



# Synod of Mid-America Child/Youth/Vulnerable Adult Protection Policy and Its Procedures

Adopted October 8, 2016

## **POLICY APPLICATION STATEMENT**

It is the policy of the Synod of Mid-America and all entities of the Synod that all church members, church officers, nonmember employees and/or contractors, and volunteers of congregations, councils, and entities of the church are to maintain the strongest sense of integrity, safety, nurturing, and care involving all interactions with children, youth, and vulnerable adults. This policy applies to all Synod entity sponsored activities that involve children, youth, and vulnerable adults.

## **POLICY RATIONALE**

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

- Children, youth, and vulnerable adults are a gift from God and the Church has a divine mandate to provide for their safety and nurturing. The Church is called to be a place that reflects the open arms of Jesus. In Matthew 19:14, Jesus says, "Let the little children come to me." The Church is to be, at all levels of council and in all entities, a place of safety and nurture reflective of the arms of Christ.
- Any type of abuse involving children, youth, or vulnerable adults has lasting and devastating effects on the life of the victim/survivor. It is the call of the Church to be a life-giving entity of Christ's healing and hope for community and individuals, not an entity that brings harm and hurt.
- The larger Church suffers with the victim/survivor and his or her family when abuse and neglect occurs. The Church is crippled by the hurt, pain, and distrust that accompanies abuse. Not only does the Church lose its credibility at all levels, it also suffers considerable financial loss and loss of integrity. More importantly, in instances of child, youth, or vulnerable adult abuse within the Church, there is immeasurable spiritual, psychological, emotional, and physical harm perpetrated that woefully cripples God's call on the Church.
- The *Book of Order* states, "The congregation as a whole, on behalf of the Church universal, assumes responsibility for nurturing the baptized person in the Christian life," and Presbyterians believe this baptismal commitment to be a serious one, understanding it

to apply to all in the church's care, including children, youth, and vulnerable adults (*Book of Order* W-2.3013).

- Children and youth are not only persons of care and service in the church, but they are also co-recipients of the graces and love of God. Jesus exemplified this in the Gospel of Mark 10:15–16 when he urged his followers to receive the kingdom of God as a little child. And he specifically takes up the children into his arms and blesses them. So also the Church, as the body of Christ, is to be the presence of Christ's love, in the same way taking up all children and youth into its arms and blessing them; providing for them a safe, thriving, and nurturing environments in which to grow in every way.

## DEFINITIONS

Each state has its own statutes regarding what is defined as child/youth/vulnerable adult abuse. This policy advises all sponsoring councils and entities of the Synod of Mid-America to consider and be familiar with state statutes pertaining to the location of each event/activity.

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

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

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

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

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

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

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

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

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

**Misuse of technology:** The use of technology that results in the harassing or abusing of a child/youth. This includes using technology to send suggestive message and images to a child or youth. Adults should not have any technological contact with a child or youth that

is not either preapproved by the child/youth's legal guardian with a signed waiver, or the contact is on an open public medium, such as a church website or other social media program.

**PMA:** Presbyterian Mission Agency.

**OGA:** Office of General Assembly.

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

**Sponsoring Entity:** Any entity of the Synod within the Synod of Mid-America that is tasked with the responsibility of planning events and activities for children, youth, or vulnerable adults.

## **SCREENING, TRAINING, AND BACKGROUND CHECKS**

A child/youth worker, whether on a paid staff, contractor, or volunteer basis, shall be subject to:

1. The organizing council's receipt of a completed, signed, and approved application and background check authorization forms, including a signed form verifying the event policy has been read. The application should include a minimum of two references.
2. All child/youth workers must be at least eighteen-years-old and four years older than the oldest youth whom they are serving.
3. The applicant's consent to a criminal background check. The sponsoring entity must consult with the insurance company through which they have coverage to determine what background checks are appropriate for their particular event. The sponsoring entity should cover the costs of the background checks for all child/youth workers. These checks shall be run no more than six months prior to the event. (This time restraint is also at the discretion of the organizing council's insurance company's requests. Child/Youth workers who participate annually in events may only be required to have one background check per calendar year, depending on insurance company standards.)
4. All child/youth workers, paid, contracted, or volunteer, must participate in training sometime within the year prior to the event. The training is to be provided by the sponsoring entity and shall cover the event child/youth protection policy thoroughly as well as methods of abuse prevention and a detailed plan of reporting. The sponsoring entity may contract with others to provide these trainings. These trainings shall further cover:
  - What constitutes child/youth/vulnerable adult abuse and neglect.

- How to recognize signs and symptoms of abuse and neglect.
- State laws concerning definitions of abuse and reporting.
- Mandatory criminal background checks and the security of those files.
- Explanation of the importance of the application and screening processes.
- Appropriate boundaries with children and youth, especially regarding adult/child/youth ratios, transportation, and use of technology.
- If an overnight event is planned, discussions of boundaries involving appropriate sleeping arrangements and restroom/shower facilities use shall be discussed.
- The presence of a Safe Child Response Team at each event and how to contact them.
- All paid employees working directly with children or youth at any Synod entity sponsored events must be certified in first aid and CPR.
- Other related topics.

5. No person may serve as a child/youth worker who has a conviction on his/her record of certain felonies or misdemeanors, including, *but not limited to*, any of the following:

- Criminal homicide;
- Aggravated assault;
- Crimes related to the possession, use, or sale of drugs or controlled substances;
- Sexual abuse;
- Sexual assault;
- Injury to a youth;
- Incest;
- Indecency with a youth;
- Inducing sexual conduct or sexual performance of a youth;
- Possession or promotion of child pornography;
- The sale, distribution, or display of harmful material to a minor;
- Employment harmful to youth;

- Abandonment or endangerment of a youth;
- Kidnapping or unlawful restraint;
- Public lewdness or indecent exposure; and enticement of a youth;
- Any crime that involves sexual misconduct or sexual abuse, particularly if it involves misconduct or abuse with a minor;
- Any crime that involves misuse of technology for sexual purposes, such as collecting or distributing photographs of minors who are naked or in sexual or inappropriate poses (child pornography);
- Any crime that involves the use of force, such as assault or endangerment;
- Any crime that involves abduction and kidnapping;
- Any crime that involves drinking and driving, such as driving while intoxicated.

In addition, if a council or Synod entity is aware that a child/youth worker has a prior conviction for one of the aforementioned crimes or a related crime, the child/youth worker shall automatically be ineligible to attend a child/youth event in any capacity.

6. Whenever a Synod entity organizes an event for minors for which the entity will invite minors from other church councils who will be supervised by child/youth workers, the councils who selects the youth workers shall:

- a. Not send a person to act as a child/youth worker whom the council knows has violated the provisions of the *Book of Order* or policy of a local congregation or presbytery pertaining to sexual misconduct or child/youth protection.
- b. Not send a person to act as a child/youth worker for minors when that person is also scheduled to work at the event.
- c. Require councils at all levels of church life who are assisting in organizing Synod entity events for minors, or sending child/youth workers to these events to abide by the same screening, training, and background check standards mandated in this policy for the Synod and its entities.

7. Whenever a Synod entity organizes an event for minors that invites minors from councils who will be supervised by child/youth workers, the Synod entity shall:

- a. Provide guidance to the councils that are sending child/youth workers about best practices for securing child/youth workers and eligibility requirements.
- b. Provide guidance to the councils that are sending child/youth workers concerning the requirement that the council perform and pay for background checks for potential

child/youth workers and how to evaluate the background check for offenses that would disqualify a person from being a child/youth worker with minors.

c. Provide guidance to the councils on when to perform the background checks and with what background check provider.

d. Identify someone on the organizing council of the Synod entity/event to be the designated recipient of background checks from councils and train that person:

i. To review every background check received;

ii. To identify criminal convictions on background checks that should disqualify a person from being a child/youth worker;

iii. To notify a council if the staffer believes the council has erred in selecting a child/youth worker whose background check indicates that the person should not act as a child/youth worker;

iv. Report to the Synod entity sponsor of the event of each potentially disqualifying background check and related concerns so that a formal decision can be made to inform the council that the person whose background check is in question is not eligible to attend the event as a child/youth worker.

## **CONFIDENTIALITY OF RECORDS**

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

## **REPORTING**

Each sponsoring Synod entity will publicize a procedure for reporting any prohibited actions and have copies available at all times in a public place at the event. Anyone suspecting or having knowledge of a violation of child abuse may report such violation to any leader of the Synod entity sponsored event. Any child or youth who suspects or has knowledge of any type of minor abuse is invited to share the knowledge with any adult leader of the Synod entity sponsored event. Anyone who has knowledge or suspicion of child/youth abuse should be made aware that state law requires the immediate reporting of such abuse to the civil authorities. Any adult leader should report such violation to the Stated Clerk of the Synod or any other leader designated by the sponsoring Synod entity of the event. Any person receiving information under this paragraph shall share that information immediately with the designated response team.

## **SAFE CHILD RESPONSE TEAM**

At every event or activity for minors planned by a council or entity of the Synod, a Safe Child Response Team must be trained by the sponsoring entity and be present and available throughout the entire duration of the event. This team should be comprised of at least three members, staff or appointed by the sponsoring entity staff. An attorney chosen

and secured by the Synod entity shall be on-call for all events. The response team will familiarize itself with the terms of this policy as well as established procedures under the Rules of Discipline, *Book of Order of the Presbyterian Church (U.S.A.)* for responding to complaint(s) of alleged child/youth abuse against any teaching elder, ruling elder, employee, or volunteer in a leadership position(s) with the sponsoring entity and any events they may sponsor.

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

1. Immediately provide for the safety of the alleged victim(s) involved.
2. If the report alleges abuse or harassment of a minor, the response team will:
  - a. immediately ensure the allegation is reported to the civil authorities under state law;
  - b. immediately notify the parents or guardian of the minor;
  - c. notify the insurance company of the allegation and that no investigation has yet occurred.
3. Make immediate decisions concerning the temporary removal of the individual accused from any contact with children or youth pending an investigation and/or removal of the accused from the event until a resolution of the allegations has occurred.
4. Notify designated people at the Synod entity immediately of the report of alleged abuse/neglect including an attorney who is on-call throughout the duration of each event, who must be previously secured by the Synod entity in case of such allegations during each sponsored event. Any possible media requests will be handled by a designated person or office with advice from the on-call attorney, taking care to safeguard the privacy and confidentiality of all involved.
5. Consult the OGA and PMA about resources available for victims of the alleged abuse prior to each event and have those resources readily available at every event. This will provide victims and their families immediate resources that may aid in the particular spiritual, psychological, or emotional needs and trauma that arise from the devastation of abuse.
6. If the report is against a teaching elder, the response team shall send a written statement of allegation to the stated clerk of the presbytery that holds the teaching elder's membership. This written statement of allegation shall trigger the formation of an investigating committee under the Rules of Discipline of the *Book of Order: The Constitution of the Presbyterian Church (U.S.A.) Part II*.
7. If the report is against a ruling elder, the response team will notify the session of membership that an allegation of offense has been received against an elder that triggers

the formation of an investigating committee under the Rules of Discipline of the *Book of Order: The Constitution of the Presbyterian Church (U.S.A.), Part II*.

8. If the report is against an employee of the Synod of Mid-America, the response team will notify the Synod Moderator and Committee on Governance. The response team will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.

9. If the report is against an employee of sponsoring entity other than the Synod of Mid-America, the response team will notify the person(s) or committee responsible for supervision of the employee. The response team will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.

10. If the report is against a volunteer, or nonmember of the PC(USA), the response team will request that the Synod appoint an investigating committee of three persons to initiate an investigation of the allegations in order to:

- a. gather any statements of abuse from those making the report, including any information from the Safety Response Team, and any party to the abuse;
- b. gather any information from the person who was accused of abuse;
- c. make written determinations and take actions appropriate to resolve the matter including, but not limited to, making recommendations for prevention as well as response.

11. Provide pastoral counseling for the principal parties involved (accuser(s), possible victim(s), accused, family members).

12. A written summary of any proceedings in such cases will be maintained by the Synod entities.

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

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

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

1. Two-adult rule: Two non-related adults must always be present in groups of children and youth. The only exception is if an emergency situation deems this not immediately possible. All child and youth workers and volunteers must be a minimum of four years older than the age group they lead or supervise.

2. Ratios: The adult to child ratio for all child-related events/activities is 2:10. The adult to youth ratio for all youth-related events/activities is 2:17. There shall also be one



adult of each gender when there is one or more minors of each gender in a group. Only in emergency situations may the ratios and gender diversity be compromised.

3. View Windows and Open Doors: When minors and adult workers or volunteers are in a room, if the door is closed, the door must have a view window installed. If no view window is installed in the door, the door must remain open at all times.

4. Adult workers/caregivers should respect the privacy of the children to whom they provide care. Responsible use of digital devices and cell phones is required in all situations (ex. Taking age-appropriate photographs and movies, not taking photographs of minors who are not fully clothed. Adults and minors are required at all times to wear appropriate attire.

5. Age appropriate training to children and youth should be provided regarding behavior that should be reported to caregiver or leader of the event.

6. Transportation: All adult drivers at child/youth events must have proper licensure and insurance on file with the organizing council. All vehicles used must have seat belts for the driver and each passenger. No minor under eighty-five pounds may sit in the front seat of any vehicle. All drivers transporting minors and vulnerable adults must be over the age of twenty-five and must be informed that if their vehicle is used, their insurance would be primary if an accident occurs. If a charter bus is rented, or any outside carrier is contracted, the company hired must ensure criminal background checks on their drivers. Each vehicle must follow the ratio rules noted in point 2 in this section. Lastly, no minor may be a driver at any event or activity (this includes golf carts at events).

7. Forms: The legal guardians of each minor must provide the appropriate information and medical forms for each activity/event. The information form should include all contacts for legal guardians and the medical form must include a copy of the minor's health insurance card. Further consent forms must be signed by legal guardians for any off campus events. Any photos at the event that are used in social media or published material by the organizing council must be released by a signed consent form from a participant's legal guardian as well as the minor. All such forms must be stored at the event site, in a secure place with restricted access.

8. Each event/activity must ensure that rules are gone over with participants at each event/activity. These rules shall include but are not limited to a code of conduct specific to the event/activity, as well as a list prohibited and expected behaviors for the specific event/activity. The code of conduct and prohibited and expected behaviors list should be given in written form to each participant and legal guardians, as well as discussed thoroughly at the beginning of the event/activity.

9. Children/youth and adults must maintain different showering and grooming hours at events in which bathrooms and shower rooms are shared in housing. These hours must be posted on site.

10. Adults should never share sleeping quarters with children or youth. The exception to this rule is for the occasional legal caregiver/child situation or parent/child situation. If a child/youth requires a caregiver/parent, written permission must be given and kept on record from the child/youth's parent/legal guardian.

11. All volunteers and employees at any Synod entity sponsored events must also abide by a code of conduct that emphasizes the following prohibited behaviors. Some of these prohibited behaviors include but are not restricted to:

- a. Display of sexual affection toward a child.
- b. Use of profanity or off-color jokes.
- c. Discussion of sexual encounters with or around children or in any way involving children in personal problems or issues.
- d. Dating or becoming "romantically" involved with children (under the age of eighteen).
- e. Using or being under the influence of alcohol or illegal drugs in the presence of children.
- f. Possessing sexually oriented materials—including printed or online pornography—on church property or property being utilized for a church event.
- g. Having secrets with youth/children.
- h. Staring at or commenting on children's bodies.
- i. Engaging in inappropriate or unapproved electronic communication with children.
- j. Working one-on-one with children in a private setting.
- k. Abusing youth/children in anyway, including (but not limited to) the following:
  - Physical abuse: hit, spank, shake, slap, unnecessarily restraint.
  - Verbal abuse: degrade, threaten, or curse.
  - Sexual abuse: inappropriately touch, expose oneself, or engage in sexually oriented conversations.
  - Mental abuse: shame, humiliate, act cruelly.
  - Neglect: withhold food, water, shelter.
  - Permit children or youth to engage in the following: hazing, bullying, derogatory name-calling, ridicule, humiliation, or sexual activity.

### **Social Media—Electronic Communications**

**General Social Media Policy**—No minister, employee, contractor, or volunteer of the Synod and its entities shall create or use a media site (Web, Facebook, YouTube, or similar) in the name of or purporting to represent the Synod of Mid-America without the explicit written permission of the Synod or event leadership. When teaching elders or staff, acting in their capacity as a representative of the Synod or its entities, lead or coordinate a group activity using social media, each may use only official Synod entity sites/channels when they have been made available by the entity of the Synod. These may include Web pages, Facebook, e-mail, and similar means.

### **Social Media Communications**

Persons who shall create public pages on behalf of Synod entity programs are responsible to monitor communications and to assure that employees and volunteers do not have private (and possibly inappropriate) conversations with children and youth.

Persons having Facebook privileges on behalf of the Synod entity shall treat unsolicited communication or “friending” from children or youth under age as an unauthorized text message. No reply may be given except to indicate by a posting that accepting a “friend” invitation by under-age children is a violation of the code of conduct.

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

When using Facebook to communicate with children or youth, the authorized minister shall inform parents/guardians of each child or youth that the latter is communicating with the person via Facebook, providing the parent/guardian the opportunity to disapprove or to participate in a group.

### **Social Networking Code of Conduct**

Each person who leads using the resources of social media shall apply this Social Networking Code of Conduct:

- Prohibit comments that are, or could be construed by any observer, to be harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- Prohibit sexually oriented conversations or discussions about sexual activities.
- Prohibit private messages between employees and volunteers and children or youth.
- Prohibit posting inappropriate pictures (for example, sexually suggestive, exploitive, or voyeuristic) or inappropriate comments on pictures.
- Provide children, youth, and their parents with this Social Networking Code of Conduct.

- Encourage parents to play a role in monitoring their children's and youth interactions with employees and volunteers.
- Continuously remind children and youth how to interact appropriately through social networking sites.
- Deny participation by individuals who repeatedly violate the code of conduct.

At the institution of the use of social media, the authorized minister shall present this Social Networking Code of Conduct to children or youth and parents/guardians.

### **SIGNING OF POLICY AND APPLICATION TO SERVE**

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