

<p style="text-align: center;">POLICY ON SEXUAL ABUSE OF MINORS NORTHEASTERN OHIO SYNOD</p>
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INTRODUCTION

The Northeastern Ohio Synod of the Evangelical Lutheran Church in America is committed to the prevention of child sexual abuse (Appendix I – Definitions) within the church and to responding with justice and compassion when such misconduct occurs. The synod recognizes that responding to allegations of sexual abuse requires determination, compassion, sensitivity, and knowledge of child abuse reporting laws. It requires respect for all persons affected, including the victim, the rostered person, their families and friends, the congregation, the synod, and the whole church. It recognizes the need to protect our children through screening of employees (Appendix II – Screening) and education of parents and staff. (Appendix III – Education)

This policy is intended to provide a framework for guidance in dealing with these situations while preserving the synod's discretion to treat each person and each case in the manner necessitated by law, differing facts, circumstances, and the needs of those affected. This policy will be imposed according to the mandates of the Ohio Revised Code, and will be applied compassionately in accordance with the theological and biblical principles of the Gospel.

DEFINITIONS (see Appendix I)

- Child
- Minor
- Rostered Person
- Sexual Abuse
- Sexual Activity
- Sexual Conduct
- Sexual Contact

REPORT TO CIVIL AUTHORITIES

It is the policy of the NE Ohio Synod of the ELCA to comply with section 2151.421 of the Ohio Revised Code (Appendix IV – Ohio Revised Code section 2151.421), immediately reporting any knowledge or suspicion of child sexual abuse by a rostered person to civil authorities.

Mandated reporters include rostered persons, who acting in an official or professional capacity, have knowledge or reason to suspect that a child has been sexually abused.

Reports of suspected child sexual abuse will be made to the public children services agency (PCSA) in the county where the child resides or to a municipal police department or county sheriff where the sexual abuse is believed to have occurred. (Appendix V – Agencies to Which Reports are Made). Reports will be made without preliminary screening, investigation, or legal judgment by the synod.

The following information, if known, will be included when making a report. A lack of this information will not prevent the immediate reporting of the alleged sexual abuse.

- a) Name, address, and age of minor child
- b) Name, address, and age of the accused
- c) Child's relationship to the person making the report
- d) Name, address, and telephone number of the child's parents or guardians
- e) Whereabouts of the child
- f) Family's knowledge of the allegations
- g) Nature and extent of the alleged abuse
- h) Where the alleged sexual abuse occurred
- i) Whereabouts of the accused
- j) Whether the accused is aware of the allegations
- k) Whether the accused has current access to the child or other children
- l) Steps the synod staff or others have taken (interviews, family notification, etc.)
- m) Any information that supports or questions the credibility of the allegation
- n) Any other helpful information

The duty to report applies regardless of when the suspected abuse is said to have occurred. If there is uncertainty about the need to report, the decision will be made in consultation with the appropriate county public children's service agency.

The duty to report applies regardless of requests for confidentiality from the alleged child victim, the child's family, or the alleged offender.

The duty to report applies to allegations that are made anonymously. The bishop will consult with civil authorities who will determine if an investigation is indicated.

No one, including alleged child victims and their families, will be discouraged from making a report to civil authorities. Synod staff will respond in a supportive manner, providing information about the reporting process and without judgment about the credibility of the complaint.

The state of Ohio grants legal immunity from civil or criminal liability to any person, organization, or institution if the report is made in good faith. Failure to report may constitute a misdemeanor of the fourth degree under Ohio law.

To facilitate the reporting of suspected sexual abuse, the synod staff is available for support and consultation.

REPORT TO THE BISHOP OR HIS/HER DESIGNEE

Anyone who knows or reasonably suspects that a rostered person has engaged in sexual activity with a minor must make an immediate report to the bishop or his/her designee. The information may be presented to the bishop by telephone or in person. Notification to the bishop must not delay notification to civil authorities.

The bishop will see that a report of suspected sexual abuse has been made to civil authorities. To the extent possible, information will be held in confidence to protect parties from embarrassment or unfounded allegations.

The person providing the initial report (referred to in this document as "complainant"), the alleged child victim and family, and the rostered person will be given names of those who are available to provide support. The support person will be called advocate. The complainant, the alleged child victim and

family, and the rostered person are not required to use a listed advocate and may choose an advocate of his/her choice or decline to use an advocate. No member of the synod staff shall serve as an advocate.

SYNODICAL INVESTIGATION OF THE COMPLAINT

Whenever an allegation is made that a rostered person has sexually abused a minor, the bishop will initiate a synodical investigation of that allegation. The purpose of the investigation is to ensure that the bishop has a complete and accurate report of any incident upon which to base decisions regarding continuation of ministry, response to the victim, the accused, the congregation, and other issues regarding implementation of this policy .

Sexual abuse has devastating effects on the physical, emotional, and spiritual integrity of child victims; therefore, allegations must be received and managed with great sensitivity. Insofar as possible, the allegations and investigation will be handled with due respect for confidentiality and privacy, but confidentiality cannot be guaranteed. The bishop will tell the complainant that his/her identify may become known to the accused or others.

The bishop will meet with the complainant as soon as possible to gather information about the alleged sexual abuse. The investigation may include interviews with the alleged child victim's parents or guardian, the accused person, and others who may have information relevant to the allegations. Whenever possible, the interview of the alleged child victim will be deferred to the expertise of PCSA or law enforcement authorities. This policy will proceed even if the victim or family does not come forward.

It will be made clear to the complainants that sexual abuse is a crime that must be reported to civil authorities. The complainant will be provided with a copy of the synod's policy regarding the sexual abuse of minors. Because it is vital that the bishop get as much specific information as accurately and completely as possible, the complainant will be asked to provide a written and signed statement. If the complainant chooses not to submit the allegations in writing, the bishop will continue the investigation should there appear to be sufficient evidence that sexual abuse occurred.

The alleged child victim and family will be encouraged to seek pastoral care and counseling. A list of available counselors and/or agencies trained in matters of child sexual abuse will be made available. Under no circumstances will the bishop or bishop's staff act as an advocate, pastor, or counselor to the alleged child victim or family. The bishop will appoint a policy liaison to keep regular contact with the alleged victim and family, informing them of significant developments and/or responding to questions and concerns about the process. This liaison may or may not be a member of the bishop's staff.

The synodical investigation will be conducted in cooperation with civil authorities and is not intended to replace nor discourage the civil investigation. The synod may proceed with an investigation regardless of whether civil or criminal action is pending.

During the investigative process, synod staff may seek expert consultation on matters of child sexual abuse.

MEETING WITH THE ROSTERED PERSON

The bishop will meet with the rostered person as a part of the investigation. If requested by law enforcement or the PCSA, the meeting with the rostered person may occur after the interview by civil authorities.

As there is also great harm to the falsely accused, the rostered person will be assured that the investigation will be handled with care and discretion to ascertain the facts, avoid inappropriate disclosure of the matter, and to assure due process for all.

At the initial meeting, the bishop will inform the accused that the discussion is not confidential. The bishop will disclose the allegations made about the rostered person and invite the rostered person to respond.

During this meeting the bishop should

1. Inform the accused that he/she may not contact the complainant or the alleged child victim and family;
2. Describe the policy and procedure of this synod and the ELCA as outlined in:
 - a. The Northeastern Ohio Synod Constitution, chapter 14;
 - b. The Northeastern Ohio Synod policy document pertaining to the sexual abuse of minors.
 - c. The ELCA Constitution and By-Laws, chapter 20;
 - d. The Rules Governing Disciplinary proceedings Against an Ordained Minister, a Rostered layperson, or a Congregation of the ELCA.;
3. Answer any questions the accused may have
4. Inform the accused that he/she may choose to have an advocate present during the investigation and, if
5. necessary, disciplinary process.

The bishop will express appropriate Christian care and concern for the accused and the accused's family, encouraging them to seek pastoral care and counseling. Under no circumstances will the bishop or bishop's staff act as an advocate, pastor, or counselor to the accused or the accused's family. The bishop will appoint a policy liaison to keep regular contact with the accused, informing them of significant developments and /or responding to questions and concerns about the process. This liaison may or may not be a member of the bishop's staff.

As the necessary information is gathered and assessed, the bishop reserves the right to:

1. Ask the rostered person to consider certain voluntary restrictions and/or a leave of absence, as arranged by the rostered person and congregation, in conjunction and consultation with the synod;
2. Ask the congregation to place certain restrictions on the rostered person's congregational activities, including immediate prohibition of unsupervised contact with minors.
3. Ask the congregation to place the rostered person on involuntary leave of absence should the rostered person refuse voluntary leave of absence;
4. Suspend the rostered person without prejudice until the official investigation and possible disciplinary proceedings are completed;
5. Ask the rostered person to resign from his/her call and/or the roster of the Evangelical Lutheran Church in America.

CONVENE AN ADVISORY PANEL

If the investigation indicates a need for disciplinary action, the bishop may convene an advisory panel. The purpose of this panel is to consult with the bishop as he/she proceeds with formal charges against the individual accused of sexual misconduct. The membership and function of this advisory panel are described in Section 20.21.04 through 20.21.06 of the Constitution and By-Laws of the ELCA (August, 1995) and in Section D of "Rules Governing Disciplinary Proceedings Against an Ordained Minister, a Rostered Layperson, or a Congregation of the ELCA" (November, 1995). This panel is an advisory group. The bishop maintains the right to proceed, as she/he believes is necessary and appropriate.

FORMAL DISCIPLINARY PROCEEDINGS

Formal disciplinary proceedings begin when a copy of the written charges, drafted by the bishop, is delivered to the accused and the Secretary of the ELCA. Certification of such deliveries will be made by any appropriate method and will be placed in the synod's file regarding such matter.

The Disciplinary Hearing Committee appointed by the ELCA Secretary will review the bishop's charge of sexual abuse of a minor and convene a formal hearing pursuant to ELCA policy. Those involved in the formal hearing may have an attorney and/or advocate present during such hearing. The Disciplinary Hearing Committee decides whether or not the charges are credible and the disciplinary action warranted, including:

1. Private censure and admonition;
2. Removal from the congregation and suspension from the ELCA's clergy roster for a designated period of time during which imposed conditions must be met (e.g., psychological evaluation and/or psychotherapy);
3. Permanent removal from the roster of the ELCA.

The Disciplinary Hearing Committee shall complete its formal review within sixty days, forwarding their findings or charges to the office of the Secretary of the ELCA.

DISCLOSURE

The bishop will oversee any disclosure of information regarding sexual abuse allegations against a rostered person and/or investigation of a complaint of sexual abuse. In general, the following guidelines will be applied:

1. Disclosure by the bishop will be made under the following circumstances:
 - a. The rostered person admits to committing sexual abuse against a minor;
 - b. The rostered person resigns his or her call or resigns from the clergy roster after being accused of sexual abuse of a minor
 - c. The rostered person is placed on leave of absence or temporarily suspended in response to an allegation of sexual abuse of a minor
 - d. The rostered person is suspended or removed from the roster as a result of formal

- discipline proceedings; or
- e. Secular legal proceedings (civil or criminal) are initiated against the rostered person.
2. Disclosure by the bishop will be limited to the following information:
 - a. The fact that the rostered person has been accused of or found guilty of sexual abuse of a minor
 - b. The denial or admission of the charges by the rostered person
 - c. The approximate age of the victim
 - d. Whether or not the victim was a member of the rostered person's congregation or a person for whom the rostered person was providing pastoral care.
 - e. Any disciplinary action(s) taken.
 3. Disclosure will not include the name of the victim or facts from which she or he could readily be identified
 4. Disclosure by the bishop will first be made to the leaders of the rostered person's congregation at a meeting with congregational officers and/or council. Decisions regarding further disclosure to the congregation will be made jointly by the bishop and officers and council.
 5. Disclosure will also be made to members of the rostered person's family and to the synod. As necessary, disclosure will also be made to other congregations/agencies served by the rostered person.
 6. The bishop may also announce the opportunity for persons who feel they have been harmed directly or indirectly by the sexual misconduct of a rostered person to contact the bishop.
 7. Pastoral care for the congregation will be provided as soon as possible upon disclosure of the sexual abuse of a minor, and will continue as long as deemed necessary by the bishop and the congregational leadership. In most cases, the pastor/counselor will not be the bishop or a member of the bishop's staff, but will have appropriate training or experience.

Nothing in this policy is to be construed to contradict or alter provisions of the Evangelical Lutheran Church in America Constitution, Bylaws, and Continuing Resolutions or its policies (including Rules Governing Disciplinary Proceedings Against an Ordained Minister, a Rostered Layperson, or a Congregation of the Evangelical Lutheran Church in America) nor the Constitution and Bylaws of the Northeastern Ohio Synod of the Evangelical Lutheran Church in America.

Adopted by The Northeastern Ohio Synod in Assembly , 05/15/04 NEOS97.6.22

Appendix I. Definitions

Child (ORC 2151.421) is defined as any person who is under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

Minor, for the purpose of this policy, is defined as any person who is under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

Rostered person is an ordained clergy, a called or appointed associate in ministry or a diaconal minister.

Sexual Abuse as used in this policy, is defined as sexual victimization of a minor, including sexual contact or sexual conduct with a minor, or attempted sexual conduct with a minor, as those terms are defined in Ohio Revised Code. It will also include, but is not limited to, engaging in the following conduct with a minor: to solicit, request, or demand sexual contact or sexual conduct; to intentionally expose one's genitals, or engage in sexual conduct, or masturbate, under circumstances in which the offender's conduct is likely to be viewed by a minor; to view, photograph, film, or videotape a minor in a state of nudity, for the purpose of sexual gratification or profit. Sexual abuse shall also include paying, coercing or otherwise causing a minor to engage in sexual contact or sexual conduct for hire

Sexual Activity (ORC 2907.01) means sexual conduct or sexual contact, or both.

Sexual Conduct (ORC 2907.01) means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual Contact (ORC 2907.01) means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

Appendix II. Screening Applicants and Volunteers for the NE Ohio Synod Staff of the ELCA

Reasonable efforts will be undertaken to ensure that both applicants for employment and volunteers, where the position involves significant unsupervised contact with children, are screened appropriately and deemed suitable for such work.

Reasonable efforts will be made to verify the applicant's employment history.

No employee or applicant with a sex offense conviction will be knowingly considered for placement or hire.

The bishop will maintain a registry of all former clerics and lay employees, volunteers and applicants who have been determined, whether by civil processes or otherwise, to have abused a minor. The registry will be reviewed, prior to the hiring of any applicant or volunteer.

All employees and regular volunteers of the synod staff will read and agree to the provisions of this policy.

Each applicant for employment or volunteer, where the position involves significant contact with children, will supply the name of 3 references. Hiring agents will make reasonable efforts to speak with all references provided.

The Ohio Bureau of Criminal Investigation and Identification, or other contract agency, will be asked to conduct a criminal records check of applicants or volunteers who will have significant, unsupervised contact with children.

Appendix III. Education for Recognition and Prevention of Sexual Abuse of Minors

Everyone in the church has a role to play in the protection of children. The Northeastern Ohio Synod of the ELCA encourages awareness of the indicators of sexual abuse, development of policies and procedures to protect children, and knowledge of procedures to follow if sexual abuse is suspected or observed. Individual parishes, schools, and agencies are encouraged to develop:

1. training programs on child abuse, especially for employees who have significant contact with children and volunteers who have unsupervised access to children on a regular basis.
2. child abuse recognition and prevention programs offered to parents
3. policies and procedures that guard against actual or potential situations in which harm can be inflicted, or which give rise to suspicions of child sexual abuse.

Appendix IV. Ohio Revised Code sec. 2151.421

(B) Anyone, who knows or suspects that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonable indicates abuse or neglect of the child, may report or cause reports to be made of that knowledge or suspicion to the public children services agency or to a municipal or county peace officer.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

- (1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known:
- (2) The child's age and the nature and extent of the child's known or suspected injuries, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect:
- (3) Any other information that might be helpful in establishing the cause of the known or suspected injury, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect.

Appendix V. Agencies to Which Reports are Made

This appendix provides the names and telephone numbers of the county public children services agencies (PCSA) to which reports of suspected child abuse are made. If there is uncertainty about the need to report, the PCSA should be contacted for consultation.

A report can also be made to the municipal police department or county sheriff where the abuse is believed to have occurred. The law enforcement agency can be contacted directly or through 911.

ASHLAND COUNTY

Ashland County Department of Job and Family Services
15 W. 4th Street
Ashland, Ohio 44805

Report suspected child abuse to **(419) 289-2276** during business hours. After business hours call the Ashland Police Department **(419) 289-3639** or the Ashland Sheriff's Department at **(419) 289-6552**.

ASHTABULA COUNTY

Ashtabula County Children Services Board
3914 "C" Court P.O. Box 1175
Ashtabula, Ohio 44005-1175

Report suspected child abuse to **(888) 998-1811**.

CARROLL COUNTY

Carroll County Department of Job and Family Services
95 E. Main Street P.O. Box 216
Carrollton, Ohio 44615-0219

Report suspected child abuse to **(330) 627-7313** or **1-800-442-2545**.

CUYAHOGA COUNTY

Cuyahoga County Department of Children and Family Services
3955 Euclid Avenue
Cleveland, Ohio 44146

Report suspected child abuse to **(216) 696-KIDS**.

COLUMBIANA COUNTY

Columbiana County Department of Job and Family Services
110 Nelson Street
Lisbon, Ohio 44432

Report suspected child abuse to **(330) 424-1471**. After business hours call **(440) 424-7767**.

COSHOCTON COUNTY

Coshocton County Department of Job and Family Services

725 Pine Street
Coshocton, Ohio 43812

Report suspected child abuse to **(740) 622-1020**. After business hours call the Coshocton County Sheriff's Department at **(740) 622-2411**.

GEAUGA COUNTY

Geauga County Department of Job and Family Services

PO Box 309
Chardon, Ohio 44024

Report suspected child abuse to **(440) 285-9141**. After business hours call **(440) 285-5665** or **1-888-285-5665**.

HOLMES COUNTY

Holmes County Department of Job and Family Services

85 N. Grant Street – P.O. Box 72
Millersburg, Ohio 44654

Report suspected child abuse to **(330) 674-KIDS**.

JEFFERSON COUNTY

Jefferson County Children Services Board

240 John Scott Memorial Highway
Steubenville, Ohio 43952

Report suspected child abuse to **(740) 264- 5515**.

LAKE COUNTY

Lake County Department of Job and Family Services

177 Main Street
Painesville, Ohio 44077

Report suspected child abuse to **(440) 350-4000**.

LORAIN COUNTY

Lorain County Children Services Board

226 Middle Avenue
Elyria, Ohio 44035

Report suspected child abuse to **(440) 329-5340**. After business hours call **(440) 329-2121**.

MAHONING COUNTY

Mahoning County Children Services Board
2801 Market Street, Room 206
Youngstown, Ohio 44507

Report suspected child abuse to **(330) 783-0411**.

MEDINA COUNTY

Medina County Job and Family Services
232 Northland Drive
Medina, Ohio 44256

Report suspected child abuse to **1-800-783-5070**. After business hours call the Medina County Sheriff's Department at **(330) 725-6631**.

PORTAGE COUNTY

Portage County Department of Job and Family Services
449 S. Meridian Street
Ravenna, Ohio 44266-1208

Report suspected child abuse to **(330) 296-2273**.

RICHLAND COUNTY

Richland County Children Services Board
731 Scholl Road
Mansfield Ohio 44907

Report suspected child abuse to **(419) 774-4100**.

STARK COUNTY

Stark County Department of Job and Family Services
220 East Tuscarawas Street
Canton, Ohio 44702

Report suspected child abuse to **(330) 455-5437**.

SUMMIT COUNTY

Summit County Children Services Board
264 S. Arlington Street
Akron, Ohio 44306-1399

Report suspected child abuse to **(330) 379-1880**.

TRUMBULL COUNTY

Trumbull County Children Services Board

2282 Reeves Road, N.E.

Warren, Ohio 44483

Report suspected child abuse to **(330) 372-2010**.

TUSCARAWAS COUNTY

Tuscarawas County Department of Job and Family Services

247 Stonecreek Road, NW

New Philadelphia, Ohio 44663

Report suspected child abuse to **(330) 339-7791**. After business hours call **(330) 339-2000**.

WAYNE COUNTY

Wayne County Children Services Board

2534 Burbank Road

Wooster, Ohio 44691

Report suspected child abuse to **(330) 345-5340**.

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