

FROM THE PRESBYTERY OF CHARLOTTE'S ADMINISTRATIVE MANUAL
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19.000

Child, Youth and Vulnerable Adults Protection Policy

It is the policy of the Presbytery of Charlotte that all church members, church officers, nonmember employees and/or contractors, and volunteers of congregations, councils, and entities of the church are to maintain the strongest sense of integrity, safety, nurturing, and care involving all interactions with children, youth, and vulnerable adults. This policy applies to all Presbytery of Charlotte sponsored activities that involve children, youth, and vulnerable adults.

DEFINITIONS

The following is a comprehensive list of definitions of terms and their intended use in this particular policy. For purposes of this policy:

Child: A child is a person between the ages of 0–11.

Youth: A youth is a person between the ages of 12–17.

Minor: A minor is any child or youth.

Child/Youth Worker: Any person, volunteer or paid staff or contractor, who participates at any level at General Assembly entity sponsored events or activities involving children and/or youth.

Vulnerable Adult: Any person eighteen-years-old or older without the developmental or cognitive capacity to consent.

Vulnerable Adult Abuse: Any act or failure to act that results in the physical, sexual, psychological, or emotional mistreatment, neglect, or exploitation of a vulnerable adult.

Child/Youth Abuse: Any act or failure to act that results in the physical, sexual, psychological, or emotional mistreatment, neglect, or exploitation of a child or youth.

Sexual Abuse: As defined in the Book of Order, sexual abuse is "any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position" (Book of Order, D-10.0401c).

Misuse of technology: The use of technology that results in the harassing or abusing of a child/youth. This includes using technology to send suggestive message and images to a child or youth. Adults should not have any technological contact with a child or youth that is not either preapproved by the child/youth's legal guardian with a signed waiver, or the contact is on an open public medium, such as a church website or other social media program.

Safe Child Response Team: The Safe Child Response Team is a team comprised of a minimum of three members of or appointed by the Permanent Judicial Commission who are specifically trained to respond to allegations and reports of child, youth, or vulnerable adult abuse.

SCREENING, TRAINING, AND BACKGROUND CHECKS

The following is required for every child/youth worker, whether on a paid staff, contractor, or volunteer basis:

1. The presbytery must receive completed, signed, and approved application and background check authorization forms, including a signed form verifying the event policy has been read. The application should include a minimum of two references.
2. All child/youth workers must be at least twenty-years-old and four years older than the oldest youth whom they are serving.
3. The applicant must consent to a criminal background check. These checks shall be run no more than six months prior to the event. (This time restraint is also at the discretion of the presbytery's insurance company's requests. Child/Youth workers who participate annually in

events may only be required to have one background check per calendar year, depending on insurance company standards.)

4. All child/youth workers, paid, contracted, or volunteer, must participate in training sometime within the year prior to the event. The training is to be provided by the presbytery and shall cover the event child/youth protection policy thoroughly as well as methods of abuse prevention and a detailed plan of reporting. The presbytery may contract with others to provide these trainings.
5. No person may serve as a child/youth worker who has a conviction on his/her record of certain felonies or misdemeanors, including, but not limited to, any of the following:
 - Criminal homicide;
 - Aggravated assault;
 - Crimes related to the possession, use, or sale of drugs or controlled substances;
 - Sexual abuse;
 - Sexual assault;
 - Injury to a youth;
 - Incest;
 - Indecency with a youth;
 - Inducing sexual conduct or sexual performance of a youth;
 - Possession or promotion of child pornography;
 - The sale, distribution, or display of harmful material to a minor;
 - Employment harmful to youth;
 - Abandonment or endangerment of a youth;
 - Kidnapping or unlawful restraint;
 - Public lewdness or indecent exposure; and enticement of a youth;
 - Any crime that involves sexual misconduct or sexual abuse, particularly if it involves misconduct or abuse with a minor;
 - Any crime that involves misuse of technology for sexual purposes, such as collecting or distributing photographs of minors who are naked or in sexual or inappropriate poses (child pornography);
 - Any crime that involves the use of force, such as assault or endangerment;
 - Any crime that involves abduction and kidnapping;
 - Any crime that involves drinking and driving, such as driving while intoxicated.

In addition, if the presbytery or a local congregation is aware that a child/youth worker has a prior conviction for one of the aforementioned crimes or a related crime, the child/youth worker shall automatically be ineligible to attend a child/youth event in any capacity.

6. Whenever the presbytery organizes an event for minors that invites minors from local congregations who will be supervised by child/youth workers, the sponsoring entity of the presbytery shall:
 - a. Provide guidance to the congregations that are sending child/youth workers about best practices for securing child/youth workers and eligibility requirements.
 - b. Provide guidance to the congregations that are sending child/youth workers concerning the requirement that the presbytery perform and pay for background checks for potential child/youth workers and how to evaluate the background check for offenses that would disqualify a person from being a child/youth worker with minors.
 - c. Provide guidance to congregations on when to perform the background checks and with what background check provider.
 - d. Identify someone on the presbytery staff to be the designated recipient of background checks and train that person:
 - i. To review every background check received;
 - ii. To identify criminal convictions on background checks that should disqualify a person from being a child/youth worker;

- iii. To notify the event sponsor if the staffer believes the council has erred in selecting a child/youth worker whose background check indicates that the person should not act as a child/youth worker;
- iv. Report to the event sponsor of the event of each potentially disqualifying background check and related concerns so that a formal decision can be made to inform the council that the person whose background check is in question is not eligible to attend the event as a child/youth worker.

CONFIDENTIALITY OF RECORDS

The presbytery shall maintain all child/youth worker applications, results of background checks, and related information in confidential, secured files.

REPORTING

The sponsoring entity of the presbytery will publicize a procedure for reporting any prohibited actions and have copies available at all times in a public place at the event. Anyone suspecting or having knowledge of a violation of child abuse may report such violation to any leader of the presbytery sponsored event. Any child or youth who suspects or has knowledge of any type of minor abuse is invited to share the knowledge with any adult leader of the presbytery sponsored event. Anyone who has knowledge or suspicion of child/youth abuse should be made aware that state law requires the immediate reporting of such abuse to the civil authorities. Any adult leader should report such violation to the Stated Clerk.

SAFE CHILD RESPONSE TEAM

The Safe Child Response Team is a team comprised of a minimum of three members of or appointed by the Permanent Judicial Commission who are specifically trained to respond to allegations and reports of child, youth, or vulnerable adult abuse. The response team will familiarize itself with the terms of this policy as well as established procedures under the Rules of Discipline, Book of Order of the Presbyterian Church (U.S.A.) for responding to complaint(s) of alleged child/youth abuse against any teaching elder, ruling elder, employee, or volunteer in a leadership position(s) with the sponsoring entity and any events they may sponsor.

The Safe Child Response Team shall have the following responsibilities in response to allegations of child/youth or vulnerable adult abuse or neglect incurred against any child/youth worker or event participant:

1. Immediately provide for the safety of the alleged victim(s) involved.
2. If the report alleges abuse or harassment of a minor, the response team will:
 - a. immediately ensure the allegation is reported to the civil authorities under state law;
 - b. immediately notify the parents or guardian of the minor;
 - c. notify the insurance company of the allegation and that no investigation has yet occurred.
3. Make immediate decisions concerning the temporary removal of the individual accused from any contact with children or youth pending an investigation and/or removal of the accused from the event until a resolution of the allegations has occurred.
4. Notify designated people at the presbytery immediately of the report of alleged abuse/neglect. Any possible media requests will be handled by a designated person or office with advice from the on-call attorney, taking care to safeguard the privacy and confidentiality of all involved.
5. Consult the presbytery about resources available for victims of the alleged abuse prior to each event and have those resources readily available at every event. This will provide victims and their families' immediate resources that may aid in the particular spiritual, psychological, or emotional needs and trauma that arise from the devastation of abuse.
6. Provide pastoral counseling for the principal parties involved (accuser(s), possible victim(s), accused, family members).

7. A written summary of any proceedings in such cases will be maintained by presbytery.
8. Any person bringing a report of abuse or assisting in investigating will not be adversely affected in terms and conditions of employment, church membership or affiliation, or otherwise discriminated against or discharged.

MANDATORY EVENT RULES FOR WORKING WITH CHILDREN AND YOUTH

The sponsoring entity of the presbytery shall ensure that the following measures be in place and actions taken for each event or activity involving children and youth:

1. Two-adult rule: Two non-related adults must always be present in groups of children and youth. The only exception is if an emergency situation deems this not immediately possible. All child and youth workers and volunteers must be a minimum of four years older than the age group they lead or supervise.
2. Ratios: The adult to child ratio for all child-related events/activities is 2:10. The adult to youth ratio for all youth-related events/activities is 2:17. There shall also be one adult of each gender when there is one or more minors of each gender in a group. Only in emergency situations may the ratios and gender diversity be compromised.
3. View Windows and Open Doors: When minors and adult workers or volunteers are in a room, if the door is closed, the door must have a view window installed. If no view window is installed in the door, the door must remain open at all times.
4. Adult workers/caregivers should respect the privacy of the children to whom they provide care. Responsible use of digital devices and cell phones is required in all situations.
5. Age appropriate training to children and youth should be provided regarding behavior that should be reported to caregiver or leader of the event.
6. Transportation: All adult drivers at child/youth events must have proper licensure and insurance on file with the organizing council. All vehicles used must have seat belts for the driver and each passenger. No minor under eighty-five pounds may sit in the front seat of any vehicle. All drivers transporting minors and vulnerable adults must be over the age of twenty-five and must be informed that if their vehicle is used, their insurance would be primary if an accident occurs. If a charter bus is rented, or any outside carrier is contracted, the company hired must ensure criminal background checks on their drivers. Each vehicle must follow the ratio rules noted in point 2 in this section. Lastly, no minor may be a driver at any event or activity (this includes golf carts at events).
7. Forms: The legal guardians of each minor must provide the appropriate information and medical forms for each activity/event. The information form should include all contacts for legal guardians and the medical form must include a copy of the minor's health insurance card. Further consent forms must be signed by legal guardians for any off campus events. Any photos at the event that are used in social media or published material by the organizing council must be released by a signed consent form from a participant's legal guardian as well as the minor. All such forms must be stored at the event site, in a secure place with restricted access.
8. Each event/activity must ensure that rules are gone over with participants at each event/activity. These rules shall include but are not limited to a code of conduct specific to the event/activity, as well as a list prohibited and expected behaviors for the specific event/activity. The code of conduct and prohibited and expected behaviors list should be given in written form to each participant and legal guardians, as well as discussed thoroughly at the beginning of the event/activity.
9. All volunteers and employees at any presbytery entity sponsored events must also abide by a code of conduct that emphasizes the following prohibited behaviors. Some of these prohibited behaviors include but are not restricted to:

- a. Display of sexual affection toward a child.
- b. Use of profanity or off-color jokes.
- c. Discussion of sexual encounters with or around children or in any way involving children in personal problems or issues.
- d. Dating or becoming “romantically” involved with children (under the age of eighteen).
- e. Using or being under the influence of alcohol or illegal drugs in the presence of children.
- f. Possessing sexually oriented materials—including printed or online pornography—on church property or property being utilized for a church event.
- g. Having secrets with youth/children.
- h. Staring at or commenting on children’s bodies.
- i. Engaging in inappropriate or unapproved electronic communication with children.
- j. Working one-on-one with children in a private setting.
- k. Abusing youth/children in anyway, including (but not limited to) the following:
 - Physical abuse: hit, spank, shake, slap, unnecessarily restraint.
 - Verbal abuse: degrade, threaten, or curse.
 - Sexual abuse: inappropriately touch, expose oneself, or engage in sexually oriented conversations.
 - Mental abuse: shame, humiliate, act cruelly.
 - Neglect: withhold food, water, shelter.
 - Permit children or youth to engage in the following: hazing, bullying, derogatory name-calling, ridicule, humiliation, or sexual activity.

Social Media—Electronic Communications

General Social Media Policy - No minister, employee, contractor, or volunteer of the presbytery and its entities shall create or use a media site (Web, Facebook, YouTube, or similar) in the name of or purporting to represent the Presbytery of Charlotte without the explicit written permission of the sponsoring council, presbytery, or event leadership. When clergy or staff, acting in their capacity as a representative of the presbytery or its entities, lead or coordinate a group activity using social media, each may use only official Presbytery of Charlotte entity sites/channels when they have been made available by the presbytery. These may include Web pages, Facebook, e-mail, and similar means.

Social Media Communications

Persons who shall create public pages on behalf of Presbytery of Charlotte entity programs are responsible to monitor communications and to assure that employees and volunteers do not have private (and possibly inappropriate) conversations with children and youth.

Persons having social media privileges on behalf of the Presbytery entity shall treat unsolicited communication or “friending” from children or youth under age as an unauthorized text message. No reply may be given except to indicate by a posting that accepting a “friend” invitation by under-age children is a violation of the code of conduct.

If a child or youth reveals abuse or inappropriate interactions with an adult, the person must report this information in the manner of any “suspected abuse.”

When using social media to communicate with children or youth, the authorized administrator shall inform parents/guardians of each child or youth that the latter is communicating with the person via social media, providing the parent/guardian the opportunity to disapprove or to participate in a group.

Social Networking Code of Conduct

Each person who leads using the resources of social media shall apply this Social Networking Code of Conduct:

- Prohibit comments that are, or could be construed by any observer, to be harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- Prohibit sexually oriented conversations or discussions about sexual activities.
- Prohibit private messages between employees and volunteers and children or youth.

- Prohibit posting inappropriate pictures (for example, sexually suggestive, exploitive, or voyeuristic) or inappropriate comments on pictures.
- Provide children, youth, and their parents with this Social Networking Code of Conduct.
- Encourage parents to play a role in monitoring their children's and youth interactions with employees and volunteers.
- Continuously remind children and youth how to interact appropriately through social networking sites.
- Deny participation by individuals who repeatedly violate the code of conduct.

At the institution of the use of social media, the authorized administrator shall present this Social Networking Code of Conduct to children or youth and parents/guardians.

SIGNING OF POLICY AND APPLICATION TO SERVE

Each adult engaged in the leadership of a Presbytery of Charlotte entity event shall acknowledge receipt of the Presbytery of Charlotte Child/Youth/Vulnerable Adult Protection Policy and Its Procedures by signing an application to be employed, volunteer, or supervise. In addition, each person engaged in the leadership of a Presbytery of Charlotte entity event shall consent to all comprehensive background checks required and shall comply with any consequences of a reported violation of this policy.

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Sexual Misconduct Policy

The Presbytery of Charlotte will follow the Sexual Misconduct Policy and Procedures adopted by the 219th General Assembly [2010], updated October 2013 (*APPENDIX B)

It is the policy of the Presbyterian Church (U.S.A.) that all church members, church officers, non-member employees, and volunteers of congregations, councils, and entities of the church are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture, and also of the ministerial, pastoral, employment, and professional relationship. It is never permissible or acceptable for a church member, officer, employee, or volunteer to engage in sexual misconduct. The basic principles of conduct guiding this policy are as follows:

1. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. It breaks the covenant to act in the best interests of parishioners, clients, co-workers, and students.
2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relation to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, it is the pastor's, counselor's, officer's, or supervisor's responsibility to maintain the appropriate role and prohibit a sexual relationship.
3. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.