

Youth Protection Policy

It is the policy of this faith community to provide a safe and healthy environment to all who would participate and/or engage in relationship to this faith community. In conjunction with the Evangelical Lutheran Church in America's (ELCA) Social Statements and polices, and *Northeastern Iowa Synod (NEIA)* regarding misconduct for clergy and/or lay persons, this policy and directive is adopted this 2nd day of November Two-thousand and twenty-three.

Definitions:

Physical Abuse: any non-accidental physical injury, or injury that is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.

Mental Injury: any mental injury to a child's intellectual or psychological capacity as evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional as defined in Iowa Code section 622.10.

Sexual Abuse: the commission of a sexual offense with or to a child, pursuant to Iowa Code Chapter 709, Iowa Code section 726.2, or Iowa Code section 728.12, subsection 1, as a result of the acts or omissions of the person responsible for the care of the child. Notwithstanding Iowa Code section 702.5, the commission of a sexual offense under this paragraph includes any sexual offense referred to in this paragraph with or to a person (minor) under the age of (18) eighteen years.

Minor: any individual who is younger than 18 years of age.

Elder Youth: any individual younger than 21 years of age and older than 18 years of age.

Youth: any individual younger than 21 years of age.

YPP1.00.00 GOVERNING POLICY

YPP1.01.00 It is the policy of this faith community to regard the safety of each youth brought into relationship with this faith community's ministry by means of volunteers, staff, or its membership. It is the policy of this faith community with respect to the fore mentioned definitions to discourage and, within reason and available resources, prohibit the intentional mental or physical injury, or sexual abuse of any youth.

YPP1.01A This faith community will adopt a Youth Protection Policy that meets expectations and guidelines of the ELCA, the *NEIA Synod*, and this faith community's insurance coverage.

YPP1.02 For every function, program, or activity that involves youth, said instance shall be sponsored and/or facilitated by a recognized board, committee, or organization as defined by the constitution, bylaws, standing rules, or continuing resolutions of this faith community.

YPP1.03 It shall be the responsibility of the sponsoring board, committee, or organization recognized by the faith community to enforce this Youth Protection Policy and its directives as adopted by the faith community's council acting on behalf of the faith community.

YPP1.04 For every function, program, or activity that plans to involve youth, there shall be a **liability** form (Appendix A) generated, a public announcement, and recognition of the sponsoring board, committee, or organization.

YPP1.05 For youth to participate in any function, program, or activity, there shall be on record (documentation) a **permission** slip signed by a legal parent/guardian acknowledging said youth's involvement with function, program, or activity. The legal parent/guardian shall in this permission slip recognize their responsibility to provide accurate information and release of liability of the faith community and/or persons on behalf of the faith community.

YPP1.06 A **permission** slip shall be a document that shall constitute a covenantal agreement between legal parent/guardian responsibilities and of the faith community's responsibility. The permission slip will contain a release of liability of the staff (employee) of the faith community. The permission slip will contain details of function, program, or activity such as: (1) beginning and ending times, (2) In Case of Emergency (ICE) information, (3) established norms for behavior for the youth, (4) signature of both legal parent/guardian and youth, (4) name of sponsoring board, committee, or organization of the faith community. This permission slip shall be generated by the church office, signed by both youth and legal parent/guardian.

YPP1.07 For every sponsored function, program, or activity involving youth that is more than 30 minutes or 30 miles away from the legal address of this faith community, a **permission** slip shall contain additional information to YPP1.06. Those additional pieces of information shall include: (4) destination(s), (5) estimation times of arrivals and departures, and (6) medical treatment waiver. This permission slip shall be generated by the church office, signed by both youth and legal parent/guardian.

YPP1.08 It is the policy of this faith community that 'adult teams' shall be formed for all sponsored functions, programs, and/or activities involving youth. The 'adult team' is defined as two or more unrelated adults (each a minimum age of 21) who will be present during any sponsored function, program, or activity involving youth. Members of the adult team will be designated as an "Adult Team Member" (ATM). At least one member of the adult team shall be an authorized person (see YPP4.3). The sponsoring board, committee, or organization shall have recognized and written into their minutes the names of the adult team members.

YPP1.08A For the safety of youth, ATM(s), and liability of the faith community, additional ATMs may be necessary. A generalized guiding principle would be one adult team for every (6) six minors, with a minimum of two adults where youth are present. Should a situation develop requiring additional resources, one ATM is able to adequately supervise while rendering help/assistance as the other ATM secures additional resources/assistance.

YPP1.08B In sponsored functions, activities, or programs, ATM's may include faith community staff, volunteer instructors, reimbursed directors, or other such persons that are involved, participating, or present at the function, program, or activity.

YPP1.09 At no time shall any ATM be allowed to or have reason to be alone with a youth in a secured, warded, or contained area that is not visible or accessible by the public at will. This includes sponsored functions, programs, or activities both on the faith community's campus (facility) or off campus. Exemption is granted in this matter to ATM's who are parents, grandparents, aunts, uncles, siblings or legal guardians of the minor or elder youth.

YPP1.10 The board, committee, or organization sponsoring a function, program, or activity involving youth shall have announced their intentions via church publications (newsletter, worship bulletin, permission slip) at minimum of five (5) business days prior to the scheduled function, program, or activity.

YPP2.0 SUPERVISION of MINORS

YPP2.1 The ATM (as defined in YPP1.8, 8a, 8b) will be responsible for the supervision of youth no earlier than 15 minutes prior to the published beginning time of sponsored function, program, or activity. This policy provision shall be a part of the publication notice of the sponsoring board, committee, or organization (See YPP1.10)

YPP2.1A The ATM will be responsible for the supervision of youth no later than 15 minutes following the published ending time of the sponsored function, program, or activity. This policy provision shall be a part of the publication notice of the sponsoring board, committee, or organization. (See YPP1.10)

YPP2.2 Should a youth require immediate feedback regarding their inappropriate behavior or attitude from an ATM, the team member shall seek a second adult to observe the verbal feedback, suggested corrections, and detailed consequences for the youth's failure to comply with corrections, by the first ATM.

YPP2.3 At the conclusion of sponsored function, program, or activity, the ATM who counseled the youth, shall inform the legal parent/guardian of the occasion of the counseling.

YPP2.4 Should a youth seek individual advice and/or recommendations from an ATM, the ATM shall inform the legal parent/guardian of the contact. If the ATM is NOT a licensed therapist/counselor or a rostered clergy person working in that capacity for the faith community, the ATM is not governed nor protected by 'privileged communication' or confidentiality. The ATM should never give the implication that conversation with a youth or any information shared in a conversation cannot or will not be shared with the legal parent/guardian.

YPP2.5 In occasions where individual conversations by a staff member or ATM with a youth need to occur during the sponsored function, program, or activity of the faith community, the conversations are required to take place in public view or in public access (i.e. restaurants, public parks, public accessible libraries, foyers, lounges). At no time shall the environment of the

individual conversation be exclusionary, that is, that the conversation cannot be interrupted by a passerby at will.

YPP3.0 TRANSPORTATION of MINORS or ELDER YOUTH

YPP3.1 ATM's or faith community staff shall not engage in the transportation of minors to or from the campus of the faith community without acknowledgement and consent of the minor's legal parent/guardian. It is highly recommended that the ATM have written consent. It is mandatory that a faith community staff person have written consent of the minor's legal parent/guardian. Written consent obtained by any ATM shall be forwarded to faith community staff or the sponsoring board, committee, or organization.

YPP3.2 When an ATM or faith community's staff is transporting youth away from or to the faith community's campus as part of the sponsored function, program, or activity, the ATM/Staff will have a second adult (non-spouse) in the vehicle. When more than one vehicle is involved in transporting youth, each vehicle may have one ATM so long as each vehicle can maintain a visual contact with the other vehicles of the sponsored function, program, or activity .

YPP3.3 When an ATM or faith community staff member utilizes their own privately owned/operated vehicle(s) for the transportation of youth to/from sponsored function, program, or activity, the ATM/Staff member shall be responsible for their own liability and comprehensive vehicle insurance.

YPP3.4 When using a private vehicle by staff or ATM, the vehicle shall meet all safety standards required for legal operation in the State of Iowa, including liability and no fault insurance on the vehicle.

YPP3.5 Staff or ATM who transport youth shall have maintained a good driving record and shall have a valid Driver's License for the state of Iowa.

YPP3.6 Youth who have obtained a legal driver's license are permitted to transport themselves to and from any function, activity, or program supported by this faith community.

YPP3.7 Youth who have obtained a legal driver's license and have maintained a good driving record are permitted to transport other youth when written permission has been granted by parents or legal guardians. This written permission must be received by an ATM before transportation occurs.

YPP3.8 Elder youth who are to be transported by an ATM shall provide written permission signed by themselves or a parent/guardian which must be received by an ATM before they can be transported.

YPP4.0 POLICY TRAINING

YPP4.1 At a minimum of once every three years, the Christian Education Board and Youth Board will ensure the familiarization of the faith community's Youth Protection Policy for all faith community staff members and adult volunteers of the faith community who have direct contact with youth as part of their volunteer duties.

YPP4.2 It is the responsibility of the Christian Education Board and Youth Board to bring to the faith community's council updated revisions of the policy to secure compliance with changing insurance liability coverage and State of Iowa Code.

YPP4.3 Persons receiving Youth Protection Policy familiarization will be recognized and approved by the council as 'authorized persons' (AP) having permission to originate, plan and provide functions, activities, programs as sponsored by boards and organizations for youth of the faith community and/or their guests.

YPP4.4 An official record of authorized AP's and ATM's will be updated annually by the Christian Education Board and Youth Board and kept in the administration office and shall be made available to any board, committee, or organization from this faith community in charge of planning a function, program, or activity. This record shall be updated as AP's or ATM's are approved or removed.

YPP4.5 No board, committee, or organization will conduct a function, program, or activity involving youth without having an AP (See YPP4.3) as part of the planning for the involvement of minors in a sponsored function, program, or activity and to be physically present at the said function, program, or activity.

YPP4.6 Each Board, committee, or organization shall be in compliance of the adopted Youth Protection Policy.

YPP4.6 All faith community staff (employees) who have direct contact with youth as part of their function, job description, or area of responsibility shall be: (1) screened (see YPP5.0) and have a satisfactory back ground check, (2) shall have received a copy of the Youth Protection Policy, (3) shall have signed a compliance statement (Appendix B) regarding the current adopted Youth Protection Policy on file in the church office.

YPP4.7 All AP's and ATM's are required to repeat the policy training every three (3) years.

YPP5.0 SCREENING of ADULT TEAM MEMBERS (ATM) and AUTHORIZED PERSONS (AP)

YPP5.1 It is mandated that at least one member of an ATM shall have completed a Youth Protection Policy compliance statement. This signed statement on file in the church office shall be reported to the faith community's council.

YPP5.2 Screening of ATM's, authorized person (YPP4.3), and faith community staff shall consist of one or all of the following: (1) screening application form (Appendix B) (2) legal background check with a potential reference check. Screening may also include a driving history check.

YPP5.3 Any prior allegations or prior convictions will exclude any individual from participating in any function, program, or activity of this faith community involving youth.

YPP5.4 When using the screening form (Appendix B), a member of the Christian Education board will conduct the reference and contact checks. He or she must identify themselves when contacting the reference and state they are calling on behalf of Immanuel Lutheran Church and are considering the identified applicant for working with youth. The appointed person shall clearly state that this is an inquiry of the applicants past. They must also clarify there are no present allegations or concerns regarding the applicant.

YPP5.5 All AP's and ATM's are required to have a new background check every three (3) years. The Christian Education Board and Youth Board will maintain a record of background checks and update it annually. The record shall be kept in the administration office and be made available to any sponsoring board, committee, or organization of the faith community.

YPP6.0 DUE PROCESS of ALLEGATIONS of INAPPROPRIATE CONDUCT INVOLVING MINORS

YPP6.1 Any allegations of impropriety, misconduct, or suspicion of sexual abuse, or failure to comply with this policy or any of its directives shall be subject to review by the Executive Council. Person(s) alleged in misconduct or violation of this policy will be immediately suspended from participation of any sponsored function, program, or activity until determination of the Executive Council on reinstatement or release and censure from either staff position, ATM, or authorization status of council. In cases where the alleged person is a member of council they will be recused, and a different member of council will be called upon for the purpose of the investigation.

YPP6.2 Any suspected or alleged conduct which could be construed as sexual harassment, lascivious acts, infidelity, sexual abuse, physical abuse or sexual assault which occurs in conjunction with or directly related to a sponsored youth function, program, or activity that involves either a ATM, AP, or congregational staff and minor(s), shall be reported to the church's mandatory reporter (YPP6.3) for further referral. This suspicion or allegation must be made within 24 hours of the suspected inappropriate conduct.

YPP6.3 The church mandatory reporters shall be the senior pastor of this faith community, the President of the Council, and any other such faith community council designated person, who on behalf of the faith community has received current mandatory reporting training. The status of mandatory reporting is not in violation of privacy or confidentiality on the basis of 'non-confessional/absolution' penitent law for clergy.

YPP6.4 The church mandatory reporter shall cause an investigation into allegations of sexual abuse, sexual misconduct, and/or physical abuse. It is expected that most investigations will be completed within 24 to 48 hours of initial reporting unless there are extenuating circumstances. Should the investigation result in a mandatory report according to Iowa Code, a report shall be made to both local law enforcement and department of human services venues for further investigation.

YPP6.5 Any ATM, YP, or Staff Member whom is subject to suspected or alleged misconduct shall not be in contact with minors or elder youth until exonerated by a proper investigation

YPP6.5 Should this investigation result in charges against any individual involved with youth, ATM, authorized person(s), or faith community staff, the Executive Council will be advised and informed immediately.

YPP6.6 The church mandatory reporter shall investigate to the extent of determining the following: (1) parties involved, (2) alleged acts did involve a potential victim(s) and an alleged perpetrator, not hear/say allegations or rumor, (3) alleged acts are potential violations of Iowa Code, chapter 709, section 776.2, or section 728.12, subsection 1, as a result of the acts of omission of the person responsible for the care of minor(s).

YPP6.7 Failure of the church mandatory reporter to cause a proper investigation into allegations shall be grounds for suspension of duties by the Executive Council, and possible removal from office under provision of the faith community constitution and bylaws.

YPP6.8 Any suspected or alleged conduct which could be construed as sexual abuse, physical abuse, sexual harassment, infidelity, or lascivious acts by a minor with another minor or another elder youth shall be subject to investigation by an ATM. ATM's shall report any allegations and results of the investigation to the Executive Council. The allegations and investigation shall be subject to review by the Executive Council, which shall determine in conjunction with parents/guardians of the minor's involved the appropriate disciplinary action to be taken, if any is deemed necessary.

YPP6.9 Minors alleged of inappropriate conduct will be immediately suspended from participation in any function, program, or activity where such conduct occurs. ATM's shall immediately notify parents/guardians the alleged inappropriate conduct.

YPP6.10 In the case that allegations of inappropriate conduct are confirmed by an investigation and review of the Executive Council, the minor(s) may be subject to barring from participation in any or all future functions, programs, or activities involving youth.

YPP6.11 In the case that allegations of inappropriate conduct that are confirmed by an investigation and review of the Executive Council involve criminal acts, all findings and evidence shall be turned over to appropriate authorities.

YPP7.0 DUE PROCESS of INAPPRORIATE CONDUCT of ELDER YOUTH

YPP7.1 Any suspected or alleged conduct which could be construed as sexual abuse, physical abuse, sexual harassment, infidelity, or lascivious acts by an elder youth with a minor or another elder youth shall be subject to investigation by an ATM. ATM's shall report any allegations and results of the investigation to the Executive Council. The allegations and investigation shall be subject to review by the Executive Council, which shall determine in conjunction with parents/guardians of the elder youth involved the appropriate disciplinary action to be taken, if any is deemed necessary.

YPP7.2 Elder youth alleged of inappropriate conduct will be immediately suspended from participation in any function, program, or activity where such conduct occurs. ATM's shall immediately notify parents/guardians the alleged inappropriate conduct.

YPP7.3 In the case that allegations of inappropriate conduct are confirmed by an investigation and review of the Executive Council, the elder youth may be subject to barring from participation in any or all future functions, programs, or activities involving youth.

YPP7.4 In the case that allegations of inappropriate conduct that are confirmed by an investigation and review of the Executive Council involve criminal acts, all findings and evidence shall be turned over to appropriate authorities.

APPENDIX A -- Youth Activity Release Form

Youth attending an Immanuel Lutheran Church youth function, program, or activity are expected to remain with the group and participate in a positive Christian-like manner and inform the adult leader(s) prior to departing from the group and upon returning to the group. Youth and leaders are expected to exemplify Christian morality and ethics in all areas of conduct including appropriate language and positive relationship skills.

As a measure of safety and accountability, if a youth should exhibit unmanageable behavior that cannot be corrected by adult leaders, the parent/guardian will be contacted immediately and will bear the responsibility (cost) for their youth to return to their care and supervision. The use of non-prescribed controlled substances (including alcohol/tobacco) are NOT permitted by youth or adults while engaged in any youth function, program, or activity.

RELEASE OF LIABILITY

I, _____, am the Parent/Guardian of _____. We have both read and discussed the above covenant /release and we and acknowledge and understand both my expectations and the church's. I authorize them to participate in the following: _____

_____ on the date(s) of _____ to _____ from _____ to _____.

I agree to hold the church, and its adult leaders, officers, staff, volunteers, sponsors, and agents (collectively "Church") harmless from any and all claims of the Church's negligence, resulting in a physical injury or illness (including death), or economic loss I or my child may incur, or which may result from my or my child's participation in the above listed activity, including transportation and travel to or from the above listed activity and any events incidental to the above listed activity.

Youth Signature

Parent/Guardian Signature Date

EMERGENCY CONSENT

I hereby state that the health of my minor is satisfactory for participation in this activity. In the event of an emergency, accident, or illness, I want the Adult Team Member(s) to notify me as soon as possible. I EXPRESSLY AUTHORIZE the administration of necessary medical care by available medical personnel including the use of EMS and Ambulance resources.

Parent/Guardian Signature

Date

Telephone/Cell# _____

Name of Youth _____

Date of Birth _____

Allergies _____

Insurance Name: _____

Policy/Group # _____

Secondary Insurance: _____

Policy/Group # _____

ALL FORMS MUST BE ON FILE IN CHURCH OFFICE PRIOR TO ACTIVITY

Please do NOT expect adult team members to take responsibility for your minor until 15 minutes prior to the beginning time and 15 minutes after the ending time of event.

This form will be kept STRICTLY CONFIDENTIAL and SHREDED after the activity.

APPENDIX B – Adult Screening and Compliance Form

The following screening form reflects this faith community's commitment to provide protective care to all our youth and adult volunteers who participate in sponsored functions, programs, and activities.

The faith community asks: 1) adults who have been convicted of either child physical or sexual abuse NOT to volunteer their services that brings them in close proximity to minors. 2) adult survivors of childhood sexual/physical abuse should discuss their desire to work with youth with the Sr. pastor prior to filling out this screening form.

Please respond to each question. Your response will be kept confidential with the Sr. Pastor.

1. As a church volunteer, do you agree to observe the policy and its directives for youth protection? yes no

2. Have you ever been charged, convicted of, or pleaded guilty to a crime of sexual assault, sexual misconduct, sexual harassment, indecent exposure, or lascivious acts with a minor?
 yes no

3. Have you ever been charged with assault? yes no

4. Were you a victim of abuse or molestation as a minor? yes no

You may prefer to answer this question or discuss this with the pastor in confidence. Answering 'yes' or unanswered does not automatically disqualify you in working with minors.

I have read the Youth Protection Policy for Immanuel Lutheran Church, and I agree to its directives. I understand that failure to comply may render me unprotected by the church's liability insurance coverage.

Sign and Date

I give the church permission to inquire of the following three references and current contacts about my past and specifically if I have had allegations of misconduct with minors.

1) Name: _____

Contact Information: _____

2) Name: _____

Contact Information: _____

3) Name: _____

Contact Information: _____

NOTE: The Christian Education Board's or Youth Board's appointed person to conduct reference and contact checks shall establish with the reference or contact that he or she is calling on behalf of Immanuel Lutheran Church and are considering this applicant for working with youth. The appointed person shall clearly state that this is an inquiry of the applicants past. There are no present allegations or concerns regarding the current applicant.

APPENDIX C – Incident Report Form

This form is to be completed by adult team member within 12 hours of incident/accident.

Incident Date: _____ Incident Time: _____

Injured Person Name:

Address:

Phone Numbers:

Male/Female: _____ Date of Birth: _____

Details of Incident:

Who was injured person?

Injury Type:

Does Injury require Hospital/Physician? Yes: ____ No: ____

Hospital Name and address:

Hospital Phone Numbers:

Injured person/Party Signature and Date: _____

Important Notes and Instructions:

Prepared by _____ *Date* _____

APPENDIX D – Complaint Form for Allegations of Sexual Misconduct

COMPLETED FORM MUST BE SUBMITTED TO STAFF OR EXECUTIVE COUNCIL

Date of this Report: _____

Reported by Name: _____

Relationship to Accuser: _____

Address: _____

Telephone No./Email: _____

Person(s) suspected of misconduct Name(s): _____

Relationship to Accuser: _____

Address: _____

Telephone No./Email: _____

Other Person(s) involved (Alleged Witnesses) Name(s): _____

Relationship to Accuser: _____

Relationship to Accused: _____

Address: _____

Telephone No./Email: _____

Describe incident(s) of alleged sexual misconduct, including date(s), time(s), locations, et al. Be as accurate and specific as possible.

Attach and/or provide any additional information which may be helpful to the investigation.

Prepared by _____ Date _____