

**POLITY AND RECORDS COMMITTEE (P&RC)**  
**Report to Spring Synod Assembly 2017**  
**New Presbyterian Church, Los Angeles, California**  
**May 6, 2017**

**FOR INFORMATION**

The Polity and Records Committee met several times since the Fall 2016 Synod Assembly to complete its work on a revised Synod policy covering sexual misconduct and harassment as well as the protection of children and youth. The document, titled “**Policies and Procedures for the Synod of Southern California and Hawaii for the Personal Safety and Protection of All**”, was approved by the Commission of Assembly at its meeting of December 10, 2016 and applies to both Synod staff members and volunteers.

We encourage all commissioners and members of the committees and workgroups to read and be familiar with this document.

<b>COMMITTEE MEMBERS</b>		
Class of 2017	Class of 2018	Class of 2019
RE Robert Parker, LR - Wm	TE Forrest Claassen, LR - Wm	RE Elizabeth Hicks, PA - Bw
TE Charles Rassieur, RS - Wm	RE Steve Salyards, SG - Wm	TE David Won, PA - Am
RE Mickey Stueck, SB - Wf	RE Ed Paradis, SD - Wm	Areta Crowell, SF - Wf

**POLICIES AND PROCEDURES FOR THE SYNOD OF SOUTHERN CALIFORNIA  
AND HAWAII  
FOR THE PERSONAL SAFETY AND PROTECTION OF ALL**

By action of the Synod Assembly, the Synod of Southern California and Hawaii (the “Synod”) has adopted these policies and procedures concerning the personal safety and protection of those associated with the Synod relating to areas of sexual misconduct. Responsibility for maintaining and carrying out these policies and procedures rests with different committees and staff within this Synod. For example, personnel related matters shall be under the primary supervision and control of the Personnel Committee. As a result, every Synod representative and employee must take responsibility for familiarity with these policies and procedures, and the concerns reflected by them, to assure that these policies and procedures are adequately implemented throughout the life of the Synod.

Our Synod community depends on trust and civility. A willingness to recognize the dignity and worth of each person is essential to our mission. It is the responsibility of each person to respect the personal dignity of others. The Synod expects members of the Synod community to demonstrate a basic generosity of spirit that precludes expressions of sexual misconduct. The scope of this policy is not limited to the physical location of the Synod and relationships with other staff at that location. It includes contacts anywhere in connection with carrying out Synod responsibilities and relationship with employees, volunteers, and members of or participants with any Presbyterian Church (U.S.A.) bodies or entities. Violation of any of these policies not only damages the victim of the misdeeds, but is also likely to be damaging to the Synod as a whole.

These policies and procedures are to be read in conjunction with any other guidelines, policies and procedures, and other practices in place for the Synod. In particular, the Book of Order of the Presbyterian Church (U.S.A.) remains the primary governing document for the Synod. These policies and procedures are based, in part, upon the Sexual Misconduct Policy adopted by the 203<sup>rd</sup> General Assembly, and as that document may be subsequently amended, and will be interpreted in light of that policy. Further, the Synod’s general personnel policies and procedures shall also be applicable to all employment matters.

The Synod has several different legal and ethical obligations to provide protections to its employees and to its volunteers. In particular, these policies and procedures are designed to cover each of the following three distinct concerns: (1) sexual misconduct by clergy, elders, deacons, professionals with the Synod, and others in authority within the Synod (referred to in these policies and procedures as “Sexual Misconduct by Ordained Persons and Other Professionals”), (2) employee and volunteer concerns relating to sexual harassment and a safe working environment (referred to in these policies and procedures as “Employee Sexual Harassment”), and (3) compliance with appropriate child abuse prevention and reporting policies by any recipient of funds awarded by the Commission of Assembly and by own committees. These different legal and ethical obligations come from a variety of sources, and may each apply in different circumstances. These Policies and Procedures are designed to guide the officials of the Synod in response to concerns arising in any of these areas.

The Synod acknowledges the importance of each of these issues, and requires that each of its volunteers and each of its employees familiarize him/herself with the general parameters of each of these concerns:

1. **Sexual Misconduct by Ordained Persons and Other Professionals**. Issues may arise concerning sexual misconduct by ordained persons (clergy, elders, deacons) and other professionals in positions of authority within the Synod. This Synod's policies and procedures with respect to these matters are primarily notice and education procedures. The control of sexual misconduct by ordained persons and other professionals is always a matter of Presbyterian polity, while it may also give rise to potential civil or criminal liability. This policy is applicable in any circumstance in which an ordained person or another professional in a position of authority within the Synod is involved in an allegation of sexual misconduct. Entirely consensual conduct among adults where one or both may not be employees may still be governed by the policy concerning sexual misconduct by ordained persons and other professionals.
2. **Employee Sexual Harassment**. Issues may arise concerning sexual harassment among staff members. This Synod's policies and procedures with respect to these matters are a combination of personnel policies (like any other anti-discrimination personnel policy) and a staff education program. These policies and procedures assist the Synod in reducing the Synod's legal liability in a manner responsive to federal and state law issues applicable to all employment situations. This policy is applicable in any circumstance in which an employee or volunteer of the Synod is an alleged victim of sexual harassment. Any incident of employee sexual harassment may also involve the policy concerning sexual misconduct by ordained persons, if an ordained person or other person in authority is allegedly responsible for the harassment.
3. **Child Abuse Prevention and Reporting**. The Synod no longer manages any programs or projects that involve minors. It does, however, provide grants to groups that manage programs or projects that involve minors. Accordingly, it is appropriate for the Synod to assure, before approving any such grants, by requiring certification that the programs or projects to which funds may be given provide reasonable or necessary protections for minors, including mandatory reporting of knowledge of suspected child abuse, together with preventive practices such as employee and volunteer screening, training and supervision, and safety policies for running programs for the protection of children and youth. The child abuse reporting requirements are triggered by the age of the suspected victim - regardless of the identity of the suspected abuser and whether or not the abuser has any relationship whatsoever (as an ordained person, as any other professional in a position of authority, as an employee, as a congregant or otherwise) with the Synod or the entity to which funding is being provided (the "Funds Recipient").
  - A. Suspected child abuse may involve allegations against an ordained person or other professionals acting in a position of authority within the Funds Recipient. In such circumstances, the Fund Recipient's policy must provide an appropriate response,

including any civil law reporting requirements.

B. In other circumstances, the suspected child abuse may not involve allegations against any member of the Fund Recipient's staff or volunteers, but may be a matter of the Fund Recipient's staff or volunteers becoming aware of suspected child abuse, triggering only the legal requirement to report the suspected abuse.

These reporting requirements are state law imposed and became mandatory for pastors as of January 1, 1997. These reporting requirements have been mandatory for many years as to church-run preschools, grade schools and high schools, and apply as well in Sunday school and youth activity volunteer programs. The child abuse reporting law applies not only to behavior involving Fund Recipient staff or volunteers or occurring at the facilities or at Fund Recipient-related events (including formal and informal youth activities) - but any other reportable event of which a required reporter becomes aware. Thus, any pastor, any youth worker or school teacher could become aware of reportable information. While ordained persons, other professionals in positions of authority within the Funds Recipient, employees or congregants could be involved, the child abuse reporting obligations do not arise from ordination, employment, or membership with the Funds Recipient, but relate to separate civil law obligations.

Each of these areas is covered in detail separately below. Each Synod representative and employee is personally responsible for educating him/herself about the first two of these areas. Those Synod representatives and employees with specific designated responsibility in the following areas shall also take specific responsibility for obtaining detailed training with respect to these areas: (1) each Synod representative on the Personnel Committee shall be responsible for obtaining training in the prevention of and response to allegations of employee sexual harassment, (2) each Synod representative whose responsibilities include risk management shall be responsible for obtaining training in the filing and processing of insurance claims with respect to any such matter, and (3) each representative to the Synod Assembly shall be responsible for obtaining training in the implementation of the Synod's Sexual Misconduct Policy. Any request for funds must include a certification that the Funds Recipient has a child abuse prevention and reporting policy in compliance with these requirements.

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I. **SEXUAL MISCONDUCT BY ORDAINED PERSONS AND OTHER PROFESSIONALS**

I-A. **COVERAGE:** Sexual misconduct within the ministerial relationship occurs when someone in a ministerial role (clergy or lay) engages in sexual conduct or sexualized behavior with a member of the congregation, an employee, a student, or a counseling client in a ministerial relationship. The Synod has also included within its policies dealing with sexual misconduct actions by non-ordained professionals within the Synod acting within positions of authority. Misconduct includes acts such as giving an inappropriate gift, close physical contact uncomfortable to the recipient, and verbal behavior that may sexualize a relationship (such as innuendoes, suggestive comments, tales of sexual exploits, questions about intimate details, requests for sexual favors, and other inappropriate language or stories which create an intimidating, offensive, or embarrassing environment).

Misconduct may also include activity that appears to be entirely consensual, which the Presbyterian Church (U.S.A.) has determined may still be a violation of an ordained person's responsibilities. Consensual activity may violate the professional roles and boundaries that should be in effect, taking advantage of the vulnerability of a representative or client. Sexual misconduct within a ministerial relationship is a violation of professional ethics, an abuse of the authority difference between a person in a ministerial role and a member of his or her congregation or a client in a counseling relationship. The Synod has also determined that other professional relationships within the life of the Synod raise similar issues of violation of professional ethics and an abuse of the authority difference between a person in a professional capacity and those individuals participating in a program over which that person has authority. Such a participant cannot give meaningful consent to the personal relationship because of the power difference. In particular, individuals are likely to seek pastoral support - or support from others in a professional capacity within the Synod - at times of stress or crisis, when the individual is likely to be particularly vulnerable emotionally. Therefore, it is the responsibility of the person in the ministerial role or other professional capacity to maintain appropriate boundaries within the professional relationship.

I-B. **RESPONSE:** If any member of the Synod has reason to believe that an ordained person (clergy or lay), a Synod staff member, or other professional acting in a position of authority within the Synod has committed sexual misconduct, such person should immediately contact one of the Synod officers and/or a member of the Personnel Committee, as applicable. Each of these individuals is available to answer questions concerning this process. The Synod has trained personnel ready to listen to the accuser, the accused and other concerned members of the Synod; these personnel are prepared to provide support and assistance to each of these concerned persons, and to coordinate an appropriate response. The alleged victim should be encouraged to contact one of these persons and to file a written statement with the Stated Clerk of the Synod.

I-C. **JUDICIAL PROCESS:** The Book of Order governs any judicial process resulting from claims of sexual misconduct. The presbytery of membership has original

jurisdiction in disciplinary cases for Teaching Elders. The session of the church of membership has original jurisdiction in disciplinary cases involving Ruling Elders and other laypersons.

**I-D. APPLICATION OF ADDITIONAL GUIDELINES:** If the alleged victim is an employee of the Synod, compliance should also occur under the guidelines provided below in Section II on Employee Sexual Harassment.

**I-E. PROTECTION OF THE SYNOD:** Any allegation of sexual misconduct, whether against a minister, elder or deacon associated with the Synod or any other professional acting within a position of authority within the Synod, will be potentially damaging to the life and health of the Synod. In many cases, a synod and its employees and representatives are among the victims of the alleged abuse because of the disruptions of trust that may occur in the aftermath of allegations of such misconduct. This Synod process is designed to protect the interests of all of the potential victims of the alleged abuse. This process provides support and resources to a Synod and to those affiliated with it, to the extent that such support and resources are needed. While it may be necessary for the relevant presbytery or church session to assume responsibility for formal judicial process in any disciplinary case against someone affiliated with the Synod, the Synod supports the use of Synod personnel and volunteers during any preliminary complaint and investigation phase that may occur, in order to permit the Synod to benefit from the support and resources that can be made available through that process.

## II. EMPLOYEE SEXUAL HARASSMENT

II-A. **POLICY:** The Synod does not tolerate harassment of any of the Synod's employees, representatives or others who come in contact with the Synod. Any form of harassment which violates federal, state or local law, including, but not limited to harassment related to an individual's race, color, sex, sexual orientation and identity, national origin, ancestry, citizenship status, marital status, pregnancy, childbirth and related medical conditions, age, medical condition (including cancer related or HIV/AIDS related), genetic information, political activities or affiliations, military or veteran status, handicap, disability (physical or mental), or status as a victim of domestic violence, assault, or stalking is a violation of this policy and will be treated as a disciplinary matter. For these purposes the term "harassment," includes slurs and any other offensive remarks, jokes, other verbal, graphic, or physical conduct. State law regards as actionable sexual harassment conduct which may not be intentionally negative - e.g. off-color jokes in the hearing of someone offended by them (even if the hearer does not speak up). These policies and procedures seek to promote sensitive and aware relations among all persons, both to protect the Synod from legal liability and to assure that all persons coming in contact with the Synod are treated with all due respect and consideration.

II-B. **LEGAL BASIS FOR PROHIBITION:** Title VII of the Civil Rights Act of 1964, as amended, prohibits employment discrimination on the basis of race, color, sex, age, or national origin. Sexual harassment is included among the prohibitions. It is the policy of the Synod to maintain a workplace free from any form of sexual misconduct, including sexual harassment, by any employees or by any non-employee work contacts. Any form of sexual misconduct is unacceptable behavior within the Synod community and is subject to appropriate action, including disciplinary action as against a Synod officer or employee. Allegations of sexual misconduct will be fully and fairly investigated and corrective or disciplinary action, which may include dismissal from employment as to any employee and disciplinary complaint within the polity of the Presbyterian Church (U.S.A.) as to any Presbyterian Church (U.S.A.) member.

According to the United States Equal Employment Opportunities Commission (the "EEOC"), sexual harassment consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex-based nature when (1) submission to that conduct is made either explicitly or implicitly a term of a condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of that conduct; or (3) that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment. It also is unlawful to retaliate or take reprisals in any way against an employee who has articulated a good faith concern about sexual harassment or discrimination against him or her or against another individual. Examples of conduct that would be considered sexual harassment or constitute retaliation are presented in the "Statement of Prohibited Conduct" below. These examples are provided to illustrate the kind of conduct proscribed by these Policies and Procedures. This list is not exhaustive. Sexual harassment includes not only overt mistreatment, but also more subtle conduct that create an uncomfortable working environment.

Sexual harassment is unlawful, and the prohibited conduct exposes not only the Synod, but also the individuals involved in the conduct, to significant liability under the law. Accordingly, the Synod's management is committed to vigorously enforcing its Employee Sexual Harassment Policy at all levels within the Synod. Employees should treat other employees with respect and dignity in a manner that does not offend the sensibilities of a coworker.

**II-C. STATEMENT OF PROHIBITED CONDUCT:** The Synod considers the following conduct to be illustrative of some of the conduct that violates the Synod's Employee Sexual Harassment Policy:

**II-C-1. Physical:** Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or attempts to commit these assaults; and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body, or impeding or blocking movement.

**II-C-2. Verbal:** Unwanted sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, sexually degrading comments, gender-loaded insults, graphic verbal commentaries about an individual's body, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct is unwelcome in his or her presence; preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of the employee's sex. Sexual harassment occurs if submission to any kind of sexual harassment is an explicit or implicit term or condition of employment, if submission to, or rejection of, sexually harassing behavior is used as the basis of employment or other personnel decisions affecting the recipient of the behavior, or if sexual harassment has the purpose or the effect of unreasonably interfering with the recipient's work performance or creating an intimidating, hostile, or offensive work environment.

**II-C-3. Displays:** Sexual or discriminatory displays or publications anywhere in the Synod by Synod employees, such as displaying pictures, posters, cartoons, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexual demeaning, or pornographic, or bringing into the Synod's environment or possessing any such material to read, display, or view at work, reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic; and displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers and changing rooms). A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or customarily accepted for the accomplishment of routine work in and around the workplace and who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.

II-C-4. **Retaliation:** Retaliation for sexual harassment complaints, such as disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation; and intentionally lying about, falsely denying, exerting pressure, or otherwise attempting to cover up conduct such as that described in any item above.

II-C-5. **Non-employees:** Additional situations in which non-employees may be involved, such as harassment of the Synod's employees in connection with their work by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to his or her supervisor. Appropriate action will be taken against violation of this policy by any non-employee. Harassment of our representatives or others who may come in contact with the Synod by our employees is also strictly prohibited. Any such harassment will subject an employee to disciplinary action, up to and including immediate discharge. Each person's notification of the problem is essential to the Synod. The Synod cannot help resolve a harassment problem unless those in charge know about it. Therefore, it is each individual's responsibility to bring those kinds of problems to the Synod's attention so that the Synod can take whatever steps are necessary to correct the problem.

II-C-6. **Unprofessional Conduct:** Other prohibited personal behavior may also constitute a violation of these Policies and Procedures. Conduct is prohibited which may not otherwise fall within the legal definition of harassment, but nonetheless projects image problems for the Synod. All employees must conduct themselves in a professional manner. Unprofessional behavior in the workplace, such as sexual related conversations, inappropriate touching (i.e., kissing, hugging, massaging, sitting on laps) of another employee, or of a representative, and any other behavior of a sexual nature is prohibited. Employees who fail to observe these standards will be subject to disciplinary action, up to and including termination.

II-C-7. **Other Inappropriate Conduct:** Other acts of an inappropriate nature may also be prohibited. The illustrations stated above are not to be construed as an all-inclusive list of prohibited acts under these Policies and Procedures. Sexual harassment is unlawful and hurts other employees. Moreover, each incident of harassment contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. Sexually oriented acts or sex-based conduct have no legitimate purposes within the Synod. Accordingly, the employee who engages in that conduct should be and will be made to bear the full responsibility for that unlawful conduct.

**II-D. SCHEDULE OF PENALTIES FOR MISCONDUCT:** The following schedule of penalties applies to all violations of the Synod's Employee Sexual Harassment Policy, as explained in more detail in the Statement of Prohibited Conduct. When progressive discipline is provided for, each instance of conduct violating the policy moves the offending employee through the steps of disciplinary action. In other words, it is not necessary for an employee to repeat the same precise conduct in order to move up the scale of discipline. A written record of each action taken pursuant to the policy will be placed in the offending employee's and alleged victim's personnel files. The record will reflect the conduct or alleged conduct, the nature, scope, and findings of the investigation and the warning given or other discipline imposed. These steps of progressive discipline are in addition to any steps that may be applicable under Section I above, regarding Sexual Misconduct by Ordained Persons and Other Professionals, or as may be applicable under the Book of Order or other Personnel Policies of the Synod.

**II-D-1. Assault:** Any employee's first proven offense of assault or threat of assault, including assault of a sexual nature, will result in dismissal.

**II-D-2. Other acts of harassment by coworkers:** An employee's commission of acts of sexual harassment other than assault will result in non-disciplinary oral counseling on the alleged first offense that cannot be proven to the satisfaction of the Synod; written warning, suspension, or discharge on the first proven offense, depending on the nature or severity of the misconduct; and discharge for any subsequent offense.

**II-D-3. Supervisors:** A supervisor's commission of acts of sexual harassment (other than assault) with respect to any other employee under that person's supervision will result in non-disciplinary oral counseling on the alleged first offense that cannot be proven to the satisfaction of the Synod; final warning or discharge for the first proven offense, depending on the nature and severity of the misconduct; and discharge for any subsequent offense.

**II-E. PROCEDURES FOR MAKING, INVESTIGATING, AND RESOLVING SEXUAL HARASSMENT AND RETALIATION COMPLAINTS:**

**II-E-1. Complaints:** The Synod will provide its employees with convenient, confidential, and reliable mechanisms for reporting incidents of sexual harassment and retaliation. In the event that the alleged harasser is an ordained person or another professional in a position of authority with the Synod, the procedures described in Section I above regarding Sexual Misconduct of Ordained Persons and Other Professionals should be followed. All Synod officers and members of the Synod Personnel Committee should be aware of the policies and procedures regarding Sexual Misconduct of Ordained Persons and Other Professionals.

In addition, the Synod wishes to assure that there are individuals within or affiliates with the Synod who are designated as persons responsible for investigating alleged sexual harassment. Accordingly, the Synod will identify at least two persons, at least one of each gender, from time to time to serve as Investigative Officers for sexual harassment issues. The names, responsibilities, and phone numbers of each Investigative Officer will be routinely and continuously posted. The

Investigative Officers shall each receive appropriate training in handling sexual harassment complaints. The Investigative Officers may appoint "designees" to assist them in handling sexual harassment complaints. Persons appointed as designees shall not conduct an investigation until they have received training equivalent to that received by the Investigative Officers.

The purpose of having several persons to whom complaints may be made within the Synod as Investigative Officers is to avoid a situation in which an employee is faced with complaining to the person, or a close associate of the person, who would be the subject of the complaint. Complaints of acts of sexual harassment or retaliation that are in violation of the sexual harassment policy will be accepted in writing or orally, and anonymous complaints will be taken seriously and investigated. Anyone who has observed sexual harassment or retaliation should report it to a designated Investigative Officer. A complainant need not be limited to someone who was the target of harassment or retaliation.

**II-E-2. Confidentiality:** Only those who have an immediate need to know, including the Investigative Officers and/or his or her designee, the alleged target of harassment or retaliation, the alleged harassers or retaliators, and any witnesses will or may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised (a) that all parties involved in a charge are entitled to respect, (b) that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint, or who has provided evidence in connection with a complaint is a separate actionable offense as provided in the schedule of penalties, and (c) that any such retaliation or reprisal should be reported immediately. This complaint process will be administered in a manner consistent with federal labor law when bargaining unit members are affected.

**II-E-3. Investigations:** Each Investigative Officer will receive thorough training about sexual harassment and the procedures under this policy, and will have the responsibility for investigating complaints or having an appropriately trained and designated Synod investigator do so. When a complaint is made, the Investigative Officer will have the duty of immediately bringing any sexual harassment and retaliation complaints to the confidential attention of the Synod Executive, and each other Investigative Officer (to the extent that each such individual is not the alleged harasser). The Investigative Officers will maintain a file on the original complaint and follow-up investigation. All complaints will be investigated expeditiously by a trained Synod Investigative Officer or his or her designee. The Investigative Officer will produce a written report which, together with investigation file, will be shown to the complainant on request within a reasonable time. The Investigative Officer is empowered to recommend remedial measures based on the results of the investigation, and the Synod Personnel Committee will promptly consider and act on that recommendation.

**II-E-4. Cooperation:** An effective sexual harassment policy requires the support and example of Synod personnel in positions of authority. Synod agents or employees who engage in sexual harassment or retaliation or who fail to cooperate with Synod-sponsored investigations of sexual harassment or retaliation may be severely sanctioned by suspension or

dismissal. By the same token, officials who refuse to implement remedial measures, obstruct the remedial efforts of other Synod employees, and/or retaliate against sexual harassment complainants or witnesses may be immediately sanctioned by suspension or dismissal.

#### **II-F. PROCEDURES AND RULES FOR EDUCATION AND TRAINING:**

Education and training for all employees of the Synod together with Synod officers are critical to the success of the Synod's Employee Sexual Harassment Policy. The following documents will help the Synod meet its goals in this area: a letter to all employees describing the Synod's policy against sexual harassment from the Synod's Synod Executive, the Employee Sexual Harassment Policy, Statement of Prohibited Conduct, the Schedule of Penalties for Misconduct, and Procedures for Making, Investigating, and Resolving Sexual Harassment and Retaliation Complaints. These documents will be conspicuously posted in the Synod office. The statements must be clearly legible and displayed continuously. The Employee Sexual Harassment Policy will be sent to all employees under a cover letter from the Synod's Synod Executive. The letter will indicate that copies are available at no cost and how they can be obtained. The Synod's Employee Sexual Harassment Policy will also be included in the Synod's Employee Manual and General Synod Rules, which are issued in booklet form to each Synod employee. Educational posters using concise messages conveying the Synod's opposition to workplace sexual harassment will reinforce the Synod's policy statement; these posters should be simple, eye-catching, and graffiti resistant. Educational and training include the following components:

**II-F-1. For all Synod employees:** As part of general orientation, each recently hired employee will be given a copy of the letter from the Synod Executive and requested to read and sign a receipt for the Synod's policy statement on sexual harassment so that they are on notice of the standards of behavior expected. In addition, Synod representatives who have attended a training seminar on sexual harassment will explain orally, at least once each year at a staff meeting attended by all employees, the kinds of acts that constitute sexual harassment, the Synod's serious commitment to eliminating sexual harassment, the penalties for engaging in harassment, and the procedures for reporting incidents of sexual harassment.

**II-F-2. For all employees:** All persons employed at the Synod will participate on Synod time in annual seminars that will, among other pertinent topics, teach strategies for resisting and preventing sexual harassment. These seminars will be conducted by one or more experienced sexual harassment educators.

**II-F-3. For all employees with supervisory authority over other employees:** All supervisory personnel will participate in an annual training session on sex discrimination, a portion of which will be devoted to education about workplace sexual harassment, including training (with demonstrative evidence) as to what types of remarks, behavior, and pictures will not be tolerated in the Synod's workplace. The annual training session can be a training offered by one of the presbyteries within the Synod or another appropriate sponsoring organization. Each participant will be informed that they are responsible for knowing the contents of the Synod's Employee Sexual Harassment Policy and for giving similar presentations at meetings to employees.

### **III. POLICY STATEMENT AND GUIDELINES FOR CHILD ABUSE PREVENTION AND REPORTING AND FOR CHILD/YOUTH PROTECTION**

III-A. **PURPOSE:** The purpose of this policy statement and guidelines is to establish that the Synod will not approve any application for a grant unless the grant recipient will have in place a program for the prevention of child abuse and for child/youth protection. This policy is to protect children and/or youth as well as people working with them. As applicable to the program or project, the policy shall also include appropriate provisions for protection from elder and dependent adult abuse.

III-B. **SCOPE:** The Synod no longer manages any programs or projects that involve minors. It does, however, provide grants to groups that manage programs or projects that involve minors. Accordingly, it is appropriate for the Synod to assure, before approving any such grants, through obtaining a certification that the programs or projects provide reasonable or necessary protections for minors, including mandatory reporting of knowledge of suspected child abuse, together with preventive practices such as employee and volunteer screening, training and supervision, and safety policies for running programs for the protection of children and youth. The child abuse reporting requirements are triggered by the age of the suspected victim - regardless of the identity of the suspected abuser and whether or not the abuser has any relationship whatsoever (as an ordained person, as any other professional in a position of authority, as an employee, as a congregant or otherwise) with the Synod or the entity to which funding has been provided (the "Funds Recipient"):

III-B-1. **Suspected child abuse alleged against ordained person or other professionals.** Suspected child abuse may involve allegations against an ordained person or other professionals acting in a position of authority within the Funds Recipient. In such circumstances, the Fund Recipient's policy must provide an appropriate response, including any civil law reporting requirements and shall also provide for appropriate compliance under the applicable sexual misconduct policy for accusations against ordained persons and other professionals within the church.

III-B-2. **Other suspected abuse.** In other circumstances, the suspected child abuse may not involve allegations against any member of the Fund Recipient's staff, but may be a matter of the Fund Recipient's staff becoming aware of suspected child abuse, triggering only the legal requirement to report the suspected abuse.

III-B-3. **Legal reporting requirements.** These reporting requirements are state law imposed and became mandatory for pastors as of January 1, 1997. These reporting requirements have been mandatory for many years as to church-run preschools, grade schools and high schools, and apply as well in Sunday school and youth activity volunteer programs. The child abuse reporting law applies not only to behavior involving Fund Recipient staff or occurring at the facilities or at Fund Recipient-related events (including formal and informal youth activities) - but any other reportable event of which a required reporter becomes aware. Thus, any pastor, any youth worker or school teacher could become aware of reportable information. While ordained

persons, other professionals in positions of authority within the Funds Recipient, employees or congregants could be involved, the child abuse reporting obligations do not arise from ordination, employment, or membership with the Funds Recipient, but relates to separate civil law obligations.

**III-C. MINIMUM POLICY STANDARDS:** Each Synod process through which funds may be awarded for a project or program in which a minor might be a participant (in any capacity, such as a volunteer or a person being served by the project or program) shall assure that any application will be accompanied by a certification that the Child Abuse Prevention and Reporting Policy of the Funds Applicant and the project or program guidelines meet at least the following minimum standards, with detailed procedures and guidelines in each area:

**III-C-1. Screening process.** A process for screening employees and volunteers anticipated to work with minors, which shall include a written application (including personal references), an interview process, and a process for checking the references given.

**III-C-2. Record retention.** Records of each such screening and reference checking process shall be maintained for at least seven (7) years after any such employee or volunteer last provided services to the Funds Applicants.

**III-C-3. Periodic training.** Periodic training about the policy for all employees and volunteers with any contact with minors involved in the program or project designed to inform such persons about the prevention of child abuse and in the proper reporting procedures should they suspect it.

- The objectives for the training session shall include: (a) providing a basic orientation to the facts about child abuse and the Funds Applicant, (b) presenting a rationale for the emphasis upon protecting young people from abuse, (c) describing policies governing ministry to children and youth, and (d) encouraging worker commitment to follow those policies.
- Every worker with children and youth (both paid and volunteer) should receive advance notice of a special mandatory training session to introduce and explain the policies and guidelines. Thereafter, on an on-going basis, regular training sessions (no less often than annually) shall be offered.
- The training should include discussions of the consequences of a single case of abuse, a church's vulnerability to child abuse happening within its programs, and the likelihood of legal suit against a church. Emphasis should be placed upon the fact that risk reduction is for the benefit of the child, the worker, and the Church. The Church's policies and guidelines should be distributed, with detailed review of (1) worker screening, (2) supervision and procedures, (3) reporting of suspected abuse, and (4) response to allegations of abuse.

III-C-4. **Project and program guidelines.** The project and program guidelines will assure that there are reasonable standards and guidelines for conduct required of all children and youth ministry leaders, teachers, sponsors and volunteer workers, whether they are paid staff or volunteers. The procedures shall be designed to prevent inappropriate activities and conduct that may be seen as sexual misconduct, and most importantly to provide good moral examples for children and youth involved in the program or project. In this age, when charges and allegations are easy to make, these procedures will also help protect the staff and volunteers from unfounded and potentially damaging accusations.

- All workers will be supervised and be accountable to an adult.
- A two adult rule assuring that two responsible adults are always involved (which could include a roving supervisor). This is particularly vital for adults taking a younger child to the restroom or assisting with change clothes. In no event should an activity involving minors occur without an adequate numbers of trained adults in attendance, and the children/youth participants should not be permitted to go off on their own. Each adult supervisor must understand that the adults' responsibility ends only when the event is over and everyone has left the adults' care and control.
- Any program or project involving off campus activities (whether day time or overnight) must include a written Medical Release and Hold Harmless Agreement. Planning must include adequate preparations for emergencies, including contingency plans for illness, injury, separated persons or other unfortunate situations. A "buddy system" should be employed for any activity where separation from the group is possible.
- Any work parties should include adequate training on unfamiliar tools and avoidance of allowing any youth to work on roofs, high ladders or other similar dangerous environments.
- Any water activity (swimming, boating, rafting) should include reasonable Lifeguard supervision, life vests where appropriate, and youth instruction on safe conduct and designated areas according to swimming ability.
- Prohibition of any private meeting between one adult (or minor) and another minor.
- A process for reporting any complaints or observations of inappropriate behavior to the event or activity leader, and then to a mandated reporter.
- Guidelines for retaining records about the suspected abuse.

III-C-5. **Response process and reporting obligations.** The Child Abuse Prevention and Reporting Policy will include an immediate, compassionate response process by the Funds Applicant to any suspected abuse and include processes for at least the following:

- By California statute, there is a mandatory reporting obligation for

suspected minor and elder and dependent adult abuse. An elder is sixty-five or older; a dependent adult is between the age of 18 and 64 with physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights.

- The Child Abuse Prevention and Reporting Policy for the project or program will include the telephone number(s) for the county office responsible for accepting reports of suspicious activities for both suspected child abuse and suspected elder or dependent adult abuse.
- Each project or program will identify the mandated reporters associated with the Funds Applicant.
- All other employees and volunteers will understand the process by which suspected abuse is immediately brought to the attention of a mandated reporter.
- Such a mandated reporter shall make the appropriate governmental notice and shall have a process for documenting what is alleged.
- Each policy shall include a description of the circumstances under which an immediate 911 emergency call should be made, along with providing guidance as to when a police report of a suspected crime should be made.
- Each policy shall include guidelines for notifying any applicable insurance carrier of the allegations.
- Each policy shall include guidelines for assuring that any evidence is preserved for a possible police investigation.
- Each policy shall include guidelines for appropriate responses to media inquiries, including assuring that consultation with legal counsel occurs prior to any such communications.
- The privacy and dignity of both the accuser and the accused should be respected at all times to the extent reasonably practical.