

Sexual Abuse and Youth Safety Policies and Procedures

Bethany Lutheran Church West Branch, Iowa

Bethany Lutheran Church has adopted the following policy pertaining to sexual abuse and youth safety. These procedures are designed to provide a safe and secure environment for children, youth, adults, members, volunteers, visitors, and paid staff. Additionally, these procedures will also provide a system to respond to alleged victims of sexual abuse and their families, as well as the alleged perpetrator. This policy will also help to reduce the possibility of false accusations of sexual abuse made against volunteers and paid staff.

Definitions

The following terms used herein and are defined as follows:

1. *Paid Staff*: Any pastor, minister, preacher, or employee who is paid by Bethany Lutheran Church.
2. *Child/Youth/Minor*: Within this document the terms child, children, youth, and minor are used interchangeable and are defined as any person who has not reached his/her 18th birthday or the age of majority as defined by state law.
3. *Adult*: Any person who has reached his/her 18th birthday or as defined by state law.
4. *Volunteer*: Means any unpaid person, whether a member or visitor, engaged in or involved in activities and who is entrusted with the care and supervision of minors or a person who directly oversees and/or exerts control or oversight over minors or adults.
5. *Member*: An individual listed on the current roster of Bethany Lutheran Church, whether active, inactive, or lapsed.
6. *Visitor*: An individual who is not listed on the current roster of Bethany Lutheran Church and is on the church premises or involved in a church-related function.
7. *Client*: Any other individual who is in service with the pastor, paid staff, or members of Bethany Lutheran Church
8. *Sexual Abuse*: The employment, use, persuasion, 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 a minor or adult, or incest with a minor or adult, or as defined by federal and state law. This 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 another person to engage in a sexual act by threats or fear or undue influence; and providing or displaying pornographic materials to another person.

9. *Child Abuse*: Includes *Sexual Abuse* as defined above and also includes but is not limited to verbal or nonverbal conduct including mental exploitation, degrading communication, or humiliating or threatening conduct that may include bullying or as defined by state law.
10. *Church Officers*: As defined in the Constitution of Bethany Lutheran Church officers of the church are President, Vice President, Secretary, and Treasurer.
11. *Church Council*: Include the Pastor, Church Officers, and other elected members of the congregation.

Sexual Abuse

Sexual abuse by paid staff or volunteers involving a member, volunteer, visitor, client, or paid staff with whom there is a working, leading, teaching, pastoral, or professional relationship with is unethical and unprofessional behavior.

Reporting Sexual Misconduct

- The first step in stopping sexual abuse is to directly inform the person involved that his/her conduct is unwelcome, a violation of church policy, and that it must stop immediately.
- Anyone may report allegations of sexual abuse to the pastor, church officers, church council, or other leaders within the church including but not limited to teachers and paid staff.
- Allegations of sexual abuse against pastoral staff will be reported to the Office of the Bishop of the Southeastern Iowa Synod, ELCA; herein referred to as "Synod."
- Allegations of sexual abuse against pastoral staff will be reported in compliance with the "Policies and Procedures for Dealing with Clergy Sexual Misconduct Allegations and Admissions in the Southeastern Iowa Synod, ELCA".
- Allegations of sexual abuse against paid staff and volunteers will be reported to the pastor and/or congregation president.

- Allegations of sexual abuse with minor children and vulnerable adults (e.g., includes but is not limited to adults that are mentally or physically impaired or do not have the cognitive skills to fully protect themselves from abuse of any nature) must be reported to the pastor and local legal authorities.
- Pastors hearing confessions about sexual abuse involving adults will maintain confidentiality. Where a crime has been committed and disclosed in a confession the pastor will make it known that he/she must report this to local legal authorities and will subsequently notify the proper authorities.
- Alleged victims of sexual abuse are assured of legal confidentiality of any allegations they make.
- Allegations of sexual abuse must be made in writing as to date, time, and circumstances.

Investigating Sexual Abuse

- Church officers, church council, pastoral and paid staff, and volunteers will cooperate with Synod investigation of allegation of pastoral misconduct and/or sexual abuse.
- Allegations of sexual abuse against paid staff and volunteers of the congregation will be investigated, handled with discretion and confidentiality and adjudicated by an ad hoc committee appointed by the church council to rectify, heal, and promote dignity. The committee of men and women shall consist of the pastor, one church council member, and two members at large from the congregation. The committee shall report its findings and recommendation to the church council.
- Victims of alleged sexual abuse have the right to confront the accused.
- Victims may have the support of a trained advocate through the process.
- The accused has the right to know the nature and substance of the allegations.
- The alleged victim and the accused will be apprized of the investigation and its outcome.

Responding To Sexual Abuse

- Pastoral staff found guilty of sexual abuse will be dealt with in accordance with Synod guidelines.
- Paid staff and volunteers found guilty of sexual abuse will be removed from their duties in the congregation.

- False allegations and/or information will be subject to disciplinary action by the church council.
- The congregation will extend Christian love and support to the victims and their families in any and all situations.
- The congregation will extend Christian love and support to those accused and/or found guilty of sexual abuse in any and all situations.

Youth Safety Policies and Procedures

Bethany Lutheran Church believes it is in the best interest of the church to protect the physical, mental, and emotional well-being of the youth who participate in church sponsored activities at Bethany. The purpose for determining and implementing policies and procedures for adults who work with youth in the church is to protect the youth from abuse and the adults from being unfairly accused of any form of child abuse. Churches may be liable for incidents and injuries that result from “negligent supervision”, that is, the failure to exercise reasonable care in the supervision of paid staff and/or volunteers at and during church sponsored and related activities. The risk of negligent supervision can be reduced to adhering to certain policies. These policies and procedures also apply to pastoral staff, recognizing special situations involving confidentiality in performing their duties.

Protection and Prevention

The following screening procedures will be used with all paid staff and volunteers who are entrusted with the care and supervision of minors or a person who directly oversees and/or exerts control or oversight over minors at Bethany Lutheran Church:

- *Prior-Record Rule*
Adults who have been convicted of, or have been on a probated sentence, or received deferred adjudication, or have presently pending criminal charges for any offense outlined below will not be entrusted with the care and supervision of minors or directly oversee and/or exert control or oversight over minors 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, control, or oversight of minors:
 - a. Any offense against minors as defined by state law.
 - b. 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, sexual performance with a

minor or adult, possession or promoting child pornography, enticing a minor, bigamy, incest, drug-related offenses, or family violence.

c. A prior criminal history of an offense against minors.

- *Six Month Rule*

All volunteers working with youth or children must have participated in Bethany Lutheran Church activities for a minimum of six months unless he/she provides suitable references from other churches in which they have participated.

- *Application and Background Check*

Any paid staff and volunteers who will work with minors must fill out and sign Bethany Lutheran's *Youth Application and Background Check Form*. This form includes questions pertaining to but not limited to: full name, current and previous addresses, date of birth, social security number, and criminal history information. Bethany Lutheran Church will conduct a criminal background check on all paid staff and volunteers who are entrusted with the care and supervision of minors or a person who directly oversees and/or exerts control or oversight over minors. All criminal background checks will be updated periodically.

- *Two Adult Rule*

Two or more adults should be present during any church activity that involves youth to avoid having one adult alone with one youth. Exceptions may need to be made, as, for example, with the confirmation mentor program, with counseling, or with providing transportation. Such exceptions should be handled by: a) obtaining parental permission, b) using an "open door" policy (the door to the room where the youth and adult are meeting is left open), or c) notifying appropriate church leaders in advance of such meeting.

- *Parental Permission*

Adults, paid staff or volunteers who have legitimate reasons to meet alone with a child will obtain the consent of the child's parent or guardian before spending time with the child in an unsupervised situation. This procedure could be used, for example, with a mentor program, counseling or providing transportation. If getting parental permission is a problem, for example, if a youth is having problems in parental relationships and desires a visit with an adult in the church about those problems, the person doing the counseling could ask the youth for permission to involve a second adult. If the youth needs last minute transportation, such as a ride home after a church youth group event, the parent should be telephoned to ask permission to provide the ride. If the parent is not available, the two adult rule should be followed and another adult should go along, or the appropriate church leader should be notified of the plan.

- *Adequate Personnel*

Programs and activities that involve youth should always include adequate supervisory personnel. (Adequate supervision would usually be a ratio of one adult to every eight youth.) Supervision should also be maintained before and after the event until all children

are in the custody of their parent or legal guardian. For example, at least two adults should remain at the church following a high school or middle school activity until all youth have left the church.

- *Overnight Rule*
Two or more adults must always be involved in any church sponsored overnight activity that involves youth. To the extent possible, there will be both male and female chaperones if both male and female youth are present. All adult chaperones and supervisors should be cleared in advance by the appropriate church leaders.
- *Church Nursery*
At least one adult and one other volunteer should be in the church nursery any time children are left in their care. Children should only be released to their parent or someone the parent has authorized.
- *Reporting Suspicious Behavior*
Any inappropriate conduct or relationship between an adult worker and a minor should be reported to the pastor, a church officer, the church council, or another adult in a leadership role such as a teacher and investigated.
- *Training In Child And Youth Safety*
Adults who work with youth will be informed of the *Sexual Abuse and Youth Safety Policy* under which Bethany Lutheran Church operates. After having read through the *Sexual Abuse and Youth Safety Policy* of Bethany Lutheran Church paid staff and volunteers will be required to sign a form indicating they have read and understand the policy. Additionally, the policy will be made public for all members and visitors of Bethany Lutheran Church to be aware of.

Behavioral Guidelines for Paid Staff and Volunteers

All paid staff and volunteers will observe the following guidelines:

- Do not provide alcoholic beverages, tobacco, drugs, contraband, or anything prohibited by law to minors.
- To the extent possible, Bethany Lutheran Church will have both male and female chaperones at events where both male and female youth are present.
- To the extent possible, Bethany Lutheran Church will have two unrelated paid staff or volunteers in the room when minors are present. Doors will be left fully open if only one adult is present in the room. Speaking to a minor or minors one-on-one should be done in public settings where paid staff or volunteers are in sight of other people.

- Avoid all inappropriate touching with minors. In the event a minor initiates physical contact and/or inappropriate touching, it is appropriate to inform the minor and his/her parents or legal guardians that such touching is inappropriate.
- Never engage in physical discipline of a minor.
- If you recognize an inappropriate relationship developing between a minor and adult, maintain clear professional boundaries and refer the minor to another individual with supervisory authority and notify leaders of Bethany Lutheran Church as previously outlined in this document.
- Anyone who observes child abuse will take appropriate steps to immediately intervene and provide assistance. Report any inappropriate conduct to the proper authorities and leaders of Bethany Lutheran Church as previously outlined in this document

Sexual Offender at Bethany Lutheran Church

Bethany 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 specific guidelines. However, first check with the offender's probation/parole officer for any restrictions regarding attending services or other functions where children/youth are present. Ask the probation/parole officer to put any restrictions in writing. If restrictions don't prohibit participation, implement the following four guidelines.

1. A known sexual offender cannot participate in any of the youth 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 or her at all times.
4. The identity of the sexual offender will be disclosed to the congregation.

Oversight and Education

- The church council is responsible for the education of members, paid staff, and volunteers about sexual misconduct and the existence of these policies.
- The church council shall review these policies annually with the pastor, council members, paid staff and volunteers.
- The church council is responsible to ensure that these policies are followed.

Confidentiality

Information obtained through any of the following but not limited to; screening, application, reference check, interviews, and background check will be kept in confidence, unless otherwise required by law. All information discovered or obtained through the above-referenced means will be kept in a secure location and access to it will be restricted.

Passed by the Bethany Lutheran Church council on May 14, 2012.

Bethany Lutheran Church Sexual Abuse and Youth Safety Policies and Procedure Acknowledgment

I have received a copy of Bethany Lutheran Church's *Sexual Abuse and Youth Safety Policy and Procedure*. I understand it is my responsibility to read and become familiar with and adhere to the information contained herein. I understand these policies are the property of Bethany Lutheran Church; West Branch, Iowa.

Print Name

Signature

Date

**Bethany Lutheran Church
Youth Application and Background Check Form**

I, _____ (applicant complete name), hereby authorize Bethany Lutheran Church and/or its agents to make an independent investigation of my background including references, criminal, or police records, including those maintained by both public and private organizations and all public records for the purpose of confirming the information contained in this form, which may be material to my qualifications as a volunteer or employment with Bethany Lutheran Church.

I release Bethany Lutheran Church and/or its agents and any person or entity, which provides information pursuant to this authorization, from any and all liabilities, claims, or lawsuits in regards to the information obtained from any and all of the above referenced sources used.

The following is my true and complete legal name, and all information is true and correct to the best of my knowledge.

_____ Full name (printed)

_____ Maiden name or other names used Phone # Email Address

_____ Present street address How long?

_____ City/State Zip

_____ Former Street Address How long?

_____ City/State Zip

_____ Date of Birth Social Security # Driver's License # and State

Have you ever been arrested for, charged with, under probation for, or convicted of any crime, including (but not limited to) any sex-related or abuse related offense(s)?

Yes _____ No _____

If yes, please explain: _____

_____ Signature Date