

PROTECTING THE MINISTRY

BY BUILDING UP THE KINGDOM

A MANUAL FOR WRITING PROTECTION POLICIES IN CONGREGATIONS



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***Disclaimer:** This manual is a tool for Congregations in the South Carolina Synod of the ELCA to use when constructing their respective protocols so as to comply with the Guidelines for Protective Procedures on Misconduct of a Sexual Nature created by the Synod. This manual will take those Guidelines a step further and also include materials relating to preventing or responding to allegations of physical and emotional misconduct or other alleged tortious conduct.*

THIS MANUAL IN NO WAY SHOULD BE CONSIDERED A LEGAL DOCUMENT OR BE CONSTRUED AS LEGAL ADVICE BY THE AUTHOR, THE SOUTH CAROLINA LUTHERAN SYNOD, OR ANY OTHER ENTITY INVOLVED IN THE CREATION OF THE ENCLOSED MATERIALS. AS A CONGREGATION, YOU SHOULD ALWAYS SEEK THE ADVICE OF LEGAL COUNSEL AND OTHER KNOWLEDGEABLE PROFESSIONALS FOR ASSISTANCE IN MATTERS RELATING TO THE PREVENTION OF OR RESPONSE TO ANY COMPLAINT OF MISCONDUCT OR OTHER ALLEGED TORTIOUS CONDUCT IN ANY FORM.

SHARING MINISTRY

Greetings in the name of our Lord Jesus Christ!

This manual was created out of a need within the SC Synod of the Evangelical Lutheran Church in America. Nothing in this manual is a new idea, only an adapted one. Out of the need came the realization of the mass amounts of information available in the area of protecting ministries and God's children, young and old. Instead of reinventing the wheel, the focus here was to combine all the wonderful information into one easy to use manual.

Having said that, in thanksgiving for their previous work, I would like to give credit for the ideas and material found in this manual to the following organizations or persons:

- SC Synod: Guidelines for Protective Procedures on Misconduct of a Sexual Nature
 - Submitted by: Ministry Team for Congregational Life (May 2004)
- Abiding Christ Lutheran Church, Fairborn, Ohio (Rev. June 2002)
- Central Congregational Church (United Church of Christ) Chelmsford, Massachusetts (May, 2003)
- Long Lake Lutheran Church, Sarona, Wisconsin
- Interview Questions found on pages 20-25 were taken/adapted from Indiana University Bloomington Libraries: <http://www.indiana.edu/~libpers/interview.html> accessed April 6, 2005.
- National Clearinghouse on Child Abuse and Neglect:
 - Check list on pages 41-43 taken from <http://nccanch.acf.hhs.gov/pubs/usermanuals/educator/educatorj.cfm> accessed April 6, 2005. The headings were the only parts of the material changed for the purposes of this book. The material on the web page was cited as:
 - ¹ Crosson-Tower, C. (2002). How can we recognize child abuse and neglect? In *When children are abused: An educator's guide to intervention* (pp. 8–34). Boston, MA: Allyn and Bacon.
 - SC Law Definitions found on pages 5-9, 26 taken from <http://nccanch.acf.hhs.gov/general/legal/statutes/search/searchresults.cfm> accessed April 6, 2005. Nothing was altered or adapted.
- Lutheridge + Lutherock Staff Resources Manuals (2001-2003)

I give thanks for all the personal help I have received in the creation of this manual, from colleagues, friends, and organizations I have previously served with.

- Mel Amundson, Assistant to the Bishop of the SC Synod of the ELCA
- Christian Stegmaier, Legal Counsel, Collins and Lacy Law Firm
- Donna Jones, Lutheran Family Services of the South Carolina
- Stephanie Stoudenmire, AIM, South Carolina Synod Office
- Lutheridge + Lutherock Staff

My main concerns are the safety and care of our children, each other, and the ministries we are a part of. In all we do as the church, prayer and discernment should be the method of proceeding. I pray for the ministry you are a part of, and for the programs given to you by the Spirit to grow in faith.

God's blessings on your ministries,

Mitzie Schafer

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HOW TO BEGIN THE PROCESS

Beginning the process of creating and implementing a Child Protection Policy can be scary and overwhelming. However, the importance is more overwhelming and the reality is scarier than the process. The reality is, most insurance companies will not insure congregations without a policy for protecting children. The reality is children are being abused in all types and sizes of congregations. We must first grieve as a congregation that this is a reality. But, we must quickly move into action to insure it will not happen within our own congregations. Here are some steps to follow to help make your journey a bit easier.

Understanding the key components of what you need:

1. An actual policy
2. A way to make the congregation aware of the policy
3. Training for all persons involved in ministry to minors

Recommended Steps:

1. Create a committee from within the congregation to create policies for council approval. You may also elect to use council as the team.
2. Collect sample policies and information and review the information.
 - a. This can be the difficult part. I have included in this manual everything I have collected, and tried to format it in an easy to follow outline.
 - b. The bulk of what you will need to include as a policy can be found in the section titled Possible Policies for Adults Working with Children.
 - c. Consult your insurance provider for requirements.
3. Begin cutting out what your congregation does not need, and adding notes for things you feel will need to be added.
4. Compile the work from #3 into a useable format.
 - a. Include: goals and expectations for evaluation and training
5. Give the policy to a lawyer to review.
6. Present the policy to the congregation or council for approval.
7. Decide where the policy will be kept for reference.
 - a. Suggestions include: Pastor's office, church office, Youth rooms, with the council and mutual ministry chair-persons.
8. Find a trainer (from within or outside of the congregation).
9. Set dates and create documentation to be signed after training.
10. Train (See the section of this manual on Training Suggestions).

POSSIBLE POLICES FOR ADULTS WORKING WITH CHILDREN

The following are possible policies for a congregation to create and implement to protect children, adults and the ministry. These are only possibilities, and each congregation will need to adjust the policies to meet the needs of their particular ministry.

It is important to teach these policies to the congregation, and have anyone working with children or youth to sign them saying they have read, understand, and will follow them.

1. **ABILITY TO SERVE CHILDREN AND YOUTH:** All persons who serve the church in the capacity of nurturing the faith formation of children and youth have a valuable calling. These persons contribute to the spiritual, emotional, intellectual and physical wellbeing of the church's young people. In order to insure spiritual gifts match the needed ministries, to insure safety and quality of all faith formation programs, the following policies can serve as a guideline:
 - a. **6 Month Policy:** To be a volunteer/lead volunteer with a minor, a person must have been an active member of the congregation for at least 6 months. In unusual circumstances the staff member responsible for the ministry with the permission of the "designated person" may consider granting an exception to this rule.
 - b. **Background checks**
 - i. Background checks are a recommended necessity for any person/adult working with a minor in a congregation in the SC Synod of the ELCA. Background checks should be done annually, randomly, or as deemed necessary. However, an attempt to do an initial back ground check SHOULD be made for all persons. No one should be allowed to work with a minor until the initial background check is completed and documentation is filed appropriately in their personnel file. Ideally, a photograph of the Adult should be filed with this background check, and updated every two years.
 - ii. **Previous Abuse:** Any person with a history of abuse of any kind should not be allowed to serve in any capacity where they would have contact with minors. Examples of this include: *homicide, aggravated assault, use or sale of drugs or controlled substances, robbery, breaking and entering, sexual abuse, sexual assault (rape), aggravated sexual assault, injury to a child, incest, indecency with a child, inducing sexual conduct or sexual performance of a child, possession or promotion of child pornography, the sale distribution or display of harmful material to a minor, employment harmful to children, abandonment or endangerment of a child, kidnapping, unlawful restraint, public lewdness or indecent exposure, enticing a child.*
 - iii. **Individual Not Cleared to Work with Children or Youth:** In the unfortunate situation where it has been determined that and individual should not work with children/youth, the church will make every effort to handle such a decision in a confidential manner which is sensitive to that person. Efforts should be made to provide other opportunities for the person to use their gifts for ministry.
- b. **Application:** The following procedures should be followed when staffing any position which involves contact/supervision with children and youth in the congregation:
 - i. For Paid Staff:
 1. Always have them complete an *employment* application with references (In some cases Mobility Papers could work).
 2. Contact references.
 3. Conduct at least two interviews. Each interview should be conducted by separate individuals/committees within the congregation. One

person should be present for both interviews to maintain consistency, and to be able to check responses from the previous interview.

4. Do a background check.
5. Read and sign a copy of the Policies for Adults Working with Children.
6. Begin a file with copies of all of the material collected.
7. Make a check list and complete it as information is provided.
8. Create a way to evaluate the staff on a 6 month basis, and file all these documents in their personnel file.
9. Create an effective training program, and check list to document what training is required and completed. For Rostered Leaders this may include continuing education.
10. Provide opportunity to complete the training program.
11. The training program should include a list of all policies of the church which can be signed and filed for future reference.

ii. For Volunteer Staff:

1. Have them complete a *Volunteer* Information Sheet form for those working with children.
2. Do a background check.
3. Administer a Spiritual Gifts Inventory, and go over the results with the applicant.
4. Read and sign a copy of the Guidelines for Adults Working with Children.
5. Begin a file with copies of all of the material collected.
6. Create an effective training program, and check list to document what training is required and completed.
7. Provide opportunity to complete the training program. The training program should include a list of all policies of the church which can be signed and filed for future reference.

iii. **Change of Service:** If an individual has completed the screening procedures for prior service, those screening procedures will suffice as long as there is not a break in service of over one year. If a volunteer has a break in service of over one year, the complete screening process may be completed for the next volunteer activity on the advice of the supervising staff member.

2. **TRAINING:** All staff members/volunteers shall participate in staff training prior to working with children unless excused by the Pastor and shall take advantage of other educational opportunities throughout the year as is possible.

1. The following people paid or volunteer need training: Sunday School Teachers, Bus drivers, Youth Volunteers and Paid Staff, Rostered leaders, and anyone else who has contact with minors.
 - a. The areas they must receive training in include: Discipline and Appropriate Touch, Responding to and recognizing abuse, Building relationships, Policies, Emergency Plans
 - b. Additional training can be provided in the areas of: games, ice breakers, activities, using curriculum and choosing it, Ages and Stages, classroom management, etc.
 - c. Signed records must be kept of all completed training, and persons will not be allowed to serve as the lead staff/volunteer with youth until training is complete.
- a. Everyone needs to be aware of the causes and signs of child abuse, what steps to take to protect children and youth and what procedures to follow if abuse is suspected or witnessed.
 - i. A definition of Child Abuse and Misconduct must be given to all staff for their understanding. It should be signed and filed.
 - ii. S.C. Code Ann. § 20-7-490 (WESTLAW through S.C. 2003 Legis. Serv., Act 2) ^{6)b)}
'Child' means a person under the age of 18.

'Abused or neglected child' means a child whose death results from, or whose physical or mental health or welfare is harmed or threatened with harm, as defined below, by the acts or omissions of the child's parent, guardian, or other person responsible for his welfare.

'Child abuse or neglect' or **'harm'** occurs when the parent, guardian, or other person responsible for the child's welfare:

- Inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment;
- Commits or allows to be committed against the child a sexual offense as defined by State law or engages in acts or omissions that present a substantial risk that a sexual offense would be committed against the child;
- Fails to supply the child with adequate food, clothing, shelter, education as required by law, supervision appropriate to the child's age and development, or health care though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused physical or mental injury or presents a substantial risk of causing physical or mental injury. For the purpose of this chapter 'adequate health care' includes any medical or nonmedical remedial health care permitted or authorized under State law;
- Abandons the child;
- Encourages, condones, or approves the commission of delinquent acts by the child and the commission of the acts are shown to be the result of the encouragement, condonation, or approval.; or
- Has committed abuse or neglect as described above such that a child who subsequently becomes a part of the person's household is at substantial risk of one of those forms of abuse or neglect.

'A person responsible for a child's welfare' includes the child's parent, guardian, foster parent, an operator, employee, or caregiver of a public or private residential home, institution, agency, or child day care facility or an adult who has assumed the role or responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child. A person whose only role is as a caregiver and whose contact is only incidental with a child, such as a babysitter or a person who has only incidental contact but may not be a caretaker, has not assumed the role or responsibility of a parent or guardian.

'Physical injury' means death or permanent or temporary disfigurement or impairment of any bodily organ or function.

'Mental injury' means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.

'Abandonment of a child' means a parent or guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child.

EXCEPTION

S.C. Code Ann. § 20-7-490(32)(a), (2)(c) (WESTLAW through S.C. 2003 Legis. Serv., Act 2)

"Child abuse or neglect' or 'harm' to a child excludes corporal punishment or physical discipline which:

- Is administered by a parent or person *in loco parentis*;
- Is perpetrated for the sole purpose of restraining or correcting the child;
- Is reasonable in manner and moderate in degree;
- Has not brought about permanent or lasting damage to the child;
- Is not reckless or grossly negligent behavior by the parents.

A child's absence from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents' refusal to cooperate.

2. **NEVER BE ALONE WITH A MINOR:** Always work in pairs. If another adult is not available, then make sure another child (preferably older than 7) is present. Implement this in Sunday School, youth events, every activity involving children. This is important for considering during pick up and drop off. Make sure that you have planned for two adults to be present incase one of the children is picked up late.
 - a. **This includes privacy in sensitive situations such as changing, using the restroom, etc.** Remove yourself from situations where these types of activities will be happening. Remove yourself from children when you will be changing, etc.
 - b. **Don't room with children.** If this must be the case based on housing there must always be more than one child in the room, and a permission slip should be signed by the parent. The senior adult staff person should determine which staff is suitable for this type of situation.
 - c. **"Two Person Rule"** – This can also be considered the two-person rule. For smaller congregations it may work better to say never be alone with a child. This allows for other children to be present when another adult is not available.
 - d. **Ratios of adult to child.** Please check with your local DSS office for the recommended ratios of adult to child for the different age groups.
 - e. **Youth Counseling/Lessons:** In instances of youth counseling or music lessons (or other such activities), when circumstances dictate the activity is most effective on a one-on-one basis, a church staff person or volunteer may meet individually with a child or youth with the awareness and previous consent of the individual's parent or legal guardian. The door to the room is to be propped open during the counseling session, lesson, etc. Exceptions to consent may be made in emergencies.
3. **Guidelines for Reporting Abuse or Inappropriate Behavior:** In the event of misconduct and/or abuse, staff and volunteers should follow the outline found in Appendix A of this Policy Manual.
 - a. **Additional Option:** An additional option for this policy would be to have a designated lawyer who walks you through the process, and to simply state reporting is mandatory in all congregational situations with children.
4. **Alcohol/Illegal Drugs/Tobacco:** The youth policy listed in this manual does not allow children or youth to partake of or be in possession of any of these items. Children and youth will do as their leaders do. It may be legal for you to consume alcohol or tobacco, but for our time together adults will abstain from these items to show our children and youth they are more valuable.
5. **Nursery Sign Ins and Outs:** Children staying in the nursery for any function will be signed in and out by the person dropping them off and picking them up. A space will be provided for them to include the names of persons allowed to pick up the child. An emergency number where a parent can be reached if someone other than designated arrives to pick up a child must be provided.
6. **Appearance and Dress:** Personal appearance of staff is often the first impression made on youth, guests and parents who are entrusting us with their children. Staff members/volunteers are expected to cooperate in making this the best possible impression. Clothing should be neat and clean, not torn, and should fit properly. Good taste and Christian witness is the only guideline. Staff and volunteers are encouraged to consider the messages which T-shirts and other clothing convey.
7. **Cars and Drivers:** Do not drive children or youth without written consent from a parent or guardian. Do not ever drive a youth or child in your car when no other person (preferably an adult) is present. Children should always sit in the rear of the car. Families are responsible for arranging transportation to and from activities.
8. **Displays of Affection:** Should only be done in public areas with other adults present. All staff and volunteers will undergo training regarding appropriate discipline methods and touch of children and youth. Hugs should be given from the side. Gifts should only be given to groups, not individuals. Kissing is prohibited. Pats or taps should be done on the shoulder or head, not on the front torso, legs, bottom, etc.
9. **Discipline:** should never be physical or demeaning. The only two appropriate forms of discipline are talking it out and time outs. If a staff person or volunteer believes these options are not working in any situation, parents and guardians are to be notified. Asking for help is the first response when talking it out and time outs are not working. The three areas of behaviors which **MUST** be addressed are:
 - a. A behavior which encourages or receives negative attention for another in the group.

- b. A behavior which distracts attention from the activity in progress.
 - c. A behavior which is unsafe, harmful or abusive to others either physically or emotionally.
10. **Games and stories:** Do not allow or play games requiring children to give up information they do not want to. Do not allow games requiring children to choose between not participating and being made fun of or participating against their will. For example: Truth or Dare is a terribly inappropriate game to play. Ghost stories and other stories which can cause children to be frightened or misbehave should not be told. The goal is to build up the kingdom. Purposely scaring or embarrassing children is counter to this goal.
11. **Adult-Adult Relationships:** Adult-Adult relationships should never happen between supervisor and supervisee, including volunteer staff. Adult relationships should never interfere with the focus on the youth. If romantic relationships develop among staff, youth should be unaware of them. Engaged or married couples should strive to be positive role models for both youth and staff. In all situations, adults are expected to model Christian morals and behavior. Adult-adult relationships should always model Christian concern for another's well-being and tolerance for individual differences. Adults should strive to set the example of caring for each other as brothers and sisters in Christ. Romantic relationships often detract from youth being the central focus and can become disruptive to the program. Public displays of romantic affection are not appropriate between unmarried adults, and husbands and wives should use discretion. Some youth will seek to make adult-adult relationships the gossip of activities. Please do not encourage or participate in this! Adults should take care to model Christian morals in every situation. The ELCA does not condone pre-marital or extra-marital sexual relationships. As a congregation of the ELCA, these types of relationships are not allowed. **Please consider not only what actually happens in a situation, but what perceptions about the situation might be.** Parents expect adult to set a high standard of moral conduct, and the ministry will be adversely affected if we do not.
12. **Adult/Youth Contact:**
- a. Dating among adult and youth is NEVER allowed. If a prior relationship exists, then staff person is not allowed to serve in the capacity of leader over youth.
 - b. Adult should always be at least 5 years older than the youth or children they are working with. Certain exceptions may apply, such as when older youth assist as staff members during a Vacation Bible School program. However, a lead adult should always be present.
 - c. Your responsibility for youth goes beyond congregational events and activities. Contact outside of youth activities and church related functions should be initiated only by youth, and should be limited to information only. If you are contacted by phone, e-mail or instant messenger by a youth, please consider whether or not the conversation could be repeated to parents and other adults. Gossip and conversation about romantic relationships should always be avoided.
13. **Events and Outings:** During all events and on all outings the following information must be collected from children, youth, and staff/volunteers prior to the event.
- a. Event and Activity Specific Guidelines, signed by youth and parents.
 - b. Permission Slip and Assumption of Risk, Waiver and Release Form
 - c. Health Form and Consent to Seek Treatment. ****Must be notarized for treatment to be given.**
14. **Emergency Procedures:** During all events a copy of the Emergency Plan Appendix B should be completed with the correct information and given to adult leaders. In the event of an emergency the plan should be followed to the best of the ability of all adult leaders. Accident Report Forms should be completed within 24 hours of all accidents, and filed in the church office. This includes accidents involving adults.

EMPLOYMENT AND VOLUNTEER STAFFING PROCEDURES

STAFFING FOR GIFTS

As baptized Christians in the ELCA we recognize as truth that we are each gifted for service in the Kingdom by the Holy Spirit. As a community of believers we are called to recognize, lift up and nurture those gifts to further the Kingdom in the name of Christ Jesus. The ELCA provides ways for congregations to assess the Spiritual Gifts of the people. This is important to do for parishioners, and paid positions that are presently filled or that will be filled in the future. One of the ways to do this is through a Spiritual Gifts Inventory which can be ordered for very little from Augsburg Fortress.

Matching gifts and ministries is the first step in the prevention of misconduct. So often we are eager to fill a Sunday school position with a “body” that we skip right past whether or not the person is gifted for the task. When we place someone in a position that they are not suited for we run the risk of frustration due to lack of skill or patience for the job. Frustration can lead to misconduct out of helplessness. This is why it is so important to take the time to match gifts and needs correctly.

STAFFING PROCEDURES

The following are possible guidelines for staffing both paid and volunteer positions. *This applies for those currently serving as well as those that begin after this program is implemented. It is okay to ask folks that have been serving to do this to meet the guidelines for the Synod.* Discuss with them the love for the church and the importance of protecting the ministry and your children.

Paid Staff:

1. Always have them complete an *employment* application with references (In some cases Mobility Papers could work).
2. Contact references.
3. Conduct at least two interviews. Each interview should be conducted by separate individuals/committees within the congregation. One person should be present for both interviews to maintain consistency, and to be able to check responses from the previous interview.
4. Do a background check.
5. Read and sign a copy of the Guidelines for Adults Working with Children.
6. Begin a file with copies of all of the material collected.
7. Make a check list and complete it as information is provided.
8. Create a way to evaluate the staff on a 6 month basis, and file all these documents in their personnel file.
9. Create an effective training program, and check list to document what training is required and completed. For Rostered Leaders this may include continuing education.
10. Provide opportunity to complete the training program.
 - a. The training program should include a list of all policies of the church which can be signed and filed for future reference.

Volunteer Staff:

1. Have them complete a *Volunteer* Information Sheet form for those working with children.
2. Do a background check.

3. Administer a Spiritual Gifts Inventory, and go over the results with the applicant.
4. Read and sign a copy of the Guidelines for Adults Working with Children.
5. Begin a file with copies of all of the material collected.
6. Create an effective training program, and check list to document what training is required and completed.
7. Provide opportunity to complete the training program. The training program should include a list of all policies of the church which can be signed and filed for future reference.

**Samples of these materials are provided. Please adjust and change these forms to meet the needs of the law in your state, county or your congregation's policies.

EMPLOYMENT APPLICATION

FULL NAME: _____

Are you over 18? Yes No

Present Address: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Other Phone: _____

Position applied for: _____

Date you are available to start: _____

EDUCATION

Graduate: _____ Year of Graduation: _____ Degree: _____

College: _____ Year of Graduation: _____ Degree: _____

High School: _____ Year of Graduation: _____ Degree: _____

Academic Honor or Clubs: _____

VOLUNTEER SERVICE

Name: _____ Years of service: _____

Position: _____

Supervisor: _____

Name: _____ Years of service: _____

Position: _____

Supervisor: _____

Name: _____ Years of service: _____

Position: _____

Supervisor: _____

EMPLOYMENT HISTORY

Company: _____ Dates of Service: _____

Position: _____ May we contact them? Yes No

Supervisor: _____ Phone: _____

Reason for leaving: _____

Responsibilities: _____

Company: _____ Dates of Service: _____

Position: _____ May we contact them? Yes No

Supervisor: _____ Phone: _____

Reason for leaving: _____

Responsibilities: _____

Company: _____ Dates of Service: _____

Position: _____ May we contact them? Yes No

Supervisor: _____ Phone: _____

Reason for leaving: _____

Responsibilities: _____

First Aid Training? Yes No Date Completed: _____

CPR Training? Yes No Date Completed: _____

Have you ever been convicted of or pled guilty to a crime, either a misdemeanor or a felony (including but not limited to drug-related charges, child abuse, or other crimes of violence, theft, or motor vehicle violations) ? Yes No

If Yes, please explain: _____

References: Please list four individuals who are not related to you by blood or marriage as references. Please list people who have know your for at least three years.

1. Name: _____
Address: _____
Daytime Phone: _____
Evening Phone: _____
Length of time you have known reference: _____
Relationship to reference: _____

2. Name: _____
Address: _____
Daytime Phone: _____
Evening Phone: _____
Length of time you have known reference: _____
Relationship to reference: _____

3. Name: _____
Address: _____
Daytime Phone: _____
Evening Phone: _____
Length of time you have known reference: _____
Relationship to reference: _____

4. Name: _____
Address: _____
Daytime Phone: _____
Evening Phone: _____
Length of time you have known reference: _____
Relationship to reference: _____

Waiver and Consent:

The information contained in this application form is correct to the best of my knowledge. I authorize any references to give you any information, including opinions, which they may have regarding my character and fitness for work with minors or the mentally handicapped. Each reference will be asked to submit the name of one person to be used as a reference. In consideration of the receipt and evaluation of this application by _____, I hereby release any individual, church, youth organization, charity, employer, reference, or any other person or organization, including record custodians, both collectively and individually, from any and all liability for damages of whatever kind or nature which may at any time result to me, my heirs, or family, on account of compliance or any attempts to comply with this authorization. I waive any right that I may have to inspect any information provided about me by any person or organization identified by me or my references in this screening form.

Should my application be accepted, I agree to be bound by the Bylaws and Policies of _____ and to refrain from unscriptural conduct in the performance of my services on behalf of _____.

I further state that I have carefully read the foregoing release and know the contents thereof; and sign this release as my own free act. This is a legally binding agreement which I have read and understand.

Print Name _____ Date _____

Applicant's Signature _____

Print Witness Name _____ Date _____

Witnesses' Signature _____

VOLUNTEER INFORMATION SHEET

Name: _____

Address: _____

City: _____ SC: _____ Zip: _____

Daytime Phone: _____ Evening Phone: _____

Occupation: _____

Employer: _____

Current job responsibilities and schedule: _____

Previous work experience: _____

Previous volunteer experience: _____

Special interests, hobbies, and skills: _____

How many hours per week are you available to volunteer? _____

Days _____ Evenings _____ Weekends _____

Can you make a one-year commitment to this volunteer role? _____

Do you have your own transportation? _____

Do you have a valid driver's license? _____

Do you have liability insurance? _____

(List policy limits and name of carrier) _____

Why would you like to volunteer as a worker with children and/or youth? _____

What qualities do you have that would help you work with children and/or youth? _____

How were you parented as a child? _____

How do you discipline your own children? _____

Have you ever been charged, convicted of, or pled guilty to a crime, a misdemeanor or a felony (including but not limited to drug-related charges, child abuse, other crimes of violence, theft, or motor vehicle violations) ? Yes No

If yes, please explain fully: _____

Would you be available for periodic volunteer training sessions? Yes No

References: Please list three individuals who are not related to you by blood or marriage as references. Please list people who have know your for at least three years.

1. Name: _____

Address: _____

Daytime Phone: _____

Evening Phone: _____

Length of time you have known reference: _____

Relationship to reference: _____

2. Name: _____

Address: _____

Daytime Phone: _____

Evening Phone: _____

Length of time you have known reference: _____

Relationship to reference: _____

3. Name: _____

Address: _____

Daytime Phone: _____

Evening Phone: _____

Length of time you have known reference: _____

Relationship to reference: _____

Ministry Promise

The information contained in this volunteer information sheet form is correct to the best of my knowledge. I understand the importance of protecting our children, our adults, and our ministry here at _____ . I authorize the church to contact any and all references I have listed on this volunteer information sheet. They are authorized to give the church any and all information they deem relative to the position I will be serving in.

Should I serve in any volunteer position within the congregation, I agree to be bound by the Bylaws and Policies of the church and to refrain from unscriptural conduct in the performance of my services on behalf of protecting my brothers and sisters in Christ for the sake of the Gospel.

I further state that I have carefully read the foregoing release and know the contents thereof; and sign this release as my own free act. This is a legally binding agreement which I have read and understand.

Print Name _____ Date _____

Volunteer's Signature _____

Print Witness Name _____ Date _____

Witnesses' Signature _____

INITIAL INTERVIEW CHECK LIST

Write your comments in the space provided as you go along or immediately after the interview.

WARM-UP QUESTIONS

- What made you apply for this position?
- How did you hear about this job opening?

WORK HISTORY

- What special aspects of your work experience have prepared you for this job?
- Can you describe for me one or two of your most important accomplishments?
- How much supervision have you typically received in your previous job?
- Describe for me one or two of the biggest disappointments in your work history?
- Why are you leaving your present job? (or, Why did you leave your last job?)
- What is important to you in a church? What things do you look for in an church?

EDUCATION

- What special aspects of your education or training have prepared you for this job?
- What courses in school have been of most help in doing your job?

CAREER- GOALS

- What is your long-term employment or career objective?
- What kind of job do you see yourself holding five years from now?
- How does this job fit in with your overall career goals?
- Who or what in your life would you say influenced you most with your career objectives?

- What would you most like to accomplish if you had this job?
- What might make you leave this job?

SELF-ASSESSMENT

- What kind of things do you feel most confident in doing?
- Can you describe for me a difficult obstacle you have had to overcome? How did you handle it? How do you feel this experience affected your personality or ability?
- How would you describe yourself as a person?
- What do you think are the most important characteristics & abilities a person must possess to become a successful ()? How do you rate yourself in these areas?
- Do you consider yourself a self-starter? If so, explain why (and give examples)
- What do you consider to be your greatest achievements to date? Why?
- What things give you the greatest satisfaction at work?
- What things frustrate you the most? How do you usually cope with them?

CHURCH RELATED

- Tell me about where you worship.
- Describe your faith life.
- Name two people who have been influential in your faith journey today, and why. (Positive or Negative)

- What does it mean to live out your baptism in your daily life?
- Would you be transferring your membership and worshipping here, or staying in your own congregation?
- How do you best share your faith with others (especially children)?

COMMENTS:

Does this person qualify for a second interview?

Yes or No

Date Contacted: _____

Next Contact to Be: _____ By: _____

Adapted from Indiana University Bloomington Libraries: <http://www.indiana.edu/~libpers/interview.html>
accessed April 6, 2005.

SECOND INTERVIEW CHECK LIST

Write your comments in the space provided as you go along or immediately after the interview.

JOB PERFORMANCE

- Everyone has strengths & weaknesses as workers. What are your strong points for this job?
- When you have been told, or discovered for yourself, a problem in your job performance, what have you typically done? Can you give me an example?
- Do you prefer working alone or in groups?
- What kind of people do you find it most difficult to work with? Why?
- What are some things you would like to avoid in a job? Why?
- In your previous job what kind of pressures did you encounter?

CREATIVITY

- In your work experience, what have you done that you consider truly creative?
- Can you think of a problem you have encountered when the old solutions didn't work & when you came up with new solutions?
- Of your creative accomplishments big or small, at work or home, what gave you the most satisfaction?

DECISIVENESS

- Do you consider yourself to be thoughtful, analytical or do you usually make up your mind fast? Give an example. (Watch time taken to respond)
- What was your most difficult decision in the last six months? What made it difficult?
- The last time you did not know what decision to make, what did you do?
- How do you go about making an important decision affecting your career?
- How would you handle a situation with a teenager/child that has hit another teenager/child?

- How would you speak to the parent about the situation?
- At what point would you ask for help?

RANGE OF INTERESTS

- What organizations do you belong to?
- Tell me specifically what you do in the civic activities in which you participate. (Leading questions in selected areas. i.e. sports, economics, current events, finance.)

MOTIVATION

- What is your professional goal?
- Describe how you determine what constitutes top priorities in the performance of your job.

WORK STANDARDS

- What are your standards of success in your job?
- In your position, how would you define doing a good job? On what basis was your definition determined?

LEADERSHIP

- How would you build community within this place?
- What specifically do you do to set an example for your children/youth?
- How would you describe your basic leadership style? Give specific examples of how you practice this?

ORAL PRESENTATION SKILLS/WRITTEN COMMUNICATION SKILLS

- Would you rather write a report or give a verbal report? Why?

FLEXIBILITY

- What do you think about the continuous changes in congregations you have been a part of?

STRESS TOLERANCE

- Do you feel pressure in your job? Tell me about it.

- What has been the highest pressure situation you have been under in recent years? How did you cope with it?

COMMENTS:

Does this person qualify for a second interview?

Yes or No

Date Contacted: _____

Next Contact to Be: _____ By: _____

Adapted from Indiana University Bloomington Libraries: <http://www.indiana.edu/~libpers/interview.html>
accessed April 6, 2005.

DEFINITIONS OF ABUSE AND MISCONDUCT

Name: _____ Date: _____

S.C. Code Ann. § 20-7-490 (WESTLAW through S.C. 2003 Legis. Serv., Act 2)

'Child' means a person under the age of 18.

'Abused or neglected child' means a child whose death results from, or whose physical or mental health or welfare is harmed or threatened with harm, as defined below, by the acts or omissions of the child's parent, guardian, or other person responsible for his welfare.

'Child abuse or neglect' or **'harm'** occurs when the parent, guardian, or other person responsible for the child's welfare:

- Inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment;
- Commits or allows to be committed against the child a sexual offense as defined by State law or engages in acts or omissions that present a substantial risk that a sexual offense would be committed against the child;
- Fails to supply the child with adequate food, clothing, shelter, education as required by law, supervision appropriate to the child's age and development, or health care though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused physical or mental injury or presents a substantial risk of causing physical or mental injury. For the purpose of this chapter 'adequate health care' includes any medical or nonmedical remedial health care permitted or authorized under State law;
- Abandons the child;
- Encourages, condones, or approves the commission of delinquent acts by the child and the commission of the acts are shown to be the result of the encouragement, condonation, or approval.; or
- Has committed abuse or neglect as described above such that a child who subsequently becomes a part of the person's household is at substantial risk of one of those forms of abuse or neglect.

'A person responsible for a child's welfare' includes the child's parent, guardian, foster parent, an operator, employee, or caregiver of a public or private residential home, institution, agency, or child day care facility or an adult who has assumed the role or responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child. A person whose only role is as a caregiver and whose contact is only incidental with a child, such as a babysitter or a person who has only incidental contact but may not be a caretaker, has not assumed the role or responsibility of a parent or guardian.

'Physical injury' means death or permanent or temporary disfigurement or impairment of any bodily organ or function.

'Mental injury' means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.

'Abandonment of a child' means a parent or guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child.

EXCEPTION

S.C. Code Ann. § 20-7-490(32)(a), (2)(c) (WESTLAW through S.C. 2003 Legis. Serv., Act 2)

"Child abuse or neglect' or 'harm' to a child excludes corporal punishment or physical discipline which:

- Is administered by a parent or person *in loco parentis*;
- Is perpetrated for the sole purpose of restraining or correcting the child;
- Is reasonable in manner and moderate in degree;
- Has not brought about permanent or lasting damage to the child;
- Is not reckless or grossly negligent behavior by the parents.

A child's absence from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents' refusal to cooperate.

I have read and understand the above definitions, and will work to insure this activity does not happen in this congregation.

Signature: _____

National Clearinghouse on Child Abuse and Neglect Information:

<http://nccanch.acf.hhs.gov/general/legal/statutes/search/searchresults.cfm> accessed April 6, 2005.

PERSONNEL FILE CHECK LIST

Name of Applicant: _____

Date of Application: _____

Position Applied for: _____

Employment Application or Volunteer Interest Sheet

Initial Interview

Criminal Records Check Authorization

Criminal Records Check Results

Reference Check Forms Returned from:

Second Interview after Checks are Made

Hire Decision: Hire Date: _____ Rejection Date: _____

Photograph

Copy of Driver's License

Copy of Social Security Card (Paid staff only)

Church Membership Status Updated

TRAINING COMPLETED

Guidelines for Adults Working with Children

Policy and Procedure Manual Given

Policy and Procedure Manual Signed

Working with Children/Discipline/Abuse and Misconduct

Emergency Plan Covered

Additional Training: _____

Additional Training: _____

Reviews (Done Every 6 months)

6 Month Review Signed: Date: _____

12 Month Review Signed: Date: _____

AUTHORIZATION AND REQUEST FOR CRIMINAL RECORDS CHECK

I, _____, hereby authorize

_____ Church to request the appropriate authorities (federal, state or local law enforcement agencies) to release information regarding any record of charges or convictions contained in its files, or in any criminal file maintained on me, whether said file is a local, state, or national file, and including but not limited to accusations and convictions for crimes committed against minors, to the fullest extent permitted by state and federal law. I do release said law enforcement departments from all liability that may result from any such disclosure made in response to this request.

Signature of Applicant: _____ Date: _____

Print Full Name: _____

Print all other names that have been used by applicant (if any):

Date of Birth: _____ Place of Birth: _____

Social Security Number: (if required) _____

Driver's License Number: _____ Issuing State: _____

License Expiration Date: _____

Request sent to: _____

Name: _____

Address: _____

Phone: _____

***This form should be completed for paid and volunteer staff.

FORM FOR REFERENCE CHECK

Applicant Name: _____

Reference Name: _____

Reference Address: _____

Reference Phone: _____ Email: _____

- What is your relationship to the applicant?
- How long have you know the applicant?
- How well do you know the applicant?
- How would you describe the applicant?
- How would you describe the applicant's ability to relate to children and/or youth?
- How would you describe the applicant's ability to relate to adults?
- How would you describe the applicant's leadership abilities?
- How would you feel about having the applicant as a volunteer/paid worker with your child and/or youth?
- Do you know of any characteristics that would negatively affect the applicant's ability to work with children and/or youth? If so, please describe.
- Do you have any knowledge that the applicant has ever been convicted of a crime? If so, please describe.
- Please list any other comments you would like to make.

Reference inquiry completed by: _____

Signature

Date

NURTURING AND APPROPRIATE TREATMENT WITHIN RELATIONSHIPS

God's world is made up of individuals who gather in groups with a focus. As individuals we bring a variety of ideas and beliefs about religion, life, relationships, etc. to the groups in which we gather. We also bring a variety of ideas, beliefs, and practices with regards to discipline, caring for children, and what appropriate boundaries are for us in relationships with others. As Christians, the gatherings we are a part of are different. First of all, we are individuals called into community by our Creator. We are called into relationship with the Triune God and each other. The focus of our gatherings is to hear, celebrate and share the Gospel of Jesus Christ with the world. This Gospel calls us to nurture and care for each other within relationships.

Recognizing that as the community we do come with this variety of beliefs and history it is necessary we set boundaries for the whole protect the gift of relationship with children, youth and adults. At the same time we are striving to protect the ministry itself, so the work of the Kingdom can go on in our congregations. As stated above the first way to do this is to match gifts and ministries. However, even with gifts, appropriate training and policies are essential. When we gather, in any size, as a community of Christ we are to live within the covenant laid out in Scripture.

Building Up the Kingdom through Relationship⁷⁾

The Biblical witness for us is time and again our God comes to us for relationship. God, time and again provides for those in the Bible and for us as his people in the world today. We cannot ask anything of a person we have not taken the time to invest in. This is especially true for children. Here are several ways we can invest in children, so that when the time comes when a specific behavior and active participation are expected the child or youth will have a desire to contribute and behave.

There are several ways of building up the kingdom through building relationships and trust with children, youth and adults. Here are a few ideas:

- Set clear limits, and clearly convey your expectations early.
- Watch for ways to show you care and you are paying attention to what they like and dislike.
- Discover and listen for what is important to them.
- Keep your promises and commitments. Don't make promises you can't keep.
- Allow them to save face if you can.
- Let your actions = your words. Do as you say, so they can also.
- Find out what they are good at and enjoy, and gear activities in that direction to give them a chance to shine.
- Look for ways for them to be the expert.
- Help them to contribute to what ever you are doing.
- Create a safe environment where risks can be taken without danger, and achievement is possible.
- Celebrate the achievements and the individual.
- Apologize when you need to. Take responsibility when you are wrong.
- Forgive them freely and give lots of chances and allow lots of time for change.
- Recognize their cognitive and emotional limits, and plan accordingly (See ages and stages).

CLEAR EXPECTATIONS, OPPORTUNITY FOR SUCCESS, RECOGNITION

EFFECTIVE COMMUNICATION

To allow all members of the community to get the most out of the experience and service, effective communication tools are essential. There are tried and true ways to encourage communication and there are ways leaders may unintentionally discourage communication. In this section you'll find examples of both.

TOP TEN POTENTIAL ROADBLOCKS TO EFFECTIVE COMMUNICATION

1. Directing, ordering, commanding.
(“You must...”, “You have to...”, “You must face those people by yourself...”)
2. Warning, threatening, admonishing.
(“You had better ____ or else...”, “If you don't, you'll never amount to anything.”)
3. Moralizing, preaching.
(“You should...”, “You ought to ...”, “You should learn to...”)
4. Arguing, lecturing.
(“Do you realize...”, “That is not right...”)
5. Advising, giving solutions.
(“What I would do is...”, “Why don't you...”, “If I were you, I'd...”)
6. Judging, criticizing, blaming.
(“You are wrong...”, “You are lazy...”, “You think you are so smart.”)
7. Sympathizing, excusing, consoling.
(“It's not so bad...”, “Don't worry about it.”, “It'll be alright.”)
8. Diagnosing, psychoanalyzing, interpreting.
(“What you need is...”, “I know what's wrong with you...”)
9. Interrogating, questioning, probing.
(“Why...?”, “Who...?” “Where...? How...?”)
10. Teasing, using sarcasm.
(“Why don't you burn down the school?”, “When DID you read a newspaper last?”)

“I” STATEMENTS

“I” statements, or “I” messages, are a way of communicating that can help to minimize defensive and non-productive communication. The idea is that you describe the person's behavior, followed by the effect it has on you. Example:

“When you _____, it makes me feel _____.”

LISTENING

Words can and often do get in the way. We can only learn about people if we can hear them. Practice listening and asking questions. Children have lots of stories. Youth have lots of opinions. Adults have lots of questions. Each of these needs a safe and attentive place to share them. You can set the example as the leader.

DISCIPLINE⁷⁾

Discipline is an area of great debate among families and communities. As a church community we must agree in this area to allow for consistency with our young people and for protection of them and the ministry. Anyone working with youth will surely be confronted with inappropriate behavior. It is important to know what behaviors to address, what limits to set, and what actions can be taken when behavioral boundaries are crossed.

WHAT TO ADDRESS

Lots of behaviors are annoying, but not always outside of the boundaries. Some examples of this are children who talk a lot, ask lots of questions, get distracted easily, etc. However, there are three areas of behaviors which **MUST** be addressed:

- A behavior which encourages or receives negative attention for another in the group.
- A behavior which distracts attention from the activity in progress.
- A behavior which is unsafe, harmful or abusive to others either physically or emotionally.

A sample of youth guidelines is provided. When setting guidelines consider the above. It is important not to bombard children and youth with so many guidelines they feel it is impossible to succeed.

STOPPING UNWANTED BEHAVIOR BEFORE IT STARTS

There are lots of ways to curb unwanted behavior from happening. To start with, refer to the section above on "Building Up Relationships." Problems with behavior can sometimes be due to boredom, fear, need for attention, and unclear expectations. By practicing good relationship building, you can help children succeed in meeting the congregation's behavioral expectations.

DISCIPLINE

No matter how well we try and curb unwanted behavior before it happens, we will surely be faced with a behavior listed above which will need to be addressed. It is very important to be prepared for this before it happens. The way you handle one situation can curb a future situation.

As a congregation and Christian Community discipline should only take the form of either talking out the problem or taking a time out. Each of these is broken down in several ways below. When applying either of these forms it is important to remember discipline of any kind should always be fair, consistent, and administered with understanding and without excess.

1. Talking it Out

- a. What talking out the problem is not:
 - i. It is not yelling, telling a child they are bad, etc.
 - ii. Simply telling a child "don't do that" or "I said, stop."
- b. What talking out the problem is:
 - i. Communication
 - ii. Conversation
 - iii. Redirecting
 - iv. Relationship building
- c. What Talking out the Problem looks like:
 - i. Sometimes a look says a lot.
 - ii. Positioning yourself next to someone says a lot without words also.
 - iii. Being an example – once again – says a lot.
 1. If you are teasing or wrestling with other children or youth, you are giving them permission to do the same.
 - iv. Talking out what is going on with words should look something like this:
 1. Determine if you will talk where you are or find another location. **REMEMBER THAT YOU SHOULD NEVER BE ALONE WITH A CHILD OR YOUTH PARTICIPANT.**
 2. Is more than one person involved in the behavior?

3. Listen before you speak. If more than one person is involved, do not allow cross talk, but do allow all parties to speak one at a time.
4. Repeat back what you have heard.
5. Make sure you understand what is really going on. Get help if you need it.
6. Follow through on any previous expectation if this is not the first time.
7. Clearly lay out the expectations for what will happen if this happens again. It is important here to not make threats you cannot follow through on.
 - a. If you feel the need to send someone home, or withhold a privilege get another adult involved. This could include a pastor, youth director, or parent. Withholding a privilege is always a last result, especially for behavior other than harmful. We want our children to know this is a place which welcomes them and loves them, but expects certain things from them. Children want and need boundaries, but more than anything they want to be included, loved, and wanted.
8. Do what you say you will do.
9. Reinforce a change in behavior! Thank them for the change.

1. Taking a time out.

- a. What time outs are not:
 - i. Time outs are not simply putting a child in a chair and making them watch others have fun.
 - ii. Time outs are not punishment.
 - iii. Time outs are not putting a child's nose in the corner. (This should not be done)
 - iv. Time outs are not "thinking about what you have done" opportunities. I assure you that is not what they are thinking about.
- b. What Time outs are:
 - i. Time outs are a chance to redirect behavior.
 - ii. Time outs are an opportunity to cool off if someone is getting upset or frustrated.
 - iii. Time outs are ways of letting a child know breaks are good.
 - iv. Time outs are chances to regroup and start fresh.
- c. What does a time out look like:
 - i. Time outs should be conducted for present activities.
 - ii. A time out should not be longer than the child's age.
 - iii. Talking it out should happen before a time out.
 - iv. A warning should happen for inappropriate behavior other than violence, which needs an immediate time out.
 - v. Talking it out should happen after the time out also.
 - vi. If you need more than two time outs for the same behavior, talk with another adult such as a pastor, youth director, or parent about ideas for the future. You can also talk with the child, and ask them what they think needs to happen to change the behavior.
 - vii. Adults can need timeouts also. If you feel yourself getting frustrated or annoyed, then put your youth in the care of another group leader, and take a time out yourself.

NEVER A FORM OF DISCIPLINE

Talking out the problem and taking time outs are the only two forms of appropriate discipline for our time together. This is valuable knowledge, but knowing what is absolutely not tolerated as discipline is important also. This following are not forms of discipline, they are forms of abuse which can be harmful for the child and the community.

- DO NOT use words or actions which are physically or psychologically punishing, damaging, or hurtful.
- DO NOT threaten. Threatening is a fear tactic. Fear is not an appropriate motivator. Love and trust are positive motivators.
- DO NOT be excessive or unfair. Watch for your own frustration here.

POSSIBLE EVENT AND ACTIVITY SPECIFIC GUIDELINES

Anytime we gather as a community there are spoken and unspoken expectations. When we are charged with protecting children, youth and adults along side of protecting the ministry we must make all expectations clearly known to everyone participating. This includes parents which are at home, but participating by allowing you to care for their children.

Children and youth especially need boundaries. The following are suggestions for a starting point. Each situation will require a different set of expectations or boundaries, some of which may not be mentioned here. Prior to any event, decide as a staff what the expectations will be. Create a visual picture of boundaries which can be used to refer back to when someone crosses a line. This could be in Covenant form, list form, picture form (for smaller children), etc.

These guidelines will give you a foundation and a reference point for maintaining behavior, participation and community building. It is important to approach these guidelines with children and youth in a way that helps them see the importance of following the covenant to build up the kingdom. Help them see that participating in inappropriate behavior tears down the kingdom.

1. **Stay on Property:** We want to know you are safe, because we love you. All participants must stay on property during events, retreats, or programs. Any exceptions must be cleared with an appropriate adult. If you drive a car to an event, it must remain parked for the duration of the event. Do not leave without permission.
2. **Cell Phones:** We are here to build relationships and phone calls distract from our time together. Please leave phones in your car, or turned off during our time together.
3. **Food/Drinks:** Depends on the activities.
4. **Curfew - "Lights Out":** Curfew and "Lights Out" times will be enforced in order to allow participants to get the rest needed to be alert for the next day's activities. (For overnights – Adults need rest too, and should not be asleep until youth are asleep. This is why it is important to get them to rest.)
5. **Alcohol/Drugs/Tobacco Products:** Parents MUST always be involved in this situation! This is one of the boundaries that could require a participant to be removed from an event. Law enforcement may be called and parents and youth need to know this before any event. If leaders find out after an event of any such infraction, parents and the child/youth must be called in to meet with adult leaders. If other youth know about the situation, then a note should be sent home/or a meeting should be done saying that products were present during the event. DO NOT disclose the names of children involved, even if you are directly asked. Tobacco products include all forms: snuff, chewing, dipping and smoking.
6. **Weapons:** No weapons or toys that resemble weapons are allowed at these events. Anyone brandishing a weapon will be sent home. Law enforcement may be called. This guideline is very similar to Alcohol/Drugs/Tobacco Products. (Remember that these items are harmful, abusive, etc. They require parental involvement EVERY time.)
7. **Sleeping Arrangements:** No one will be allowed to be in the sleeping area of the opposite sex.
8. **Games and stories:** Do not allow or play games that require children to give up information they do not want to. Do not allow games that require children to choose between not participating and being made fun of or participating against their will. For example: Truth or Dare is a terribly inappropriate game to play.

9. **Bullying/teasing/harassing:** are NOT allowed. These actions do not build up trust or respect.
10. **Relationships:** happen within groups of teens. Public Displays of Affection are not appropriate for our time together. We should model and require relationships that are healthy, supportive, inclusive and trusting. Any type of sexual conduct between participants requires immediate parental involvement for discipline. Sexual conduct is inappropriate during all church activities, retreats, meetings, etc.

EMERGENCY PLAN (Appendix B)

EMERGENCY PROCEDURES...are a necessary aspect of any event, gathering or retreat. This is an outline that can be printed prior to events or retreats, and the appropriate contacts included.

GENERAL GUIDELINES CONCERNING EMERGENCIES

1. Give emergency treatment to injured youth. Don't give first aid beyond your training.
 - a. If necessary based on your location, send someone for help:
 - i. If there are enough staff, send a staff person/adult for help.
 - ii. If there are not enough staff, send two capable youth for help.
 1. Make sure you have instructed them on who to talk to and how to find them.
2. Keep other participants safe.
3. Continue regular activities.
4. Cooperate with public authorities, but give no information beyond that required.
5. Jot down a list of witnesses. Include names, addresses, and telephone numbers. Provide this list to the pastor or his or her designee, such as counsel.
6. The Lead staff person ONLY will contact parents, insurance company, media, and attorneys.
7. DO NOT ALLOW YOUTH, YOURSELF, OR OTHER STAFF TO USE THEIR CELL PHONES TO CALL ANYONE BUT THE LEAD STAFF PERSON AND EMERGENCY PERSONNEL. Ministries are destroyed by innocent calls of fear and concern to parents and friends in other locations. Incidents can be taken out of context and made larger than they are at the time. Only the lead staff person can contact anyone other than emergency personnel. No exceptions.

EMERGENCY CHAIN OF COMMAND (who's in charge if an emergency strikes)

1. Lead Staff Person: _____ Phone: _____
2. Staff Person: _____ Phone: _____
3. Staff Person: _____ Phone: _____
4. Staff Person: _____ Phone: _____

EMERGENCY PLAN

General Procedures to be applied in all emergency situations.

1. The highest person available on the chain of command or other appointed personnel will:
 - a) call 911 to request the proper help.
 - 1) State the nature of the emergency.
 - 2) Give directions to the location of the emergency.
 - b) Dispatch someone to the appropriate location to guide emergency personnel to the site of the emergency. Only emergency vehicles should be allowed in the vicinity.
2. Issue the "all clear" signal when appropriate to do so.
3. Complete the "Accident Report Form" within 24 hours of the accident or emergency.

ALWAYS CARRY WITH YOU (You will need 1 & 2 for each participant.)

1. A Notarized Health History, with emergency contact information, and Consent to treat.
 - a. It is the responsibility of the parent/guardian to have the forms notarized.
2. Permission Slip and Assumption of Risk, Waiver & Release Agreement.
3. Emergency Plan Cards for each adult.

Permission Slip and Assumption of Risk, Waiver & Release Agreement

Church: _____

Address: _____

Phone: _____

Date(s) of Activity/Trip: _____

Destination: _____

Activity Description: _____

Means of Transportation: _____

I, _____ parent/guardian of _____

_____ give my child permission to participate in all activities

of _____ church

on the above dates. I understand that I/my child will be participating in activities that are grounded in, Christian education, character building, team building, and spiritual growth.

I understand that with any activity, there is risk involved. In consideration of this, I specifically release and forever discharge _____ and its staff and volunteers from any and all liability or claims for any injury, illness, death or loss of or damage to property which I/my child may suffer while participating in the above activity.

In signing this document, I fully recognize that if injury, illness, death or damage occurs to myself/my child or my/their property, while I/they are participating in the above activity, I will have no right to make a claim or file a lawsuit against _____ or its staff or volunteers, even if they or any of them negligently cause my child's injury, illness, death or damage.

I have carefully read this agreement and understand its contents. I am aware this is an assumption of risk, waiver and a release of liability and I sign it voluntarily. I also understand that this is a permission slip for my child to participate in all of the above activities.

Parent/Guardian's Signature: _____ **Date:** _____

Child/Participant's Signature: _____ **Date:** _____

Allergy to: _____ Medications: _____

Procedure for exposure: _____

Allergy to: _____ Medications: _____

Procedure for exposure: _____

Allergy to: _____ Medications: _____

Procedure for exposure: _____

Please complete a second page if necessary.

Other Medications: _____

Has the participant had surgery in the past year? _____

If yes, what type: _____

Please provide any other information the Church staff and volunteers may need to know about you/your child:

I _____ Parent/Guardian of _____

give the staff and volunteers of _____ permission to assess any accident, illness, or injury that may occur to myself/my child while participating in activities/trips. I also give them permission to seek medical treatment for me/my child if their assessment of the situation deems treatment/medical attention is necessary. I understand that I will be contacted and notified of any treatment/medical attention as soon as the situation allows.

Parent/Guardian's Signature: _____ **Date:** _____

Child/Participant's Signature: _____ **Date:** _____

*****This form MUST be notarized.*

ACCIDENT REPORT FORM

PLEASE PRINT THIS INFORMATION IN DARK INK

***ONLY PROVIDE FACTS, NOT YOUR BELIEFS ABOUT WHAT YOU THINK HAPPENED.

DATE OF ACCIDENT: _____ TIME OF ACCIDENT: _____

Name of participant injured: _____ Age: _____

Address of participant injured: _____

Location of accident: _____

Parent or guardian: _____

Phone: _____ Work Phone: _____

Name of person(s) who witnessed the accident:

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Describe the accident: _____

Who was contacted: _____

When: _____

By Whom: _____

ADDRESSING MISCONDUCT (Appendix A)

WHAT QUALIFIES AS MISCONDUCT WITHIN THE COMMUNITY

All human beings, no matter age, sex, race, or ability are created in the image of God, and thus are made equal. All persons have gifts to contribute to the community. Misconduct inhibits this contribution, is harmful and detrimental to a person's mental and physical state, and destructive to the relationship. Before one can report or address this type of behavior, one must know how to recognize it when it happens. We must also know how to prevent it. This section of the manual will address the following: Preventing, Recognizing, and Reporting Abuse or Misconduct.

PREVENTING

Preventing misconduct is of course the best solution. However, as we will see, we must always be prepared to successfully act within the other areas of addressing misconduct as well. Several areas of information will assist the congregation in preventing misconduct.

1. Understand what misconduct is:
 - **Child, preschooler, children, youth, minor:** A person under the age of 18.
 - **Adult:** Any person at least 18 years of age.
 - **Staff, Rostered, Volunteer, Director:** Any adult (paid or not) that is given the responsibility to care for/work with minors and adults in any capacity.
 - **Teenage Worker:** Any worker at least 14 years old or older, but under the age of 18 enlisted to assist with the care of minors.
 - **Abuse, Misconduct:** Verbal, physical, emotional, or sexual abuse or neglect of a preschooler, child, youth, minor, or adult.
2. Have the appropriate policies in place. Please see the Possible Policies for Adults Working with Children. Having and educating the congregation on these policies will help assist any congregation in preventing a problem with misconduct.

RECOGNIZING CHILD ABUSE AND NEGLECT⁶⁾ a)

Abuse can occur in the home, as well as at school, at church, during sports activities, etc. There are behavioral and physical signs of abuse and misconduct. At times a minor will tell you of abuse or misconduct. Other times they will not. It is important to be familiar with possible signs; however, not to overreact when signs are observed. Make sure signs are not the result of other life factors such as moving, loss of a parent or friend, etc. When signs begin to add up, is when the possibility of abuse or misconduct needs to be responded to. This is why it is important to build relationships and know the children and youth you are working with.

NEGLECT – DOES THE CHILD

- Come to school in soiled clothing or clothing that is significantly too small or large for them or often in need of repair?
- Seem inadequately dressed for the weather?
- Always seem to be hungry, hoarding, or stealing food, but coming to school with little of their own food?
- Appear listless and tired with little energy due to no routine or structure around bedtimes?
- Often report caring for younger siblings?
- Demonstrate poor hygiene, smell of urine or feces, or have very bad breath or dirty or decaying teeth?

- Seem emaciated or have a distended stomach indicative of malnutrition?
- Have unattended medical or dental problems such as infected sores or badly decayed or abscessed teeth?
- Exhibit stealing, vandalism, or other delinquent behaviors?
- Have frequent school absences or tardiness?
- Have poor peer relationships, possibly due to hygiene problems or a depressed or negative attitude?
- Appear withdrawn?
- Crave attention, even eliciting negative responses to gain it?
- Demonstrate destructive or pugnacious behavior and show no apparent guilt over his or her acts?
- Exhibit low self-esteem?
- Have a conduct disorder diagnosis or act oppositionally defiant?
- Have difficulty problem solving or coping?
- Have difficulty with language comprehension and expression?
- Have a variety of academic problems?

PHYSICAL ABUSE – DOES THE CHILD

- Extensive bruises, especially in areas of the body that are not normally vulnerable? Are the bruises of different colors indicating various stages of healing?
- Frequent bruises around the head or face, the abdomen or midway between the wrist and elbow? Although bruises to the knees, legs, and elbows frequently occur in normal falls, the above areas are less likely to occur in falls and should be investigated.
- Bruises in specific shapes such as handprints, hangar marks, or belt buckles?
- Marks that indicate hard blows from an object such as an electrical cord or other whip-like object that make a burn around the body?
- Bruises on multiple parts of the body indicating blows from different directions?
- Unexplained abdominal bleeding (i.e., caused by internal bleeding) that might be observed as discoloration under the skin or blood-filled lumps?
- Extreme sensitivity to pain or complaints of soreness and stiffness or awkward movements as if caused by pain?
- Bald spots from severe hair pulling?
- Adult-sized, human bite marks?
- Burns, especially from objects such as cigarettes, irons, and other objects?
- Injuries for which the explanation given is inadequate?

EMOTIONAL ABUSE – DOES THE CHILD

- Inappropriate affect such as turning negatives into jokes and laughing when in pain?
- Extremes in behavior – manically happy or very depressed?
- Withdrawal – no verbal or physical communication with others?
- Self-destructive behavior (e.g., cutting oneself)?
- General destructive behavior?
- Difficulties with concentrating or learning new material or compulsive attention to detail?
- Cruelty to others?
- Vandalism, stealing, cheating?
- Rocking, thumb sucking, head banging?
- Enuresis (wetting one's pants) or soiling after an age when such behavior is inappropriate?
- Substance abuse?

- Eating disorders?
- Physical manifestations such as frequent stomachaches or headaches or unexplained weight loss or gain?
- Delinquent behavior?

SEXUAL ABUSE – DOES THE CHILD

- Have difficulty in walking or sitting?
- Complain of genital or anal itching, pain, or bleeding?
- Have frequent psychosomatic illnesses?
- Frequently vomit without organic causes?
- Become pregnant at a young age?
- Have any sexually transmitted diseases?

Does the child exhibit:

- Exceptional secrecy?
- More sexual knowledge than is age appropriate (especially in younger children)?
- Indepth sexual play with peers (different from the normal "playing doctor" form of exploration)?
- Extreme compliance or withdrawal?
- Overt aggression?
- An inordinate fear of males (or females)?
- Extremely seductive behavior?
- A drop in school performance or sudden nonparticipation in school activities?
- Sleep problems or nightmares?
- Crying without provocation?
- A sudden onset of wetting or soiling of pants or bed?
- Sudden phobic behavior?
- Feelings of little self-worth or talk of being damaged?
- A much older and more worldly appearance than peers?
- Suicide attempts or ideas of wanting to kill self?
- Excessive attempts to run away from home?
- Cruelty to animals (especially those that would normally be pets)?
- Setting fires and enjoying watching them burn?
- An eating disorder?
- Self-mutilation (cutting or scratching to draw blood)?¹

The above check list of questions under the section Recognizing Child Abuse and Neglect was taken directly from the web address: <http://nccanch.acf.hhs.gov/pubs/usermanuals/educator/educatorj.cfm> on April 6, 2005. The headings were the only parts of the material changed for the purposes of this book. The material on the web page was sited as:

¹ Crosson-Tower, C. (2002). How can we recognize child abuse and neglect? In *When children are abused: An educator's guide to intervention* (pp. 8–34). Boston, MA: Allyn and Bacon.

Reporting Cases of Child Abuse and Misconduct

Legal Implications^{6) b)}

The law of the State of South Carolina requires that certain categories of persons are to report to civil authorities if they know or have reason to believe or reasonable cause to believe that a minor or vulnerable adult is being abused or neglected. The mandated reporters include any “member of the clergy,” “counselor,” “principal,” “assistant principal,” “social or public assistance worker,” “substance abuse treatment staff,” or “childcare worker in a childcare center or foster care facility.” See S.C. Code Ann. § 20-7-510(A). Depending on the aegis and ambit of your church’s ministries, there are conceivably many people employed by or otherwise formally serving your church that possess the legal responsibility to report suspicions of abuse or neglect when circumstances warrant.

Section of 20-7-490(2) of the 1976 Code provides the following definition:

(2) "Child abuse or neglect", or "harm" occurs when the parent, guardian, or other person responsible for the child's welfare:

(a) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment, but excluding corporal punishment or physical discipline which:

- (i) is administered by a parent or person in loco parentis;
- (ii) is perpetrated for the sole purpose of restraining or correcting the child;
- (iii) is reasonable in manner and moderate in degree;
- (iv) has not brought about permanent or lasting damage to the child; and
- (v) is not reckless or grossly negligent behavior by the parents.

(b) commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child;

(c) fails to supply the child with adequate food, clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59, supervision appropriate to the child's age and development, or health care though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused or presents a substantial risk of causing physical or mental injury. However, a child's absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents' refusal to cooperate. For the purpose of this chapter "adequate health care" includes any medical or nonmedical remedial health care permitted or authorized under state law;

(d) abandons the child;

(e) encourages, condones, or approves the commission of delinquent acts by the child and the commission of the acts are shown to be the result of the encouragement, condonation, or approval; or

(f) has committed abuse or neglect as described in subsections (a) through (e) such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect.

While mandated reporters are required to report abuse and neglect, the law clearly provides the right to all other persons with such suspicions to make a report to DSS and/or law enforcement.

Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services or to a law enforcement agency in the county where the child resides or is found. See S.C. Code Ann. § 20-7-510. Where reports are made pursuant to this section to a law enforcement agency, the law enforcement agency shall notify the county department of social services of the law enforcement's response to the report at the earliest possible time.

The identity of the person making a report must be kept confidential by the agency or department receiving the report and must not be disclosed except as provided for elsewhere in Title 20, Chapter 7 of the 1976 Code.

When DSS receives an initial report from a complainant and refers a report to a law enforcement agency for a criminal investigation, the department must inform the law enforcement agency of the identity of the person who reported the child abuse or neglect. The identity of the reporter must only be used by the law enforcement agency to further the criminal investigation arising from the report, and the agency must not disclose the reporter's identity to any person other than an employee of the agency who is involved in the criminal investigation arising from the report. If the reporter testifies in a criminal proceeding arising from the report, it must not be disclosed that the reporter made the report.

When a law enforcement agency receives an initial report from a complainant and refers a report to the department for an investigation or other response, the law enforcement agency must inform the department of the identity of the person who reported the child abuse or neglect. The department must not disclose the identity of the reporter to any person except as authorized by Section 20-7-690.

A person who is required to report and fails to do so is guilty of a misdemeanor. Upon conviction, he/she must be fined up to \$500 or imprisoned up to 6 months, or both. See S.C. Code Ann. § 20-7-510.

Persons required to report may take color photographs of the areas of trauma visible on a child who is the subject of the report. See § 20-7-530.

Copies of all photographs, negatives, and medical reports must be sent to DSS at the time of the report, or as soon as possible. See § 20-7-530.

Privilege Abrogated– The statute expressly abrogates (voids) privileged communication between husband/wife and professional/patient or client for purposes of reporting child maltreatment. The only exception is privileged communication between attorney/client and priest/penitent. See § 20-7-550.

A person required or permitted to report instances of abuse and neglect or who participates in an investigation or judicial proceedings resulting from the report, acting in good faith, is immune from civil and criminal liability which might otherwise result by reason of these actions. In all such civil or criminal proceedings, good faith is rebuttably presumed. Immunity under this section extends to full disclosure by the person of facts which gave the person reason to believe that the child's physical or mental health or welfare had been or might be adversely affected by abuse or neglect. See S.C. Code Ann. § 20-7-540.

Responding to and Reporting Child Abuse from within the Home

We would like to think that the children who worship with us are safe at home. This is sadly not always the case. If you find yourself in a situation of suspected child abuse due to observation of indicators or disclosure from a minor the following will serve as a helpful guideline for responding to and reporting the situation.

1. It is important for you not to overreact or panic. The child will need your calming presence during the process.
2. Don't tell the child they misunderstood what happened or criticize them.
3. The location of the disclosure is important. If you are in the middle of a crowd/small group find a way to talk with the child privately without being alone with them. During the conversation the following need to be noted:
 - a. The following people need to know what is going on: Pastor and Law Enforcement Officials. You cannot promise a child not to tell. If they ask you at anytime to keep a secret, your response must be you will keep the secret if you feel it is the right thing to do.
 - b. Encourage the child to tell the Pastor directly, and that you will go with them if that makes them feel better.
 - c. You along with the Pastor will be honest about the responsibility to report the suspected abuse.
 - d. Let the child know it was okay for them to tell you and other appropriate people. Assure them that it is not their fault. Make sure they know they are important and you still like them and respect them.
 - e. Never speak badly about the abuser. Children who are victims of abuse often genuinely love their abuser. You will only set yourself apart as untrustworthy.
4. After you have spoken with the child and the pastor, either yourself and/or the pastor, or the pastor must contact the appropriate legal authorities. The SC Department of Social Services can be reached at 803-833-0100.
5. Pray for the family involved.
6. **ONLY DISCLOSE THE INFORMATION TO THE SENIOR PASTOR OR LEGAL AUTHORITIES.** It is very important to respect the privacy of the child and the family.
 - a. You will need to process what has happened. Speak only to the Pastor, but do speak with them to care for your own spiritual well being. Please make sure; however, that the child's needs are met first, then your own.

Responding to and Reporting Misconduct from within the Church
Involving Sexual Harassment Between Adults:
(Not including Sexual Harassment between Church Employees)

This protocol may be used where there are allegations of harassment between lay members or between lay members and church staff.

REPORTING: A victim or someone with knowledge of alleged harassment should report the situation to the pastor. This report should be made in a written format, preferably using a form approved for such use by the party that is to investigate this matter. A pre-approved, written form facilitates easy tracking and handling of the complaint.

When a pastor or other rostered leader is involved, the situation should be reported to the SC Synod Bishop's Office.

All allegations will be taken as worthy of an investigation. A presumption of innocence shall be maintained until completion of the process.

NOTIFICATION: The accused will be made aware of the charge immediately. Where the accused is a staff person, that individual will be relieved of service for the duration of the investigation and removed from contact with all youth. Legal counsel for the Congregation should be notified immediately.

INVESTIGATION: Once a complaint is received, the church should respond promptly and reasonably. The core premise of reasonableness is that trained investigators conduct the investigation. Ideally, more than one person should be trained in conducting such investigations. Identification of those to conduct these investigations should be made by the church council, which is the church's governing body, or its designee. Once your church identifies those individuals able to serve in this capacity, make sure that they understand:

- How to thoroughly and professionally investigate harassment claims involving adults;
- The standards of proof that they need to utilize when determining if misconduct actually occurred;
- What questions to ask and not ask of the complainant and accused;
- What commitments to avoid making along the way;
- How to interview the accused and obtain meaningful information;
- How to get information from people who are reluctant or unwilling to cooperate;
- How to assess a witness' credibility and get to the truth;
- How to obtain additional supporting evidence;
- How to sort relevant from irrelevant information;
- How to make a legally defensible decision and appropriate recommendations; and
- How to use legal counsel and the attorney/client privilege to help employers in the investigation.

While not required, a church may wish to consider using a neutral, outside investigator to investigate serious claims of harassment. This can eliminate charges from the accused that the official(s) charged with investigating the harassment is biased or pre-disposed. An outside investigator may not be necessary for each and every claim of harassment, however, your church's procedures should allow for using an outside investigator when the situation warrants. It may also be desirable to identify guidelines for when an outside investigator will be utilized. If so, the guidelines should be followed. Failing to have or follow guidelines creates greater risk that the dissatisfied party could make a subsequent claim of bias or inadequate procedure.

A harassment investigation is a serious matter. Providing clear notice to individuals that their cooperation is required will make it easier to discipline individuals who obstruct the investigation process and hinder the organization's ability to conduct a prompt and thorough investigation of allegations. As with cooperation, honesty is critical to conducting an investigation. Individuals should be placed on notice that honesty is expected

and that dishonesty may result in disciplinary action. The church, however, should be careful that discipline of the complainant for dishonesty is not retaliation for filing the claim. As a general rule, complainants should only be disciplined for the intentional filing of a false claim. The fact that individuals intentionally filing false claims of harassment may be subject to discipline should be specified in the policy.

A successful investigation must be fair to all parties involved. Give both the complainant and the accused every opportunity to present his or her case to the investigator(s). Frequently, there are no witnesses to harassment other than the complainant and the accused. Allowing both the complainant and the accused to tell their full stories should better enable the investigator to make what can frequently be difficult credibility determinations.

Because it is a private, internal matter, a church need not allow the complainant or accused to be accompanied by any specific individuals during the process, including legal representation. However, this decision is left to each church. The purpose of the investigation is to ascertain the truth of the allegations that harassment occurred. In many instances, due to the nature of the allegations, the complainant and/or accused may be more comfortable participating in the process if they are accompanied by an appropriate individual. Thus, a church should carefully consider which individuals will and will not be allowed, and clearly state that fact in the procedure. This will save time during the investigation, which could be side-tracked by such disputes if a policy is not clearly articulated.

For your church's protection, the investigation should be well-documented. The investigative report will provide one of the best pieces of evidence if your organization is ever called upon to defend its investigation. That time may come well after the investigation has been completed, memories have faded, and key witnesses — including the investigator — have left the organization. Since the investigation report may be a key piece of evidence, it is critical to the investigation process that the individual(s) drafting the report be well-trained. At a minimum, reports should make a finding regarding each and every claimed instance of harassment, and support the finding with credible evidence. A church may be well-served by conferring with legal counsel to ensure the proper steps are being taken in adequately documenting the record.

There is no legal requirement that a full copy of the investigative report be given to either the complainant or the accused. A church should consider providing the complainant and the accused with a summary of the investigative findings and recommended action, rather than a full copy of the report. This may have the advantage of protecting the privacy of witnesses and the overall confidentiality of the investigative process. Whatever the chosen approach, apply it consistently. Above all, copies of written harassment investigation reports should only be disseminated on a very limited "need to know" basis.

Once the investigation has been concluded, both the complainant and the accused need to have the assurance that the investigation will remain confidential to the extent possible. Complete confidentiality is not required and should not be promised. However, the investigation should only be disclosed on a strict "need to know" basis, i.e., as required for an appeal and/or disciplinary process, or through established legal process or court order.

APPEALS: In the event the accused is an employee, and the employee is not satisfied with a decision which effects his/her employment, he/she should have an opportunity to raise concerns for further resolution and review. This is particularly true when dealing with harassment complaints. They usually involve personal allegations where emotions run high. An appeals procedure that either the complainant or the accused can use following an investigation of a harassment complaint is an integral component to your church's prevention program. Although the appeals procedure does not "prevent" the harassment complaint, it conceivably goes a long way to prevent a lawsuit and it builds confidence in the organization's system of addressing such complaints.

Just as in establishing an investigations protocol, the appeals procedure should address certain issues. For example, to whom can the appeal be raised? Should it be an ombudsman, the executive committee, or the church council sitting en banc. Other protocol issues to consider are whether appeals must be in writing. Are

they only allowed if "new" information was not considered in the internal investigation, or if "impartiality" of the investigator is a concern? Finally, at the conclusion of an appeal, how will the parties be notified of the results? Needless to say, your church's appeal procedure should be discussed and reviewed with legal counsel before they are implemented to ensure that they use the right procedure for your organization and that they are consistently used. The goal of any appeal procedure is to establish a process that builds confidence in your internal complaint and investigation procedures and works to keep employee concerns inside the organization. The questions set forth below may assist your church in defining the appeal procedure that works best for your church.

Set a reasonable timeframe for the appeal process.

A policy that allows both the complainant and the accused to appeal is most consistent with principles of fairness. An appeals process that is fair has the greatest chance of gaining acceptance from all concerned groups. In the absence of any state law on who is entitled to appeal, employers are free to determine their own policy.

As with designating the investigator, there should be an established method for determining who will hear the appeal. It may be a designated individual or individuals, or a committee. Almost any approach is acceptable as long as it is fair. A procedure may also have more than one level of appeal. However, churches are cautioned against implementing an appeal process that will be too lengthy and cumbersome to implement.

An appeal need not be an evidentiary hearing. An appeals process that allows the complainant and accused to address the individual(s) hearing the appeal, however, has the greatest likelihood of acceptance. Additionally, parties have no right to legal or other representation at appeals.

As with the investigation report, the results and findings of the appeals process should be made in writing. The findings should be clearly stated and substantiated by the evidence. These findings form the basis for disciplinary action.

No adult sexual harassment policy and procedure will be successful unless everyone knows about it. Develop a plan for notifying professional staff and employees about your church's policy and for training people responsible for implementing it.

The following is a checklist of basic elements for assessing the effectiveness of your organization's notification program:

- Are policies and procedures written in a language appropriate to the audience?
- Are policies and procedures easily understood?
- Do they contain information regarding persons to whom complaints of harassment can be addressed?
- Are policies and procedures widely disseminated in a manner that will actually reach the intended audience?

In addition to the written word, training staff and key lay people about harassment and the procedure for addressing allegations. Ideally, all church employees and key lay people should receive in-service training at least once a year on harassment and your organization's procedure. Everyone should be provided with the church's expectations of appropriate behavior and the penalties for non-compliance.

Responding to and Reporting Misconduct from within the Church Involving a Child

REPORTING: A suspicion or charge of child abuse may be reported by anyone who has knowledge of such an act. Any person making such a report should do so directly to the Senior Pastor. If a Pastor or other rostered leader, is involved the SC Synod Bishop's Office must be notified immediately (803-765-0590). All allegations will be taken as worthy of an investigation. Presumption of innocence shall be maintained until completion of the process. All child abuse suspicions **MUST** be reported to the SC Department of Social Services **IMMEDIATELY**. This is the law.

NOTIFICATION: The accused staff person/volunteer will be made aware of the charge immediately. The staff person will be relieved of service for the duration of the investigation and removed from contact from all youth. The appropriate S.C. State agency will be notified of the accusation and provided all related information. Legal counsel for the Congregation should be notified immediately.

- Take the allegation or incident seriously, respecting the victims' privacy, as well as providing sympathetic concern for the victim and his/her family.
- Notify the proper law enforcement or child protective services agency immediately. If this is a case of known abuse, protect any evidence. Be prepared to cooperate fully with the investigation conducted by law enforcement officials or child protective services. SC law mandates reporting suspicion of child abuse. Reporting to proper authorities is confidential and will not be used against you, when reporting in good faith.
- Notify the parents of the victim, provide emergency care (if necessary) for the victim and provide for the safety of the victim until the parents arrive. The care and safety of the victim must be the church's primary concern. Be prepared to follow up with pastoral care for the victim and the victim's family.
- Listen to and record what you are being told. If the allegation is being made by the victim, do not try to elicit more information than is being offered.
- The accused must immediately be removed from further involvement with children or youth until the allegations are fully investigated and resolved. Do not confront the accused abuser with anger and hostility. Notify the church's insurance agency and the church's attorney immediately. Synod authorities must be made aware of the congregation's actions throughout the process.
- Keep a written record of the steps taken by the church in response to the allegation. This information must be kept confidential and limited to only those who must know.
- If circumstances warrant, call upon your designated spokesperson to provide any necessary statements or responses to the news media. The designated spokesperson should have a prepared, written statement. This person may be a pastor, another staff person, the church's attorney, or a lay member of the church. This person should answer questions honestly without adding extra or unnecessary information. The designated spokesperson should be given permission to answer questions by saying, "I don't know at this time." Note: The spokesperson should be authorized to speak to the media on behalf of the congregation. Any and all communications with the press should come only after consultation with counsel.
- If circumstances warrant, prepare a brief and honest statement that can be made to the congregation without giving unnecessary details, placing blame, interfering with the victim's privacy, or violating any confidential concerns. The statement should briefly explain the incident and the initial action taken by the church. The statement should not include the identification of the child victim or that of the accused. The statement should include the actions taken to assure the safety of all the children and assure the congregation of its continuing ability to provide ministry to children and youth. The statement should dispel rumors and assure everyone that everything possible has been done to provide for the safety of the victim and to enable the safe continuation of the church's ministry. Ideally, any and all public statements to the congregation should come only after consultation with counsel.

IDENTIFYING AND TRAINING PERSONS TO CONDUCT INTERNAL INVESTIGATIONS

When an allegation of harassment involving adult parishioners in some form arises, it is important to have a system in place, and persons trained to conduct the investigation. These persons should come from the congregation council (or governing body for the church):

1. IDENTIFY PERSONS TO CONDUCT INVESTIGATIONS:

a. Keep a list of individuals and training record

Date: _____ Int: _____

- i. Name: _____
- ii. Address: _____
- iii. City, State, Zip _____
- iv. Phone: _____

- v. Name: _____
- vi. Address: _____
- vii. City, State, Zip _____
- viii. Phone: _____

- ix. Name: _____
- x. Address: _____
- xi. City, State, Zip _____
- xii. Phone: _____

2. THEY NEED TO KNOW:

- a. How to thoroughly and professionally investigate harassment claims involving adults;
- b. The standards of proof that they need to utilize when determining if misconduct actually occurred;
- c. What questions to ask and not ask of the complaintant and accused;
- d. What commitments to avoid making along the way;
- e. How to interview the accused and obtain meaningful information;
- f. How to get information from people who are reluctant or unwilling to cooperate;
- g. How to assess a witness' credibility and get to the truth;
- h. How to obtain additional supporting evidence;
- i. How to sort relevant from irrelevant information;
- j. How to make a legally defensible decision and appropriate recommendations; and
- k. How to use legal counsel and the attorney/client privilege to help employers in the investigation.

3. NEUTRAL, OUTSIDE INVESTIGATOR:

- a. The church may wish to consider this option. The can eliminate charges from the accused that the official(s) charged with investigating the harrassment is biased or pre-disposed.
- b. This may not be necessary for each case.
- c. Identify guidelines for when this is appropriate and be consistant.

RESPONDING TO AND REPORTING MISCONDUCT FROM WITHIN THE CHURCH INVOLVING SEXUAL HARASSMENT BETWEEN ADULTS

(NOT INCLUDING SEXUAL HARASSMENT BETWEEN CHURCH EMPLOYEES)

When an allegation of misconduct from within the church involving sexual harassment between adults arises, the following steps will help you address the situation:

1. REPORT:
 - a. CLERGY: report the allegation to the Synod Office Date: _____ Int: _____
 - b. LAY: report the allegation to the Pastor. Date: _____ Int: _____
 - i. If a pastor is involved, report to the Synod Office immediately. Date: _____ Int: _____
2. NOTIFICATION:
 - a. Notify the accused immediately Date: _____ Int: _____
 - b. Notify the Synod Office Date: _____ Int: _____
 - c. Notify the attorney for the congregation Date: _____ Int: _____
 - d. Notify appropriate law enforcement agency (for present danger) Date: _____ Int: _____
 - e. Notify person(s) to conduct an investigation
 - f. The accused must be relieved of service for the duration of the investigation, and removed from contact with youth.
3. INVESTIGATION:
 - a. Respond promptly and reasonably.
 - b. All interviews should be well documented along with procedures
 - c. Meet with the alleged victim
 - i. Let them know they may have someone accompany them Date: _____ Int: _____
 1. Someone of the same gender as the alleged victim needs to be present
 2. The church is not required to do this by SC state law.
 3. This decision is left to the church – but the congregation should be consistent
 - ii. Request a written statement of the grievance Date: _____ Int: _____
 - iii. Assist them in preparing the statement Date: _____ Int: _____
 - iv. Request permission to use in discussion with accused Date: _____ Int: _____
 - d. Meet with the accused
 - i. Let them know they may have someone accompany them Date: _____ Int: _____
 - ii. Inform them of the accusations Date: _____ Int: _____
 1. Share written statement if permission was granted
 - iii. Explain the process to be followed Date: _____ Int: _____
 - iv. Request an oral or written response Date: _____ Int: _____
 1. let them know they may respond at a later date
 2. let them know they may consult with an advisor
 - e. Make available a *summary* of the accused's response to the alleged victim for comment. Date: _____ Int: _____
 - f. Seek to substantiate the allegation and ascertain sufficient reason for pursuing or not pursuing the allegations further. Date: _____ Int: _____
4. PREPARING THE REPORT:
 - a. Used for future
 - b. Reports should make a finding regarding each and every claim

- c. Reports should support the finding with credible evidence
 - d. Church may be well served by conferring with counsel to ensure the proper steps are being taken in adequately documenting the record.
5. CONCLUSIONS:
- a. Make available a *summary* of the findings to the complainant and the accused. Date: _____ Int: _____
 - i. Should include summary of the investigative findings, and recommended action, rather than a full copy of the report.
 - ii. Be consistent
 - iii. All copies of written harassment investigation reports should only be disseminated on a very limited “need to know” basis.
 - iv. Confidentiality needs to be provided, but should not be promised.
 - b. Sufficient Cause:
 - i. Inform the complainant Date: _____ Int: _____
 - ii. Inform the accused of evidence and right to counsel Date: _____ Int: _____
 - iii. Determine which of the following actions should be taken:
 - 1. Apology to complainant
 - 2. Oral Reprimand (Include a copy of statement)
 - 3. Written warning (Include a copy)
 - 4. Counseling
 - 5. Transfer or reassignment
 - 6. Demotion
 - 7. Adjustment of salary or Bonus
 - 8. Suspension
 - 9. Discharge
 - c. Insufficient Cause or No Violation:
 - i. Inform the complainant Date: _____ Int: _____
 - 1. Let them know that evidence will be preserved in a file.
 - 2. That you will investigate all future allegations.
 - 3. Encourage them to report any future allegations.
 - 4. Remind them of prohibition against retaliation
 - ii. Inform the accused Date: _____ Int: _____
 - 1. Let them know that evidence will be preserved in a file.
 - 2. That you will investigate all future allegations.
 - 3. Remind them of prohibition against retaliation
6. APPEALS:
- a. As a congregation you need to have an appeals process in place prior to a complaint. Make it available to complainant and accused. Date: _____ Int: _____
 - b. The appeals procedure should include:
 - 1. Set a reasonable timeframe for the appeal process.
 - 2. A policy that allows both the complainant and the accused to appeal is most consistent with principles of fairness. An appeals process that seems fair has the greatest chance of gaining acceptance from all concerned groups. In the absence of any state law on who is entitled to appeal, employers are free to determine their own policy.
 - 3. As with designating the investigator, there should be an established method for determining who will hear the appeal. It may be a designated individual or individuals, or a committee. Almost any approach is acceptable as long as it is fair. A procedure may also have more than one level of appeal. However, churches are cautioned against implementing an appeal process that will be too lengthy and cumbersome to implement.

4. An appeal need not be an evidentiary hearing. An appeals process that allows the complainant and accused to address the individual(s) hearing the appeal, however, has the greatest likelihood of acceptance. Additionally, parties have no right to legal or other representation at appeals.
5. As with the investigation report, the results and findings of the appeals process should be made in writing. The findings should be clearly stated and substantiated by the evidence. These findings form the basis for disciplinary action.

RESPONDING TO AND REPORTING CHILD ABUSE AND MISCONDUCT WITHIN THE CHURCH

When an allegation of child abuse or misconduct arises the following steps will help you address the situation:

1. REMEMBER:
 - a. Don't panic
 - b. Take the allegation seriously
 - c. Don't speak badly of the alleged abuser
2. REPORT:
 - a. IF CLERGY:
 - i. Report the allegation to DSS (803)-833-0100 Date: _____ Int: _____
 - ii. report the allegation to the Synod Office Date: _____ Int: _____
 - b. IF LAY:
 - i. the allegation to DSS (803)-833-0100 Date: _____ Int: _____
 - ii. report the allegation to the Pastor. Date: _____ Int: _____
3. NOTIFICATION:
 - a. Notify the appropriate law enforcement agency
 - i. Cooperate fully with law enforcement and DSS Date: _____ Int: _____
 - b. Notify the Synod Office Date: _____ Int: _____
 - c. Notify the attorney for the congregation Date: _____ Int: _____
 - d. Notify parents/guardians of victim Date: _____ Int: _____
 - e. Notify the accused staff member immediately Date: _____ Int: _____
 - i. The accused must be removed from any contact with children and youth.
4. PROCESS:
 - a. Listen to and record what you are being told. Date: _____ Int: _____
 - i. Don't elicit more information than what is being given
 - b. Do not confront the alleged abuser
 - c. Keep a written record of the steps taken by the church Date: _____ Int: _____
 - i. Keep this information confidential
 - d. Designate a spokesperson: pastor, attorney, lay person, etc. Date: _____ Int: _____
 - i. Name: _____
 - ii. Address: _____
 - iii. City, State, Zip _____
 - iv. Phone: _____
 1. They should prepare a written statement for the media
 2. Answer questions honestly without adding extra
 3. May say, "I don't know at this time."
 4. They must maintain confidentiality
 - e. Prepare and brief and honest statement to the congregation Date: _____ Int: _____
 - i. No unnecessary details
 - ii. No placing blame
 - iii. No interfering with victim's privacy or violating confidentiality
 - iv. No identification
 - v. Include actions taken to ensure safety of others
 - vi. Should dispel rumors
 - vii. Should assure everyone that everything possible is being done to provide safety to all victims and the safe continuation of the church's ministry
 - viii. All copies of statements should be filed Date: _____ Int: _____
 - f. Pastoral Care should be ongoing Date: _____ Int: _____
 - i. Including referrals. Date: _____ Int: _____

RESPONDING TO AND REPORTING CHILD ABUSE FROM WITHIN THE HOME

When an allegation of child abuse or misconduct arises the following steps will help you address the situation:

1. REMEMBER:
 - a. Don't panic
 - b. Take the allegation seriously
 - c. Don't speak badly of the alleged abuser
 - d. Make sure the child knows that you still like them and that this isn't their fault.
 - e. Find a place where you can speak privately, & remain in site of others. Date:_____Int:_____
2. REPORT:
 - a. Report the allegation to DSS (803)-833-0100 immediately. Date:_____Int:_____
 - b. Report the allegation to the Senior Pastor, but first encourage the child to tell the Senior Pastor his/herself. This is not required, and the child should be told this will happen. Date:_____Int:_____
 - c. Never promise not to tell a secret before you know what the secret is.
 - d. Inform the child that you must tell the Pastor and DSS.
 - i. Be honest with them, and assure them that you will only tell those that you absolutely have to.
3. PROCESS:
 - a. Listen to and record what you are being told. Date:_____Int:_____
 - i. Don't elicit more information than what is being given
 - b. Do not confront the alleged abuser
 - c. Pray for the family
 - d. Keep this information confidential
 - e. Pastoral Care should be ongoing Date:_____Int:_____
 - i. Including referrals. Date:_____Int:_____

BIBLIOGRAPHY

The following materials were read, combined, added to, and adapted to help create this manual.

- 1) SC Synod: Guidelines for Protective Procedures on Misconduct of a Sexual Nature
 - a) Submitted by: Ministry Team for Congregational Life (May 2004)
- 2) Abiding Christ Lutheran Church, Fairborn, Ohio (Rev. June 2002)
- 3) Central Congregational Church (United Church of Christ) Chelmsford, Massachusetts (May, 2003)
- 4) Long Lake Lutheran Church, Sarona, Wisconsin
- 5) Interview Questions found on pages 20-25 were taken/adapted from Indiana University Bloomington Libraries: <http://www.indiana.edu/~libpers/interview.html> accessed April 6, 2005.
- 6) National Clearinghouse on Child Abuse and Neglect:
 - a) Check list on pages 41-43 taken from <http://nccanch.acf.hhs.gov/pubs/usermanuals/educator/educatorj.cfm> accessed April 6, 2005.
The headings were the only parts of the material changed for the purposes of this book. The material on the web page was cited as:
 - i) ¹ Crosson-Tower, C. (2002). How can we recognize child abuse and neglect? In *When children are abused: An educator's guide to intervention* (pp. 8–34). Boston, MA: Allyn and Bacon.
 - b) SC Law Definitions found on pages 5-9, 26 taken from <http://nccanch.acf.hhs.gov/general/legal/statutes/search/searchresults.cfm> accessed April 6, 2005. Nothing was altered or adapted.
- 7) Lutheridge + Lutherock Staff Resources Manuals (2001-2003)

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