Rejoice Lutheran Church
Safe Environment Policy

(adopted 11/1/2009)

1. INTRODUCTION:

As Christian adults, we have a moral and legal responsibility and are entrusted by God with the spiritual, emotional and physical well-being of minors and vulnerable adults. As they participate in activities within or sponsored by Rejoice Lutheran Church, it is our responsibility and commitment to provide an environment which is safe and nurturing.

We are a "zero tolerance" church community. All complaints are heard, verified complaints are acted upon, and misconduct has consequences.

Everyone in our church community, including volunteers, staff and pastor of Rejoice Lutheran Church is responsible not only for teaching children our Lutheran faith, they are also responsible for the safety and security of children under their care. As such, everyone associated with Rejoice Lutheran will be responsible for understanding and following the procedures outlined herein. In a like manner, the same responsibilities are held true in dealing with any individual that is associated with Rejoice Lutheran.

2. PURPOSE:

The Rejoice Lutheran Church Congregation Council has formally adopted this policy as currently amended for the following purposes:

- To prevent abuse of any minor or vulnerable adults under the care of the Rejoice Lutheran Church community.
- To prevent any minor or vulnerable adults from being subjected to any form of harassment – verbal, nonverbal, electronic means, or physical; including sexual misconduct.
- To provide a safe and secure environment for all minors and vulnerable adults.
- To reduce the possibility of any false accusations against any of the church community.
- To assist the church in evaluating a person's suitability to work with minors and vulnerable adults..
- To satisfy the concerns of parents that a thorough screening process is followed before any minor or vulnerable adult is left in the care of any individual of the church community.
- To provide a written procedure that will respond to the victims and their families, as well as the accused.
- To reduce the risk exposure of the church and the Northern Texas-Northern Louisiana Synod.

3. DEFINITIONS

Abuse means any form of intentional or malicious infliction of injury to the detriment of a minor or vulnerable adult's physical, moral, or mental well being.

A minor means all persons under the age of eighteen.

Church personnel means any pastor, employee or volunteer working in or on behalf of the Rejoice Lutheran Church.

Church community means any member, regular attendee, volunteer, staff, and the pastor of Rejoice Lutheran Church.

Congregation Council Executive Committee means the Congregation President, Vice-President, Secretary and Treasurer.

Response Team means a three or more member committee appointed by the Congregation Council to respond immediately in the event of any report of abuse or misconduct. Our Stephen's Ministry Team may serve in this role.

Safety Committee means a three member committee appointed by the Congregation Council, including the Safety Officer, who is proactively responsible for implementing and ongoing review of this Safe Environment Policy. The Safety Committee shall include the Congregation's President.

Safety Officer means the individual appointed by the Congregation Council who oversees the enforcement of this Safe Environment Policy, including the "running" of background checks.

Sexual misconduct means any form of sexual conduct that is unlawful; that is contrary to the moral instructions, doctrines, and canon law of the Evangelical Lutheran Church in America; or causes mental or physical injury to another. It includes but is not limited to sexual abuse, sexual harassment or sexual exploitation.

Synod means the Northern Texas–Northern Louisiana Synod, including but not limited to its congregations, schools, agencies, and institutions with direct accountability to the Bishop of the Northern Texas–Northern Louisiana Synod.

Volunteer means any unpaid person engaged in or involved in a church activity, and who is entrusted with the care and supervision of minors, and/or persons engaged or involved in ministry who have regular individual contact with vulnerable adults.

Vulnerable adult means any person age 18 and older with a reduced mental capacity, or an adult who is emotionally vulnerable, or an adult incapable of independent living.
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4. REQUIREMENTS

The Rejoice Lutheran Church Congregation Council shall:

- Appoint the Safety Officer and review the appointment annually.

- Form a Safety Committee to review its membership annually, and insure it remains active in its assigned duties.

- Form a Response Team to review its membership annually, and insure it remains active in its assigned duties.

5. SCREENING PROCEDURES

The following screening procedures are to be used with all of the church community who intend to work with minors and vulnerable adults:

- They shall fill out the appropriate screening release form authorizing approved Safety Committee to run complete background checks, including criminal history.

- They shall also fill out the appropriate reference check form listing not less than three non-related personal references and authorizing the Safety Committee to contact said individuals.

- The Safety Committee shall be responsible for conducting the personal reference checks and background checks. All information gathered shall be put in writing in retained for a period of not less than 10 years. The Safety Committee shall report any significant finding to the Congregation Council Executive Committee.

6. CONFIDENTIALITY

Like all personnel records, information obtained through the screening process, Employment Application, Reference Information, Interviews, Background Check, etc. will be kept confidential. Background check documents will be marked conspicuously as "Classified Original Document – No Copies Allowed". Classified documents will be stored in a locked cabinet accessible only to the members of the Safety Committee. Access to these documents will be granted on a need to know basis. Need to know would be defined as situations where a background check reveals data that would indicate this person might present a risk to those being protected. Access would be made available to any legal counsel representing Rejoice Lutheran in the event of a claim against the Church.

7. TRAINING PROCEDURES

The church Safety Committee ;

- Will provide each new worker (paid or volunteer) with a copy of this Safe Environment Policy. Each worker is required to read the policy and sign the acknowledgment form.

- Will provide annual training to staff and volunteer workers on safety issues. Training material recommended by the ELCA can be found at www.elca.org and www.churchmutual.com.

- Will insure that education and counseling opportunities are to be made available to church personnel as part of the church's continuing education and training.

8. SUPERVISION PROCEDURES

Have no less than two unrelated adults present at all events, programs, activities, outings, trips, etc. involving minors and vulnerable adults except during transport involving multiple personal vehicles.

The Safety Committee shall arrange for the monitoring of church facilities during services, Sunday school, or other on site activities involving minors.

Obtain written parental permission, including a signed medical treatment form, before taking minors on trips or outings of more than four hours duration or participation in an athletic event or other activity that involves potential risk.

Drivers for any outing or trip involving minors must be at least 21 years of age, unless all occupants are of the same household as the driver.

Have minors use a "buddy system" whenever they go on trips away from church property.

All adult leadership and sponsors should be approved in advance by the Safety Committee for any overnight activities involving minors or vulnerable adults.

9. BEHAVIORAL GUIDELINES FOR WORKING WITH MINORS

All clergy, staff and volunteers of the church will observe the following guidelines for dealing with minors:

- Do not provide minors with alcoholic beverage, tobacco, drugs or anything that is prohibited by law.

- Do not sponsor, endorse or serve as chaperone for activities that conflict with curfews laws pertaining to minors.

- Touching should be age appropriate and based on the need of the minor and not on the need of the adult. Avoid all physical contact when alone with a minor. If a minor initiates physical contact, an appropriate, limited response is proper.

- Do not engage in the physical discipline of a minor. Discipline problems should be handled by the parents or guardians of the minor.

- Do not be alone with a non-related minor at any time except as noted below.

- Do not sleep in the same bed with a minor. If an adult supervisor stays in a hotel or other sleeping room with a group of minors, the supervisor should sleep in his or her own bed using a roll away or cot if necessary. Adults must be the same sex as the minors in the room. Boys and girls should be always housed in separate rooms.

- Topics, vocabulary, recordings, films, games or the use of computer software or any other form or personal interaction or entertainment that could not be used comfortably in the presence of parents should not be employed with minors. Sexually explicit or pornographic material is never appropriate.

- Do not administer medication of any kind without written parental permission. Medical instructions should be requested for any trip or outing that is expected to be more than four hours duration.

- If you recognize inappropriate personal or physical attraction developing between yourself and a minor, maintain clear professional boundaries between yourself and the minor or refer the minor to another adult supervisor.

- If one-on-one pastoral care of a minor should be necessary, avoid meeting in isolated environments. Schedule meetings at times and use locations that create accountability. Limit both the length and number of sessions, and make appropriate referrals.

- Do not give minors keys to church facilities..

- Do not take photographs of minors while they are unclothed or dressing (e.g., in a locker room or bathing facility).

- If you observe anyone (adult or minor) abusing a minor or vulnerable adult, take appropriate steps to immediately intervene and to provide a safe environment for the minor. Report the misconduct (see Reporting Procedures).

10. DISQUALIFYING OFFENSES

The Safety Committee has full discretion in approving or disapproving any individual to serve in any capacity with minors or vulnerable adults based on any disqualifying offense and/or any unsatisfactory references or other relevant facts.

No person may serve with minors or vulnerable adults if he or she has ever been convicted of any disqualifying offense, been on probation or received deferred adjudication for any disqualifying offense, or has presently pending any criminal charges for any disqualifying offense until a determination of guilt or innocence is made, including any person who is presently on deferred adjudication.

Disqualifying offenses are:

1. A felony classified as an offense against the person or family or involves an offense against the person or family.

Examples: Offenses against a person include, but are not limited to, murder, assault, sexual assault, and abandoning or endangering a child. Offenses against the family include, but are not limited to bigamy, incest, interference with child custody, enticing a child, and harboring a runaway child.

2. A felony classified as an offense against public order or indecency.

Examples: Offenses against public order or indecency include, but are not limited to prostitution, obscenity, sexual performance by a child, possession or promotion of child pornography, and disorderly conduct.

3. A felony violation of any law intended to control the possession or distribution of any substance included as a controlled substance in the Texas Controlled Substance Act.

4. A misdemeanor classified as a sexual assault, indecency with a child, injury to a child, abandoning or endangering a child, sexual performance by a child, possession or promoting child pornography, enticing a child, bigamy or incest.

11. REPORTING PROCEDURES

There is a mandate to report any allegations or violations under this policy of Rejoice Lutheran Church Safety Officer or a member of the Safety Committee.

Rejoice Lutheran community, has numerous daily contacts with minors and vulnerable adults. It is, therefore, most important that all persons responsible for the care of minors and vulnerable adults protect the rights of said minors and vulnerable adults and be alert to the possibility for abuse and/or misconduct. It is the policy of the Rejoice Lutheran Church, not only to fulfill the reporting law, but to cooperate fully with the investigating authorities.

Individuals are urged to report incidents or suspicions of sexual misconduct or sexual harassment. Situations involving minor children should be reported to Texas Child Protection Services at 1-800-252-5400 or in emergency to the appropriate police authority.

The Safety Committee, with knowledge about violations of this church policy, shall contact the Bishop’s office of the Northern Texas–Northern Louisiana Synod

A report to the Synod does not relieve the individual from reporting child abuse as required by the Texas State Law.

The Texas law is very specific on reporting suspected child abuse:

§ 261.101. Persons required to report; time to report, the Texas Family Code, states:

a) A person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect by any person shall immediately make a report.

b) If a professional has cause to believe that a child has been or may be abused or neglected, the professional shall make a report not later than the 48th hour after the professional first suspects that the child has been or may be abused or neglected. A professional may not delegate to or rely on another person to make the report. In this subsection "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, and day-care employees.

c) The requirement to report under this section applies, without exception, to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, or a mental health professional.

d) The identity of an individual making a report under this chapter is confidential and may be disclosed only on the order of a court or to a law enforcement officer for purposes of conducting a criminal investigation of the report.

§ 261.106. Immunities, states:

a) A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report petition or investigation of alleged child abuse or neglect is immune from civil or criminal liability.

12. INSPECTION PROCEDURES

The Safety Committee will conduct Facility Safety Inspections as frequently as appropriate and at minimum on an annual basis. Any inspections by the city fire marshal's office shall be accompanied by a member of the Safety Committee.

13. RESPONDING PROCEDURES

Responding to a Personal Accusation of Misconduct:
If you are accused of engaging in inappropriate conduct, immediately notify the Synod, the Pastor and President of the Congregation Council.

Responding to a Legal Investigation
If you are accused of engaging in a crime with respect to your church duties, obtain proper legal assistance before making any comments to any investigator. Notify the Synod, the Pastor and President of the Congregation Council of any investigation so that appropriate action can be taken.

Responding to the Media

Any news media inquiries regarding allegations of child abuse or sexual misconduct by Church personnel should be directed to the Synod. In keeping with the above stated policies, the Synod is committed to dealing with alleged incidents of child abuse and/or other forms of sexual misconduct in an open and responsible manner. At the same time, in light of the permanent harm that can result from such allegations, especially if they ultimately prove to be unfounded, the Synod respects the strict confidentiality and privacy of all persons who are involved in such incidents.

14. CRITERIA FOR REMOVING CLERGY, EMPLOYEES AND VOLUNTEERS

In cases involving allegations of child abuse or sexual misconduct by Church personnel, it is the policy of Rejoice Lutheran Church:

- To respond promptly to all allegations of abuse where there is reason to believe such abuse may have occurred.
- If such allegations are supported by sufficient evidence, to relieve the alleged offender promptly of any duties and refer the person for appropriate medical evaluation and intervention.
- Comply with the obligations of civil law as to the reporting of the incident and cooperating with the investigation.
- Reach out to victims and their families and communicate our sincere commitment to their spiritual and emotional well being.
- Within the confines of respect for the privacy of the individuals involved, deal as openly as possible with members of the Church community.

15. THE APPEAL PROCESS

Any person who applies and is not accepted or is released as a member of the clergy, an employee or a volunteer, for any reason under these guidelines, will have a right of appeal as set forth in the Appeal Process.

If non-acceptance is based on the criminal background check for clergy, employees and volunteers, the applicant shall be given the name and address of the agency reporting the criminal history of such applicant, so that he or she will have the opportunity to obtain a similar report from such agency. In the event that such report is obtained by the applicant and he or she reasonably believes that an error has been made by the reporting agency or independent agent, then, upon written request, a second criminal background check shall be obtained and the application reconsidered.

Any person who has been relieved of their responsibilities due to a report of misconduct under this policy shall have a right to appeal to the Congregation Council.

16. RELATED POLICIES AND GUIDEANCE FROM THE EVANGELICAL LUTHERAN CHURCH IN AMERICA

All forms of sexual misbehavior by clergy and lay leaders with church members are unacceptable within the life of the church. The church should be a safe place where people can worship, learn, work, love, and receive care in a manner that is free from misconduct.

Early in the life of the Evangelical Lutheran Church in America, this church expressed clearly its intention to take whatever measures it could to help prevent abuse and misconduct within the ELCA. In other words, the church is 'Called to be a Safe Place'.

The ELCA has published specific policies addressing misconduct in our Church, "Called to be a Safe Place" on its web site, www.elca.org. That policy is incorporated herein by reference.

17. ACKNOWLEDGMENT

This Safe Environment Policy has been prepared to insure the safety of minors and vulnerable in Rejoice Lutheran Church. The church council reserves the right to make changes in the content or application or this policy and to implement those changes with or without notice.

I have received a copy of the Safe Environment Program for Rejoice Lutheran Church. I understand it is my responsibility to become familiar with and adhere to the policies and procedures contained therein. I understand that this manual is the property of the Rejoice Lutheran Church.

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Signature

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Date