

## **General Church U.S. Child Protection Policy – Guarding Against Sexual Abuse**

The General Church of the New Jerusalem, hereafter the “Church,” seeks to protect all children who are entrusted to its care from sexual abuse. It does this by, among other things:

- Preventing sexual abuse or other inappropriate conduct;
- Following policies that provide for appropriate supervision of children;
- Screening certain employees, contractors and volunteers to the extent required by law;
- Reporting actual, suspected or potential sexual abuse of a child as required by law;
- Training employees on the Church’s policies and practices; and
- Taking corrective action when reports of sexual abuse or inappropriate behavior are confirmed.

All Church-sponsored activities, including but not limited to, worship services, instructional settings (Church day schools, Sunday Schools, teenage classes, etc.), camps, and weekend retreats come under this policy.

### **1. Definitions**

“Applicable legal authorities” means the appropriate government or law enforcement agency to which complaints of sexual abuse of a child must or may be made.

“Child” means anyone under 18 years of age at the time of the sexual abuse (actual, suspected or potential). Applicable state law may be broader or narrower than this definition. For example, in certain states, a “child” may be defined to mean a person under 17 years of age instead of a person under 18 years of age. Additionally, in some states, reporting requirements may extend to sexual abuse of certain adults, such as those with developmental disabilities.

“Contractors” are individuals who provide contract services to the Church on their own and not through another entity. For example, if you hire an individual person to repair a leak in one of the Church’s buildings, that individual person is covered by this policy. If however you hire a company with its own employees to repair the leak, the company and the company’s employees are not covered by this policy. Although the companies with which the Church contracts for certain services and the individuals employed by those companies are not covered by this policy, they may under applicable laws have their own obligations to report actual, suspected or potential sexual abuse of a child.

“Employees” include all employees, full-time and part-time, regular and temporary, including but not limited to, all teachers and clergy.

“Volunteers” include, but are not limited to, leaders of all volunteer activities, such as heads of Sunday School programs, Sunday School teachers, weekend retreats, and camps.

## **2. Prohibition on Sexual Abuse**

Employees, volunteers and contractors are prohibited from engaging in sexual abuse.

For the purposes of this policy, sexual abuse of a child shall be interpreted broadly to include, but is not limited to, an adult engaging in, encouraging, facilitating, or allowing any of the following activities:

- Sexual touching of any part of the body of a child, clothed or unclothed;
- Showing a child pornography, sexually suggestive material or “dirty” pictures or videotapes (even if not legally obscene);
- Encouraging a child to engage in sexual activity, including masturbation;
- Encouraging a child to engage in prostitution;
- Intentionally engaging in sexual activity in front of a child; and
- Penetrative sex with a child.

A more detailed list is included as Addendum A.

Applicable state law may be broader or more specific than this definition.

Additional information on what constitutes sexual abuse may be obtained from various agencies, such as:

The American Medical Association –  
<http://www.ama-assn.org/ama/pub/category/3548.html>  
The American Academy of Pediatrics –  
<http://www.aap.org/healthtopics/childabuse.cfm>  
The American Psychological Association –  
<http://www.apa.org/releases/sexabuse/>

### **Consent is never a defense to sexual abuse of a child.**

In certain narrow circumstances, a sexually-oriented discussion with a child may be appropriate for a legitimate educational, counseling or other purpose. Of course, even in the context of a legitimate purpose, such as an educational or counseling purpose, care must be taken to consider what is said, how it is said, the surroundings and all relevant factors to minimize the risk that the child may feel uncomfortable and to make sure that the legitimate purpose is transparent.

## **3. Background Checks**

The Church will conduct background checks of prospective and current employees and other individuals as required by applicable law. The Church will not

employ, continue to employ or otherwise engage or continue to engage any individual who has a disqualifying background to the extent such disqualification is required by applicable law.

The Church may conduct additional background checks for certain positions beyond what is required by applicable law. An individual may be disqualified from employment with the Church or otherwise providing services to the Church based on the results of the background check even if the law does not mandate disqualification.

Background checks may include, but are not necessarily limited to, criminal records checks, child abuse records checks, and references checks. All such checks will be conducted in accordance with applicable laws.

#### **4. Best Supervisory Practices**

The Church has developed best supervisory practices to minimize the potential for sexual abuse of a child. See Addendum B. The Church acknowledges that emergency and other special circumstances will arise that will make it impractical to follow the best supervisory practices. Absent emergency or other special circumstances however, the Church expects that, to the extent reasonably possible, these best supervisory practices will be followed.

#### **5. Reports of Sexual Abuse of a Child**

For purposes of this section, the duty to report sexual abuse of a child applies if the child was under age 18 at the time of the actual, suspected or potential sexual abuse.

Employees, contractors, and volunteers must report to the Church's Child Abuse Committee ("CAC") any allegations or evidence of actual, suspected or potential sexual abuse of a child regardless of whether the reporting employee, contractor, or volunteer believes the allegations have merit.

An employee, contractor, or volunteer must contact the applicable legal authorities directly and immediately if he or she (a) is required by law to report directly to the applicable legal authorities, or (b) believes that a child is in imminent risk of serious harm. An employee, contractor, or volunteer also may bypass the CAC and contact the applicable legal authorities directly for any reason. Unless the reporting individual is told by the legal authorities not to contact the CAC, a subsequent report must be made to the CAC so that the CAC can take appropriate preventive and corrective actions pending the investigation by the applicable legal authorities.

Employees with a supervisory role over Church volunteers are required to inform those volunteers of their obligations to report actual, suspected or potential sexual abuse of a child and, upon request, will provide volunteers with a copy of this policy.

Employees who contract with (independent) contractors are required to inform those contractors of their obligation to report actual, suspected or potential sexual abuse of a child and, upon request, will provide contractors with a copy of this policy.

A list of current members of the CAC can be found on the Church's Employee Portal (at <https://portal.adp.com/public/index.htm>) as well as on the Church's Website at the link on Sexual Abuse Prevention. In addition, you can obtain the list from a Human Resources Director or from a Church Pastor, who must contact the Head of the CAC immediately if he or she receives such a request.

Employees, contractors, and volunteers must report to the CAC allegations or evidence of actual, suspected or potential sexual abuse of a child (a) which they have witnessed; (b) which is shared with them by a child; or (c) which is told to them by someone other than a child.

Employees, contractors, and volunteers must report to the CAC conduct by a Church employee, contractor, or volunteer which might constitute sexual abuse of a child, even if the alleged, suspected or potential abuse has no known connection to the Church. This would include, for example, sexual abuse by a Church employee at a prior job unrelated to the Church.

Employees, contractors, and volunteers must report actual, suspected or potential sexual abuse of a child to the CAC and/or applicable legal authorities, even if engaged in by someone who has no employment, contractual, or volunteer relationship with the Church (for example, suspected sexual abuse of a child by a family member or a friend of the child's family).

The CAC will determine whether a report to the applicable legal authorities is required and, if so, cause the report to be made, unless the report already has been made by an employee, contractor, or volunteer under circumstances in which the Church has concluded that its legal obligations have been satisfied by the prior report. CAC also will determine whether an internal investigation is necessary and, if so, commence such an investigation.

Training or other instruction will be provided to Church employees and certain other individuals regarding the requirements to report actual, suspected or potential sexual abuse of a child to the Church and/or applicable legal authorities. The training will include what should be included in the report. Employees who are "mandatory reporters" as defined by law shall be given additional instruction/training on their obligations to report sexual abuse of a child.

Allegations will be kept as confidential as possible and no unlawful retaliation will be permitted against complainants, witnesses, those who participate in the investigation and those who are related to or associated with those who have made a complaint.

If a clergy member becomes aware of actual, suspected or potential sexual abuse of a child in the context of pastoral counseling or some other privileged communication, he still must report the actual, suspected or potential sexual abuse to the CAC. In these circumstances, the clergy member should make the report to Executive Bishop or his designee so that the privilege is retained. In these circumstances, a determination shall be

made as to the impact of any privilege on whether there is a duty to report to applicable legal authorities.

Nothing in this policy should be interpreted to limit or interfere with the obligation or right of any individual to report actual, suspected or potential sexual abuse of a child to applicable legal authorities.

## **6. Corrective Action**

The Church will terminate the employment, contractual, or volunteer relationship of an employee or other individual if the Church concludes, based on its own investigation or that of applicable legal authorities, that the employee or other individual has engaged in sexual abuse of a child as defined by this policy or applicable law in the course of his or her employment by the Church or performance of other service for the Church.

The Church will take appropriate corrective action, up to and including the termination of the employment or other relationship, if the Church concludes, based on its own investigation or that of applicable legal authorities, that an employee or other individual:

- has engaged in sexual abuse of a child but not in the course of his or her employment by the Church or performance of other service for the Church; or
- has engaged in inappropriate conduct in the course of his or her employment by the Church or performance of other service for the Church; or
- has engaged in inappropriate conduct but not in the course of his or her employment by the Church or performance of other service for the Church.

Individuals may be removed from and/or prohibited from entering the workplace and other Church settings and activities pending an investigation under this policy.

Individuals may be asked to refrain from participating in certain Church settings or activities as part of corrective action under this policy.

An individual whose employment or other relationship is terminated pursuant to this policy is ineligible to enter into any future employment, contractual and/or volunteer relationship with the Church.

## **7. Implementation Issues**

The membership of the CAC will be appointed by the Executive Bishop or his designee. It will typically consist of the head of the Human Resources department, a liaison to the Executive Bishop's administration, and at least three people who have expertise or special training in the field of sexual abuse.

The CAC will:

- Act as a resource for any employee, contractor, or volunteer regarding sexual abuse issues.
- Recommend which positions should have criminal/child abuse/reference background checks beyond what is required by law.
- Recommend whether the record of an applicant, contractor, or volunteer should result in his or her ineligibility for employment, contract work, or volunteering (where the law does not dictate the result) in such cases where Human Resources seeks counsel from the CAC.
- Receive reports of actual, suspected or potential sexual abuse of a child and determine whether a duty to report to the appropriate legal authorities exists and cause the report to be made (except where a report already has been made, which report satisfies the Church's legal obligations).
- Determine whether and how to investigate allegations of actual, suspected or potential sexual abuse of a child.
- Reach decisions by majority vote, subject to committee guidelines as to how many members ordinarily must be present for the committee to act. However, in emergency situations, any one member of CAC can act on behalf of the entire CAC.
- Review this policy periodically and recommend changes for approval by the General Church Board.
- Cooperate with law enforcement and other authorities in investigations.

The Church will audit periodically the activities of the CAC. The Church may delegate this audit to an independent third party, with appropriate precautions to protect the identity of children and others involved in the investigatory and reporting processes.

The Church will establish various other vehicles to reach children of Church schools as well as members of Church congregations to make them aware of the Church's zero tolerance policy for sexual abuse of any kind and vehicles for them to raise any concerns they may have without fear of retaliation.

## **8. Employee Assistance Program**

The Church has an Employee Assistance Program (EAP). It can be reached at: 215-947-8117 (Growth Opportunity Center) or 215-355-3550 (Mark Carlson, MS).

Employees and students alike can always seek the support of the EAP.

However, if you have a duty to report, consulting with the EAP does not satisfy the duty to report.

Further, the EAP may have a duty to report allegations of sexual abuse brought to its attention.

Addendum:

A: Definition of Sexual Abuse (continued)

B: General Supervisory Practices

## General Church Child Protection Policy – Guarding Against Sexual Abuse

### Addendum A

#### Definition of Sexual Abuse (continued)

For purposes of this policy, sexual abuse of a child shall be interpreted broadly to also include, but is not limited to, any adult engaging in, encouraging, facilitating or allowing any of the following activities, directly or indirectly:

- Asking a child to expose himself or herself.
- Discussing sexual desires, fantasies or experiences with a child (except for legitimate educational, counseling or other purpose).
- Engaging in any form of voyeurism or exhibitionism.
- Engaging in any sexual act or practice involving a child deemed illegal under any applicable law.
- Exposing oneself to a child.
- Having a child witness a live sexual activity.
- Incest.
- Oral-genital contact or oral-anal contact with a child (giving or receiving).
- Rape.
- Rubbing an adult's genitals on the child.
- Using a child in the production of or as a model in pornographic materials or producing a visual depiction (filming, videotaping or other recording) of a child in a sexual or suggestive way.
- Vaginal or anal intercourse with a child and/or penetrating the child's vagina or anus, including digital penetration.

Notes:

1. Examples given above may be broader than under applicable law but will not be tolerated.
2. **Consent is NEVER a defense to any of the foregoing activities involving a child.**

## **General Church Child Protection Policy – Guarding Against Sexual Abuse**

### **Addendum B**

#### **Best Supervisory Practices**

To the extent reasonably possible, all Church activities with children will take place in open, visually accessible and safe areas.

Whenever reasonably possible, all activities with children should be directly supervised by an adult over the age of 21 who has undergone a background check. Whenever reasonably possible, two adults should be present to supervise the activities. Where it is not possible (school classrooms, Sunday School classrooms, academic or confidential counseling settings, etc.), there should be a second adult in the building or vicinity who has visible and physical access to the setting. (Note: Ongoing individual psychological or pastoral counseling of a child requires approval by a parent or guardian of that child.)

During day-long or overnight trips involving children, two adults should be present whenever reasonably possible. One should be an individual over 21 years of age who has undergone a background check. Whenever reasonably possible and appropriate, there should be both a male and female adult, preferably a married couple, present for any day-long or overnight trip. On overnight trips, separate accommodations are required for adults and children, unless there is an extenuating circumstance, such as a health or safety issue involving a child.

Ordinarily, in the absence of special circumstances, no employee, contractor, or volunteer will be alone in a room, automobile or any secluded setting with a child. If an employee, contractor, or volunteer is giving an automobile ride to a child, a parent or guardian of that child must give prior approval, and a supervisor or pastor must be notified.

Adults participating in Church activities and trips must ensure that children have adequate personal privacy, particularly when using restrooms, changing clothes and showering. Appropriate, modest attire is required for everyone at all times. Unauthorized and/or inappropriate use of cameras, imaging, and digital or electronic devices is prohibited.

A child will be released from an activity only to a parent or guardian of that child. A child will not be released to anyone else unless it can be ascertained that permission has been given by a parent or guardian of that child.

All contact with children will be within the bounds of the sanctioned role and competence of each individual employee, contractor, or volunteer.

Employees, contractors, and volunteers will at all times maintain a professional relationship with children, avoiding inappropriate:

- Language;
- Topics;
- Humor;
- Questions or requests;
- Messages or signals;
- Disclosures or sharing;
- References; and
- Physical contact.

If an employee, contractor, or volunteer is not sure whether any speech or action might be, or could be, construed as inappropriate or unprofessional, or otherwise a violation of this policy, he or she should not engage in that speech or action and, if necessary, should seek guidance from his or her immediate supervisor or a pastor before proceeding.