congregational activities if he or she refuses to sign the covenant, if he or she refuses to comply with its stipulations, or if in the judgment of the Pastor, the convicted sex offender's behavior threatens the safety of any member of Holy Trinity Lutheran Church.
8. The convicted sex offender's participation in worship may be limited to exclude positions of authority, or assumed authority, such as ushering or any position of real or assumed authority over children or dependent adults.
9. There will be a consultation with members of the congregation who need to know the status of the convicted sex offender. For example, it may be necessary to inform families with children or youth; or it may be necessary to inform families of vulnerable adults. Members of the congregation will also be informed of the congregation's policy, and the covenants signed by the sex offender (and significant other). If the individual is listed on the Megan's Law registry, the State of California has deemed that person dangerous, and disclosure about that person's status to every participant in the congregation is vital.
10. This policy is designed to avoid temptation, not to punish the convicted sex offender.
11. The convicted sex offender may be offered counseling and support by the staff. He or she may also be given information about supportive services and counseling outside the congregation.
12. The congregation may make any other provisions deemed necessary to appropriately protect and care for members of the congregation.

BIBLIOGRAPHY

Our policy is adapted from *Reducing the Risk of Child Sexual Abuse in Your Church Training Manual*, published by Church Law & Tax Report, Written by Steven W Kilipowicz; *Creating a Safe Community*, written by Hope Lutheran Church (ELCA) in San Mateo, California; and *Child Abuse Prevention Handbook*, published by the Crime Prevention Center, State of California.

Other works consulted:

Policy 99-001 Statement of Policy Regarding Sexual Misconduct by Members of the Clergy and Rostered Laypersons, adopted by the Sierra Pacific Synod Council January 29, 1999 (SC99.1.27)

Reducing The Risk of Child Sexual Abuse in Your Church: A Step by Step Guide to Implementing a Prevention Program, by James F Cobble Jr. Preferred Risk Mutual Insurance Company. (1) For Workshop Leaders and (2) For Workshop Participants.

Safe Connections – What Parishioners Can Do To Understand And Prevent Clergy Sexual Abuse; A Resource for Congregations, 1996 Evangelical Lutheran Church in America.

"Out of Harm's Way: The Two Adult Rule," *Praxis*, September, 1998, published by the Sierra Pacific Synod.

"ELCA Youth Ministry Help Sheet – Ensure Safe Boundaries in Youth Ministry," 1998 Evangelical Lutheran Church in America/Division for Congregational Ministries – Youth Ministries.

Volunteer and Child Protection Policy. Los Altos Methodist Church, October 1996.

Child, Youth & Adult Safety Policy: A Team Approach, College Avenue Congregational Church, United Church of Christ, November, 1998.

Volunteer Management /Service, Online Resources, <http://www.serviceleader.org>, Copyright 1998-2000.

