

Lutheran Church–Canada

Abuse Prevention Policy

(Congregation Example)

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Note: This is a policy example provided to help congregations in developing their own abuse prevention policy. It is not intended to be used as a policy blueprint. Each congregation should assess the risk of abuse in their own church activities and formulate a policy that minimizes risk, taking into consideration all the issues identified in the Abuse Prevention Policy Manual. Provincial laws and regulations should be taken into consideration. The definition of a child in terms of age (18 or 16) should be determined based on provincial legislation.

A. Need for a Policy

Whereas	The Scriptures often speak of the love that Christians are to have for all people, and especially for one another; and
Whereas	That love shows itself in many ways, including the mutual care and concern that we have for one another; and
Whereas	in this sinful world we see a far different reality, as far too many examples of lovelessness are evident, and that one of the worst examples of this lovelessness comes in the abuse that is perpetuated against children and others in our society; and
Whereas	We, as a church, do not condone these evils in any way and will, in fact, do everything within our power to protect every individual, whom we recognize is precious and special to our God, and who should be treated with the same dignity, care and respect as God Himself would show to that individual; and
Whereas	Most organizations now have some form of abuse prevention policy in place—both as a legal safeguard and as a way of providing care to the people with whom they are involved; and
Whereas	The Church also will want to show that it is eager to protect and defend those who could be victims of the sinful actions of another;
Therefore	this congregation has adopted and implemented the following protocol and guidelines for responding to incidents of alleged abuse or harassment, including fulfilment of statutory reporting obligations to child protective agencies or police authorities, so that we may exercise the best possible care for one another in a spirit of Christian love.

Abuse can happen any time in any setting, including churches. Churches generally are places of trust, where volunteer assistance with children and youth has traditionally been accepted and welcomed from anyone interested in working with this group. We hesitate to ask sensitive questions of those who are willing to donate time and energy to helping. These qualities can make a church especially vulnerable to abuse and molestation of children.

B. Definitions of Abuse and Harassment

1. Child Abuse

Child abuse occurs when a parent, guardian or caregiver (which can include church workers, Sunday School teachers, youth workers, etc.) mistreats or neglects a child, resulting in

- Injury, or
- Significant emotional or psychological harm, or
- Serious risk of harm to the child.

It entails the betrayal of a caregiver's position of trust and authority over a child. It can take many different forms:

- Physical abuse (hitting, shaking, choking, biting, kicking, dangerous force or restraint, etc.)
- Sexual abuse (exposing a child to any sexual activity or behaviour)
- Neglect (not providing what is essential to a child's emotional, psychological and physical development)
- Emotional abuse (insulting, humiliating, rejecting, name calling, intimidating, threatening)

Abuse happens in any age group, social stratus or ethno-cultural group. **It is vital that guidelines be put in place to prevent abuse and protect children and vulnerable individuals.**

Abusers are usually well known to their victims, and are often family members. **The abuser initiates the abuse and is responsible no matter what the child does.** Offenders will use many tactics to ensure the victim's silence, especially if the abuse is sexual. Children are told (usually bribed or threatened) to keep what happened a secret. In some cases the offender will use physical force to keep the child from telling. They may be made to believe that the abuse is their fault. If the abuser is a family member, the child may be made to feel guilty about the abuse and fear that they will not be believed or fear the reaction of the person to whom they disclose.

2. Harassment

Every worker is entitled to employment free of harassment:

“harassment” means any inappropriate conduct, comment, display, action or gesture by a person:

- i. that either:
 - a. is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or

- b. adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and
- ii. that constitutes a threat to the health or safety of the worker;
- iii. to constitute harassment;
 - a. repeated conduct, comments, displays, actions or gestures must be established; or
 - b. a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker must be established.

Harassment does not include any reasonable action that is taken by an employer, or a manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer's workers or the place of employment.

C. Procedures for Working with Children and Youth

All called workers, volunteers and employees shall be instructed in this policy at least annually.

In public ministry settings THESE APPLY:

1. **Appropriate touching** (caveat – no touching of any kind is appropriate if it is unwanted)
 - a) Eye level conversation, kind speech, active listening
 - b) Leading by the hand to or from activities
 - c) An arm around the shoulder for comforting
 - d) Taking both hands as you reinforce good behaviour: "You did a great job!"
 - e) Patting on the back, shoulder or head for affirmation.
 - f) Holding by the shoulders or hands while you redirect behaviour.
 - g) Gentle holding of the chin to help focus attention on what you say.
 - h) Holding a preschooler who cries.*

*A Sunday School teacher comforts a child left in her care by a parent.

2. **Inappropriate Touching** (Remember the caveat-no touching of any kind is appropriate if it is unwanted)
 - a) kissing a child*
 - b) coaxing a kiss from a child
 - c) extended hugging or tickling
 - d) touching a child in an area that would be covered by a swimsuit (exception: toileting)
 - e) caressing a child needlessly
 - f) having a child sit on your lap
 - g) being left alone with a child
 - h) any prolonged physical contact

- i) opposite sex close contact games
- j) seductive or suggestive contact
- k) contact of a pleasurable nature only to the caregiver
- l) touching meant to assert power or control

* “Everyone must give teacher a kiss”
 “No-one leaves until they give teacher a kiss”

3. **Discipline in class settings.**

How does Hebrews 12:7-11 define disciplines? Is discipline done to or done for a child? Define training from the same passage! The aim of discipline is discipleship! Note: Abuse is less likely to occur in areas where preventive discipline is practiced.

a) Prevention Discipline:

- i. Loving, caring attitude
- ii. Proper environment for child learning
- iii. Repeat for each child
- iv. Make known realistic expectations for the child/children.*
- v. Meaningful age specific activities
- vi. Fair and consistent treatment of children
- vii. A focus on positive actions
- viii. Awareness of special needs.
- ix. Proper student teacher ratios.

* “Today we will learn all 66 books of the Bible 1st Graders” - unrealistic

b) Change Oriented Discipline

- i. Deal with problems individually
- ii. Explain clearly why certain behaviour is inappropriate
- iii. Redirect the child to positive action
- iv. Clearly explain the consequences and results in inappropriate behaviour and the correct way to behave.*
- v. Offer choices acceptable to both child and teacher/caregiver

* “If you continue to fight with Johnny, Johnny will cry and I will have to phone your parents to take you home. Will you please tell Johnny you are sorry now and sit down quietly.”

c) Clear Rules for Classes

- i. One voice speaks at a time
- ii. Quiet children get answered
- iii. Inside voices/outside voices
- iv. Obey directions right away
- v. Good manners
- vi. Keep your hands/feet to yourself
- vii. Respect the other child/adult

- viii. Be a friend!*
- ix. Visit the bathroom before class
- x. Remember – life is not fair

* Joan is a friend to a new student coming into the class helping her find a place in the Bible.

- d) Inappropriate discipline tools:
 - i. Corporal punishment
 - ii. Yelling, screaming or voice tones that demean the child, not the behaviour
 - iii. Words that elicit feelings of shame or condemnation; derisive comments.
- e) Washroom Assistance:
 - i. Plan children's washrooms for children.
 - ii. Limit the need for washroom assistance – remind parents to take their children to the washroom before class.
 - iii. Children up to the age of seven (7) should not be alone in the washroom.
 - iv. Provide hallway and bathroom monitors.
 - v. Prop the bathroom door open to hear or see if assistance is needed.
 - vi. Escort children back to class area.
 - vii. Never enter a cubicle with a child and close the door.
 - viii. For children requiring diaper changes, change tables should be in areas visible to others.
- f) Parental Involvement:

Called church workers, volunteers, and employees will ensure that parents and guardians:

 - i. know when activities conclude;
 - ii. know that controlled access is maintained to young children and that called church workers, volunteers and employees will keep children in that controlled area until parents pick up their children; parents will ensure that permission is given, if it is necessary, for a known designate to pick up children after activities;
 - iii. give written consent for sponsored off-premises or overnight activities and field trips
 - iv. are aware of disciplinary problems

4. **Observing Behaviour**

When children are upset or have a problem, they may show it by acting out of character. The following symptoms may be present when a child is being abused or molested:

- Lacerations and bruises
- Painful urination, discomfort when sitting

- Withdrawal, isolating him/herself from others
- Reluctance to go to a particular place or with a particular person
- Acting out sexual behaviour
- Using words about sex that a child is not likely to know, or describing sexual activity
- Exhibiting self-destructive behaviour such as running away, hurting self or others, taking drugs or alcohol
- Regressing to earlier behaviour such as wetting, thumb-sucking
- Trying to be ultra-good or perfect; overreacting to criticism
- Aggressive behaviour
- Fear of physical contact – shrinking back if touched.

If you have reason to suspect abuse:

- Talk to the child in a quiet place, allowing the child to tell what happened in his or her own words, without pressing for details.
- It is important not to “interview”, as this may frighten the child.
- Listen to the child and accept what they are telling you, even if it is difficult to believe. Comfort the child by letting them know that it is good that they told you.
- Remain calm and do not overreact. If you feel angry, make sure the child knows that you are not angry with them.
- Assure the child that what has happened is not their fault.
- Reassure the child and let them know that you will do something to help. Do not promise the child that you will not tell anyone.
- Call for assistance immediately. If the abuse is of a criminal or sexual nature, call police or a child protection agency immediately.

5. **Church Sponsored Activities and Events**

- a) Church Sponsored Activities should be accompanied by the use of Form 2.1 or 2.2 as appropriate, clearly indicating the sponsorship, times, dates and those in charge of the event.
- b) Church sponsored events are events planned or known about by the church or its leaders. Volunteer/employees representing the church without the church’s or leaders knowledge increase their risk of being accused of abuse. Events should be registered with the church by using Form 2.1 or 2.2.

6. **Facilities**

Congregations are not expected to incur the expense of major renovations to their facilities to comply with the policy, but the existing facilities should be reviewed and consideration given to what may be done to make the facilities less likely to foster allegations of abuse.

Review current facilities and discuss how they can be made more visible and consider whether there are other alternative areas where activities may take place

- i. All children and youth activities will occur in an ‘open door’ environment or with a minimum of two adults on the premises, and / or with designated monitors circulating through the premises.
- ii. Adequate lighting, inside and outside of building(s) will be maintained where all children and youth activities take place. The property will be maintained to assure the health and safety of all.
- iii. Washrooms will be designed and facilities monitored to prevent abuse from occurring in them.

Discuss your current washroom facilities and how they can be made more “user friendly” for children to use them on their own.

D. Complaint Procedures

General Considerations

1. All allegations of abuse will be treated seriously, compassionately, and confidentially ensuring the privacy of both victim and perpetrator.
2. All allegations of abuse will be reported to the appropriate civil authority, as required by law.
3. All allegations of abuse of a criminal nature will be reported to and investigated by the Board of Elders or by those appointed by the Board of Elders (i.e. Abuse Prevention Team)
4. When an allegation is made, the individual involved will be suspended from office until such time as the incident is resolved. The matter shall be reported to the congregation’s insurer, lawyer and other representatives. In no circumstance will liability be admitted.

Allegations Against a Pastor or Deacon

Allegations against a pastor or deacon shall be dealt with in accordance with the Lutheran Church–Canada's *“Policy Regarding Misconduct by Professional Church Workers”*. (See Appendix A)

Allegations Against a Volunteer or Employee

1. God will call to account and punish those who abuse in any form those entrusted to their care by Him (Matthew 18:5-6).
2. Christ has given authority to His church on earth to call abusers to repentance. The sins of impenitent abusers will be retained as long as they do not repent (Small Catechism, Office of the Keys).
3. The Complaint Procedure Guidelines provide direction in dealing with allegations of abuse.
4. If the allegations prove to be true, the perpetrator must acknowledge their sin and repent of it or be brought before the church and excommunicated

(Matthew 18:17). Openly unrepentant sinners are excluded from the Christian congregation (Small Catechism, Office of the Keys).

Complaint Procedure Guidelines

If you have been abused, or suspect that someone in your congregation is being abused, it is essential that this be reported. Abuse thrives when it goes unnoticed or unreported. It will not stop on its own. *Remember that the goal for reporting abuse is four-fold:*

- a) to stop the abuse and prevent further incidents;*
- b) to begin the healing process for the victim;*
- c) to allow the perpetrator (if the allegations are true) to be brought to repentance and reconciliation;*
- d) to allow for the process of justice if the charges are of a criminal nature.*

If the Complainant is an Adult

Step 1

Any congregational entity or member which/who believes that he/she or another adult has been the subject of abuse is encouraged, where possible, to make it clear to the abuser that such behaviour is unwelcome, and should ask that the abuse stop. ***If you feel threatened or frightened in any way, do not take this step.***

Step 2

If resolving the concerns under *Step 1* is *inappropriate or fails*, the complainant may speak to or make a written complaint to any of the members of the Board of Elders, or to those who have been designated by the Board of Elders to serve as part of the APT. If desired, you may have the Pastor or a trusted friend assist you with this step.

Step 3

The Board of Elders or the Abuse Prevention Team may attempt to informally resolve the situation without the need for a formal investigation. The Board of Elders should report the incident in question to congregational legal counsel.

Step 4

Where a formal investigation is required, *the Board of Elders (or local APT) will require the complainant to produce to it any record of incidents of abuse, including dates, times, locations, possible witnesses, details of the abuse and the complainant's response to that abuse.*

Step 5

The Board of Elders will:

- a) Make arrangements for a thorough and unbiased investigation to be conducted in as timely and confidential a manner as possible and in accordance with internal policies and procedures;
- b) Request a written response from the alleged abuser, and show that response to the complainant;
- c) Interview the complainant as well as any witnesses to the behaviour, if necessary;
- d) Interview the alleged abuser;
- e) Keep the parties to the complaint informed of the steps being taken during the investigative process;
- f) If it deems it necessary, prepare a written report outlining the allegations of the complainant, the alleged abuser's response, the evidence of any witnesses interviewed, and the conclusions reached by the Board of Elders;
- g) If necessary, and with the victim's knowledge, report anything of a criminal nature to police.
- h) Arrive at an appropriate recommended corrective/disciplinary action in the event that the complainant's allegations are established.

It is the obligation of every congregation affiliate to cooperate fully with the Board of Elders in the investigations of any alleged complaints of abuse.

If Complainant is a Child (Minor):

Step 1

Any congregational *entity or member which/who believes that a child has been the subject of verbal abuse is encouraged to find a way, where possible, to make it clear to the alleged abuser that such behaviour is unwelcome, and should ask that the abuse stop.* If the abuse is in the form of *inappropriate discipline such as harsh words or voice tones that demean the child or elicit feelings of shame or condemnation, it is advisable to discuss the problem either with the person (i.e. teacher) involved or the supervisor of the program in an effort to stop the behaviour.* If no resolution is reached, the process of informal or formal investigation (as outlined above) may be followed.

Step 2

In the case of sexual or physical abuse, it is essential to make a report to the appropriate agency. The victim should be removed from the situation and have no contact with the alleged abuser until the matter has been resolved. You may also choose to report it immediately to the Board of Elders, the Pastor or a trusted friend who can be with you when you make the report.

If you are a professional working with children, know the full name of the child, date of birth, parent(s) name, sibling(s) name and date of birth, address, telephone number, work number of parent(s), etc.

- Be prepared to describe in detail any visible injuries (e.g. bruises—location size, and colour?)
- Keep notes on what you saw and heard
- Share relevant background information such as language, culture, etc.
- ***DO NOT inform the alleged abusive parent or alleged offender about the report***

When speaking with the provincial agency:

- Record the first and last name of the intake worker for your records
- Ask if there are any steps you should take at this time (who will contact the parents?)
- Ask if you should inform the child of any plan at this time
- You may request that the agency contact you when they have a plan of action (however depending on confidentiality, they may or may not be able to share this information with you)
- Ask if it is safe to send the child home at lunch or the end of the day
- Police are contacted when sexual/physical abuse is being investigated

Procedures for a provincial agency (may vary with province):

- Interview child privately
- Arrangements for a medical exam are made if needed
- Police will be contacted if necessary and appropriate
- Interview siblings/other relevant parties privately
- Interview parents/non-offending parent
- Interview suspected offender

Step 3

All allegations/reports are to be taken seriously. Situations must be handled directly with respect for people's privacy and confidentiality. Allegations should be reported to congregational legal counsel.

Adequate care must be shown for the well being of victims. In no way should the victim be made to feel that they are to blame for the abuse.

Pending the investigation, the alleged abuser should have no contact with the complainant/victim.

If an adult complainant/victim has a developmental disability, the following steps should be taken:

- i. If he/she is living in an agency and the abuse stems from the living situation, the agency should be contacted first and told of the concerns. If it is felt that these concerns are not addressed, a report should be made to the funder.

- ii. If he/she is living with family or friends, it is more difficult to decide on a course of action. If the abuse is of a criminal nature, the police should be contacted, preferably with the knowledge and consent of the victim. If the abuse is in the form of emotional abuse or neglect, a provincial or local agency can be contacted for support or assistance.
- iii. In the case of abuse at the hands of a church worker or volunteer, the above would apply, with actions of a criminal nature being reported to police. Other types of abuse (verbal, emotional) could be dealt with within the context of the congregation's abuse prevention policies.

E. Aftercare

When an incident of abuse has occurred, there are many factors to consider in beginning healing in the church.

The victim and their family require a great amount of care and support.

They should be made aware that the congregation does not blame them for what has happened and that their church family will assist them in bearing the burdens created.

In the case of a child, a great deal of counseling and support can be provided through the local child protection agency. They will also have other resources for the family to access counseling and any other assistance needed. Often a person's health insurance carrier will have psychological and emotional counsel available.

For adults, the church, community information centre or hospital may have a directory of local counseling agencies. Many Christian agencies provide counseling services on an "ability to pay" basis. It is important to encourage the victim and their family to talk about what happened with a trusted professional so they can begin the healing process.

Within the congregation, information should be given honestly and shared on a need to know basis.

There will be a great deal of shock, denial and anger, which must be dealt with in a loving and understanding manner. Professional assistance may be required to assist the members to understand and accept what was happened, to care for the victim and even to acknowledge the sin and work towards the repentance and forgiveness of the abuser.

If the abuse has been of a criminal nature, the abuser will be dealt with first by legal authorities. No matter what the charge, it is important to remember that the goal within the church should be to bring the perpetrator to repentance. The abuser should not be abandoned by his or her Christian family, (even as God does not abandon them) even if they can no longer attend the church.

Remember that even allegations of abuse come at a cost emotionally and spiritually to the alleged abuser and alleged victim. When allegations are proven false some of the same resources should be sought to begin healing processes.

The health and well being of the congregation will depend a great deal on the handling of the situation. Prayer for God's guidance, loving concern from the staff and leaders of the church, and professional assistance will help facilitate this healing process.

G. Screening of Church Workers and Volunteers

1. Screening of Called Church Workers (Pastors, Deacons and Deaconesses)

The screening of called church workers and candidates for ministry (pastors and diaconate) for all congregations is entrusted to synodical and district authorities assigned (Lutheran Church-Canada, Lutheran Church-Canada Central District).

2. Screening of Present Volunteers/Employees

The screening of Present Volunteers and local employees working with children, youth and vulnerable adults is entrusted to the local congregation's board of elders. Present volunteers and local employees shall be trained in the APP and have the date, and signature acknowledging on Form #1.2 that they have received and have read a copy of the Abuse Prevention Policy.

3. Screening of NEW Member Applicants

NEW member applicants:

- a) Shall be given a copy of the policy and sign an Acknowledgement Form (#1.2)
- b) Shall sign a Release of Information Form given for authorization to collect information (#1.1) in a file
- c) Shall wait six months to be known to the congregation before working in such areas as Sunday School, Youth Group and any groups dealing with vulnerable adults (any adult can be vulnerable by virtue of his/her emotional, financial, psychological inability and/or disability).
- d) Shall provide a criminal record check
- e) New applicants as well as present volunteers/employees shall be placed in office publicly by the local congregation using such service as is common.
- f) All information shall be kept in a confidential permanent file and filed under the local direction of the local APP committee and/or supervised by the assigned elder(s).

(YOUR CHURCH LETTERHEAD)

Permission and Release of Information

Information Received is strictly confidential

I hereby give permission for the collection of personal information at *(name of your congregation)* as part of our congregation's ongoing efforts to show our care and concern for those who could be victims of the sinful actions of another. May God bless our congregation in its continued ministry to one another! This will be maintained in a personnel file in our office.

Full Legal Name: *(Print)* _____

Signed: _____ Date: _____

Witnessed: _____ Date: _____

(YOUR CHURCH LETTERHEAD)

Acknowledgement Form

Information Received is strictly confidential

This is to acknowledge that a copy of the Abuse Prevention Policy was provided to me by *(name of your congregation)*. I have read, understand and agree to this Abuse Prevention Policy. May God bless our congregation in its continued ministry to one another!

Full Legal Name: *(Print)* _____

Signed: _____ Date: _____

Witnessed: _____ Date: _____

Waiver & Medical Release Form Overnight Events

Activity: _____ Date: _____

Chaperones: _____

Name of Child: _____ Age: _____

Address: _____

Postal Code: _____ Phone: _____

School: _____

Does your child have any severe allergies? (bee stings, food, penicillin, other drugs) Yes ___ No ___

If yes, please explain: _____

Does your child have any life-threatening allergies? Yes ___ No ___

If yes, please explain: _____

Is your child bringing any medications with him/her? (antibiotics, ventilator, Ritalin) Yes ___ No ___

If yes, please explain: _____

Does your child have any physical, emotional mental or behavioral concerns or limitations that our staff should be aware of? Yes ___ No ___

If yes, please explain: _____

Check if your child currently, or within the last three months, has had any of the following:

<input type="checkbox"/> Appendicitis	<input type="checkbox"/> Ear Infection	<input type="checkbox"/> Hay Fever	<input type="checkbox"/> Mumps	<input type="checkbox"/> Tonsillitis
<input type="checkbox"/> Asthma	<input type="checkbox"/> Hepatitis	<input type="checkbox"/> Bedwetting	<input type="checkbox"/> Diabetes	<input type="checkbox"/> Measles (red)
<input type="checkbox"/> Sinusitis	<input type="checkbox"/> Chicken Pox	<input type="checkbox"/> Fainting	<input type="checkbox"/> Measles (German)	
<input type="checkbox"/> Severe Stomach Ache	<input type="checkbox"/> Other			

Date of last Tetanus shot: _____

Precautions are taken for the safety and health of your child, but in the event of accident or sickness, *(name of your congregation)*, its staff, and its volunteers are hereby released from any liability. **In the event that your child requires special medication, x-rays, or treatment, the parents/guardians will be notified immediately.** In case of surgical emergency, I hereby give permission to the physician selected by *(name of your congregation)* to hospitalize, secure proper treatment for, and to order injection, anesthesia or surgery for my child as named above.

Provincial Health Insurance Number: _____
(Your child must be covered by Provincial Health Insurance or equivalent medical insurance.)

Name of Physician: _____

Physician's Phone Number: _____

Parent/Guardian Signature: _____ Date: _____

Children's/Youth Ministries
(Insert your Church, Address, Telephone, Fax, Email)

Waiver & Medical Release Form Field Trips and Special Events

Activity: _____ Date: _____

Chaperones: _____

Name of Child: _____ Age: _____

Address: _____

_____ Postal Code: _____

Phone: _____

School: _____

Does your child have any severe allergies? (Bee stings, food, penicillin, other drugs) Yes ___ No ___

If yes, please explain: _____

Does your child have any life-threatening allergies? Yes ___ No ___

If yes, please explain: _____

Is your child bringing any medication with him/her? (Antibiotics, ventilator, Ritalin) Yes ___ No ___

If yes, please explain: _____

Does your child have any physical, emotional, mental or behavioral concerns or limitations that our staff should be aware of? Yes ___ No ___

If yes, please explain: _____

Precautions are taken for the safety and health of your child, but in the event of accident or sickness, *(name of your congregation)* and its volunteers are hereby released from any liability. **In the event that your child requires special medication, x-rays or treatment, the parents/guardians will be notified immediately.**

Provincial Health Insurance Number: _____
(Your child must be covered by Provincial Health Insurance or equivalent medical insurance.)

Name of Physician: _____

Physician's Phone Number: _____

Parent/Guardian Signature: _____ Date: _____

Children's/Youth Ministries
(Insert your Church, Address, Telephone, Fax, Email)

POLICY REGARDING

MISCONDUCT BY

PROFESSIONAL CHURCH WORKERS



June 1992

POLICY REGARDING MISCONDUCT BY PROFESSIONAL CHURCH WORKERS

(For the purpose of this policy the terms abuse, harassment and misconduct are interchangeable)

People who have been called or placed into positions of public ministry in the church have been given by God and His church a special position of privilege and trust. When this trust is violated by a church worker taking advantage of his or her position by causing abuse to people he or she is serving, all concerned parties need to be dealt with in a loving and orderly way.

The primary concern in dealing with actual misconduct should focus on the welfare of the victim who is at a disadvantage even to file a complaint. Other concerns are: the protection of other victims; a ministry to secondary victims such as the victim's and the church worker's family and the congregation; and finally, the need of the church worker for repentance, treatment, support, and when possible, rehabilitation.

Steps to take if one is being harassed:

Harassment is unpleasant and intimidating. Fear of retaliation, embarrassment, or feelings of guilt may inhibit one from raising a complaint. However, it is essential to complain if one is being harassed. The behavioral problem lies with the harasser, not with the one being harassed.

1. Inform the harasser that his/her behavior is unwelcome. An individual (although he/she should know better) may not realize that an action or a comment is offensive. A simple chat may resolve the problem. If the person refuses to cooperate, remind him/her that such behavior is against church policy.
2. Keep a record of the harassment. When did it start (e.g. dates, times, location)? What happened? Were there any witnesses? Were there any threats of reprisal? What was the response? Failure to keep a diary of the events will not invalidate the complaint. A record will, however, reinforce it by making the investigation procedure easier.

If the harassment continues, the victim or victims are encouraged to submit their complaint in writing either to the elders of the congregation, or the circuit counselor, or a vice-president, or to the district president. The complainant may request the assistance of a confidante in formulating and processing the complaint.

Guiding principles after the complaint is made:

1. If any of the aforementioned church officers are satisfied that an investigation is warranted, the church officer shall advise the district president. The district president shall then appoint a Review Committee made up of lay people and church workers to officially investigate the complaint. After its investigation, the Review Committee shall report its findings to the district president who shall then take appropriate action.
2. The complainant is to be treated with care, respect and dignity. An allegation will not by itself jeopardize church membership or job security if the complainant is employed by the church.

3. The allegation should be taken seriously and thoroughly investigated without any presumption of its truth or falsity.
4. All parties are to be presumed innocent until sufficient evidence to the contrary appears.
5. As much as possible the confidentiality of the complaint is to be maintained and the complainant's identity is not to be shared outside of the Review Committee without the written permission of the complainant or an order by the court. As much as possible, the identity of the accused worker will also be held in confidence. Written records will be carefully safeguarded.
6. Both the complainant and the accused worker should have access to pastoral care during the investigation process.
7. The complainant and the accused worker will each have the right to be accompanied by an advocate to support them in the investigation process.

The activity of the Review Committee:

1. Meet with the complainant to determine the nature and extent of the allegations.
2. Inform the complainant about the review process.
3. Encourage the complainant to put the allegations in a detailed written statement and to be represented by an advocate for support in this process.
4. Review the allegations in the written statement and determine if any other parties may be involved or adversely affected.
5. If the complainant chooses not to proceed at this point, determine whether to continue with the investigation anyway. Civil authorities will also be notified if required by law or otherwise deemed appropriate in the circumstances. A written and/or audio report of the meetings with the complainant will be made available to civil authorities with permission of the complainant or where required by law.
6. Inform the accused worker in writing of the complaint and give the accused worker a copy of the complainant's written statement or sufficient details of the complaint so as to allow the accused worker to contest the facts alleged in the written complaint.
The accused worker will then be:
 - a. Informed of his/her right to bring an advocate into the process.
 - b. Directed to refrain from initiating any contact with the complainant or other specified parties during the course of the investigation.
 - c. Obligated to present a response to the complaint in person to the Review Committee as soon as possible.
7. Prepare a written report of the meeting with the accused worker along with a written summary that has been reviewed with the accused worker by the Review Committee. The accused worker will have the right to make comments in writing for the record of the investigation.
8. Meet with any other parties who may be involved in the subject matter, including those suggested by the complainant and the accused worker. All statements, summaries and other documents pertinent to the review will be received into the record of the investigation.
9. Submit a complete written report including all statements, summaries and documents pertinent to the review to the district president.

Resolution of the complaint:

When the report of the Review Committee has been received, the district president may:

- a. Direct a further investigation of the complaint.
- or -
- b. Close the investigation if the district president is of the view that the probability of misconduct has not been established, and respond with care and concern to the complainant and the accused worker. If the vindicated worker chooses, a public statement may be issued to exonerate him/her.
- or -
- c. If the district president is of the view that misconduct has been established, proceed with a course of disciplinary action in accordance with the Synodical constitution, Article XIII; Bylaws I. B, 1.21; V. C. 5.49, and VIII, or other appropriate disciplinary action.

If the complaint against the church worker has been upheld, the church worker will be subject to such disciplinary action as the district president seems appropriate. This may include requiring the resignation of the accused worker from his/her position, or removal from the roster by the district president.

In resolving the complaint, pastoral and professional care should be provided to the victim, the family of the victim, the accused worker, the family of the accused worker, the congregation and peers in the ministry.

Adopted by Lutheran Church–Canada Board of Directors

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