

BEAR CREEK UNITED METHODIST CHURCH

HOUSTON, TEXAS

**POLICY OF BEAR CREEK UNITED METHODIST CHURCH FOR THE PREVENTION OF ABUSE OF CHILDREN AND YOUTH**

**Statement of Purpose:**

When the disciples tried to keep the children away from Jesus, he was quick to respond, "Let the children come to me." Jesus taught that children were to be included and provided for within the community of faith. As Christians, we must take our responsibility to our children very seriously. We fail in our responsibilities if we neglect to take adequate precautions against abuse in our church. This policy attempts to do just that for our church.

The purpose of this policy is to protect all persons that come to us, to protect both our staff and volunteers from potential false allegations of abuse and to limit the extent of legal liability of the church.

**Definitions: the following terms shall be utilized within this document;**

Adult	a person 18 years of age or older
Criminal History	refers to any items reported on a person's criminal records including arrests, charges, indictments, convictions, probations and deferred adjudications.
Director	shall mean the person in charge of a particular Ministry. The director shall be responsible for coordinating applications and achieving compliance with this policy by staff and volunteers within such director's particular ministry.
Incident of Abuse & Neglect	as defined by the Texas Family Code found at <a href="http://law.justia.com">www.http://law.justia.com</a> . Excerpts from which can be found in Child Abuse & Neglect (Appendix A)
Ministry (ies)	shall mean on campus, or church sponsored off campus, activities or programs involving protected persons.
Protected Persons	Any person under the age of 18 and adults whose mental or physical condition makes them susceptible to abuse.
Staff	paid employee of Bear Creek United Methodist Church.
Workers/Volunteers	Any adult who assists in conducting protected person's activities under the supervision of a staff person and has direct contact with children.

## **1.0 GUIDING PRINCIPLES**

- By fostering awareness of appropriate, as well as inappropriate behavior with, or in the presence of, protected persons, Bear Creek, as part of the body of Christ, will demonstrate Christian like love and respect for one another.
- Bear Creek recognizes that certain workers have exceptional talents for teaching and supporting the growth and development of protected persons, and wishes to encourage them to use their spiritual gifts. Bear Creek has set certain criteria for those workers who choose to serve in ministries in order to promote and protect the well- being of Protected Persons.
- It is not the intent of the membership of Bear Creek to be judgmental, for we are all accountable to God. The membership of Bear Creek will rely on God's wisdom in developing, implementing and carrying out God's will through this policy. Compassion and truth will be the guiding forces for any investigation, reporting or follow up action that results from the procedures as outlined in this policy.
- Congregational support is critical for adherence to this policy. The limited nature of our resources and our desire to devote as much time and effort as possible to the work of the Lord, mandates that this policy be fully understood by every member of our congregation and church family. This will enable church staff and leadership to do what is necessary to preserve the church's resources for the work of the Lord.

## **1.0 BEHAVIOR**

1. The following behaviors are prohibited for Workers:

- Threatening or intentionally inflicting emotional or physical injury.
- Committing any sexual offense or engaging in any sexual contact
- Making any kind of sexual advance or making a request for sexual favors
- Engaging in verbal, visual or physical conduct of a sexual nature, i.e. back rubs, massages, kissing or similar contact.
- Physical discipline, such as spanking

2. Touching to comfort or affirm a protected person in an age-appropriate manner is permitted. Side-by-side hugs are suggested instead of full-body contact. Appropriate touching need not be completely avoided but is acceptable only in public. Workers shall be aware of how it looks and how the person being contacted may interpret the contact.

3. The following are unacceptable and will not be tolerated at any ministry:

- Tobacco
- Alcohol
- Illegal drugs
- Firearms or other weapons
- Foul or offensive language

The said examples are not "all-inclusive". Any appropriate behavior that contravenes the Statement of Purpose shall be considered prohibited behavior.

4. All workers and staff must sign Appendix G-2 before beginning work in any ministry.

## **2.0 WORKER ENLISTMENT AND SCREENING PROCESS**

1. Persons shall meet the requirements and approvals for service set out herein in order to be a worker in a Ministry.
2. All workers/volunteers must attend safe sanctuary and have background checks annually.

### **3.1 Application Process**

1. Workers shall complete the Employment or Volunteer Application (Appendices B or C) and a Form for Authorization for Release of Information (Appendix D) for criminal records check.

### **3.2 Certification Process**

1. A criminal records check shall be made on applicants by an outside source specializing in such confidential screening. Results will be given to the applicable director. Issues requiring a discussion with the clergy or designate will be treated with confidentiality.
2. References found on the Employment and Volunteer Application may be randomly checked by the applicable director. The Employee and Volunteer Reference Check Form (Appendix E) may be used to document discussions and findings.
3. The information and the Employment and Volunteer Application will be used to screen any potential driver(s) through the church's insurance company and the State Department of Motor Vehicles to determine if the potential driver is a safe driver.

### **3.4 Approval/Disapproval Process (initial certification and during service in a Ministry)**

1. Sunday School teachers shall be members of Bear Creek for three (3) or more months prior to beginning service. Exceptions will be allowed only if the applicant provides a recommendation letter from a pastor and/or relevant staff person at a prior church of applicant, or if written recommendations are received from three (3) current members of Bear Creek, who have been members for more than one (1) year.
2. Persons having a criminal history of any of the following types of offenses shall not be allowed to serve in any ministry:
  - Child Abuse, whether physical, emotional, sexual or neglectful
  - Violent offenses, including murder, rape, assault, domestic violence, etc.
3. Persons having a criminal history of DUI or DWI conviction within the five (5) years immediately prior to application shall not be allowed to act as a driver.

4. Workers shall be at least twenty-five (25) years of age or salaried staff to drive. Drivers must have a valid Texas driver's license and proof of insurance covering at least liability and un-insured motorists.
5. Other offenses, depending on how recent, the frequency and the nature may also preclude an applicant or worker from serving in a ministry. This will be determined on a case by case basis by the senior clergy and the applicable director. In such cases, the determining factors will be the best interests, safety and well-being of the protected persons. Any applicant or worker whose criminal history is such that his or her approval is subject to decision by the clergy and the applicable director will be given the opportunity to explain the circumstances to the clergy and the applicable director.
6. Lying on an application is cause for removal from service in a ministry.
7. Workers who refuse to comply with this policy or repeatedly fails to follow it shall be subject to dismissal.
8. Workers who do not attend mandatory training are subject to dismissal.
9. Persons may begin working in a ministry when the application paperwork and certification work is complete and the person is found to meet the acceptance standards.

#### **4.1 GENERAL POLICY**

#### **4.2 Staffing**

1. A minimum of two (2) workers shall be present in any room or area where protected persons are participating. Exceptions to the above rule include:
  - Escorting protected persons between on-campus buildings or in hallways
  - Monitoring the arrival or departure of protected persons
  - In cases of emergency care
  - Line of sight exists within field of vision of another certified adult
  - Safety in numbers exist
2. If the required number of workers cannot be obtained for the number of rooms or areas, then the group shall be combined with another group or the ministry cancelled.
3. While on campus, there shall always be a director or their designee on duty while the ministries are in session

#### **4.3 On Campus Policies**

1. Doors to rooms shall be kept open or, in the case of rooms with Dutch doors, the top half of the door shall be kept open. It is acceptable to close the door to a room if there is a window to the hallway that allows observation of activities in the room. Under no circumstances shall a worker be alone with a protected person behind closed doors with no window. Doors shall never be locked while occupied by workers or protected persons, unless such doors are of the "Dutch Door" variety, and the top portions of doors are left completely open.
2. If there is to be a change of class location, the director or designee shall be notified.

3. Workers are encouraged to wear their nametags while working on campus in a Ministry.

#### **4.4 Discipline**

1. The applicable director shall advise workers on the best Age-Appropriate Discipline Methods (Appendix F&G)

2. The behavior of the protected person who is a constant disruption shall be discussed with his or her parents or legal guardian and the applicable director. Parents or legal guardian shall be asked to attend the ministry to observe or control the problem behavior. A protected person who is disruptive or a danger to him/herself or others shall be removed immediately by the worker and the parents, legal guardian and the applicable director shall be promptly notified.

#### **4.5 Continuing Education**

1. Directors shall encourage and may require workers to attend continuing education opportunities.

2. Directors shall communicate the substance of this policy to workers, and workers shall agree to comply with this on the Employee/Volunteer Agreement Policy Form (Appendix H), and read the Fire and Building Safety Guidelines (Appendix I).

#### **4.6 Communication with Parents/Legal Guardian**

1. Workers should attempt to keep open lines of communication with parents or legal guardians. When behavioral issues occur, contact the applicable director to speak to the parents/legal guardians.

2. Parents or legal guardians shall always be permitted to observe in a classroom.

3. Parents and legal guardians shall be advised by the applicable director where to report suspected abuse or other concerns regarding a situation and be assured the reports shall remain confidential.

4. Information concerning the sleeping accommodations for protected persons at any overnight event shall be made available to parents or legal guardians by the applicable director.

5. A signed Emergency Medical Release Form shall be obtained for each protected person in order to participate in any ministry.

6. A signed parental/guardian Consent form shall be obtained for each protected person in order to participate in any off-campus ministry. The consent form may cover events for a stated time period or it may cover specific events.

#### **5.0 ADDITIONAL POLICIES FOR MINISTRIES OF CHILDREN BELOW GRADE SIX**

1. Ministries with protected persons will require a positive identity security system to be used so that the person picking up the Protected Person can be positively matched.

2. For protected persons, infant through fifth grade, the parent shall complete child custody release form that identifies who may pick up the protected person and where the parent(s) are likely to be

found while the protected person is participating in ministry. Only a parent or other person specifically designated by the parent and known to the staff/volunteer may pick up children.

3. Parents shall provide the director with any special information regarding a possible child custody dispute where workers shall pay particular attention to who picks up the child.

4. Diaper changing shall be done in the open and not behind closed doors.

5. Staff/volunteer shall periodically check the bathrooms.

6. The staff/volunteer may release a protected person to a designated staff/volunteer serving as a hall monitor in order to stay in the classroom.

7. The applicable director shall maintain a student information file. This file shall contain a listing of the students enrolled in the ministry with references or remarks as to any parent instructions or special information regarding a child in such ministry.

## **6.0 ADDITIONAL POLICIES FOR MINISTRIES OF YOUTH**

1. When two adults are working with the youth, at least one of the adults must have a 3 year age span from the youth they are supervising.

2. The two (2) Worker rule shall be followed, except as noted below:

- Planned one-on-one worker/youth activities: provided they are held in public places and shall only occur if permission has been given by the parent.
- A worker may “pick-up” or “drop off” a youth at their home provided permission has been given by the parent/legal guardian. (Appendix L)

## **7.1 ADDITIONAL POLICIES CONCERNING DRIVING, TRIPS AND OVERNIGHT STAYS**

### **7.2 Driving Rules**

1. When one vehicle is used for an event, the two-adult rule applies. When multiple vehicles are used for an event, a single worker may drive if all the vehicles travel together.

In the event only one driver is in the car, the applicable director shall have written permission from the parent/legal guardian. (Appendix L)

2. Occupants of vehicles shall wear seatbelts.

3. Protected persons twelve (12) years and younger, shall not sit in the front seat of vehicles with air bags.

### **7.3 Overnight and Trip Rules**

1. The two-adult rule shall be followed throughout the trip. The total number of adults on each trip will be adjusted according to the requirement of planned activities. The ratio of adults to protected persons shall be no less than 1:10. Additionally, for youth activities if the group of protected persons contains

both male and females, there shall be at least one (1) female Worker and one (1) male Worker on the trip.

## **8.0 WAIVERS AND REVOCATIONS**

1. Waivers may be made to the policies outlined in Sections 4.0 through 7.0 utilizing the following procedure:

- The director prepares a Waiver/Revocation form highlighting those areas where the policies will not be followed and the duration of the waiver. (Appendix L)
- The parents of the protected persons sign and date the waiver.

2. Parents may revoke any waiver. The revocation shall be in writing and given to the applicable director.

## **9.1 REPORTING AND INVESTIGATIONS**

### **9.2 Notifications Requirements**

1. Workers shall immediately notify a director or clergy of any incident or abuse or violation of the above policies.

2. Subject to his or her obligation to report such an incident as set forth hereinafter, any person making and/or receiving such a report shall keep the information strictly confidential.

### **9.3 Imminent Threat**

1. Where an imminent threat of continued or additional abuse exists, any worker with knowledge or information about such abuse shall immediately contact another adult and take steps to ensure the safety of the protected person. In connection herewith, any needed emergency healthcare shall be provided, such as (1) first aid, (2) emergency services, and/or (3) transport to a hospital emergency room. The alleged victim shall be immediately removed from contact with suspected abuser. The protected person is paramount before any reporting.

2. Where the abuse of a protected person is alleged to have occurred at home, and the protected person's safety at home is in doubt, the worker shall report the alleged abuse to the ministry director. The ministry director shall call 911 to notify the appropriate law enforcement officials.

### **9.4 Reporting Procedure**

1. In cases where any worker has cause to believe that a protect person may have been abused or neglected, the worker is required by state law to make a report to the State of Texas Child Protective Services "CPS". Pertinent portions of the law relating to timing and substantive requirements of such reports to CPS are set forth on Appendix A. Since such law may be changed from time to time, the reporting person shall follow the law covering such reporting procedures which is in effect at the time the report is made.

2. Contact the proper civil authorities following the guidance of the church's insurance company and attorney.

3. Allegations shall be taken seriously and no pre-judgments shall be made.
4. Situations shall be handled confidentially with due respect for the privacy of the alleged victim and others involved in the incident.
5. The person making the report shall provide the facts known with respect to the incident.
6. The director, together with the person making the notification shall complete an Accident/Incident Report Form (Appendix J)

### **9.5 Responding to the Report**

1. The Director receiving a report of an Incident of Abuse shall:
  - Immediately contact parents or guardian of the alleged victim and inform them of the alleged incident
  - Immediately contact Bear Creek legal counsel, who shall within seventy two (72) hours of the report conduct an investigation (with the assistance of the clergy and the applicable director if the attorney requests such assistance) and determine whether there is reasonable cause to believe that the abuse may have occurred.
  - Take reasonable steps necessary to ensure that the alleged wrongdoer has no contact with the alleged victim pending the investigation.

### **9.6 Investigations**

1. Upon notification of an Incident of Abuse a “Supervising Committee” consisting of the clergy or the applicable director and an attorney shall select an appropriate “Investigation Team”. The charge of the Investigation Team is to determine if there is reasonable cause of abuse.
2. The Supervising Committee shall take reasonable steps to ensure:
  - That the investigation is kept strictly confidential and the evidentiary privileges are maintained.
  - That the investigation is thoroughly documented and that the confidential file is maintained.
  - That witnesses with information concerning the alleged abuse are contacted and interviewed
  - That the interests of the alleged victim and alleged wrongdoer are protected during the investigative phase

### **9.7 Finding of No Abuse**

1. If the Supervising Committee finds that there is no reasonable cause to believe that the alleged abuse may have occurred the committee shall provide a report to the trustees, preserving the identity, confidentiality and privacy of the alleged victim, the alleged wrongdoer and the witnesses.
2. If there is a finding of no abuse the worker may resume his or her position of service upon approval of the clergy and the applicable director.

### **9.8 Finding of Abuse**

1. If the Supervising Committee finds there is reasonable cause to believe abuse may have occurred, the Supervising Committee shall provide a written report to the Trustees and/ or Staff Parish Relations (SPR) committee, as appropriate, and shall meet with the governing body to discuss the report.

2. The written Investigation Report shall include:

- Preservation of the identity, confidentiality and privacy of the alleged victim, the alleged wrongdoer, and witnesses
- The allegations and the steps taken to investigate allegations
- The facts discovered during the investigation
- The conclusion reached as a result of the investigation and the reasons supporting the conclusion
- Recommended actions as to the level of participation in ministries for the alleged wrongdoer

3. The clergy shall ensure that the following actions shall be taken:

- Send notice of a claim or potential claim to the general liability insurance carrier and, if appropriate, the sexual misconduct insurance carrier.
- Cause the Media Response Plan to be implemented
- Report the incident to the District Superintendent and the Bishop

4. In addition, the Supervising Committee may recommend the need for, and may assist in making necessary arrangements for counseling for the alleged victim, the alleged wrongdoer, their respective families and others who may be aware of the incident.

## **10.0 MEDIA RESPONSE PLAN**

1. The Supervising Committee shall;

- Select a spokesperson to handle dissemination of information to staff, media and congregation. In his or her absence, the Senior Clergy will be the spokesperson
- Have ready for release, a clear position statement outlining Bear Creek's policy regarding any abuse of Protected Persons the establishment safeguards
- Select an attorney who will be present with the spokesperson while answering any investigative questions from the police or social service agencies

2. The Church Spokesperson shall;

- Use text or a prepared statement to answer questions from the media and/or inform the congregation
- At all times the identity, privacy and confidentiality of those involved shall be strictly maintained
- Keep in mind that information given to or obtained by media may have a bearing on the Church's liability, so careful judgment shall be exercised.
- Should anticipate media questions

3. Guideline for Spokesperson

- Be Prepared

- Define strategy
- Be candid and honest
- Be clear, concise and in context
- Do not answer more the what I asked
- Do not volunteer information
- Do not ask for quote review
- Do respond to calls and questions as quickly as possible
- When an answer is unknown, the spokesperson shall simply state, "I don't know, but I'll do my best to find out the information for you." Never say "No comment."

### **11.0 POLICIES APPLICABLE TO OUTSIDE ORGANIZATIONS**

1. Any outside organizations, group(s) or individual(s) who use any of the facilities of Bear Creek on a regular basis, shall sign Indemnification and Release Form (Appendix K) stating that they are in compliance with this policy. Except for Scouts (see 11.0.03) the Bear Creek Safe Sanctuary Policy supersedes any other policies that may be in place.

2. Any outside organization, group(s) or individuals(s) who do not use facilities of Bear Creek on a regular basis, shall sign indemnification and Release Form (Appendix K) stating that they understand and are in compliance with the policies outlined herein, except sections 3,8,9, and 10.

3. However, certified leaders of the Boy's and Girl's Scouts of America shall be subject to their own respective organizations rules and regulations concerning safety of those individuals they are charged with caring for.

### **12.1 AMENDMENT TO POLICY**

This policy may be amended as approved by Bear Creek United Methodist Church Council and the directors of children and youth ministries.

**Senior Pastor**

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Printed signature \_\_\_\_\_

**Church Council**

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Printed signature \_\_\_\_\_

**Youth Director**

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Printed signature \_\_\_\_\_

**Children Director**

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Printed signature \_\_\_\_\_