

POLICY REGARDING SEXUAL MISCONDUCT

GENERAL PROVISIONS

Purpose

Sexual misconduct by any personnel, particularly with a minor,¹ violates human dignity and the mission of the organization. Sexual misconduct, as used in this policy, includes improper sexual conduct with an adult as well as sexual abuse of a minor. The primary purposes of this policy include the safety of children and the integrity of the organization.

Scope

This policy applies to all current and future workers (whether compensated or volunteer) who supervise the activities of preschoolers, children and youth.

Prohibited Conduct

The following acts or omissions (a) are violations of this Policy, (b) will not be tolerated or accepted during any activity or program, and (c) are to be immediately reported to the designated personnel after the safety of the child, children, youth or minor involved has been assured.

1. Any direct observations or evidence of sexual activity in the presence of or in association with a minor.
2. Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a minor.
3. Sexual advances or sexual activity of any kind between any person and a minor.
4. Infliction or physically abusive behavior or bodily injury to a minor.
5. Physical neglect of a minor, including failure to provide adequate supervision in relation to organization activities.
6. Mental or emotional injury to a minor.
7. The presence or possession of obscene or pornographic materials at any organization function.
8. The presence, possession, or being under the influence of any illegal or illicit drugs.

¹ Missouri law regarding the reporting of child abuse defines child as any person under the age of 18 years. For purposes of these policies and procedures, minor has the same meaning.

9. The consumption of or being under the influence of illegal or illicit drugs or alcohol while leading or participating in a organization function for minors.

Reporting Procedures

Any person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect will report the person's belief in accordance with this procedure. Non-accusatory reports (reports that identify the victim of abuse or neglect whether or not the person responsible for the abuse or neglect is known) will be made to the local or state law enforcement agency by calling 911 or _____ (appropriate phone #).

1. Fully comply with the child abuse reporting statute.
2. The organization should also immediately contact the insurance company to report the occurrence, and should contact its attorney.
3. In instances where child abuse is confirmed and a member of the ministerial staff is the perpetrator, the immediate supervisor should be contacted and advised.
4. This procedure is not only required as a condition of your job or volunteer position, but is also required by law.
5. Upon the first suspicion of an instance of child abuse, the following steps should be taken immediately:
 - (a) Do not treat the suspicion as frivolous.
 - (b) Commence the investigation immediately, and conclude it as soon as possible.
 - (i) If a sponsor or volunteer of minors suspects a case of child abuse, he or she is required by law to report his/her suspicions within 24 hours to the State Division of Family Services. It is organization policy that it also be reported immediately to one of the paid staff ministers of the organization.
 - (ii) The minister receiving the initial report will be responsible for confirming the facts reported and the condition of the child, on the same day on which the first report was made. Use the "Reducing the Risk Application Checklist" to complete the organization/staff responsibilities involved with the occurrence.
 - (iii) Data concerning the child, name, address and other pertinent information will be obtained through discussions with the initial reporter and other staff members. The name and address of the person responsible for the care of the child, if available, will be obtained.

- (iv) After the information is secured, the minister will contact the State Division of Family Services.
 - (v) Complete the Incident Report Form.
 - (c) Maintain confidentiality of the investigation as much as possible. Emphasize confidentiality of the victim and any accused.
 - (d) Cooperate fully with law enforcement officials.
 - (e) Suspend any accused from the performance of duties involving children until the investigation has been completed.
 - (f) Inform the victim and the victim's family of the steps that are being taken, and continue to keep them advised of the status of the investigations. If child abuse is confirmed, ask the victim and the victim's family what action they would like to take in the matter, and fully cooperate to address their request with the bounds of a legal and prudent response (organization's legal counsel should assist in this determination).
 - (g) In instances where child abuse is confirmed, the organization should immediately dismiss the worker or volunteer from that position.
 - (h) In instances where the evidence is inconclusive, the organization must take action depending on the strength of the evidence available and after consideration of the victim's family's request.
 - (i) Keep the congregation informed of the investigation with respect to matters which are not confidential, so that the congregation will hear about the investigation from within the organization rather than from the news media.
6. Promptly take steps to plan for a response to the media and attempt to speak to the media only through one contact person so that the organization can emphasize through the media to the public the organization's position on child abuse, its concern for the victim, and the extensive steps the organization is taking to address the present occurrence and to reduce the risk and provide a safe environment for other children.

Every allegation of sexual offense or molestation should be investigated promptly and thoroughly by officials and reported to the organization insurance company immediately. If such allegation is factual, the relationship with the worker or volunteer should be terminated.

Screening Process

All paid employees and volunteers of the organization, desiring to work with minors, will be required to execute an authorization for background check including, but not limited to, a criminal background check, and a criminal background check will be completed.

Any prospective worker that has prior incidents of sexual misconduct or child abuse will not be allowed to serve in any capacity where they would have contact with minors.

No volunteer will be allowed to work with minors until they have been a member of the organization for a minimum of six (6) months, or a regular attendee for a minimum of one (1) year.

Supervising Procedures

No adult will be left alone with a minor, and there will be a reasonable ratio of adult workers to be maintained in each situation involving the supervision of children.

Organization staff and volunteer directors will supervise on an ongoing basis and make unannounced visits into classes or other program sites from time to time.

A door without windows will remain open at all times.

Confidentiality

All reports of allegations of prohibited conduct will be confidential, and personnel will maintain the confidentiality of all parties, to the extent allowed by law, with the exception of required reporting to parental, legal and social welfare authorities, and the organization's insurance and legal counsel.

**REDUCING THE RISK APPLICATION CHECKLIST
TO BE COMPLETED BY
CLERGY AND 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 the organization and by the state law to complete the tasks listed below. Date and initial as each step is completed.

| | | |
|-------------|----------------|---|
| Date: _____ | Initial: _____ | 1. For clergy and paid professional staff: remove the accused from the situation and suspend the accused from duties involving children/youth. |
| Date: _____ | Initial: _____ | For volunteers: Remove the accused from the situation and immediately notify the closest available clergy/professional staff person who will suspend the accused. If the clergy/professional staff person to whom the allegation is reported is not the department director, the person reporting will inform the director 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. |

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

| | | |
|-------------|----------------|--|
| Date: _____ | Initial: _____ | 3. Immediately notify the parents/guardians of the alleged victim and respond to their questions and concerns. |
| Date: _____ | Initial: _____ | 4. Immediately notify state authorities. Failure to report any suspected, alleged or witnessed abuse is a crime. |
| Date: _____ | Initial: _____ | 5. Immediately notify the minister in charge. |
| Date: _____ | Initial: _____ | 6. Make written documentation of persons contacted and action taken to this point. |

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| Date: _____ | Initial: _____ | 7. The organization will begin the internal and pastoral care process. |
| Date: _____ | Initial: _____ | 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 five (5) days of the alleged abuse, the clergy/professional staff person who made the original report will prepare a written report and send one copy to the state agency and will give one copy to the senior pastor. |
| Date: _____ | Initial: _____ | 10. Make written documentation of persons contacted and action taken. |

INCIDENT REPORT FORM

Reason for report _____

Date of incident _____ Class _____

Title _____

Name(s) and Age(s) of Minor(s) _____

Quote the child's first words verbatim: _____

Briefly describe what happened: _____

What action did you take? _____

Has the incident been resolved? ____yes ____no Explain: _____

Were there any witnesses? ____yes no____ Names: _____

Signatures of witnesses (if possible): _____

Report submitted to: _____