



A S H E V I L L E
**First Congregational
United Church of Christ**
Jesus • Justice • Prayer • Peace

First Congregational United Church of Christ

SAFE CONDUCT POLICY AND PROCEDURE

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First Congregational United Church of Christ
SAFE CONDUCT POLICY AND PROCEDURE

Our Mission

We believe God calls us to:
Embody a forward-thinking, courageous, and diverse Christian community.
Follow the ways of Jesus the Christ as a grace-filled spiritual congregation.
Practice affirming and radical hospitality.
Engage our global and local community with acts of love, mercy, peace, and justice.

1) INTRODUCTION

a) Mission

As stated in our mission and in the implementation of our By-Laws, First Congregational United Church of Christ (FCUCC) seeks to be a place of compassion, justice and peace. While we strive for these ideals in the context of our faith and spiritual values, it is up to each of us who worships, works, volunteers or socializes at FCUCC to create a community that is a place of sanctuary, free of discrimination, harassment or any form of exploitation or intimidation.

With this in mind, FCUCC supports principles of Safe Conduct, which include individual responsibility to fulfill the highest standards of personal conduct toward others and to lead and guide the congregation in fulfillment of the acting the world into well-being through our Christian faith. This includes specific policies and procedures designed to protect participants from sexual, physical and/or emotional abuse.

We seek to provide an environment that promotes the safety and spiritual growth of everyone, especially our children, youth, and vulnerable adults and including all those who work with them. FCUCC strongly opposes and prohibits any form of sexual, physical and/or emotional abuse regardless of age, sex, sexual orientation, sexual identification or mental capacity. It is the intention of our congregation to affirmatively nurture good behavior, and to prevent and correct behavior that is contrary to this policy and, as necessary, discipline those persons who violate this policy.

3) SELECTION AND RECRUITMENT OF WORKERS

a) Volunteers/Paid Child Care Workers: All adults supervising children/youth will complete an application and sign a statement of willingness to submit to a criminal background check from local and when appropriate, state and national law enforcement agencies. (These background checks may be provided by law enforcement agencies or by the use of an approved investigative agency). An update application will be required every three (3) years.

- b) The Personnel Committee, in consultation with the Pastor, shall designate a staff member to be responsible for obtaining and maintaining the required documents and requesting background checks. Should this designated staff person have sufficient reason to believe that an applicant is unsuitable to teach work with or supervise children or youth or has any prior history of physical, emotional or sexual abuse directed against another person, the applicant will be removed from consideration.
- c) The collection of the documents required by this policy shall be maintained in confidence, in a secure locked location, by the designated staff person and/or the Pastor.
- d) Employees: Effective July 1, 2006, all paid employees of the church, including clergy/Ministerial staff, will be required to have a criminal background check. The Personnel Committee, rather than a paid staff member, will request these background checks and investigate references for new applicants for paid staff positions. An update application will be required every three (3) years and results will be reported to the board at the next monthly meeting.
- e) In the event the Personnel Committee concludes that any applicant for paid employment poses a substantial threat to the children or youth and has any prior history of physical, emotional or sexual abuse directed against another person, the applicant will be removed from consideration.

4) TRAINING

- The church will provide training in the Safe Conduct Policy and Procedure (SCPP) for new paid and volunteer teaching/supervising staff working with children/youth. Thereafter, all teachers/supervisors will be re-trained yearly.
- It will be the responsibility of the Pastor or his/her designee, to monitor periodic re-training.
- All adult volunteers and paid staff shall sign a covenant agreement to follow these policies and these procedures.

5) SUPERVISION AND CONDUCT

No adult will be alone in the Church, or at a church scheduled activity, with a child/youth that is not his or her own, or a relative, without written permission of the child's or children's parent or guardian.

Adults will use positive/appropriate touch at all times, recognizing that touch can convey strong messages and that different children are comfortable with different levels of physical interaction.

- a) "Appropriate Touch":
 - Wrestling and tickling make use of touch in a potentially abusive way and should be avoided.
 - In general, the child should initiate hugs (unless there are other adults in the room) and hugs should be brief and from the side rather than the front.
 - Touch should not be used to discipline a child.

- b) With regard to touch, the Two Adult Rule is particularly important. In situations where a child is angry, upset, needing comfort or distance, a second adult should be within visual or hearing range of the adult and child. If there is any question of the child's safety, the parent or guardian will be asked to come immediately to be with the child.
- "Two Adult Principle": A minimum of two adults should be identified to chaperone any church sponsored program or event involving children/youth. When possible, the two adults should be unrelated. If the "Two Adult Principle" is not realistically feasible, the door to the classroom or other event venue must remain open or have a glass panel. The Floater Principle should also be followed.
 - "Floater Principle": During any church activity where the "Two Adult Principle" cannot realistically be achieved, an additional person must be designated as a "Floater" and should make unscheduled visits to check on all classrooms or areas.
 - "The Buddy System": Parents, teachers, and leaders of anyone under the age of 18 are encouraged to make prior arrangements and/or pairing assignments so that children and youth have a "buddy" who is close to their age so that no child need be alone while in the church building, or while on any activity, trip or overnight.
- c) Communication and Advanced Notice To Parents: Reasonable measures should be taken so that parents can be informed regarding the events and programs in which their children and youth are involved, and are given advance notice and information regarding any activity which deviates from the routine programs offered by the church.
- d) Permission Forms: Permission forms with medical information must be completed annually for children/youth participating in any programs offered by the church. These forms must accompany children/youth for any off-site activities.
- e) Restroom Use:
- Children who are able to use the toilet independently are to use the restroom alone, closing the door of the room or stall.
 - Teachers are encouraged to note how long a child is away from the activity and send a floater to check on the child if concerned.
 - It is encouraged that a parent or guardian accompanies any child/youth needing assistance in the restroom. If this is not possible, a second adult (or floater) should be within visual or hearing range of the teacher assisting the child. (This also applies to changing diapers.)
- f) "Five year Older Rule":
- Children/youth at all times must be supervised by a responsible adult person (at least eighteen (18) years of age and five years older than those being supervised) to lessen the likelihood of any situation that could result in injury, abuse or neglect.
 - This procedure DOES require that the "two adult rule" be met by persons at least five years older than the children/youth in any activity.
 - This procedure does NOT prohibit adults/youth that are less than five years older than the youth or children in an activity from participating as a "helper" for the activity.
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6) TRANSPORTATION

Rationale: Transporting children and youth is an important task requiring deliberate care and consideration of specific risks for children and youth. Requirements:

- a) Drivers will be designated prior to an event requiring transportation.
- b) When a child/youth is transported in a vehicle not owned by the church, the driver will be either the child/youth's parent/guardian, an approved adult volunteer or a paid staff person who is 18 years of age or older.
- c) When a child/youth is transported in a church-owned vehicle*, the driver will be at least 21 years of age and the child/youth's parent/guardian, a screened adult volunteer, or a paid staff person.
- d) All drivers will have a valid driver's license and insurance for the vehicle being operated (such as commercial license for a church bus). A copy of the driver's license and proof of insurance will be made and maintained on file at the church.
- e) All vehicles transporting youth must have a first aid kit.
- f) Drivers will require seat belts and/or age appropriate car/booster seats to be used at all times and the number of passengers will not exceed the number of seat belts.
- g) No one under the age of 12 will be allowed to ride in the front seat, unless all other vehicle seats are taken.
- h) Drivers should agree upon a designated route and should not deviate from it except in cases of emergency or road detours.
- i) Drivers will not talk or text on their phone.
- j) Youth should not ride in a vehicle driven by another youth to or from a church-sponsored activity without parental consent.
- k) When a road-trip is planned of 100 miles or more, drivers will be listed on the "approved driver list" maintained in the church office.
- l) Persons who regularly drive church owned vehicles* will be listed on an "approved driver list" maintained in the church office.
- m) In order to be listed on the "approved driver list," a driving record will be obtained from the NC Department of Transportation Division of Motor Vehicles and the pastor or designee must approve those drivers listed.
- n) Approved Drivers must read and sign a form indicating that the Safe Conduct Policy and Procedures have been read and will be followed.

Additional Guidelines:

- o) Whenever feasible, drivers should be accompanied by or travel with another vehicle driven by at least one other adult.
- p) Drivers should receive orientation for any rented or church-owned* vehicle being operated.

7) TRAVEL

The person supervising youth/children on an overnight trip or retreat shall carry parental permission slips including permission for emergency medical care.

.Adult volunteers and Staff will not date (or be intimately involved with) youth.

Youth will not share a bed with an adult.

While on a trip or retreat, youth may not be transported by anyone other than designated trip leaders.

- a) Any teaching or educational experience that required travel from the church or overnight travel must have the written permission and insurance information from the parent or guardian of each child/youth, and where necessary, the approval of the pastor. The permission/medical information file must stay with the coordinator for the entire trip.
- b) The "Two Adult Principle" must be observed for any off-site activities.
- c) No youth may leave the church activity prior to conclusion with any person other than a parent without parental permission. Additional Guidelines:
- d) If a youth travels alone with an adult/advisor, parental consent must be provided.
- e) When meeting with an individual child/youth for consideration of disciplinary action, two (2) adults should be present.
- f) In a hotel-type setting, rooms should be assigned according to the following priorities:
 - Separate rooms for adults and children/youth with at least 2 children/youth per room.
 - An adult room between 2 children/youth rooms.
 - Adults will monitor the hallways and common areas and make room checks at night. Whenever feasible, lodging should be selected which is constructed so that lodging rooms do not open to the outside of the building.
 - Males and females will be housed in separate rooms or all participants may be housed together with appropriate measure taken for privacy.
 - Sensitive consideration will be made for youth regarding gender identity and sexual orientation issues.

Insurance:

- g) The church will maintain liability insurance for their facilities and the church vehicles* in case of accident or injury to anyone participating in a church-sponsored activity, as well as coverage for sexual and other forms of abuse.

8) WEB SITE SAFETY

- a) The FCUCC website will observe the rules established by the Federal Trade Commission's 1998 children's Online Privacy Protection Act (or COPPA).
- b) Only approved staff or adult volunteers may have church website responsibilities including updating web content and utilizing the website for email correspondence. As such, they will observe the communications policies established to protect our children and youth. Youth/children will not have an unsupervised church website responsibility.
- c) The church website will not disclose contact or personal identification information for any youth/child including phone number, home address, email information, etc. The only publicly available contact information at the website will be the church address, phone, fax and "alias" email addresses. At no time should the full names of children/youth be disclosed.
- d) Although photos can often depict the excitement and energy of church activities, the church must be sensitive to potential adverse impacts of publishing photos of youth/children. Therefore, photos of groups that minimize unique identifying participant characteristics are preferred over close-up photos of youth/children. For published photos, descriptions will be

limited to describing the activity depicted. At no time will youth or children be identified by their full name.

9) OUTSIDE GROUPS

All outside groups using the church facilities will be provided a copy of these policies and procedures in advance of any event and an approved representative of any such group must sign a statement acknowledging that they have read and will abide by the provisions stated in this policy.

All signed covenants will be maintained by the church's administrative assistant under the direction of the Board.

10) SEXUAL OFFENDER POLICY

As a community of faith, who are reflective of Our Mission, we seek to attend to the needs of all who seek healing, redemption and mutual support among us. We are prepared to accept in our midst those deemed as sex offenders, in order to provide them refuge and peace in their recovery and penitence. We acknowledge that there are risks to be born in our deliberate association with and ministry to sex offenders. We agree to honor the needs of the congregation and our community to have reasonable assurance that a sex offender in our care will not have an opportunity to re-offend, as a result of lapses in our supervision of the offender. Diligently, we commit to doing so for the welfare of our congregation, collectively and individually, and the community we serve.

We will consider limited participation or membership of a sex offender in our congregation with utmost care. In doing so, the sex offender must agree to the following:

- Given that criminal convictions are a matter of public record, there will be no expectation of secrecy on the part of the offender. As a condition of participation in our faith community, the offender must agree that the leadership of FCUCC will make it known to the members, constituencies and customers of FCUCC that we have accepted among us a sex offender. The conditions and limitations that apply to participation in the life of the church will be known to all.
- We will consider and understand the character of the crimes which have resulted in requiring an individual to register as a sex offender (if applicable), the passage of time without repeated conduct or behavior and the risk and opportunity of re-offending that is presented by the particular programs of our congregation.
- We understand the statutory limitations applying in the State of North Carolina to the movement and activities of a sex offender, considering the programs of the church or the operations of tenants.
- We will understand the limitations and prohibitions placed upon the sex offender by courts and probation authorities. If available, the opinion of a mental health professional, regarding the suitability of the person to participate in the life of the church, will be obtained. In all cases where probation is in force, we will obtain the explicit approval of and conditions of participation specified by the probation officer. **A recommendation by**

law enforcement or mental health professionals to deny participation to an offender will be seriously considered.

With the advice of legal counsel, and in all cases, the conditions of participation by a sex offender will be defined by a "Limited Access Agreement" executed by the offender and FCUCC. With the advice and prior approval by the Church Board, it will be signed only by the Senior Pastor who will have oversight and general responsibility in the supervision of the offender, in all of the activities in relation to the church. The Senior Pastor will approve all escorts, selected by the sex offender and consider their willingness to fulfill all of the elements of specific supervision. The elements of specific supervision shall include the following:

- Knowledge of the terms of the Limited Access Agreement, including activity limitations placed upon the offender.
- Knowledge of the offender's offense history sufficient to understand the risks of association with the church and its ministries.
- Willingness to assert activity limitations, to intervene in any onset of risky or problematic behavior and to report to the Senior Pastor any violation of restrictions placed upon the offender.

Such agreement shall be approved by probation authorities, if applicable. The agreement shall be reviewed annually to validate on going eligibility. **Violation of the agreement by the offender shall be considered as grounds for immediate cancellation of the agreement.**

The following considerations shall also apply:

- If the victim of the sex offender is a member of the congregation, employee or a client of other services provided by the congregation, the sex offender shall not be permitted to attend FCUCC or its activities.
- "Clergy-penitent privilege" does not prevent clergy from informing the congregation of matters which may be relevant to their safety; it does not require clergy to hold information in secrecy.
- Conditions of limited access for a sex offender will commonly require that **the offender be accompanied by a designated person** at all times, while on the church premises or at church events elsewhere. **The designated person** shall not be a spouse, partner or relative of the offender.
- FCUCC members who are employed in certain occupations may have a statutory obligation to maintain privacy around the criminal history of their clients who may also be congregants. Such members will decline to accept leadership roles which may put them in a position of decision-making regarding individuals who may be their professional clients.
- If the offender is a juvenile, it is understood that the criminal record is ordinarily concealed by the courts but that the Church may come to know the juvenile's history by other means. Honest disclosure by a juvenile and parents may reveal that a record exists without knowing the specifics. While a Limited Access Agreement will be required for the juvenile, as for

others, every precaution will be taken to preserve the privacy and confidentiality, which the law affords a juvenile.

11) REPORTING ABUSE OR NEGLECT

1. Reporting: Reporting: "Most states require adults with access to children to report any signs of child abuse; North Carolina child abuse laws require mandatory reporting by "any person or institution." The state's broad definition of child abuse includes acts that "approve of delinquent acts involving moral turpitude" in addition to the infliction of abuse or neglect." <https://statelaws.findlaw.com/north-carolina-law/north-carolina-child-abuse-laws.html>

When abuse, neglect or dependency is suspected in a child's home, the Buncombe County Department of Social Services must be contacted. The number to DSS is (828) 250-5500 or 252-HELP on a cell phone. After 5:00 pm on weekdays, or on holidays or weekends, call 211.

- When abuse is suspected by someone outside the child's home and family, the police must be contacted.
- If the incident happens on church grounds or on church activities, and if someone from the Pastoral staff is available, notify that staff member immediately.
- If you do not feel comfortable making the call to DSS by yourself you may ask the Pastoral staff person to assist in this. It is important to maintain confidentiality of information and share information only with the Pastoral staff person at the Church.
- It is also important not to delay, impede or interfere with an investigation undertaken by DSS. Let the trained personnel of that department do their job, including initiating and completing the entire investigation and necessary contacts. They will talk with the people involved.
- Limit your facts finding to minimize the possibility that your contact with involved persons might influence the investigation.

REMEMBER:

- The phone call and the information given are confidential.
- The social worker answering the Intake line will ask many questions. This is important and necessary to determine if the reported incident meets the legal definition of abuse, neglect or dependency under the North Carolina statutes.
- You do not have to give your name and an anonymous report can still be taken. However, if you make an anonymous report, the social worker will be unable to call you back to gain follow-up information or clarification.
- Also, a letter is sent to the reporter letting you know the disposition of the report.
- You may not know the answer to every question asked.
- The basis information requested will be: name, address, date of birth or age of child(ren), school attended, perpetrator's name, address, phone number, other people living in the home of the child and a description of the events about which you are calling.
- Be prepared to have your information questioned and to be asked for additional details. This is not to doubt your information, but to further clarify the circumstances.

2. Definitions under North Carolina law:

- Abuse is defined as: acts of physical or sexual abuse against a child under the age of 18 years.

- Physical abuse is physical contact which leaves marks on the body, whether during an act of discipline or not.
- Sexual Abuse is defined as: inappropriate touching, fondling, or molestation of a child, or allowing another person to do so. It also includes exposing oneself to a child.
- Neglect is defined as: not providing adequate basic needs for safety and well-being, such as food, clothing appropriate to the weather, shelter, education, or meeting the medical needs of a child in your care. Lack of appropriate supervision according to the child's age is also neglect.
- Dependency is defined as: a child having no adult to provide care for the, such as through abandonment, death, imprisonment, or lack of responsible adult.

3. Congregational Care and Support:

- The Pastor (or Moderator if the Pastor is the accused abuser) will offer support to the victim and their family, including offers to provide for counseling and other care.
- The Pastor (or Moderator) will send a letter to the congregation briefly explaining the incident and action taken by the church, taking every precaution to protect the identity of the victim and the accused abuser.
- The letter should include a statement of actions taken to assure the safety of all the children and youth and to assure the congregation's continuing ability to provide ministry to children and youth.
- It is strongly recommended that the Pastor and/or Moderator call a congregational meeting at which time the Pastor and/or Moderator will inform those present of the action(s) taken.
- It is also recommended that the Personnel Committee (or Board) be utilized in the planning of the congregational meeting and that those present would include the Pastor, the Moderator and a qualified counselor who is not a member of the church.

12) ADDITIONAL CONSIDERATIONS REGARDING FACILITIES

1. Classrooms: Classrooms or areas being used by children/youth will have either a split door or a glass panel in the door to allow for outside monitoring. This glass panel must not be covered, nor should the upper half of a split door be closed, in order to allow monitoring of all spaces within the classroom or area. If a children/youth activity is held in any room not having a window in the door, then the door to the room must remain open during all aspects of the activity.

2. Rooms for Pastoral Counseling: Any room where pastoral counseling of a child or youth is regularly performed should have a glass window in the door. An open door policy may also be used when necessary. Counseling is expected to be confidential in nature but it is preferred that such sessions take place where other people are nearby, though not within hearing distance.

3. First Aid Considerations:

a. First Aid Kits: The Pastor or his designee will maintain first aid kits in readily accessible areas where the need is most likely to rise. These areas include nursery, preschool/extended session, the sanctuary narthex, church office, the kitchen, the friendship hall, and youth classrooms. The church will maintain signs in each classroom and office

directing people to the location of the nearest First Aid Kit. This information will also be provided to anyone using the church for any activity.

b. CPR/First Aid Training: It is required that all employees, especially those working with children/youth, obtain and maintain CPR/First Aid certification through the Red Cross or similar organization.

c. Evacuation Routes: Fire evacuation routes will be posted by the doors in all classrooms, offices, and activity rooms. Exit doors will be marked by illuminated "Exit" signs.

d. Fire Extinguishers: Appropriate fire extinguishers will be installed at convenient locations in all church buildings. Fire extinguisher locations will be indicated on the fire evacuation route posters. Fire extinguishers and smoke alarms will be checked and maintained periodically and after each use.

e. Emergency Phone numbers: The church will post emergency telephone numbers at each church telephone. These numbers will include 911 for emergencies, Asheville Police non-emergency number, Poison Control, and Department of Social Services (DSS). Also included will be the church address and phone number and the location within the building of the phone.

f. Age and Activity Appropriate Play Equipment: All equipment used in the nursery, classrooms, youth area, and playground will be initially evaluated and periodically re-evaluated for integrity, safety and age appropriateness.

13) EDUCATION AND REVIEW

Safe Conduct Policy and Procedure (SCPP) requires planning and preparation. The success of these policies requires the establishment of an effective educational strategy to inform the congregation and train staff and volunteers. Our educational strategy aims to be systematic (targeting the entire congregation, while focusing on staff, volunteers, and lay leadership) and sustainable (included in annual training programs as staff and leadership changes over time.)

1) Governing Board:

- a) The Board will receive orientation and annual updates regarding the SCPP at the Board orientation that takes place at the beginning of the church year. The orientation and update will be provided by the Senior Pastor or his/her designee.
- b) Orientation will include education about the underlying considerations, especially the risks of child physical and sexual abuse and the church's role in minimizing the risks of abuse, our policies, and the legal basis for policy decisions.
- c) The Board will acknowledge, promote and participate in promoting the SCPP.
- d) The Board will be responsible for directing the ministry team leaders to meet annually to review the SCPP with staff and recommend appropriate changes. This annual meeting should be scheduled so that any changes can be made before fall programming begins.

2) Families:

- e) The SCPP will be provided to all families with children on the first Sunday after Labor Day.
- f) The first Parent Gathering of the Sunday school year will include an overview of the Safe Congregation Policies.
- g) The feedback of parents regarding the SCPP will be solicited annually to assist staff and the EB in reviewing and recommending periodic improvements to the policy.

3) Adult Survivors of Abuse: *(moved from end of document)*

- h) The church will consider opportunities to implement programs for the care and support of adult survivors of abuse.
- 4) Staff and Paid Child Care workers:
- i) Staff and paid childcare workers will annually review the SCPP and sign a covenant form.
 - j) New staff and paid childcare workers will receive training in the SCPP to be provided by staff and lay leadership.
 - k) All staff and paid childcare workers will consent to a background check.
 - l) Staff will be involved in education and training for the EB (should that be the Board,) families, and volunteers.
- 5) Volunteers:
- m) All Volunteers working with children or youth will annually review the SCPP and sign a covenant form.
 - n) Sunday school teachers, youth group leaders and supervisors will receive training in the the SCPP at a time determined by staff.
 - o) All volunteers will consent to a background check.
 - p) The feedback of volunteers regarding the SCPP will be solicited annually to assist staff and the EB (should that be the Board) in reviewing and recommending periodic improvements to the policy.
- 6) Congregation:
- q) New Members and Visitor Orientation will include the SCPP.
 - r) The SCPP will be available in the church office as a handout.
 - 1) Information about sexual, physical and emotional abuse, and violence in our society, including reference to our SCPP, will be disseminated to the congregation through newsletter articles, bulletin inserts, letters, and educational programs.
- 7) The Public:
- s) We will make public commitment to safeguard the vulnerable through letters to the editor, press releases, and word of mouth.