

Montclair Presbyterian Church, Oakland, California

# Policy for Ensuring a Climate of Safety

Approved by Montclair Presbyterian Church Session, [approval date]

## POLICY STATEMENT AND PURPOSE

It is the policy of Montclair Presbyterian Church (MPC), Oakland, that everyone, in particular all children, youth, and vulnerable adults, who participates in our programs and ministries or uses our facilities will be cared for with compassion and will be safe.

As a caring Christian community, MPC is committed to providing a safe and nurturing environment for all children, youth, and vulnerable adults, and for all employees and volunteers working with them in the congregational life of MPC, as well as for organizations that use our facilities.

The intention of the ***Policy for Ensuring a Climate of Safety*** is to protect children, youth, and vulnerable adults from abuse in any form, to respond to allegations appropriately, and to ensure that those working with them are not exposed to false or unwarranted charges of abuse.

## APPLICABILITY

The ***Policy for Ensuring a Climate of Safety*** applies to all MPC employees and all volunteers, all of whom must abide by the Standards of Conduct as outlined below. An individual may be terminated from employment and/or volunteer service for failure to observe and abide by this Policy. This action may be taken regardless of the outcome of any investigation if it is determined that the *Policy* has not been followed.

## DEFINITIONS

- **Child** – a person age 0-11
- **Youth** – a person age 12-17
- **Child Abuse** is violence, mistreatment or neglect that a child or youth may experience while in the care of someone they either trust or depend on, such as a parent, sibling, other relative, caregiver, guardian or other adult in a position of trust. The ***Policy for Ensuring a Climate of Safety*** applies to all children and youth who attend any function sponsored by MPC.

**Child Abuse** includes, but is not limited to, the following:

- **Physical Abuse** – Includes physical injury, or threat of physical injury, inflicted by other than accidental means on a child, or intentionally injuring a child.
- **Physical Neglect** – The refusal to provide care necessary to the health of a child, or the abandonment of a child, in one's care.
- **Sexual Abuse** – The commission or permitting of any act of sexual assault or any sexual exploitation upon a child.
- **Sexual Exploitation** – Includes unwelcome touching, even casual touching, unwelcome hugs, sexual jokes, sexual innuendo, unwelcome visual contact for the purpose of personal gain or profit.
- **Psychological Abuse** – A pattern of behavior by a caretaker that impairs a child's emotional and/or psychological development. This may include constant criticism, threats, rejection, intimidation or humiliation, acts intended to produce fear or guilt, withholding of love and support, isolation, and witnessing of domestic violence.
- **Exploitation** – forcing or coercing a child into performing activities that are beyond the child's capabilities or which are illegal or degrading, including sexual

exploitation. Exploitation includes the manipulation of a child by an adult through a relationship of trust for the satisfaction of personal needs and desires, including sexually suggestive images or videos between an adult and a child, as deemed inappropriate by any reasonable adult.

- **Vulnerable Adult** – a person 18 and over who, because of age, disability, or other circumstances, whether temporary or permanent, is in a position of dependence on others or is otherwise at a greater risk of being harmed by persons in positions of authority or trust relative to that person.

**Abuse of a Vulnerable Adult** is a misuse of power and a violation of trust and includes, but is not limited to, the following:

- **Psychological Abuse** – The attempt to dehumanize or intimidate.
  - **Financial Abuse** – The use of their money or property in a dishonest or illegal manner.
  - **Physical Abuse** – Including any act of violence inflicting pain, injury or mental distress (including sexual abuse).
  - **Abandonment or Isolation**
  - **Abduction**
  - **Deprivation of Goods or Services** that are necessary to avoid physical harm or mental suffering.
- **Reasonable Suspicion/Reasonable Cause to Suspect** – Includes actions that cause a reasonable person to entertain a suspicion, based upon facts and drawing on their training and experience, to suspect abuse or neglect.
  - **Employee** – an individual who is hired or called to work for MPC for salary or wages.
  - **Volunteer** – an individual who provides services to MPC without monetary remuneration.

## STANDARDS OF CONDUCT

- **ABUSE** – The abuse of a child, youth or vulnerable adult, as defined above, is strictly prohibited.
- **HARASSMENT, BULLYING** – Harassment or bullying of anyone is strictly prohibited. All behavior, including any written, verbal, or physical, that adversely affects the ability of a child, youth, or vulnerable adult to participate in or benefit from the programs of the Church is prohibited. Harassment or bullying of anyone based on their actual or perceived age, race, skin color, ethnic identity, national origin, disability, gender identity, sexual orientation, sexual expression, religion, cognitive ability, or socioeconomic status or any other distinguishing characteristic is prohibited. Any such behavior should be immediately reported to the Associate Pastor.
- **CELL PHONE USE** – The use of cell phones or electronic devices by MPC employees, teachers, volunteers, and youth advisors while supervising children and youth is limited to usage directly connected to that supervision and activity.
- **OPEN DOOR POLICY** – MPC employees, teachers, volunteers, and youth advisors are prohibited from placing themselves in a situation in which they might be alone with a single child or youth and cannot be observed or monitored by other adults. When adults supervise children and youth, they should space themselves in a way so that other adults can see them. To the maximum extent practicable, there shall be visual access into each room in which activities with children, youth, and vulnerable adults are being conducted. When adults meet with youth, the meeting should take place in a public place, such as a

coffee shop.

- TWO-ADULT POLICY – At least two adults must be present during interaction with children and youth, and it is preferred that the two adults are unrelated.
- COMMUNICATION BETWEEN ADULTS, INCLUDING YOUTH ADVISORS, AND YOUTH
  - All official communications such as calendars, event announcements, sign-ups etc., shall be emailed to both youth and parents and posted on the MPC website.
  - Youth may choose to share their email address, home address, or phone number with the whole youth group or choose to keep this information private. If they choose to keep the information private and someone wants to make contact, the Associate Pastor will act as a go-between and offer to connect the youth.
    - For example, the Associate Pastor will write to the youth: “Dear Carrie, we missed you at the meeting today, and Bob wanted to ask you about your soccer game coming up. His phone number is 510/555-1234 and you can text him if you want or have me pass a message back to him.”
  - When a youth advisor has cause to email a youth directly, a copy should be sent both to a parent and the Associate Pastor.
  - Youth and youth advisors may connect on social media; however, keeping power dynamics in mind, the adult should allow the youth to initiate the connections.
    - For example: First, a youth may “friend” or “follow” an adult, and then the adult may respond by “friending” or “following” back, if desired.
  - Any communications between youth and MPC adults, including youth advisors, on social media should take place in public comments or in a group message that is moderated by more than one adult.
  - Text messaging and phone conversations between youth and youth advisors should be kept to a minimum, for example, to communicate or confirm meeting location or time.
  - In addition to the two-adult policy (see above, at least two adults must be present during interaction between adults and youth), youth themselves shall practice the “rule of three,” meaning that a youth shall always be in the company of two other youth.
  - Any form of pastoral or mentoring counseling being provided to children or youth by MPC adults, including youth advisors, should not occur in isolation; it should occur in person in a public location, such as a coffee shop. If the child or youth specifically requests a discussion to occur in a more private location, a church room with a glass door in a location where other adults are present should be used.
  - If a meeting is arranged for a youth and an adult, including a youth advisor, the adult must communicate with the youth's parents/guardians informing them of the place and time for the meeting.
  - Disappearing messaging services should not be used for individual communications. The use of services such as SnapChat should be limited to the “My Story” feature, which is a public presence.
- SUPERVISION AND RATIOS – MPC employees, teachers, volunteers, and youth advisors

shall not leave a child or youth alone during any Church-sponsored event or activity. The ratio of adults to children or youth must be 2:10 on trips and retreats and 2:14 for on-site activities. For overnight trips of mixed genders, adult supervisors must include male and female chaperones.

- TRANSPORTATION – All Church-sponsored events for which MPC arranges transportation shall abide by the policies above. All drivers shall be over the age of 23. The transport of children and youth may be excluded from the two-adult rule, i.e. there may be one adult in each car; all other rules still apply.
- INAPPROPRIATE OR UNWELCOME TOUCHING – Inappropriate or unwelcome touching is strictly prohibited. MPC employees, teachers, volunteers, and youth advisors shall respect the rights of children and youth not to be touched in ways that make them feel uncomfortable. MPC employees, teachers, volunteers, and youth advisors shall respect the right of children and youth to say “no” to any touching. Adults shall discourage children or youth from touching others in an unwelcome manner.
- PROFANITY, INAPPROPRIATE LANGUAGE OR SEXUAL JOKES of any kind are prohibited when supervising, teaching or leading children, youth or vulnerable adults.
- ROMANTIC RELATIONSHIPS – It is strictly prohibited for MPC employees, teachers, volunteers, and youth advisors to pursue or continue romantic relationships with any child, youth, or vulnerable adult who is a participant in Church-sponsored activities.
- BATHROOM – Adults may not accompany a child into a bathroom stall. Diaper changes must be performed by an MPC employee (not volunteer) and only with the direct or implied permission of the parent (e.g. parent has left a diaper bag saying you may need it).
- RELEASE FROM ACTIVITIES – MPC employees, teachers, volunteers, and youth advisors shall release children and youth directly to their parents or guardians (or another adult as directed by the parent or guardian) following church school, youth group, nursery care, or any other events.
- DRUG, ALCOHOL AND TOBACCO USE – MPC employees, teachers, volunteers, and youth advisors are prohibited from using, possessing, or offering cigarettes (including e-cigarettes), alcohol or illegal drugs to children, youth or vulnerable adults. MPC employees, teachers, volunteers, and youth advisors are prohibited from being under the influence of alcohol or illegal drugs while supervising children, youth or vulnerable adults, nor shall they be impaired by legally prescribed drugs while supervising, teaching or leading children, youth or vulnerable adults. Smoking or use of tobacco products (e-cigarettes) while supervising, teaching or leading children, youth or vulnerable adults is also prohibited.
- CORPORAL PUNISHMENT – MPC employees, volunteers, teachers, and youth advisors are prohibited from using corporal punishment on any child, youth, or vulnerable adult who is associated with any program or activity conducted by MPC. Physical restraint may only be used when absolutely necessary to protect someone from harm.
- WEAPONS – Firearms, weapons, and explosive devices of any kind are prohibited on Church property or at Church-sponsored events.
- GAMES – Games selected for MPC use with children and youth must always adhere to the following guidelines, whether the games are held on or off the Church campus.
  - Games must be designed to include everyone; modifications shall be made so that children and youth of all abilities can participate. When games include food, the food must be something that all participants can eat.

- When going out of one's "comfort zone," there must be no pressure to participate. This shall be clearly stated by the adult leaders before introducing the game. For example:
  - Messy games (such as having a partner feed a person while blindfolded) are optional; participants must volunteer and are not pressured to participate.
  - Games involving physical touching more than hand-in-hand, or hand-on-shoulder, including any kind of challenge course in which everyone must work together while touching, are to be prefaced with an explanation that all participants can participate at the level at which they are comfortable.
  - Scary games and games played in the dark must have a clearly defined place to go if someone chooses to opt out of the game.
  - Hiding games such as "Sardines" are inherently risky because of the way people scatter and hide. Therefore, these games can only be played if they are:
    - Supervised by randomly roaming adults;
    - Given clear spatial boundaries (e.g. "inside only," "these rooms only"); and,
    - Prefaced by a speech reminding all participants that their behavior during the game must be appropriate at all times. (A reminder such as "no kissing, tickling, inappropriate touching, or torturing your fellow players" is helpful.)
- Certain games, such as "Truth or Dare" or "Cards Against Humanity," are popular BECAUSE they push people to say or do things that they would otherwise considered inappropriate, and/or pressure people to take actions that they may not feel comfortable doing; therefore, these games are not appropriate for use with the children and youth of the Church at any time.
- A game will be forbidden for a season if the group cannot abide by these rules.
- PROTECTION OF CHILDREN, YOUTH, AND VULNERABLE ADULTS – It is the policy of MPC that no adult who has a conviction record relating to a sex crime or any violent crime shall be permitted to work or volunteer in a position in which there is direct contact with children, youth, or vulnerable adults. To this end, criminal background checks are performed by the Personnel Committee on all teachers and adult advisors who have direct access to children, youth and vulnerable adults.
- NOTIFICATION – MPC employees, teachers, volunteers, and youth advisors are required to make a timely report to one of the pastors or the Clerk of Session of any change of circumstances that might, under the policy, affect their ability to work with children and youth (e.g., criminal investigation or arrest in a case relating to any sex crime or violent crime).

## REPORTING OF ABUSE OR SUSPECTED ABUSE

### WHO SHOULD REPORT

- The State of California has designated certain professions and people who occupy certain positions, including clergy and Clerks of Session, as Mandated Reporters. (See *California Penal Code* §11165.7)
  - Mandated Reporters are required to immediately report to the Alameda County

Social Services Agency Child Abuse Hotline or the Adult Protective Services Elder Abuse Hotline or other appropriate agency any knowledge of the abuse of a child, youth, or vulnerable adult, any reasonable suspicion that a child, youth, or vulnerable adult is or has been abused, or any suspicion that a child, youth, or vulnerable adult is at the risk of abuse. (See *California Penal Code* §11166)

- Mandated Reporters shall not incur civil or criminal liability unless it can be proven that the Mandated Reporter has knowingly made a false report. (See *California Penal Code* §11172)
- In addition, the Presbyterian Church (USA) requires any elder, deacon, commissioned lay pastor, or certified Christian educator who has any knowledge of the abuse of a child, youth, or vulnerable adult, or any knowledge that a child, youth, or vulnerable adult is at risk of abuse to immediately report that information first, to the Alameda County Social Services Agency Child Abuse Hotline or the Adult Protective Services Elder Abuse Hotline or other appropriate agency, and second, to one of the pastors. (see the *Book of Order*, G-4.0302.) At MPC, although deacons are called Beacons, they still have the same reporting requirement.
- Furthermore, MPC encourages anyone who has observed the abuse of a child, youth, or vulnerable adult, has reasonable grounds to suspect that a child, youth, or vulnerable adult is or has been abused, or may be in need of protection from abuse to immediately report the observation or suspicion first, to the Alameda County Social Services Agency or other appropriate agency, and second, to one of the pastors.
- Any report to the Alameda County Social Services Agency must be made by the individual who originally made the observation of abuse or who has the suspicion of abuse. The report cannot be made second-hand. However, if an individual would like support while making a report to one of the agencies, one of the pastors can serve as a supportive witness. In this case, however, only the reporting individual can make the call to the Alameda County Social Services Agency or other appropriate agency.

#### MAKING A REPORT OF ABUSE OR SUSPECTED ABUSE

- When making a report to Alameda County Social Services Agency Child Abuse Hotline or the Adult Protective Services Elder Abuse Hotline, the individual should complete the Child Abuse Reporting Form (Appendix B) or the Report of Suspected Adult/Elder Abuse (Appendix C) and submit it electronically or by fax to the appropriate agency.
  - The individual who makes the report should keep a copy as a record of the report.
  - There should be no delay in making the report; the report should be made even if some of the information is not known to the reporting individual.
- When considering whether or not to report the observation or suspicion, individuals should review the Definitions of “Child Abuse” and “Abuse of a Vulnerable Adult” above. If the individual is unclear if the observation or suspicion falls under these definitions, the individual should call the Alameda County Social Services Agency Child Abuse Hotline or the Adult Protective Services Elder Abuse Hotline or other appropriate agency or consult with one of the pastors.
- Any report of abuse or suspected abuse must be kept under strict confidentiality and must never be discussed with anyone other than the Alameda County Social Services Agency or one of the pastors. If discussed with one of the pastors, all information revealed to her or him in the course of providing care is confidential.
  - Specifically, the Presbyterian Church (USA) *Book of Order* states that “in the exercise of pastoral care, ministers of the Word and Sacrament, shall maintain a relationship of trust and confidentiality, and shall hold in confidence all information

revealed to them in the course of providing care and all information relating to the exercise of such care.... A minister of the Word and Sacrament or a commissioned lay pastor may reveal confidential information when she or he reasonably believes that there is risk of imminent bodily harm to any person.” (See the *Book of Order*, G-4.0301)

- The identity of the reporting individual is also protected by California law. (See *California Penal Code* §11167)
- If a report of abuse or suspected abuse is made, no investigation is to be conducted by anyone other than the Alameda County Social Services Agency, nor is any questioning of suspects or victims to be conducted by anyone other than the Alameda County Social Services Agency.
  - The MPC Session, Personnel Committee, or the Children and Youth Committee shall not be informed of a report of abuse or suspected abuse, or any information contained in the report, that is made to the Alameda County Social Services Agency by anyone other than the agency itself.
- If a report of abuse or suspected abuse is made by an individual to an MPC employee, a teacher or youth advisor, the employee, teacher or youth advisor shall encourage the individual to report the observation or suspicion to Alameda County Social Services Agency Child Abuse Hotline or the Adult Protective Services Elder Abuse Hotline.
- If the alleged offender is one of the pastors, the reporting individual shall report the observation of abuse or suspicion of abuse, first to the Alameda County Social Services Agency Child Abuse Hotline or the Adult Protective Services Elder Abuse Hotline, and second, to the Clerk of Session.
- Important Phone Numbers:
  - Alameda County Social Services Agency
    - Child Abuse Hotline: (510) 259-1800
    - Adult Protective Services Elder Abuse Hotline: (510) 225-5277
  - Oakland City Police: (510) 777-3333 (non-emergency phone number)
  - Alameda County Sheriff: (510) 272-6878 (non-emergency phone number)

#### VIOLATIONS OF OTHER STANDARDS OF CONDUCT

- Minor violations of Standards of Conduct can be addressed in the moment, one-on-one, and/or dealt with by a pastor.
- Repeated or uncorrected violations of the Standards of Conduct, other than Child Abuse or the Abuse of Vulnerable Adults, should be immediately reported to one of the pastors.
- The pastors will address repeated or uncorrected violations of the Standards of Conduct, other than Child Abuse or the Abuse of Vulnerable Adults, taking action that may include, but not be limited to, investigating the incident, to documenting the incident, to warning the individual who has violated the Standards of Conduct, to removing the individual from contact with children, youth, and vulnerable adults.
- The pastors may inform the MPC Session, Personnel Committee and/or the Children and Youth Committee of the violations of the Standards of Conduct, and Session and/or one or more of the committees may take appropriate action to ensure the safety of children, youth and vulnerable adults.
  - However, as noted above, if a report has been made to the Alameda County Social Services Agency or other appropriate agency, neither the reporting individual nor the pastor may inform the MPC Session, Personnel Committee or the Children and

Youth Committee of the report or any information contained in the report.

## IMPLEMENTATION OF THE POLICY

- Each employee shall receive a copy of this policy.
- As a condition of employment, each employee shall sign the **Covenant of Care** and submit it to the Pastor.
- Each volunteer, teacher, or youth advisor participating in any program or activity involving children, youth, or vulnerable adults shall receive a copy of this policy.
- Each volunteer, teacher, or youth advisor participating in any program or activity involving children, youth, or vulnerable adults shall sign the **Covenant of Care** and submit it to the Pastor, who will also sign the **Covenant of Care**.
- An individual who seeks to be a volunteer, teacher, or youth advisor in any program or activity involving children and youth, or vulnerable adults and who has not been an active participant in the life of MPC for at least a year, must submit the names and contact information for two references. The individual must be supervised when volunteering until the one-year period of active involvement is completed.
- An applicant who is a minor shall have the **Covenant of Care** co-signed by a parent or guardian. Volunteers under 18 may not be placed in a leadership or co-leadership position.
- All employees shall attend Safe Church Training.
- All volunteers, teachers, and youth advisors participating in any program or activity involving children, youth, or vulnerable adults shall attend Safe Church Training.
- MPC's Administrative Assistant shall provide outside organizations using the facilities of MPC with a copy of MPC's **Policy for Ensuring a Climate of Safety** and ensure that they agree to abide by the Policy or show proof of a comparable policy.

## CONGREGATIONAL AWARENESS

- This Policy and the **Covenant of Care** shall be made available on the MPC website.
- Information and a link to the web page containing this Policy and the **Covenant of Care** shall be published annually in the Contact newsletter and promoted during an announcement during Celebration.
- A review of this Policy shall be included in all training and information sessions for:
  - Elders and Beacons
  - Sunday School (Godly Play) staff and volunteers
  - Nursery Care staff and volunteers
  - Youth Group Leaders and Advisors
  - Other employees

## TRAINING AND EDUCATION

- Safe Church training shall be developed and administered by the Associate Pastor.
- Training should include:
  - Explanation on need for MPC's **Policy for Ensuring a Climate of Safety** and the

**Covenant of Care.**

- Definitions and signs of child abuse and abuse of a vulnerable adult.
- Standards of Conduct as outlined in this Policy.
- Who *must* report child abuse and the abuse of a vulnerable adult, and who *should* report.
- Requirements and procedures for reporting allegations or concerns regarding abuse.
- Dealing with violations of the Standards of Conduct, other than child abuse or the abuse of a vulnerable adult.

**APPENDICES**

Appendix A – **Covenant of Care**

Appendix B – Child Abuse Reporting Form:

Appendix C – Report of Suspected Adult/Elder Abuse:

<http://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC341.pdf>

Montclair Presbyterian Church, Oakland, California

## Covenant of Care

- I promise to treat all children, youth, and vulnerable adults with dignity, respect, and compassion;
- I promise to do everything in my power to provide a safe and nurturing environment for all children, youth, and vulnerable adults;
- I promise to protect children, youth, and vulnerable adults from abuse in any form, and to report any abuse to the appropriate authorities, following the guidelines listed in the ***Policy for Ensuring a Climate of Safety***; and,
- I have read and agree to abide by the Montclair Presbyterian Church's ***Policy for Ensuring a Climate of Safety***.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Witnessed by \_\_\_\_\_

(Pastor)

Date \_\_\_\_\_