

“SAFE CONGREGATION”

Statement and Policies and Procedures

**ST. MARK’S LUTHERAN CHURCH
SAN FRANCISCO, CALIFORNIA**

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“Safe Congregation” Statement

In recognition of the spiritual and public trust given to this faith community, St. Mark’s Lutheran Church in San Francisco, CA is committed to being a true sanctuary, both nurturing and protecting its members and visitors. Worship of God requires openness, trust, intimacy, vulnerability and a safe, supportive community. Abuse and harassment are, therefore, violations of the faith shared by this congregation. Accordingly, the congregation will maintain official policies and procedures with the goal of preventing any instances of abuse, intervening appropriately into alleged incidents of abusive behavior, and caring for all involved. These procedures will be reviewed and amended as necessary by the Church Council to correspond to changes in civil law and the congregation community.

January 30, 2005

Background

The “Safe Congregation” Task Force, established by the Education Committee and authorized by the Church Council of St. Mark’s Lutheran Church, San Francisco, has worked to develop policies and procedures to keep our congregation a safe place for our members, especially children, youth, elders, and dependent adults.

Fortunately, our work was not initiated in response to problems within our congregation, but was prompted by an awareness of situations arising in other churches where abuse of children, youth, elders or dependent adults by paid and volunteer staff has occurred.

We have been guided in this process by experts in the field, and by the experience of other congregations that have adopted similar policies. These policies and procedures are designed to enhance our service to Christ and the community.

At the same time we have been designing policies and procedures for St. Mark’s Lutheran, our liability insurance provider developed new requirements for churches. We have been able to incorporate our desire for a safe congregation with the insurance requirements.

Our liability insurance policy requires the following.

- A national and statewide criminal background check must be done on all paid employees, both current and new.
- A criminal background check must be done on all volunteers who have regular, ongoing contact with children and youth in small groups, counseling situations, camps, overnights, daycare and schools. Sunday School teachers and youth group volunteers are not required to have criminal background checks under the current guidelines, unless they are involved in a nursery, a school overnight activity involving minors, counseling of minors, or one-on-one mentorship of minors. Volunteer van or bus drivers who transport

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children or youth would need to have a state criminal or state sexual offender check completed because of the higher potential for isolation in a van or bus.

- A new volunteer in a program involving children or youth must have a six-month waiting period in the congregation before being allowed to interact alone with a group of children or youth.
- We must have a written policy that outlines the prevention of and response to sexual misconduct in the church.
- We will not allow a child or youth to be alone in a one-on-one situation with an adult, including a pastor, on the church premises, or in any sponsored activity, unless it is a counseling situation with the parents’ permission. A “two-adult” rule is our goal when working with children and youth. During group activities an adult present in a supervisory role, checking into class and meeting rooms, serves as a second adult.

Staff and volunteers will be trained in the details of the policies and procedures. We of St. Mark’s Lutheran Church are motivated because we are entrusted with the spiritual, educational and moral development of our children and youth.

The “Safe Congregation” Policies and Procedures have been adapted from the work of Dr. Kibbie Ruth of Kyros Ministry, the St. Mark’s Lutheran Church Employee Handbook, Policy 99-001 “Statement of Policy Regarding Sexual Misconduct by Members of the Clergy and Rostered Laypersons” adopted by the Sierra Pacific Synod, as well as policies from Hope Lutheran Church in San Mateo (2000), Los Altos United Methodist Church (1996), the National Center on Elder Abuse (NCEA), and recommendations from GuideOne Insurance Company.

The “Safe Congregation” Policies and Procedures are intended solely for the use of St. Mark’s Lutheran Church in performing its functions as a religious body. It is not a contract, agreement, promise, or undertaking by the Church to do or refrain from doing anything. It is not intended that the Policies be imposed as rigid law, binding the Church or others; rather, the Policies must be interpreted and applied compassionately in accordance with the theological and Biblical principles of the Gospel. Any actions or decisions by the Church in connection with the Policies are to be undertaken at the Church’s sole discretion, in accordance with the theology and ecclesiology of the ELCA, and in the exercise of St. Mark’s Lutheran Church’s constitutional rights as a religious body.

Definitions

What is child abuse?

What is elder/dependent adult abuse?

What is sexual harassment?

What is clergy misconduct?

See Attachment 1. Liability Insurance Requirements 1-6

Child Abuse

- **Physical abuse** is the deliberate physical injuring of a child.
- **Sexual abuse** is the involvement of a child in any sexual acts or situation for the gratification or benefit of another.

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- **Emotional abuse** is a pattern of behavior that impairs a child’s emotional development or sense of self-worth. This may include constant criticism, threats, or rejection, as well as withholding love, support, or guidance. Emotional abuse is often difficult to prove and therefore, Child Protective Service (CPS) may not be able to intervene without evidence of harm to the child. Emotional abuse is almost always present when other forms are identified.
- **Neglect** is failure to provide for a child’s basic needs, including food, clothing, shelter, health care, psychological nurturing, education, supervision, or other basic necessities. These situations do not always mean a child is neglected. Sometimes, cultural values, the standards of care in the community, and poverty may be contributing factors, indicating the family is in need of information or assistance. When a family fails to use information and resources, and the child’s health or safety is at risk, then child welfare intervention may be required.

Elder or Dependent Adult Abuse

Elder or dependent adult abuse is a term referring to any knowing, intentional, or negligent act by a caregiver or any other person that causes harm or a serious risk of harm to a vulnerable adult. The specificity of laws varies from state to state, but broadly defined, abuse may be:

- Physical abuse – Inflicting, or threatening to inflict, physical pain or injury on a vulnerable elder or dependent adult, or depriving them of a basic need.
- Emotional abuse – Inflicting mental pain, anguish, or distress on an elder or dependent adult through verbal or nonverbal acts.
- Sexual abuse – Non-consensual sexual contact of any kind.
- Exploitation – Illegal taking, misuse, or concealment of funds, property, or assets of a vulnerable elder or dependent adult.
- Abandonment – The desertion of a vulnerable elder or dependent adult by anyone who has assumed the responsibility for care or custody of that person.

Sexual and Other Unlawful Harassment

“St. Mark’s Lutheran Church is committed to providing a work environment that is free of discrimination and unlawful harassment. Action, words, jokes or comments based on an individual’s sex, sexual orientation, race, ethnicity, age, religion or any other legally protected characteristic now or in the future will not be tolerated. As an example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, emotionally damaging, undermines the integrity of the employment relationship and is strictly prohibited.

Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to the Pastor(s). If the Pastor(s) is unavailable, or the employee believes it would be inappropriate to contact that person, the employee should immediately contact any member of the Human Resources Committee. The chair of the Church Council or the Office Manager will provide the names of the chair or other members of the Human Resources Committee. Employees can raise concerns and make reports without fear of reprisal.

A Pastor(s) who becomes aware of possible sexual or other unlawful harassment should promptly advise any member of the Human Resources Committee who will investigate and remedy the matter in a timely and confidential manner. **“St. Mark’s is required by law to formally investigate and remedy as appropriate any and all reports of sexual harassment. Anyone engaging in sexual or other unlawful harassment will be subject to**

disciplinary action, up to and including termination of employment." *St. Mark's Lutheran Church Employee Handbook (Version: January 1, 2001)*

Sexual Misconduct by the Clergy and Rostered Layperson Not Employed by the Synod

Please see Attachment 2, "Policy 99-001 - Statement of Policy Regarding Sexual Misconduct by Members of the Clergy and Rostered Laypersons Not Employed by the Synod."

Reporting

Reporting Suspected Child Abuse

According to California's Child Abuse and Neglect Reporting Act, paid professional staff in the church, are required to report **suspected child abuse** to law enforcement and/or child protective services. This includes pastors and paid nursery staff and any other paid youth workers.

The California Institute on Human Services, Sonoma State University offers free online training on "Child Abuse Mandated Reporter Training." This can be accessed at www.cattacenter.org. This training includes an overview of California child abuse reporting laws, indicators of child abuse and neglect, and reporting procedures. There are profession-specific training modules for clergy, educator, and childcare providers.

Because volunteers are not paid professionals or childcare custodians as defined in the Child Abuse and Neglect Reporting Act, **volunteers are not mandated reporters**.

However, any individual who has reason to suspect abuse, or is aware of a potentially unsafe condition that could lead to abuse, should immediately report that information to the Lead Pastor, or if not available, the Associate Pastor. The individual may be asked to complete a written report describing the basis for his or her concern. They may also choose to make a telephone report to law enforcement and/or child protective services.

A review of the reported abuse or potentially unsafe condition will be conducted by the following: the Lead Pastor, the direct supervisor of the area of ministry involved, the staff member to whom the report was initially made (if not one of the above), and a member of the Human Resources Committee or council member designated by the Council President. These individuals may consult with others, including legal counsel, as needed. The mandated reporter then must report to law enforcement and/or child protective services. "Second-hand" information is reportable.

See Attachment 12. "Reducing the Risk" Application checklist to be completed by Clergy/Professional Staff Persons

Reporting Elder/Dependent Adult Abuse

"Each of us has a responsibility to keep vulnerable elders safe from harm. The laws in most states require helping professions in the front lines – such as doctors and home health providers – to report suspected abuse or neglect. These professionals are called mandated reporters. Under the laws of eight states, 'any person' is required to report a suspicion of mistreatment. Call the police or 9-1-1 immediately if someone you know is in immediate, life-threatening danger. If the danger is not immediate, but you suspect that abuse has occurred or

is occurring, please tell someone. Relay your concerns to the local adult protective services, long-term care ombudsman, or police.” *National Center on Elder Abuse (NCEA)*

Clergy in California are mandated reporters of abuse of elder and dependent adults.

See Attachment 12. “Reducing the Risk” Application checklist to be completed by Clergy/Professional Staff Persons

Reporting Clergy Sexual Misconduct:

See Attachment 2, “Policy 99-001 - Statement of Policy Regarding Sexual Misconduct by Members of the Clergy and Rostered Laypersons Not Employed by the Synod.”

Criminal Background Check

Primary screening procedures

Primary screening procedures are established for workers, who, in the normal course of their duties, are expected to be alone for any period of time with one or more children, or work in a supervisory capacity at our facility. This includes, but is not limited to pastors, associates in ministry, paid youth workers and directors, and paid nursery staff.

When selecting child/youth workers, we cannot guarantee that an individual will be an effective and safe youth leader, but the selection process helps us gather information to make an informed decision. Therefore, we ask the following.

- All new paid staff will complete the **Child/Youth Worker Registration** form before they begin work with children or youth. *See Attachment 3*
- Potential child and youth workers will provide two references who are acquainted with the applicant’s work with children and youth. See **St. Mark’s Lutheran Church Reference Check Form**. *See Attachment 6*
- The direct supervisor of the program area in which the applicant has interest will conduct an interview with the potential worker.
- Paid staff, age 18 and over, participating in St. Mark’s child or youth ministries must be checked through a criminal background check for convictions for sexual or physical abuse, felony drug conviction, and felony convictions for violent crimes. No one will be accepted who has had a criminal sexual or physical abuse violation.
- Through a relationship with ChoicePoint, St. Mark’s receives a discounted price for national and statewide criminal background checks at **ScreenNow** by using the promotional code “G1.” For more information on this service, please visit www.guideonecenter.com.
- Statewide screening can be done through local law enforcement offices and is available online under “Megan’s Law” at www.meganslaw.ca.gov. No permission is required to do this screen. *See Attachment 5*

Secondary screening procedures

Secondary screening procedures are established for workers who are not expected to be alone with children. This includes, but is not limited to, Vacation Bible School leaders and workers, Sunday School teachers and assistants, choir directors, confirmation leaders, administrative assistants, and janitors. For these individuals, we ask that the following be done.

- Volunteers must be actively involved in the congregation for at least six months before applying for a position in which they are expected to be alone for any period of time with one or more children.
- Volunteer and staff should complete the **Child/Youth Worker Registration** form before they begin work with children or youth. *See Attachment 3*
- Potential child and youth workers should provide two references who are acquainted with the applicant's work with children and youth. *See St. Mark's Lutheran Church Reference Check Form. See Attachment 6*
- The direct supervisor of the program area in which the applicant has interest will conduct an interview with the potential worker.
- Volunteers and staff, age 18 and over, participating in St. Mark's child or youth ministries may be checked through a criminal background check for convictions for sexual or physical abuse, felony drug conviction, and felony convictions for violent crimes. No one will be accepted who has had a criminal sexual or physical abuse violation.

Review of Screening and Interviews

Whether disclosed voluntarily or by result of the security background check, the following items will automatically disqualify a volunteer or paid staff person from participating in the leadership, sponsorship or supervision of any activities or programs with minors.

Any charges or convictions for:

- Criminal homicide
- Aggravated assault
- Crimes related to the possession, use or sale of drugs or controlled substances
- 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 or unlawful restraint
- Public lewdness or indecent exposure
- Enticing a child
- Any other crime the Human Resources committee deems unacceptable at its discretion.

All charges or convictions for these crimes or charges or convictions for any other crimes not listed above will be reviewed by the Human Resources Committee members who are trained in interpretation of the criminal history record transcript and approved by the church for reviewing applicant transcripts. Only members of the Human Resources Committee, the Lead Pastor and/or the Council President or designees may view information obtained on the criminal history record transcript.

See Attachment 8. “Tips on Things to Look for When Conducting an Interview”

Record Keeping

The following materials will be kept on file for all child and youth workers.

- Child/Youth Worker Registration forms, including documentation of interview and references
- Documentation of training, for primary workers
- Results of criminal records check, for primary workers.

See Attachments 6, 9, 10, 13 and 14

Security of Records

Records on child/youth workers will be kept confidentially in a locked file in the Lead Pastor’s office. They will be available only to direct supervisors of the program areas on a need-to-know basis. Access is only with permission of the Lead Pastor, who is our “Custodian of Records.” *See Attachments 9,10 and 13*

Responsibility for Maintaining Records

Direct Supervisor of Program Areas – Each direct supervisor of program areas covered by the Safe Congregation Policy will do the following:

- For each child/youth worker under his or her supervision, collect and compile the materials to be kept on file (with the exception of results of the criminal record check) and give these to the Custodian of Records for filing.
- When requested, provide the Human Resource Committee with a list of all child/youth workers under his or her supervision.

Policy Compliance

The designate of the Church Council will conduct an annual audit on or before annually to ensure that all responsible personnel are compliant with this policy.

Training Staff and Volunteers Who Work With Children and Youth

Volunteers and staff who have been accepted to work with youth in a primary capacity will receive training which includes the following.

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- A description of the background of the issue and why churches need to be involved,
- A description of St. Mark’s Safe Congregation Policy, including the procedure defined for reporting suspected abuse,
- An explanation of the expectations of persons who work with children and youth, and
- Basic information about child abuse and neglect so that these persons can understand the issues and be alert to signs of abuse in the children and youth with whom they work.

Primary workers must attend at least one training session every three years.

Support for Involved Parties

Because we believe that each person is a beloved child of God, St. Mark’s Lutheran Church will provide appropriate support to all parties involved in any allegation of abuse: the child or youth and parents, the elderly or dependent adult, the accuser and the accused.

Supervising Child and Youth Workers

- The two-adult rule is our goal when working with children and youth. Situations in which an adult is completely alone with one or more children are to be avoided.
- During Sunday School, Confirmation, mid-week programs, VBS, etc., an adult present in a supervisory role, checking into class and meeting rooms, serves as a second adult.
- Counseling should be as confidential as possible without sacrificing safety.
- Planned individual contact outside the church building should occur only in public places and with the prior consent of the minor and parent or guardian.
- A door without windows shall remain open at all times.
- Use a “check-in/check-out” procedure for all kindergarten aged children and younger.

Expectations of Volunteers and Staff

Each volunteer or staff member working with youth at St. Mark’s Lutheran Church is expected to

- be a role model for youth,
- organize meaningful experiences,
- adhere to the specific guidelines developed for his/her position, including the *Covenant for Working with Children and Youth, Attachment 7*.

Standards of Behavior

In addition to the above expectations, St. Mark's Lutheran Church has developed standards of behavior for all individuals working with children and youth on behalf of our church. The standards are designed to protect youth, adults, families, and the church.

A. Positive Discipline

Discipline used in church activities should be positive, respectful, and caring. Physical punishment and emotional abuse are not permitted. Volunteers and staff should be alert to the physical and emotional health of the children and youth with whom they work.

B. Open Door Policy

Staff and volunteers should work with youth in reasonably open places where others are welcome to enter – not behind closed or locked doors. Parents and guardians are always welcome to attend classes, rehearsals, practices, programs, meetings, and events.

C. Transportation

Transportation to and from events is the responsibility of the families. Drivers should be accompanied by a second adult when dropping off or picking up minors, unless prior approval has been obtained from the parent or guardian. Safety of the child is always the paramount consideration.

D. Respect of Privacy

Adult leaders and staff need to respect the privacy of minors and intrude only when health and safety require. Situations requiring privacy include using rest rooms, changing clothes, and taking showers. Adults need to protect their own privacy in similar situations.

E. Overnight Accommodations

A minimum of two adult leaders should be present at any overnight activity. If youth participants include males and females, ideally the adult leaders would be males and females. If this condition cannot be met, the event will proceed only upon approval of the direct supervisor of the program area. When minors and adults must share a tent, bedroom, or hotel room for the sake of safety and/or cost-efficiency, parents will be informed ahead of time. An adult should not occupy the same bed as a minor.

F. Housing

When private homes are used for overnight events, the program staff member will make final approval of all adults involved as hosts, hostesses, and chaperones. At least two youth will be assigned to each home.

G. Sexual Activity

No sexual activity is permitted between adults and minors. Sexual comments or jokes, the showing of sexual material, the exposure of sexual parts of the minor's body and/or the adult's body or other sexual behaviors are prohibited.

H. Tobacco and Alcohol

While supervising children and youth on behalf of St. Mark's Lutheran Church, adult leaders and staff should refrain from the use of tobacco and alcohol.

I. Illegal Substances and Firearms

The use or possession of illegal substances and/or firearms while supervising children on behalf of St. Mark's Lutheran Church is strictly prohibited.

J. Any other standard of behavior that may be instituted at the discretion of the Human Resources Committee as it deems necessary.

Policy Regarding Registered Sex Offender in the Congregation

A Registered Sex Offender is any person who has been convicted of a sexual offense and is now required to register his/her whereabouts with local law enforcement. “Megan’s Law” allows the public to have information about the whereabouts of Registered Sex Offenders. That information is available online at www.meganslaw.ca.gov. It is also available for some other states at www.nsopr.gov/

St. Mark’s Lutheran Church is a welcoming inner city church that both nurtures and protects its members and visitors. In the event that a known Registered Sex Offender is a visitor or member in the life of the congregation, the following policy will be used.

- 1 If the convicted sexual offense involves a member of the congregation, the Registered Sex Offender may be asked to leave the membership.
- 2 There will be consultation among all paid staff and key volunteers about the specific policy regarding the Registered Sex Offender.
- 3 There will be attention paid to limiting the exposure of the Registered Sex Offender to vulnerable populations.
- 4 Key church staff and volunteer staff will meet with the Registered Sex Offender to inform him or her of the specifics of the policy.
- 5 A Registered Sex Offender may be allowed to worship, but may be asked to worship in a setting that limits contact with vulnerable populations, i.e. not in a Youth Service.
- 6 A Registered Sex Offender’s participation in worship may be limited to exclude positions of authority, or assumed authority, such as ushering or any position of real or assumed authority over children or dependent adults.
- 7 There will be consultation with congregants who need to know about the status of the Registered Sex Offender and the congregation’s policy, i.e. with families of children or of teen-age youth, etc.
- 8 This policy is designed to avoid temptation, not to punish the Registered Sex Offender.
- 9 The Registered Sex Offender may be offered counseling and support by staff and/or volunteers in the congregation. They may also be given information about supportive services and counseling outside the congregation.
- 10 The congregation may make any other provisions deemed necessary to appropriately protect and care for members of the congregation.

Attachment 1 Liability Insurance Requirements 1-6

1. A **national** criminal background check must be run on all employees, *both existing and new*.

2. A **statewide** criminal or **statewide** sexual offender background check must be run on any and all volunteers, *both existing and new*, who are involved in a Nursery, a School, overnight activity with minors, counseling of minors, or one-on-one mentorship of minors.
 - For purposes of this rule, a minor is anyone under the age of 18.
 - The insured should run checks for each state a volunteer has lived in during the last seven years, at a minimum.
 - At a minimum, two references should be checked on all individuals. The references should be of an institutional nature, for example, former employers or other organizations at which the individual has volunteered, as opposed to personal friends or relatives. The person serving as a reference also should have known the individual for some length of time.
 - The objective of the new rules is to focus on those who have regular, ongoing contact with children and youth in small groups, counseling situation, camps, overnights, day cares, and school. This does not include those in large group settings (Sunday School, field trips with groups, etc.) or those who have occasional contact (a mother dropping off cookies or volunteers in the nursery during worship, for example.) Sunday School teachers are not required to have background checks under the current guidelines. Youth group volunteers are not required to have a criminal background check under the current guidelines, unless they are involved in a nursery, school, overnight activity involving minors, counseling of minors or one-on-one mentorship of minors. Volunteer van or bus drivers who transport children or youth would need to have a state criminal or state sexual offender check completed because of the higher potential for isolation in a van or bus.

3. The insured must have signed release forms on file for all employees and volunteers giving the insured's organization permission to perform criminal background checks.

4. The insured must have a six-month waiting period before new volunteers are allowed to interact with minors.

5. The insured must have in place a written policy that outlines the insured's risk management program for sexual misconduct, which includes documented procedures that address, at a minimum, how to respond to a sexual misconduct allegation.

6. The insured must never allow a minor to be alone with one adult on his or her premises, or in any sponsored activity, unless it is a counseling situation.

Attachment 2

Policy 99 - 001 Statement of Policy Regarding Sexual Misconduct by Members of the Clergy and Rostered Laypersons Not Employed by the Synod

Adopted by the Synod Council January 29, 1999 (SC99.1.27)

I. INTRODUCTION

The Sierra Pacific Synod ("Synod") of the Evangelical Lutheran Church in America ("ELCA") is committed to preventing sexual misconduct within the Church and to responding with justice and compassion when such misconduct occurs. This Statement of Policy is intended to provide guidance in dealing with allegations or admissions of sexual misconduct by clergy and laypersons rostered, but not employed, by the Synod. This Statement of Policy is not intended as a description of the congregational response to sexual misconduct.

The Synod recognizes that responding to allegations of sexual misconduct requires determination, sensitivity, flexibility, and respect for all persons affected, including the complainant, the rostered person, their families and friends, the congregation, the Synod, and the whole church. This policy is intended to provide guidance in dealing with these cases while preserving the Synod's discretion to treat each person and each case in accordance with the Synod's understanding of the differing facts, circumstances, and needs of those affected.

The theological basis for this Statement of Policy is the Word of God as expressed in the Scriptures of the Old and New Testaments, the Ecumenical Creeds of the Church, the confessional writings in the Book of Concord, and other expressions of its faith and religious doctrine, including the Confession of Faith expressed in Chapter 2 of the ELCA Constitution and Chapter 4 of the Synod Constitution.

This Statement of Policy is intended solely for the internal use of the Synod in performing its functions as a religious body. It is not a contract, agreement, promise, or undertaking by the Synod to do or refrain from doing anything. It is not intended that the policy described in the statement be imposed as rigid law, binding the Synod or others; rather, the policy must be interpreted and applied compassionately in accordance with the theological and biblical principles of the Gospel. Any actions or decisions by the Synod in connection with the statement are to be undertaken in the Synod's sole discretion, in accordance with the theology and ecclesiology of the ELCA, and in the exercise of the Synod's constitutional rights as a religious body.

A. Definitions

1. "Sexual Misconduct." This policy is intended to address those types of sexual misconduct that may lead to discipline of a rostered person under Chapter 20 of *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. It is not a civil law document and does not make legal distinctions or use terms that may have specialized legal definitions such as "sexual harassment," "sexual abuse," or "sexual assault."

2. "Complainant." As used in this Statement of Policy, "complainant" means a person who complains of alleged sexual misconduct to the Synod or who is involved in the events or occurrences giving rise to the complaint.

3. "Rostered Person." As used in this Statement of Policy, "rostered person" includes ordained ministers and rostered laypersons such as associates in ministry, deaconesses, and diaconal ministers. This Statement of Policy will assume that the rostered person who is accused of sexual misconduct is under call to a congregation, but it may also be adapted to calls in other circumstances.

B. The Role of Congregations

The Synod and its member congregations have different responsibilities and thus different roles to play in preventing and responding to complaints of clergy sexual misconduct. Each ELCA congregation calls its own pastors, establishes the pastor's duties and responsibilities, determines and pays the pastor's salary and other compensation, is responsible for its pastor's ministry, and can decide whether to terminate its pastor's call. Each congregation also functions as the sole employer of pastors under call to the congregation. Since congregations, not the Synod, employ pastors under call to a congregation, the Synod has neither the authority nor the ability to make decisions for a congregation. The same principles apply to other rostered persons who work in congregations.

C. Role of the Synod

The Synod's role is essentially twofold. First, the bishop is responsible for providing pastoral care and leadership to the Synod's congregations and rostered persons. Reports of sexual misconduct invariably create an acute need for such care and leadership. Second, rostered persons who commit sexual misconduct may be disciplined, leading to possible removal from the roster of the ELCA. The bishop is primarily responsible for overseeing the preliminary or consultation stage of the disciplinary process and may initiate the formal stage of the disciplinary process.

Every report of sexual misconduct involves unique circumstances. This Statement of Policy merely describes the general approach that the Synod follows as a matter of policy in responding to complaints of sexual misconduct by rostered persons. It will not be appropriate or even possible for the Synod to follow this approach in every case. The Synod reserves the right to depart from this Statement of Policy at any time and for any reason.

When the Synod provides pastoral care and leadership under this policy in the wake of alleged clergy sexual misconduct, it is performing acts of ministry. The freedom of the Synod to decide for itself how God has called it to minister to those affected by sexual misconduct is a precious one that is constitutionally protected from governmental interference. The same is true of the Synod's freedom to decide who will be on its roster, and of the freedom of each congregation to decide who will preach and teach from its pulpit or will serve in its ministry as a layperson. Nothing in this Statement of Policy is intended to diminish these freedoms in any respect or to create any legal rights or responsibilities.

The ultimate responsibility of the bishop and his or her staff is to the Synod, and not to any individual within the Synod. If a conflict arises between what is in the Synod's interests and what is in the interests of a complainant, accused or someone else, the bishop and the bishop's staff are obligated under this policy and the ELCA Church law to act on the Synod's behalf.

II. SYNOD POLICY

An ELCA Strategy for Responding to Sexual Abuse in the Church (Nov. 1992) recommended that nine elements be included in any synodical policy regarding clergy sexual misconduct. This Synod has decided to incorporate those nine elements as follows:

A. Adequate Preparation

The Synod does not tolerate sexual misconduct. The Synod will make this clear in educational opportunities, in the manner in which it responds to complaints of sexual misconduct, in discussions it has with seminarians and others who seek to join its roster, and in its public and private statements regarding this issue.

The Synod intends to provide ongoing educational opportunities regarding sexual misconduct for rostered persons, congregations, and others. Those efforts will focus on such subjects as the dynamics of sexual misconduct and the impact of such misconduct on complainants. The Synod strongly urges its rostered persons and congregations to take advantage of these educational opportunities, as well as appropriate educational programs offered by others.

The Synod recognizes that society generally and churches particularly have much to learn about sexual misconduct. As the Synod's understanding of this problem changes, its Statement of Policy and educational efforts may change as well.

These preventive efforts are intended to complement similar efforts that have been or will be made by the Synod's member congregations, by the churchwide organization, by ELCA seminaries, and by other entities affiliated with the ELCA

B. Initial Contact -- First Response

Even the best preventive measures cannot completely eliminate sexual misconduct. The Synod must always be prepared to respond to complaints of alleged misconduct. The more open it is to receiving such complaints, the more often sexual misconduct will be reported, and thereby deterred.

Anyone who knows or suspects that a rostered person may have been involved in sexual misconduct should report that knowledge or suspicion to the bishop or designated assistant to the bishop. The names, addresses, and telephone numbers of the bishop and his or her designated assistants are attached to this Statement of Policy. A current list of these persons may be obtained from the Synod office.

A contact may be made with the bishop or designated bishop's assistant by mail, by telephone, or in person. The complainant need not identify herself or himself when she or he first contacts the Synod. The complainant may anonymously ask questions about how

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the Synod would respond to a particular complaint of misconduct. However, the Synod can do little about a complaint of sexual misconduct until the complainant identifies herself or himself and the rostered person involved in the misconduct.

The bishop or designated bishop’s assistant contacted by the complainant may: (1) assure the complainant that the Synod does not tolerate sexual misconduct and takes seriously all complaints of such misconduct; (2) explain the Synod's process for responding to complaints of sexual misconduct and offer to provide a copy of this Statement of Policy; (3) answer the complainant's questions about the policies and procedures of the Synod; (4) express care and concern for the complainant; (5) when the complainant is anonymous, encourage the complainant to identify herself or himself and the rostered person involved in the misconduct.

In all meetings with Synod personnel, the complainant may be accompanied by a friend, family member, support person, or advocate of her or his choice. The bishop or bishop's designated assistant may also offer to provide the complainant with a list of advocates who are available to provide support and to help interpret the Synod's policies and procedures. The complainant will be invited to contact an advocate and to be accompanied by that advocate through the reporting, investigative, and, if necessary, disciplinary processes. If the complainant requests, the Synod will contact an advocate for her or him. The complainant is welcome to use an advocate who does not appear on the list – such as a friend or family member – or to decline to use an advocate.

After a complaint of sexual misconduct has been received from an identified complainant, the bishop and/or bishop's designated assistant will interview the complainant. This interview may occur through a combination of meetings, telephone calls, and/or correspondence. The bishop or bishop's designated assistant may ask the complainant to provide as much information about the sexual misconduct as the complainant is comfortable sharing. The complainant may be asked to reduce the information to writing or to sign a written statement prepared by the Synod. The bishop or bishop's designated assistant may also ask the complainant what she or he is seeking in coming forward and whether the complainant is prepared to participate in the disciplinary process if necessary. The complainant should be given a copy of this Statement of Policy if she or he has not already received it.

The bishop or bishop's designated assistant may discuss with the complainant how she or he feels about the possibility that her or his identity may become known to persons other than the accused. Insofar as possible, the Synod will respect the wishes of the complainant regarding confidentiality. However, at some point, the Synod may be required by civil law or by the governing documents or procedures of the ELCA to disclose the identity of the complainant. Also, in certain circumstances, the fact that the bishop or bishop's designated assistant is responsible to the Synod may require that he or she act contrary to the wishes of the complainant. Finally, the identity of the complainant may become known despite the best efforts of the Synod to protect it. The Synod cannot guarantee confidentiality to a complainant.

If the bishop or bishop's designated assistant learns that a child or vulnerable adult may have been neglected or physically or sexually abused, the bishop or bishop's designated assistant may in certain instances be legally required to report that information to law enforcement authorities. If possible, the complainant will be notified before such a report is made.

The bishop or bishop's designated assistant will discuss with the complainant her or his needs for pastoral care or professional counseling. If the complainant requests, the bishop or bishop's designated assistant will help to put the complainant in touch with persons who can provide such care or counseling. Under no circumstances will any employee of the Synod function as the complainant's advocate, pastor, or counselor.

The bishop or bishop's designated assistant will appoint a contact person within the Synod. That contact person (who may be the bishop or bishop's designated assistant) will keep in regular contact with the complainant and will also be available to respond to the complainant's questions and concerns about the process.

C. Initial Investigation of the Complaint

After interviewing the complainant, the bishop or bishop's designated assistant will carefully review the information provided by the complainant. If the complaint appears credible and involves sexual misconduct for which the rostered person might be disciplined, the bishop or bishop's designated assistant may conduct a preliminary investigation to determine whether information either supporting or contradicting the report exists.

This preliminary investigation will be conducted as quickly and as discreetly as is possible under the circumstances. All of those contacted will be asked to keep the contact in strictest confidence. If the Synod or a discipline hearing committee later determines that the rostered person did not commit sexual misconduct, that conclusion will be communicated to those who were contacted by the Synod in the course of its preliminary investigation.

D. Conversation with the Rostered Person

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The bishop will usually meet with the rostered person before the preliminary investigation begins. The bishop should be accompanied by the bishop's designated assistant or another person. At the meeting, the bishop will clarify that the meeting and any communications regarding the complaint are not confidential, and that the bishop may disclose anything that he or she is told.

At their meeting, the bishop will provide the rostered person with information regarding the complaint and ask the rostered person to respond. The bishop may ask the rostered person to reduce his or her response to writing. The bishop will also: (1) assure the rostered person that, while the Synod does not tolerate sexual misconduct, the Synod will give any rostered person who denies an allegation of sexual misconduct a full and fair opportunity to contest it; (2) explain the Synod's process for responding to reports of sexual misconduct and provide a copy of this Statement of Policy; (3) answer the rostered person's questions about the policies and procedures of the Synod; (4) express care and concern for the rostered person, the rostered person's family, and the affected congregation; (5) strongly discourage the rostered person from having any contact with the complainant, either directly or indirectly; and (6) invite the rostered person to contact an advocate and to be accompanied by that advocate through the investigative, and, if necessary, disciplinary processes. If the rostered person requests, the Synod will assist the rostered person in finding an advocate. The rostered person may decline to use an advocate.

The bishop or bishop's designated assistant will discuss with the rostered person his or her needs for pastoral care or professional counseling, as well as the care of the rostered person's family. If the rostered person requests, the bishop or bishop's designated assistant will help to put the rostered person in touch with persons who can provide such care or counseling. Under no circumstances will any employee of the Synod function as advocate or counselor to the rostered person or his or her family.

The bishop or bishop's designated assistant will appoint a contact person within the Synod. That contact person (who may be the bishop or bishop's designated assistant) will keep in regular contact with the rostered person and will also be available to respond to the rostered person's questions and concerns about the process.

E. Assess the Information

After meeting with the rostered person and conducting any preliminary investigation, the bishop will carefully review the information provided by the complainant, discovered during the preliminary investigation, and provided by the rostered person. The bishop will then decide upon a course of action. Among options available to the bishop are the following: no further action; further investigation; requesting the rostered person to undergo a psycho-diagnostic evaluation; requesting the rostered person's congregation to take some action; convening a consultation or advisory panel; or initiating the formal disciplinary process.

The bishop or bishop's designated assistant will discuss with the rostered person his or her needs for pastoral care or professional counseling, as well as the care of the rostered person's family. If the rostered person requests, the bishop or bishop's designated assistant will help to put the rostered person in touch with persons who can provide such care or counseling. Under no circumstances will any employee of the Synod function as advocate or counselor to the rostered person or his or her family.

The bishop or bishop's designated assistant will appoint a contact person within the Synod. That contact person (who may be the bishop or bishop's designated assistant) will keep in regular contact with the rostered person and will also be available to respond to the rostered person's questions and concerns about the process.

F. Consultation or Advisory Panel

Complaints of sexual misconduct always present a bishop with difficult decisions. To assist him or her in making these decisions, a bishop may, at his or her sole discretion, appoint a consultation or advisory panel. The function of a consultation or advisory panel is described at length in the Constitution and Bylaws of the ELCA and in the *Rules Governing Disciplinary Proceedings Against an Ordained Minister, a Rostered Layperson, or a Congregation of the Evangelical Lutheran Church in America* (Nov. 20, 1995). Both of these documents are available from the Synod, as amended from time to time.

Essentially, a consultation or advisory panel is a small group of clergy and laypersons who are asked to recommend a course of action to the bishop. Before making that recommendation, the panel may interview the complainant, the rostered person, the bishop, the bishop's designated assistant, and/or others. If possible, the panel will seek to resolve the controversy through recommendations that are pastoral and therapeutic and that will eliminate the need for disciplinary proceedings if they are accepted by all concerned. If such a resolution does not appear possible, the panel will advise the bishop whether it believes that the disciplinary process should be initiated.

Whether to employ the advisory or consultation process is always discretionary with the bishop. Use of such panels may be beneficial in a variety of circumstances. For example, a bishop may be confronted with "one person's word against another's" – that

is, a situation in which both the complainant's report and the rostered person's denial of the complaint appear credible, and no one but the complainant and the rostered person can know for certain who is being truthful. The consensus of a panel may be the best indicator of who to believe.

G. Formal Hearing

The bishop cannot force a pastor to resign either from his or her call or from the clergy roster. Only the congregation, acting under its constitutional authority, may terminate a pastor’s call. Only a discipline hearing committee can remove the pastor from the clergy roster. The same principles generally apply to other rostered persons.

Disciplinary proceedings are the process by which the ELCA determines if a rostered person is guilty of the charges and, if so, what the penalty should be. The process is governed by the Constitution and Bylaws of the ELCA and by the Rules Governing Disciplinary Proceedings, as amended from time to time.

A pastor may be disciplined for committing "conduct incompatible with the character of the ministerial office," which is defined in *Definitions and Guidelines for Discipline of Ordained Ministers* (Dec. 5, 1993) to include "adultery, promiscuity, the sexual abuse of another, or the misuse of counseling relationships for sexual favors." *Definitions and Guidelines* is available from the Synod.

To briefly summarize the disciplinary process, usually the bishop will initiate the proceedings against a rostered person by filing written charges setting forth the offense that the rostered person is accused of committing – e.g., sexual misconduct – and the alleged facts supporting the charge – e.g., the name of the person involved in the rostered person's misconduct and the date, place, time, and other circumstances of the alleged misconduct. A committee of twelve persons is appointed to hold a hearing on the charges. The hearing resembles a court trial. The bishop presents testimony and other evidence in support of the charges, and then the rostered person presents testimony and other evidence in opposition to the charges. A bishop generally will not initiate formal disciplinary proceedings unless the complainant agrees to testify against the rostered person. The governing documents of the ELCA provide for certain rights for the complainant and the accused.

The hearing described in the preceding paragraph is the usual process for hearing the written charges. There is an alternative process described in the *ELCA Bylaws* that is invoked when the written charges specify that the accuser will not seek removal or suspension for a period exceeding three months. In such cases, the proceedings are conducted before a hearing committee of six members with less formality and without all of the procedural requirements of the full hearing process.

The hearing described in the preceding paragraph is the usual process for hearing the written charges. There is an alternative process described in the *ELCA Bylaws* that is invoked when the written charges specify that the accuser will not seek removal or suspension for a period exceeding three months. In such cases, the proceedings are conducted before a hearing committee of six members with less formality and without all of the procedural requirements of the full hearing process.

Under either process, the discipline hearing committee decides whether the charges are true, and, if so, what discipline should be imposed. The options available (except under the alternative process described in the preceding paragraph) are private censure and admonition, suspension from the roster of the ELCA for a designated period of time or until the rostered person complies with specified conditions, or removal from the roster. The discipline hearing committee's decision is generally made about four months after charges are filed.

H. Disclosure

Except in unusual circumstances, the Synod will disclose all serious allegations of sexual misconduct. Decisions regarding who will make what disclosure to whom and when will vary from case to case. In general, though, the Synod will abide by the following guidelines:

1. Disclosure of sexual misconduct will be made to the leadership of the rostered person's congregation, the members of the rostered person's present congregation, the members of the rostered person's family, and other rostered persons within the Synod. In some situations, wider disclosure to previous congregations or even to the news media may be made as well.
2. Disclosure will be made when: (1) the rostered person admits to committing sexual misconduct; (2) the rostered person resigns his or her call or from the clergy roster of the ELCA after being accused of sexual misconduct; (3) the rostered person is placed on leave of absence or temporarily suspended in response to an allegation of sexual misconduct; (4) the rostered person is suspended or removed from the clergy roster as a result of formal disciplinary proceedings; or (5) secular legal proceedings (civil or criminal) are initiated against the rostered person.

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3. The Synod intends to work closely with the congregational leaders regarding appropriate disclosure to the members of the congregation. Disclosure to the members will usually be made by one or more of the leaders or by the bishop.

4. To protect the privacy of those harmed by the misconduct, only the following will be disclosed: (1) the fact that the rostered person has been accused of, admitted to, resigned, or been found guilty of committing sexual misconduct; (2) the gender of the complainant; (3) whether the complainant was an adult or a minor at the time of the misconduct; and (4) whether the complainant was a member of the rostered person's congregation or a person to whom the rostered person was providing pastoral care. Disclosure usually does not include the name of the complainant or facts from which she or he could readily be identified. If the rostered person has denied the allegations, that fact will also be disclosed.

5. Persons who believe that they have been harmed (directly or indirectly) by the pastor will be invited to contact the leaders of the congregation, the Synod, or others who have agreed to be available to those persons.

I. Follow-up

The Synod will work with congregations and others to help ensure that care and support are available to those harmed by sexual misconduct. As noted above, the Synod cannot provide this care itself, but it will assist complainants in finding resource persons and materials that might help them on their journey to healing.

LIST OF PERSONS DESIGNATED TO RECEIVE COMPLAINTS OF SEXUAL MISCONDUCT BY MEMBERS OF THE CLERGY AND ROSTERED LAYPERSONS IN THE SIERRA PACIFIC SYNOD

Mark W. Holmerud, Bishop
510-430-0500 or 800-275-3422, ext. 16
bpmark@spselca.org

Nancy Feniuk Nelson, Bishop's Associate
510-430-0500 or 800-275-3422, ext. 13
nfn@spselca.org

Attachment 3

Child/Youth Worker Registration

St Mark's Lutheran Church Child & Youth Ministries

Thank you for your interest in working with the young people of St. Mark's Lutheran Church. Your involvement is vital to a successful child and youth ministry. This form will help us to get to know you better so that together we will be able to give our young people the best possible experience in their faith journey now and throughout their lives. We pray that God will lead and guide us in our ministry together. Thank you for your participation.

Name: _____ Date: _____

Home Address: _____

Home Phone: _____ Work Phone: _____

Place or Employment: _____

Health/Accident Insurance & Policy # _____

Emergency Contact – Name: _____

Home address _____

Home phone _____ Work phone _____

Please list all present or previous work, either paid or volunteer, involving youth:

Identify the institution and type of work:

Do you have any medical training (CPR, lifeguard, first aid, EMT, etc.)?

Are there any physical conditions that would limit your activities in working with youth?

In general, with what age youth do you prefer to work?

Please list any gifts training, education, interests, hobbies, etc., that relate to you interest in youth ministry. Include any you feel you could share with young people.

Are you a member of St. Mark's Lutheran Church? Yes No Another church? _____

Are you a part of any committees, organizations within St. Mark's?

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Please describe briefly any church involvement over the past few years.

Do you belong to any organizations or groups within the community?

Have you ever been charged with or convicted of sexual misconduct or abuse, or been the subject of a complaint to any employer, government, or other agency, organization, or person, charging sexual abuse, misconduct, or harassment?

Have you ever been charged or convicted of any crime other than a minor traffic violation?

Studies have shown that individuals who abuse children have often been abused themselves as children. If you were abused as a child, or have ever been an abuser or the partner of an abuser, or have been involved in any way in an abusive situation, and are concerned that these experiences might impact your care of children, please share this with the program director or one of the pastors. Our pastors will help you or will refer you to professional help in the community. Your comments:

Because leaders of children and/or youth are role models, smoking and the possession and/or use of alcohol is inappropriate while supervising minors. Thus, if you smoke or drink, even occasionally, would you be willing to agree that you would abstain from any use of tobacco or alcohol while working with children and youth at church sponsored or related activities?

Yes No Your comments. _____

Please provide the names, addresses, and phone numbers of two contacts (preferably agencies or organizations) which are acquainted with your work with children.

All the information I have provided in the process of applying to work with the children or youth of St. Mark’s Lutheran Church is true and correct to the best of my knowledge. I voluntarily and knowingly authorize any person named herein as a contact to give to the staff of St. Mark’s Lutheran Church any information they may have regarding my character and fitness for working with children and youth. I voluntarily release and agree to hold harmless from liability (a) all such agents that provide information in connection with this form, and (b) St. Mark’s Lutheran Church and its officers, employees and volunteers in connection with the verification of any information provided in this form.

I have read and understood the information contained in St. Mark’s Lutheran Church’s Safe Congregation Policy, and will comply with the procedures and policies described.

Signature _____

Date _____

Attachment 4

Employee/Volunteer Photograph

A photograph of the applicant will be attached to the Child/Youth Worker Registration if approved as a volunteer or paid staff member of St. Mark's Lutheran Church. The photograph shall be updated every two years or as needed. The photograph is to be attached here.

Attachment 5
Request for Criminal Record Check and Authorization

St. Mark's Lutheran Church Child and Youth Ministries

I hereby request the _____ Police Department and/or the Department of Justice of the State of California to release any information which pertains to any record of convictions contained in its files or in any criminal file maintained on me whether local, state, or national. I hereby release and agree to hold harmless (a) said Police Department and (b) St. Mark's Lutheran Church, its officers, employees, and volunteers, from any and all liability resulting from such disclosure.

Signature

Print name

Print maiden name if applicable

Print all aliases

Date of birth

Place of birth

Social Security Number (if required by Police Department)

Send records to:

Name _____

Address _____

Attachment 6
Reference Check Form

Applicant Name _____ Date _____

Reference Name _____

Address _____

Telephone _____

1) In what capacity have you known the applicant and for how long?

2) How well do you know the applicant?

3) How would you describe the applicant?

4) Describe the applicant's relationship with people in general?

5) To the best of your knowledge, has the applicant ever been accused or convicted of a crime?

6) How would you rate the applicant's ability to relate to children/youth in general?

7) Would you be comfortable having the applicant as a volunteer with your own child?

8) Do you know of any traits or problems which would be detrimental in the applicant's ability to work with children?

Additional comments

Reference check completed by _____

Attachment 7

Covenant for Working with Children and Youth

To provide a safe and supportive environment for children and youth and the persons who work with them at St. Mark’s Lutheran Church, to provide a strong and healthy volunteer environment at St. Mark’s, and to minimize the possibilities of child abuse occurring in connection with St. Mark’s programs, when I am working with children or youth as part of a St. Mark’s Lutheran Church program, I agree:

- To treat all children and youth with respect and consideration.
- To treat all children and youth equally regardless of sex, race, ethnicity, religion, culture, gender identity, or sexual orientation.
- To use positive techniques of guidance such as redirection, positive reinforcement and encouragement rather than competition, comparison and criticism.
- To have age appropriate expectations and establish guidelines and environments that minimize the need for discipline.
- To refrain from any behavior that could be considered abusive to children or youth, including:
 - Physical abuse – striking, spanking, shaking, slapping
 - Verbal abuse – humiliation, degradation, threats
 - Sexual abuse – inappropriate touch or verbal exchange
 - Mental abuse – shaming, withholding love, cruelty
 - Neglect – withholding food, water, and basic care
- To remain at all times with any child under the age of 11 who has been left in my care.
- To release a child under the age of 11 only to his or her parent, unless specifically instructed otherwise by the parent.
- To remain in view of others at all times whenever I am working with a child or youth.
- To check the rest room, opening the hallway and stall doors, or ask the Sunday School supervising staff to do so to ensure that it is not occupied by suspicious or unknown individuals before allowing a child under the age of 11 to use the rest room.
- To leave restroom doors open when assisting a younger child.
- To conduct or supervise private activities, such as diapering, with another adult or where I will be visible to others.
- To respect children’s and youth’s rights to not be touched in ways that make them feel uncomfortable and their right to say “no” to touching.
- To maintain an attitude of respect, loyalty, patience, courtesy, tact and maturity to be a positive role model for children and youth.
- To refrain from inappropriate intimate displays of affection towards others in the presence of children and youth.
- To report any temporary condition that impairs my ability to work with and be a positive role model for children and youth. This includes illness, emotional distress, the effects of prescribed or over-the-counter medication, the influence of alcohol or any substance that impairs my ability to work safely with children or youth. Under these circumstances if I am scheduled to work with children or youth, I will call and inform the staff that I cannot work and no questions will be asked.
- To not use profanity, tell inappropriate jokes or share intimate details of my personal life in the presence of children or youth.
- To not date St. Mark’s Lutheran Church program participants who are under 18 years of age.
- To inform the Lead Pastor if I believe there is any reason I should not have responsibility for the care of children or youth, including any physical or psychological condition.
- To be aware of the health of children and youth, noting any bumps, bruises, burns, etc., and to report any concerns I have about suspected abuse to the Lead Pastor, Associate Pastor, or President of the Congregation..
- To attend training sessions offered by St. Mark’s Lutheran Church in the recognition of the signs of child abuse and St. Mark’s policies and procedures regarding the care of children and youth.
- To comply with the St. Mark’s Lutheran Church Safe Congregation Policy.

I understand that abiding by these promises is important and necessary to my participation with children and youth as part of St. Mark’s Lutheran Church programs.

Signed by _____ Date signed _____

Attachment 8

Tips on Things to Look for When Conducting an Interview

- Prepare a list of questions. In doing so, read the application and note areas for exploration
- It aids the interview process if specific questions are used so that the questions are standard for all applicants.
- Be aware of "red flags". These "flags" are indicators of issues which must be explored further in order for you to be assured that all information is collected concerning a prospective volunteer. Some of these "flags" might include the following.

➤ **Many addresses over a short period of time.**

This could indicate that a person is trying to be anonymous. But it could also indicate that this was a college student who moves a lot to keep rent low.

➤ **Are there gaps in employment?**

Precipitous changes in employment with unexplained gaps may indicate poor work habits, terminations, or employment not listed on the application for fear the employer would give a poor reference. Another explanation may be a period of incarceration or institutionalization.

➤ **Are there any criminal convictions or serious motor vehicle violations listed?**

Any convictions should be examined in the light of the requirements of the position for which the applicant is being considered. Certainly, if the position involves handling money, crimes such as forgery, robbery and embezzlement are pertinent. If the position would not require use of an automobile, speeding tickets may not be germane. A series of tickets, however, may imply a lack of judgment or maturity needed for some positions.

➤ **Wants to work with only one age group.**

If someone would like to work with only one specific age group, it could indicate that person has targeted that age group for molestation. Or, it could mean that is the age group for which they are trained and that experience has shown that they do not work well with other ages. Also, be aware of young adults who seem overly committed to one age group. For example, someone who simultaneously leads a scout troop, coaches Little League, serves as a Big Brother, and now wants to teach Sunday School, may be neglecting their own age appropriate peer relationships in order to cultivate potential victims.

➤ **Does not want/need/like close supervision**

The interview may indicate that the person does not like to be closely supervised. This might raise questions about motivation for applying for this work.

The interviewer needs to feel free to explore issues as they arise during the interview and depart from the set of prepared questions to do so.

Attachment 9 Criminal Offender Record Information Policy

This policy has been developed to meet the requirements of the State of California, Department of Justice, Bureau of Criminal Identification and Information, Field Operations and Record Security Section for any agency that maintains or receives criminal history information.

To ensure that employees or volunteers who work with or around children and youth do not have criminal records, they are finger printed and then processed through the California Department of Justice for any criminal history.

The overall responsibility for the administration of the employee and volunteer fingerprinting and resulting criminal history information rests with the Office Manager. The Lead Pastor or a designate may assist the Office Manager in administering the program.

- A. Record Security: Any questions regarding the release, security and privacy of Criminal Offender Record Information (CORI) are to be resolved by the Lead Pastor at St. Mark's Lutheran Church.
- B. Record Storage: CORI shall be under lock and key and accessible only to the Lead Pastor at St. Mark's Lutheran Church.
- C. Record Dissemination: CORI shall not be disseminated.
- D. Record Destruction: Volunteer CORI shall be destroyed immediately upon receipt, once clearance has been noted in their file. Employee CORI will be destroyed within one month of leaving the employment of St. Mark's Lutheran Church. All CORI will be destroyed in such a way that the employee's name can no longer be identified.
- E. Records Reproduction: CORI may not be reproduced for dissemination.
- F. Training: The Lead Pastor is required to do the following:
 - to read and abide by this policy
 - to have a clearance check completed.
 - to have on file a signed copy of the Security and Disclosure Policy (Attachment 13) which acknowledges an understanding of laws prohibiting misuse of CORI.
- G. Penalties: Misuse of California Department of Justice CORI can be either a misdemeanor or a felony. Violation of this policy regarding CORI may result in suspension, dismissal and/or prosecution.

Attachment 10

Employee Statement Form

Use of Criminal Justice Information and Department of Motor Vehicle Record Information

As an employee of St. Mark's Lutheran Church, you may have access to confidential criminal record information which is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law. Penal Code section 502 prescribes the penalties relating to computer crimes. Penal Code Sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code sections 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code Section 6200 prescribes the felony penalties for misuse of public record and CLETS information. Penal Code Section 11142 and 13303 state:

"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

Any employee who is responsible for such misuse is subject to immediate dismissal. Violations of this law may also result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Attachment 12

"Reducing the Risk" Application Checklist to be Completed by Clergy/Professional Staff Persons

In the case of an allegation of child/youth sexual abuse, the volunteer or clergy staff person who observes or to whom the information is given is required by St. Mark's Lutheran Church and by the state law to complete the tasks listed below. Date and initial as each step is completed.

- 1) Clergy and paid professional staff must remove the accused from the situation and suspend the accused from duties involving children/youth until an investigation is completed.

Date_____ Initial_____

Volunteers must remove the accused from the situation and immediately notify the closest available clergy/professional staff person who will suspend the accused until an investigation is completed. If the clergy/professional staff person to whom the allegation is reported is not the accused's supervisor, the person reporting will inform the supervisor as soon as possible.

Date_____ Initial_____

- 2) Make written documentation of everything done and said. If the person reporting the allegation is a volunteer, both the volunteer and the clergy/professional staff to whom the volunteer has reported will document the procedures taken.

Date_____ Initial_____

The procedures after this point will be administered by pastoral staff persons only.

- 3) Immediately notify the parents/guardians of the alleged victim and respond to their questions and concerns. If the parents or guardians are the suspected perpetrators, notify law enforcement or Child Protective Services first.

Date_____ Initial_____

- 4) Immediately notify law enforcement or Child Protective Services. Failure to report any suspected, alleged or witnessed abuse is a crime.

Date_____ Initial_____

- 5) Immediately notify the pastor in charge.

Date_____ Initial_____

- 6) Make written documentation of persons contacted and action taken.

Date_____ Initial_____

- 7) The clergy/professional staff person will immediately notify a member of the Human Resources Committee and designees (St. Mark's Lutheran Church response team) to begin the internal and pastoral care process.

Date_____ Initial_____

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a) notify the insurance carrier of the incident immediately and comply with its investigation, if any;

Date_____ Initial_____

b) cooperate with legal and state authorities in their investigations, if any;

Date_____ Initial_____

c) prepare a written statement and designate a spokesperson to respond to media inquiries;

Date_____ Initial_____

d) provide assistance to the alleged victim and his/her family in obtaining counseling or referral to a mental health professional, if needed;

Date_____ Initial_____

e) respond to the needs of the families of the alleged victim and the accused to seek a redemptive solution for all involved;

Date_____ Initial_____

f) inform the affected volunteer(s) and paid staff members of the need for confidentiality, and;

Date_____ Initial_____

g) consider and respond to the concerns of other parents.

Date_____ Initial_____

8) The director of the affected ministerial area will respond to the pastoral care concerns of persons within the department.

Date_____ Initial_____

9) Within 36 hours of the alleged abuse, the clergy/professional staff person who makes the original report will prepare a written report and send one copy to the investigating agency and will give one copy to the lead pastor.

Date_____ Initial_____

10) Make a written documentation of persons contacted and action taken.

Date_____ Initial_____

Attachment 13

Security and Disclosure Policy

1. As an employee of St. Mark's Lutheran Church, you may access information only when necessary to perform work assigned by a supervisor or accomplish its mission and objectives. You may not access or use criminal justice information or Department of Motor Vehicles information from any database for personal reasons or any other reason.
2. You may disclose confidential information from files or databases only to individuals who have been authorized to receive it through the appropriate procedures. You shall not divulge or make use of confidential information, data, or records for a mailing list or any other purpose unless the same has been authorized. Such misuse is a misdemeanor under California law.
3. You may not deliberately enter false or incomplete data or delete existing valid data on any of the databases or files. You may not deliberately take an unauthorized action that would adversely affect the performance of the data system, or cause the interruption of electronic data processing services, or the destruction or alteration of data files or software.
4. As a precaution against misuse of destruction of criminal record information, you will not remove any work related materials from the work site without specific authorization to do so. Work in process is to be stored and maintained in areas designated as appropriate for such storage and maintenance.
5. You must take precautions to protect data entry terminals and equipment from unauthorized access. Reasonable precautions include the following: ensure that your terminal is inaccessible when you leave it unattended, store user documentation to sensitive programs in a secure place, and report any suspicious circumstances or unauthorized individual you observe in the work area to your supervisor.

I have read and understand the security policies stated above, and have received a copy of them. I understand that failure to comply with these policies may result in disciplinary action up to and including dismissal, and/or civil or criminal prosecution in accordance with applicable statutes.

Employee's Name	Social Security No.	Date
Employee's Signature	Position	

Attachment 14

Paid and Volunteer Child Worker Enlistment Checklist

<u>TASK TO COMPLETE</u>	<u>COMPLETED BY – INITIALS</u>
<input type="checkbox"/> Employee Application	_____
<input type="checkbox"/> Volunteer Worker Application	_____
<input type="checkbox"/> Receive copy of Policy and Procedure Manual	_____
<input type="checkbox"/> Worker's statement	_____
<input type="checkbox"/> Criminal Records Check Authorization	_____
<input type="checkbox"/> Criminal Records Check Information Form	_____
<input type="checkbox"/> Driver Information Form (as needed)	_____
<input type="checkbox"/> References checked	_____
<input type="checkbox"/> Church membership status	_____
<input type="checkbox"/> Criminal Background Check performed	_____
<input type="checkbox"/> CBC reviewed by approved staff	_____
<input type="checkbox"/> Interview after Checks are made	_____
<input type="checkbox"/> Review background transcripts with applicant	_____
<input type="checkbox"/> Photograph	_____
<input type="checkbox"/> Covenant for Working With Children and Youth	_____
<input type="checkbox"/> Worker Training	
<input type="checkbox"/> Definition of Child Abuse	_____
<input type="checkbox"/> Procedure on reporting Abuse	_____
<input type="checkbox"/> View video(s)	_____
<input type="checkbox"/> Written material(s)	_____