

## SYNOD OF LAKES AND PRAIRIES CHILD/YOUTH/VULNERABLE ADULT PROTECTION POLICY AND ITS PROCEDURES

### POLICY APPLICATION STATEMENT

It is the policy of the General Assembly of the Presbyterian Church (U.S.A.) and all entities of the General Assembly that all church members, church officers, nonmember employees and/or contractors, and volunteers of congregations, councils, and entities of the church are to maintain the strongest sense of integrity, safety, nurturing, and care involving all interactions with children, youth, and vulnerable adults. This policy applies to all Synod of Lakes and Prairies (here after referred to as Synod) sponsored activities that involve children, youth, and vulnerable adults.

### POLICY RATIONALE

The implementation and documentation of a Child/Youth/Vulnerable Protection Policy strives to reduce the risk of abuse and neglect for the following reasons:

- Children, youth, and vulnerable adults are a gift from God and the Church has a divine mandate to provide for their safety and nurturing. The Church is called to be a place that reflects the open arms of Jesus. In Matthew 19:14, Jesus says, “Let the little children come to me.” The Church is to be, at all levels of council and in all entities, a place of safety and nurture reflective of the arms of Christ.
- Any type of abuse involving children, youth, or vulnerable adults has lasting and devastating effects on the life of the victim/survivor. It is the call of the Church to be a life-giving entity of Christ’s healing and hope for community and individuals, not an entity that brings harm and hurt.
- The larger Church suffers with the victim/survivor and his or her family when abuse and neglect occurs. The Church is crippled by the hurt, pain, and distrust that accompanies abuse. Not only does the Church lose its credibility at all levels, it also suffers considerable financial loss and loss of integrity. More importantly, in instances of child, youth, or vulnerable adult abuse within the Church, there is immeasurable spiritual, psychological, emotional, and physical harm perpetrated that woefully cripples God’s call on the Church.
- The *Book of Order* states, “The congregation as a whole, on behalf of the Church universal, assumes responsibility for nurturing the baptized person in the Christian life,” and Presbyterians believe this baptismal commitment to be a serious one, understanding it to apply to all in the church’s care, including children, youth, and vulnerable adults (*Book of Order* W-2.3013).
- Children and youth are not only persons of care and service in the church, but they are also co-recipients of the graces and love of God. Jesus exemplified this in the Gospel of Mark 10:15–16 when he urged his followers to receive the kingdom of God as a little child. And he specifically takes up the children into his arms and blesses them. So also, the Church, as the body of Christ, is to be the presence of Christ’s love, in the same way taking

up all children and youth into its arms and blessing them; providing for them a safe, thriving, and nurturing environment in which to grow in every way.

## DEFINITIONS

Each state has its own statutes regarding what is defined as child/youth/vulnerable adult abuse. This policy advises all sponsoring councils and entities of the Presbyterian Church (U.S.A.) to consider and be familiar with state statutes pertaining to the location of each event/activity.

The following is a comprehensive list of definitions of terms and their intended use in this particular policy. For the purpose of this policy:

**Child:** A child will be defined as a person between the ages of 0–11.

**Youth:** A youth will be defined as a person between the ages of 12–17.

**Minor:** A minor is any child or youth 0–17 years-old.

**Child/Youth Worker:** Any person, volunteer or paid staff or contractor, who participates at any level at Synod sponsored events or activities involving children and/or youth.

**Vulnerable Adult:** Any person eighteen-years-old or older without the developmental or cognitive capacity to consent.

**Vulnerable Adult Abuse:** Any act or failure to act that results in the physical, sexual, psychological, or emotional mistreatment, neglect, or exploitation of a vulnerable adult.

**Child/Youth Abuse:** Any act or failure to act that results in the physical, sexual, psychological, or emotional mistreatment, neglect, or exploitation of a child or youth.

**Sexual Abuse:** In the *Book of Order*, sexual abuse is defined as, “Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position” (*Book of Order*, D-10.0401c).

**Misuse of technology:** The use of technology that results in the harassing or abusing of a child/youth. This includes using technology to send suggestive message and images to a child or youth. Adults should not have any technological contact with a child or youth that is not either preapproved by the child/youth’s legal guardian with a signed waiver, or the contact is on an open public medium, such as a church website or another social media program.

**Safe Child Response Team:** The Safe Child Response Team is a team comprised of a minimum of three members of/or appointed by the sponsoring council or entity of the Synod who are specifically trained to respond to allegations and reports of child, youth, or vulnerable adult abuse at Synod sponsored activities. This team must be readily available when needed.

## SCREENING, TRAINING, AND BACKGROUND CHECKS

Any adult who works in a child/youth program at a Synod event, whether on a paid staff, contractor, or volunteer basis, shall be subject to:

1. The Synod's receipt of a completed, signed, and approved application and background check authorization forms, including a signed form verifying the event policy has been read. The application should include a minimum of two references. All forms will be reviewed by a Synod staff member and/or at least one member of the Planning Team or committee responsible for the event or its designee. The review will include:

- Checking form for completeness.
- Confirmation that teachers and leaders are at least 18 years old and three years older than the oldest youth they are serving.
- Reviewing answers to questions.
- Securing references or additional information as reviewers deem necessary.
- Securing appropriate criminal background check.
- The reviewers will notify a member of the Planning Team and Synod staff assigned to the event if there are questions regarding the approval of an applicant.
- Persons not approved will be notified in writing.
- Completed forms and related confidential information will be kept in confidential files in the Synod office for six years.
- Approval will apply for three years. After that period, the applicant must reapply.
- No person shall be exempt from these procedures.
- At all times, the Synod reserves the right to determine who shall serve.

2. The applicant's consent to a criminal background check. The Synod will consult with the insurance company through which they have coverage to determine what background checks are appropriate for their particular event. The Synod will cover the costs of the background checks for all child/youth teachers and leaders.

3. The Synod shall maintain all child/youth worker applications, results of background checks, and related information in confidential, secured files.

4. All child/youth teachers and leaders, paid, contracted, or volunteer, must participate in training at least every three years. The training is to be provided by the Synod and shall cover the Synod's child/youth protection policy thoroughly as well as methods of abuse prevention and a detailed plan of reporting. The Synod may contract with others to provide these trainings. These trainings shall further cover:

- What constitutes child/youth/vulnerable adult abuse and neglect.
- How to recognize signs and symptoms of abuse and neglect.
- What needs to be reported.
- Review of the Synod policies

- Appropriate boundaries with children and youth, especially regarding adult/child/youth ratios, transportation, and use of technology.
- A detailed reporting plan.
- There will be people identified for each Synod sponsored event who are trained in first aid, CPR and AED use.
- Other related topics.

5. Each adult engaged in the leadership of a Synod event shall acknowledge receipt of the Synod Child/Youth/Vulnerable Adult Protection Policy and Its Procedures by signing an application to be employed, volunteer, or supervise. In addition, each person engaged in the leadership of a Synod event shall consent to all comprehensive background checks required and shall comply with any consequences of a reported violation of this policy.

6. No person may work with children/youth at a Synod event who has a conviction on his/her record of certain felonies or misdemeanors, including, *but not limited to*, any of the following:

- Criminal homicide;
- Aggravated assault;
- Crimes related to the possession, use, or sale of drugs or controlled substances;
- Sexual abuse;
- Sexual assault;
- Injury to a youth;
- Incest;
- Indecency with a youth;
- Inducing sexual conduct or sexual performance of a youth;
- Possession or promotion of child pornography;
- The sale, distribution, or display of harmful material to a minor;
- Employment harmful to youth;
- Abandonment or endangerment of a youth;
- Kidnapping or unlawful restraint;
- Public lewdness or indecent exposure; and enticement of a youth;
- Any crime that involves sexual misconduct or sexual abuse, particularly if it involves misconduct or abuse with a minor;

- Any crime that involves misuse of technology for sexual purposes, such as collecting or distributing photographs of minors who are naked or in sexual or inappropriate poses (child pornography);
- Any crime that involves the use of force, such as assault or endangerment;
- Any crime that involves abduction and kidnapping;

## **MANDATORY EVENT RULES FOR WORKING WITH CHILDREN AND YOUTH**

The Synod shall ensure that the following measures be in place and actions taken for each event or activity involving children and youth:

1. **Two-adult rule:** Insofar as possible, no adult should be left alone, one on one, with a child or youth. The only exceptions are if an emergency situation deems this not immediately possible or when the contact occurs in a public place and other persons are in and out of the areas where the adult is working with children or youth. This will be emphasized during the training of all leaders for children's and youth programs. This rule is intended to protect children and to protect the leaders from false accusation. The Synod is committed to providing adequate personnel for all events so that this rule may be maintained.
2. **Restroom Guidelines:** When children are escorted to a bathroom by a teacher or volunteer, that person shall remain outside the bathroom unless a child requests help. Teachers and leaders should never be alone with a child in a bathroom with the door closed and never be in a closed bathroom stall with a child.
3. **Accidental Injuries to:** In the event that a child or youth is injured while under our care, the following steps should be followed:
  - a. For minor injuries, scrapes, and bruises, teachers and leaders will provide First Aid (Band-Aids, etc.) as appropriate and will notify the child's parent or guardian of the injury at the time the child is picked up from our care or by phone.
  - b. For injuries requiring medical treatment beyond simple First Aid, the parent and/or guardian will immediately be summoned in addition to the worker's coordinator. If warranted by circumstances, an ambulance will be called.
  - c. Once the child/youth has received appropriate medical attention, an incident report will be completed in the case of injuries requiring treatment by a medical professional or injuries that prevent the child or youth from participating in the activities.
4. **Minimum age differential:** All child and youth teachers and leaders and volunteers must be a minimum of three years older than the age group they lead or supervise.
5. **Ratios:** The adult to child ratio for all child-related events/activities is 2:10. The adult to youth ratio for all youth-related events/activities is 2:17. There shall also be one adult of each gender when there are one or more minors of each gender in a group. Only in emergency situations may the ratios and gender diversity be compromised.

6. **View Windows and Open Doors:** When minors and adult teachers and leaders or volunteers are in a room, if the door is closed, the door must have a view window installed. If no view window is installed in the door, the door must remain open at all times.
7. **Photos/movies:** Any photos at the event that are used in social media or published material by the organizing council must be released by a signed consent form from the participant's legal guardian. Responsible use of digital devices and cell phones is required in all situations (ex. taking age-appropriate photographs and movies, not taking photographs of minors who are not fully clothed).
8. **Transportation:** All adult drivers at child/youth events must have proper licensure and insurance. No minor may be a driver at any event or activity (this includes golf carts at events).
9. **Parental permissions:** The Synod will request insurance information and parental permission to seek medical treatment for each child or youth participating in the case of a medical emergency. Further consent forms must be signed by legal guardians for any off campus events.
10. **Sleeping arrangements:** Adults should never share sleeping quarters with children or youth except for their own child(ren) or grandchild(ren). If a child/youth will be staying with someone else, written permission must be given and kept on record from the child/youth's parent/legal guardian.

### Codes of Conduct

All volunteers and employees at any Synod sponsored events must abide by the code of conduct spelled out in the following specific standards of behavior:

#### Approval and Affection

In providing approval or affection to children/youth the following guidelines apply for staff and volunteers:

Appropriate Physical Interactions	Inappropriate Physical Interactions
<ul style="list-style-type: none"> <li>• Side hugs</li> <li>• Shoulder to shoulder or “temple” hugs</li> <li>• Pats on shoulder or back</li> <li>• Handshakes</li> <li>• High-fives and hand slapping</li> <li>• Verbal praise</li> <li>• Pats on head when culturally appropriate</li> </ul>	<ul style="list-style-type: none"> <li>• Full-frontal hugs</li> <li>• Kisses</li> <li>• Showing affection in an isolated area</li> <li>• Lap sitting for/with youth</li> <li>• Wrestling</li> <li>• Piggyback rides</li> <li>• Tickling</li> </ul>

<ul style="list-style-type: none"> <li>• Touching hands, shoulders, and arms</li> <li>• Arms around shoulders</li> <li>• Holding hands (with young children in escorting situations)</li> </ul> <p>These may be inappropriate if unwanted by the child/youth or the employee/volunteer.</p>	<ul style="list-style-type: none"> <li>• Any type of massage given by or to a child</li> <li>• Any form of affection that is unwanted by the child/youth or employee/volunteer</li> <li>• Staring at or commenting on children's bodies.</li> <li>• Touching bottom, chest, or genital areas (except for diaper changing)</li> <li>• Dating or becoming "romantically" involved with a minor (under the age of eighteen).</li> </ul>
---	--

### **Verbal Interactions**

The manner of speaking with children/youth establishes respect. The following guidelines apply:

Appropriate Verbal Interactions	Inappropriate Verbal Interactions
<ul style="list-style-type: none"> <li>• Positive reinforcement</li> <li>• Appropriate jokes</li> <li>• Encouragement</li> <li>• Praise</li> </ul>	<ul style="list-style-type: none"> <li>• Name calling</li> <li>• Discussing sexual encounters</li> <li>• Discussing sexual encounters with or around children or in any way involving children in personal problems or issues.</li> <li>• Having secrets with youth/children.</li> <li>• Use of profanity</li> <li>• Off-color or sexual jokes</li> <li>• Shaming</li> <li>• Belittling</li> <li>• Derogatory remarks about anyone</li> <li>• Harsh language that may frighten, threaten, or humiliate children</li> </ul>

**One on one interactions**

Because most abuse occurs when an adult is alone with a minor, private one on one meetings are prohibited unless approved in advance by the program coordinator. When so permitted, the following guidelines shall apply:

**One on one interaction guidelines**

- When meeting one on one with a child/youth, always do so in a public place in full view of others.
- Avoid physical affection that can be misconstrued. (See appropriate physical interactions above)
- If meeting in a room or office, leave the door open or move to an area that can be easily observed by others passing by.
- Inform other staff that you are alone with a child/youth and ask them to randomly drop in.
- Document and immediately report any unusual incidents, including disclosures of abuse or maltreatment, behavior problems and how they were handled, injuries, or any interactions that could be misinterpreted.

**Other**

In addition, employees and volunteers are expected not to:

- a. Use or be under the influence of alcohol or illegal drugs in the presence of children.
- b. Possess sexually oriented materials—including printed or online pornography—on church property or property being utilized for a church event.
- c. Abuse youth/children in any way, including (but not limited to) the following:
  - i. Physical abuse: hit, spank, shake, slap, unnecessarily restrain.
  - ii. Verbal abuse: degrade, threaten, or curse.
  - iii. Sexual abuse: inappropriately touch, expose oneself, or engage in sexually oriented conversations.
  - iv. Mental abuse: shame, humiliate, act cruelly.
  - v. Neglect: withhold food, water, shelter.
  - vi. Permit children or youth to engage in the following: hazing, bullying, derogatory name-calling, games of Truth or Dare, ridicule, humiliation, or sexual activity



## Social Media Guidelines – Electronic Communications

### Social Media—Electronic Communications

As an ever increasing number of people use and prefer digital communication over other forms, it is essential that the church be present in this mission field. Social networking sites, on-the-spot communication devices and email can enhance communication, faith sharing and deepen relationships.

The following practices and guidelines apply principles of healthy boundaries and safe church to the virtual world of digital networking and communication. They are intended to raise awareness of issues and open doors of conversations while being mindful that our calling is to meet children and youth where they are; model healthy boundaries; and love and care for them safely. Adults engaged in ministry to youth and children should consider their relationship with the youth or child when interacting with them using digital media, and should conduct themselves in a manner that would be acceptable on church grounds.

The Synod Steering Committee shall review the Social Media Guidelines at least every two years.

We will seek to protect the privacy and identity of all minors in our use of social media. All church leaders and adult leaders in youth and children’s ministry should closely monitor the privacy settings of any posted youth images to ensure that they are not accessible to individuals who do not have permission to view them.

1. Those who work with children/youth must have permission from a minor’s parent or guardian before contacting the minor via social media or before posting pictures, video, and other information that may identify that minor.
2. We strongly encourage the respect and dignity of every person depicted in an image. Only pictures depicting youth in an appropriate light should be posted. “Appropriate” pictures may include goofy pictures that the youth’s parents are comfortable being posted. If a picture would make the youth feel self-conscious, vulnerable, or would subject the youth to ridicule, the picture should not be posted.
3. When checking in with any location tagging social media, only check in yourself. Never check in minors. Be sensitive to tagging or revealing other participants’ locations.
4. Social media postings should not disclose sensitive or confidential information unless the person that the information concerns has given written consent to share such information. This might include medical information or other personal matters.
5. Parents must have access to everything provided to their children. For example, parents should be made aware of how social media are being used, be told how to access the sites, and be given the opportunity to be copied on all material sent to their children via social networking (including text messages). While parents should be provided with the same material as their children, it does not have to be via the same technology (that is, if children receive a reminder via Twitter, parents can receive it in a printed form or by an e-mail list).
6. Child/youth teachers and leaders (paid and/or volunteer) are encouraged to save copies of conversations whenever possible, especially those that concern the personal sharing of a teen or young adult.

7. If a child or youth reveals abuse or inappropriate interactions with an adult, the person must report this information in the manner of any “suspected abuse.”

## **SOCIAL NETWORKING CODE OF CONDUCT**

The Synod Social Networking Code of Conduct:

1. Prohibits comments that are, or could be construed by any observer, to be harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
2. Prohibits sexually oriented conversations or discussions about sexual activities.
3. Prohibits private messages between volunteers and children or youth. If a minor sends a private text to a volunteer, the volunteer must respond with a copy to either the parent or a Synod staff member.
4. Prohibits posting inappropriate pictures (for example, sexually suggestive, exploitive, or voyeuristic) or inappropriate comments on pictures.
5. Provides children, youth, and their parents with this Social Networking Code of Conduct.
6. Encourages parents to play a role in monitoring their children’s and youth interactions with employees and volunteers.

## **CONNECTING ON SOCIAL NETWORKING SITES**

At times youth may wish to establish social media connections with church leaders and adult volunteers engaged in ministry with them. Adults who are willing to participate in these relationships should use the following guidelines when establishing these connections:

1. Adults should not submit ‘friend’ requests to children or youth. Minors may feel like they are not able to decline such requests due to the disparity of power between them and adults. Exceptions to this rule should only be made in situations when the adult’s privacy settings make it difficult or impossible for the youth to find the adult’s page on the site. In these circumstances, it is acceptable for an adult to request a youth as a friend, if the youth has requested that they do so.
2. Due to the greater potential for misinterpretation, inappropriate discussions, and inadvertent exposure of youth to inappropriate content; personal pages should be maintained appropriately. Church leaders and adult volunteers should avoid relationships with children/youth via Social Networking sites, unless an actual relationship (ministry, family friendship, etc.) already exists between them.
3. All church leaders and adult volunteers engaged in ministry with children and youth are strongly encouraged to set strict privacy settings on any personal social networking profile, making every effort to prevent youth and children from being introduced to objectionable

content. Privacy settings on personal pages and information should be thoroughly scrutinized on a regular basis to prevent this information from being available to minors. In the event that a church leader or adult volunteer does not feel that they can set the proper privacy settings and/or regularly check their personal pages (2-3 times per day) for inappropriate material that might have been posted by others, they are asked to completely restrict child/youth access to their pages.

4. For the sake of their own privacy and the well-being of the child/youth participants, leaders and volunteers should not add or invite children or youth to any groups, events, pages, chat rooms, etc. that are not solely dedicated to activities directly related to the children or youth ministries or ministry activities.

5. All communication sent digitally (email, social networking sites, notes, or posts, etc.) may be shared or reposted to others. Adults should be mindful that comments sent to a youth may be shared by that youth in a number of ways and that misinterpretation of those comments may occur.

6. 'One on one' video, photo or chat room based interaction is generally not appropriate between adults and minors. Such communications should only be engaged in where no face-to-face communication is possible, such as where the youth is away for the summer in a foreign country but regularly communicates with the adult in person.

7. When the content of received communications raises concerns or questions, it should be shared with a Synod staff member to determine if additional action is needed.

8. Phone conversations and face-to-face meetings are the preferred mode of communication, when responding to emotionally driven communication or pastoral emergencies, and should be used, when possible, to provide the appropriate level of support.

## Reporting

Anyone who has knowledge or suspicion that inappropriate conduct has occurred should report it immediately to the Supervisor of the Children or Youth Program or the Event Staff person. It is especially incumbent upon those in leadership positions within the children and youth program to be particularly sensitive and alert to warning signs of abuse and potential incidents. When an individual reports an incident or allegation, that person should refrain from engaging in questioning the alleged victim so that the appropriate investigative procedures may be followed.

Preliminary Steps	<p>The person observing and reporting an incident of alleged inappropriate conduct should first:</p> <ol style="list-style-type: none"> <li>1. Secure the safety of the child/youth. This may include an immediate call to emergency services as deemed necessary.</li> <li>2. Secure the safety of others and stabilize the environment in which the incident occurred. Under no circumstances should a reporter who has responsibility for a group of children or youth leave them unsupervised in order to report an incident. Seek help from other caregivers who are close at hand.</li> </ol>
Internal Reporting	<p>The following procedure should be used to report the incident to the appropriate supervisors or staff at the event:</p> <ol style="list-style-type: none"> <li>1. Reporter reports orally to his/her immediate supervisor, the alleged offender's supervisor, or to the Event Staff if the supervisor is less accessible at the time of the incident or the time of reporting. If the reporter is an event participant and not someone providing leadership, it is appropriate to report directly to the Event Staff. Event Staff is the member of the Synod Staff or the delegated Presbytery Staff member assigned to and on-site at the event.</li> <li>2. Supervisor reports the allegation/incident to the Event Staff.</li> <li>3. Event Staff:             <ol style="list-style-type: none"> <li>a. investigates the facts of the incident/allegation.</li> <li>b. prepares the official incident report.</li> <li>c. initiates the response to the allegation and incident.</li> <li>d. reports to Synod office and/or Synod Attorney regarding insurance or legal implications, if deemed necessary.</li> <li>e. contacts parents or responsible adults as soon as feasible.</li> </ol> </li> </ol>
Reporting to Child Protection or Other Civil Authorities	<p>The specific definition of a "mandatory reporter" varies from state to state according to its relevant law. Ordinarily, these definitions could be extended to include those who have responsibility for the care of</p>

	<p>children and youth. The Synod recognizes that it has a moral, if not legal, obligation to exercise the care evidenced in Christ’s invitation to the little children to “come to him.” Therefore, when the investigation of an incident or allegation confirms that the incident or allegation is consistent with what would require reporting to civil authorities, the Event Staff will do so. If the incident is such that it poses an immediate or imminent threat to the safety of the child or youth, any person witnessing the incident may report it to the appropriate authorities. All incidents so reported should also be reported to the Supervisor and/or Event Staff as soon as possible. Training for all children and youth leaders will include appropriate procedures for reporting and how to contact appropriate civil authorities if it should become necessary.</p>
Record Maintenance	<p>A confidential record will be kept on file in the Synod office that a report of suspected abuse or neglect was made. This notation will include the name of the event or activity and the staff person to whom the report was made, the date and time that the report was made, and the names of the persons making that report. Nothing confidential will be included in this notation.</p>

### Response to Allegations and Incidents

The Synod recognizes that we have an obligation to respond to a number of individuals and audiences, depending on the facts of the particular allegation/incident.

The Synod also affirms that any response decision is at the sole discretion of the Event Staff person in consultation with the committee responsible for the event and in the best interest of the event. A determination of an unfounded accusation may nonetheless result in a leader being asked to relinquish their leadership responsibility and/or to leave the event if such separation is deemed in the best interests of the event and its participants.

The following guidelines shall apply as the Event Staff and committee or Planning Team determine the appropriate response:

To victim(s): Determine need for and provide appropriate care for and follow up on immediate needs of the victim(s).

To the accused:

1. Remove the accused from leadership, at least temporarily, until the investigation of facts is completed.
2. Report of an allegation is not a presumption of guilt and, therefore, appropriate care will be exercised to provide the accused with an opportunity to be heard.

3. The Committee responsible for the event should meet to determine the next steps regarding the accused's further participation in and presence at the event.

4. The Committee may recommend pursuance of any further disciplinary action needed (e.g., calling the police, Child Protection Agency, Synod Sexual Misconduct Response Team, or the accused's council of jurisdiction.)

To parents or responsible adults:

Share the facts of the incident, the committee's actions, and provide care and follow up as appropriate.

To the Event:

Event Staff or committee/Planning Team member reports the facts of the incident to a plenary of event participants as necessary and appropriate, exercising appropriate pastoral care for the victim, the accused, and the other event participants.

### **Response Team**

A Response Team must be trained by the Synod and be available throughout the entire duration of the event. This team should be comprised of at least three members, staff or appointed by the sponsoring council or entity staff. An attorney chosen and secured by the Synod shall be on-call for all events. The response team will familiarize itself with the terms of this policy as well as established procedures under the Rules of Discipline, *Book of Order of the Presbyterian Church (U.S.A.)* for responding to complaint(s) of alleged child/youth abuse against any minister, elder, employee, or volunteer in a leadership position(s) for the event.

The Response Team shall have the following responsibilities in response to allegations of child/youth or vulnerable adult abuse or neglect incurred against any child/youth worker or event participant:

1. Immediately provide for the safety of the alleged victim(s) involved.
2. If the report alleges abuse or harassment of a minor, the response team will:
  - a. immediately ensure the allegation is reported to the civil authorities under state law;
  - b. immediately notify the parents or guardian of the minor;
  - c. notify the insurance company of the allegation and that no investigation has yet occurred.
3. Make immediate decisions concerning the temporary removal of the individual accused from any contact with children or youth pending an investigation and/or removal of the accused from the event until a resolution of the allegations has occurred.

4. Notify designated people at the Synod immediately of the report of alleged abuse/neglect including an attorney who is on-call throughout the duration of each event, who must be previously secured by the Synod in case of such allegations during each sponsored event. Any possible media requests will be handled by a designated person or office as per the communication policies with advice from the on-call attorney, taking care to safeguard the privacy and confidentiality of all involved.
5. If the report is against a minister, the response team shall send a written statement of allegation to the stated clerk of the presbytery that holds the minister's membership. This written statement of allegation shall trigger the formation of an investigating committee under the Rules of Discipline of the *Book of Order: The Constitution of the Presbyterian Church (U.S.A.) Part II*.
6. If the report is against an elder, the response team will notify the session of membership that an allegation of offense has been received against an elder that triggers the formation of an investigating committee under the Rules of Discipline of the *Book of Order: The Constitution of the Presbyterian Church (U.S.A.), Part II*.
7. If the report is against an employee of the Presbyterian Church (U.S.A.), the response team will notify the person(s) or committee responsible for supervision of the employee, Human Resources, and Legal Services. The response team will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.
8. If the report is against an employee of the Synod, the response team will notify the person(s) or committee responsible for supervision of the employee. The response team will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.
9. If the report is against a volunteer, or nonmember of the PC(U.S.A.), the response team will request that the Synod appoint an investigating committee of three persons to initiate an investigation of the allegations in order to:
  - a. gather any statements of abuse from those making the report, including any information from the Safety Response Team, and any party to the abuse;
  - b. gather any information from the person who was accused of abuse;
  - c. make written determinations and take actions appropriate to resolve the matter including, but not limited to, making recommendations for prevention as well as response.
11. Provide immediate pastoral counseling and referrals for the principal parties involved (accuser(s), possible victim(s), accused, family members).
12. A written summary of any proceedings in such cases will be maintained by the Synod.

13. Any person bringing a report of abuse or assisting in investigating will not be adversely affected in terms and conditions of employment, church membership or affiliation, or otherwise discriminated against or discharged.



## SEXUAL MISCONDUCT RESPONSE POLICY

### Policy Statement

It is the policy of the Synod of Lakes and Prairies (hereinafter referred to as Synod) that all church members, persons in ordered ministries (hereinafter referred to as POM), non-member employees, and volunteers of the Synod are to maintain the integrity of the ministry, employment, and professional relationships at all times. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture, and also of the ministry, pastoral, employment, and professional relationships. It is never permissible or acceptable for a Synod officer, employee, elected representative, contracted person or volunteer to engage in sexual misconduct.

This policy and its procedures shall be made available to all persons involved in the life of the Synod, to those who accuse others of misconduct, and to those who are or claim to be victims of sexual misconduct and their families. It is intended as guidance and policy for the Synod.

### Standards of Conduct

... As [God] who called you is holy,  
be holy yourselves in all your conduct;

... Tend the flock of God that is in your charge, ...  
not under compulsion but willingly, ...  
not for sordid gain but eagerly. ...  
not lord it over those in your charge,  
but be examples to the flock.

... You know that we who teach will be judged with greater strictness.

1 Pet. 1:15; 5:2–3; Jas. 3:1, NRSV

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because through these representatives an understanding of God and the gospel's good news is conveyed. "Their manner of life should be a demonstration of the Christian gospel in the church and in the world" (*Book of Order*, G-2.0104).

The basic principles of conduct guiding this policy are as follows:

1. Sexual misconduct is a violation of the role of all who are called upon to exercise integrity, sensitivity, and caring in a trust relationship.
2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principle by misusing a trust relationship to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. It is the responsibility of all persons to maintain the appropriate roles, boundaries, and relationships.
3. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel call to work as

God's servant in the struggle to bring wholeness to a broken world and violates the mandate to protect the vulnerable from harm.

### **Definitions**

*Sexual Misconduct* is the comprehensive term used in this policy to include:

*Child sexual abuse*; including, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not it is consented to by the child. In the Presbyterian Church (U.S.A.), the sexual abuse definition of a child is anyone under age eighteen.

*Sexual abuse* as defined in the *Book of Order*; "Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position" (*Book of Order*, D-10.0401c).

*Sexual harassment*; defined for this policy is as follows: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution;
- b. submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual;
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment; or
- d. an individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.

*Rape* or sexual contact by force, threat, or intimidation.

*Sexual conduct* (such as offensive, obsessive, or suggestive language or behavior, unacceptable visual contact, unwelcome touching, or fondling) that is injurious to the physical or emotional health of another.

*Sexual Malfeasance*; as defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship.

*Misuse of technology*; use of technology that results in sexually harassing or abusing another person, including texting, or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

## **Church Response to Allegations of Sexual Misconduct**

### ***Principles***

In responding to allegations of sexual misconduct, Synod officer, employee, elected representative, contracted person or volunteer members, shall seek healing, and assure the protection of all persons. Where possible, the privacy of persons should be respected, and confidentiality of communications should be maintained.

In responding to allegations of sexual misconduct, Synod officer, employee, elected representative, contracted person or volunteer of the SYNOD should seek to uphold the dignity of all persons involved, including persons who are alleging harm, persons who are accused of sexual misconduct, and the families and communities of each.

The Synod has jurisdiction over its members, officers, employees, elected representatives, contracted persons and volunteers such that if any of these is alleged to have committed an offense against Scripture or the PC(U.S.A.) Constitution, the church has the duty to inquire into the allegations and, if the allegations are proven, to correct the behavior of the member, officer, or employee and ensure the safety of others in the community. Allegations of sexual misconduct are always considered allegations of offense against Scripture or the PC(U.S.A.) Constitution that trigger the disciplinary processes of the PC(U.S.A.) set forth in the *Book of Order*. In the case of an active non-member who is employed or volunteers with the church, the individual will be covered by the procedures of the written personnel policies of the council or entity.

If the person accused of sexual misconduct is no longer a member, officer, or employee of the Synod, but the conduct occurred while the person was acting on behalf of the Synod, the church does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm. The appropriate council may appoint an administrative committee or commission to hear the allegations of sexual misconduct. The Synod will take measures to reduce the risk of harm through education and policy.

### ***Reporting Requirements***

Reports of allegations of sexual misconduct will occur in a variety of ways.

Because a council or entity cannot control to whom the victim of sexual misconduct will speak first, it is important that officers, employees, and persons highly visible to church members and visitors understand how reports of incidents are channeled to the proper person. The allegations may come from persons who have or who do not have a formal relationship with the PC(U.S.A.) and may be made to a variety of officers or leaders within the PC(U.S.A.). It is the duty of these officers to see that any allegation of sexual misconduct is reported appropriately keeping in mind the mandatory reporting requirements for allegations of child abuse.

Reports of allegations of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the victim, the accused, and the church. Reports of allegations should be dealt with as matters of highest confidentiality, both before and after they have been submitted to appropriate authorities as outlined below.

The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the victim or the accused unless the incident is divulged in the process of pastoral care, counseling, or a therapy session. If the victim is hesitant to talk to “higher authorities,” the person who

has received the initial report has a special pastoral responsibility to build trust and willingness to speak with the accuser, lest the church be unable to respond because no one is able to give firsthand information.

The person making the report of alleged sexual misconduct may be the person alleging harm or any member of PC(U.S.A.). The person receiving the initial report of allegations of sexual misconduct shall analyze the relationship of the person accused of sexual misconduct with the PC (USA) and shall make sure that the allegations of offense are filed with the counsel having jurisdiction over the person accused.

If the report is made orally, the person receiving the report of allegations should request that the person making the report of allegations place it in writing. A report of allegations of sexual misconduct in writing from a member of the PC(U.S.A.) alleging another member or officer of the Synod committed an offense must be acted on according to the Rules of Discipline of the *Book of Order*. If a clerk or stated clerk receives a report of allegations in writing from a nonmember of the PC(U.S.A.) alleging another member or officer of the PC(U.S.A.) committed sexual misconduct, the report also should be acted on according to the Rules of Discipline of the *Book of Order*. If the person who makes the report is unwilling or unable to place it in writing, any member of the PC(U.S.A.) may make the written statement that will automatically trigger the Rules of Discipline of the *Book of Order*.

In addition, if the person accused of sexual misconduct is a member, officer, employee or volunteer of the Synod, a report shall also be made to the Synod Stated Clerk or Synod Executive.

### ***Mandatory Reporting of Child Abuse***

Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained out of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse. (G-4.0302) These provisions of the *Book of Order* attempt to balance conflicting moral duties for persons in ordered ministry of the Synod.

### ***Responding***

The appropriate Synod response will vary according to the relationship of the Synod with the person who is accused of sexual misconduct. Church members and persons in ordered ministries are subject to inquiry and discipline (censure and correction) under the *Book of Order*. Non-church member employees and volunteers are subject to oversight and correction by the Synod.

When an allegation of offense of sexual misconduct has been received by the Stated Clerk of the Synod or Synod Executive, the clerk or executive will report to the Personnel Services Committee that an offense has been alleged.

Councils and entities must cooperate with civil authorities in an investigation of child sexual abuse or other criminal sexual misconduct. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed.

When the Synod receives an accusation of offense of sexual misconduct against a nonmember employee or volunteer, the procedural response of the Synod will be guided by the written personnel policies of the Synod.

In all cases, the personnel committee shall prepare a written report, which shall be included in the accuser's permanent personnel file. The accused shall be allowed to attach any written statements to said documents, also for permanent inclusion in the permanent file.

All procedures shall follow the guidelines set forth by the Synod.