

Safe Church Policies

In adopting these policies, Niles Discovery Church seeks to establish norms and guidelines that will make our congregation a safe space for all, especially those who are most vulnerable in our congregation.

Definitions of terms used in the Safe Church Policies

Chartered Organization Representative: (COR) An adult appointed annually by the church Cabinet to represent the church in its relationship with Scouting America as a “Chartered Organization” of Scouting America. The Ministry of Christian Education Team will create and annually review the job description of the Chartered Organization Representative.

Child Abuse: California state law defines child abuse as physical injury inflicted by another person (may be an adult or child), sexual abuse, or emotional abuse. Child neglect is defined by negligent treatment which threatens the child’s health or welfare.

- Physical abuse is an injury that is inflicted by other than accidental means on a child by another person (e.g. injuring a child by hitting, shaking, biting, or throwing objects, willful cruelty, unjustified punishment, or corporal punishment).
- Sexual abuse is an act of sexual assault on and the sexual exploitation of children (e.g. sexual contact with a minor or the use of children in sexual films or pictures).
- Emotional abuse is an attack on a child’s emotional and social development (e.g. belittling, threatening, yelled at, humiliating, ignoring, blaming or otherwise emotionally mistreating a child), resulting in disturbed behavior by the child, such as severe hyper activity or withdrawal.
- Neglect is the failing to provide adequate food, clothing, shelter, nurture, and/or supervision. May be general, or severe where a child’s health is in danger.

Companion Adult: An adult who does not have any criminal convictions and who has been approved by a Pastor to fill this ministry. A Companion Adult will accompany a registered sex offender while on the property of Niles Discovery Church or while attending an event sponsored by Niles Discovery Church or while representing Niles Discovery Church.

Elder Abuse: Is defined by law as any physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment resulting in physical harm or pain or mental suffering of a vulnerable or elderly person.

- Abandonment: The desertion of an elder by someone who is a caregiver.
- Abduction: The removal, without the consent of the conservator, of a conservatee to another state.
- Financial Abuse: The illegal or unethical exploitation and/or use of an elder’s funds, property, or other assets.
- Isolation: The intentional preventing of an elder from receiving mail, telephone calls or visitors.
- Mental Suffering: The infliction of fear, agitation, confusion through threats, harassment or other forms of intimidating behavior.
- Neglect: The failure to fulfill a caretaking obligation such as assisting in personal hygiene, providing food, clothing or shelter, protecting a person from health and safety hazards, or preventing malnutrition.

- **Physical Abuse:** The infliction of physical pain or injury, sexual assault or molestation, or use of physical or chemical restraints for punishment without, or beyond, the scope of a doctor's order.

Mandated Reporter: “Mandated Reporter” is a legal term under California law, which requires certain people, based on their jobs and/or volunteer work, to report suspected child and/or elder abuse to the appropriate government agencies so professionals can make sure vulnerable people are safe. It is the policy of Niles Discovery Church that all Ministers working with vulnerable people (children or vulnerable adults) consider themselves Mandated Reporters whether or not the law specifically lists them as a Mandated Reporter.

Minister: A person carrying out the ministry of the Niles Discovery Church. Minister includes elected or appointed leaders of the church, employees, and volunteers, as well as Authorized Ministers and Ministers-In-Training. The pastors of the church are Authorized Ministers.

Authorized Ministers: a person who holds ordained ministerial standing or has been commissioned or licensed by an Association of the United Church of Christ or Region of the Christian Church (Disciples of Christ).

Ministers-In-Training: a person who is a student who works at Niles Discovery Church as part of his/her/they training for authorized ministry, typically as a part of a Master of Divinity degree program.

Ministerial Relationship: the relationship between one who carries out the ministry of the church and the one being served by that ministry.

Minor: As used in these policies, the term “minor” means any child and any youth living at home who has not graduated from high school, whether 18 or not. Generally, we classify children as being 5th grade and younger, and youth as middle or high School.

Records Custodian: Also known as the *Custodian of Records*, this person is a Pastor or a staff employee appointed by Cabinet and authorized by the California Department of Justice to maintain confidential records as outlined in these policies and to assist in the maintenance of the list of people cleared to work with vulnerable persons.

Sexual Exploitation: sexual activity or contact (not limited to sexual intercourse) in which a Minister engaged in the work of the church takes advantage of the vulnerability of a participant by causing or allowing the participant to engage in sexual behavior with the Minister.

Sexual Harassment: repeated or coercive sexual advances toward another person contrary to his/her/they wish. 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:

- 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;
- 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; or
- 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.

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

- Written contact, such as sexually suggestive or obscene letters, notes, email, or invitations;

- Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, or sexual propositions;
- Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse; and
- Visual contact, such as leering or staring at another's body, gesturing, or displaying sexually suggestive objects or pictures, cartoons, posters, or magazines.

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.

Social media: Any form of online publication or presence that allows interactive communication, including, but not limited to, social-networks, blogs, Internet websites, Internet forums, and wikis. Examples of social media include, but are not limited to, Facebook, Twitter, and YouTube.

Vulnerable Persons: Someone who is at risk of abuse or harm due to life circumstances. This includes children, youth, and people who are homeless, mentally ill, mentally handicapped, and/or frail.

Policy Prohibiting Exploitation and Harassment

As a community of Christian faith, Niles Discovery Church is committed to creating and maintaining programs, facilities, and a community in which members, friends, staff, and volunteers can worship, learn, and work together in an atmosphere free from *all* forms of discrimination, harassment, exploitation, and intimidation and that such behavior is prohibited by church policy. It is the intention and responsibility of the church to take whatever action may be needed to prevent and correct behavior that is contrary to this policy and, if necessary, to discipline those persons who violate this policy.

If any person has a concern that this policy has been or is being violated, she/he/they should make this concern known in writing to a Pastor, moderator, or vice moderator. The Pastor/church officer then has the responsibility to investigate issues raised, take appropriate action, and monitor the issue or issues through resolution. If not resolved by the Pastor/church officer, the issue or issues will then be addressed by the Ministry of Spiritual Life Team or the Church Cabinet (or by the Personnel Committee if an employee may be violating this policy).

Ministerial Conduct Policy

The Pastor(s), every employee, all elected and appointed lay leaders, and every volunteer are Ministers of this congregation. As such, each is responsible for understanding the ways in which their words or actions may affect others.

Sexual Exploitation or Sexual Harassment, of parishioners or others, by anyone engaged in the ministry of Niles Discovery Church is unethical behavior and will not be tolerated within this congregation.

All Ministers of the church may sometimes deal with individuals who are emotionally or personally vulnerable in some way. It is important that every Minister of the church be adequately prepared and educated for the ministry in which they serve others, and to understand the ways in which their actions may impact those who may be vulnerable to their use or misuse of power.

It is the policy of Niles Discovery Church to encourage its Ministers to nurture safety within Ministerial Relationships by being attentive to self-care, education, boundary issues, and the importance of referring those in need to supportive and helpful resources.

Vulnerable Persons Protection Policy

Niles Discovery Church is committed to providing a safe and healthy environment in which all people in all stages of life can learn about and experience God's love.

In order to ensure this, we establish the following guidelines:

- All Ministers who work with vulnerable persons will have been members or associate members of Niles Discovery Church for at least six months, or if not members, have regularly and frequently associated with Niles Discovery Church for at least one year.¹ An exception to this guideline is that Authorized Ministers and Ministers-In-Training may work with minors as soon as they have met the other provisions of this Policy.
 - All Ministers who work with vulnerable persons will sign a "Covenant for Working with Vulnerable Persons" prior to beginning such work. Signed covenants will be kept on file in the Church office. The Ministry of Christian Education Team is responsible for developing and modifying said covenant.
 - All Authorized Ministers, Ministers-in-Training; Cabinet members; employees; and volunteers of Niles Discovery Church who have direct contact with, or supervision of minors will undergo:
 - a training in child abuse identification and reporting (California Mandated Reporters Training website: <https://mandatedreporter.ca.com> and submit the Certificate of Completion form to the church's Records Custodian) every two (2) years as per California Regulations;
 - a fingerprint criminal background screening via LiveScan;
 - an interview with a Pastor;
 - and a review of the Safe Church Policies every three (3) years.
 - The following confidential paperwork relating to this volunteer clearance will be kept in a locked file cabinet separate from personnel records, accessed only by the Records Custodian: the signed "Covenant for Working with Vulnerable Persons"; notes from the interview with the Pastor; and any information resulting from the initial and ongoing fingerprinting review. Information resulting from fingerprinting criminal records review may not be disseminated for any other purpose.
 - Having a criminal record does not necessarily disqualify someone from Ministering with children, youth, and/or vulnerable adults except if the criminal record includes crimes against a child, crimes against a vulnerable adult, or crimes of a sexualized nature.
- If, as a result of the volunteer clearance review the Pastor deems it necessary, a volunteer may be refused permission to minister with children, youth and/or vulnerable adults or the Pastor may limit the type of work a Minister may do.
- It is the policy of this church to provide adequate supervision and safeguards for all youth activities. Supervision should also be maintained before and after the event until all children are in the custody of their parent or legal guardian. When working with children under the age of 10, adequate supervision for church-sponsored activities would usually be

¹ "Frequently associated" means the person attends worship regularly and participates in and/or supports other ministries of the church.

a ratio of one adult to five or six children. When working with children over the age of 10, adequate supervision would usually be a ratio of one adult to nine or ten children. In keeping with current state law, two unrelated Mandated Reporters will be present to the greatest extent possible.

- For all overnight activities: there will be at least two unrelated Mandated Reporters present; to the greatest extent possible, with the gender differences of the adults present will match the gender differences of the children present.
- Written consent (in the form of a permission slip/medical release) of one parent or guardian will be required for all activities off the church property and all overnight activities. Youth groups and confirmation classes may each use their own permission slip/medical release that is good for the program year (July through June). The Ministry of Christian Education Team will establish the wording for permission slips/medical releases and modify them as they deem appropriate.
- Sunday School classroom doors will remain unlocked and the full-length windows in the doors will be free of pictures/posters when children are present. Windows between the classrooms will also be free from obstructions. Two adults will always be present during Sunday School in the Preschool class. All adults will be cognizant of activities in the other classrooms through the classroom windows.
- The church hopes that parents will attend to their children's bathroom needs prior to Sunday School. When a child under the age of 10 needs to use the restroom during Sunday School, all children and adults in the classroom will go to the hallway outside the restrooms. (Two classes may need to go together to assure that two adults are present.) An adult will open the door and make sure the restroom is empty before allowing a child inside. For the preschoolers, an adult may go in if a child signals that he/she/they need assistance. The stall door will always remain open. Parents will be summoned as necessary and available. A similar method should be used at other children's events to ensure their safety when using the bathroom.

Transportation of Vulnerable Persons Policy

Any person who transports children, youth, and/or other vulnerable people in their cars as part of a ministry of Niles Discovery Church is a Minister working with vulnerable persons, and must meet all the requirements of the Vulnerable Persons Protection Policy. In addition, they must

- be at least 25 years of age;
- sign a Transportation of Vulnerable Persons in Privately Owned Vehicles form; and
- every three years:
 - provide the church with a copy of their driver's license and the front page of their automobile insurance policy that lists their coverages; and
 - undergo a screening of their driving record.

This paperwork will be filed by the Pastor in a secure location. The Pastor will create and maintain a list of people approved to transport vulnerable persons in their cars.

Having moving violations does not automatically disqualify someone from providing transportation of vulnerable people as part of the church's ministry. However, a pattern of repeated moving violations and/or a DUI record may, at the Pastor's discretion, disqualify someone from ministering in this capacity.

Safety is the priority while transporting vulnerable people. Seatbelts must be worn by all individuals at all times. All laws regarding seatbelts, car seats, mobile phones, etc. will be followed. The Ministry of Christian Education Team will make and annually review rules and procedures in the case of an accident.

Written consent (in the form of a Transportation Release) of one parent or guardian will be required for each minor to be transported by someone other than his/her/their parent/guardian. Youth groups and confirmation classes may each use their own transportation release that is good for the program year (July through June). The Ministry of Christian Education Team is responsible for developing and modifying said Transportation Release form(s).

Mileage reimbursement of volunteers driving to fulfill ministries of the church is covered in the Financial Policies of the church.

Sunday School and Youth Group Discipline Policy

An orderly classroom is as essential to learning in the Sunday School and Confirmation Class settings as it is in the academic school system. Similarly, behavior that fosters community and is respectful of others and self is important in youth fellowship activities. If a Minister working with children and/or youth feels that a minor's behavior is disruptive and/or endangers the wellbeing of self or others, that Minister may return the minor to his/her/their parent or guardian (if present at the time) or may call the minor's parent or guardian so that the child may be picked up. The Ministers will work with the minor and the minor's parents/guardians to allow for a safe return to the activities of the group at a future time.

Scouting America Policy

Niles Discovery Church is a "Chartered Organization" of Scouting America and currently sponsors Scout Troop 112, and (if it is reestablished) Cub Pack 112. Because Scouting America has a youth protection program that requires adult leaders to undergo background checks and training that is at least as thorough as that created by the Vulnerable Persons Protection Policy (above), the church creates by this policy an exception to the Vulnerable Persons Protection Policy for the Ministers working with Pack 112 and/or Troop 112. Ministers working with Pack 112 or Troop 112 must meet the requirements of the Scouting America youth protection program. In keeping with the scouting structure, it is the Chartered Organization Representative's (COR) responsibility to see this happens.

If the COR and/or other Ministers working with Pack 112 and/or Troop 112 are also Ministers who participating in other programs with vulnerable persons at Niles Discovery Church, they must also meet the requirements of the Vulnerable Persons Protection Policies.

All ministers working with Troop 112 who will be transporting scouts must meet the requirements of Scouting America transportation policy, as well as meeting the Niles Discovery Church transportation policy.

Policy Regarding Other Requirements for Employment

- Before an offer of employment is made to any individual, a fingerprint background check via LiveScan will be completed.
- Authorized Ministers and Ministers-In-Training will attend boundary workshops and church safety workshops as required by the judicatory(ies) in which they have standing.

Internet Safety Policy

Niles Discovery Church has found that email and the web to be vital tools for ministry. To keep all those who use the Internet safe, we establish these guidelines:

- Persons under 15 years of age using computers owned by the church must be accompanied by an adult during the entire time they are using the Internet.
- Photographs of minors may be published on the church's website, Facebook page, etc., and in brochures and other publications unless a parent/guardian submits a signed "do not publish" form naming the child whose photograph is not to be published. The Ministry of Christian Education Team is responsible for creating this form. Any person of any age and any parent/guardian of any minor may request that a specific picture be removed from the church's website, Facebook page, etc., and/or that a picture not be used in future brochures or other publications; the church will respond to this request as quickly as possible.
- Any person accessing inappropriate websites on a church computer will be asked to exit the program and may be barred from using the church computer again.
- The Ministry of Christian Education Team may limit how their computers can connect to the Internet and/or what sites on the Internet can be accessed.
- The church will install spam blockers on staff computers to minimize the possibility that they will be bothered by offensive emails.
- Email is not be considered a confidential means of communication.
- The church will install virus protection software on the church's computers to help reduce the risk of spreading viruses and worms and to help protect data on the church's computers.

Social Media Safety Policy

Social media technology can serve as a powerful tool to enhance discipleship, education, communication, and learning. It is expected that all users of social media, when communicating or interacting with adults and/or youth, will do so in a manner that upholds the values of Niles Discovery Church. It should be noted that social media can be used in a hurtful or harassing manner. Special care should be taken when posting photos, videos, etc., from church events on/via social media. The Policy Prohibiting Abuse, Exploitation, and Harassment applies to social media interaction.

This Policy is meant to provide general guidance and may not cover every potential social media situation. Should any questions arise, please consult with the Pastor.

Suspected Child/Elder Abuse Reporting and Response Policy

It is the policy of Niles Discovery Church that all people ministering with vulnerable persons, all Authorized Ministers, all employees, and all administrators (including all Cabinet members) consider themselves Mandated Reporters of both child abuse and elder abuse and that they will report all reasonable suspicions of abuse to the appropriate authorities as required by the California Penal Code.

Reasonable suspicion means that it is a suspicion that a reasonable person would have, based on the facts and drawing on that person's experiences and training. Therefore, not all people would necessarily come to the same suspicion. We are not all expected to be experts. It is not our duty to investigate suspicions of abuse. Our duty lies in appropriately reporting so that the vulnerable will be protected.

When a Minister develops a suspicion of abuse, he/she/they should report their suspicion by following the appropriate Suspected Abuse Response Plan below.

Care should be taken to avoid prejudging the situation, but all suspicions of abuse will be taken seriously. All suspicions of abuse will be handled forthrightly with due respect for the privacy of the individuals involved. All care will be taken to avoid accusatory attitudes and statements. The church's first responsibility is to the vulnerable and to the potential victims of abuse. Pastoral care will be available to the suspected abuser and his/her/their family if doing so does not conflict with this first responsibility. Nonetheless, the suspected abuser should be supported and treated with dignity.

Reports of any suspected child or elder abuse are confidential and are to be discussed only with the Pastor (or the Moderator in the Pastor's absence) and the appropriate reporting agencies.

This is the Suspected Abuse Response Plan of Niles Discovery Church:

- Mandated Reporters may consult with the Pastor about their suspicion(s) of abuse, but all suspicions of abuse are to be reported, even if the Pastor disagrees that there is cause for suspicion.
- Mandated Reporters will contact the appropriate governmental agencies to make verbal and written reports of the suspected abuse.
 - Reports of suspected child abuse are made to Alameda County Child Protective Services, excepting the situation of imminent danger to the child when the report will be made to the Police Department at 911. The Child Abuse Reporting Hotline is (510) 259-1800. Relevant information will be gathered by the Child Protective Services Worker and questions about reportability of the situation can be addressed. A follow up written report must be completed within 36 hours. The report can be found by searching for CA Suspected Child Abuse Report form. The form may be completed on the computer and printed or printed and written in by hand. Copies of the form are available in the Ministry of Christian Education (MCE) Team mailbox in the church office. Send the complete form to Child Protective Services, 24100 Amador Street, Hayward, CA 94545, FAX to (510) 780-8640.
 - Reports of Suspected Adult/Elder Abuse are made to Adult Protective Services at (510)577-3500 or 1 (866) CALLAPS. Reporting forms can be found by searching for CA Report of Dependent Adult/Elder Abuse form. The forms can also be found in the MCE Team box in the church office. Written reports are to follow within 2 days, to Adult Protective Services, 6955 Foothill Blvd., 3rd Floor, Oakland, CA, or FAX to (510) 577-5615. Detailed instructions for completing the forms are included. Clergy are Mandated Reporters.
- The Mandated Reporter will keep a copy of all written reports for their own records and will provide a Pastor (or the Moderator in the Pastor's absence) with a copy of all written reports for the church's confidential records.
- In the case of suspected child abuse when a parent/guardian is not suspected of committing abuse, the Pastor (or in the Pastor's absence, the moderator) will notify the child's parent(s)/guardian(s), unless requested not to do so by Child Protective Services.
- In a case where the person suspected of abusing another may have done so on church property and/or in conjunction with a ministry of the church, a Pastor (or in the Pastor's absence, the Moderator) will contact the church's insurance company, the church's attorney (if existing), and the appropriate staff member of the Conference or Region.

- Remembering that investigations of suspected abuse are carried out by appropriate government agencies, any or all of the following may take place:
 - The person suspected of abusing another may be called upon for a conference with a Pastor.
 - The person suspected of abusing another may be removed from working with vulnerable people.
 - The person suspected of abusing another may be asked to absent himself/herself/themselves from the church while the suspicion is being investigated by the authorities.
- All members and friends of Niles Discovery Church will cooperate fully with civil authorities under the guidance of an attorney, who ~~will~~ may be retained on an as-needed basis.

Registered Sexual Offender Policy

It is possible that a registered sex offender may desire to attend (and perhaps unite in membership with) Niles Discovery Church. While not all registered sex offenders pose a risk to others,² Niles Discovery Church has decided to err on the side of safety and to protect the most vulnerable in our community of faith. Therefore, Niles Discovery Church establishes these guidelines:

- All registered sex offenders are required to make that status known to the Pastor(s) of Niles Discovery Church. This information is not confidential and will be shared by the Pastor with anyone he/she/they deem necessary, including but not limited to the Moderator, Vice Moderator, Chair of the Ministry of Christian Education Team, and the Office Administrator.
- Anyone who is a registered sex offender will always be in the company of a Companion Adult (as defined above) while on the property of Niles Discovery Church or while attending an event sponsored by Niles Discovery Church or while representing Niles Discovery Church in any capacity. It is the responsibility of the registered sex offender to schedule the presence of a Companion Adult when needed.
- Registered sex offenders may not work in any volunteer or paid capacity with our children and youth ministry programs (e.g., Sunday School, youth groups, confirmation class).
- A person convicted of committing a crime against children may, by vote of the Church Cabinet, be banned from participating in any church activity at which children may be present, including worship services.

Updating These Policies

These Policies, once adopted by the Congregation, may be amended and/or updated by the Church Cabinet.

These Safe Church Policies replace: the “Volunteer and Child Protection Policy” affirmed by the Congregation on May 3, 1998; the “Transportation Policy” adopted by the Council on

² For instance, a middle-aged person who, as an 18-year-old, had sexual intercourse with a 16-year-old boyfriend/girlfriend, may have been found guilty of statutory rape and need to register as a sex offender. This person would not necessarily be a threat to teenagers today, though he/she/they could be.

December 19, 2005; and the “Church School Discipline” and “Age of Those Who Work with Minors” policies adopted by the Council on December 19, 2005.

Recommended by the Church Council on March 19, 2007

Adopted by the Congregation on May 6, 2007

Amended by the Council on May 19, 2008

Amended by the Council on August 17, 2009

Amended by the Council on December 14, 2009

Amended by the Council on June 20, 2011

Amended by the Cabinet on February 17, 2014

Amended by the Cabinet on June 20, 2016

Amended by the Cabinet on February 19, 2018

Amended by the Cabinet on April 19, 2021

Amended by Cabinet on May 16, & June 20, 2022 (effective one month after we can start LiveScan)

Amended by the Cabinet on July 15, 2024