

CHURCH OF THE FOOTHILLS MEMBER AND CHILDREN PROTECTION POLICY

General Purpose Statement:

A. Church of the Foothills is a Progressive Christian Church

1. Church of the Foothills (herein referenced as Church) follows the life, spirit and teachings of Jesus Christ as the foundation of its teachings to its members and visitors and believes that the way we behave toward one another and toward other people is fullest expression of what we believe;

2. The Church seeks to provide a safe and secure environment for its called ministers, lay staff personnel, members and their children/grandchildren and visitors to the Church who participate in worship services and any sponsored programs and activities of the Church. As a community of Christian faith, the Church is committed to creating and maintaining programs, facilities and a community in which everyone can worship, learn and work together in an atmosphere free from all forms of discrimination, harassment, exploitation, intimidation or other forms of misconduct or inappropriate behavior. The Church is strongly opposed to sexual exploitation, sexual harassment and any other forms of discriminatory acts or inappropriate behavior. It is the intention of the Church to take action in an attempt to prevent and correct any behavior that is contrary to this policy and, if necessary, to discipline those persons who violate this policy.

3. Called Ministers, staff members and leaders are to provide and nurture safety within the Church and Church activities by being attentive to the needs of the members, the children and visitors and to are to be mindful of the appropriate boundaries for all individuals when interacting with each other and when necessary shall refer those in need to supportive and helpful resources while maintaining the rights of privacy of said individuals.

4. Discrimination, sexual harassment, exploitation, intimidation or other forms of misconduct or inappropriate behavior by anyone directed to or against any individual who is participating in any Church worship or Church program or activities.

5. The Church shall in providing a safe and secure environment provide by these policies a procedure to attempt to resolve any issues regarding such environment.

B. Definitions of Ministerial, Staff, Members, Children and Visitors

1. A Called Minister is an individual who is an ordained Minister by either the UCC or the DOC and who is called to serve as an employee Minister of the Church or is a volunteer Minister to the Church.

2. A staff member is an employee of the Church and/or the Pre-School of the

Church who is not a Called Minister. A staff member may not necessarily be a member of the Church.

3. A Church Leader is a member who has been elected by the membership to a leadership position or who has been appointed to a leadership position by the Cabinet or by the chairperson of a Church Ministry. Church Leaders include Officers, Elders, Ministry Chairs or Vice Chairs and members of the Response Team.

4. The Cabinet is the body of elected members who provide overall governance for the Church.

5. A Leader of a Church Ministry is a member who has been elected or appointed to be the chairperson of an approved ministry of the Church by the Cabinet or has been appointed by the Senior Pastor of the Church.

6. Members are individuals who have joined the Church.

7. Member Volunteers are members who will participate in a Church sponsored ministry or activity.

8. Child or children are individuals who are under age 18 years of age.

9. Visitors are individuals who are not members of the Church.

10. Workers is an individual who is working with children in a Church ministry or Church sponsored activity.

C. Requirements for Commencing and Continuing a Church Ministry Function.

1. Any Called Minister, staff member, Church Leader, member or non member volunteer who will providing leadership of a Church sponsored activity or ministry or who will be working with children shall complete a disclosure form similar to the sample attached hereto as Exhibit A, be fingerprinted, be subjected to a background check and be cleared through the Department of Justice's national criminal background check.

2. Before a background check is obtained, the individual will be asked to sign an authorization form allowing the Church to run the check. If an individual declines to sign the authorization form, he/she will not be allowed to be a Church Leader or volunteer or work with children in any Church sponsored activities or programs. References provided by the individuals who will work with children may be checked by individuals designated by the Cabinet.

3. If the back ground check is positive for an individual having a criminal

record the individual will be disqualified from being a Church Leader or volunteer or to work with children in any Church sponsored activities or programs. The individual may request in writing a waiver of such disqualification and if so the Response Team shall conduct an investigation and make a recommendation to the Cabinet to either grant or deny the requested waiver. The Cabinet shall then either grant or deny the waiver. Generally, convictions for an offense involving children and/or for offenses involving violence, dishonesty, possession of illegal substances for sale, indecency, moral charges or any conduct contrary to the Church's mission will preclude an individual from being granted a waiver from disqualification. Failure to disclose a criminal conviction on the application form will also be a disqualifying event.

4. If an individual who is a Called Minister, staff member, Church Leader or volunteer is convicted of a criminal offense as set forth in paragraph C3, the individual will be removed from his/her position, subject to an investigation of the matter by the Response Team and its recommendation to the Cabinet which shall then make a determination as to any action to be taken.

5. The background check authorization forms and results of the background checks, any information obtained from any references and any investigations by the Response Team will be maintained in confidence and in a file at the Church with access only being granted to the file to the Senior Minister, the President of the Church, the Director of Christian Education, the Pre-School Director (pre-school matters only, members of the Response Team, the Church's insurance company, the Church's legal counsel and the individual or their designated representative.

6. Individuals who will be working with children will be subject to repeat clearance through the Department of Justice on an annual basis. Other Church Leaders or volunteers will be subject to repeat clearance through the Department of Justice every three years.

D. Policies Regarding Children

1. Any member or a non member who is not an employee of the Church or the Church Pre-School who desires to work with children must have been a member of the Church or must have been attending Church services for a minimum of six (6) months unless the member is granted a waiver from the six (6) month rule by the Cabinet. A Called Minister, a staff member or a Church Pre-School teacher or employee shall be entitled to work with children commencing on their date of hire.

2. Called Ministers, staff members and Church Leaders shall attend safe church workshops every three years with the workshops being given by the Church or approved by the Cabinet.

E. Two Adult Rule Regarding Children

1. The goal of the Church is a minimum of two unrelated adult staff members, members or volunteers will be in attendance at all times when children are being supervised during Church programs and activities. Some youth classes may have only one adult teacher in attendance during the class session; in these instances, doors to the classroom are to remain open and there should be no fewer than three students with the adult teacher. The Church does not allow minors to be alone with one adult on the Church campus or at a Church sponsored activity unless the member is the parent of the children. .

F. Open Door Policy Regarding Children

1. Classroom or meeting room doors are to remain open unless there is a window in the door or a side window beside it. Doors should never be locked while children are inside the room.

G. Teenage Workers With Children

1. There are times when it is necessary or desirable for teenage individuals to participate with children in Church activities or as babysitters (paid or volunteer) who are under age 18. The following guidelines apply to such workers:

- A. Teenage workers must be approved by the Senior Pastor, the Youth Director or the Director of Christian Education and must be at least 14 years of age.
- B. There must be an age difference of two years between the age of the Teenager and the children that the Teenager will be involved with.
- C. Teenagers shall be under the supervision of an adult.
- D. The Teenager must comply with the policies regarding children.

G. Discipline Policy Regarding Children

1. It is the policy of the Church never to administer corporal punishment of a child, even if parents/guardian have suggested or given permission to do so. There will not be any spanking, grabbing, hitting, or other physical discipline of children. If there is a discipline problem that can not be handled verbally the Director of Christian Education shall be consulted for guidance regarding any disciplinary issues.

2. The parents/ guardian shall be notified of any disciplinary issues by the Director of Christian Education.

H. Restroom Guidelines for Children

1. Children five years of age and younger are to utilize a classroom bathroom, if one is available. If a classroom bathroom is not available, workers should escort a group of children to the hallway bathroom. They should always go in a group, never taking a child to the bathroom alone. The workers should check the bathroom first to make sure that it is empty, then allow the children inside. The workers should then remain outside the bathroom door and escort the children back to the classroom. If a child is taking longer than seems necessary, the worker should open the bathroom door and call the child's name. If a child requires assistance, the workers should prop open the bathroom door and leave the stall door open as he/she assists the child.

2. For children over the age of five years of age, at least one adult male should take boys to the restroom and at least one adult female should take girls. The worker should check the bathroom first to make sure that the bathroom is empty, then allow the children inside. The worker should then remain outside the bathroom door and escort the children back to the classroom.

3. For the protection of all, workers should *never* be alone with a child in a bathroom with the door closed and never be in a closed bathroom stall with a child. Parents are strongly encouraged to have their children visit the bathroom prior to each class.

I. Accidental Injuries to Children

A. In the event that a child or youth is injured while under the care or supervision of the Church or a Church member or worker, the following steps shall followed:

1. For minor injuries, scrapes, and bruises, First Aid (Band-Aids, etc.) will be provided as appropriate. The Director of Christian Education and the child's parent or guardian will be notified of the injury.

2. For injuries requiring medical treatment beyond simple First Aid, the parent and/or guardian will be immediately notified as will the Director of summoned in addition to the worker's supervisor. If warranted by circumstances, an ambulance will be called.

3. Once the child has received appropriate medical attention, an incident report will be completed in the case of injuries requiring treatment by a medical professional.

H. No Interaction with Outside Groups and Children

1. Members and/or guests/invitees of non church associated groups or individuals who are using any Church facilities shall not intermingle with the

children/youth of the church or guests/invitees of the Church, unless the child/youth is either a member of the outside group or is a guest/invitee of an activity that is being conducted in a Church facility. This policy does not prevent the interaction of parents/guardians, other relatives or friends of children who are enrolled in the church's preschool from interacting with other enrolled children in the church's preschool. Interactions for children enrolled in the church's preschool are regulated by policies implemented by the church's preschool

J. Sunday Evening Use of Facilities by Church Youth Groups

1. When there are Church sponsored children/youth activities on a Sunday evening the Fellowship Hall of the church shall be reserved and used exclusively for the church sponsored children/youth activity.

K. Right of the Church to Reschedule Outside Groups or Individual Use of Facilities

1. The Church has the right to schedule church activities that may necessitate the rescheduling of the use of church facilities by outside group(s) and/or individual(s) even if the outside group(s) or individual(s) have previously reserved the use of a specific room or area of the church campus.

L. Right of Privacy of Church Members or Guests/Invitees

1. The name, telephone number, address, email contact information and any other personal information that has been provided to the Church by a member and/or a guest/invitee of the Church shall not be disclosed by the Church to non church member(s), individual(s) or group(s) who are not associated with the Church without the consent of the member, a parent/guardian of child and/or an invitee/guest of the Church having been provided in writing.

M. Responding to Allegations of Child Abuse

1. "Child Abuse" is any action (or lack of action) which endangers or harms a child's physical, psychological or emotional health and development. Child abuse occurs in different ways and includes:

- A. Physical abuse – any physical injury to a child which is not accidental, such as beating, shaking, burns, and biting.
- B. Emotional abuse – emotional injury when the child is not nurtured or provided with love and security, such as an environment of constant criticism, belittling and persistent teasing.
- C. Sexual abuse – any sexual activity between a child and an adult or

between a child and another child at least four years older than the victim, including activities such as fondling, exhibitionism, intercourse, incest, and pornography.

- D. Neglect – depriving a child of their essential needs, such as adequate food, water, shelter, and medical care.

2. If a Called Minister, staff member, Church Leader or child worker become aware of suspected or actual abuse or neglect of a child(ren) who is participating in a Church sponsored activity a report must be made immediately to the Senior Pastor, the Director of Christian Education, the Pre-School Director or the President of the Church for further action including reporting the activity to the authorities as mandated by state law.

3. In the event that an incident of abuse or neglect is alleged to have occurred at the Church or during a sponsored program or activity, the following procedure shall be followed:

- 1. The parent or guardian of the child will be notified unless the parent or guardian is suspected of the conduct.

2. The individual alleged to be the perpetrator of the abuse or misconduct will immediately be placed on leave from working with children pending an investigation by the Response Team or by public authorities..

- 3. The insurance company of the Church will be notified.

4. The Church shall comply with the state's requirements regarding mandatory reporting of abuse as the law then exists.

5. The Church will cooperate with any investigation of the incident by state or local authorities. In the event there is no investigation of the incident by state or local authorities, the Response Team will investigate the circumstances of the incident. The Response Team will act in consultation with the Church's insurance company and/or a Church engaged attorney if counsel is engaged by the Church.

6. Any individual who is determined to be responsible for the innocent of the alleged abuse or misconduct will be removed from his/her position with children and as a Church Leader.

7. The President of Church or an individual designated by the President of the Church will be the Church's spokesperson to the media concerning incidents of any alleged abuse or neglect, unless he or she is alleged to be involved. All other individuals shall refrain from speaking to the media on behalf of the Church.

8. A pastoral visit will be arranged for those individuals who are involved in the alleged incidents if requested by the such individuals. The Senior Pastor will provide information for outside counseling services that may be available to the individuals who are involved in the allege incidents..

N. Training Regarding Interaction with Children

1. The Church will provide training regarding this child protection policy to all new childcare workers and Church Leaders on an annual basis

O. Sexual Exploitation, Sexual Harassment and Other Inappropriate Activities

1. Sexual Exploitation is any sexual activity or contact (not limited to sexual intercourse) in which an individual engaged in a ministerial relationship with another takes advantage of the vulnerability of the person being served by causing or allowing that person to engage in sexual behavior with the individual.

2. Sexual Harassment is the repeated or coercive sexual advances toward another person contrary to his or her wishes. It includes behavior directed at another person with the intent of intimidating, humiliating, or embarrassing the other person, or subjecting the person to public discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition or circumstance of instruction, employment, or participation in any church activity.

b. Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making personnel or church-related decisions affecting an individual.

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or participation in church activities or creating an intimidating, hostile, or offensive work or church environment.

3. Prohibited sexual harassment includes unsolicited and unwelcome contact that has sexual overtones, particularly:

a. Written contact, such as sexually suggestive or obscene letters, notes, e-mails, contacts via social media, or invitations;

b. Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, sexual propositions;

c. Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse; and

d. Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters, or magazines.

4. Sexual harassment also includes continuing to express sexual interest after being informed directly that the interest is unwelcome and using sexual behavior to control, influence, or affect the career, salary, work, learning, or worship environment of another. It is not permissible to suggest, threaten, or imply that failure to accept a request for a date or sexual intimacy will affect a person's job prospects, church leadership, or comfortable participation in the life of the church. It is forbidden either to imply or actually withhold support for an appointment, promotion, or change of assignment, to suggest that a poor performance report will be given because a person has declined a personal proposition; or to hint that benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations or reclassifications, will be forthcoming in exchange for sexual favors.

P. Other Inappropriate Conduct

1. Other inappropriate conduct includes but is not limited to unwelcomed contact by an individual to another individual including but not limited to written, telephonic or electronic contact by the Called Minister, a staff member, a Church Leader or a member or by a visitor to the Church.

Q. Procedures for Handling Complaints of Sexual Exploitation, Sexual Harassment or Other Inappropriate Conduct

1. The Response Team shall consist of at least three members who will be the Senior Pastor and one male and one female member appointed by the Cabinet with each member serving a one year term. Additional individuals may be appointed at the discretion of the Cabinet. The Response Team will be familiar with the terms of these policies, as well as the established procedures of the Church for dealing with any complaints it shall be requested to investigate and make recommendations

2. The Response Team shall conduct an investigation and make a recommendation to the Cabinet if necessary, when requested to do so by a Called Minister, a staff member or a Church Leader after the receipt of a written complaint.

3. Several approaches may be taken by the Response Team in addressing incidents of alleged sexual exploitation, sexual harassment or other inappropriate conduct. These include but are not limited to:

A. The complainant can be requested to attempt to resolve the matter directly with the respondent who is referenced as the individual accused of sexual exploitation or harassment or perpetrator of the inappropriate conduct.

B. A Called Minister or the President of the Church may be requested to attempt

to resolve the matter informally.

C. If an informal resolution of the complaint can not be accomplished or is not appropriate based upon the alleged facts the Response Team may take the following action:

1. The Response Team may seek the advice of legal counsel or others to advise it regarding the complaint.

2. The Response Team shall gather statements or other information from the individuals involved and from others who may have pertinent information regarding the complaint.

3. In determining whether alleged conduct constitutes sexual harassment or exploitation, consideration shall be given to the record of the alleged incident(s) as a whole and to the totality of the circumstances, including the context in which the alleged incident(s) occurred.

4. The Response Team shall advise the complainant prior to commencing its investigation of the complaint and after conducting its investigation that the complainant has a right to pursue appropriate legal action independent of any action that may or may not be taken by the Response Team. The complainant shall be advised that he/she may have the right to file a discrimination or harassment complaint with the state of California Department of Fair Employment and Housing and that the telephone number and address of the nearest office of the Department of Fair Employment and Housing can be obtained from the white pages of the local telephone directory. If the complainant advises the Response Team or if the Response Team becomes aware of the complainant filing a complaint with the Department of Fair Employment and Housing or takes any other legal action regarding the complaint the Response Team shall cease any further investigation of the complaint made by the complainant.

5. If the complainant does not file a complaint with the California Department of Fair Employment and Housing or take other legal action, the Response Team shall after conducting its investigation of the complaint make a determination and take actions appropriate to resolve the matter with the complainant and the responding individual if possible. If the Response Team can not resolve the matter with the complainant and the responding party the Response Team shall

a. Make a finding that sexual exploitation, sexual harassment or other inappropriate acts have occurred and shall make a recommendation to the Cabinet that (i) a formal reprimand, with defined expectations for changed behavior shall be instituted; (ii) a recommendation be made that the individual seek psychological or psychiatric assessment, counseling and/or treatment; (iii) probationary standing be given with the terms of the probation clearly defined; (iv) dismissal from employment or as a Church Leader or authorized volunteer of the Church occur; or (v) dismissal as a member of the

Church. The Cabinet shall make the final determination of what action is to be taken.

b. Make a finding that sexual exploitation, sexual harassment or other inappropriate acts did not occur and that no action will be taken. The Cabinet shall make the final determination of what action is to be taken.

D. The Response Team may in lieu of an investigation of the complaint or in connection with the investigation of the complaint may or under certain circumstances must notify the office of the Orange County Adult Protective Services, the Orange County Sheriff's office or the local police department where the complainant resides or where the alleged acts may have occurred.

E. The findings of the Response Team shall be maintained in the Church office in a confidential file for a period of 4 years from the date of the filing of the complaint. Access to the confidential file shall be limited to the Response Team, the Senior Pastor, the President of the Church, the Church's insurance company, the legal counsel for the Church, the complainant and his/her representative and the respondent and his/her representative.

R. Mandated Child Abuse Reporting

1. If at any time a Called Minister, a staff member, a Church Leader or a Response Team member has reasonable cause to believe that a minor may be an abused or neglected child or that facts or circumstances arise that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future the individual should immediately notify either the Senior Pastor, the President of the Church, the Director of Christian Education, the Youth Director, the Director of the Pre-School or any Pre-School Teacher who shall immediately report the matter to the Senior Minister and/or the President of the Church so that the Church can comply with its legal obligation to report the alleged abuse to the appropriate authorities, including but not limited to the Orange County Sheriff's office, the local police department where the child resides or where the alleged abuse occurred and/or the offices of the Orange County Childrens' Protective Service. If the Senior Minister or the President cannot be notified immediately the Orange County Sheriff's office should be notified by calling 911 or by calling the Orange County Child Protective Services at 714-940-1000