

Congregational Guidelines for Maintaining Safe Sexual Boundaries

Immanuel Lutheran Church, as with any congregation, has the opportunity to provide a setting where individuals may come, from any walk of life, to enter into spiritual nurture, growth, fellowship, and healing. It is in such a setting that participants can share their joys, life issues, failures, and brokenness. For that very reason, Immanuel Lutheran Church, as with all congregations, must take seriously the responsibility of insuring that such an environment is as safe as possible for all who enter into their fellowship.

There are many unfortunate expressions of sexual misconduct: harassment, abuse, and sexual assault. Not only do Federal and State laws make distinctions among these various types but they also mandate different responses depending upon the age of the victim. Though all misconduct has the potential to greatly harm the individuals involved, not all have the same consequences or legal implications. While adultery has no “legal” implications, the moral and ethical issues must be examined. Sexual harassment carries a different legal consequence than does sexual abuse of a minor. All examples affect the well-being of the congregation. The principles cited below may also be applicable to other behaviors, such as domestic violence, that may be potentially harmful to Immanuel Lutheran.

It is critical for those involved in these situations to recognize that “all have fallen short” of God’s expectations and commands. We are in constant need of confession and forgiveness. “Let the one without sin cast the first stone....” is Jesus’ clear injunction against self-righteousness. Jesus’ teaching about forgiveness and restoration must also be taken seriously as his counsel on disciplining members of the church (Mt. 18:15-18). . The tension lies in balancing the need for restoration while insuring the safety and well-being of the community of faith. We are called to both. Great effort in prayer, consultation, and deliberation must be taken so that actions lead to a process which will promote truth-telling, safety, and healing.

In conclusion, it is important to hold as central the well-being and safety of the congregation. It is also vital to treat with dignity and compassion those involved in sexual misconduct. Our hope is that justice, healing, and restoration may take place for all those involved. We reaffirm this Congregation’s responsibility to provide a “safe sanctuary,” to create and sustain a community of faith where children and adults can participate in safety.

With that in mind, Immanuel Lutheran Church is proposing the following guidelines to insure that such responsibility is taken, openly supported, and frequently reviewed. The Council will periodically review these guidelines and make changes as necessary.

I. Clergy and other rostered ministers

The Montana Synod of the ELCA has a policy regarding sexual misconduct by clergy and other rostered ministers. As stated in the introduction: “The Synod is committed to preventing sexual misconduct within the church and to responding with justice and compassion when such misconduct occurs.” If at any time there is concern about the conduct of the minister, any individual is encouraged to speak personally with the Pastor, notify the President of the Council, and/or inform the Synod office directly (406 453 1461.) The Synod’s guidelines are available on-line or from the Synod office. Immanuel Lutheran Church will use this policy, summarized in paragraph 1, below, in the event that such misconduct is reported.

1. The Synod will not tolerate clergy sexual misconduct. It further expects all of its clergy to attend a one day boundaries workshop. The Synod further encourages clergy to take advantage of additional educational opportunities.

If anyone knows or suspects that a pastor may have been involved in sexual misconduct, that individual is asked to contact the Bishop's office directly (406)453-1461. If a minor was involved, law enforcement must also be informed. The Bishop's office will initiate an initial investigation. Conversations will also be held with the clergy person. The information will be assessed and based on the findings, appropriate actions will be taken. Great effort must be taken to verify the accuracy and truth of the allegations. Synod response will be determined by the level of misconduct. Pastoral care and counseling will be provided by the Synod for the individuals involved.

2. Immanuel Lutheran Church will continue to provide Continuing Education funds so that their Clergy (and other church leaders) may stay informed and be knowledgeable about these matters. If needed, the congregation will also provide funding to enable the Clergy person to see a counselor/spiritual director on a consistent basis for his or her emotional and spiritual wholeness as well as relational and professional health.

3. The Pastor is encouraged to provide no more than three counseling sessions with anyone, especially with a person of the opposite gender, but rather to refer them to a professional. If more than three times are necessary, the Pastor needs to consult with the President. The Pastor should avoid being alone in an isolated setting with a minor and is encouraged to meet with others when someone else is present in the church. The Pastor may ask a member of the congregation to be at the church, or to accompany him/her to visits outside of the church setting, as the Pastor sees fit.

4. Clergy persons, staff, and all congregational volunteers who work with youth will undergo a background check and update it as necessary. Appropriate congregational screening procedures will be followed in the calling of Clergy and other rostered ministers. See Section IV.

II. Staff

1. Appropriate screening procedures will be followed (interviews, reference checks, background clearance, etc.) for all workers (paid and unpaid) directly or indirectly involved in the care of children or youth. See Section IV.

2. Whenever possible, two adults, preferably both genders if it is a mixed group, must be present with the nursery, Sunday School classes, youth gatherings, or other social events. Youth under 18 should not care for the nursery without an adult present. For overnight retreats, it is highly recommended that at least two adults, preferably non-related, accompany the group. A Staff person should not meet alone with a minor in an isolated setting.

3. The Council must continue in its efforts to provide information and instruction for the entire congregation on reducing the risk of child abuse and sexual misconduct within its fellowship.

4. In the event that there is sexual misconduct or suspicion thereof by a staff person, the Pastor shall visit with the individual in question as soon as possible. Depending on those conversations, the Clergy may inform and consult with the Executive Committee. Information must be kept confidential and limited to only those who must know. The steps defined for Congregational Participants should also be followed for Staff members.

III. Congregational Participants and Unpaid Staff

Appropriate screening procedures will be followed (interviews, reference checks, background clearance, etc.) for all workers (paid and unpaid) directly or indirectly involved in the care of children or youth. See Section IV.

IV. Safe Ministry Guidelines for Workers and Programs

A. Overview and Issues of Abuse or Molestation.

In carrying out these guidelines, church leadership is encouraged to take great care to seek the welfare of the congregation and also, as much as is possible, to work towards reconciliation, healing, and restoration of the individuals involved.

In the case that information about a sexual offense, either past or present, is disclosed to anyone within the congregation, the Pastor must be informed. It is essential that the information gained be as honest and accurate as possible, lest allegations are found to be exaggerated or untrue. No one must be falsely accused. Any information learned must be kept confidential and limited to only those who must know. If there is reasonable cause to believe that the individual in question may continue to pose a concern or risk to the safety and well-being of the congregation, these steps serve as a guideline:

1. If a past or current sexual/physical violation has taken place with a minor (under 18), and there is reasonable cause to believe its accuracy, it must be reported to law enforcement as soon as possible, at least within 48 hours. It is strongly recommended by our Synod as well as other health care and legal professionals that a report be made. The adults of the victim's family must also be notified as soon as possible.
2. If the allegation/violation is current and of a criminal nature, civil and law enforcement jurisdiction and procedures as well as legal proceedings may affect, modify, and take precedence over the guidelines listed below.
3. In all other cases of reported violations, the Clergy will arrange a visit with the alleged offender as soon as possible. The purpose of this meeting or meetings would be to establish an understanding of the allegation/event and the individual's history, specifically as it may relate to inappropriate sexual behavior or patterns. If the allegation/offense is from the past, the Pastor must learn whether steps, counseling or treatment, have been taken to genuinely and adequately address these behavioral patterns.
4. The Clergy will ask permission from the individual to make the necessary and appropriate contacts to discern the accuracy of this information. These contacts may include previous churches, counselors, law enforcement agencies, [Child and Family Services](#), or other institutions. If not granted, congregational membership and participation would be suspended.
5. The Pastor will consult with legal and other appropriate counsel to determine: the legal implications of this allegation/offense; the need for further professional consultation; and who within the congregation needs to be informed. At a minimum, the Clergy person should inform all or part of the Council within 72 hours.
6. The Council's response will depend on the nature of the allegation/offense. The Council may insist that the individual enter into qualified counseling, such as a State Certified Provider. The individual must sign a release form so that the Clergy/Council may be kept informed of the process. Failure to sign such a release or to undertake the counseling will result in the suspension of membership. If the allegation/offense is of a more serious nature, the individual may be asked to meet with the Council (see

#8 below).

7. Anyone convicted of a sexual offense, or any crime against a minor, will not work with children or hold any leadership position within the congregation. This may also apply to anyone with “alleged” offenses where there is reasonable cause to believe the allegations are accurate and that a potential risk still exists.

8. If an allegation/offense was in the past and involved an assault of a minor, the Pastor will consult with the necessary professional resources. If this professional consultation determines that there is reasonable cause to believe that the individual may continue to present a potential risk to the safety of this congregation, the following steps will be taken:

a. The person in question shall appear before the legal entity of the Congregation (the Council) and be requested to fully and honestly disclose their history of sexual offense as well as treatment undertaken to address the issue. The Clergy will append the account with information learned from other sources.

b. The individual may be referred to a therapist for an assessment which may include a polygraph test.

c. Based on these results, a Safety Plan is established in consultation with that Provider, the Congregation, and the Congregant. In addition to safety issues, the plan will determine who else within the congregation needs to be advised of the potential risk. The Safety Plan is to be followed and reviewed periodically.

d. If these steps are not acceptable to the individual, that person will not be allowed to participate within the fellowship. If a member, their membership status will be suspended and would not be transferred to another congregation.

e. If the person chooses to leave the Congregation, a Council spokesperson will appropriately advise any congregation inquiring about the individual.

f. The Council may choose to help with the counseling or assessment costs.

B. Volunteer and Employee Screening Procedures and Training

1-Prior to consideration, all candidates seeking a volunteer position that involves working with children, youth, or disabled adults will complete and return an Initial Ministry Application.

2-The Ministry Leader and the Activity Leader will carefully review the application, ensuring that the candidate is an appropriate match for the position. All application materials will be stored in a secure location.

3-If the individual appears to be an appropriate candidate for the position, the Ministry leader /Activity Leader will check at least two references to confirm the information the candidate provided. Failure to provide references will result in the candidate being removed from consideration for these ministry duties.

4. The church will also conduct a criminal background check through a state law enforcement agency or other provider of such services. Information received from the background check and the personal references will be used to determine the suitability of the candidate for ministry

opportunities within our organization. This information will be viewed by the Safe Ministry Team and treated as confidential.

5. New volunteers will partner with an experienced ministry volunteer for 6 months before they may be considered for a supervisory position.

6. All youth ministry workers (paid staff and volunteers) will be required to attend a training session annually that includes viewing the Safe Ministry DVD (provided) and to review these program guidelines. A record (signature page) of participation in the Safe Ministry Plan will be kept in the church office.

C. Supervision

1-At least two adults must be present at every function or program involving children, youth or disabled adults. At least one adult must be present in each room. If only one adult is present in a given room, another adult associated with the program will check on the groups periodically. One or more of these adults must be 21 years of age or older and all adults must have been approved through the screening process. For large groups, the number of adult supervisors must be in accordance with state student/teacher ratio requirements.

2-Before a program or function, an adult will check the building, including restrooms, to ensure they are safe.

3-All ministry functions involving children, youth and disabled adults will maintain an attendance list for each function. Record the date of the function, along with the names of all participants, ministry coordinators and supervisors. Copies shall be kept for one year in the copy room.

4 – Functions and programs will follow the “rules of three” – at least 3 persons will be present in each room, vehicle or enclosed space at all times. Adults must be at least 3 years older than the oldest youth in the group being supervised.

5-Workers should arrive at least 10 minutes before a scheduled activity. They must remain at their assigned post until all people in their care have been picked up by an authorized person. No children or youth should be released to find their parents or wait unattended for transportation.

6- Groups involving children, youth, or disabled adults should meet in rooms with a window or keep the door open at all times.

7- When possible, a group of children should be accompanied by an adult to the restroom.

8-Workers should never touch a person’s private areas except when necessary as in the case of changing a diaper.

9-Workers should avoid the appearance of impropriety.

10-Workers are to release children in their care only to parents, guardians, or persons specifically authorized to pick up the child. Parents or guardians are to make arrangements in advance if someone else will be authorized to pick up a child; Authorized persons will be asked to provide identification if they are not personally known to the worker in charge.

11-Workers are never to spank, hit, grab, shake, or otherwise physically discipline anyone. Physical restraint should only be used in a situation where it is reasonably necessary to prevent an individual from physically harming himself or another individual.

12-Disiplinary problems should be reported to the ministry activity leader, who will report them to a parent or guardian.

13-Ministry workers should prepare a written Notice of Injury report whenever an injury occurs during a ministry function. Promptly forward the incident report to the ministry leader.

D. Counseling

1- We do not encourage counseling by staff or unpaid workers. See Section I.3 for further information.

E. Notice of Abuse or Molestation

1-Volunteer or paid workers who become aware of any abuse or molestation occurring within any activity must immediately inform their activity coordinator and the Pastor. See the procedures in Section IV-A.

2-Workers must promptly notify their coordinator or supervisor when they or others violate the procedures mandated by this policy.

F. Dealing with Law Enforcement, News Media

1-All leaders, employees and volunteers will cooperate fully with law enforcement or governmental agencies investigating allegations of injury, abuse or molestation.

2-The leadership of this church will seek legal counsel as soon as possible after receiving notice of possible abuse or molestation within the organization. Advice from legal counsel will be the basis for our response to the allegations.

3-One individual-a member of the leadership team, a staff member, a ministry leader or our attorney- will be designated as the sole spokesperson to handle all inquiries from the news media. Our spokesperson will be the only person to convey information concerning the situation, doing so in a prudent manner to avoid compromising an ongoing investigation and to maintain the privacy of the individuals involved.

Definitions

Ministry Leader: Pastor, Council President, Council Vice President, Staff Support Chair, Christian Education Chair, Youth & Family Chair, and the Worship, Music, and Christian Education Director

Activity Leader: Youth Coordinator, Preschool Director, Group Leader, Learning Hour Coordinator, VBS Coordinator

Safe Ministry Team: Pastor, Council President, and another person appointed by Council (appointed every 3 years without term limits).

Congregational Resources:

1. Cates, James A., "Not in My Pew," July/August 2003 - Lutheran Partners.
- 2a. Child Protective Services, Dept. of Health and Human Services.
- 2b. Montana Child and Family Services Division (CFSD) 1-866-820-5437.
3. Domestic and Sexual Violence Crisis Center.
4. Montana Synod of the ELCA, Great Falls, MT (406 453 1461)
5. The Faith, Trust Institute, formerly the Center for the Prevention of Sexual and Domestic Violence (CPSDV), Seattle, (206) 634-1903. (www.cpsdv.org, and info@faithtrustinstitute.org). This organization has numerous congregational resources including curriculum for all ages as well as materials regarding clergy sexual abuse .
6. Halsey, Peggy, "What if the Abuser is One of Us?" adapted with permission from "When the Abuser is Among Us: One Church's Response to a Perpetrator" by Carol J. Adams, printed in Working Together, Volume 14, No. 3, (CPSDV), March 2001. The idea of a safety plan covenant and additional congregational guidelines are detailed. Pr. Alex has electronic version.
7. Melton, Joy Thornburg, Safe Sanctuaries: Reducing the Risk of Child Abuse in the Church, Nashville, TN, Discipleship Resources, 2003, Order #DR220, \$15.95, phone: 800-685-4370. An excellent resource that assists congregations in establishing a Congregational Plan complete with Implementation Strategies and Sample forms.
8. Reducing the Risk of Child Abuse in Your Church kit, Christian Ministry Resources, P.O. Box 1098, Matthews, NC 28106, ISBN 1-880562-07-3, approximately \$50, phone: (704) 841-8066.
9. Reid, Kathryn Goering, Preventing Child Sexual Abuse, a Curriculum for Children Ages Five through Eight, United Church Press, ISBN 0-8298-1016-1.
10. Reid, Kathryn Goering with Marie Fortune, Preventing Child Sexual Abuse, a Curriculum for Children Ages Nine through Twelve, United Church Press, ISBN 0-8298-0810-8.
11. Safe Haven for Children, www.elca.org/init/safehaven/ an excellent online resource for developing a prevention plan as well as information on many other critical children's issues.
12. www.elca.org--resources on the elca web site.