

West End Church of Christ

Sexual Abuse and Molestation Prevention Policy

Protecting Our Children

Sexual Abuse and Molestation Prevention Policy

For
West End Church of Christ
Knoxville, TN

PURPOSE: It is the purpose and intent of West End Church of Christ to provide a safe, secure environment to teach and care for the children and students of our church family.

GOAL: Our goal is to protect children from sexual abuse, child molestation or any type of inappropriate sexual behavior by employees or volunteers in our church and to protect employees and volunteers from false accusations.

DEFINITION OF CHILD SEXUAL ABUSE: The National Resource Center on Child Sexual Abuse defines child sexual abuse as "any sexual activity with a child, whether in the home by a caretaker, in a daycare situation, in any organized ministry, whether at the main facility (church) or away, or in any other setting, including on the street by a person unknown to the child". The abuser may be an adult, an adolescent, or another child.

Child sexual abuse can be violent or non-violent. It is criminal behavior that involves children in sexual behavior. Child sexual abuse can involve fondling; penetration of the oral, genital, and anal areas; intercourse; and forcible rape. Other forms of abuse can include verbal comments, any exposure to pornographic materials, inappropriate internet activity, obscene phone calls, exhibitionism, or allowing children to witness sexual activity.

DEFINITION OF A MINOR: A minor is any individual under the age of 18 years.

The policy and procedure set forth will apply to all people who give supervision or have custody of minors or who have opportunity to have contact with minors in church facilities or church sponsored activities.

This policy will address four (4) areas that are critical for the protection of the children, our Employees and our church: selection process, protection policy, reporting procedures, and responses to allegations.

1. SELECTION PROCESS

A. Employee – anyone who is paid by the church on a full-time or part-time basis, whether or not they work directly with preschoolers, children, and students.

Current employee

- Complete a confidential application form
- Complete a consent to release confidential information
- Background records check
- Possible Criminal Records Check*

New employee (effective December 15, 2018)

- Complete a confidential application form
- Complete a consent to release confidential information
- Background records check
- Interview by appropriate staff member
- References checked and verified
- Received appropriate clearances on all checks to work with minors
- Possible Criminal Records Check*

All records, forms and reports will become a part of the employee's confidential personnel file.

B. Volunteer – anyone who is not paid by the church on a full-time or part-time basis and is serving in any position involving the supervision or custody of minors. Examples: Nursery, childcare, preschool, grade school, middle school, high school, and college workers, bus drivers, teachers, chaperones, others as designated by the elders.

Current volunteer

- Complete a confidential application form
- Complete a consent to release confidential information
- Background records check

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- Interview by appropriate staff member
 - Possible Criminal Records Check*

New volunteer (effective December 15, 2018)

- Complete a confidential application form
- Complete a consent to release confidential information
- Background records check
- Interview by appropriate staff member
- Possible Criminal Records Check*

*Possible criminal records checks for employees/volunteers will be limited to any criminal activity involving the following: (1) a minor; (2) child molestation; (3) any type of sexual offense; (4) any type of pornographic or obscene material; (5) any type of physical violence; and (6) suspected child abuse.

In addition to the above requirements, a volunteer must be a member of West End Church of Christ or regular attendee and has submitted to a criminal background check. A volunteer who does not meet these membership requirements may serve only upon approval of the appropriate age-group minister/director.

C. Minors – In addition to the above requirements a minor who is an employee or volunteer must also submit a separate certification from his or her parent or guardian that the parent or guardian “knows no reason why the minor should not be allowed to work directly or indirectly with other minors.”

II. PROTECTION POLICY

A. Two Adults

Age-group ministers/directors, division directors, teachers, workers, greeters, and/or program directors will be present, or nearby, and available on each floor and in the hallways where minors are present. Reasonable efforts will be made to have two (2) adult workers present, or nearby, with preschoolers, children and students during church activities. Reasonable effort shall be made to assure that one adult is not left alone with one minor. A husband and wife working in the same room will typically be considered as one adult for purposes of this policy.

B. View Windows/Open Doors

Reasonable effort will be made to place preschoolers, children and students in rooms with view windows or open doors for all teaching/learning activities.

C. Over-Night Activities

All employees and volunteers will be required to comply with all of the Sexual Abuse and Molestation Prevention Policies during WECOC sponsored over-night activities.

D. Within Town Activities

All employees and volunteers will be required to comply with all of the Sexual Abuse and Molestation Prevention Policies during West End sponsored with-in town activities.

E. Out-of-Town Activities

All non-member participants should have written parental consent. Consent forms may be completed for a one-year period and should be renewed annually. All consent forms will be considered valid until renewed. All employees and volunteers shall be required to comply with all of West End's policies including, but no limited to, those outlined in Sexual Abuse and Molestation Prevention Policy during West End sponsored out-of-town activities.

F. Preschool Security Policies and Age-Specific Guidelines

The West End Kindergarten is a separate entity from West End Church of Christ. Members of West End Church of Christ will adhere to all guidelines and regulation set forth by West End Kindergarten when school is in session on the grounds at West End Church of Christ. West End Kindergarten is responsible for having their own policies and procedures in place that should be conscientiously followed by all Employees and Volunteers. All employees and volunteers shall abide by the preschool security policy as well as any other applicable age-specific guidelines and Sexual Abuse and Molestation Prevention Policies. Any changes to stated policies and procedures shall be reported to the church office of West End Church of Christ within a period of 30 days. Please contact the West End Kindergarten with questions about these policies.

III. REPORTING PROCEDURES

Observed or reported child sexual abuse or child molestation should be reported immediately to the appropriate age group minister/director or elders. Reporting abuse can precipitate severe consequences to a family, so it should never be done casually or thoughtlessly, and certainly not for malicious purposes. At the same time, failing to report abuse can have severe consequences to a child at risk. Therefore, if you have reasonable cause to suspect abuse, you should talk with an appropriate person to see what steps could and should be taken to protect the child and help the family. When time and circumstances permit, the report should first be made to the appropriate age-group minister/director or

elders, who will then proceed with the correct and thorough process. For a definition of the mandatory child abuse reporting requirements in the state of TN please refer to Appendix A of this document.

IV. RESPONSES TO ALLEGATIONS

- A. All allegations will be taken seriously and church staff will take appropriate action in accordance with the laws of the State of Tennessee, insurance policy requirement, and based upon advice of legal counsel.
- B. The official spokesperson for the church in any of these matters will be the appointed by the elders of WECOC. No other staff member or church members shall speak to the media in an official capacity.
- C. The church staff will document (in writing, with date and signature) all efforts in the handling of any incident.
- D. The church staff will not deny, minimize, or blame any individual involved in allegations. WECOC staff will minister to all involved, as well as cooperate with authorities.

V. RESOLUTION OF DISPUTES

The West End Church of Christ believes that the Bible commands Christians to make every effort to live at peace and to resolve disputes with each other in private or within the Christian church (see Matthew 18:15-20; I Corinthians 6: 1-8). Therefore, any civil claim or dispute arising from or related to allegations by or against workers, employees, volunteers, church members or their families, will be submitted to the ministers or elders as needed.

VI. This policy must be read and understood by each and every staff member, employee, worker, and volunteer. A letter signed by each will be kept on file in the church office as an audit for this program.

VII. EFFECTIVE DATE December 15, 2018

West End Church of Christ

Sexual Abuse and Molestation Policy

Acknowledgement and Acceptance Form

After you have read the Sexual Abuse and Molestation Prevention Policy, complete this page and return to the main office at West End.

Print your name clearly

Email Address

First Name

MI

Last Name

Date of Birth

I have read, understand and hereby agree to abide by the terms and conditions as provided in the West End Church of Christ Sexual Abuse and Molestation Policy. I understand that any violation of the aforesaid terms and conditions may result in my being removed from any leadership position and other privileges to serve may be revoked. I further agree to report any abuse, lack of compliance or suspicious behavior by others to the church staff or the elders. Any violation of this policy, or any inappropriate behavior that is not included in the policy but has the effect of causing harm to another or his/her child will be reported immediately.

Signature _____ **Date** _____

West End Affiliation: (check all that apply)

- Sunday School
- Youth Ministry
- Children's Ministry
- Preschool age Ministry
- Non-Member of West End
- Member of West End
- Other, explain _____

West End Church of Christ
Minor Certification of Parent/Guardian
To Work with Other Minors

ADDENDUM

This form shall serve as the *required certification* from the Parent/Guardian of the minor child who is also a volunteer working with other minors. Signing this form implies that the parent or guardian “knows no reason why their minor child should not be allowed to work directly or indirectly with other minors.” In addition to this form, said minor volunteer must be a member of West End Church of Christ or regular attendee.

Print information clearly

Parent/Guardian Email Address _____

Parent/Guardian's First Name _____ MI _____ Last Name _____ Date of Birth _____

Minor's First Name _____ MI _____ Last Name _____ Date of Birth _____

I have read, understand and hereby agree that I know no reason why my child should not be allowed to work directly or indirectly with other minors. Furthermore, I understand that any violation of the aforesaid terms and conditions by my child may result in my child being removed from any position and other privileges to serve may be revoked. I further agree to report any abuse, lack of compliance or suspicious behavior by others my child informs me of to the church staff or the elders. Any violation of this policy, or any inappropriate behavior that is not included in the policy but has the effect of causing harm to another or his/her child will be reported immediately.

Parent/ Guardian Signature _____ Date _____

West End Affiliation: (check all that apply)

- Sunday School
- Youth Ministry
- Children's Ministry
- Preschool age Ministry
- Non-Member of West End
- Member of West End
- Other, explain _____

Appendix A

Mandatory Child Abuse Reporting-Tennessee

Regulations with regard to mandatory child abuse reporting are more effective in Tennessee than in many other states. Tennessee law regarding child abuse reporting mandates that any person having knowledge of or called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition which is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect or which on the basis of available information reasonably appears to have been caused by brutality, abuse or neglect, shall report such harm immediately. Any person with knowledge of such harm shall report it by telephone or otherwise to the judge having juvenile jurisdiction or to the concerned department, or to the sheriff, or to the chief law enforcement official.[i]

Tennessee law also deals in detail about what constitutes abuse. “Abuse” exists when a person under the age of eighteen (18) is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability or physical or mental condition caused by brutality, neglect or other actions or inactions of a parent, relative, guardian or caretaker. [ii] Furthermore, an abuser is defined as an adult or an older child, provided the child is four years older than the victim.

There are four types of child abuse which are reportable. Such abuses are neglect, physical, sexual, and mental abuse. Neglect occurs when a parent or caretaker allows a child to experience avoidable suffering or fails to provide basic essentials for physical, social, and educational development.[iii]

Physical abuse is defined as a person deliberately and intentionally using bodily harm (violent battery with weapon like knife or belt, burning, choking, fracturing bones, and other non-accidental injuries). Physical abuse also happens when a person endangers a child’s health, welfare, and safety through negligence (withholding food, medical care etc).

Sexual abuse is defined as any form of sexual contact or exploitation in which a child is being used for the sexual stimulation of the perpetrator.

Mental abuse occurs when a person exposes a child to spoken and/or unspoken violence or emotional cruelty (deprived of parental affection, education withheld, locked in confined spaces, forced to drug abuse, sent messages child is worthless, unloved, undeserving of care). All these elements are difficult to prove. Moreover the persons who are subject to all these abuses must be reasonably presumed to be less than eighteen (18) years of age.[iv]

The law requires every person knowledgeable about child abuse to make mandatory reports. Mandatory reporters are legally required to report known or reasonably suspected cases of child abuse, and a person may face criminal penalties (normally a misdemeanor) for failing to do so. [v]

Any person knowing of such abuses must report to the judge having juvenile jurisdiction, or the county office of the Department of Children’s Services, or the sheriff or chief law enforcement officer where the child resides. [vi]

Moreover, Tennessee law provides immunity from liability for persons who in good faith report suspected instances of child abuse or neglect under the reporting laws. Immunity statutes protect reporters from civil or criminal liability that they might otherwise incur. This protection is extended to both mandatory and voluntary reporters.[vii] If any person reports any harm in good faith as required by the reporting law, then that person shall not be liable in any civil or criminal action that is based solely upon: Firstly, the person's decision to report what the person believed to be harm; Secondly, the person's belief that reporting such harm was required by law; or Thirdly, the fact that a report of harm was made. [viii] Persons who are alleged perpetrators of a suspected abuse or neglect are specifically not provided immunity from prosecution in Tennessee.[ix]

Tennessee law does not provide any type of evidentiary privileges such as, husband-wife privilege, the psychiatrist-patient privilege, the psychologist-patient privilege for excluding evidence regarding harm or the cause of harm to a child in any dependency and neglect proceeding resulting from a report of such harm or a criminal prosecution for severe child abuse. [x]

Additionally, ministers are mandatory reporters in Tennessee because “any person” is a mandatory reporter of child abuse. No clergy-penitent privilege statute or rule specifies that the privileged nature of a communication exempts a minister from complying with child abuse reporting requirements.

[i] Tenn. Code § 37-1-403

[ii] Tenn. Code § 37-1-102

[iii] Tenn. Code § 37-1-406

[iv] Tenn. Code § 37-1-401

[v] Tenn. Code Ann. § 37-1-403.

[vi] Tenn. Code Ann. § 37-1-403.

[vii] Mandatory reporters are persons who are required to report; voluntary reporters are not required to report but may choose to report.

[viii] Tenn. Code Ann. § 37-1-410.

[ix] http://www.childwelfare.gov/systemwide/laws_policies/statutes/immunity.cfm

[x] Tenn. Code Ann. § 37-1-411.