

***SUGGESTED ABUSE PREVENTION POLICY
FOR CONGREGATIONS OF
LUTHERAN CHURCH–CANADA WITHIN
THE ALBERTA–BRITISH COLUMBIA DISTRICT***

1. INTRODUCTION

1.1 Christ calls us to love, serve, care and safeguard one another. Jesus said:

“A new commandment I give you: love one another. As I have loved you, so you must love one another. All men will know that you are my disciples if you love one another” (John 13:34-35).

The obligation to care for and safeguard one another includes an obligation to prevent abuse. This obligation extends to church employees, including pastors and teachers, as well as to volunteers, students, congregation members, and anyone else connected with the _____ Church/ _____ School (collectively referred to in this policy as the “Congregation”). The Congregation is committed to maintaining a healthy, harassment- and abuse-free environment for everyone, and to fostering a climate of mutual understanding and respect, where all are equal in dignity and rights.

2. DEFINITIONS

2.1 Abuse can take many forms. The Congregation’s Board of Directors is committed to preventing all forms of abuse, including those specifically defined below.

Harassment

2.2 Harassment is a form of discrimination, and occurs when one person is subjected to unsolicited and unwelcome verbal or physical conduct based upon these personal characteristics: race, religious belief, colour, place of origin, gender, mental or physical disability, ancestry, marital status, family status, source of income, political belief, or age. Both Alberta and British Columbia human rights laws prohibit harassment in the work place based on these characteristics.

2.3 Examples of harassment that will not be tolerated within the Congregation are: verbal or physical abuse, threatening or derogatory remarks, innuendo or taunts, the possession or display of pornographic, racist or offensive signs or images, the playing of practical jokes resulting in embarrassment or unwelcome invitations or requests, either implied or explicit, any of which is based upon any characteristic of any Congregation affiliate (defined at paragraph 3.1) as specified in paragraph 2.2.

Sexual Harassment

- 2.4 Sexual harassment is a particular form of harassment where the conduct, comments, gestures or contact are of a sexual nature, whether on a one-time basis or in a continuous series of incidents. Sexual harassment detrimentally affects the work environment, and leads to adverse job-related consequences for the victim. It can manifest itself in such blatant forms as leering, grabbing, or assault. However, sexual harassment can mean any conduct that:
- (a) Might reasonably be expected to cause offence, embarrassment or humiliation to an employee, volunteer, student or other person; or,
 - (b) Might reasonably be expected to be perceived by the employee, volunteer, student or other person as placing a condition of a sexual nature on the employment or other relationship with the Congregation, or on any opportunity for training or advancement.

Criminal Harassment

- 2.5 Criminal harassment means to engage in conduct, either knowingly or recklessly, leading the harassed person to fear for their safety or the safety of someone known to them. Such conduct can consist of repeatedly following the harassed person, or someone else known to them, from place to place (or “stalking” them), or repeatedly communicating with the harassed person, either directly or indirectly, or someone known to them.

Assault

- 2.6 Assault is the intentional application of force to another person, either directly or indirectly. It also includes attempts or threats to apply such force to another person.

Sexual Assault

- 2.7 Sexual assault means to assault a person in circumstances of a sexual nature.

Child Sexual Abuse

- 2.8 Child sexual abuse means to abuse, in any of the forms set out in this part, children or youths under the age of 18 years.

3. APPLICATION OF THIS POLICY

- 3.1 This policy applies to every person affiliated with the Congregation, including:
- (a) employees;
 - (b) volunteers;
 - (c) congregation members;
 - (d) students;
 - (e) any person holding a position of authority or responsibility within the Congregation, including members of its Board of Directors, the Board of Elders,

or any other executive board set up within the Congregation, and Pastors (the “Congregation affiliates”)

while acting in any capacity on behalf of the Congregation or engaged in any business or activities related in any way to the Congregation.

4. POLICY

- 4.1 Abuse in any form, whether directed at adults or children, will not be tolerated within the Congregation.
- 4.2 All allegations of abuse will be treated seriously, confidentially, fairly and promptly by the Congregation’s Board of Directors (the “Board of Directors”), or its delegate body, in a manner that will encourage, without fear of reprisal, the reporting in good faith of alleged abuse.
- 4.3 Unfounded, improper, malicious or mischievous allegations of abuse will not be tolerated.

5. ABUSE PREVENTION TEAM

- 5.1 For the purposes of accepting complaints of abuse, investigating those complaints and recommending discipline or other consequences in the event of proven allegations, the Board of Directors (or such other board or body within the Congregation to which the Board of Directors may, in its discretion, delegate this responsibility to) will establish and maintain an Abuse Prevention Team.
- 5.2 In this policy, the term “Board of Directors” includes any other body or board within the Congregation to which the Board of Directors has delegated responsibility.
- 5.3 The Board of Directors will appoint a minimum of two members of the Congregation (one of each gender) to the Abuse Prevention Team, and will designate those members charged with receiving complaints.
- 5.4 The Board of Directors will develop and, from time to time, amend internal policies and procedures to be followed by the Abuse Prevention Team in respect of handling complaints, including procedures for consistent and confidential investigation.
- 5.5 The mandate of the Abuse Prevention Team is:
 - (a) To enforce this policy;
 - (b) To ensure that all Congregation affiliates are acquainted with this policy’s scope and procedures;

- (c) To ensure that all Congregation affiliates are informed of the identity, addresses, phone numbers, fax numbers or e-mail addresses of the members of the Abuse Prevention Team charged with receiving complaints under this policy;
- (d) To provide all new Congregation affiliates with orientation and training with respect to this policy;
- (e) To regularly review this policy to ensure that it continues to comply with the needs of the Congregation as well as the current legislation;
- (f) To ensure that the team members designated to receive complaints are, and continue to be, accessible to all Congregation affiliates;
- (g) To receive complaints and inform the parties of their respective rights and responsibilities;
- (h) Where it deems it necessary, to promptly and fairly investigate complaints in accordance with internal policies and procedures;
- (i) To notify the Board of Directors of all formal complaints made, and to report to the Board, as required, throughout and at the conclusion of any investigation;
- (j) To maintain complete confidentiality;
- (k) Where, as a result of a proper investigation, a complaint is proven unfounded, to recommend to the Board of Directors the appropriate discipline for the complainant;
- (l) Where, as a result of a proper investigation, the complaint is proven, to recommend to the Board of Directors the appropriate discipline for the abuser.

5.6 Disciplinary action may include:

- (a) A warning;
- (b) Mandatory counseling;
- (c) Removal, suspension or, in the case of a Congregation employee, dismissal;
- (d) Report of the conduct to the authorities for criminal prosecution.

5.7 The members of the Abuse Prevention Team will maintain their positions at the discretion and pleasure of the Board of Directors.

5.8 All Congregation affiliates are responsible for identifying situations contrary to this policy, and for bringing them to the attention of the Abuse Prevention Team.

- 5.9 If any investigation fails to find evidence to support the complaint, no documentation concerning the complaint will be placed on the file of either the complainant or the alleged abuser.
- 5.10 Regardless of the outcome of any complaint made in good faith, the complainant, as well as anyone else providing information in the course of an investigation, will be protected from any form of retaliation or consequence by either co-workers, Congregation employees, superiors or any other Congregation affiliate.

6 COMPLAINT PROCEDURES

- 6.1 **Step 1**
Any Congregation affiliate who believes that he or she, or a child, has been the subject of abuse is encouraged, where possible, to make it clear to the abuser that such behavior is unwelcome, and should ask that the abuse stop.

- 6.2 **Step 2**
If resolving the concerns under Step 1 is inappropriate or fails, the complainant may make a complaint, either verbally or in writing, to any of the members of the Abuse Prevention Team designated to receive such complaints.

- Step 3**
6.3 At its discretion, the Abuse Prevention Team may attempt to informally resolve the situation without the need for a formal investigation.

- Step 4**
6.4 Where, after an initial assessment, the Abuse Prevention Team concludes that it is not possible to resolve the complaint without a formal investigation, it will require the complainant to produce to it any record of incidents of abuse, including dates, times, locations, possible witnesses, details of the abuse and the complainant's response to that abuse.

- Step 5**
6.5 The Abuse Prevention Team will:
- (a) Make arrangements for a thorough and unbiased investigation to be conducted in as timely and confidential a manner as possible and in accordance with internal policies and procedures;
 - (b) Request a written response from the alleged abuser; and show that response to the complainant;
 - (c) Interview the complainant as well as any witnesses to the behavior, if necessary;
 - (d) Interview the alleged abuser;

- (e) Keep the parties to the complaint informed of the steps being taken during the investigative process;
- (f) If it deems it necessary, prepare a written report outlining the allegations of the complainant, the alleged abuser's response, the evidence of any witnesses interviewed, and the conclusions reached by the Abuse Prevention Team;
- (g) Arrive at an appropriate recommended corrective/disciplinary action in the event that the complainant's allegations are proven;
- (h) Provide to the Board of Directors both a written report, including the conclusions reached by the Abuse Prevention Team, and its recommendations as to corrective/disciplinary action.

6.6 It is the obligation of every Congregation affiliate to cooperate fully with the Abuse Prevention Team in its investigations of any alleged complaints of abuse.

7. SCREENING PROCEDURES

7.1 Screening procedures in respect of all Congregation affiliates will ensure that all new Congregation affiliates, including employees and volunteers, are best able to meet the physical, mental, emotional and spiritual needs of all other Congregation affiliates, and especially children.

7.2 Screening tools at the disposal of the Board of Directors, in respect of any prospective Congregation affiliate ("applicant"), will include:

- (a) The mandatory completion of personal information forms;
- (b) Personal interviews;
- (c) Reference checks;
- (d) Criminal record checks.

7.3 A criminal record check will be required for applicants at the discretion of the Board of Directors. All applicants, no matter the position being applied for, will receive timely notice of the requirement of a criminal record check.

7.4 A criminal record check, where it is deemed appropriate, will occur at the discretion of the Board of Directors:

- (a) Prior to approving any appointment or placement of an applicant, but not until such time as the Board of Directors is satisfied that he or she is otherwise appointable to the position;

- (b) As a term of any employment or other type of relationship with the Congregation, during the course of that relationship at intervals deemed appropriate by the Board of Directors; and
- (c) At any time considered reasonable by the Board of Directors.

- 7.5 The Board of Directors will ensure that any information obtained as a result of the criminal record check will be used only for the purposes of assessing the appropriateness of forming or continuing an employment or other type of relationship with the applicant. Any and all information obtained in respect of an applicant will be kept confidential, and will not be disseminated to anyone except those persons with a direct interest in the applicant's appointment.
- 7.6 Where a criminal record check is deemed appropriate by the Board of Directors, each applicant will be obliged to consent to the Board of Directors performing such a check in respect of that applicant.

8. CONGREGATION AFFILIATE TRAINING

- 8.1 The Board of Directors may, at its discretion, develop suggested procedures and guidelines for dissemination to all Congregation affiliates in respect of:
- (a) The Discipline of children;
 - (b) Appropriate behavioral expectations for children;
 - (c) Handling difficult situations;
 - (d) Physical and behavioral indicators of abuse.