



Upstate New York Synod

Evangelical Lutheran Church in America

God's work. Our hands.

**Child and Youth Abuse Prevention Program
for the
Upstate New York Synod
of the
Evangelical Lutheran Church in America**

Adopted by Synod Council Executive Committee

on December 20, 2012

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As an expression of the Christian church, the Upstate New York Synod is committed to creating and maintaining a sense of community in which members, friends, staff volunteers, and anyone else can worship, learn, enjoy friendships, and work together in an atmosphere free from all forms of sexual harassment, discrimination, exploitation, intimidation, bullying, and abuse. Therefore, we want to make it clear to everyone associated with the Upstate New York Synod that this synod is strongly opposed to sexual harassment and all forms of bullying, and that such behavior is prohibited by synod policy.

To help protect children and youth, the Upstate New York Synod has adopted the following Child and Youth Abuse Prevention Program. It is important that all Upstate New York Synod paid staff and volunteers understand and implement these guidelines to help prevent abuse of all sorts against children. The following includes the Purpose and Definitions for these guidelines, the outlines of Protection and Prevention, and an Acknowledgement to be signed by those people working with children and youth.

Purpose

These procedures are designed to reduce the risk of sexual abuse and bullying aimed at children and youth in order to:

1. Provide a safe and secure environment for children, youth, adults, members, volunteers, visitors, and paid staff.
2. Assist the Upstate New York Synod in evaluating a person's suitability to supervise, oversee, and/or exert control over the activities of children and youth.
3. Satisfy the concerns of parents and staff members with a screening process for paid staff and volunteers.
4. Provide a system to respond to alleged victims and their families of sexual abuse or bullying, as well as the alleged perpetrator.
5. Reduce the possibility of false accusations of sexual abuse or bullying made against volunteers and paid staff.

Definitions

The following terms are used herein and are defined as follows:

1. *Paid staff*: Any pastor, minister, preacher, cleric, or employee who is paid. An employee is defined as any person employed, called, or elected by the Synod Council on an established salary basis within one of the employee classifications as described in Section 2 of the Personnel Policies of the Upstate New York Synod.
2. *Children/Youth/Minor*: Any person who has not reached his/her 18th birthday or the age of majority as defined by state law.

3. *Adult*: Any person who has reached his/her 18th birthday or as defined by state law.
4. *Volunteer*: Any unpaid person engaged in or involved in activities and who is entrusted with the care and supervision of minors, or a person who directly oversees and/or exerts control or oversight over minors or adults.
5. *Sexual Abuse*: The employment, use, persuasion, inducement, enticement, or coercion of any minor or adult to engage in, or assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct or rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of minor or adult, or incest with a minor or adult, or as defined by federal and state law. This includes and is not limited to unwelcome sexual remarks, jokes, advances, leering, whistling, or sexual gestures; sexual touching, fondling, molestation, assault, or other intimate physical contact; compelling another person to engage in a sexual act by threats or fear or undue influence, and providing or displaying pornographic materials to another person.
6. *Child Emotional Abuse*: Verbal or nonverbal conduct including mental exploitation, degrading communication, or humiliating or threatening conduct that may or may not include bullying or as defined by law.
7. *Bullying*: Habitual cruelty to others. To bully someone is to treat them abusively, either physically or verbally, or to affect them by means of force or coercion.

Protection and Prevention

Volunteer and Employee Screening Procedures

The following screening procedures are to be used with paid staff and volunteers who are entrusted with the care and supervision of minors, or a person who directly oversees and/or exerts control or oversight over minors. All information collected should be maintained in confidence.

1. *Employment Application and Volunteer Application*: Any paid staff and volunteers who will work with a minor must complete the applicable Upstate New York Synod Employment Application and/or the Volunteer Application. The release statement attached to the Application must be signed by the individual completing the Application to apply for and qualify for service. The Child and Youth Abuse Prevention Program Acknowledgement contained at the end of these policies must also be signed.

Our Employment Application includes questions regarding:

- Current and previous residence addresses
- Current and previous employment, including addresses, dates, duties, titles, and reasons for leaving
- Names and addresses of schools attended and degrees earned
- References from previous employers and organizations that serve children
- Pending criminal charges
- Criminal history information, including sexual and child abuse registries
- Driving record

Our Volunteer Application includes questions regarding:

- Current address
- Volunteer experience
- Criminal History information, including sexual and child abuse histories
- Personal references
- Driving record

Applications include a statement, which the applicant should acknowledge in writing, certifying that statements provided in the application are true and complete, and any misrepresentation or omission may be grounds for rejection of the applicant or for dismissal if he or she is employed. This statement authorizes the Upstate New York Synod to contact any individual or organization listed in the application.

1. *Review all statements* made in the application, paying specific attention to any gaps in time and irregular employment patterns or unexplained absence. Pursue these gaps with employers listed and in a subsequent interview.
2. *Conduct interviews* with qualified applicants.

If detrimental information is uncovered but the applicant remains desirable, discuss this information with the applicant. In the event the applicant is ultimately hired or accepted as a volunteer, document the reasons for overriding the prior information.

Whenever possible, the Upstate New York Synod will have an associate participate in the interview.

3. *Contact all references for volunteers.* Contact each of the volunteer applicant's references and ask for any information that might help determine the applicant's suitability for the position. If a response is not received within a reasonable period of time, follow up and keep notes if possible.
4. *Criminal Background Check, including Sexual Offender and Child Abuse registries:* It is the policy of the Upstate New York Synod to conduct a criminal background check on all employees which includes all paid staff and volunteers who are entrusted with the care and supervision of minors, or a person who directly oversees and/or exerts control or oversight over minors. All criminal background checks will be updated at least every 5 years.
5. *Driving records:* The Upstate New York Synod will conduct checks of driving records for anyone who will have responsibility to drive any vehicle, personal or commercial, in which minors travel.
6. *Six-month Rule:* All volunteers who have responsibility for the supervision of youth and children will be required to have been a member of a congregation of the Upstate New York Synod for six months and have reviewed and signed the Child and Youth Abuse Protection Program.

Once a volunteer has completed the application and screening and is approved by the synod, there will be a 6-month probationary period during which the volunteer is required to always be partnered with another adult, a synod volunteer or paid staff, when working with youth.

Confidentiality

Information obtained through the screening, application, reference check, interview, criminal check, background check, and driving record check will be kept in confidence, unless otherwise required by law. All information discovered or obtained through the above-referenced means will be kept in a secure location at the primary office of the Upstate New York Synod – ELCA and access to it will be restricted. These materials will be archived.

Supervision Procedures

Unless an extenuating situation exists, the Upstate New York Synod:

1. Will have adequate numbers of screened and trained paid staff or volunteers present at events involving minors. Supervision will increase in proportion to the risk of the activity.
 - a. A minimum ratio of one adult per seven youth must be maintained for all overnight events. For example, fifteen (15) youth registering for an event requires three adults to attend. This ratio requirement must hold true for each sex as well, due to separation of sexes for sleeping arrangements.
2. Will monitor facilities during activities involving children and/or youth.
3. Will release minors only to parent or guardian, or those approved by a parent or guardian in writing, and utilize sign-in and sign-out sheets.
4. Will obtain written parental permission, including a signed medical treatment form and emergency contacts, before taking minors on trips, and will provide information regarding trips to parents/guardians.
5. Will have two trained staff or volunteers when transporting minors in vehicles.
6. Will remain in public spaces when traveling with youth using public transportation.
7. Will require that there be no one on one contact between a youth and adult except in view of other adults and youth. If confidential conversation needs to occur, it should be done in proximity to the rest of the group.
8. Will require that young children be accompanied to the restroom and the paid staff or volunteer wait outside the facility to escort the child back to the activity. Whenever possible, the escort will be the same gender as the minor.
9. Will require that youth use a “buddy system” when participating in an event sponsored by the Upstate New York Synod.
10. Will screen all paid staff and volunteers and approve those individuals in advance for any overnight activities.
11. Will require that all youth events function with an open-door policy which states that visitors of either sex who are attending the youth gathering may visit friends in their room during free time if the door to the room is left open and if all roommates agree to the visitor being there. Adults have the right to observe any youth activity at any time.
12. Will designate a “confidential counselor” to whom any minor can go at any time, without special permission, to discuss any problems he or she is having.

Behavioral Guidelines for Upstate New York Synod Paid Staff and Volunteers

All volunteers and paid staff will observe the following guidelines:

1. Do not provide alcoholic beverages, tobacco, drugs, contraband, or anything that is prohibited by law to minors. Adults are prohibited from using illicit drugs and alcohol at a synodical youth event. Tobacco products, used only by adults, can not be used in front of youth and/or during activities of an event.
2. To the extent possible, Upstate New York Synod events that are co-educational will have both male and female chaperones.
3. Whenever possible, at least two unrelated paid staff or volunteers will be in the room when minors are present. Doors will be left open if one adult needs to leave the room temporarily and during arrival to the class or event before both adults are present. Speaking to a minor or minors one-on-one should be done in public settings where paid staff or volunteers are in sight of other people.
4. Avoid all inappropriate touching with minors. All touching shall be based on the needs of the individual being touched, not on the needs of the volunteer or paid staff. In the event a minor initiates physical contact and/or inappropriate touching, it is appropriate to inform the minor that such touching is inappropriate. No one is to strike or hit anyone at any time. Verbal harassment or threats are also not to be tolerated.
5. Never engage in physical discipline of a minor. Volunteers and paid staff shall not abuse minors in any way, including but not limited to physical abuse, verbal/mental abuse, emotional abuse, and sexual abuse of any kind.
6. If you recognize an inappropriate relationship developing between a minor and adult, maintain clear professional boundaries and refer the minor to another individual with supervisory authority.
7. If one-on-one pastor care is necessary, avoid meeting in isolated environments.
8. Anyone who observes abuse of a minor will take appropriate steps to immediately intervene and provide assistance. Report any inappropriate conduct to the proper authorities and officials of the Upstate New York Synod for handling.
9. There are to be no weapons, firearms, laser pointers or fireworks at any youth events.
10. Adults and youth who feel they must have access to their cell phones, beepers, are to keep the instruments on silent and only use devices responsibly and during designated free time. Use of cell phone cameras and other small recording devices is prohibited in private areas.

Transportation*

1. Only drivers aged 21 or over and who have a valid license for three or more years are permitted to transport youth during any synodical youth event.
2. All drivers for synodical events must have and provide a photocopy of a valid driver's license and quality for the vehicle being operated.
3. They must provide proof of vehicle insurance for the vehicle being driven.
4. Seat belts must be worn by all passengers in vehicles which are equipped with seat belts.
5. All state traffic laws must be observed.
6. It is recommended that an adult never be alone with a youth or with two or more youth from the same family in a vehicle. If this is necessary, verbal permission must be given from the parent/guardian.

7. Each vehicle used during a major synodical event must carry medical forms for all passengers.
8. Drivers should check with their congregational policy on transportation and adhere to other restrictions or qualifications noted in such policies (example: minimum age of insured drives, 12 or 15 passenger van limitations).

*These transportation policies are in affect for drivers from the time they arrive at the event to the time they leave the event.

Disqualification

No person may be entrusted with the care and supervision of minors or may directly oversee and/or exert control or oversight over minors who has been convicted of the offenses outlined below, been on a probated sentence or received deferred adjudication for any offense outlined below, or had presently pending any criminal charges for any offense outlined below until a determination of guilt or innocence has been made, including any person who is presently on deferred adjudication. The following offenses disqualify a person from care, supervision, control, or oversight of minors:

1. Any offense against minors as defined by state law.
2. A misdemeanor or felony offense as defined by state law that is classified as sexual assault, indecency with a minor or adult, assault of a minor or adult, injury to a minor or adult, abandoning or endangering a minor, sexual performance with a minor or adult, possession or promoting child pornography, enticing a minor, bigamy, incest, drug-related offenses, or family violence.
3. Prior criminal history of an offense against minors.

Sexual Offender in the Upstate New York Synod

The Upstate New York Synod of the Evangelical Lutheran Church in America will not allow a known sexual offender to participate in youth events in any capacity.

Response to Sexual Abuse**

The Upstate New York Synod will respond promptly to investigate any accusation of sexual abuse. All accusations of sexual abuse will be taken seriously. It is important to be appropriately respectful to the needs and feelings of those who allege sexual abuse and those who have been accused of sexual abuse.

When an allegation is made involving sexual abuse, the person reporting the complaint is to be told about the guidelines and the procedures to be followed. The Upstate New York Synod LYO Advisor, or an appointed person, will begin investigating the allegations and may use the assistance of legal counsel or other consultants. If the Upstate New York Synod LYO Advisor is the individual accused of sexual abuse, then an appropriate alternate, appointed by the Bishop, will conduct the investigation. The investigation will be conducted as follows:

1. Report the incident to appropriate authorities in accordance with the state mandatory reporting laws.
2. Report the matter to the Upstate New York Synod's insurance carrier.
3. Cooperate with authorities and the insurance carrier.

4. The Upstate New York Synod may suspend (with pay for paid staff) the alleged offender while a confidential investigation is being conducted.
5. An official of the Upstate New York Synod (and legal counsel or other consultants) will then meet with the governing body of the Upstate New York Synod and present a report on their investigation, which will include findings and recommendations of actions.
6. An official of the Upstate New York Synod will meet with the alleged perpetrator and notify him/her of the results of the investigation and recommendations for actions.
7. An official of the Upstate New York Synod will meet with the alleged victim, along with his/her parents or guardians, and notify them of the results of the investigation and recommendations for actions.
8. During the investigation, an official of the Upstate New York Synod shall maintain contact with the alleged victim and his/her parents or legal guardians, and inform them of the actions taken and assist them in the process of healing.
9. An official of the Upstate New York Synod (and legal counsel or other consultants) may meet with the alleged perpetrator, the alleged victim, and any others with knowledge of relevant facts.
10. Communicate with criminal and civil legal counsel of the Upstate New York Synod.
11. Communicate with those affected by the ministry of the alleged perpetrator.
12. Hire a consultant or assign a spokesperson to respond to media or prepare a statement for the media if the need shall arise, subject to the approval of the attorney representing the Upstate New York Synod.

**For additional procedural information refer to the Personnel Policies of the Upstate New York Synod, Section 11 Conduct in the Workplace.

Child and Youth Abuse Prevention Program Acknowledgement

These guidelines have been designed to guide and assist you when working with minors. The information establishes general practices and guidelines and should not be construed in any way as a contract of employment or continued employment. The Upstate New York Synod reserves the right to make changes in the content or application of this program and to implement those changes with or without notice.

The terms defined herein are defined for the purposes of the program and do not suppose or establish a legal relationship. These terms are not defined for the purposes of creating a legal relationship with the Upstate New York Synod or any related or associated entity and instead are to be used with this document.

I have received a copy of the Upstate New York Synod's Child and Youth Abuse Prevention Program. I understand it is my responsibility to become familiar with and adhere to the information contained herein. I understand that these policies are the property of the Upstate New York Synod.

Print Name

Signature

Date

Child and Youth Abuse Prevention Program

Key Points

The following is a list of the key points of this policy. Please use it in conjunction with the Child and Youth Abuse Prevention Program.

1. We check references for all paid staff, including clergy, who have contact with minors.
2. We check references for all volunteers who will work with minors.
3. We conduct criminal background checks, including sexual abuse and child abuse registries, of all paid staff and volunteers who work with minors.
4. We conduct driving records checks of all paid staff and volunteers who will transport minors in personal or commercial vehicles.
5. We train all volunteers and paid staff who work with children or youth to understand the nature of child abuse and methods of abuse prevention.
6. We train all volunteers and paid staff who work with children or youth in how to carry out our policies to prevent child abuse.
7. Our paid staff and volunteers are informed of state law requirements regarding child abuse and our responsibility for reporting incidents.
8. We have a reporting procedure for a suspected incident of child abuse that follows the requirements of our state law.
9. We have insurance coverage available in case a child abuse complaint occurs.
10. We have a defined response plan to be implemented in case an allegation of child abuse is made against someone in the Upstate New York Synod.
11. We take our policies to prevent child abuse seriously, and we are committed to their enforcement for the safety and security of all our children.