

**University Presbyterian Church**  
2203 San Antonio Street, Austin, Texas 78705

**STATEMENT OF POLICY AND PROCEDURES  
FOR SAFEGUARDING CHILDREN AND YOUTH**

**Section I - Purpose**

The members of University Presbyterian Church (UPC) are committed to the safety, welfare, and protection of all children and youth participating in the activities and programs of UPC. This commitment includes protecting them from abuse or harassment of any form, whether physical, mental or sexual, and calls for the creation of a safe haven for all children and youth in our care. During each person's baptism into this covenant of faith, the members of the church promise to sustain each person in the Spirit of Jesus Christ and to nurture, strengthen and support the individual's relationship with the household of God. In keeping with our commitments, and in order to preserve the integrity of each person within our house of faith, protect our children, teachers, leaders and our church body, and facilitate the prevention of abuse, University Presbyterian Church of Austin, Texas, institutes the following policies and procedures.

**Section II – Policies**

- A. All UPC activities and programs**, regardless of location, involving children or youth, will be subject to the following policies:
1. No person ordinarily will be hired or approved as a teacher or volunteer leader of children or youth until such person has been an active member of the Presbyterian Church (USA) for six months and an Information Form and Agreement, a security background check and reference checks have been completed.
  2. All who work with children and youth must attend a training session in which these policies and procedures are presented and discussed.
  3. Two adults will be assigned to supervise or lead all activities involving children or youth.
  4. A volunteer, who has been a member or affiliate for less than six months, will be paired with someone who has been an active UPC member for longer than six months.
  5. Parental permission must be obtained when a child/youth participates in a UPC activity.
  6. UPC will not tolerate any act or omission as specifically described in Section IV - Prohibited Acts.

7. Any violation of policy shall be reported in accordance with the procedures outlined in Section VI - Reporting of Violation of Policy.

\* The terms “child,” “children,” and “youth” refer to all persons who have not graduated from high school.. Children’s programs include infants through fifth grade. Youth programs involve grades six (6) through twelve (12).

### **Section III - Prevention Process**

The prevention Process includes the following: Information Form and Agreement, Procedures for Confidentiality, Disqualification, and Dispute Process. Each is described below.

#### **A. Information Form and Agreement**

1. (A) Employees, (B) teachers of children/youth, and (C) volunteers for children/youth UPC activities will be required to complete an **Information Form and Agreement** (Appendix A), providing personal and confidential information necessary to perform security background checks and reference checks on each individual. While this process understandably trespasses into the privacy of our own lives, the security of our children and youth outweighs the personal invasion inherent with such investigation and disclosures. All personal information voluntarily disclosed, the results of all security background and reference checks, and the refusal of any person to participate in a program or activity, in lieu of such disclosure requirements, will be considered confidential.
2. **Character references** are required and will be checked by the Safeguard Ministry Team.
3. **Security background checks** for persons 18 and older, including a search for potential criminal history, will be coordinated by the Moderator of the Session and the Safeguard Ministry Team. The results of the security background checks will be reviewed by the Moderator of the Session or his/her designee(s). If the background check is returned with a “Not Clear” status, the Moderator of the Session will report the results to the individual. If the applicant withdraws his/her application for working with children or youth, the Moderator shall then determine what pastoral response, if any, should be made. If the applicant desires to pursue working with children or youth, the Moderator shall confer with the appropriate ministry chairperson in determining the disposition of the application. The Moderator shall decide the appropriate pastoral response.
4. **The Youth and Children’s Ministry Teams**, or their designee(s) shall keep a list of those persons who are approved to work with children and youth.

## **B. Procedures for Confidentiality**

- 1. All completed Information Forms and Agreements** shall be delivered in confidence to the Moderator or Safeguard Ministry Team. The information on character references will be forwarded by the Moderator to the appropriate ministry team for handling. All other information will be handled only by the Moderator or the Safeguards Ministry Team.
- 2. The Moderator** of the Session will maintain a secured storage facility in UPC's business office for all Information Forms and Agreements and the results of reference checks conducted.
- 3. A neutral third party** outside the church may be retained to conduct reference checks and/or security background checks, the results of which will be made known to the Moderator of the Session and the Safeguard Ministry Team. Security background checks should be updated periodically.

## **C. Disqualification:** Whether disclosed voluntarily or as a result of the security background check, the following will disqualify a person from participating in the leadership or sponsorship of any activity or program involving children or youth:

- 1. Any indictment** alleging the offense of, or any conviction for: murder; aggravated assault; sexual abuse; sexual assault (rape); aggravated sexual assault; injury to a child; incest; indecency with a child; inducing sexual conduct or sexual performance of a child; possession or promotion of child pornography; sale, distribution, or display of harmful material to a minor; employment harmful to children; or abandonment or endangering of a child. If an applicant disputes information that appears in his/her criminal history record transcript, he/she may appeal through the Texas Department of Public Safety.
- 2. A DWI or DUI conviction** during the past 10 years shall disqualify a person from transporting UPC youth and children by motorized vehicle, whether disclosed voluntarily or as a result of the security background check. (See appendix B).

## Section IV - Prohibited Acts

- A. The following acts are prohibited** and will not be tolerated during any UPC activity or program. Any observations or personal knowledge of such violations must be reported immediately to the Moderator of the Session or the Safeguard Ministry Team chairperson, if the Moderator is not available, after the safety of the child, children, or youth involved, has been assured.
1. **Any display** or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct toward a child or youth;
  2. **Sexual advances** or sexual activity of any kind between any adult and a child or youth;
  3. **Infliction of physically abusive behavior** or bodily injury to a child or youth;
  4. **Physical neglect** of a child, children or youth, including failure to provide adequate supervision in relation to activities of UPC. (*Adequate supervision means the type of supervision a reasonable person would provide in the same or similar situation*).
  5. **Causing mental or emotional injury** to a child, children or youth;
  6. **Possessing obscene** or pornographic materials at any function of UPC.
  7. **Possessing illegal drugs** or being under the influence of any illegal drugs; and
  8. **Consuming alcohol** or being under the influence of alcohol while participating in a program or activity of UPC designed for children or youth.
- B. For guidance in the understanding and enforcement** of this Section, legal definitions of “abuse” and “neglect” are set forth in Appendix C, and possible indicators of child abuse are identified in Appendix D.
- C. The Texas Education Code**, Section 261.001, et. seg. requires any person acting in good faith to report or assist in the investigation of a report of any alleged incident of child abuse or neglect. All steps will be taken to be in accordance with the law.

## Section V – Oversight

- A. **The Children’s Ministry Team and the Youth Ministry Team** shall oversee the orientation, education and conduct of teachers and volunteer leaders.
- B. **In addition to the procedures prescribed in this Statement**, the Children’s Ministry Team and the Youth Ministry Team shall adopt and implement such other procedures as may be necessary to accomplish the purpose and policies set forth in this Statement.
- C. **The Safeguard Ministry Team** will be composed of three members. The chairperson will be appointed by the moderator. The Children’s Ministry Team, the Youth Ministry Team each will appoint one member of the ministry team. The three-member ministry team will serve for a three year term. At the end of the first 3-year term, one of the committee members may be appointed chairperson. Ministry Team members will serve a maximum of six years. The ministry team chair will report to the moderator. Confidentiality is of the utmost importance. No member of the Children’s Ministry Team or the Youth Ministry Team who is working directly with youth or children at UPC can serve on the Safeguard Ministry Team.

## Section VI - Reporting of Violation of Policy

- A. **In order to maintain an environment free of destructive acts** toward all children and youth, the staff, employees, teachers, parents, and volunteers of UPC must be aware of their individual responsibility to report any questionable circumstance, observation, act, omission, or situation thought to be in violation of policy. All questions or concerns of any suspected abusive behavior or harassment shall be directed to the Moderator of the Session or chairperson for the Safeguard Ministry Team (in the moderator’s absence).
- B. **In the event anyone personally witnesses** an occurrence in violation of policy, that person will be asked to complete an Incident Report Form (Appendix E). Anyone witnessing such an occurrence should secure the safety of the child or youth involved and follow the steps outlined in this Section.
- C. **In the event a child or youth reports abusive conduct**, while engaged in a church sponsored activity or involving the staff, employees, teachers, parents or volunteers of UPC, regardless of where the conduct occurred, the person initially contacted by the child should immediately notify the Moderator of the Session, who will notify the Safeguards Ministry Team chairperson. In the absence of the Moderator, the report shall go to the Safeguard Ministry Team Chairperson. An Incident Report Form must immediately be completed.
- D. **The following are the steps to take in case of any occurrence of an alleged violation of policy:**

1. Personally secure the safety of the child, children, or youth.
  2. Do not leave the child, children, or youth alone to report the incident.
  3. Report the incident immediately to the Moderator of the Session or the Safeguard Ministry Team Chairperson, in the Moderator's absence.
  4. Do not personally confront the alleged or accused violator of the policy.
  5. The person witnessing the violation or the person initially contacted by a child reporting a violation will complete an Incident Report Form.
  6. When the Moderator of the Session or the Safeguard Ministry Team chairperson receives a report of an alleged violation, he/she will have discretion to consult with others as needed and to take such steps as may be deemed appropriate until a Response Team becomes involved as provided in Section VII.
- E. A Prohibited Act** must be reported immediately, and any failure to do so shall be considered a procedural violation of policy. The Session may treat such violation as grounds for termination of a staff member or employee or as grounds for the suspension or prohibition of any person from participation in all children and youth activities and programs of UPC.

### **Section VII - Response to Reporting Policy Violations**

- A. An alleged violation** will be referred immediately to a Response Team comprised of the **(a) Moderator of the Session** and **(b) the Safeguard Ministry Team**, plus **(c) three to five** discrete persons appointed by them who understand the issue of confidentiality. The Response Team shall take such actions as it deems appropriate in the investigation and handling of the Incident Report, and it shall have access to a spokesperson to the media, an attorney, and counselor for both the alleged victim and alleged abuser. The Moderator of the Session or the designated person on the Response Team will be solely responsible for all communications on behalf of UPC, including those with parents and civil authorities.
- B. When an allegation is made**, the Response Team will be responsible for timely contacting law enforcement authorities, as required by law. The Response Team will ensure that pastoral care needs are addressed and will notify the accused and the accuser that they have the right to retain their own counsel. The church's counsel will represent UPC but not individual interests. The Team will have a prepared position statement for the media and will interface with the Presbytery and the church's insurance company.

## Section VIII - Consequences of Violation

- A. Any person who is the subject of an Incident Report** and is accused of committing a Prohibited Act, whether a staff member, employee, member or volunteer, will be suspended automatically from any further participation in any children and youth activities and programs of UPC. The suspension shall continue until a disposition of the alleged violation has been made by the Response Team.
- B. The disposition of an alleged violation** shall be based upon such evidence as the Response Team deems appropriate, and the evidence may include the results of any investigation by the church or law enforcement or child protection agencies, or the filing, prosecution or outcome of any criminal charges or other legal proceedings. The Response Team may, at its discretion, delay disposition pending the final outcome of any investigation or proceeding involving the alleged violation.
- C. Upon disposition**, if a majority of the Response Team believes from the evidence that any person has committed a Prohibited Act, such person shall be prohibited from future participation in all children and youth activities and programs of UPC, either permanently or for such length of time and in such manner as the Response Team shall determine in its discretion. If the person is a staff member or employee, such conduct also may result in termination of employment.
- D. PASTORAL CONCERN:** If the Response Team determines that the allegations against a member are false, the Moderator will take such steps as he or she deems appropriate.

APPENDIX A

**Volunteer Information Form**

Truthful answers to the following question will assure our church family, parents and children of the finest care we can provide. This information is sought as one way of protecting not only our youth and children but also you, the adult, who works within our church family. There is no presumption of "guilt" when reviewing your answers to some of these questions. We invite open, honest discussion around any of your areas of concern; if you wish, you may discuss your answers with a member of our Pastoral Staff.

**Background Information:**

Name: \_\_\_\_\_  
(First, middle, maiden, last)

If you have ever used another name, please indicate the name and time periods used:  
\_\_\_\_\_

Current Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

How long at this address? \_\_\_\_\_

If less that two years, where did you live before? \_\_\_\_\_

How long have you been a member of University Presbyterian Church? \_\_\_\_\_

Sex: \_\_\_M\_\_\_F Birth date: \_\_\_\_\_ Birthplace: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Texas Driver's License Number: \_\_\_\_\_

Place of Employment (*include the address*)  
\_\_\_\_\_

Please list two references including name, address and phone number  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **Areas of Inquiry**

1. What gifts, experience, and/or desires do you bring to this ministry?
  
2. In what area of ministry with children and youth do you wish to serve? What about your journey in faith has brought you to this ministry with children and youth?
  
3. Is there any fact or circumstance involving you or your background that would call into question your being entrusted with the supervision, guidance, and care of children or youth? For example, have you ever been subject to any disciplinary action, complaint, DWI, or DUI arrest or conviction, or allegations that you violated any of the Prohibited Acts described in this policy? (If yes, please explain.)

## **APPENDIX B**

### **APPEAL OF CRIMINAL HISTORY RECORD**

If an applicant disputes information that appears in his or her criminal history record transcript, he/she may appeal through the Texas Department of Safety. He/she must follow the procedure to review personal criminal history record, which includes getting fingerprints and sending the prints along with the appropriate form and fee to the Department of Public Safety. If it is determined that the record is indeed the applicant's own criminal record, and the applicant feels that there is a mistake in the criminal record, a letter should be written specifying the area of concern. An investigation will be conducted to determine whether or not an error has been made. This letter should be addressed to:

Texas Department of Public Safety  
Error Resolution Department  
P.O. Box 15999  
Austin, Texas 78761-5999

## APPENDIX C

### DEFINITIONS OF ABUSE AND NEGLECT

According to the 1995-6 Texas Family Code, Section 261.001, “**ABUSE**” is defined as the following acts or omissions by a person:

- A. Mental or emotional injury** to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
- B. Causing or permitting** the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
- C. Physical injury** that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator, that does not expose the child to a substantial risk of harm;
- D. Failure** to make a reasonable effort to prevent sexual conduct harmful to a child;
- E. Compelling or encouraging** the child to engage in sexual conduct as defined by Section 43.01, Penal Code; or
- F. Causing, permitting, encouraging, engaging in, or allowing** the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of a child is obscene as defined by Section 43.21, Penal Code, or pornographic.

“**NEGLECT**” includes:

- A. Leaving** a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;
- B. The following acts or omissions by a person:**
  - 1. Placing** a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child’s level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

2. **Failing to seek**, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child.

## **APPENDIX D**

### **POSSIBLE INDICATORS OF CHILD ABUSE**

It is very important that caution and good sense be used in identifying and reporting suspected cases of child abuse/molestation.

Each of us should be familiar with possible signs of abuse. Possible signs may include the following:

#### **A. Physical Indicators:**

1. Unexplained lacerations and bruises
2. Nightmares
3. Irritation, pain, or injury to the genitals
4. Difficulty when sitting
5. Discomfort when sitting
6. Torn or bloody underclothing
7. Venereal disease

#### **B. Behavioral Indicators**

1. Anxiety when approaching church or nursery area
2. Nervous or hostile behavior towards adults
3. Sexual self-consciousness beyond what is expected for the age of the child
4. "Acting out" sexual behavior
5. Withdrawal from church activities and friends

#### **C. Verbal Indicators**

1. "I don't like (a particular church worker/adult)"
2. "(A particular individual) does things to me when we are alone."
3. "I don't like to be alone with (a particular individual)."
4. "(A particular individual) fooled around with me."

**APPENDIX E**

**Suspected Abuse Reporting Form**

CONFIDENTIAL

Name of child or youth: \_\_\_\_\_ Age: \_\_\_\_\_

Child's parents or other person responsible for the child's care: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

- 1. Identity of suspected person committing abuse or molestation:
- 2. Nature and extent of injuries:
- 3. Date, time, and place where injuries occurred:
- 4. Identity of any corroborating witnesses or other persons with relevant information:
- 5. Name, age, and condition of other children in the home, if known:
- 6. Present location of the child or youth.
- 7. Any other relevant information.

**The information contained in this document is correct to the best of my knowledge.**

Printed name of person reporting: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

**APPENDIX F PEOPLE TO CONTACT REGARDING CONCERNS**

**MODERATOR:** Rev. San Williams

**SAFEGUARDS MINISTRY TEAM:**

**Chair:**  
**Members:**

**University Presbyterian Church**  
2203 San Antonio Street, Austin, Texas 78705

**REFERENCE FORM**

**Name of Volunteer:** \_\_\_\_\_

This form is being used to help University Presbyterian Church of Austin, Texas, provide a safe and secure environment for the children and youth who participate in our programs and use our facilities. The volunteer mentioned above has given us your name, as one who would attest to his/her character. We would appreciate it if you would return this form to us in the enclosed envelope as soon as possible. Thank you for taking the time to complete this form.

1. How long have you known this person?  
\_\_\_\_\_
  
2. In what capacity have you known this person? *(Check as many as are applicable)*  
\_\_\_\_ friend  
\_\_\_\_ neighbor  
\_\_\_\_ at work  
\_\_\_\_ committee work  
\_\_\_\_ professional capacity  
\_\_\_\_ through church  
\_\_\_\_ through community work  
\_\_\_\_ other *(please indicate)*  
\_\_\_\_\_
  
3. Describe the situation(s) in which you have observed this person working with children or youth. \_\_\_\_\_
  
4. Would you recommend this person for a position working with children or youth?  
\_\_\_\_\_ **YES** *(please comment)* \_\_\_\_\_ **NO** *(please comment)* \_\_\_\_\_  
\_\_\_\_\_
  
5. Additional comments *(use the back of this sheet)*.

Signature \_\_\_\_\_

**Your name:** \_\_\_\_\_ **Title/Occupation:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Telephone:** (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

*All information is CONFIDENTIAL Mail/Phone Reference processed by:* \_\_\_\_\_

**CONSENT FOR CRIMINAL BACKGROUND HISTORY CHECK  
AUTHORIZATION/WAIVER/INDEMNITY**

I hereby give permission for the University Presbyterian Church to obtain information relating to my criminal history record through the Volunteer Center. The criminal history record, as received from the reporting agencies, may include arrest and conviction data as well as plea bargains and deferred adjudication. I understand that this information will be used, in part, to determine my eligibility for a volunteer position with this organization. I also understand that as long as I remain a volunteer here, the criminal history records check may be repeated at any time. I understand that I will have an opportunity to review the criminal history and a procedure is available for clarification, if I dispute the record as received.

I do, for myself, my heirs, executors and administrators, hereby remise, release and forever discharge and agree to indemnify the University Presbyterian Church and the Volunteer Center, a service of United Way/Capital Area, and each of their officers, directors, employees, members, and agents harmless from and against any and all causes of actions, suits, liabilities, costs, debts and sums of money, claims and demands whatsoever, and any and all related attorneys fees, court costs, and other expenses resulting from the investigation of my background in connection with my application to become a volunteer with children and youth.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Please print name