



CHURCH POLICY MANUAL GUIDEBOOK

a legal and practical guide for developing church policies

WITH CD AND SAMPLE DOCUMENTS

BAPTIST STATE CONVENTION OF NORTH CAROLINA

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He is a frequent resource person for churches and associations in North Carolina, and with the Baptist State Convention produced the widely used volume, *Baptist Church Incorporation in North Carolina*.

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A CAMEO LEGAL SEQUENCE

(Excerpt from legal deposition in Parent v. Church, in a hypothetical North Carolina lawsuit in Superior Court)

Attorney for Parent of Child Injured in Church Nursery:

Now pastor, can you describe for me the policies governing the disposal of body fluids such as urine or vomit in the church's nursery?

Pastor:

Well, uh, ... everyone you know tried to do the right thing ... you know, be careful.

Attorney:

You mean there were no written policies to guide the workers?

Pastor:

No, not written down, but, well, we tried our best – we care a lot for the kids.

Attorney:

Now what were the policies about how many adults were supposed to always be in the nursery, and how many per child?

Pastor:

Uhm, well we usually asked for volunteers, and there was a sign up sheet. If we needed more help, sometimes we'd get some of the teenagers to help. You know it's hard to get volunteers.

Attorney:

Were there always at least two adults in the nursery?

Pastor:

I hope so, but you know sometimes someone wouldn't show up, so then we'd be short. But there weren't any rigid policies. You know, we are family, not a business.

Attorney:

Now did you have a policy of requiring some training, such as an orientation session for nursery workers so they would know about handling emergencies, or injuries, or appropriate foods or toys, and disposing body fluids, and other child safety policies?

Pastor:

No, you know it's hard enough to get workers without expecting too much. We'd never had a tragedy like this where a child was seriously hurt. Nobody ever thought about it I guess.

ACKNOWLEDGMENTS

The *Church Policy Manual Guidebook* is the product of work and careful thought of many persons. We thank all those churches from across the state that provided samples of their policies and documents. Lawyers who have worked with churches across the U.S. have also graciously offered perspectives and documents that have been invaluable.

Phil Stone, Lorene Wilson and other staff at the Baptist State Convention have been not only encouragers, but have met frequently to review the approach of this volume and how to make it a useful resource for churches. A special note of thanks and appreciation must go to Dwain Bouldin and Michelle Nemargut for the many hours of dedication and work that went into editing and formatting this book. Without them, this project would not have been possible.

Despite all their help, don't complain to them. This author takes full responsibility for the content of this product, and errors or omissions are solely the author's responsibility.

We have borrowed shamelessly, but legally. The policies suggested here are in some cases borrowed directly or been modified from well-crafted examples our churches have adopted. We have eliminated references to the specific churches whose policies we have found helpful both because in many cases we have modified them, or combined various church approaches, and to spare them from vicarious responsibility for the suggestions contained herein.

The Norman Adrian Wiggins School of Law has always been supportive of the churches in North Carolina, and this is only the latest product for our churches which has been made possible by the contributions of faculty and the resources available through the University and the School of Law.

Finally, as every writer knows, a spouse shares and at times endures through the project, and its many drafts and incarnations – providing support, helpful suggestions and interim proofing. My wife, Juanita, has provided much helpful counsel, and helpful warnings to make sure this lawyer-preacher stays at ground level in language and relevance.

While this manual reflects the author's best judgment on the general legal practical aspects of church policies, it is neither feasible nor appropriate in this publication to dictate policies for each specific church context. Therefore, churches should carefully consider their specific situations and doctrines and fashion appropriate policies. They may find it necessary to consult professionals in law, accounting and other fields in developing policies adopted to their unique needs. The law in many areas is constantly evolving, and church should check with local legal counsel and updates to this manual to assume compliance with current regulations.

This guidebook is designed for you to locate easily the topics that fall within the scope of your church policies and procedures. The loose-leaf format allows you to insert supplemental material as it becomes available. You can check on such supplements by referring periodically to the Baptist State Convention website at www.ncbaptist.org or by calling (800) 395-5102.

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Sample Church Policy Manual
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ADDENDUM

“Protecting Our Church and Children”

OVERVIEW AND PURPOSE

Have you heard questions like this before?

- Can we use the church building for _____?
- May our neighboring church use our church van?
- Are there requirements to work in the church nursery?
- May a teacher buy supplies for her Sunday School class and turn in the bill to the church?
- Is it O.K. for the visiting evangelist to sell his books and tapes in the church?
- Who in the church is allowed to have keys to the church?
- Can a member's step-mother be buried in the church cemetery?
- Whom do I ask for permission to use the church tables for a family reunion?
- We've had an accident with one of the children in a S.S. class, what do I do?
- Someone called the church and said their child had been struck by one of our children's workers, what should we do?

The questions are *endless*.

There are many areas of the church's life where such questions arise: Who can do what? What are the proper procedures? Who authorizes such things? As church resources, programs, activities and staffs of employees and volunteers grow, the questions increase in number and perhaps in complexity.

The questions are *important*.

The issues of proper procedures, authority, and accepted practices are important for the life of the church. The church needs to clarify what, how, when, and who – for many of its activities. It is important for an effective administration to assure “everyone is on the same page,” to encourage persons to be involved, to avoid misunderstanding, to be fair, to assure accountability – AND increasingly, to minimize disputes and legal liabilities.

This is all about *policy* and *procedure* –

This guide is to encourage and enable churches to develop an appropriate, comprehensive and effective policy manual.



THE BIG PICTURE: PRINCIPLES & PRACTICALITIES

STRATEGIC ISSUES & PROBLEMS

MANAGING LEGAL RISKS: LAWSUITS & POLICY

KEY STEPS IN CREATING &
IMPLEMENTING A POLICY MANUAL

FACTORS TO WEIGH IN DRAFTING POLICIES

WHERE TO PUT POLICIES

SPECIFIC ARENAS FOR POLICIES

*"I thank my God
every time I
remember you.
In all my prayers
for all of you,
I always pray with
joy because of your
partnership in the
gospel from the
very first day until
now, being
confident of this,
that he who began
a good work
in you will carry it
on to completion
until the day of
Christ Jesus."
(Phil. 1:3-6)*



STRATEGIC ISSUES & PROBLEMS

TYPICAL PROBLEMS WITH CHURCH POLICIES

The central thrust of this guide is that churches need to give substantial priority to developing a policy and procedure manual, setting forth a range of policies and procedures that govern different aspects of the life and ministry of the church.

Churches commonly have developed some policies and procedures, whether written or not. However, serious deficiencies are common in the typical church's approach. Some examples of common problems are:

“Squeaky Wheel Gets the Grease”

Policies are often developed on an ad hoc (specific situation) basis rather than a more carefully developed process. (For example, a dispute about who did not get flowers at the time of a death results in someone's being upset and making a motion to amend the bylaws to add a specific “flower” rule.)

Inaccessibility

The policies are frequently not easily found or are buried in old minutes of various bodies such as church conferences or deacons' meetings. Since the policies were not developed or reviewed in any coordinated way, there is no policy manual. The policies that do exist are set forth in largely unavailable minutes. The result is that there is no access to them and there is often uncertainty as to what they are.

Limited Coverage

Because the policies and procedures are not developed systematically, they tend only to address issues that have produced some controversy. Large areas are left unaddressed – until a crisis develops there. Thus, instead of preventing disputes, policies are a response to disputes.

Ambiguous Traditions

Too often supposed policies exist, but they are unwritten and simply assumed to be part of the church's common practice. Often this works fine – until problems emerge. It is not uncommon, in the absence of a clear written policy, for there to be disputes about “tradition” and the “way we do things.” So, in effect, “everyone does what is right in his own eyes.”

Arbitrariness

It is not uncommon, in the absence of clear policies and procedures, for there to be considerable variance in the application of any policy itself. Frequently, persons complain that supposed policies are only invoked when whoever is in authority wishes to employ them. Otherwise they are routinely ignored.

Ambiguous Authority

Not infrequently, there is considerable confusion as to who implements policy or is free to waive it when circumstances warrant. Often this arises where there is no written policy at all. The pastor or chairman of deacons or another person simply assumes they make policy on the fly.

Outdated Policies

Even where policies exist, they may be out of touch with current needs and situations. New ministries or new staff may require updating policies.

Ignored

Policies and procedures may exist, but are so commonly ignored or avoided – intentionally or inadvertently – that they become useless.

BENEFITS OF CLEAR, OBSERVED POLICIES

What are the advantages or benefits of a church establishing and setting forth a clear set of policies and procedures in a policy manual?

Clarify Decision-Making Process

Sound policies and procedures have the great advantage of making clear to the whole church the policies and procedures that govern the church. This not only avoids uncertainty or misunderstanding, but it encourages involvement and participation.

Avoid Arbitrariness

Sound policies assure a sense of fairness and equal treatment. For example, decisions about a church member's use of church property for some family event will be made on the basis of a consistent and principled basis rather than inviting arbitrary elements.

Indicate a Deliberate, Careful Process

A comprehensive plan by the church to develop a set of policies and procedures is most likely to ensure they are coordinated and evidence dispassionate judgment. The plan reflects a consensus of the church and the policies cover a broad set of circumstances and issues instead of some immediate question.

Draw on Wisdom of Many

Good policies and procedures will involve appropriate committees, officers and staff in implementing and enforcing them. Every issue or question should not end up on the desk of the pastor or church secretary.

Improve Efficiency

Clear and available policies save time and avoid wasted energy because the applicable policies and procedures are accessible. Inquirers do not waste time asking the wrong persons or raising questions already answered.

Reflect Sound Decisions & Effective Processes

A well-developed set of policies and procedures is ultimately not just about “process” and “notice” but about appropriate, sound decisions. A policy manual will embody policies that are reasonable. It will enable an effective and healthy church to function smoothly. For example, preschool policies not only need to be clear and available, they also need to reflect sound judgment that assures a healthy, well-run, well-supervised program. Good policies about the church van or playground ought to reduce the risks of injuries. Procedures should also aid the church in making appropriate, sound decisions. Good procedures should be fair, clear and efficient.

Incorporate Core Beliefs

Establishing policies and procedures is an opportunity to apply a church’s theological and ecclesiastical commitments. It is an opportunity to have an “applied theology.” For example, church policies ought to be consistent with its understanding of church governance (e.g. congregational government for Baptists), its moral convictions, its ecclesiology, and other doctrines. Consider also how important it is in personnel policies to be clear about expected standards of conduct for church staff — standards grounded in core beliefs.

Manage Legal Risks

As we will set forth in more detail below, sound policies and procedures are one tool for managing, and sometimes minimizing, legal risks. They do this both by encouraging responsible conduct (such as with children on a field trip) and by assuring that the procedures encourage careful thought and decision-making.

CAVEATS AND DISCLAIMERS

As crucial policies and procedures are developed, several caveats must be added:

Keep the Goal in Mind

“The Sabbath was made for man, not man for the Sabbath.”

While clear policies are essential, the church must always remember that the policies are not the goal. Policies are to enable effective ministry and guide the role and relationships of people. But the people and ministry are the highest priority. There may be situations where flexibility and exceptions are necessary to achieve the real goals and objectives. These exceptions should not be arbitrary and should probably be infrequent. Churches should not become prisoners to their policies. It is always right to do good on the Sabbath!

“Walk the Talk”

As implied above, it will do no good merely to adopt policies if they are not communicated and implemented. In fact, adopting policies that are NOT followed is probably worse than not having them at all. Legal liabilities increase whenever a church does not follow its own established policies and procedures. Therefore, the church should carefully assure that the congregation has means of becoming aware of the policies, understands their importance and can function effectively within them. Staff and leadership especially must understand and apply the policies.

Mere Old Traditions— “Firemen on the Train”

When railroads shifted from coal-fired steam engines to diesel-powered locomotives, the unions insisted the trains still be required to have a complement of firemen. It no longer was necessary — in fact, it was nothing other than a job-saving effort. The church must be sure that the policies and procedures in place are appropriate for the specific situation of that church. This requires careful review of policies to be sure they are not based on old patterns or programs or were developed in a specific situation that no longer applies. This means that some regular system of review should be in place.

Cookie-Cutter Policies— Copy-Cats—One Size Doesn’t Fit ALL

This very volume assumes that a church can be assisted by looking at how other churches have developed their individual policies. However, it is essential to recognize that all policies need to be developed in the context of each church’s unique ministries, programs, beliefs and traditions. Merely uncritically copying other church’s policies would be a serious mistake. On the other hand, some specific policies of other churches may be very helpful and quite appropriate. But try them on before you buy.

You Can’t Cover Everything

A policy manual cannot and should not attempt to imagine every conceivable issue or situation and “write a law.” For one thing, the issues and possible situations are far too vast. Books running over 1,000 pages have been written just about laws impacting churches and the possible duties or responsibilities of churches. A policy manual that imagines it will resolve every issue will end up too long, too legalistic and be terribly disappointing because it will not avoid all uncertainties. What a good policy manual will do is help establish basic policies and sound procedures for resolving new issues.

Don’t “Wing It”!

When a church does encounter special situations, ask. When lost, ask directions! Too often churches get into uncertain waters and create further problems that could have been avoided by seeking some counsel. Your State Convention officers, local attorneys or the author of this guide will try to give some basic assistance and certainly can point you in the right direction when you need specialized counsel.

MANAGING LEGAL RISKS: LAWSUITS & POLICY

While the principal purpose of developing a policy manual is not the legal side of issues, there are important advantages in minimizing legal liabilities for a church and its leadership.

SOURCES OF LEGAL RISK

Understanding why clear and observed policies and procedures minimize legal risks requires some basic understanding of how legal liabilities arise. Legal liabilities may arise from several sources of problems in a church's or church agent's conduct. These include the following:

Failure to comply with state or federal statutes

For example, failure by a tax-exempt body to file appropriate forms when there has been unrelated business income; or engaging in impermissible electioneering activity.

Failure to comply with administrative regulations

For example, failing to comply with health and safety regulations in childcare programs.

Negligent conduct which causes injury

For example, failure to act in a reasonable manner in the selection of toys provided in a preschool area resulting in a choking incident; or unreasonably letting a person with a questionable driving record drive the youth on an outing which results in an injury to some of the youth.

Liability from negligent acts of employees/agents/volunteers

Injuries that arise from the actions or inaction of church "agents" during the course of their activities for the church which results in injury, such as negligent driving by a church employee while on church business resulting in an injury; or a youth worker negligently supervising a canoe outing resulting in injury.

Liability from intentional acts of employees and agents

In some circumstances, employers may even be liable for intentional acts of persons under its supervision. Most commonly this arises when



the employer has been negligent in hiring, training or supervising employees/volunteers/agents. For example, if a church hired a custodian with a known history of violence toward others, and that person assaulted a member, then the church might be liable because it had hired a person that no reasonable employer would have hired and put in that position.

Another example

in this area is the recent publicity given to charges that some church officials allowed priests with known histories of child molestation to continue in positions that posed a risk to children.

Failure to follow the church's own established procedures and rules

While most often legal duties are imposed by "outside" sources such as public laws, a church also creates its own "laws" through its charter/constitution, bylaws and stated rules and procedures. Once the church sets these standards/rules/procedures, it is obligated to follow them. They are often seen as a contract between the members and the church, and there is a duty to observe them. Courts, while usually reluctant to intervene in church matters, will often require churches to observe their own rules.

REDUCING LEGAL RISK

A church can clearly avoid or minimize the risks of legal action by developing and implementing sound policies. For example, policies should exist that require a review of the driving record of persons who drive church vehicles or their own vehicles for church-related activities. In addition, policies should also require leaders to develop specific guidelines for age-appropriate toys in the preschool area. Procedures which require parental approval for children's participation in youth activities are also needed.

If a church were challenged with a claim that it had been negligent in training preschool workers, or in preparing food in its kitchen, or in maintaining a safe church van, it would be helpful for the church to show that it had clear policies dealing with these areas. Such policies would show the church did not act recklessly or negligently. A policy, for example, that required at least two adults in a preschool room at all times when children are present, and a progressive ratio of adults to infants would be important evidence of the church's proper attention to the question of adequate supervision. Many lawsuits are premised on the claim that a person was harmed because the organization or persons did not act reasonably under the circumstances—that they did not exercise the due care required under the circumstances. Good policies help defeat that claim. Well-developed policies can help establish that a church and its leaders were not negligent, but were instead careful and thoughtful in developing policies. They were not negligent by ignoring situations or needs. The policies further, when followed, assure that proper action is taken in situations. The church should show that its actions were *reasonable*.

TWO WARNINGS

Be sure to DO what you SAY

While policies may show that the church carefully considered some issues and has a reasonable and effective understanding of the need for such policies, that will not help if they are not followed. In fact, it will be worse—because it would clearly show the church knew what it ought to do, but did not do it. This illustrates a key point—the policies must not only be implemented, they must be observed.

DON'T OVER REACT—Paralysis!

Though minimizing risk is an important factor in developing policies as well as church ministries and programs, it should not be the controlling feature. Any activity involves some risks and churches would all be paralyzed if they sought to make legal safety their goal.

If risk avoidance is the goal, then get out of ministry!

Indeed, much effective, innovative and creative ministry necessarily involves some risks. Reaching out to disadvantaged children, running church-buses or developing a community outreach program certainly involve new risks. Risk-avoidance can be an excuse for ministry-timidity, not unlike the steward the Lord described who, afraid of the risks, buried the talents rather than investing them. The Lord judged him severely. Churches ought to be aware of risks, seek to manage them, and limit unnecessary risks—but not lose their souls in the process. Churches ought to be as concerned about risking their relevance and ministry as they are their assets.

KEY STEPS IN CREATING & IMPLEMENTING A POLICY MANUAL

COMPONENTS OF POLICIES & PROCEDURES

Typically, policy provisions may include several related but distinct elements or components. In general terms these would include the following:

1. Specific rules, standards or guidelines (WHAT?)
2. Procedural elements (HOW?)
3. Designation of responsibility/authority (WHO?)

For example, a policy about use of the church fellowship hall might read as follows:

Use of the fellowship hall for non-church sponsored events must have the written approval of the deacons. Such approval is normally reserved for events involving members and local community organizations. Persons requesting such use must submit a request in writing normally 60 days in advance, and are responsible for cleaning the premises or paying a \$50 cleaning fee, at the discretion of the deacons. Written guidelines on the use and care of the facilities will be provided all applicants.

Note the policy has some rules (normally limited to members; local groups provide for cleanup); some procedures (written request); and an indication of responsibility (deacons).

Effective policies commonly address all these three elements.

Step 1: Recognize the Urgency!

The need for a policy may arise from minor or even major crises and conflicts, from awareness of the potential risks of harm to others, from confusion about responsibility, or by recommendation of church leaders. However it arises, unless there is a sense of the vital importance of this process, probably very little will happen except referring the matter to a committee—often the graveyard of projects.

Step 2: Assign Responsibility

A task that is everyone's is nobody's. If policy-making is to proceed, then individuals or working groups must be charged with the task of reviewing and recommending policies. In larger churches with diverse programs, this may mean an oversight task group that then refers to various other committees and staff the initial work in specific areas. For example, the overall policy task group might want a childcare

committee, a cemetery committee and trustees to review current policies in their areas and pass on their observations and recommendations to the task force.

Step 3: Clarify Existing Policy

Regardless of where initial tasks are assigned, the first task of those responsible will usually be to review existing policies including any written statements in bylaws, church minutes, publications and formal policy statements. They need also to identify unwritten but assumed policies.

Step 4: Assess the Current Situation

After identifying existing policies, the subcommittee or task force should carefully assess the adequacy of these current written or unwritten policies. This involves at least two questions:

First, are the current policies appropriate and effective? (Some criteria will be set forth in this guide.)

Second, are there areas of importance not covered by the current policies that need to be addressed?

It is in this stage that the working body should consult resources beyond its own church. They should include guides such as this book. These resources can help them think beyond their own experiences, gather ideas and recognize issues which may not have been considered. Among these resources are other churches, State Convention staff and resources noted later in this guide.

Step 5: Draft Recommendations

After careful review, the working group(s) should prepare specific recommendations for policies and be prepared to explain the rationale for the approach they recommend. This process may be one in which committee members have different perspectives and the group may need to work hard to find consensus. These recommendations, depending on the size and style of the church, might be reviewed and discussed at several levels, such as deacons, staff or affected committees. Finally, the recommendations should in most cases be passed on to the church for adoption and explanation.

Step 6: Adopt Policies

After giving an opportunity for congregational review and discussion, usually including an explanation by the presenting task force of the reasons and effect of the proposed policies, they should be adopted. The adoption should be reflected in the minutes of the church.

Step 7: Implement Policies

Merely adopting policies is not enough. Passing resolutions and entering them into church minutes are only the first steps. After appropriate policies are adopted, there remain a couple of key stages.

Step 8: Communicate the Policies

Policies must be communicated to those impacted. Sometimes this means church members. Other times it may mean other users of church facilities or those ministered to by the church. This communication certainly involves publication of the policy as well as its distribution through conferences, publicly posted notices or even mailings. Policies about the church childcare—preschool—might involve meetings with parents and the church staff. The nature and scope of the required publicity depends on the nature of the subject matter and those affected. But it is clear that policies must be explained and communicated to be effective.

Step 9: Apply the Policies

A second critical aspect of implementing policies involves actually moving from the desired standards to actual application. After all, the whole point is to practice the policy, not just write it down. Three aspects of implementation are:

Training

Some policies and procedures may involve training of staff or volunteers when they are implemented. An early step might involve holding various small-group sessions with leaders on the meaning and implementation of the policies—what they are, any forms or documents, how to address specific problems and other relevant issues.

Systems

Many policies, especially in larger ministries, may require establishing formal systems for applications, record keeping, authorizations and other necessary forms. For example, a church policy addressing persons who are qualified to drive the church bus would necessarily involve some system of record keeping with applications, personal information collected and approvals. Similarly, policies regarding hiring, supervision and termination of employees will require established responsibilities, records, maintenance of files and other guidelines.

Identifying the Authority

A well-defined process of implementing the policies will also involve identifying the key person responsible for assuring the policies are communicated and carried out. This should include a report back on that process to assure the implementation has been accomplished.

Step 10: Review Policies Periodically

The policy-making process should include a regular review so that policies do not survive only because they were adopted years ago. Relevant committees or staff members should initially review all policies on a set timetable. Three-year intervals would be appropriate. These persons should then make recommendations to committees or other church bodies based on their findings. The review should include some or all of the following aspects:

- a. Have the policies and procedures been effectively communicated?
- b. Have the policies and procedures been effectively implemented?
- c. Are the present policies appropriate – effective, clear, and applied?
- d. Are the procedures appropriate – workable?
- e. Is the staff responsible for these policies adequately informed, trained and accountable?
- f. What problems have arisen in implementing these policies?
- g. Are there new areas of concern that need to be addressed?
- h. Has the legal environment changed which requires some rethinking?
- i. Have we had recommendations from our insurers or others suggesting new approaches in some areas.
- j. Have the policies enabled or unduly hampered our ministry?



Those who carefully develop policies and procedures should consider a range of factors in developing the provisions. Too often, impulsive policy-making fails to weigh these factors carefully. The results are ineffective or counter-productive policies. Here is a summary list of factors to consider:

Beliefs/Doctrines

The policies should be consistent with the church's core beliefs.

Management Philosophy

The policies ought to reflect a conscious choice of a management philosophy/style.

Any development of a policy manual should consider the underlying, and often unspoken, management style/philosophy of the church. Perhaps too often this philosophy is unexamined and merely developed out of habits or the influence of strong leaders. However, there should be a thoughtful consideration of questions of management philosophy. For example, some styles/philosophies focus on a strong hierarchical, top-down, strong-leader philosophy, whereas other management approaches prefer a more collegial, collaborative approach. These differences are likely to be reflected in a policy manual, especially in segments dealing with procedures and authority. Because these philosophy/style questions so substantially affect the pastor, they can be sensitive—but they should not be ignored.

Economics

The economic factors in implementing and administering the policies should be considered.

Calculated Risks

The benefits and risks of any policies—legal risks, ministry risks, relationship risks—should be considered.

Legal Liabilities

The policies must be developed with an awareness of legal duties, rights and liabilities.

Ease of Administration and Efficiency

The policies must be able to be administered without undue burdens or unrealistic demands on staff in terms of their time, administration, management and decision-making.

Authority and Accountability

The policies should clearly identify where responsibility rests, who has authority and the systems and structures that provide for accountability.

Clarity

The policies should be clear and understandable, without undue complexity or “legalese.”

Consistent with Core Documents

The policies must be consistent with the foundation documents of the church—its constitution and bylaws (Or charter and bylaws for a corporation). Any policy or procedure that is inconsistent with the foundational documents may be invalid. It may also be wise to have the bylaws contain a specific provision recognizing the authority of policy provisions as expressed in a policy and procedure manual.

Such a clause might read as follows:

The church shall adopt, maintain and publish a policy and procedures manual containing the policies and procedures as adopted by the church or its designated bodies. The church shall regularly review such policies and update them as they deem appropriate. This manual shall be available to members, and appropriate portions shall also be distributed to those who implement or are directly affected by these policies.

Specific yet Flexible

How specific should policies be? This is a very tricky area. On the one hand, policies must be specific enough to be clear, to assure persons know what is expected, and to set forth the applicable procedures. Mere general principles are usually not enough. For example, a policy that provided that “only responsible persons who had church permission could drive the church van for field trips” would be far too vague. Who is “responsible” and what church persons may give permission? A degree of clarity and specificity is required or policies will be ineffective—or worse.

Some policies must be specific to be effective and provide safety for others. In the area of childcare, for example, policies may need to be quite rigid, compared to policies about the use of church facilities by members for personal activities such as family gatherings.

In some areas, flexibility can be built into policies by a provision for exceptions which may be granted by an identified person and process. For example, a policy about the use of the church fellowship hall might note that, as a general policy, the church fellowship hall may

not be used by outside organizations. It might, however, contain a provision that exceptions may be made by the deacons or by the church on the deacons' recommendation.

WARNINGS!

Policies which provide exceptions may well be very important in some circumstances, but if the exceptions are broadly granted, the policy itself may lose its force. Policies routinely ignored are not policies at all.

Exceptions that place authority for exemption on an individual such as the pastor, may not be wise, as they place a special burden on that person who then may be "blamed" either way. It is probably wiser to place authority for exemptions on a group or a committee responsible for an area of ministry, or a larger group such as trustees or deacons.

THE REALLY KEY FACTOR: EMPOWERING/ENABLING

A very crucial test in assessing church policies is to ask whether the policies facilitate, empower and enable the church's ministry—or whether they become a barrier, burden and impediment. Robert Jones in *The Development of a Church Manual of Administrative Policies* notes that too often a policy manual "can convey the idea of keeping something from happening through the church instead of enabling something to happen." He notes that a church "may be so bound by rigid procedures that there is little chance for free expression of differences of opinion" and that there must be a "happy compromise between harmful rigidity" on the one hand, and, on the other, anxiety and confusion when there are no clear guidelines or policies.





WHERE TO PUT POLICIES

Generally, the policies and procedures adopted by the church should be published and made available in a policy manual (sometimes it may be called a “Policy and Procedure Manual”). This manual may range considerably in size depending on the size and complexity of ministries and activities of the church. In most cases it is best to utilize a loose-leaf, ring binder which allows the easy modification by addition or amendment to policies. A tabbed format makes accessing policies easy, with tabs representing major areas: property, finance, employment, preschool, and other major areas. This complete policy manual should be available to all the key staff and leadership, and a copy available at the church office for reference by staff and any member. Since there are likely to be multiple copies, some system needs to assure that as policies are added or amended, the changes are made in all copies of the manual.

In addition, policies in definite areas should be made available to those who have specific responsibility for those areas or are affected by a set of policies. Thus, the youth committee should have all the policies related to their activities and preschool workers those which address their concerns.

WHAT ABOUT PUTTING POLICIES IN THE BYLAWS?

Often churches put some policies in the bylaws. This is especially common when there is a lack of any general policy manual, so this is often the only place to assure they have some force. However, in general, most policies should not be put in the bylaws for several reasons: First, the bylaws are not generally very noticeable or even accessible to most church members; they are rarely read except when there is trouble. Second, they become too complicated to adapt, amend or enhance because of the procedures for amending bylaws. Third, bylaws are intended to establish general provisions for major elections and leadership; they do not deal with the sort of specific rules typical of most policies. Bylaws will have some procedural rules such as how deacons are elected, or when meetings are held, but not the more specific ministry-specific procedures and rules associated with a policy manual.

ONE COMPREHENSIVE MANUAL OR MANY TOPICAL MANUALS?

Some churches create one rather comprehensive policy manual, divided into various topical sections such as Personnel, Finance and Committees. Others seem to prefer a “set” of topical manuals. Either form is acceptable, though this writer prefers one comprehensive manual since often there may be cross-references.

A related question is whether or not some very specific policies with limited general application should be in the comprehensive general manual. These specific policies could simply be available to and kept by the person or group that follows them. For example, should policies about the procedures for receipting donors be kept in the “big” manual or separately? Keeping them separate would not be to hide or conceal them, but because they have so little relevance outside the persons directly responsible. The problem with keeping them separate is the risk they may be “lost”—not literally, but figuratively. Besides, having them part of the larger policy manual keeps everyone aware of expectations. The disadvantage is probably cumbersomeness.



SPECIFIC ARENAS FOR POLICIES

Some church-policy manuals include an initial section addressing organizational matters such as organizational charts, duties and tasks of officers, procedural rules for business meetings and similar items. In most churches, many of these items are covered in church constitutions and/or bylaws that define the leadership and their duties, set forth the means of selection, and provide generally for the procedures for doing the “business” of the church. Sometimes churches also include these organizational matters in the church-policy manual even if they are also in the bylaws, just to provide a full and comprehensive set of all the policies for members.

Caution: Dangerous Waters

Probably no type of organization reflects more variety of forms, structures and leadership than do churches. This is doubly so with churches that are largely independent of denominational governance that imposes some uniformity or pattern. Baptist churches and other largely independent, autonomous and usually congregational-governed churches exhibit a wide variety of structural and organizational patterns. Even where the terminology may be the same — such as deacons, trustees, committees, councils — the way these groups function is actually quite diverse. For example, in some churches, deacons function very much like a general board, overseeing the overall church program, subject to the congregation. In other churches, deacons are more a ministering body than an administrative body. In still other churches, the administration and direction of the church is actually very much dominated by the pastor and staff, despite formal structures that would suggest otherwise. Some churches have deliberately sought to move away from the deacons as an administrative body. This, however, has left a vacuum of lay responsibility, filled sometimes by the pastor and staff. Of course, much of actual church administrative pattern is more a function of personalities and willingness to assume leadership than it is about formal structures and policies. Not a few pastors who would assert their belief in lay leadership are, in fact, quite authoritarian in their own more subtle and indirect ways.

To add complexity to this arena, churches are seeing even more diversity in organizational models as they explore new structures. They hope these new structures will be more dynamic and effective in today’s cultural context and meet the needs of the church both internally and in ministry. The concern is often expressed that church structures that were borrowed initially from others and then maintained uncritically out of tradition are often poorly adapted to church life today. On the other hand, sometimes it seems the “innovations” are themselves perhaps too modern and faddish — or are simply new words to describe the same thing. The wineskins are not new, only new labels. In any event, it is clear that the discussion here about

organizational structure and organizational policy must be seen in terms of general principles that will need to be adapted to specific contexts. The terminology and illustrative structures will naturally reflect the more common patterns and terminology, and churches with different language or structures may need to “translate” the underlying principles for their context.

GENERAL OBSERVATIONS & RECOMMENDATIONS

Specific policy areas will be reviewed in Part II. After brief initial observations and recommendations, we will look at specific policy areas, and for each provide two guides: first, some indication of the typical factors affecting policies in that arena as well as the elements commonly included. Second, we will look at some sample policies from churches. These samples should not be blindly and uncritically adopted. They are meant more as illustrations and resources. In each case, churches should consider all elements in their own context and draft policies consistent with their beliefs, programs and vision.

Like a church potluck dinner — more than you want?

In most cases, this manual may provide far more information than you want and address policy options which may be more sophisticated than you need. You need to assess the nature of your church activities and programs and select what is helpful. This is like a church potluck — there are probably some things you do not like, and you could not even eat everything you did like.

Less than you want — this is NOT “Policy for Dummies”

On the other hand, in some areas you will find less than you want. Maybe some area is not covered at all or you want more specifics than we have provided. We could not address, at least initially, every possible policy area — and sometimes the variations are so broad between churches that we could not set forth one specific policy that would accommodate the diversity. Therefore, we have either just given general guidelines or noted one option. SO — you will have to do some application on your own.

MAJOR CATEGORIES OF A POLICY MANUAL

A comprehensive policy manual might include scores, even hundreds, of specific policies covering a very wide range of subjects. It might include, for example, policies about committee memberships, flowers for the sanctuary, cemetery maintenance, holidays for staff and liability insurance coverage. . . and many more.

Despite the broad scope and numerous topics, all the policies and procedures can however be generally placed in a few basic categories. Thus, the final product would typically consist of a few basic divisions. In fact, in some churches and organizations, these might be treated as separate manuals.

The basic divisions in this model are as follows:

Organizational Structure Policies

This division covers the composition, election, duties, officers of committees, and the procedures of these bodies. It could have been broad enough to be an organizational/structure manual which included all church officers and their duties. Usually, however, church-officer matters are addressed in church bylaws. While committee composition and duties are sometimes also included in bylaws, it is probably best to have them set forth in a separate committee manual where they are more accessible and can more readily be adapted to changing needs.

General Church Policies

This section is a bit of a “catch-all” collection and assembles the wide range of church policies in such areas as cemeteries, property matters, vehicles, insurance, etc.

Personnel Policies

This is a major component of any church-policy manual and is of increasing legal importance. The personnel-policy portion typically covers all paid staff and a range of topics noted in more detail below. It also includes such areas as hiring, termination, benefits, evaluation, as well as duties. This portion might also include a parallel section on volunteer selection.

Financial Policies

Policies regarding the handling of funds, designated gifts, budgets and similar financial matters are covered.

Preschool/Child/Teen Protection and Ministry Policies

An area of increased public awareness and serious potential problems is the area of protection and care for children and youth. Policies in this area actually overlap the areas noted above such as personnel, volunteers and general church policies. These policies may be included in one or more of the three major categories listed above, or they may constitute a separate portion or division. Because they may need more general distribution and persistent reference, they probably should be available as a separate set even if incorporated in the larger manual.

Pastoral-Staff Leadership Policies

Because of the unique relationship of the pastor and the church, there probably ought to be a separate section which deals with this crucial area of a church's life.

AN INTIMIDATING PROCESS – “ONE BITE AT A TIME!”

For a church that has not had a policy manual, it can be quite intimidating to see all the areas where a policy might be appropriate. A church might believe the task is too daunting, and even if they begin, it would take years to develop the manual.

While the seriousness of the task should not be minimized, remember the saying about how you eat an elephant – “one bite at a time.” A church can begin and develop those policies that are most urgent given their ministries and establish a process over time to gradually expand their policy manual. We further hope this guidebook will enable churches to assess their needs more easily and get help in identifying areas of concern and to determine what a policy might cover.



ORGANIZATIONAL STRUCTURE POLICIES

LEGAL CHARACTER OF CHURCHES

GOVERNANCE

LEADERSHIP ISSUES

MEMBERSHIP POLICIES

OTHER ELEMENTS OF ORGANIZATIONAL POLICY

CONFLICTS OF INTEREST

*“For God
is not
a God of
disorder
but
of peace...”
(1 Cor. 14:33a)*



LEGAL CHARACTER OF CHURCHES

STATUS AS A TAX-EXEMPT, NONPROFIT “CHURCH”

The legal character of virtually all churches involves three key elements: 1) a nonprofit character, 2) federal recognition as an Internal Revenue Code §501(c)(3) tax-exempt status, and 3) recognition as a “church.” Each of these, though separate recognitions, provides substantial legal advantages. In most respects, churches are almost assumed by the law to meet the legal requirements for each of these with their advantages.

Nonprofit status

Churches, even without taking special legal steps or applications are commonly treated as tax-exempt, nonprofit organizations and treated as “churches.” Status as a nonprofit organization, though typically presumed for a church, may also be obtained formally by incorporating under state law as a Nonprofit Corporation. The importance of recognition as nonprofit not only assures that there will no taxation of “profits” as in a business, but also other benefits may accrue to nonprofit organizations such as property tax exemptions.

§501(c)(3) Tax-exempt status

While nonprofit status is chiefly a matter of state law, federal tax-exempt status is governed by federal law generally and the Internal Revenue Code in particular. There are several categories of tax-exempt organizations under federal law. Category §501(c)(3) notes the following potentially qualifying organizations:

Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition . . . or for the prevention of cruelty to children or animals.

Status §501(c)(3) has the special advantage of not only exemption from liability for taxes, but permits donors in most cases to deduct their donations to such organizations on their tax returns. While virtually all organizations seeking to be treated as such §501(c)(3) organizations must file an application with the Internal Revenue Service and seek a “determination letter” that they are recognized as such, churches are, in effect, presumed to be such.

IRS regulations provide that the following are recognized §501(c)(3) entities and need not apply for the status:

- 1) Churches, interchurch organizations of local churches, associations and integrated auxiliaries do not need to file, and

- 2) Churches, their “integrated auxiliaries” conventions and associations.

However, these presumptions may be challenged where on further examination the entity is not really a church, but perhaps a tax dodge/fraud, or the basic characteristics of a church are missing, or an examination of the finances reveals that the entity is not a “charity” under the internal-revenue code because the assets used are from private gain. Such results are uncommon but have occurred. Thus, generally donors may claim such donations on their 1040 tax returns even though the church has never formally applied for or been determined to be a qualified §501(c)(3). Though churches MAY apply formally for formal recognition as a qualified §501(c)(3) entity and thus be listed in IRS Publication 78, there are very few instances where such would be advantageous. (IRS Publication 557 and IRS Package Form 1023 provides information on applying for exempt status.) A further privilege of churches is that, though they are treated effectively as exempt, they do not have to file the annual Form 990 annual report required of all but the financially smallest formally recognized §501(c)(3) organizations. (This is discussed in more detail in Buzzard, *Baptist Church Incorporation in North Carolina*.)

Formal application and determination by IRS of exempt status

While churches are presumptively exempt and need not file for formal determination by the IRS, a church MAY file an application and receive formal IRS exempt-status recognition. IRS Publication 557 notes that some exempt organizations may “find it advantageous to obtain recognition of exemption.” A formal recognition will result in the exempt church being listed in Publication 78 that lists all recognized 501(c)(3) exempt entities.

Typically there are two circumstances that may lead a church to seek formal recognition. Perhaps the most common circumstance would be where the church wishes to be listed as exempt in Publication 78 in order to establish for prospective donors that the church is fully compliant with exempt requirements. Certain foundations or corporate donors may require such formal recognition as a condition of grants or contributions. Such formal recognition may also be required for certain government grants related to “faith-based” programs where government grants are available to religious bodies for certain nonreligious programs. A second factor might be where the church has a wide range of activities that may pose a question about whether any of these activities are proper for an exempt body or might threaten its status. A formal recognition of exempt status where such activities are clearly disclosed would be a major factor in clarifying the legitimacy of the activities within the exempt umbrella.

Churches that do seek such formal recognition should obtain Publication 557 and IRS Package Form 1023. Together these provide comprehensive guidance on completing the required forms. Legal counsel may be appropriate in working through the complicated application process. Formal recognition will trigger annually reporting duties on Form 990 for all but the smallest organizations.

Exempt Organization Characteristics

All tax-exempt organizations are subject to the Internal Revenue Code and IRS regulations which impose two specific prohibitions on all exempt entities and, in the case of all organizations applying for exempt status, require them to be included in their Articles of Incorporation or other foundational documents: the prohibition on certain political activities and the prohibition on “private inurement.” It is critical to note that these two prohibitions apply whether the church is incorporated or not and whether the church adopts them or agrees with them or not. Violations of these prohibitions may result in the loss of exempt status. The State of North Carolina’s materials on nonprofit corporations cite these same requirements.

Prohibition on certain political activities

The IRS provides this specific language for nonprofit organizations and corporations seeking §501(c)(3) status:

No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future U.S. Internal Revenue Law) or (b) by any corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future U.S. Internal Revenue Law).

[A monograph, *Internal Revenue Code Restrictions on Political Activities of Exempt Churches and Religious Organizations*, by Lynn R. Buzzard provides an extensive discussion of these rules and includes details on what is and is not permitted within them. It is available for churches from this author at P. O. Box 891, Buies Creek, N.C. 27506, 910-893-1801.]

The absolute prohibition of “campaigning” for candidates and the limitation to insubstantial lobbying is not without controversy. Many believe as a matter of theology, morality and even historical precedent churches ought and should at times become involved in political affairs. Often political issues reflect great moral issues as well in such areas as human rights and abortion. Baptists have often spoken out publicly about legislative issues such as the lottery or alcohol sales. There have been many who have argued

the restrictions constitute an unconstitutional infringement on religious liberty and a gag on prophetic public witness. It has also been suggested that many churches have ignored the rules by allowing political candidates to speak in their churches and some church groups have rallied their members to support candidates. In recent years, bills have been proposed in Congress to change the rules affecting churches.

Nevertheless, the rules exist, even if often ignored. And in most cases, churches do wish to stay clear of mere partisan electioneering and the controversies that it would create. Furthermore, the rules do permit some limited lobbying, and do not bar individuals from expressing their views nor bar debates about public issues even in church meetings.

Some churches not only want to assure compliance with the exempt organization laws, but for other pragmatics reasons do have a policy in this regard. Such a policy might read:

Political Activities Policy Statement

While the church urges members to exercise their political rights to vote in elections for leadership in our local state and federal government, and in doing so to apply their Christian worldview and moral convictions, neither the church nor its officers speaking on behalf of the church shall endorse any candidate in an election, nor shall the resources, or facilities of the church be used in support of a candidate for office. Literature supporting a candidate shall not be distributed within the church. Literature about issues in a campaign may only be distributed within the church after the review and approval by the _____. However, nothing in this policy shall discourage the vigorous prophetic witness of the church and its members on issues touching matters of faith, morals and the spiritual health of the nation.

Prohibition on “private inurement”

The IRS also provides recommended language for governing documents that seek IRS tax-exempt status under IRC 501(c)(3).

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, officers or other private persons, except to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes as set forth in the Articles.

This principle/provision is simply a product of the more general rule that an exempt organization must use all its resources for the achievement of its nonprofit purposes and not for private or personal gain. Thus, the church may not use its property, resources or assets for some private purposes, but only for the religious-church purposes. For example, the church could not distribute excess funds among its members, could not divide the assets among members on dissolution, and could not pay its employees more than a reasonable compensation for the value of their services. (They may, of course, pay them less.)

Status as a “Church”

As one can see from the special treatment of churches under §501(c)(3), it is important not only to be nonprofit and potentially tax exempt, but also to be a “church.” In most cases, there is no great mystery in determining whether an organization is a “church.” With the growing diversity of religious beliefs and practices, however, the term has necessarily had to be broadened to include religions and religious groups whose customs and practices do not mirror common practices of traditional churches meeting at 11:00 a.m. on Sundays for one hour with three hymns, offering and sermon, led by a pastor.

Even within the Christian community, where there are novel organizational structures or perhaps none at all, or where almost all authority is vested in a small leadership group that seems to “profit” from the “church,” organizations may find themselves more vulnerable to questions about whether they are in fact a church. While courts are reluctant to impose rigid models for what constitutes a church, they have developed a set of general criteria by which to test entities that seem to skirt the edges of the law. In 1974 the IRS even proposed a definition of a “church” but never adopted it. However, it has compiled a list of fourteen “criteria” that have been used by some courts. (See Rev. Rul. 59-129, 1959-1 C.B. 58 and GCM 37116 [1977].)



Courts have never suggested churches must meet all fourteen, but have used them as a guide. One critic actually suggested that the original churches in the book of Acts would fail most of the fourteen criteria. These criteria are as follows:

- A distinct legal existence
- A recognized creed or form of worship
- A definite and distinct ecclesiastical government
- A formal code of doctrine and discipline
- A distinct religious history
- A membership not associated with any other church or denomination
- An organization of ordained ministries
- Ordained ministers selected after completing prescribed studies
- A literature of its own
- Established places of worship
- Regular congregations
- Regular religious services
- Sunday schools for the instruction of the young
- Schools for the preparation of ministers

The advantage of being a “church” is significant because the law provides many privileges or exemptions for churches. We have noted the privileges associated with non-filing under §501(c)(3). “Church” status also has implications for zoning regulations—usually favorable—though there have been legal disputes in zoning cases about what churches may do within their status as a church.

INCORPORATION VS. NONPROFIT ASSOCIATION

In addition to being a recognized, nonprofit, tax-exempt entity under IRC §501(c)(3), another major legal aspect of legal identity is whether the church is an unincorporated association or a nonprofit corporation. This choice is one the church makes. If it has not taken specific legal action to become a non-profit corporation, then it almost always will be treated as an unincorporated association. The chief advantages of formal incorporation are primarily the protections provided by corporate status for members and officers against personal liability flowing from mere membership in the church. While commonly members of an unincorporated association may be personally liable for debts and obligations of the association, such personal liability does not apply to corporations. Some additional advantages may also derive from state statutes further limiting liabilities of leadership, specifically in nonprofit corporations. While prior to the late 1980s, few churches in North Carolina were incorporated, now many Baptist churches, and virtually all the larger Baptist churches in the state have incorporated. Legal counsel both within the state and beyond have encouraged churches to choose the corporate form because of its protection for members against personal liability and some additional statutory protections for leadership.

More regarding the corporate option and the distinction is noted below.

CORE DOCUMENTS— CONSTITUTION (OR CHARTER) AND BYLAWS

The most basic questions about legal identity and, in fact, other questions of governance and leadership, are commonly answered in the chief organizing and governing documents of a church – commonly a Constitution (sometimes called a Charter) and Bylaws.

The most fundamental organization documents for any organization including a church are its constitution and bylaws. The constitution is the most basic, and no provisions of other documents can be contrary to it. The content of the constitution and bylaws, however, is usually basic matters such as beliefs, membership, business meetings and officers. Some bylaws become quite detailed while others are very summary in form, leaving the details to policy manuals.

Unincorporated Churches

Unincorporated churches usually have one document called “Constitution” and another document called “Bylaws.” The theory is that the constitution contains core provisions such as purpose, beliefs, governance (ecclesiology) and sometimes major officers. The bylaws, then, contain more detailed provisions about meetings, officers’ election and duties, some procedural rules, committees and sometimes policies.

Incorporated Churches

A corporation’s two documents are its “Charter” and “Bylaws.” The charter is usually very summary in form, often only including the name, purpose, government, address, registered agent, assurance of nonprofit status, and provisions for dissolution and amendment. This is the legal document provided to the Secretary of State which is the basis for its incorporation. (See Documents #1 and #2 in the Appendix.)

NOTE: The issue of incorporation has become much more prominent in recent years among North Carolina Baptist churches. The advantages and processes of incorporation are beyond the scope of this volume, but are addressed fully in Baptist Church Incorporation in North Carolina, available from the Baptist State Convention and its author, Lynn R. Buzzard at 910-893-1801 (buzzard@webster.campbell.edu).

Separate Incorporation for Child Care or Other Special Programs

A broad strategy/policy question occasionally arises in regard to whether it is wise to separately incorporate some church programs such as child care or schools. While separate incorporation may initially appear to have some advantage in insulating the church from liabilities arising from the special program such as child care, there are, this author believes, compelling reasons not to incorporate these entities separately. In sum, there are very substantial reasons to keep the ministry of the church one entity. By keeping that unity the church more clearly secures the special protections which often are applied by statute or constitution sources to churches. The declaration that these special ministries are fully and completely ministries of the church itself minimizes the potential for the separate program to lose accountability to and relationship with the larger church. Thus, the church preserves certain hiring preferences related to faith and the exempt status of the entire enterprise. This plan also eliminates the complicated filing and reporting requirements of non-church 501(c)(3) entities.



An absolutely central issue in any organization has to do with its governing authority — “Who’s in charge here?” Churches and religious organizations provide many different answers to this question. Some place final authority in denominational bodies such as conferences, presbyteries or synods. Baptist churches have historically, and often theologically placed final authority in the local church and in the congregation. Thus, Baptist churches are said to be *autonomous* (not accountable to other religious bodies) and *congregational*.

As one would expect, some Baptist churches have adopted other or mixed models. Some retain congregational authority of major decisions, but vest more operational authority in smaller bodies, such as deacons or elders.

Normally *congregational government* and *local church autonomy* have gone together, and certainly that is the common Baptist practice and “polity.” It is, however, possible to have local church autonomy, but not congregational government. Any church that owes no accountability to a denomination or other religious body would have “local church autonomy.” But a local church may choose not to vest final authority in the congregation, but in some other body — by whatever name. Thus a local church board which might be called elders, council, directors, overseers or other term could have final authority.

Again, the place such matters should be clearly addressed are in the church’s chief documents — constitution (charter) and bylaws. The manual referred to above, *Baptist Church Incorporation in North Carolina*, notes important constitution/chapter and bylaw provisions which churches should consider. In this section we will note some major typical provisions. However, some relate specifically to the authority/governance issue.

AUTONOMY

Churches should make clear their manner of internal governance and legal and ecclesiological status in relationship to other church bodies (associations, conventions and denominations). In a Baptist church this is typically accomplished by setting forth in the basic governing document’s provisions noting first, the autonomy of the church—that it is independent of outside control. Second, the congregational polity of the church should be set forth. This means the church is governed by the members acting in conference/business session and not by any board or other body.

This autonomy is crucial because it means that all decisions about the church, its doctrine, property, leadership are made within the church, and no external body has any control over the church’s decisions. The church, thus, is free to “leave” any affiliations, associations or relationships. If the “doctrine” or other matter of a conference, convention, association or denomination is no longer compatible with that of the local church, the church may withdraw. Baptist churches in this regard are quite distinct from, say Methodist churches, where the local church may not simply withdraw from a Conference.

The congregational principle means that when the local church makes its decisions, the majority (or at least the majority who show up and vote) makes the decisions for the church. It is a “democratic” principle. The congregation acting in accord with its own bylaws may fire the pastor, even change their beliefs, adopt the budget, sell the property, receive members or dismiss members. Typically the majority rules, even if that majority is quite different in beliefs or practices from the church’s founders.

NOTE: The congregational governance commitment of the church must be specifically and carefully preserved when a church incorporates. The general assumption of the nonprofit corporation statute seems to be that nonprofit corporations are governed almost entirely by a “Board of Directors.” While that is often true, it is contrary to the congregational government principle of Baptist churches. Thus, specific clauses expressing the congregational government of the church, and other clauses expressly limiting the authority of any legal body empowered to execute documents is essential. These clauses are noted below. The one titled “Congregational Government” should be in the charter or constitution. The one on “Deacons Functioning as Board of Directors” is only necessary where the church is incorporated. The autonomy provision should be in the bylaws of both unincorporated and incorporated churches and the others in the bylaws.

Congregational Government

The government of this church shall be congregational in nature, and the final authority for the operation and management of the affairs of this corporation, spiritual and temporal, shall be vested in the membership of the corporation, which authority shall be exercised in the manner set forth in the bylaws. Members alone shall have the authority to adopt and amend bylaws, approve budgets, receive members and govern and conduct the affairs of this corporation.

Deacons Functioning as the Board of Directors

The currently serving members of the deacon body shall, meeting and acting together, constitute the Board of Directors of this church. In their capacity as directors, they shall have the duties and responsibilities attendant to directors, subject however to the limitations set forth in the charter and bylaws. The directors shall not have power, except as expressly authorized by the congregation, to purchase or sell or encumber any real or personal property, to install or remove officers or staff, to amend the bylaws or charter, or to bind the corporation to any contract. Consistent with our spiritual principles, Baptist polity and long-term practice, the congregation as a whole retains the authority to govern the affairs, spiritual and temporal, of the church.

Autonomy

This church is autonomous and thus is subject to the control of no other ecclesiastical body.

Note on Legal Aspects of Church Government

Courts, seeking to respect church government concepts have typically identified two major strands of church government: congregational and hierarchical. The distinction as drawn by courts was essential when courts were asked to intervene in ecclesiastical disputes — “church fights.” Courts rather early in our history concluded they were without competence or authority to assess doctrinal matters or intrude into the internal affairs of churches. But when competing factions claimed church property or other rights, courts were often forced to develop a means of guiding while at the same time limiting their role. The courts thus concluded that there were two major types of church government — congregational and hierarchical. In a conditionally governed church, the congregation, acting in accord with its own rules and procedures, is the final authority. Thus the only task of a court in some dispute would be to ascertain whether that local congregation has made a decision, typically by a majority vote, and if so, then that ends the matter. The congregation is the final authority and neither some other church body nor a court would have authority to review or reverse the decision. Thus, if two factions fought over who was the “true church” or held the right doctrine — the court would decline to decide such doctrinal matters and if it became involved at all it would only be to assure a fair vote, perhaps enforcing the church’s own procedural rules such as quorums, notice for meetings or similar matter.

On the other hand, if the court concluded the church body was “hierarchical” in character, then the question would be what body is the highest ecclesiastical authority and what did they decide. The will of a majority of local church members would not be the final answer in a hierarchical church, but perhaps some synod, conference or presbytery, depending on how that body structures their church authorities.

How Are Decisions Made?

The basic documents should not only identify the ultimate authority, but also note as well how that authority is exercised. This is often a matter of “process.” What procedures must be followed as the congregation’s authority is exercised? Typically, for example there may

be procedural requirements for notice of meetings, prior notice of potential actions and similar rules. Some of these would be covered in a bylaw section about business meetings. They may also be covered in other sections.

CONGREGATIONAL GOVERNMENT

**Conduct of Church Affairs—
Business Meetings**

The basic documents, supplemented in a policy manual, should be very clear about when and how the congregation makes decisions. This is, of course, especially crucial when a church has a congregational polity. Some questions which need to be answered are when meetings are held, who and how special meetings may be called, how matters are placed on an agenda, leadership such as moderators of such meetings or any heightened majorities for certain actions.

Business-meeting sections of bylaws typically cover a range of topics, including annual, regular and special meetings, quorums, procedural rules, majorities required for action, means of voting, and moderator as illustrated by the sample in the Appendix.

One policy which might be addressed relates to the audio recording of business meetings. There are two contexts in which there may be special reasons for such recording. One would be when the clerk prefers to have a recording so that the notes he/she has taken may be checked against the recording to be sure the minutes are formally recorded and that they are accurate. A second context might be where some reason, perhaps legal, exists to be sure there is a full and accurate record of what action was taken, what was said, etc. Other “recording” issues, however, have involved surreptitious recording of meetings — without notice to others that the meeting was being recorded. Here a couple of obvious policies might be set, as noted below.

Business-Meeting Recording Policy

- 1. No electronic or mechanical recording of business meetings by any person shall be permitted except as set forth within this policy.*
- 2. The clerk, or person acting as clerk for any meeting may, provided notice is given at the outset of the meeting, and no motion to bar such is adopted, record the meeting solely for the purpose of assisting in the creation of accurate minutes of such meeting. Such a recording will not be copied, distributed or made available to others, and shall after minutes are prepared, reported and accepted, be destroyed unless the church takes action instructing otherwise.*
- 3. The moderator or other member may propose that the meeting be recorded and that the recording be retained by the clerk as a full record of the meeting. The church may then by majority vote approve the recording. Such recording shall be retained as part of the official records of the church until such time as the church orders otherwise. It may be*

copied by the clerk solely for purposes of assuring a backup copy. It shall not, absent church authorization, be distributed or made available to any person.

4. *No person shall have the right to record any church business meeting without approval by the church, and such recording and subsequent distribution is expressly prohibited absent the consent of the church through a motion made and adopted.*

Note: Exception to “Majority Rules” Principle?

Normally congregational government means, in effect, that the majority rules in making decisions for the church. So, at a business meeting you take a vote, and the majority decides. However, in far too many churches, there is only a small percentage present at many congregational meetings. In some churches where quarterly meetings are held on Wednesday night, the percentage is less than even ten percent of the members present. The problem, then, is that a very small group can actually make decisions for the church. While they are a majority at that meeting, they may not represent the real will of the church at all. In fact, in some situations there have actually been deliberate attempts by small groups to have “their” people show up at a meeting specifically to control it, knowing it will not take very many. These surprises or even ambushes rely on poor attendance.

It may be that on routine matters, this situation poses no serious problem. On major decisions of the church, however, such as the purchasing of property, hiring or dismissing staff, major budget decisions and similar matters, these should not be decided by a surprise motion at a meeting controlled by a handful of members.

How can this problem be avoided?

Several options can be integrated into church business procedures to avoid these temporary majorities controlling major church decisions. Here are a few of the common procedural approaches to this problem:

1. Schedule business meetings on Sunday morning as part of worship.

This does solve the problem of poor attendance, but creates other problems in having an effective business meeting with thorough and open discussions. Such meetings tend to be very short and may be effective for routine actions and quick votes; they are not desirable for serious discussion.

2. Require items of business to be presented first to a reviewing body.

Some bylaws require that any proposed item of business must first be presented to the deacons or other body that may then review the proposal and have an opportunity to have input into it. This provides some advance notice of items of business that may arise, and thus may encourage attendance on items of concern and eliminate some of the surprise. This may help, but has the disadvantage of allowing some committee or body to have too much control over items of business.

3. Require multiple votes on certain items of business.

A rare but sometimes-used device is to require certain items of business to be approved at two successive meetings, thus again avoiding impulsive or surprise actions. This, however, is a bit cumbersome. The procedure may be limited to major items such as motions involving sale or purchase of property, budgets and similar matters.

4. Require proposal and vote to be at successive meetings.

A frequent mechanism is to require that church actions be proposed at one meeting and not acted on until a subsequent meeting. This requirement may be limited to proposals not coming from committees or church bodies.

5. Limit who may make proposals.

One approach has been to either only permit committees to make motions or to require their approval. While perhaps effective, it seems a process clearly contrary to principles of congregational government and is likely to create a sense that church matters are improperly controlled by a few.

6. Special powers to table/refer matters not previously disclosed.

An approach set forth below is to permit any member to require that a matter not previously announced as being part of the agenda, and which involves a major item of business, be tabled and referred to the deacons or other appropriate committee for their review. This proposal permits ordinary items of business to proceed on a majority basis with any items of business that had been disclosed as being on the agenda. It prevents mere momentary majorities from taking final action on undisclosed items of major importance. This approach would be reflected in a bylaw clause such as below.

Matters Requiring Special Procedures

On any motion before a business meeting dealing with the purchase or sale of real property, employment terms or salaries of church staff, removal of officers, modification in the overall budget exceeding \$500, or affiliation relationships of the church, where the membership has not been given notice of the general subject and nature of the proposals to be voted upon at such a meeting, any member may, by request at such a meeting, require that the motion be referred to the deacons and an appropriate committee. They will then have up to thirty days to make a non-binding recommendation regarding the proposal. The congregation may vote upon the motion at the next special or regular business meeting.

LEADERSHIP ISSUES

Core documents should also make clear how major leadership is selected, their duties, accountability, limits of authority, and terms of removal. In any organization, leadership is vital, and in churches is a major source both of their ministry and often their conflicts. In church bodies, the major leadership is commonly of two types: paid staff and elected lay leadership. Bylaws should spell out with some specificity the key elements in employing staff leadership and in the elected lay leadership. This necessarily involves questions of hiring process (qualifications, search and recommendations, who hires/elects/fires, etc.), and duties and responsibilities.

In addition to the paid staff, the major leadership groups to cover would be the following, if they are in your church structure: deacons, elders, church council and trustees. Other officers covered would normally include treasurer, financial secretary, clerk and moderator.

Note on Role of Deacons

A major effort in recent years has been to recover the servant and ministering role of deacons, as opposed to a more management and administrative role. Certainly that is consistent with the Biblical notion of deacons, though deacons in Baptist churches have probably long had a more expansive role than the role of deacons in Acts. A potential problem with the trend, however, is that unless some other body is identified as having an oversight role in the administration/management of the church, then a vacuum may be created. In an organization there is a need for a body that is charged with an overview of the whole organization and its spiritual and administrative health, and not focused on detailed programs. While Baptists with their commitment to congregational government properly resist any group becoming a “board” which “runs the church,” there is a need for administrative and mission-strategic thinking and oversight. Those who accept administrative roles in the church should not simply be thought of as administrators. Since “service” is a spiritual gift, they should be viewed as “servant-leaders.”





MEMBERSHIP POLICIES

Though a few churches today may de-emphasize membership, or perhaps not even have membership in any traditional sense, membership remains for the vast majority of churches an absolutely central concept and practice. Those churches that have dispensed with formal membership would certainly require alternative structures for authority and governance and obviate “congregational” governance. For most churches, membership is not only a sign of commitment to the community of faith, but also a legal and governance matter signifying certain rights such as voting, holding office and an entitlement to information about the church such as financial reports. For congregationally governed churches it is even more significant because the congregation’s membership is the final authority for the operation and control of the church. Yet even for churches without a full congregational form of church government, membership entails a bundle of substantial rights as well as spiritual duties.

WHO IS A MEMBER?

For legal as well as practical reasons, there certainly needs to be a definitive list of those who are “members.” Typically the maintenance of an official list is charged to the clerk who maintains a membership roll. This roll notes the date of membership, the action accepting them as members, perhaps the means by which they became members (profession of faith, letter, statement). It also notes if their membership was terminated and how (death, letter, church action, request).

The requirements in most churches are set forth as adherence to the doctrine or faith of the church. Members should have experienced believer’s baptism by immersion and reception by a majority vote of the church. The requirements are set forth in the constitution, bylaws and covenant. If the request has been based on a letter from another church, the provisions may indicate the membership is only effective on receipt of the letter.

NOTE: Baptism exception — in some cases a church may authorize membership without immersion baptism in cases of physical impossibility or severe hardship. Such a waiver may be a suspension rather than a complete abrogation of the requirement. A clause providing such might read as follows:

Conditions of Membership

The membership of this church shall be composed of persons who have confessed Jesus Christ as their Savior and Lord, who have been baptized by immersion, and who have been received by majority vote of members present and voting. The requirement of immersion baptism may, on recommendation of the pastor and consent of the deacons, be suspended in cases of physical impossibility or severe hardship.

WATCHCARE

Some Baptist churches have a category of “Watchcare” which seems to be construed rather differently among churches. Often clauses related to watchcare are poorly drafted. For some churches this status is merely an interim state between congregational approval of membership and the receipt of a letter from a church where the newly accepted member had a prior membership. For others it is a category of relationship to the church for persons who may not wish to become members, such as college students who will worship at a church when in the community, but retain their membership in home churches. It is important to be quite clear about what it means and what it does not mean. Typically it does not include rights to vote or hold office. In that sense it might be best not to describe it as a “membership” category at all, but simply as a “watchcare relationship” to avoid any future disputes about rights and duties. A watchcare clause used by one church reads as follows:

Spiritual Watchcare

Persons who are temporary residents in the area of the church or who are members of a church of another denomination may come under the spiritual watchcare of this church. Such persons shall, except as qualified below, have the same rights and privileges as those ordinarily afforded members of this church. They shall receive pastoral care but shall not vote in church business conference nor hold office in this church or in any of the church organizations filled by vote of the general church membership.

CLASSES OF MEMBERS

The Articles of Incorporation require the document to state whether there are “classes” of members. The issue also arises with unincorporated churches. This basically asks whether all members are the same in terms of their status, rights and duties. While one might initially think that all church members have the same rights, that is often not true. For example, any bylaws that provide for limits on voting rights based on age (such as a minimum age), or limits of right to hold office may, in effect, create “classes.” That would also be true if the church had an “inactive” or “nonresident” class of members that affected voting rights. The easiest way to address this in the Articles of Incorporation is simply to note the following: “The church shall have such classes of members as set forth in the bylaws.” Then the bylaws can spell out any of these special provisions.

RECEPTION, STANDARDS & EXPECTATIONS OF MEMBERS

It is the opinion of this author that churches too often inadequately “guard” membership. Common patterns provide for persons to present themselves for membership at a worship service. A rather perfunctory vote of the church is then taken that often involves little awareness of who the persons are who are coming to be a part of the church. There is often very little if any prior pastoral or other counsel to the new member about the expectations and meaning of membership. It would seem more appropriate to establish a process of some potential new member orientation sessions, and a more meaningful presentation of potential new members rather than the mere recital of their name followed by an instantaneous vote.

A bylaw provision expressing the common pattern of churches could read as follows:

Reception of Members

Persons may present themselves at a regular church service for membership. At the discretion of the pastor, the church may, as set forth in these bylaws, request the moderator to call the church into special session and vote on the membership of the candidate, or the pastor may acknowledge the desire and postpone the vote until some subsequent meeting.

A clause which assumes some prior process with a candidate might be as follows:

Reception of Members

Any person desiring membership in this church may present himself as a candidate in response to the invitation at any worship service. The presiding officer shall accept his application and refer it to the membership committee. Either the membership committee or the pastor will meet with the candidate to acquaint him with the bylaws, covenant, statement of faith,

and programs and policies of the church. After receiving his affirmative commitment to the responsibilities of membership in this church, the membership committee shall present the applicant to the church. Upon the majority vote of the members present and voting, he shall be accepted in accordance with the constitution. The applicant may choose to confer with the pastor or the membership committee before presenting himself to the church as a candidate for membership; if so, he may be received immediately by the majority vote of the church.

RIGHTS & DUTIES OF MEMBERS

Typically duties are expressed in broad terms such as support for the ministry of the church. Rights are more critical from a policy standpoint. Most commonly the rights are as follows: voting, eligibility to hold office in the church, and by general implication the right to financial and other reports from the church, and participation in the church’s ministry and worship. A minority of churches impose an age limit such as 13, 16, or 18 and older for voting rights. A few churches limit the voting rights only on certain identified issues such as the election or dismissal of the pastor or officers, or the purchase of real property.

Dealing with “Inactive” Members

Among the most troublesome problems some churches have experienced is the substantial number of members who in fact have little relationship any more with the church. They attend almost never if at all and some are no longer even known. Churches have seemed very reluctant to remove members from the roll, sometimes for quasi-theological reasons, but more often because of potential backlash from relatives of the inactive persons.

Such inactive members not only threaten the integrity of the meaning of membership, but they have all too often suddenly appeared to vote on controversial questions. They apparently are not infrequently lobbied by factions and then show up to determine the course of the church. Some churches seek to address this problem by creating a category of “active” and “inactive” members and limiting the inactive members voting rights. Such a provision is permissible, but the key is to have objective standards by which such status is created. Merely the words “inactive” are insufficient in meaning, and such language would not make clear the process by which a person is identified as “inactive.” To avoid arguments about who is active enough, a process such as the following would provide clarity:

Inactive Members

The deacons shall not less than every three years review the membership rolls of the church. For those persons who, without good cause, have not participated in the life of the church in the past six months, the deacons shall seek to make personal contact and determine the reasons for their inactivity and

encourage them in their relationship with the church. In the event such persons cannot be contacted, or the persons indicate a desire to be placed on an inactive roll, or the deacons believe an inactive status would be appropriate, the deacons may recommend to the church those persons to be placed on an inactive roll. The church by majority vote may then place such persons on the inactive roll. Persons on an inactive roll shall not be entitled to vote on any matter before the church. Persons may be removed from the inactive roll and returned to the regular church roll by congregational vote initiated by a request of the member or by recommendation of the deacons.

Church Discipline

An almost forgotten practice, even when retained in bylaw language, is the exercise of church discipline. Perhaps criticism of the manner and basis for church discipline in other times has intimidated modern churches. Certainly some contemporary notions that emphasize being nonjudgmental and “open” militate against any church discipline. On the other hand there are strong biblical and traditional ideas of discipline in the church. Historically and theologically such biblically grounded discipline was not chiefly about summary dismissal or “shunning,” but a recognition of the church’s duty and obligation to fellow members to hold persons accountable and responsible to the community of faith. Church discipline thus included education, counsel, warning and suspension of rights or dismissal as a sort of last resort. A book by this author prepared some years ago, explores the biblical and historical roots of church discipline, notes legal issues, and suggests that churches ought to recover a true biblical sense of discipline. (Buzzard and Brandon, *Church Discipline and the Courts*, available from the author.)

A bylaw clause providing for such disciplinary authority might read as follows:

Church Discipline [short form]

Church discipline shall be exercised in accord with the principles and practices mandated in Matthew 18 with a primary view to the ministry of reconciliation and restoration.

Church Discipline [long form]

1. *The deacons may recommend the formal discipline of any member by censure, removal from office, suspension or revocation of membership for any conduct prejudicial to the interests of the church and the cause of Christ.*
2. *All disciplinary proceedings and actions shall be undertaken pursuant to biblical process set forth in Matthew 18 and the spirit of the biblical commitments to confession, repentance, forgiveness and reconciliation. Private admonition, spiritual instruction and encouragement to faithfulness must precede any recommendation of formal church action.*
3. *No member shall be disciplined nor recommendation for such discipline forwarded to the congregation until the member shall have been notified, or bona fide effort made to notify, of such pending matter. The notification should include information about the charges and an opportunity to appear before the deacons and pastor in person and to forward information relevant to the matter.*
4. *Any recommendations regarding discipline shall be made at a regular or special church business meeting with prior notice of the general subject matter and proposed recommendation being provided all the members. The member against whom action is proposed shall be given an opportunity to be heard at the congregational meeting. A two-thirds vote shall be required to approve any deacon recommendation in connection with this article.*

OTHER ELEMENTS OF ORGANIZATIONAL POLICY

COMMITTEES

Committees and other working groups are vital for the effective functioning of a church. Not all such groups are necessarily designated “Committees” but function in much the same way – implementing and giving leadership to specialized ministries of a church. Such structures allow the gifts of members to be exercised in the life of the church and make the church truly a “body” as Paul described it.

Typically committees are divided into Standing Committees – referring to those committees which have relatively long-standing existence, and special or ad hoc committees appointed for a very specific and normally limited period of time. An example of the latter might be a building committee, a special mission-project committee, or a bicentennial committee.

Problem: Lots of Committees Doing Nothing

A classic problem with committees has been that churches often have long lists of such committees, and yet in too many instances the committees do nothing, have no guidance, and are simply reelected annually, often in small churches with the same members. Committees thus tend too often to become meaningless and teach the wrong lesson – that serving on a committee means little in terms of leadership, initiative or responsibility. Pastors and other church leaders often do little to help committees seize their opportunities. Committee structures and systems need to assure that committees are nurtured and resourced AND held accountable.

Utilizing a Committee Handbook

Many church bylaws contain provisions about committees including their composition, election, leadership and duties. However, this information would be much more useful if put into a committee handbook, as part of the larger policy manual, or a separate document. By placing this information in a committee handbook instead of the bylaws, two advantages are gained. First, it is much more accessible to members of the church. Frankly, who reads or knows where their copies of the constitution and bylaws are? A committee handbook is much more likely to be used by both members of committees and general church members. Second, it is much easier to keep up to date. Often committee descriptions in bylaws reflect judgments made many years ago, and the bylaws are not easily amended. Therefore, it is difficult to respond to new opportunities and adjust the scope and composition of committees.

A committee handbook, however, could be easily and inexpensively produced and modified by the church. This does not diminish the role of the congregation since they still must approve the contents of the policy manual or committee handbook. It simply makes accessibility and adaptation much easier.

Many churches are now changing the terminology from “committee” to “task force” or other modern terminology. The new language is often developed because of concerns that the notion of “committee” has too often meant a group routinely elected because it is in the



bylaws, but that does little, and has no focus. Certainly, whatever the name, having these groups described and set forth in a more functional and workable policy manual may encourage keeping the list of such groups up to date, and even mobilizing them. If this approach is taken, the bylaws should contain a much more general clause authorizing committees and referencing the committee handbook. Such a clause might read as follows:

Section 1. Committees

The church shall elect such standing and special committees as may be deemed necessary to carry on the various phases of the program of the church. These committees shall be elected by the church upon the recommendation of the nominating committee unless the church directs their appointment in a different manner. All committees serve at the pleasure of the church and shall in no event have any authority to act for the church except where specifically authorized.

Section 2. Composition, Duties and Election of Committees

The composition, duties and means of election of all committees, standing and special, shall be established by the church and set forth in a committee handbook made available to all church members.

The committee handbook (whether separate or part of a church policy manual) would then cover the following elements:

- a. How committees are created
- b. Composition of committees
- c. Election and terms of members (including eligibility for reelection)
- d. Committee structure, organization and officers
- e. Duties of committees—general and specific (meetings, reports, special assignments)
- f. Training and orientation
- g. Accountability to church (noting that committees are not authorized to act on their own but to implement church decisions and make recommendations to the church)

CHURCH OFFICERS & LEADERSHIP

The policy manual may restate or often amplify provisions in the bylaws regarding the selection and duties of various officers and church leadership. These would normally include the primary church officers and other church leadership as noted earlier, but also other church leaders such as the following:

1. Organizational officers such as WMU, Baptist Men
2. Sunday School officers
3. Church Council
4. Others

STAFF

This organizational section of a policy manual may also include a section on staff, though most of that is covered in the Personnel Section. One element which may appear here, however, would be an organizational chart or description of lines of authority and accountability.

ORGANIZATIONAL CHART

While in very small churches, an organizational chart may seem unnecessary, as churches grow more complex in terms of committees, task groups, various layers of lay leadership and paid staff, it is often useful to lay out in a visual form the lines of authority. Thus, personnel manuals or broader policy manuals may include a section with such a chart.



CONFLICTS OF INTEREST

Can a church choose to favor a local church member who is an insurance agent and buy its insurance from his firm, or similarly buy office supplies from a church member's business? When is this appropriate and mutually helpful and when might it be inappropriate?

These and many similar situations illustrate the potential problems of conflicts of interest, typically involving financial situations. The more complex, large and active the church, the more likely such "conflicts" may arise involving staff, members, businesses and others.

The church may find it helpful to set forth a specific conflict-of-interest policy even though the contexts for its importance are less frequent in a church than in large nonprofit organizations or businesses. The policy should include several elements: a general statement of policy, examples of potential conflicts, and procedures in the event of allegations or instances of a conflict.

The purpose of such policies is to avoid actual or apparent confusion and mixing of personal interests, chiefly financial, and church interests. Having such policies not only sets forth the church's principles, but also recognizes that often in small organizations there are situations where appropriate financial relationships may exist between members and the church – and it often is not only permissible, but very advantageous.

The Legal Duties of Loyalty

General principles of nonprofit law, as well as some statutes, emphasize a "duty of loyalty" of directors and officers of nonprofit organizations. This duty requires that such leaders not use their positions of influence or knowledge gained as a result of their leadership for personal gain. The law does not absolutely bar any business or financial transaction between leaders and the organization, but does require full disclosure of any self-interest of an officer or leader and that they normally may not vote on such transactions.

Conflict-of-interest issues may arise in a range of contexts too varied to be set forth fully. However, among common areas of actual or potential conflicts of interest would be appropriating or using church resources for personal gain, receiving benevolence gifts or scholarships from the church for oneself or family members, having a financial interest in a business from which the church purchases services or materials, using information gained through the church for personal use in ways that conflict with the church's interests, using one's role in the church as a basis for personal favors such as discounts.

Model Statement of General Policy

Conflict-of-Interest Policy

Those in positions of church leadership shall recognize the trust that is placed in them as stewards of the resources and ministries

of the church. They shall act in the exercise of their duties and leadership with the best interests of the church as the first priority and prayerfully exercise their best judgment in providing that leadership on behalf of the church. No church staff member, officer or leader shall use his or her position, or knowledge gained through their roles, in any manner that creates a conflict between the interest of the church and its ministry and his or her personal interests. In order to comply with both legal and spiritual principles, and to avoid any appearance of impropriety, church leadership must be sensitive to potential conflicts of interest, and comply with the provisions of the conflict-of-interest policy of this church.

In addition, it may be helpful to set forth procedures where such conflicts might exist. These procedures essentially track the legal obligations which assure that the duty of loyalty is observed. At the core of these procedural rules are two factors to be considered by a person in a leadership and/or decision-making role if they may have some personal interest such as a financial stake in any business or transaction of the church: 1) That any potential conflict is disclosed, 2) That the person does not participate in the decision (such as voting or debating the merits) of the church to engage in the transaction. Here is a sample procedural policy that implements those factors:

Procedures in the Event of Potential Conflicts of Interest

The church recognizes that not all potential conflicts of interest are inappropriate, and some actually are in the best interest of the church, as when the church purchases supplies or property from a church member or leader who has a financial interest in the business or property. To assure, however, that such transactions comply with conflict-of-interest principles and avoid any appearance of impropriety, the following procedures shall be observed:

- 1. Disclosure of Interests: Whenever a church leader may have a financial or other personal interest in a proposed transaction, he or she shall disclose such interest prior to the church's consideration of the transaction. Such disclosures should be made in writing to the church body involved in the transaction and such disclosure documents maintained by the church.*
- 2. Nonparticipation in Decisions: The church leader who has such a personal interest shall not vote on whether such a transaction is approved, make motions on the matter, or execute documents formalizing the transaction. Such non-participation shall be documented in minutes of the body acting on the proposed transaction.*



GENERAL CHURCH POLICIES

CHURCH PROPERTY POLICIES

FOOD SERVICE POLICIES

WORSHIP & SPECIAL SERVICES

SPECIAL MINISTRIES & EVENTS

VEHICLE POLICIES

COPYRIGHT RECOGNITION POLICY

COMPUTER POLICIES

WEBSITE POLICIES

MANAGING CRISIS – DISASTERS,
INJURIES, ALLEGATIONS

AIDS/HIV POLICIES

HARASSMENT/SEXUAL MISCONDUCT

*“Now you are
the body
of Christ,
and each one
of you is a
part of it”
(1 Cor. 12:27)*



CHURCH PROPERTY POLICIES

This section reviews a wide range of church policies related to the church's real and personal property. Included in this section are the following sub-topics:

- Premises Liability
- Maintenance and Housekeeping
- Use by Facilities for Non-Church Purposes
- Certain Prohibited Activities
- Use of Personal Property of the Church for Non-Church Purposes
- Safety and Security Matters
- Special Types of Church Property (Cemeteries, Rental Property, Parking Lots, Playgrounds)
- Insurance
- Zoning
- Property Subject to Reversionary Interests/Rights of Reentry
- Property Tax Exemption

PREMISES LIABILITY: LIABILITY FOR INJURIES ON CHURCH PROPERTY

A church's physical property is not only one of its major ministry and financial assets, BUT also an important arena for policies regarding its use, protection, and risk management associated with the property.

A frequent question that churches ask concerns potential liability for injuries suffered by persons using the property. Inquiries have been growing concerning potential liability of the church if children are permitted to use a playground or basketball court without supervision. Is there is any liability for injuries to children who play in a wooded area near the church? What about liability for injuries to children from another group that uses the church facilities? These and similar questions are common.

Property-related injuries at churches are common. A 1995 study of 641 churches found over 50 percent reported one or more accidents requiring medical attention within the last three years. Even the smallest category of churches, those with less than one hundred members, found over one-fourth had such injuries. Typical sources of injuries include playgrounds, slippery exterior walkways because of ice, snow and rain, pavement problems such as uneven surfaces or holes in parking lots, loose carpeting or runners, interior floors and walkways that are obstructed or slippery from wax or spills, hoses or

pipes or cords across walkways, missing handrails, inadequate lighting and other similar problems.

Premises Liability

"Premises Liability" is the term used to refer to liabilities that arise over injuries on the premises. Churches, as other property owners, may be liable for injuries which occur on the church's premises. Whether they are liable depends on many factors including the cause of any injury, whether the church had acted reasonably in regard to the risk the property might pose, and even a legal question about the status of the injured party.

Premises Liability Law

The law in almost every state recognizes different duties of property owners toward those who 1) come onto the property with the owner's permission, and 2) those who are not invited, such as trespassers. Until 1999, North Carolina law also recognized a distinction not only between trespassers and those with permission, but also between persons who enter the land/property of another with the owner's permission. This distinction, common in many states and older laws, was between a licensee and an invitee. A "licensee" was one who entered the premises with the owner's permission, whether express or implied, in order to serve his own purposes rather than the landowner's interest. Different duties applied to licensees and invitees. The North Carolina Supreme Court in 1998 abolished this old common law distinction between licensees and invitees and created instead a category of "lawful visitor," but maintained the category of trespasser (*Nelson v. Freeland*, 349 N.C. 615, 618, 507 S.E.2d 882, 884 (1998)).

Church's duty to protect those it invites onto its property

The Supreme Court stated in *Nelson* that "we do not hold that owners and occupiers of land are now the insurers of their premises," and went on to state explicitly, "we do not intend for owners and occupiers of land to undergo unwarranted burdens in maintaining their premises." The court then held that it was imposing upon owners and occupiers "only the duty to exercise reasonable care in the maintenance of their premises for the protection of lawful visitors."

Reasonable precautions and actions

In the case of "lawful visitors" (persons who come onto church property say for worship, ministry, performing work at the church's request, recreational activities, outreach programs, day care, etc.), the church has a duty of "reasonable care" which includes at least two elements:

1. Reasonable inspections of the property to ascertain dangerous conditions

The landowner will not be held liable for the lawful visitor's injuries caused by the condition if the landowner could not have discovered the condition. The landowner's duty of reasonable care applies to those areas of the premises that the in which a lawful visitor. It includes, of course, aisles, passageways and parking lots.

Inspections should include a comprehensive walk-through of the property, assuring that electrical extension cords are not used inappropriately, that exits are properly lighted, accessible and identified, that smoke and fire detectors are functioning, that fire extinguishers of the proper type are available, that flammables are not improperly stored, and that, in general, fire regulations are observed. Exit plans should be clearly marked in interior rooms and hallways.

Several sources provide detailed inspection guidelines both to assure good maintenance policies and to address potential areas of liability. Church Mutual Insurance Company has produced a packet of brochures in "The Protection Series" which covers a range of suggestions and checklists. By way of illustration, the series includes such titles as *Safety at Your Playground*, *Make Your Camping Activities Safer*, *The Road to Safer Transportation*, *Recognizing Your Liability Risks*, and *Make Activities Safer at Your Worship Center*. Church Ministry Resources at P.O. Box 1098, Matthews, N.C. 28106 has also produced a manual of checklists with several modules including *Building Maintenance and Accident Protection*, *Fire Prevention and Control*, *Safeguarding Playgrounds, Recreational Facilities and Equipment* and similar topics. These detailed checklists may be very helpful to Property Committees as they engage in periodic property inspections.

2. Correcting, repairing or removing known dangerous conditions

Where a dangerous condition exists, the church has a duty to take steps to correct the problem. Here again, the church must take those steps that a reasonable person under similar circumstances would take. The property owner is NOT an insurer who is liable for all injuries, but only for those that result from its failure to take reasonable precautions.

Negligence and reasonableness

Ordinary legal liability normally arises only where a person (or group such as a church) has been "negligent" in regard to his or her own behavior. Negligence is found when a person, under the circumstances, did not act with the standard of care of an ordinarily prudent person. There is a duty to exercise reasonable and ordinary care to keep premises safe, including a duty to correct or protect against hidden defects. Thus, for example, an ordinary prudent person would not leave a large hole in the ground where a person might fall and be injured, or leave a pipe going across a walkway, or fail to put handrails on steps. Of course some of the requirements of reasonable care may be embodied in building codes and fire prevention standards, but not

all reasonable steps are required by some state or local laws. Ultimately a jury decides whether the landowner acted "reasonably."

What about "uninvited persons" such as a trespasser?

The N.C. Supreme Court's 1998 decision left intact the law governing a landowner's or occupier's duty to a trespasser. A landowner may be found liable for injuries to a trespasser only on some finding of special culpability such as wanton or willful injury or evidencing a reckless indifference to the interests or rights of others, or of course if it is done purposely and deliberately in violation of law. Mere carelessness or negligence is not enough.

What is the status of frequent entrants without permission?

On the other hand, liability to a trespasser is imposed if the trespasser is expected and the landowner deliberately creates an inherently dangerous condition and leaves it with a deceptive appearance of safety in order to trap or harm the intruders. For example, if a church knew that persons typically and commonly used the property, such as an outdoor recreational field or basketball court, then the church might be liable if it knew of a dangerous condition and hid that fact — or certainly if they deliberately left the condition as a "trap" to catch or harm trespassers.

Trespassing children

Child trespassers pose a special problem, and frequently the trespassers a church is concerned about are children who may use church playgrounds, fields, basketball courts, or other recreation. In legal fact, a child who comes on the property of another without permission is a trespasser. Historically, North Carolina common law held that a landowner has higher duties of care in regard to child trespassers than they do to adults, especially when they are known. Adult trespassers not only may know they are trespassers, but are likely to be aware of dangers, whereas children do not have experience or judgment to recognize the risks. Thus, courts have developed the doctrine of "attractive nuisance" designed to protect young children. "Attractive nuisance" doctrine applies when certain conditions are met:



1. A dangerous condition or instrumentality is on the landowner's premises;
2. The condition or instrument is attractive to children;
3. The landowner knows or should know that young children have come or would be likely to come in contact with the condition or instrumentality;
4. There is an unreasonable risk of injury involved from the condition or instrumentality;
5. The landowner fails to exercise reasonable care to guard against such risks.

A landowner is not required to make his property childproof, but must take reasonable precautions against foreseeable risks. What is reasonable will include many factors including the ease or difficulty of eliminating the danger without destroying the usefulness of the condition.

"Attractive nuisance" doctrine normally applies to artificial rather than natural conditions of the land. Churches owe a minimal degree of care to trespassing children who are injured due to a natural condition (such as a tree or naturally occurring pond or lake).

Members of the public entering land for educational and recreational purposes

To encourage landowners to make their property available to the public at no cost for educational and recreational purposes, the North Carolina General Assembly enacted a statutory limitation on the liability of a landowner to persons entering the land for those purposes. The statute provides that "one who directly or indirectly invites or permits a person to use his land at no cost for educational or recreational purposes owes that person the same duty of care that a landowner owes to a trespasser" (N.C. GEN. STAT. § 38A-1 [1995]).

In general, churches will rarely be liable for injuries to persons on their property unless 1) the church was in some respect "negligent" in not acting "reasonably" and 2) that negligence was the "cause" of the injury.

Causation

Of course, a church may be liable only if its negligence was a contributing CAUSE of the injury. It need not be the sole cause, but if it is not the cause at all, then the mere fact a person was even injured on the church property does not make the church liable.

To take these legal factors into account in church policy, here is a sample of such a policy.

Premises Inspection Policy

The Property Committee shall, not less than annually, physically inspect all church properties owned or used by the church for any unsafe conditions, and shall report to the church their findings and recommendations for action. In conducting this review they shall consult available property and inspection guidelines which may assist in their assessment. In the event they report any such unsafe conditions, they shall assure that

repairs or other appropriate action is taken promptly and re-inspect within thirty (30) days to assure the property condition has been rectified. They shall also take immediate steps to warn and otherwise protect persons from injury from any discovered defect.

The committee shall maintain records of its inspections, reports and corrective actions taken by themselves or others whether volunteers, employees or independent contractors.

Other committees and officers or personnel shall also report to the chairman of the Property Committee or senior staff any conditions they believe may present a hazard or risk of injury.

Property maintenance and housekeeping

Churches should be clear on three major matters here:

1. Clarifying responsibility for overseeing maintenance, and
2. Specific guidelines/instructions on what routine and special maintenance is to take place and by whom, and
3. Responsibility and guidelines for routine weekly/monthly maintenance.

In many churches a Property Committee, or in some churches, the trustees, have general oversight over the property. In addition, there are often part-time paid staff who have maintenance duties such as cleaning, lawn care, etc. The roles and duties of all such persons or groups should be set forth.

A comprehensive policy should include a schedule of periodic property checks on matters such as lighting, locks, HVAC systems, as well as lists of routine duties to be carried out by custodial/housekeeping staff.

• **Inventory**

An important aspect related to maintenance is the creation and updating of an inventory of all the property of the church, real and personal. This may be especially important in the insurance and security context. An inventory should include the items purchased by the church, date of purchase, where purchased and cost. A file should be kept with warranties, receipts, manuals, etc. Churches may wish to affix identifying tags to all church property for tracking purposes. This may also be important in the case of missing items or theft.

As noted, various organizations should produce checklists for periodic maintenance and accident prevention. The Premises Inspection Policy suggested above should help enable this.

Property Inventory

The Property Committee shall maintain and continually update an inventory of all church real and personal property, dates of acquisition and cost, any warranties and manuals, any registration or other identifying numbers and, where appropriate, assure the attachment of tags or markings identifying the property as church property.

• Housekeeping policies

Whether routine cleaning and housekeeping is performed by paid staff or volunteers, the church should develop rather specific “task” lists for custodial personnel detailing what is to be done and with what frequency. Normally, such detailed “work sheets” would not be included in the basic church policy manual, but are still important operating documents that the church office would maintain in a procedural manual. The church policy and procedure manual should, however, identify the need for such and the responsibility for its development. Obviously, in churches with large paid staff, many of such policies will be initially created by and implemented by paid staff. In smaller churches where much of this work is done by volunteers, the formal creation of a document listing duties may be even more important because the tasks are performed often by different people and there is less continuity of personnel.

Work-list divisions

Housekeeping tasks might be divided into two lists – one related to the church buildings and the other to grounds maintenance. The building portion itself would probably also distinguish tasks for separate portions of the facilities such as sanctuary, fellowship hall, kitchen, and restrooms. Such duty lists might be also created as task check lists which custodial staff or volunteers would check off, date and return to the office. Such housekeeping work/task lists should cover any daily maintenance and, where appropriate, weekly tasks, monthly and annual housekeeping.

Areas to include

Buildings/Facilities: Among the topics to consider covering in such housekeeping lists of duties and procedures would be areas such as routine cleaning, floor care, handling trash, office area cleaning, special sanctuary housekeeping, baptistery maintenance, restroom care.

External Facilities/Grounds: Lawn care, landscaping, roads, walkways, lighting, recreational facilities.

A provision in the church policy manual related to these priorities could read as follows:

Housekeeping and Routine Maintenance

The Property Committee shall in consultation with staff assure the development and use of detailed regular housekeeping tasks lists and procedures to assure that those responsible for custodial and housekeeping duties have clear guidelines covering responsibilities both for building and grounds regular maintenance.

Use of church property for non-church purposes

Many churches permit groups or individuals to make some use of church premises, including fellowship halls, meeting rooms or recreational facilities. This is often seen as an appropriate service to the community, a means of good-neighborliness. Often such outside groups may also include church members.

Policies regarding such use are crucial to assure that any such use is consistent with the church’s purposes and beliefs, does not threaten its tax exempt status, does not create excessive maintenance problems, or pose serious liability risks. Clear guidelines can avoid potential problems with outside use. Typically policies in this area include at least



three elements: first, rules on permissible uses; second, procedures for securing permission; and third, duties of permitted users. Thus, factors which should be addressed in any such policies include these:

- What types of uses are permitted?
- What facilities themselves may be utilized?
- Are there prohibited activities? (Such as political, commercial, fund-raising, dancing)
- What are the procedures for making requests? (Requests, forms, authority)
- Are there charges for such use?
- Who is responsible for clean-up, restoration?
- Are there different policies for occasional use versus regular use, such as weekly or monthly?
- What about use by other churches or outside religious groups?
- Who provides security, supervision, opening and lockup?
- Are there insurance issues?
- What personal property may be used? (Recreational equipment, kitchen supplies, etc.)
- Are there different policies for non-church uses by church members, e.g. family reunions, parties?

A few legal and other observations may be helpful:

Commercial activities

Nonprofit organizations should generally avoid lending their assistance, including providing facilities, for commercial activities. While rare usage of this sort would probably not result in a serious problem, it does raise the question whether the nonprofit purposes are being violated. It may also raise issues of property tax exemption. As a practical matter a clear policy barring commercial activities may also avoid sensitive issues when church members wish to have use of the facilities for such commercial ventures.

Liability for injuries

Churches should be especially careful when outside groups are going to engage in activities involving youth, senior adults or other groups where the risks of injuries or problems is greater. In such instances, it would be wise to assure that such groups maintain their known liability and other insurance policies that will cover injuries and liabilities that could arise from the activities of these groups. However, the church should also assure that its facilities do not present an undue risk. There was, in fact, a recent case where a court held a church liable for injuries sustained by a participant in a scouting group that met at the church, but was not even sponsored by the church. The court in this somewhat atypical ruling, felt the church did have some responsibility to assure the leaders of the scout groups were responsible and competent.

Long-term uses by outsiders

Long-term contracts with any outside group may be ill-advised. A group's programs or leadership may evolve, and the church may find itself stuck with some contractual obligation to permit a group to use the church who they now believe is inappropriate either because of the manner in which they use the facilities, or their beliefs or advocacy. Written agreements on duties and obligations are very important, but they should provide the church with ample opportunity to cancel the arrangement with some reasonable notice such as ninety (90) days.

Insurance

The church should consult its own insurance agent to discuss what coverage their policy provides in regard to the use of the facilities by outsiders. If there is some ambiguity or lack of clarity in the coverage, the church should insist on a written statement of the claimed coverage. Where the outside use is by some organization, the church may wish to seek written assurance that the using organization has insurance coverage that covers their activities on the church's premises and is of sufficient breadth and extent.

Procedural clarity

A clear procedure should be set forth by the church for all such usage and specific forms for requests, approvals and guidelines provided all users. Churches with multiple staff may have a more complex process of application and supervision in regard to outside use. Obviously, churches with a minimal staff, perhaps just a pastor and a church secretary, will need a much less bureaucratic process, but still some formality of procedure and expectations seems essential. Churches will also vary in where they locate authority to grant permission. Some churches may locate this in deacons, others in a Property Committee, others in the church at large, or some may authorize the pastor to grant permission where the guidelines are met and there are no special issues or concerns.

Responsibility for cleaning and restoration

Some churches find that relying on outsiders to clean the facilities after proper use and restore the arrangements or facilities to their standard is unsatisfactory. While most may do so, there is little practical remedy for those who do not and often last minute problems arise. Therefore, many churches that have paid custodial help, require outside groups (especially if there is no church member as the leader of such a group) to pay a fee which is used to compensate the regular custodian to either clean and restore facility him/herself, or to supervise the group in that task. Some churches simply provide that the fee is made payable to the custodian directly.

Sample forms for building and property use requests are in the Appendix. On the following page is a sample general policy on non-church uses of facilities:

GENERAL CHURCH POLICY ON NON-CHURCH USE OF FACILITIES

1. General Policies
 - a. Church properties may only be used in a manner and for purposes consistent with the Christian mission of the church, its federal tax-exempt status and property tax exemption.
 - b. Any use by persons, whether members or non-members for non-church organized or sponsored activities, must be approved under the policies of the church as provided herein or in other policy provisions.
 - c. No use is confirmed or reserved until the application is received and approved; it is then placed on the church calendar.
 - d. The church secretary, or in the absence of such staff position, some other person designated by the church shall maintain an official calendar noting scheduled church events as well as approved non-church events.
 - e. Facility-use policies shall be reviewed annually by the Building and Grounds (Property) Committee who shall make such recommendations as they believe appropriate to the church. The church shall have final authority to adopt and amend policies.
 - f. Requests for use of the facilities for non-church sponsored events shall be reviewed by the pastor and chair of the Building and Grounds Committee, and if the use is clearly consistent with the policies and the parties requesting use are of known responsibility, they may approve such use, or delegate that authority to staff. In the event requests are less clearly within guidelines or involve individuals or groups unknown to the pastor and/or chair they shall refer the matter to the full committee.
2. Prohibited Uses
 - a. No use of the church facilities may be made for commercial purposes, for partisan political efforts, or by organizations that advocate laws or policies directly contrary to the doctrines and beliefs of this church.
 - b. No smoking or use of alcoholic beverages shall be permitted in any portion of the church's facilities.
 - c. Church policy generally prohibits the serving or consumption of food in certain areas of the facilities including the sanctuary.
 - d. (Other prohibited uses could be noted here.)
3. The church seeks to serve the community at large and to assist families in the church in family events requiring facilities such as church fellowship hall. Thus, so long as not in conflict with church activities or policies, certain church facilities may be used by approved community groups and local families.
 - a. Persons or groups wishing to use the property for non-church organized or sponsored activities shall submit a written request to the church office indicating the requested time of use, purpose, facilities to be utilized, persons responsible, and other information as may be requested.
 - b. The church reserves the right to require the payment of deposit fees and fees to cover janitorial services as the nature of use and church policy may require. In certain cases the church may require evidence of insurance.
4. The use of the church property for weddings and funerals is governed by the church wedding policies set forth separately. (See pp.55-59)
5. Some facilities have special policies and requirements for their use. Among these are the church's recreational facilities and the kitchen-fellowship hall. Policies regarding these must be read and affirmed as part of the application procedure and are available from the church office.

Prohibited uses

Churches should establish clear policies on permitted and unpermitted uses of its property both by church groups and potential non-church users. These policies would include blanket prohibitions covering any church property, as well as any rules regarding the use of certain specific areas such as the sanctuary or some special lounge or other unique area.

What types of policies might this include? While every church must establish its own policies consistent with its beliefs, practices and customs, these policies often include the following elements:

1. General policies

- a. Prohibitions on smoking inside any church facility
- b. Prohibitions on the possession or use of alcoholic beverages on church property
- c. Prohibitions on activities such as dancing, showing R or X-rated films
- d. Church activities involving minors may not use church facilities except with the presence of adult supervision as established by church policy.
- e. Keys may not be provided to those using the church for non-church purposes except with the specific approval of _____.
- f. To avoid conflicts in use, the church office or other designated person shall maintain a calendar which records scheduled church events, and notes approved uses under these policies. Those scheduling special church events involving use of the facilities should also advise the office or person designated of the date, time and facilities to be used.

2. Types of use – barring certain basic purposes of meetings

- a. Prohibition on the commercial activities on the property whether at church-sponsored events or by outside users, subject to an exception for the sale of items associated with the ministry of the church such as Bibles, tapes, CD's when approved by _____, or an approved fundraising activity of the church or a church-sponsored organization such as the youth group or a church-sponsored group such as Boy Scouts.

[Churches have different views and policies on the appropriateness of fundraising sales. Some prohibit such. Some permit it only when approved by some designated church body. Still others permit church sub-divisions such as the youth group or WMU to do project-related fundraising through sales such as car washes, bake sales, etc. Whatever the church policy, it would be appropriate to be clear as to what is clearly NOT permitted.]

- b. Prohibition on the use of the church for politically partisan purposes

- c. Prohibition on the use of church property by any organization whose avowed purposes are expressly contrary to the doctrines and belief of the church

3. Facility or property-specific limitations

- a. Limitations on the use of the sanctuary, as for example, some churches would limit its use to activities specifically sponsored by the church or which have been specifically approved by the church to some designated body of the church such as the deacons or church council.
- b. Limitations on the use of certain lounges, such as barring the serving of food in certain areas.
- c. Limitations on the use of specific equipment, e.g. audiovisual and other sound and electronic equipment of the church may not be used by outside organizations unless specifically requested and approved.
- d. Church-owned vehicles may not be used except for approved church purposes and by approved drivers for those events.

4. Procedural limitations

- a. No use of the facilities may be made whether by members of the church or others except for activities sponsored by the church or one of its ministries, or where the use has been approved through the appropriate procedures.
- b. Approval is only effective when the request has been submitted on the appropriate form, the appropriate church body or person has approved the request, and the church has notified the party in writing that it has been approved.

A draft of one sample policy is included in the model Church Policy Manual, but it should be modified to reflect the actual policies of the church.

Use of personal property of the church for non-church purposes

Typically members, but sometimes non-members, request use of church property other than facilities. Most commonly they may request use of tables or chairs for special family events. Occasionally they may wish to use equipment such as projectors. And of course there is the occasional request to use the church van. Clear policies in regard to each of these are appropriate, and might read as follows:

Use of Church Personal Property

- 1. Church Vehicles:** Church vehicles may not be loaned or used in any way except for approved church purposes with approved drivers.
- 2. Other Church Personal Property:** Persons requesting short-term and limited use of tables and chairs for non-church, off-premises events shall complete a Property Request Form noting the property to be used and event for which it is to be used, the dates of such use, and the person responsible for its timely return. The _____ shall review any such request, assure that such use is appropriate, and grant or

deny the request. Where such use may be permitted, factors to be weighed in granting approval of such use will be whether the event includes members of the church, the duration of such use, the event for which the property will be used, and any disruption to normal church activities and maintenance. The use of church-owned power equipment such as lawnmowers, tractors, snow blowers, computers and audio-visual equipment (such as projectors) will not be authorized except in very special circumstances.

CHURCH PROPERTY & SAFETY ISSUES

A major concern for church policy relates to safety issues. Some of those are addressed below in dealing with special church properties such as recreational facilities. In a broader context, however, there is a range of policies churches should adopt to address safety issues. They would include the following areas:

Identification of safety responsibilities – oversight

In churches with paid staff, safety responsibilities may be assigned to a specific staff person. In smaller churches, it may still be important to identify one person who has a special focus on safety issues. If the general responsibility for property safety falls to the Property Committee, perhaps one member of that committee could be designated as the safety coordinator. Without placing responsibility for oversight in a particular person, the safety matters may get lost in all the other tasks of the Property Committee.

Safety Coordinator

The Property Committee shall appoint a staff member or church member as safety coordinator who shall oversee the safety policies and procedures of the church, assure their implementation, and make recommendations for enhanced policies and procedures.

Accidents – responding, reporting and investigating incidents

Church policy and procedure ought to assure several crucial responses when accidents do occur. First, the church should have available appropriate first-aid supplies, and be aware of members of the staff or church who may have first-aid training or even more advanced health care skills including responses to choking, breathing problems, heart attacks, insect or snake bites, broken bones, etc. The church may well consider offering first-aid and CPR training to all persons who work with children and require it for certain staff.

Responsibilities should be assigned to assure appropriate first-aid supplies are available along with phone lists for emergency help and identification of persons with essential skills.

Second, the policies should assure prompt reporting and responses. This should include not only the obvious contact with appropriate family or medical personnel, but also the church's insurer and maintenance personnel to determine if the incident may have been caused or created by a persistent dangerous condition. Appropriate accident report forms should be completed promptly.

Third, investigation of accidents should assure that any unreasonably dangerous condition will be promptly corrected and that the church's responses will be assessed and perhaps improved.

General Safety Accident-Incident Policies

1. *The church shall assure the prompt availability of First Aid supplies in all church facilities.*
2. *The church shall provide first aid and CPR training for church staff and leaders, especially those who work with children and youth. The church shall have available the names and means of contacting persons with medical assistance skills.*
3. *The church shall prominently post the contact numbers for police agencies, medical assistance, ambulance service, poison information offices and other appropriate persons or agencies.*
4. *Accidents shall be promptly reported to all appropriate persons including the church's insurance carrier.*
5. *The safety coordinator and those present shall assure that the Accident-Incident Report Form is promptly completed. (See Appendix.)*
6. *The safety coordinator and appropriate staff and committees shall investigate all accidents, and take or recommend such steps as they think appropriate to minimize future risks, and review as well the church's response to the accident and any ways to enhance the response.*

Fire safety

The church certainly should have some clear policies regarding fire safety. These should include the following:

1. Assure that fire-extinguishing and fire-fighting equipment is available.
2. Assure that staff members (paid and volunteer) have adequate training covering both evacuation and use of alarms and equipment.
3. Assure that special fire hazards are avoided, including the storage of flammable liquids.
4. Assure that evacuation directions and plans are in place, including the posting in all facilities of exit directions and clear signs to functioning exit doors.
5. Give special attention to electrical equipment and extension cords which may create fire risks.

Safety training

The safety coordinator shall assure that all staff and church leaders have adequate safety training. This should include appropriate refresher training in many dimensions of safety for personnel and those who utilize the facilities of the church.

SECURITY & CHURCH FACILITIES: LIABILITY FOR ASSAULTS

Security sensitivity

Sadly, churches must be more security conscious in many respects — risks of burglaries, malicious damage to properties, or assaults on persons. The concerns are appropriately not only about the properties, but also about the children, members, staff and visitors of the church.

The day when churches could be safely left open twenty-four hours a day is gone in most communities. And the concerns have been intensified with the increasing presence of valuable equipment in the church including computers, sound equipment, and keyboards. Petty cash and altar ware are no longer the only targets. Statistics support this concern.

Other security concerns arise because many churches have inadequate inspections. Old wiring, excessive electrical loads on old wiring or extension cords, and dangerously stored combustibles create serious fire risks. Even homeless people have inadvertently started fires while taking refuge in church buildings.

All this has led to increased sensitivity about security at churches, including the installation of more secure locks, burglar and fire-alarm systems, and lighting and environmental factors to discourage unauthorized access. One insurance company suggested specific policies as part of a security-enhancement effort:

- Keep parking lots well lighted from sunset to sunrise. Install lighting around exterior doorways.
- Limit key disbursement to essential personnel and keep an accurate list.
- Keep bushes and trees around windows and doors cut low.
- Train people to arrive and leave in a group after dark.
- Consider a security system lock on main entrances (key pad or card method).



- Install smoke/fire/water detection devices (preferably a monitored system).
- Use a close-up inspection of windows and doors to assure they are secure.
- Consider closed-circuit television units at doorways, in halls, and in key areas.

General security policies

Appropriate policies addressing security concerns should include areas of entrance security (personnel, doors, windows, lighting, locks, and security systems). Internal security matters that should be addressed are video monitors, fire, smoke and intrusion alarms, internal locks, safes, etc. In addition to security issues related to unauthorized entry and other security questions when facilities are assumed closed and locked down, there are other security issues even when the facility is in use — security of both property and persons. What systems are appropriate in any given church will depend on the nature of the property, scope of church activities and local risk factors. Here are, however, factors to consider:

- **Limiting access/entry points.** Except during major activity times such as Sunday morning, a church may wish to limit access to a very few entry points.
- **Security at entry points.** During weekday and evening hours, limited entry points might be monitored with videotape cameras and/or security personnel with a visitor sign-in system.
- **Secure doors and windows.** Exterior doors and windows where entry might be made should be of sufficient strength with tamper-proof locks to make entry difficult.
- **Alarm systems.** Alarms systems for unauthorized entry, as well as movement, fire and smoke should be considered. Security codes should be available to very few persons to assure the integrity of the system. Responsibility for arming and disarming the system should be assigned.
- **Monitoring facilities.** It may be important to have a system of monitoring portions of facilities when activities are focused elsewhere. For example, during worship services, other portions of the facilities may be vulnerable to theft, other misconduct or personal risk to church-related persons. Even more crucial may be times when a few facilities are being used, but persons are relatively free to wander about the church facilities. For example, in one church this author was present on a weeknight while some church activities were taking place. There was no one on duty to inquire about my purposes or presence while I wandered freely throughout the entire facility.
- **Key control.** Obviously it is often a problem to control access to keys. In many churches, there are many people who have a legitimate reason to gain access to the church. In small churches that often means they need their own key. Yet the more keys are distributed, the more likely keys may be lost or come into hands of those who have no legitimate reason for keys. Procedures for locking and unlocking facilities are not carefully observed.

Since security policies will necessarily vary widely, we can only provide very general policy provisions. Such a general policy might be as follows:

General Security Policy

The Property Committee shall develop and recommend to the church specific measures to provide security for church facilities and those involved in the church's ministry. The committee shall regularly review the security measures and make recommendations to the church. Entry security policies shall include key-control systems, door and window locks and systems, and appropriate landscaping and lighting to impede unauthorized entry. The committee shall also consider the appropriateness of internal security measures such as visitor registration, video and other monitoring devices and fire, smoke and entry alarm systems.

Liability for assaults on church property

The number of lawsuits against the church seeking damages for alleged negligence has been growing. The claims are that the church has not been careful in providing, among other things, security and lighting, thus contributing to assaults such as rapes or battery. Some of these allegations have focused on dark parking lots where persons have been attacked at night on leaving the premises or on assaults within the facilities.

While churches have rarely been sued on these grounds, there is a legitimate concern. Therefore, churches should review such areas as adequate lighting, security for persons leaving the facilities alone late at night, and even access to the building. For example, a church in an urban area that operates a number of evening programs should be concerned if there is no system for securing doors or monitoring who enters the facility. They could well have an incident where a person gains entrance to the facility and assaults or otherwise harms someone. Insurance companies often provide materials with suggestions on improving premises security. Obvious elements are lighting, the option of remote video monitoring and recording, security personnel where there are significant risks, warning participants not to leave the facility late at night alone, etc.

A security/safety policy might read as follows:

Security/Safety of Participants

The Property Committee shall annually, as well as whenever concerns are expressed or the church requests, review the security of the building and grounds for persons using, entering or leaving the facilities, and assure that appropriate personnel, locks, lighting, security and other systems and procedures are in place to assure to the extent feasible the safety of all those who participate in the life of the church and come on its premises. They shall make a written record of any recommendations, steps taken and responses to specific concerns expressed by persons of church bodies.

POLICIES FOR SPECIAL TYPES OF CHURCH PROPERTY

Cemeteries

Many older churches maintain cemeteries and frequently must develop policies regarding several aspects of the cemetery's management, use and finances. These include at least the following:

1. Governing authorities – e.g. committee, trustees

Their election (terms, succession, removal), duties, authority, reporting and accountability to the church

2. Operating policies

- Maintenance
- “Sales” or allocation of lots
 - Who is eligible?
 - Costs/Price? (For members, non-members)
- Cemetery grave markers – type, materials, etc
- Flower policy

3. Finances

- Special accounts
- Reporting to governing committee and church
- Expenditures – authorization, records
- Use of funds
- Investments of long-term endowments – policy and authority
- Financial review and audits

As a matter of general policy, this author recommends vesting operating authority in a cemetery committee elected by the church with not less than three members, and with rotating, staggered three-year terms, but with re-election of members permitted. This committee would be charged with developing and recommending to the church at large the specific operating policies governing finances, maintenance, and operating procedures, and then, when adopted by the church, implementing those policies. Cemetery funds might commonly be of two types: First, a specific fund for designated gifts, the capital of which is not expended—a sort of permanent “endowment” for the maintenance of the cemetery. Second, an operating fund out of which ordinary expenses for maintenance are expended. The operating fund could consist of funds given specifically for that fund, and/or interest from the longer-term endowment fund. A church could also have a policy designating a portion of cemetery fees, perhaps fifty (50) percent, which would go to this operating fund and the remainder to the endowment. To assure tax deductibility of major endowment gifts, these funds should be given to the church and designated for the cemetery endowment fund, and the same with any designated gifts to the operating account.



All cemetery funds should be under the supervision of the church treasurer, but policy could authorize the cemetery committee to approve and authorize expenditures consistent with the cemetery policies and budget. If the fund is managed by the committee, it should still be under the general oversight of the treasurer who would review the financial records and include them in the annual financial report.

It is generally best NOT to set up the cemetery as a totally independent entity. This will only increase tax and reporting obligations and risk losing some of the special privileges of church and religious entities. If the church wishes to broaden the community base, the committee structure could provide for a minority of committee members to be non-church members. The church, however, should retain final authority over the operations, property and finances of the cemetery. This also means that if the cemetery is a separately deeded piece of property, that deed should also be in the name of the church itself or in some entity the controlling body of which is subject to the church.

The issue of “charging” for burial plots is often crucial, and may become very important as space begins to be at a premium. Many churches do permit non-members to be buried in the church cemetery, but at a higher cost. It may be appropriate to have some cost for all burials in order to develop a perpetual care endowment fund. If churches generally do not permit non-members to be buried at the church, they may need to identify those levels of relationship which nevertheless permit non-members burial rights, e.g. spouses and children of members. Because of the wide range and complexity of different cemetery policies, we do not suggest any one particular version, but do recommend a general policy which then would need to be filled out with the details.

A general policy might be as follows:

General Cemetery Policy and Management

- A. The church shall elect _____ (number) members to serve 3-year rotating terms on the Cemetery Policy and Management Committee*
- B. The committee shall be charged with upkeep, maintenance, operation and preservation of the church cemetery.*
- C. The committee shall*
 - 1. Regularly review cemetery operations and finances and recommend policies and actions to the church regarding the operation, upkeep, financing and development of church cemetery;*
 - 2. Implement policies adopted by the church regarding the cemetery and its funds including provision for the perpetual care of the cemetery. This is specifically to assure that funds designated for cemetery maintenance are exclusively dedicated to that purpose.*
 - 3. Report regularly to the church on all matters related to the cemetery including a financial report.*
- D. Limitation on powers. The committee shall have no power without express authorization of the church to convey, mortgage or otherwise dispose of property except the allocation of cemetery plots in accord with the procedures established by the church.*
- E. All funds received and expenditures shall be processed through the church financial officers and recorded on the books of the church*

On the following page is one N.C. church’s cemetery policy on the allocation of burial lots—a frequent issue and one that must be clear to avoid controversy. Note how this policy deals with questions of members versus non-members, priorities, and costs.

SAMPLE CEMETERY POLICY

BAPTIST CHURCH CEMETERY POLICY

SECTION 1. Purpose.

The purpose of this policy statement is to establish a uniform and equitable system of allocating burial space in the _____ Baptist Church Cemetery.

SECTION 2. Policy.

All persons carried on the current church rolls shall be provided burial space, if requested, at no cost. Additionally, dependent children of members residing at home will be provided space upon the request of a member parent or guardian. The spaces thus allocated will be considered a benefit of church membership, and all maintenance costs of these plots will be borne by the church. Other immediate family members of persons on the church roll may obtain burial space with a maintenance fee of \$300.00 per burial space. An immediate family member shall be defined as a legally married spouse, a dependent child, a dependent parent or a dependent sibling. All other allocations of burial space will require the payment of a \$900.00 per space maintenance fee.

A permanent grave marker with the name, birth date and death date of the deceased will be placed upon the grave within one year of burial. The church reserves the right to approve all monuments as to type and inscription. Any unapproved monuments placed in the cemetery will be subject to removal at the owner's expense. A vault will be required for all burials. There will be no above ground vaults or crypts.

SECTION 3. Procedures.

Church members may reserve required spaces either in advance by contacting the church Cemetery Committee and selecting a reserved space or spaces from remaining spaces available, or at the time required by asking the church Cemetery Committee for assignment of space.

If space is desired for an immediate family member other than a dependent child, the church member may reserve a burial space in advance by payment of the \$300.00 maintenance fee or may request assignment and pay the fee when space is required.

All others will be considered on a case-by-case basis. No provision will be made for prior reservation of burial space for other than church members and immediate family. If others desire burial space in _____ Baptist Church Cemetery, they may request the Cemetery Committee to assign them a space. If it is determined appropriate space can be provided, a payment of \$900.00 will be required for the maintenance of the space.

All fees will be deposited in the Cemetery Trust Fund, and interest accrued will be applied to the perpetual maintenance of the cemetery. Maintenance of church members' spaces will continue from general funds until such time as the Trust Fund interest will bear the costs.

If questions arise over space assignment that cannot be resolved by the requesting party and the Cemetery Committee, they will be referred to the deacons. The deacons may, if necessary, carry the request to the full church conference for resolution.

SECTION 4. General Implementation.

Funeral directors will be responsible for clearing all requests with the Cemetery Committee. No grave will be opened without prior approval of the Cemetery Committee. If neither is available, the pastor, custodian or chairman of the deacons will be contacted, in that order, to insure space has been properly assigned.

Rental property – the church as a landlord

Occasionally churches hold property that they do not use for church purposes. Where such property consists of a house or other facilities that may be rented, the policy issues involve potential property tax liability, premises liabilities, non-discrimination requirements, and potential unrelated business income tax.

Legal Aspects of a Church Being a Landlord

1. **Property Tax Liability:** Churches should be aware that the rental of property, whether houses, buildings or vacant land, will almost always mean the property is subject to property tax. That is not necessarily bad since the property, if not used for church purposes, would be subject to such taxes anyway.
2. **Premises Liability:** As a landlord, the church would be liable as any landlord to reveal known hidden defects, inspect the premises to be sure they are safe for use, and in many jurisdictions, if the property is used for residential purposes assure the presence of working smoke detectors. The church should secure appropriate fire and liability insurance and have a process of periodic inspections of the property.
3. **Unrelated Business Income:** As discussed in the section on Finances, rental income is normally treated as passive income and there is no income tax liability for the profits from the rental. However, if the property is debt-financed – that is, the church acquires the property through borrowed fund—then to the extent it is debt-financed, the profit is taxable.
4. **Non-discrimination.** When the church acts as a landlord, it may be subject to federal and or state laws barring discrimination in housing, including religious discrimination.
5. **Hazardous Substance Liabilities.** Churches should be cautious in purchasing or accepting properties that have or have had buried oil or gas tanks, or otherwise been contaminated. The issues of liability for clean-up costs under federal statutes are complex, and beyond our scope, but before purchasing or accepting as donations any property, the church should assure a review of any potential problems along these lines. Another type of hazardous substance liability flows from the risks of lead paint. The Residential Lead-Based Paint Hazard Act of 1992 targets housing constructed prior to 1978 and requires lessors and sellers of such residential property to disclose lead based paint hazards. Violators are subject to criminal and civil penalties. A church that leased its former parsonage built before 1978 and failed to meet the Act's provisions would face exposure to potentially millions of dollars in damages if the new tenants children contracted lead poisoning from the paint in the home. While the Act only addresses residential property, general tort law has also been employed to find a church liable when it rented a portion of its non-residential properties to a head start preschool, where there was evidence of peeling paint and other hazards that the church should have known created lead-poisoning risks.

Church parking lots

Liability for Parking-Lot-Related Injuries

Parking lots do pose some special concerns because of the convergence of pedestrian and vehicular traffic, and the frequency of cars letting passengers off and loading. These problems may be compounded where there are children's activities that involve parental drop-offs and pickups.

As in other contexts, churches would be liable for injuries only if there was a showing of some negligence in the design, maintenance or operation of the parking lot. Negligent design might relate to some defect in the lanes, parking-spot arrangements, markings or signs which create confusion or problems, or perhaps the layout for pickups and drop-offs that create visibility hazards.

Maintenance problems might involve broken barriers and potholes which should reasonably have been repaired.

Operational negligence is the most likely. In this context, the failure to properly supervise heavy traffic situations may be seen as negligent. Especially if large numbers of children being dropped off or picked up, the failure of the church to post staff or others who can supervise and direct traffic may create liability for injuries.

Design

Churches should assure that parking lots are designed with safety in mind because of the convergence of pedestrian and vehicular traffic. Consideration should be given the traffic flow by both pedestrians and vehicles. Special attention should be given to the traffic flow at points of church entrances into parking lots and from the parking lot to streets. Markings on the pavement and signs should give clear directions and warnings. Where there is substantial traffic and potential hazards in picking up or letting off passengers, or hazards at the entry points to streets and highways, consideration should be given to providing police or other persons to direct traffic and pedestrians.

Use

Churches, especially in urban areas, may need to consider adopting and implementing policies regarding the use of its parking lots. Often such lots are convenient for a range of non-church uses such as parking for car-poolers and shoppers. What are the options?

- a. Prohibit parking for non-church purposes except by permission
- b. Ignore such parking so long as it poses no problem for those who need the church for church-related activities
- c. Welcome such use when there is no conflict
- d. Rent parking on a group or individual basis
- e. Bar entry to the lot except with a pass or entry card.

Most churches will want to consider several factors:

- a. Being a good neighbor
- b. Legal risks and potential liabilities from parking-lot injuries
- c. Assuring church use when necessary
- d. Costs of maintenance where there is excessive use

If churches wish to bar unauthorized use, but do not decide to formally lock and gate the entrance, the church should prominently display signs at the entrance and in the parking lot itself that prohibit parking except for church business. The notice might indicate that vehicles parked without a permit are subject to towing at the owner's expense. Of course, there should be some indication that this requirement is not applicable during worship services. The church could further that policy by providing a parking permit which persons could obtain from the office and put on their vehicle.

Where parking lots seem to be attractive to children or youth for purposes such as ball games, skateboarding and similar activities, the church should bar such use except where the whole parking lot is set aside for such a purpose and adequate supervision is provided. Such activities in a parking lot pose a serious risk of injury because of the clashing uses. The prohibition on such use should be prominently displayed and enforced by notice to offenders, notice to parents of offenders, and whatever other actions may be necessary.

Playgrounds/recreational areas

Many churches have playgrounds and recreational areas that are not only used for structured church activities but often are accessible during non-supervised hours by others such as community children and youth. This would typically include open play areas, basketball courts and, less commonly, children's play areas. Several policy areas need to be considered in these contexts including the following:

Authority/Responsibility Issues

Policies should identify what committees/staff are assigned responsibility for oversight and implementation of procedures and operations involving these areas. The duties of those responsible should be spelled out especially in regard to inspections, supervision, records and incident reports of injuries and accidents

Safety Aspects

Policies should assure the general safety and good repair of equipment on such playgrounds, and that the equipment and surfaces conform to accepted standards. Adequate adult supervision should be required whenever such facilities are being used for church activities. Rules and policies regarding maximum number of children using certain facilities such as toddlers' and children's play areas should be adhered to.

Use Aspects

Policies should assure that there is effective security that assures that when not used for church activities, access is denied to facilities that would be attractive and pose a risk of harm to unsupervised children. Policies need to address the use of accessible recreational areas such as ball fields and basketball courts by organized and scheduled community groups, and by youth or children who come uninvited onto the property to play. The policies would need to address whether such is permitted, under what circumstances and whether to post any rules or notices. Procedural rules for requests would also need to be established. To the extent the church chooses not to enforce a prohibition, then policies should be in place

assuring those areas are free of unreasonable risks. The church should also assure that there are no unreasonable risks posed by natural or artificial qualities or characteristics of the property—such as proximity to a highway or pond—that would suggest the need for appropriate barriers. Play areas should be free of holes, have adequate drainage, and walkways should be smooth. The area should be free of broken glass, debris, anthills and trash. Churches might also consider whether appropriate access is provided for children with disabilities.

Prohibited Activities

Policies should expressly prohibit certain activities such as skateboarding in areas where such would pose a risk to others using the property. Such policies must be enforced and should be publicized to the church and, where feasible, in public notices. Other activities might be restricted to certain areas. Behavioral rules for users of such facilities might also be established, though these could only realistically be enforced during church activities. Examples of such rules might be prohibitions on fighting, swearing and bringing glass containers into playgrounds or ball fields.

Insurance

The church should assure that appropriate premises liability insurance is maintained covering liabilities which may arise, both for authorized use and by uninvited users.

Children's Play Areas

Issues of appropriate equipment and surfaces for children's areas are covered in this policy manual in the child-care section, and checklists are in the Appendix.

In light of all these considerations, a recreational areas policy statement might read as follows:

Church Recreational Facilities

The various committees whose activities involve the church play and recreational areas (including Property Committee, children's ministry and youth-ministry committees and staff) shall develop specific proposed policies covering a range of topics related to the safety, use, security, appropriate activities, supervision, behavioral expectations, routine inspection and maintenance, and liability protections associated with the use of these areas by church programs, outside organizations and individuals without express permission or church supervision.

They shall consider recommendations developed by state and private agencies for playground/recreational safety, and consider appropriate checklists, guidelines, policies and procedures adapted to the applicable areas and uses.

These committees shall report to the church. The church shall adopt appropriate policies and incorporate them into this policy manual and, where appropriate, provide public and posted notice of these policies.

Property and other insurance

Obviously, the securing of appropriate insurance is crucial to protect the assets of the church in the unfortunate event of injury and church liability. A comprehensive policy should be secured, and reviewed carefully with the insurance company, carefully noting the scope of coverage. Many insurance companies provide guides for reviewing the premises to minimize legal risks. These checklists are very helpful and should be used by the Property Committee or other bodies charged with this responsibility.

Appropriate insurance policies would be “multi-peril” policies covering 1) property damage by fire, storm, flood, wind; 2) liability coverage usually with a minimum of \$2,000,000 covering injuries to persons from the property or ministry; 3) non-ownership liability protecting the church against claims when vehicles other than the church’s are involved in an accident while on church business. This might include such as the pastor or another person carrying out church ministry; and 4) coverage for losses of property or monies from theft or other crime.

Insurance Coverage

The Property Committee shall secure professional insurance advice and assure that adequate insurance coverage is obtained including property, general liability, business auto, and other insurance appropriate to the ministries of the church, and sufficient to provide coverage for liabilities arising from the ministry of members and staff, both volunteer and paid. Not less than \$2,000,000 in liability coverage shall be included. The committee shall regularly advise the church of the scope and nature of insurance coverage

Zoning restrictions

Increasingly, property use is being restricted by a range of zoning and land use regulations. These regulations frequently affect churches by imposing restrictions on the use of the facility, required parking spaces, environmental restrictions, and building codes. Even more troubling are restrictions which seek to prohibit churches in certain zones or permitting them there only with a conditional-use permit.

Even where zoning authorizes churches, problems have developed where zoning authorities have sought to restrict the types of activities that a church may engage in with their status as a church. Efforts in some communities have, for example, sought to bar churches from providing homeless shelters or serving meals to street people, alleging that is not a permitted use as a church. Churches have countered that such uses have historically been functions of churches and are integrally related to the mission and ministry of a church.

So serious have the threats been perceived by some that a recent federal law, the *Religious Land Use and Institutionalized Persons Act of 2000*, limits the ability of zoning/governmental bodies to discriminate in zoning against churches and religious land use. The Act requires that any such limits that impose a burden on a sincerely held religious belief, must be justified by a compelling governmental interest. The Act also provides that the means are the least restrictive on religious use while still serving the alleged compelling interest.

Churches contemplating some distinctive use that might raise questions of whether it is a permissible use should proceed carefully, and should especially set forth in clear terms the spiritual, religious and biblical basis for the particular ministry and use of the church property.

Use of Properties and Bona fide Church Purposes

The Property Committee, officers and staff shall in regard to all uses of the church’s real property, set forth in church documents that the programs utilizing church properties are grounded in the church’s understanding of its character and mission, and are centered in biblical principles and/or commands. These clarifications shall affirm to this church and public agencies such as zoning authorities the legitimacy of these programs as authorized by our character and any zoning authority to function as a church.

REVERSIONARY INTERESTS IN PROPERTY

On occasion, sellers or donors of real property include clauses in the conveyance which provide that if the property fails to be used in some identifiable way such as a church, then the property reverts to the donor/seller (or heirs). There are a couple of legal varieties of such clauses. This is often done by a donor who is willing to give the property but only for a specific purpose, and if that purpose fails, then the property would come back to the donor.

Such clauses are understandable from the donor’s standpoint, but can create serious problems when they are unlimited in time or very narrow in their terms. Times change and property may no longer lend itself to the donor’s and initial recipient’s intended use. Then the clause may make it very difficult to sell the property or use it in a different way.

Churches should review their deeds, especially if they are old, and see if such clauses are present. Churches should be very cautious in accepting property with such limits. A compromise may be that such clauses have a time limit, so that the donor can reasonably be assured the donor’s interests and purposes are carefully observed for the immediate future. The time limit however would assure that the limitations will at some defined future time expire so as not to perpetually create limitations or a cloud on the property. Such a limit might be twenty-five (25) years. Thus, if for some reason property became no longer appropriate for church use and the church needed to expand a mile away, they would not have to deal with a situation unforeseen perhaps one hundred years ago.

A church itself may wish to use such a clause when it invests substantial funds in a new mission church. It may want to assure that its investment in a new church will further the doctrines and relationships of the parent. While the sponsoring church could not control the doctrinal preferences or church affiliations of the new mission church once it is independent, it could impose some of these reversionary interests in the property itself. Again, it would be best if such clauses had a limited life span. The deed might also contain a

limited life-span clause prohibiting its sale or mortgage. Such a comprehensive clause might read as follows:

Reversionary Interest Clause

In consideration for the gift of this property, purchaser agrees the property may not be sold or encumbered by mortgage for a period of twenty-five (25) years except by express written consent of the donor. Furthermore, it is agreed that if the property ever ceases within the next twenty-five (25) years to be used as a Baptist church affiliated with _____, the property shall automatically revert to the donors or their successors.

PROPERTY TAX EXEMPTION

General exemption rule

In North Carolina, as all states, property owned by churches used for valid religious purposes is commonly exempt from property taxes. The North Carolina Constitution provides that the General Assembly “may” grant property tax exemptions to a range of types of non-profit entities including those with “religious purposes.” Increasingly tax authorities have been looking at potential revenue sources, and in many areas of the country, the taxing authorities have narrowed the scope of land which may be held exempt from these taxes.

“Present use” requirement

Most commonly, the tax authorities limit the amount of property exempt from taxes to properties presently used for religious purposes. The test is “present use” and not planned future use. For example, suppose a church buys substantial acreage for present and future use. How much of it will be presently exempt? Normally only that portion presently used would be exempt. And what kinds of “present use” are considered qualified for creating the exemption? The use must be “present” and clearly church-related. The use should probably be more than just occasional or sporadic. Because the exemption is an exception to normal policy, any statutes or regulations are construed narrowly. The current N. C. statute at §105-278.3 provides for property-tax exemption for churches and associations of churches or units of churches such as a mission provided the property is “wholly owned” by the church.

Adjacent land issues

The statute provides for exemption for the land itself and buildings actually occupied and “additional adjacent land reasonably necessary for the convenient use of any such building.” Note that for this adjacent land to be exempt there must be a building to which it is adjacent. Whether it is reasonably necessary would depend on the individual facts. Common uses that seem to be accepted are parking lots and access corridors.

In one key case a North Carolina court upheld the use of a limited amount of vacant land as exempt as a “buffer zone.” In that case a 5.9 acre tract constituted a permissible religious use in providing a buffer against industrial development. The court noted, however, that

it “will view with a careful eye any acquisition of extensive acreage under less compelling facts.” In another case a North Carolina court upheld the exemption for church property used for recreational activities. A 15.56-acre tract was used by a church for its own activities and also for community activities by neighborhood children and a scout group. The court found these uses furthered the objectives and beliefs of the church and qualified.

Note: While normally the exempt property is wholly owned by the church, property owned by another non-exempt entity, but which is gratuitously used by a qualified entity such as a church may also qualify for tax exemption.

“Exclusively used” requirement

The statute requires “wholly and exclusively used” for qualified exempt purposes. Obviously if the term were used in its most literal form, one unqualified use for a non-exempt purpose would destroy the exemption. However, the term has not been construed so narrowly, and one state Supreme Court decision construed the phrase to relate to the “primary or dominant use” and was not destroyed by “an incidental or secondary use.” So long as no “material amount of business” takes place on the property, the exemption may survive.

Split use

A unit of property may be partially exempt and partially not. If portions of a tract of land or even of a building are used for exempt purposes but other portions not, there may be a pro-rate taxation.

Parking lots

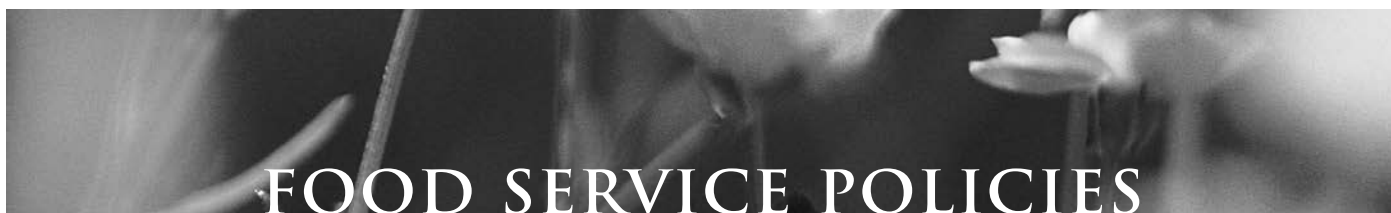
The General Assembly has also created an exception to the exclusive use requirement by permitting religiously owned parking lots to be used for commercial purposes without destroying the tax exemption, provided the charges do not exceed the reasonably estimated cost of maintenance.

Policy suggestion

These rules and decisions suggest a policy that, insofar as possible, a church should seek to make actual, present use of all its property for its church and religious purposes, and seek to avoid, where possible, having unutilized land. Some creativity may be exercised here. For example, what may be unused excess land might be developed into church-related playfields, outdoor worship centers and activity areas. Such approaches should not be a sham, but genuine uses. The legitimacy of such will be evidenced by actual use, physical changes in the property such as equipment, trails, signs, etc. Records might be carefully kept of uses, activities and funds expended in the development and use of this property.

Property Tax and Church Use of Real Property

The properties committee and church officers shall seek to assure that in so far as possible, all real estate of the church is being presently used for church purposes in such a way as to legitimately qualify for tax exemption. Applications for such exemption shall be timely filed in the appropriate offices.



Churches classically pride themselves on their potluck suppers or weekly fellowship dinners. Some churches also provide meals for the homeless or for certain small groups in the church. Churches also often use their kitchens for special banquets, weddings, and rent them out sometimes to other groups. Of course, if the kitchen and other facilities are used for children's care programs, the concerns and often state supervision is intensified.

In all these contexts, a range of policies needs to be developed so that the use of the facilities and the food provided is subject to some reasonable controls and standards. The areas which such policies typically cover may include the following:

1. Compliance with state law
2. Provisions for the use of kitchen facilities
3. Regulations for use — procedures, cleanup, equipment
4. Identification of supervisory authority
5. Storage and disposal of food
6. Sanitation requirements



Kitchen and Food Service Policy

1. *Use of the kitchen facilities and equipment other than for church-organized and sponsored events must be approved by the church upon written application.*
2. *Any use, whether by the church or authorized others, must conform to policies established by the church or its designated committee governing permissible uses, sanitation practices, fees and cleanup.*

3. *The church shall appoint a special committee to propose a set of policies governing the use of the kitchen and food service at the church. Such policies shall address permissible uses and procedures for use, kitchen maintenance and cleaning, use of the kitchen by outside persons or groups, appropriate sanitation policies, and persons with responsibility for assuring compliance. The church shall review any recommendations, and upon adoption of any policies, they shall be added to this policy manual. Where appropriate these policies shall be posted in the church facilities and provided to any proposed users of the affected facilities.*

Here's a sample of a church's specific kitchen policy:

Fellowship Hall/Kitchen Usage Policy

The church has provided this facility and furnishings for your enjoyment. Please abide by the following guidelines. Our major concern is cleanliness and safety. Furnishings and equipment are church property and are not to be taken outside the facility without prior approval. Decorations should be limited to tables and shelves. Please do not mar, deface or make holes in walls. Please do not use tape on doors, walls or windows. In all cases, a church member must be a part of the group and be the responsible person for the function.

1. **Schedule** use of the fellowship hall/kitchen with the church office. Provide date, time, group, point of contact and phone number.
2. **Using Group Is Responsible For:**
 - **Checking** out keys from the office, if needed.
 - **Setup** of tables, chairs and equipment. Please do not use unfamiliar kitchen equipment without prior instructions.
 - **Cleanup** (cleaning supplies in kitchen or washer/dryer area)
 - Thoroughly clean kitchen area/stoves/countertops, etc., and clean the coffee bar in the fellowship hall.
 - Sweep and mop fellowship hall/kitchen areas.
 - Wipe off all tables/chairs with damp cloth.
 - Take all garbage outside.
 - No leftover food or drink items to be stored in refrigerator or freezer.
 - Throw items out or take home. Don't leave them to accumulate.

- *Group items need to be marked with your group name and stored in your area of the pantry or refrigerator/freezer.*
- *All dishes/pots and pans/utensils to be placed in their proper place.*
- *Clean dish towels/potholders/cloth items (at church or taken home) and return to their proper place.*
- **Return** tables, chairs and equipment to the locations as indicated on the diagram posted in the fellowship hall. Return extra tables and chairs to classrooms, as appropriate.
- **Check** thermostat and turn off or adjust, as required.
- **Inspection** of the area by a responsible group member.
- **Lockup** of all doors in fellowship hall/kitchen. Lock and check all outside building doors. Ensure the entire church is secure.
- **Return** keys to the office, if required.

Effective food-service policies, however, involve much more than simply posting of kitchen policies about can openers and washing dishes. Other areas that should be considered are specific policies concerning use of food-service facilities for non-church purposes, regular church dinners, and special charitable food-service activities such as food banks and meals for needy families. Because such policies are likely to vary widely based on the nature of the activities, we only suggest some basic policies. Each church should establish specific policies and procedures for its own program. Some general policies on these topics are included in the model church policy manual.





WORSHIP & SPECIAL SERVICES

Churches also need to develop policies about aspects of their worship and special services. This area of policy might be quite limited or rather detailed depending on the church. Coverage would include the following common topics:

1. General worship
 2. Music policy
 3. Lord's Supper policies
 4. Baptism policies
 5. Missions support
 6. Special celebrations: weddings, funerals, homecomings
- In regard to these special events, the policies might address such matters as supervision, costs, procedures for permission, calendaring, contact persons, clean-up and prohibited activities.

Church policies in these areas vary so widely and are almost never of any particular legal consequence (except premises liability). We can only note what some churches have done — again, not because these are best, but by way of illustration to stimulate your own thinking in these areas. What follow then are some portions of sample church policies. The first policy on weddings printed here reflects a large, multi-staff church with a very structured system — much more detailed than most churches would find necessary or even desirable, but it does suggest the issues that may arise.

WORSHIP/MUSIC/LORD'S SUPPER/BAPTISM POLICIES

Church policies here must reflect clearly the beliefs and practices of the local church. The purpose of such policies would be to guide all those involved in preparing for and conducting these aspects of worship. Churches vary widely on their particular practices in these areas and the duties that various church groups have in planning and leading such services. If there are groups such as deacons, deaconesses, Lord's Supper committees or baptism committees, then their duties and the tasks they perform would be set forth in separate sections in this portion of the policy manual. This would also be the proper place to include policies concerning the music program, funerals and special events such as homecomings.

MISSIONS SUPPORT

Baptist churches have a historic and continuing commitment to missions — local, national and international. Mission work is one of the chief bases of Baptists working together and

developing cooperative relationships. This commitment not only includes vital cooperative missions through denominational programs like the Southern Baptist "Cooperative Program" and Lottie Moon and Annie Armstrong offerings, but also church mission groups organized at state or even local levels. Teams from local churches are increasingly involved in mission projects, and mission trips are common for youth groups. These expanding mission efforts suggest churches need to take some care in developing policies governing such projects. These policies should cover areas such as requisite church approval, creating of special mission-project funds, prerequisites for individual participation. Some of these prerequisites would include training, adequate and appropriate supervision, emergency provisions, and parental involvement where youth are included. Other areas might include ministry to internationals within the community of the church's ministry. A sample general policy is included in the model church policy manual.

WEDDINGS

This detailed section on weddings is designed to be illustrative of the manner in which other special services in the church should be outlined in a policy manual. For example, a church policy manual could have similar sections on funerals, general receptions, recognition celebrations, etc.

Church weddings are among the church's greatest celebrations and, as such, are often marked with strong feelings and opinions. Churches can avoid problems and individual confrontations if their policies are clear, written and available in advance. Such policies often cover such areas as appropriate rearrangements of furniture, photography, flowers, music, use of facilities for receptions, as well as important issues of scheduling, reservations and fees if any. Churches often have policies regarding the role of the officiating pastor, whether the facilities are available for nonmembers and their own pastors. Some churches have premarital counseling requirements. These policies should not only be in the policy manual, but should be separately printed and provided to persons who contemplate a wedding at the church.

On the following several pages we note two edited marriage policy samples to serve as models for each church to develop a policy appropriate to its own practices and convictions.

The second wedding policy is less detailed. It still reflects a structured program but may more easily be adapted for a small church.

SAMPLE 1: WEDDING POLICY

It is our desire that your wedding be the happiest experience possible and that it be all God designed it to be. God created man and woman. From the beginning, He intended the two to be joined in marriage, so that each might give to the other what each lacked alone. Since God designed the marriage relationship, it makes sense that He knows best how to build a happy marriage.

As we read His Word we are able to discern basic principles which must be understood and applied if we hope to experience joy and fulfillment in marriage. Ignoring these principles will result in frustration and ultimate failure in the marriage relationship.

Because we desire to live within God's principles for marriage and are committed to building strong marriages, the following are the guidelines and Scriptures the _____ Church pastors abide by.

UNEQUAL YOKING. The church believes that Scripture (2 Corinthians 6:14-16) prevents a pastor from marrying a Christian to a non-Christian.

PARENTAL BLESSING. In cases of first-time marriages, a couple needs to have the blessing of their parents. The age of the persons involved may affect this decision.

DIVORCE. We will consider remarriage where a biblically allowed divorce has occurred (Matthew 5:31-32). A minimum of 12 months must have elapsed since the divorce became final. In cases where one or both parties have been divorced 12 months or longer, the pastor asked to perform the ceremony must decide, in light of Scripture, whether or not to perform the ceremony (Mark 10:2-12; Luke 16:18; Matthew 5:31-32; Matthew 19:1-9).

PREMARITAL SEX. Couples who are living together, or who are involved in a physical relationship, will need to separate and remain abstinent until marriage (1 Corinthians 6:13-20; Ephesians 5:3).

PRE-MARITAL PREGNANCY. In case of pre-marital pregnancy, the marriage may or may not be performed depending on the maturity of the persons involved and other considerations. The final decision to perform the ceremony will be determined by the pastor asked to perform the ceremony.

Section 1. General Policies

1. Weddings held at the church must be officiated by pastors from this church. Guest pastors may participate in the wedding at the discretion of the officiating pastor.
2. Personnel provided by the church to ensure your wedding/ reception runs smoothly include: the pastor, wedding coordinator, sound technician, reception hostess and custodial crew.
3. The church's main sanctuary offers versatility to accommodate small or large weddings. The Fellowship Center is also available and will accommodate up to 400 guests. The Fireside Room will accommodate wedding parties of 60 guests.
4. Premarital counseling is required by attending either the church's 10-week program or an equivalent program approved by the pastor.

Section 2. Scheduling a Wedding

1. Call the wedding coordinator regarding basic fees, available wedding dates and pastor selection. She will confirm the pastor's availability for your desired wedding date/time. She will also complete a Wedding Plan worksheet and present you with a packet of information helpful for your wedding planning. She will also review fees and receive your \$100 wedding deposit.
2. Make an appointment with the pastor you desire to perform your ceremony. At this first appointment, the pastor will (1) determine your preparedness as a couple for marriage; (2) discuss pre-marriage counseling options.
3. You will then receive a wedding confirmation letter. Important note: Any plans for printing invitations, napkins, or any reservations for catering, should not be made prior to receiving your confirmation letter.

Section 3. Financial Arrangements

1. During your pre-wedding appointment with the wedding coordinator you may complete your wedding application (Wedding Plan form); request your wedding location, date and time; and give your deposit of \$100. No weddings will be scheduled on the wedding calendar until this appointment. Your wedding date is locked in when you receive a

SAMPLE 1: WEDDING POLICY (CONT'D)

confirmation letter from the wedding coordinator. The wedding deposit becomes nonrefundable when you receive the confirmation letter. The balance of payment due for the use of the church's facility and services must be paid ten (10) days prior to the wedding.

2. The cost of a wedding at _____ Church will be determined by the services requested by the couple and/or their families. (See fee schedule.) These fees may include the following: facility, wedding coordinator, pastor, reception hostess and audio/video services and custodial services. For weddings, these fees may include: kneeling altar, flower stands, brass candelabras, and brass candle lighters. For receptions, these fees may include: serving and guest tables, silver coffee service, and crystal punch bowls.
3. Membership status will be determined by the officiating pastor. This status will be determined by the association of the parents or the couple to this church.
4. The wedding party assumes full responsibility for damages to the building and/or property caused by the wedding party, friends of bride and groom or reception/wedding guests.

Section 4. The Rehearsal

1. All rehearsals will begin promptly at the scheduled time. The pastor and the wedding coordinator will direct the wedding party, considering desires of the bride and groom.
2. Persons needed at rehearsals are: pastor, wedding coordinator, bride, groom, maid or matron of honor, best man, attendants, flower girl, ring bearer, ushers, candle lighters, parents and music participants, if possible.
3. No changes for the ceremony are permitted following the rehearsal.
4. The marriage license must be received by the wedding coordinator no later than the wedding rehearsal.

Section 5. The Wedding

1. Your wedding coordinator will contact you 6 to 8 weeks prior to your wedding date to discuss your needs and prepare the necessary paperwork.
2. All weddings held at the church will be supervised by the pastor and wedding coordinator considering the desires of the bridal party and policies of the church.
3. The church attempts to give ample time for the bridal party's set up and removal of decorations and personal items from the sanctuary, dressing rooms and reception area. Contact the wedding coordinator for your set up and completion times.
4. Seating of guests begins 30 minutes before the announced start time.

Section 6. Photography

1. Photographers will review the church's photography policy with the wedding coordinator prior to the wedding.
2. All formal photography will be taken before the wedding. There will be NO exceptions to this policy.
3. Photographers will begin their formal photography two (2) hours before the start of the wedding allowing enough time for formal settings and will be completed (1/2) hour prior to the beginning of the wedding.
4. Photographers and videographers (private, professional) are allowed in all sanctuary areas except the platform.

Section 7. The Reception

1. Our reception hostess will contact you 6 to 8 weeks prior to your wedding date to discuss your reception needs and prepare the necessary paperwork.
2. The church will provide room set up, serving tables, guest tables with chairs, silver coffee service and punch bowls.
3. The bride will furnish table decorations, linens, food items (i.e. cake, punch, nuts, mints), paper/plastic plates, forks, cups, and napkins.
4. The reception hostess will facilitate the serving of food. All food MUST be table ready prior to its arrival at the church. The hostess will be available to serve the food that has been brought to the church; however, she does not prepare it.
5. Only nonalcoholic beverages may be served. Consumption of alcohol is not permitted on the premises.
6. Food and beverages must remain in the reception area.
7. No smoking is permitted in any church facility.

SAMPLE 2: WEDDING POLICY

The sanctity of Christian marriage, blessed by our Lord Jesus Christ, is entered when two believers exchange their wedding vows in covenant with God during the worship service.

You are seeking to enter into this state of Christian marriage through a service performed here at _____ Church. We welcome you and encourage you to enjoy the spirit of worship maintained here. In order to coordinate wedding arrangements, the following procedures and regulations have been drawn up by the church. We ask that you read them carefully, and, if you have any questions, please discuss them with the wedding directors. The minister, wedding directors, and the organist may all be reached via email at the above listed addresses or by calling the church office. If they are not available, your call will be returned in a timely manner.

The cost for utilizing the sanctuary of the Church is _____, which includes the use of the facility for the rehearsal and the wedding, the minister, the organist, the wedding directors, the organist and available parking the day of your wedding. Complete information on fees is contained on our Wedding Reservation Form.

Reserving the Church

- I. Weddings may be held in the sanctuary, which seats 500 or in the chapel which seats 50.
- II. Contact the church office to verify clearance of date, time and location. A date and time will be reserved for you when a \$250 deposit is received by the church office.
- III. Contact the church office to arrange a counseling appointment at least six weeks prior to your wedding. If anyone in addition to the pastor is to participate in the ceremony, this must be discussed and approved.
- IV. When you have decided to reserve the church for your wedding, you will be asked to sign the enclosed reservation form agreeing to these rules and regulations.
- V. You also will be agreeing to pay for any damages to church property that may result from your use of the facilities. The wedding director will contact you directly to discuss the details of your rehearsal & wedding.

Planning the Wedding

- I. All arrangements for the wedding, other than the securing of a time on the church calendar and the preparing of estimated charges, must be made with the church wedding directors.
- II. You will be contacted by a wedding director who will coordinate your rehearsal and wedding ceremony, and will also be present at your reception if it is held at the church. This will help facilitate the smooth operation of activities on the actual day of the wedding.
- III. Please be reminded that any outside wedding consultants you may choose to employ will have no responsibilities at the church during the rehearsal or on the day of the wedding.

Music

The atmosphere of the ceremony is established by the music. All music should be part of the worship experience. Because a wedding is a service of worship, secular music is typically not appropriate. Final approval of music is the responsibility of the wedding committee. The church will provide an organist for the ceremony. If you wish to have a guest musician, this must be discussed with and approved by the wedding committee.

SAMPLE 2: WEDDING POLICY (CONT'D)**Flowers & Decorations**

It is the responsibility of the bride and groom to arrange with a florist for decoration and to inform the florist of the church's requirements.

- I. No equipment is provided by the church.
- II. Drop cloths must be used under candelabra to protect furniture, carpet and flooring. Only mechanical candles will be allowed.
- III. The Communion table and pulpit may be moved with permission from the appropriate committee. Other sanctuary furniture may be moved as deemed necessary by the wedding director.
- IV. No tacks, nails, or tape will be used in the church.
- V. All decorations are to be removed immediately following the wedding. Floral arrangements may be left for use by the church, if you desire.

The Wedding

- I. The wedding director facilitates all activities at the church on the day of the wedding.
- II. The church has a Bride's Room and a Groom's Room for the couple and their attendants to use for dressing. The use of these facilities is included in the basic charge.
- III. A 30-minute window is allowed after the ceremony for pictures.

The Reception

- I. The church fellowship hall is available for wedding receptions for an additional fee.
- II. Arrangements for a reception at the church must be made with the church office. Proof of insurance will be required from all vendors working on the reception.
- III. The wedding director will be present at all receptions held at the church. A separate deposit is required for receptions.
- IV. The caterer is to leave the kitchen and fellowship hall exactly as it was found. All church property is to be cleaned and returned to its original place. This includes the sweeping and mopping of the floors and the replacing of tables and chairs.
- V. No alcoholic beverages may be served.

General Rules

- I. Smoking is not allowed anywhere in the church facility at any time.
- II. Alcoholic beverages are not allowed anywhere in the church facility at any time.
- III. Guests are not allowed to throw rice. However, birdseed may be thrown outside.
- IV. You will be allowed to enter the building four hours before the scheduled time of your wedding.
- V. You should be finished and leaving the church 45 minutes after your ceremony, unless your reception is in the fellowship hall.

SPECIAL MINISTRIES & EVENTS

Churches often have some specialized ministries that call for particular policies regarding those programs. Among such common church programs are senior citizen special activities, exercise groups, mission trips, and special child-care activities such as “Mom’s Morning Out.”

It is beyond the initial scope of this volume to address the special policy issues that arise with these ministries, though the reader can well imagine issues of premises liability, security and appropriate child-care policies which are likely to arise. Periodic subsequent supplements from the Baptist State Convention or this author will focus on some specialized programs of this sort. Child-care concerns are covered in a separate section of this church policy manual. (See page 145.)

SPECIAL YOUTH EVENTS

Churches which have frequent special events – of assorted types – find it helpful to establish policies regarding these. Often these special events involve children or youth activities such as field trips, lock-ins, overnights, camping trips, and mission trips.

Policies are especially important in the context of activities involving minors, and these policies would commonly cover such areas as finances, minimal adult participation, parental permissions, insurance, travel safety, behavioral rules for youth on such trips, prerequisites for participation (study-group participation, church attendance, parental involvement, etc), provisions for medical emergencies, and the procedure for church approval of such activities.

Overnight-trip policies are discussed in the Preschool/Child/Youth Protection and Ministry Policies Section.

PARENTAL PERMISSIONS AND LIABILITY WAIVERS

One frequently raised issue is the appropriateness and effectiveness of liability waivers signed by parents in connection with special youth or children’s activities. The question is whether churches should obtain liability waivers from parents when taking children on special outings, and whether they are effective. Such waivers typically say that the signer will not hold the church liable for any damages or injuries which occur on this venture.

There are two critical points to be made in regard to such documents.

First, insofar as they attempt to avoid church or church-personnel liability for injuries or other problems associated with the church venue, they are virtually useless. Adults may in some circumstances knowingly waive the liability of others who enable or assist them. For example, an adult engaged in bungee jumping or hang-gliding may be required to sign a waiver that they will not hold the operator of the event liable. At least in some respects that may be effective because we have an adult waiving their own liability about a specific known event whose hazards are apparent. It is quite different when it involves children and is a blanket waiver without even knowing what risks are going to be incurred or what actions of the staff may be involved. It is too vague, too comprehensive, and too indirect.

Second, BUT, some form of signed authorization is VERY IMPORTANT for the following reasons:

1. It assures that parents are aware of the event and authorize their children’s participation.
2. If the notice is as specific as it should be, it gives notice of the nature of the activities that are going to be undertaken and permits parent’s to make an informed decision about their children’s participation. Thus, a notice/permission form would not merely note the youth group is going to the mountains, but would indicate for example of they were going down the Nantahala river in rafts or do rappelling.
3. The form should provide parents important information about times, dates, location, activities, how contact may be made and who is responsible.
4. The form should provide the church and the staff and leadership with crucial information such as telephone numbers of parents (work and home), other close relatives for emergency contact, any medical limitations or problems, special dietary needs or medications so that proper action may be taken or precautions observed.
5. The form may seek permission to authorize emergency medical treatment or at least provide the name of the child’s doctor.
6. While requiring notarized signatures is not normally necessary, a church may properly require such in circumstances where the parents are not involved with the church and there may be some uncertainty whether the parents have been informed and signed the document. A church may also seek to assure actual parental knowledge and consent by contacting the parents directly and assuring their knowledge and signature, or in some cases, by requiring parental presence at some planning event where the entire program is explained. The latter would only commonly be done with a major event over multiple days involving a range of activities.

Thus these permission-slips are very important to share vital information, secure parental permission and support and equip the leaders to take emergency action should it become necessary.

A comprehensive permission/authorization process for groups such as youth groups that have regular activities as well as some special events might include a general information and consent form. This form would describe the normal weekly/monthly activities of the group and then note that any special events such as out-of-town trips, overnights, or special activities involving some risks such as rafting, hiking, climbing, etc. would involve further special authorization forms.

***Policy on Parental Authorization Forms
for Youth/Children Special Activities***

Whenever the church is a sponsor or provides leadership for an activity that is outside the normal parental expectation either by virtue of its location, nature of the activities or involvement of other groups or leadership outside the church, the church shall secure the written permission of the parent or guardian, as well as providing the parent with specific information about the leadership, location, timing and nature of these special programs or activities. The permission slips would secure from the parents appropriate medical, dietary and emergency information as the leadership believes might be needed in the event of unexpected delays, injuries or other factors.

Such permission slips and information forms shall be signed by the parent. If the leadership believes it appropriate to assure the parents have approved and signed the permission form, they may require a notarized signature or parental direct contact.

Sample forms are in the Appendix.





One area almost every church realizes requires very clear and enforced policy is the context of church-owned and operated vehicles. The issues of safety, insurance, maintenance and operational guidelines are transparent. (We are not here addressing the issue of a church-owned vehicle for pastoral use which is done in some churches. Issues in that context involve tax and substantiation issues for private versus business use.)

POLICY COVERAGE

Here are the areas that must be covered in policies regarding church-owned vehicles:

General Policies

- Persons/committees responsible for overseeing vehicles.
- Scope of insurance coverage
- Regular maintenance
- Storage
- Access
- Vehicles considered appropriate and safe
- Safety equipment – seat belts, emergency lighting, first-aid supplies

Use Policies

- Authorization – Who has authority to approve a given use?
- Conditions – What are the requirements or conditions for use?
- Procedures – What forms and approvals must be submitted?
- Approved drivers – requirements, approval, record checks
 - Level of license required
 - Approval procedure
 - Drug testing - DOT
 - Expenses
 - Insurance
- Inspections on each use
- Number of persons/number of adults
- Seat belts
- Behavior guidelines for passengers
- Permission slips (when used)
- Incident reports
- Trip reports – driver's reports on mileage, expenses, problems, incidents

POLICY CREATING A RESPONSIBLE COMMITTEE/PERSONNEL

Church policy in this area should begin with the identification of responsibility – normally vesting it in a committee, and in the case of a multiple staff, perhaps identifying a staff liaison with that committee. The policy should identify as well the tasks of this committee. The committee might be a new special task group such as a “Transportation Committee,” “Church Vehicle Committee,” or in a small church with perhaps only a van, it could be as narrowly described as a “Van Committee.” Here is a sample of the kind of policy that would address this:

Church Vehicle Committee

1. *The church shall annually elect a _____ Committee consisting of ____ persons who shall be responsible for the development and implementation of all policies and procedures regarding church-owned vehicles.*
2. *Committee Duties*
 - a. *The committee shall be responsible for recommendations on the purchase, and assuring the proper maintenance, of all church vehicles.*
 - b. *The committee shall recommend to the church appropriate policies regarding the securing, maintenance and use of church vehicles including policies on appropriate drivers and safety procedures.*
 - c. *The committee shall assure that appropriate insurance is secured on all church vehicles.*
 - d. *The committee shall make annual recommendations to the budget committee requesting such funds as they deem essential for the work of their committee and the transportation needs of the church.*
 - e. *The committee shall establish systems and policies for screening drivers, driver guidelines, safety measures, and records and reporting on the use of the vehicles.*
 - f. *The committee shall assure the retention of records on vehicles, drivers, insurance, maintenance, and other matters related to the operation of church vehicles.*
 - g. *The committee shall assure regular training and review of all drivers.*
 - h. *The committee shall assure that policies are distributed and publicized to users in particular and the church generally through the church policy manual.*

GENERAL POLICIES ON USE OF VEHICLES

In addition to identifying the duties of a governing committee, the church should set forth some general “use” policies. Among these would typically be limiting use to official church functions and some basic rules and procedures for such use. Again, a typical example would be as follows:

Church Vehicle Use Policies

1. *Use of the church vehicles is restricted to church-sponsored programs, organizations and events. Church vehicles may not be loaned for private uses or to other organizations.*
2. *Any group wishing to use a church vehicle must make a request and reservations through the committee or through the office if the committee so authorizes.*
3. *Church groups using the vehicles to travel a distance beyond 100 miles must receive specific approval from the committee chair.*
4. *Only approved drivers as set forth in church-approved policies may operate a church vehicle.*
5. *Church groups or organizations using a church vehicle are responsible for the following:*
 - a. *Assuring all drivers are on the approved driver list*
 - b. *Providing adequate instructions to the driver in advance on the timing and destination*
 - c. *Assuring information is left with the church office on the destination and any contact phone numbers*
 - d. *Assuring that sufficient adult supervision is present on any trip involving youth or children*
 - e. *Assuring appropriate conduct, discipline and order in the church vehicle to assure its safe operation and the safety of the passengers. This shall include the requirement that all passengers wear seat belts, that passengers remain seated, and that children/youth do not engage in potentially disruptive conduct such as fighting, throwing objects within the vehicle or from the vehicle*
 - f. *Assuring that all accidents, disciplinary incidents, or mechanical and safety concerns are promptly reported in writing on the appropriate forms*
 - g. *Assuring that the vehicle is cleaned of litter at the end of the trip*

DRIVER REQUIREMENTS/QUALIFICATIONS

A major area of church policies is the selecting, training, and supervising of drivers and their duties. It is an area that requires the strictest requirements and observance.

Driver Qualifications

Here is a sample church policy addressing driver qualifications for a church-owned vehicle such as a van, bus or car:

Approved Drivers of Church Vehicles

1. *Only a driver approved by the church and placed formally on the approved driver list may operate a church-owned vehicle in the ministry of the church.*
2. *Persons seeking approved status must meet the following requirements:*
 - a. *Complete the Church's Driver Information Form.*
 - b. *Be between 26 and 69 years of age.*
 - c. *Evidence the maturity of judgment appropriate to the responsibility.*
 - d. *Have a valid driver's license for the church vehicle to be driven.*
 - e. *Be insurable under the church's insurance policy and show proof of current insurance.*
 - f. *Have a good driving record, with no recent or excessive history of tickets or accidents.*
 - g. *Be approved by the _____ Committee after reviewing the documentation noted here and any other relevant information.*
 - h. *Meet any other requirements the committee finds appropriate for the particular context.*
3. *Newly approved drivers will be required to participate in an orientation session with the committee to review operating policies and procedures. All approved drivers may be required to participate in periodic training and orientation sessions.*
4. *The committee may remove drivers from the approved driver list who fail to comply with the policies and procedures of the church, or who, for whatever reason, no longer meet the requirements as established by the committee.*

Driver responsibilities

In addition to policies about qualified and approved drivers, the church should establish some basic operating policies addressing issues of trip reports, inspections, expenses and appropriate conduct. A sample of such policies follows:

SAMPLE DRIVER RESPONSIBILITIES POLICY**Driver Responsibilities:**

1. To pick up and return keys to church office. Keys are to be returned to the office as soon as the trip is completed.
2. To note carefully the condition of the vehicle prior to leaving the church, using the checklist provided in the vehicle, including the following:
 - a. Adequate gas supply
 - b. Operating properly
 - c. Tire air pressure
 - d. Clean interior
 - e. Oil checked
3. Complete the Trip Log both at the beginning of the trip and at its conclusion. (Sample in Appendix)
4. To drive responsibly, following the posted speed limits and driving in accordance with prevailing weather conditions, and giving full attention to driving responsibilities.
5. In the case of vans and buses which transport youth and children, to assure that there is sufficient adult supervision to see that the conduct of the passengers does not create distractions for the driver.
6. Along with other church leadership and staff to assure that conduct of passengers in the vehicle does not impede the safe operation of the vehicle.
7. Along with other leadership and staff involved in the activity to assure that the vehicle is left in clean condition.
8. To report on the Trip Log any operational problems or damage to the vehicle.
9. To promptly complete and comply with the Accident and Incident Report Form contained in the vehicle, including providing immediate notice to _____.
10. In case of a breakdown on a trip, call _____.
11. All drivers are requested to annually sign this sheet of guidelines, which will be kept in the church file.

Signature

Date

SAMPLE CHURCH VAN POLICY

1. Church vans are to be used for activities related to _____ Baptist Church only, unless other use has been authorized by the church office.
2. Church van use will generally be determined on a first come first served basis with church leadership having final authority.
3. Church vans will be designated as follows: Older model= #1, Newer model = #2 (If dual requests are submitted for the same date and vans are destined for different locations simultaneously, the group with the shortest distance to travel will use van #1 and the group with the longer travel distance will use van #2.)
4. Any ministry wanting to use a church van will schedule the request through the church office. Request will include date, time, destination and estimated time of return. Request should be submitted well in advance of required date of use.
5. Church vans are to be driven by approved drivers only!!! An approved driver is defined as an adult who has submitted a photocopy of their driver's license to the church office and been approved to drive by our insurance company. A photocopy of the driver's license is faxed to our insurance company who checks the driver's DMV record before granting approval to operate one of the church's vehicles. The approved drivers list is to be updated by the Transportation Committee on a yearly basis. All individuals who become approved drivers will comply with the above procedures. Allow one (1) week for approval.
6. The van driver will be responsible for the operation and maintenance of the vehicle while it is in his/her possession.
7. There is a loose-leaf binder on each van maintained in the church office. Those binders contain information pertinent to the individual vans such as: insurance information, van key(s), emergency numbers, charts to record mileage and condition of the van after use (the information on the charts is to be recorded after each trip.) All mechanical problems, scratches, dents, etc. will be reported immediately upon return. The van binder will accompany the van each time the van is used and will be completed and returned to the church office after the trip is completed.
8. Church vans will be refueled and cleaned upon completion of each trip. This is the responsibility of the individual van driver. Should it be necessary for the driver to purchase fuel where individual funds or credit cards are used, the driver is to retain the receipt and submit it to the church treasurer for donation credit or reimbursement.
9. Drivers are personally responsible for any traffic violations. Damage is covered by insurance. It should be noted by all drivers that recent van tests prove that speeds over 65 mph can cause the van to be "top heavy." With these statistics in mind, the church vans will NOT be operated at speeds in excess of 65 mph.
10. Drivers are responsible for the safety and conduct of passengers in the van. Noise levels and inappropriate behavior are to be monitored by the driver. It is recommended that an adult in addition to the driver, travel in the van with youth and children's groups. Discipline must be maintained for safety.

SAFETY ISSUES

Church Mutual Insurance Company's brochure, *The Road to Safer Transportation*, available at www.churchmutual.com, provides safety suggestions including driver selection criteria, vehicle maintenance check lists, managing highway emergencies, and suggestions for drivers and rules for passengers. Guide One Insurance has produced a "Safeguard Solutions" set of suggested policies, one chapter of which focuses on transportation issues. It may be obtained at www.guideonecenter.com.

Sample forms for use in church transportation are in the Appendix. Included are forms for driver applications, background-check requests, trip safety procedures, accident information and report forms, trip report.

WARNING: 15-Passenger Vans

Recent special attention in the media has been on church and school use of 15-passenger vans. This model has become, in some ways, a "preferred" vehicle for churches, with re 500,000 reportedly on the road. The debates arise because of claims they are not subject to the same safety requirements as either buses or passenger vehicles, and over 400 deaths have been reported in the 1990s. *School Transportation News* wrote that 15-passenger vans are structurally different from buses and passenger cars, lacking side-bar protection. The NTSB, after a study of van accidents recommended that all vehicles carrying more than ten (10) passengers be subject to federal school-bus safety standards. The study focused on increased roll-over risk – six times greater in a van with fifteen persons than one with five occupants. The NTSB report is available at www.nhtsa.dot.gov. Guide One Insurance and Guide One Center for Risk Management has stated that 15-passenger vans are "inherently unsafe" and has urged its policyholders to consider alternatives, and if they do use the vans to follow the specific guidelines they set forth. They have produced a 15-minute video for drivers and administrators to view on safety issues in these vans. Church Mutual Insurance Company has also warned about 15-passenger vehicles. Federal law actually prohibits the sale of large passenger vans to schools for transporting children, because they do not have to pass the Federal Motor Vehicle Safety Standards for school busses.

Guide One has produced a special set of policies they recommend for 15-passenger vans. These include the following:

- Ensure all drivers are qualified to safely operate a 15-passenger van
- Remove the back seat
- Limit the number of riders to 10
- Prohibit driving in excess of 60 miles per hour
- Keep the gas tank as full as possible to lower the center of gravity
- Never load items on the roof
- Buy high quality tires

USE OF NON-OWNED VEHICLES

Less apparent, but also of concern for church policy is the use of members' privately owned vehicles for church purposes such as trips, outings, special programs and mission activities. Jack Crabtree's *Better Safe than Sued* (1955) details the serious risks and tragic stories of church youth seriously injured or killed in accidents involving unsafe vehicles and immature drivers, often teens.

Consider, for example, how many youth activities involve youth piling in cars and heading for the park, another church or a post-meeting pizza. To the extent these are church activities, the church bears both a legal and moral responsibility to assure that undue risks are not created. Given the statistical data, is it appropriate to have persons under 21 or even 25 years of age driving the youth? Some church insurance policies require drivers of children and youth to be 25 years of age or older. Can the church afford to ignore the issue of appropriate vehicles and drivers in such contexts? A policy requiring adult-driven cars for all youth-related activities and trips may prove inconvenient and even difficult to enforce at times, but may well be a prudent policy.

Church Liability for Negligence of Drivers – Youth Ministry Examples

A church is potentially liable for the actions of any drivers who are acting for, or on behalf of, the church. This typically would mean any driving within the boundaries of the youth program. Thus, liability would not normally arise when youth drive to the church for the meeting (unless of course the youth minister asks Joey to pick up Sally on his way). Nor would the church normally be responsible for drivers who return home. However, any activities within the parameters of the church program would create potential church responsibility. Thus, driving the youth from the



church to the regional youth program, camp or a concert is probably within the scope of potential liability.

There are some borderline areas of potential liability as well. The post-youth group event when everyone piles in cars to head to the pizza house may or may not be a church meeting. If it is a regular and promoted aspect of the youth group, and the youth leaders and supervisors are there, then it may well be a church activity and the trip would be within potential liability. Or the teen driver who is sent out to bring some snacks to the meeting may well be within the scope of activity. Or, as noted above, if the church youth leader requests a driver to drop off someone at home, potential liability may exist.

The legal theory is that the driver is an “agent” of the church — acting for or on behalf of the church—and thus not only is the driver personally responsible, but the church as “principal” is also liable. This liability arises even if the agent acts contrary to instructions. It is no defense for the church to say the driver violated church driving rules.

Besides the church being liable as a “principal” for the negligent acts of its “agent”-driver, the church may also be liable because of its own negligence in selecting /permitting a person to drive. Thus the contention would be that it is not reasonable for a church to entrust the driving to an inexperienced person under, say, 21 or even 25 years old.

Here are the areas that must be covered in policies regarding privately- owned vehicles:

- What requirements are imposed on non-church vehicles and non-church-approved drivers? (e.g. safety, insurance coverage, driving records, driver's age)
- Reimbursements for expenses
- Permission forms
- Special church-purchased insurance coverage or subsidized private-party insurance

BOTTOM-LINE POLICY RECOMMENDATIONS

1. Form a Church Vehicle Committee consisting of a range of persons such as staff, potential drivers, parents and others to develop, recommend, and implement appropriate policies regarding transportation needs including church-owned vehicles and borrowed vehicles in all aspects of the church's ministry.
2. Adopt a written transportation policy including the following elements:
 - a. Establish procedures for checking driving records of all staff and volunteer drivers for the church. Drivers should not have had any moving violations or accidents within the past three years. They should not have not been charged or convicted of DWI (DUI) within the past five years nor have records prior to three years evidencing a pattern of irresponsible driving.

- b. Prohibit any persons under twenty-five (25) from operating a church-owned vehicle.
- c. Provide initial and follow-up training for drivers of any church vehicles.
- d. Establish a regular maintenance program for all church vehicles.
- e. Educate all staff and volunteers working with children and youth group about transportation policy.
- f. Assure parents are aware and approve whenever minors are being transported in borrowed vehicles by non-church staff or volunteer drivers.
- g. Establish and implement a regular inspection and record system for each use of a church-owned vehicle including a log of each trip, purpose, driver, number of passengers and notation of inspection and indication of any problems with the vehicle or incidents with passengers or others.
- h. Utilize an incident report form for any accident or injury associated with the vehicle.
- i. Require privately owned vehicles used in any church activity involving out-of-town transportation to have passed a current inspection, and obtain evidence of insurance coverage on the vehicle.
- j. Assure that the church has a business automobile insurance policy to cover damages to the vehicle, injuries and damage to the property of others, and privately owned vehicle coverage that will cover vehicles owned and used by volunteers in church activities.
- k. Assure that an additional adult is on any van or bus transporting more than seven passengers.
- l. Establish a code of conduct for youth and children who are passengers.
- m. Assure church vehicles have appropriate emergency equipment and procedural guidelines for drivers and adult supervisors in the event of a problem.
- n. Require seat belts to be present and worn at all times.
- o. Establish safety procedures for passengers entering or exiting the church vehicle are established, communicated and observed.
- p. Set forth all these policies in a policy manual and provide the vehicle and transportation policies to parents and others involved in church transportation operations.



COPYRIGHT RECOGNITION POLICY

Many have suggested that churches have been notorious copyright violators – freely copying church music, producing song sheets, and in other ways violating federal copyright laws. Some copyright owners and groups have become much more assertive in protecting their rights, including lawsuits against large religious communities for violations. Church leaders and staff should have a general understanding of the copyright law, and the church should have policies and procedures to encourage compliance.

THE GENERAL LAW

The Copyright Act, a federal law, gives a copyright owner a set of “exclusive rights.” These include:

1. Making copies
2. Preparing works which are derived from the copyrighted work
3. Distributing copies of such works by sale, lease, license, etc.
4. Performing publicly works that are performable in music, drama, audiovisuals
5. Displaying the work publicly.

It is unlawful to violate these rights, and one who does so is an “infringer.” Infringers are subject to damages set forth in the statute. They may be sued for actual losses and the recovery of any profits by the infringer. Statutory damages range from \$500 to \$20,000, or even up to \$100,000 for willful infringers.

EXCEPTIONS, EXEMPTIONS AND LIMITATIONS

There are, however, certain important exceptions, exemptions and limitations on these rights that are of relevance to churches. Among the most important provisions is Section 110(3) of the Copyright Act which provides that “performance of a non-dramatic literary or musical work or of a dramatico-musical work of a religious nature, or display of a work, in the course of services at a place of worship or other religious assembly” is not an infringement. Thus, reading from a copyrighted book, a Bible or article would be protected. Also the singing by the choir of a copyrighted musical piece would be protected. Similarly the performance of dramatico-religious works of a religious nature are protected, but not if they are secular in character such as secular musicals or movies.

Note the requirements for the exceptions to these provisions:

1. **Worship Context Only:** Note the requirement that the context is worship, and not social events, educational programs or children’s or community activities.
2. **Does Not Include Broadcasts or Distribution:** Note also, section 110 exceptions only apply to performances or displays at a place of worship and thus do not cover broadcasts such as radio or TV, or tape-recorded and distributed recordings of copyrighted materials. This has caused some churches to avoid all copyrighted music in such broadcast events.
3. **Does Not Include Right to Make Copies:** Note this covers “performance” and does not include the right to copy the work. Thus while a choir may sing a copyrighted song, they may not under this exemption produce copies for all the choir members – whether the words or the lyrics.
4. **SECTION 110(4) – Charitable performance exception**
This section provides an additional exemption for certain performances of non-dramatic literary or musical works performed either without any admissions charge or where the funds from any charge are devoted exclusively for educational or charitable purposes – unless the copyright holder has given notice of an objection to such use.

SECTION 107 – FAIR USE DOCTRINE

This widely utilized, and probably often abused, exception to copyright law provides that it is not an infringement of copyright to use copies of copyrighted works in the context of “criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research.” The statute then sets forth the factors which are considered in assessing whether any use is “fair use”: (1) the purpose and character of the use – including whether it is of a commercial nature or for nonprofit educational purposes; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the whole; and (4) the effect of the use on the potential market for or value of the copyrighted work. Because of the multiple factors, it is not always easy to assess whether any given use is “fair” or an “infringement.” Some things are clear:

1. Copying an entire copyrighted work (article, music, or book) is not “fair use.”
2. Copying substantial portions will most often not be fair use.
3. The educational exception is also often fuzzy. The classroom-use guidelines impose limits on the lengths of excerpts and a general

rule that “copying shall not substitute for the purchase of books, publishers reprints or periodicals.”

4. Music “fair use” guidelines are even more restrictive, limiting use to making copies where the music has been purchased but is unavailable at the time of performance — sort of replacement copies.



DISPLAYS/PROJECTIONS OF COPYRIGHTED MATERIALS - SECTION 109(C)

This section provides that the owner of a “copy lawfully made” may “display that copy publicly, either directly or by the projection of no more than one image at a time, to viewers present at the place where the copy is located.” Under this provision, for example, a owner of a copyrighted sheet of music or book could project its image by an opaque projector onto a screen for the audience. Note, however, this would not authorize the use of a transparency made from a lawful copy, because the transparency would itself not be the lawful copy. Of course, if the church bought a lawful transparency, it could then use it through an overhead. (If this sounds technical — it is!)

CHURCH LICENSES

Because of many issues arising with churches especially over the use of music, music publishers have developed “blanket licenses” by which for a nominal fee, churches are authorized to make copies of songs in the publisher’s collection. Some publishers have combined and created broad licensing options such as the Christian Copyright Licensing Inc. (CCLI). By paying an annual fee to such a group as this, the church is free to make copies, print the words, project them on video monitors and similarly use the music in the church and in audio and video recordings of the services. CCLI does require the filing of annual reports on music utilized under the licensing provisions, and these reports assist the clearinghouse in allocating royalties. (CCLI’s phone number: 1-800-234-2446)

Note: As one authority in this field has noted, these licenses do NOT authorize making copies of cantatas, orchestrations, musicals and similar musical materials, nor to translate songs, nor rent, sell or lend copies made under the license agreement to other churches.

WHO OWNS THE COPYRIGHT?

Typically the person that creates the work is entitled to the copyright. However, often the work may be created by a person as part of their employment. In such a case the work is often referred to as a “work for hire.” Works for hire — made in the course of employment — belong not to the “author” or creator, but the employer. The key factors in assessing whether a work was a “work for hire” are obvious: Was it created during the “office hours” of the employee? Was it created at the place of employment? Were materials of the employer used in its creation? Did other employees of the employer assist?

Written policies or agreements can avoid disputes. Employers may have formal policies indicating that works produced by employees are, absent written agreements otherwise, “works for hire,” and such formal agreements may also be developed whenever an employee is specifically assigned to create some work which could be copyrighted. Alternatively, the employer may by written agreement indicate that copyright ownership in works created by an employee even within the scope of his employment belong to the employee.

COPYRIGHT LAW & CHURCH POLICY

Many organizations now place notices by copy machines that advise users of the copyright laws. Such a notice might read as follows:

U.S. copyright laws protect the rights of copyright holders, and limit or prohibit copies being made of copyrighted materials including books and music. The making of illegal copies on this machine is prohibited by the church. In the event of any uncertainty about whether any copying is proper, please contact _____.

SOFTWARE COPYRIGHTS

Copyright laws also protect computer software. Software may not be copied without permission. Making copies of software so that it may be used on other computers will ordinarily be a violation of copyright laws. Some software may provide for limited backup copies.

VIDEOS

Churches are often surprised to learn that the rental or purchase of a video DVD, CD or VHS cassette does not include the right to show it publicly, defined in the U.S.C. as “a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances are gathered.” Thus, the church may not show the video at schools, summer camps, rest homes and similar places. There are limited exceptions for “face-to-face teaching activities” by nonprofit educational institutions such as church schools. All other showings are illegal unless authorized by a license. This applies whether any showing involves a charge or not, and without regard to whether the organization is a profit-making or nonprofit group.

Video materials may be bought with “audiovisual rights” authorizing limited nonprofit use, but commonly videos purchased or rented indicate they are “For Home Use Only,” and thus have no additional rights. A licensing organization similar to CCLUI but covering videos is the Motion Picture Licensing Corporation (MLPC). By securing a license from them, the church is authorized to show any video in their extensive catalog on church premises or during a church activity. They may be contacted at 203-353-1600.

Copyright Policy

The church is committed to respecting all copyrights and prohibits staff or volunteers from any forms of copyright infringements. Church-owned copy machines, computers, tape duplicators, sound-recording devices or any other forms of duplicating or reproducing equipment should not be used to copy or reproduce any forms of copyrighted materials for ministry or personal use. Senior personnel are expected to understand and encourage compliance with this policy.

Resource: An excellent and comprehensive guide to copyright law as it affects churches is *The Church Guide to Copyright Law* by Richard Hammar and available is from Christian Ministry Resources, P. O. Box 2301, Matthews, NC 28106.



The increasing use of computers in many aspects of church life requires the careful consideration of policies related to security, use and abuse, and confidentiality. Since major aspects of computer policy involve personnel issues, the computer-related policy issues involving access, authorized use, prohibited uses and other personnel related issues are covered in the Personnel Policies Section and in the Employee Handbook. Other computer-related issues, including some overlap, are noted here. Major general policy issues deal with appropriate uses of computer technology and equipment, physical security of computer systems and information, access, and maintenance.

USES

Computers are being widely used in churches for one or more of the following applications:

- financial record keeping of budgets, accounting packages, preparing financial statements, making payrolls, issuing receipts
- maintaining membership rolls
- producing church bulletins, newsletters and advertisements
- keeping inventory records of church property
- storing information about members and non-members to enhance the ministry of the church (e.g. birthdays, baptisms, skills, family links, etc)
- communications through e-mail with members, denominational offices
- research for Bible study and pastoral preparation for teaching and preaching
- website development for the church

DATA SECURITY & INTEGRITY

A primary concern is to insure that the data is preserved and secure from loss through computer problems, theft of equipment, fire or electrical problems. To that end, certain policies should be in place.

1. All church data on computers should be backed up daily on separate mediums such as disks, zip-filed, tape, CDs or DVD's so that all data could be restored. Backup copies on the same hard disk are helpful in case of file corruption, but are inadequate for full assurance the system and its data can be restored. Backup

media must be preserved in another location or in an appropriate fireproof, locked storage. Automated backup systems should be considered where there is substantial data to be regularly backed up.

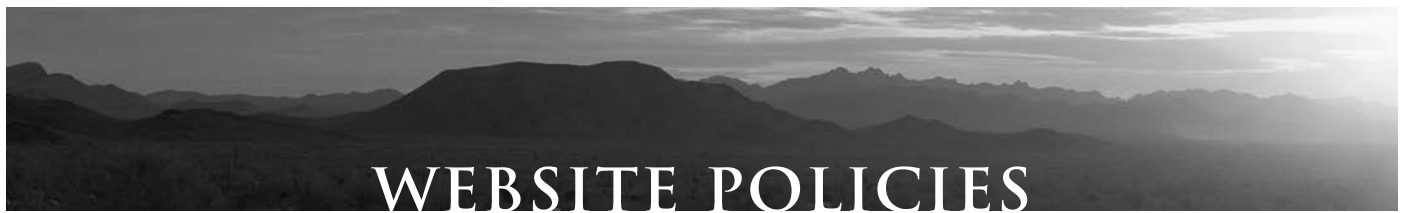
2. Important church data should only be stored on a church-owned and church-controlled computer system to assure the church has full control of access to the information. There may be important legal duties to assure the confidentiality of some church records.
3. The confidentiality of church computer files should be carefully preserved, and separate access codes should be used for different types of data so that only persons with a proper need for access can enter those secured files.
4. Computer equipment needs to be carefully maintained. Warranty service, extended warranties and other service plans should be reviewed.
5. The electrical power systems which power computer systems should be as reliable as possible, and means should be taken to avoid computer damage in electrical storms or other power surges. Where appropriate, a church may consider a power supply source to provide sufficient power to shut down a computer without loss of data in case of a power outage.
6. Any access and user policy should be established, communicated and enforced to assure proper use of the equipment or its data.
7. Software which can detect computer viruses should be installed, as viruses may enter the computer system through e-mail, loading of data from disks and other external media. The virus software should be regularly updated as new viruses are regularly being created and can move rapidly through networks.
8. A knowledgeable resource person should be identified either within the church or in a local business who can provide support service for hardware and software. Such a resource should also be available to advise of important hardware and software updates which are cost effective and enhance the value of the computer systems.
9. Old data should be removed from the active computer and where there is a reason to retain it for possible later use, stored in other media such as CD or DVDs. These should be kept in an appropriate, safe storage area.

On the following page is a general policy statement covering these and related elements. (See also the use policy in the *Employee Handbook*.)

General Computer Policy

1. *The nominating committee shall recommend and the church appoint a Computer-Technology Committee, or assign such duties to an existing committee, charged with recommending action in regard to the development and implementation of appropriate computer technology and policies governing the same in the ministry of the church.*
2. *The committee shall work with the staff and professionals in the field to establish short and long-range plans for the use of computer and related technologies to improve the efficiency of the internal administration of the church and its outreach, as well as ensuring the application of the policies set forth herein.*
3. *All computers on which church data are stored shall be owned by the church, which retains all rights to such data, and full access to the church computers and their data as set forth in the Personnel Policy.*
4. *An inventory shall be kept of all computer hardware and software and all hardware shall be identified with appropriate markers.*
5. *The committee shall assure the integrity and security of church data on computers through appropriate systems of regular, secure backups, redundancy and appropriate access codes for different data and files.*
6. *Computer file systems and passwords shall be utilized which recognize the confidentiality of certain records and assure only authorized persons have access to sensitive material.*
7. *An appropriate system for maintenance of computer systems, and enhancements through upgrades of hardware and software shall be established.*
8. *Virus protection software shall be installed and systems in place for its upgrade and frequent use.*
9. *The committee shall recommend appropriate steps to assure that the computers and their data are protected against electrical anomalies, surges or interruptions in service.*
10. *The committee shall periodically review these policies and the computer policies in the Personnel Policy section and Employee Handbook, make recommendations regarding any changes, and report on their effectiveness.*
11. *The committee shall make recommendations regarding training of staff and others to enhance the effectiveness of these systems in the ministry of the church.*
12. *Computer data files shall be annually reviewed, and data no longer essential in the ordinary operations shall be deleted, and where appropriate, those files stored in external media secured appropriately.*
13. *Computers no longer used by the church must have their memories effectively cleared before disposal of any type to assure that data is not inadvertently accessible to purchasers or others who acquire the computer or its parts.*





The increasing development of church websites suggests that churches should begin to develop policies appropriate to various aspects of website development, content and use. This whole area is so evolving and the technology and software for website creation changing so fast, that appropriate approaches are still not nearly settled. There are, however, some basic policies that churches are beginning to recognize should guide their website development and use. We shall here only note some major policy areas, but later supplements are likely to explore this further. At this point, such policy areas may be broken down into several major categories: Management/Purpose Issues, Content Policies, and Security/Privacy Issues.

MANAGEMENT/PURPOSE ISSUES

Control

A basic policy must address how website decisions are made. Where is the control, monitoring and quality assurance? Will this be largely delegated to a small committee of especially interested and knowledgeable members? Most churches will eventually create a committee or sub-committee to recommend or set policy, and oversee the development and operation of the site.

Daily operations

Despite some software promotions that seem to suggest you could get a website up and running and operational yourself for a small investment, most find this is not the case. Major questions will arise about how the site is effectively maintained, the role of inside versus outside developers, system maintenance and similar operational questions. A website is not something you do and leave alone.

Nature of the site

What kind of a site will this be? While some sites are relatively passive, most now want to include some interactive elements such as e-mail links, registration of visitors to the site, and some even may offer merchandise or materials in the form of sermon tapes, books, etc. Some want to include new material regularly such as announcements of coming events. A practical policy decision will need to be made about how complex and interactive a site will be.

Copyright

The church will want to assure that the site is clearly identified and that its name appears on each page in the site. Some churches go further and wish to claim copyrights to the creative work done on the site, while others may resist that notion. One church with an obvious

proprietary notion insisted something like this: "This site and all material contained in this site are protected by copyright. This includes text, graphics, logos and images. Permission is granted to download materials from the site for personal, noncommercial use. The images of people or places used on this site are either owned by the church or used with permission. Use by others is prohibited."

CONTENT OF SITE POLICIES

These policy issues address the types of materials that would be included in the site itself.

Use of links to other sites

Policies will need to develop about the inclusion of links to other sites within the church's website. For example, links could be included to a wide range of websites offering religious news, Bible study materials, denominational resources, and world mission sites. The Southern Baptist site, sbc.net, even suggests churches may wish to include the SBC search engine itself on the website to provide a "safe and easy way" to search Southern Baptist and related sites. Site links may be created through buttons and graphics. Many excellent and resource-loaded sites are available that place at disposal thousands of documents, commentaries, Bible versions, maps, illustrations and study materials. But a church will have to assess both what guidelines in general will be used to determine appropriate sites, and then what particular sites themselves will be included. One obvious policy would be to insure that no sites are included which would be inappropriate for children. But after that it is a bit more complex. An explanation on a church website might read:

As a courtesy, this site may offer links to other websites. The church has not reviewed every page of every website that might be linked and is not responsible for, nor necessarily agrees with, all the contents of other sites. Users who find materials on any linked website objectionable should report the same to the Website Ministry Committee which will evaluate the appropriateness of the link.

Examples of some common policies that exclude certain types of content

a. Exclusion of commercial websites

This site shall not include any commercial third-party advertisers. Any correspondence or business dealing with advertisers or businesses which may be found on other sites accessed by a link on this site are solely between the user and the third party.

- b. Avoiding the use of copyrights or trademarked materials
No copyrights or trademarks such as logos or art work, shall be displayed on the site without the permission of the copyright holder.
- c. Complying with nonprofit status by avoiding support for or against candidates for public office during elections shall be agreed to.
- d. Consistent with our nonprofit status, there will no messages for or against any political candidate during any campaign.

Assuring certain content

- a. Disclosure of policies in the website itself, especially those related to security and privacy, will be clearly defined.
- b. Confidential information will not be sent to any response-option or e-mail link within the site deliberately. However, any communication or material you transmit to this site by electronic mail is not necessarily secure and will not be presumed to be confidential.
- c. Members will be assured of the security of information.

ASSURING PRIVACY/SECURITY

A major concern which many sites are addressing has to do with various aspects of security. In general, security/privacy issues address several separate aspects:

1. Security of information on the site – that it is not inappropriately accessed.
The site will have security measures in place to protect the loss, misuse and alteration of any information under the church's control. All servers, network hardware and storage devices will be housed in monitored, secure and limited-access locations. Data will be stored in an encrypted fashion and access to outside persons is not permitted.
2. If the site is interactive, policies should make clear the commitment to the privacy of persons who visit the site and some control on information which they may be provided through the website.
The names or addresses, e-mail or otherwise, obtained from persons who volunteer to provide such on the site, such as signing in a visitor's guest book, would not be made available to third parties, sold, or otherwise distributed beyond the church. On-site registration forms may be utilized to allow users to provide contact

information such as their name and e-mail address, as well as demographic information. Such information is never sold or disclosed to any third person or other organization, and only disclosed as may be required by law.

3. Indirect security or privacy issues related to the content of information which may be provided on the site.

In this area, the concern is that persons will not be able to use information on the site for purposes which pose a risk to others, especially children. For this reason, a number of church sites have policies such as these:

- a. The site would not use any full names of children, nor provide any identifying information (name, address, school) with any image of a child, faces or addresses of children.
- b. No maps or directions to members' or to staff members' homes would be included.
- c. There would be no publication on the site of any members' names, phone numbers or e-mail addresses without their permission.
- d. Limit on e-mail communications with minors.
Policy provides that if there is an interactive component that allows persons to ask questions and receive e-mail responses, requests from children will only use the online contact information such as e-mail to respond directly to a child's request on a one-time basis only. The child will not be contacted or re-contacted further for any other purpose without the parent's consent.
- e. Credit-card security.

If purchases are occasionally permitted through the site, then further security and privacy concerns arise regarding credit-card information which need to be addressed by professional website developers.



MANAGING CRISIS – DISASTERS, INJURIES, ALLEGATIONS

RANGE OF CONTEXTS OF CRISIS

An area that is gaining increasing attention by almost every organization is the importance of a crisis-management team and plan – how to handle unpredictable crises that may arise. The range of imaginable crises is as broad as it is imposing:

- Fire
- Shooting
- Earthquakes and other building collapses
- Sudden serious illness or other medical emergency
- Bomb threats
- Kidnappings
- Drug reactions
- Suicide
- Civil disturbances
- Deranged persons on “campus”
- Severe weather: hurricanes/tornadoes
- Criminal actions – robberies, rapes
- Demonstrations/disturbances
- Sudden death of person at the church
- Allegations of child abuse or other serious misconduct against personnel
- Hazardous spills
- Power outages
- Suspicious packages
- Workplace violence
- Missing persons

This is a widely diverse list. Some crises would be local, affecting only the immediate church. Others may have broader impact such as tornadoes or hurricanes which would be even broader. Some may be intensely personal, such as an armed robbery or rape. Others, such as natural disasters, may involve many persons. Some would happen and be over in a few moments; others might stretch over considerable time.

What all these have in common are that they are events with potentially severe consequences that require immediate action. They often involve the need for medical, emotional and other support to reduce the scope of the crisis and support those affected. Thus one definition of “crisis management” is “the process of preparing for, mitigating, responding to and recovering from a crisis situation.”

CHURCH STRENGTHS

Churches should be equipped to develop appropriate responses to crisis management. Effective plans must recognize not only the physical elements of these crises, but the emotional as well. Churches are well-positioned to “be there” not only during the “impact” stage but also the “aftermath phase” and “recovery phase.”

Recent events ranging from hurricanes to terrorist attacks and anthrax scares have alerted businesses and organizations to begin planning for such contingencies.

DEVELOPING A CRISIS-MANAGEMENT PLAN

1. First, assemble a team of persons who can work on contingency plans in a range of settings – a Crisis-Management Planning Team. This team should involve people with a broad range of skills and links in field such as health, personnel, counseling, facilities and government.
2. Second, this team should be given responsibility for the development of specific plans for different types of crises/emergencies. In that process they should do the following:
 - Assess the range of potential crises
 - Assess particular hazards in the local context
 - Assess current resources and contingency plans if any, both in the church and community
 - Contact local community resources for information and coordination (police, fire department, health workers and institutions, utilities, hospitals, etc.)
 - Develop specific written plans—including general approaches to the crisis and specific modules for given situations
 - Identify major resources available when needed
 - Assess medical-response options
 - Emergency resources – power, food, heat, transportation, medicine, water
 - Identify resources in the church: staff, equipment, transport vehicles, facilities, persons with special skills and contacts, radios and communication equipment, vehicles, trucks, fuel, safe havens, shelters.
3. Identification of specific responsibilities, with backups, in overall crisis management.

- Identification of specific persons and their duties – with alternates and backups
- Identifying appropriate public agencies to notify or for assistance (Police, FBI, Fire Department, Poison Control, Center for Disease Control, etc)
- Immediate medical care – first aid, ambulances, hospitals
- Policies for controlling access to affected areas
- Media management
- “Command post” center and alternate sites
- Other key immediate contacts: parents, family, church leaders, etc.
- Key personnel – Crisis Management Team
 - Team manager
 - Spokesperson for public/media
 - Congregational coordinator

PORTIONS OF A CRISIS MANAGEMENT PLAN FOR A CONGREGATION

**(Adapted from one church)*

Crisis Management Team

Crisis management will be the responsibility of the congregation's Crisis Management Team.

Objectives of the Congregation's Crisis Management Team

- To respond to crises within our congregation and the wider community in Christ's name.
- To provide pastoral support to all those whose lives are impacted by the crisis.
- To respond to the media promptly and accurately.
- To mirror Christ's commitment to truth, mercy, justice and love to the community.

Types of Crises

The crisis management team may respond to any of the following types of crises:

- Natural disasters such as tornadoes, floods, explosions, etc.
- Criminal or legal action.
- Violent acts, demonstrations, death or violent injuries.
- Personnel crises

Congregational Crisis Management Team Core Members

The Crisis Management Team includes the pastor and such other persons, lay or staff, as shall be nominated and elected by the church. The team shall consist of not more than five persons who are willing to give substantial time to the development of the Crisis Management Plan and are physically and emotionally prepared to provide leadership in crisis contexts. The congregational Crisis Management Team may decide, based upon the nature of the crisis at hand, to add others to the working team.

Crisis Management Responsibilities

Precious time and energy can be saved during a crisis when basic responsibilities and potential needs have been outlined and, in some instances, assigned ahead of time. The following three roles are to be filled by members of your congregation:

Team Manager

This person is responsible for convening a meeting of the Crisis Management Team when a crisis arises, conducting strategy meetings throughout its duration, keeping the team informed of developments during the crisis, and convening a debriefing session once the crisis has ended. The team shall appoint one of their members as team manager and an alternate.

Spokesperson

This person is responsible for communicating to the media and other “publics” on behalf of the congregation. The team shall assign a primary spokesperson, and alternate spokesperson ahead of time.

Congregational Coordinator

This person is responsible for coordinating the means by which the congregation is informed of the crisis. This may involve making phone calls, initiating the use of a phone tree, overseeing a congregational mailing, etc. A primary and alternate coordinator shall be designated.

Readiness Considerations

The Crisis Management Team, in order to be prepared for prompt responses in emergency situations, shall enlist experts to consider the following items and make decisions ahead of time:

- a. When a difficult call has to be made, who will make it?
- b. Who will have the final say with regard to what information gets released to the media and when?
- c. Identify and prioritize those people who should be informed immediately when a crisis occurs. Those who are directly affected should be first, and then others who “need to know” such as key

leaders, staff, employees, etc. (Current addresses, phone and fax numbers, and e-mail addresses shall be available for each person on this list.)

- d. Identify and prioritize those people who should be informed shortly after a crisis initially occurs. This list might include church members, other local clergy and church leaders, and legal counsel. (Have up-to-date addresses, phone and fax numbers, and e-mail addresses for each person on this list.)
- e. Maintain an up-to-date media list that includes the major daily paper in your area, local television and radio stations, as well as local weekly papers. (This list should include phone, fax and e-mail information, and, when possible, the names of editors and reporters to whom you can direct information.)
- f. Maintain a list of fire, police and other government agencies such as city, county and state emergency-management agencies, insurance companies and area social services that might provide assistance. (Include phone, fax, e-mail, etc.)
- g. A contingency plan for staffing the phone during a crisis is crucial. Who will answer? How? Most church offices have limited hours. During a major crisis, plan to staff the phone between 9:00 a.m. and 5:00 p.m., at the very least. In some situations, you may want to staff it even later. Make a list of people you can call on to provide staffing.
- h. Designate the room in which your core team will hold meetings during a crisis and list the types of equipment (phone, fax, computer, television, etc.) they might require. Arrange for use of backup space at a nearby church or business.
- i. Establish a process for notifying family members and friends of victims in a crisis involving injury or loss of life. Be sure this process includes after care.
- j. It is crucial that all team members clearly understand the plan and their role in it. Simulate a crisis at least once per year. Doing so will allow your crisis management team to practice, refine the plan and gain confidence for when a true crisis arises.
- k. Publicize your plan and educate your congregation. It is important that your membership knows their leadership is ready to respond to crises and that during a crises the media need to be referred to your spokesperson.

A LOCAL CHURCH EXAMPLE

One North Carolina church is developing “Emergency Preparedness Teams” which are an aspect of crisis management. This church is focusing more on community crises from natural disasters or other sources. Their approach creates several distinct teams of church members who operate somewhat independently, but obviously in coordination. The stimulus for this church’s approach was perhaps recent weather-related crises in eastern North Carolina. The church is creating “Emergency Preparedness Teams” consisting of church members who have interests/competencies in specific team areas. These teams are being charged to develop internal systems and procedures that enable them to respond in crisis include the following:

- Chain Saw Team
- Generator Team
- On-Site Feeding Team
- Shower-Trailer Team
- Disaster Team
- Kitchen Team
- Showers and Lodging Team
- Electrical Survey team
- Phone Team

A general policy statement that could be included in a policy manual, to be supplemented by specific plans the Crisis Management Planning Team would generate, would be as follows:

Crisis Management Plan

The church shall appoint a Crisis Management Planning Team to explore the need for emergency/crisis management plans for the church to respond effectively to a range of crises including natural disasters, as well as other personal, community or national crises which pose immediate risks and which require an organized planned response. The planning team shall report back to the church on their recommendations for action including the possibility of a permanent Crisis Management Team with specific contingency plans for a range of contexts.



AIDS/HIV POLICIES

OVERVIEW

When AIDS/HIV first became a public issue, there was great fear and uncertainty about the degree of contagion and anxiety in many areas of public life about how persons and institutions should respond, especially to individuals who might be infected. Churches were often torn between a recognition of the biblical call to love and ministry to hurting persons and concerns about risks to others. While AIDS/HIV continues as a serious national health issue in America, and a crisis in Africa, we know more about it and are less immobilized by some earlier fears of how it is transmitted. Churches and Christian ministries have recognized that while some appropriate precautions should be taken, the response of churches must not be to exclude such persons from the ministries of the church.

The medical issues are beyond our scope, but it may be helpful to note two church statements that have sought to carefully delineate their policies and commitments.

MODIFIED AND ADAPTED CHURCH POLICY: EXAMPLE 1

Medical facts

Acquired Immunodeficiency Syndrome (AIDS) caused by the Human Immunodeficiency Virus (HIV) is an infectious disease for which there is no known cure. Persons who develop the full spectrum of the disease become tragically ill and, although current AIDS therapy may prolong life for years, death is inevitable. A person may be infected with the virus for up to ten years without symptoms. During this time, the person is contagious but may be totally unaware of the infection. It has become a significant problem in our country as well as in the rest of the world. According to current medical knowledge, the Human Immunodeficiency Virus is not highly contagious by casual contact. It is not transmitted through a kiss, hug or handshake, nor is it transmitted by mosquitoes or via toilet seats. It is highly transmissible in the following ways:

- Sexual intercourse, both homosexual and heterosexual, with an infected individual.
- Use of contaminated needles or other instruments, especially as in intravenous drug use.
- Blood transfusions of infected blood, blood products, and clotting factors (for hemophiliacs), especially prior to 1983 when such products were not screened for the HIV virus.

- Intrauterine transfer from an infected mother to an unborn infant.
- Breast feeding by an infected mother to a child.

Scriptural principals

a. Biblical sexuality

As Christians we believe the Bible to be authoritative for all faith and practice. Therefore, we accept all Scripture and biblical principles to be authoritative in relation to human sexuality and the proper care of our bodies. We hold as unacceptable behavior:

- All heterosexual and homosexual relations sexual conduct outside of the biblical model of marriage (1 Corinthians 6:19, Romans 1:24-27)
- Drug abuse (1 Corinthians 3:16-17)

We affirm our belief in:

- Heterosexual marriage (Genesis 2:24)
- Abstinence outside such a marriage (1 Corinthians 6:13-18)
- Faithfulness to one's spouse (Hebrews 13:4)
- The body as the temple of the Holy Spirit (1 Corinthians 6:19)

b. Christian ministry

As Christians we believe we are called to be God's ambassadors of the "Good News" as well as agents of helping and healing to our world (Matthew 25:34-44). We believe that we should love and minister to people regardless of their behavior or circumstances. While we correctly judge heterosexual intercourse outside marriage and all homosexual intercourse as sin, we advocate that Christians refrain from cultivating a judgmental spirit. Whether an individual has contracted AIDS through a sinful lifestyle or by another means of transmission, we believe that ostracism, censoriousness, avoidance, or desertion are wholly unacceptable Christian responses. Our response will be one of compassion and, to the extent possible, inclusion. We resolve to follow the example of our Lord who willingly crossed barriers, touched lepers and identified with all people.

Policies

- This church desires to establish policies and procedures which will fulfill the following three priorities:
 - As a Christ-centered, compassionate church, we wish to offer support, caring, and an opportunity to worship to all people including those who are infected with HIV.
 - We desire to protect those infected with HIV from additional infectious diseases.

- 3) We desire to protect the uninfected church attendees from undue risk of contracting the virus.
- b. To these ends, we have established the following policies. Procedural guidelines will also be drawn up to help in the implementation of these policies.

1) AIDS Council

A council made up of a physician, the Christian Education Board chair, the Pastor of Christian Education, the Director of Children's Ministries, and a lawyer. This council will coordinate ministry to the person(s) identified as having AIDS/HIV and will take precautions as needed.

2) Confidentiality

Efforts will be made to maintain confidentiality about individuals who have AIDS or who test positive for HIV. However, if the individual is putting others at risk, it may be necessary to disclose information about that person. Any person who persists in dangerous or unbiblical behavior will come under the discipline of the church.

3) Preschool

Infants who test positive for HIV are welcome in our preschool department. Parents are encouraged to identify these children to the preschool supervisor. Every effort will be made to care for them. Decisions will be made on a case-by-case basis when a child demonstrates behavior that presents a risk (example: biting). (All preschool workers should have access to gloves - rubber/disposable - in case of bloody nose, cut, etc., which occurs at church.)



4) Children's programs

- a) Children who test positive for HIV are welcome to attend Sunday School and all church functions and are encouraged to the extent they are able to participate fully. They may have access to bathrooms, drinking fountains, etc.
- b) The supervisors and teachers of children's programs should take action to protect other children from HIV-positive children who have open wounds or cuts or display behavior such as biting or otherwise present risks to themselves or others. One such action may be a temporary exclusion of the HIV-positive child.
- c) Parents of all children who attend the church are asked to keep their children home if they have a temporary contagious illness. This will prevent the spread of disease to all children, especially the child with AIDS.

5) Adults

Adults who are HIV-positive are warmly welcomed into our congregation and they should expect to be treated with Christian love and care. Adults who test HIV-positive may be asked to refrain from certain areas of service. Each case will be decided by the AIDS Council.

6) Education

The church is committed to teaching the sanctity of monogamous heterosexual marriage and the dangers of sexual immorality. We will assist the parents in the instruction of their children and continued sex education programs already in the Christian Education curriculum, including information regarding AIDS and HIV infections.

7) Ministry to those with AIDS

As need grows within the congregation and community, the church is committed to ministering to people who are affected by this terrible disease.

AIDS POLICY: EXAMPLE 2

Policies on Aids and Infectious Disease Control

It is the desire of _____ Church to encourage righteousness in the way that we demonstrate Christ's love to our community. Because of the presence of a growing number of persons with AIDS/Infectious Disease (ID) in our society, and the fears that many have about casual contact with such persons, the following document has been adopted by this church to apply to the life of the church.

The disease called AIDS is surrounded by considerable emotional controversy. As Christians, we are concerned about the person with aids as well as he effects AIDS has on our society. Christ related to the lepers, the woman at the well caught in adultery, as well as all the other people who needed His teachings. As a church we want to

minister to those who have AIDS as well as anyone else who comes to worship with us. Understanding AIDS as a disease, we educate those around us and thereby reduce the emotionalism which produces fear and rejection.

As Christians, the primary commitment of the church continues to be the healthy, spiritual growth of children, young people and adults. We must stand ready to assist, understand and guide those persons with AIDS/ID, their family and friends with the warmth and compassion of Jesus.

Regardless of the factors that may have led to the contracting of a particular disease, Christians are called upon to have compassion to all persons in need (2 Corinthians 1:3-4). Because we are followers of Jesus Christ, we must follow His example and teaching in showing comfort and compassion to those who are infected with AIDS/ID. Just as Jesus showed compassion to those with leprosy (the AIDS of His day, Luke 17:11-19), so must we show concern, compassion and Christ's love and attempt to comfort those who have this equally dreaded disease of our day. Colossians 3:12 urges us as God's chosen ones to be full of compassion, kindness and gentleness. An individual that has been diagnosed with AIDS/ID should be treated with the same compassion as any other individual attending the church. The church will not reject or ostracize anyone who has AIDS/ID.

Therefore, no person who has been diagnosed as being HIV positive or has AIDS/ID will be excluded from any of the ministries or activities of the church, and shall have free access to all facilities (bathroom, drinking fountains, Fellowship Hall, etc.). However this policy does not diminish our position regarding homosexuality, extra or premarital sexual behavior or substance abuse.

Anyone who has questions about either this policy or about AIDS/ID in general is welcome to contact the main office. They will provide the name and number of a member of the church who is a health-care professional. The confidentiality of those with AIDS/ID cannot be guaranteed, but will be respected.

All employees and volunteers of the church are expected to act responsibly with regard to their own infection with a communicable disease and will be encouraged to report their infection to an appropriate supervisor or member of the pastoral staff. The church reserves the right to discipline employees and/or volunteers in the event that they contract AIDS/ID as a result of immorality during the employment with the church. Measures to control infection and prevent the spread of AIDS/ID are provided below.

1. When a person identifies himself/herself or his/her child as having AIDS or an infectious disease, they should be directed to one of the pastoral staff members. That staff member will provide the individual with a copy of this document and will contact at least two (one male and one female) health professionals.
2. A health-care professional and appropriate pastoral staff member will meet on a case- by-case basis (which means a brief delay in participation or attendance in class or ministry settings) to talk to and help any family bringing an infected individual to church.
3. The Education Commission will monitor the protective measures adopted by the church to encourage compliance.
4. The designated pastoral staff member and health care professional will assist any department or class in its ministry to an infected person,
5. The appropriate pastoral staff member will handle the dissemination of information only to those employees or volunteers on a need-to-know basis regarding an AIDS/ID-infected person. This would include contacting and meeting with pastors, health-care resource professional, parents of infants and young children.



HARASSMENT/SEXUAL MISCONDUCT

No issue is of broader concern today in the area of policies than the issue of sexual misconduct, exploitation, harassment and abuse. This church policy manual covers these materials in substantial detail. Sexual harassment matters are discussed in the Personnel Policies Section. Sexual abuse is covered in the child-care section, and sexual exploitation is explored in the Pastoral Staff section.



PERSONNEL POLICIES

INTRODUCTION

LEGAL ENVIRONMENT

SEXUAL HARASSMENT

SEXUAL EXPLOITATION

GENERAL PERSONNEL POLICY

VOLUNTEERS

*“Let us
therefore
make every
effort to do
what leads to
peace and
to mutual
edification.”
(Rom. 14:19)*

INTRODUCTION

Major Questions Covered Here:

- What aspects of employment law affect churches?
- When may a church fire employees?
- May churches “discriminate” on the basis of religion? morality?
- How should a church handle sexual misconduct/harassment?
- What should be in an employee handbook?
- What is an effective employment screening process?
- How to screen and monitor volunteers?

A major area where policies are increasingly important is in the area of personnel. It is an area fraught with potential misunderstanding, hurt feelings, and potential litigation. Church personnel policies are impacted by many diverse factors, including the following:

1. Federal statutes and state statutes
2. Contract law principles
3. Church documents (e.g., bylaws, personnel policies and employee handbooks)
4. Church customary practices and expectations
5. Biblical principles affecting church organization and employee relations

While many churches have functioned smoothly for years with few serious personnel problems, other churches can testify to the disruption of the whole church that can arise over issues of employment, termination, benefits, grievances and similar employment problems.

What's in a personnel policy?

Perhaps the initial impression is that personnel policies are about vacation days, sick leave and who locks the door at the end of the day — routine matters of office management and employee benefits. Those are indeed part of personnel policies, but it is much more. It should include areas such as the following:

- Hiring policies and procedures
- Management systems
- Training, supervision and reporting
- Clear job descriptions
- Employment performance review and evaluation
- Employee benefits
- Workplace policies for conduct of both staff and the employer
- Grievance procedures
- . . . and more

Our limited scope

In fact, this area is so filled with issues and legal matters, that we will not be able to discuss all the possible ramifications of policy matters. Rather we will suggest some major areas and legal issues and then provide samples which will help your church consider how you wish to address some of these matters.

PERSONNEL POLICIES AND EMPLOYEE HANDBOOKS

Most churches with more than very skeletal paid staff probably need two related documents:

Personnel Policies — which would normally be part of the policy manual that is the focus of this publication.

Employee Handbook — a more limited document is given to the employees which addresses issues of immediate concern to them. It would typically include policies from the personnel policies manual, but not all personnel policies would necessarily be of immediate concern to employees.



Careful policies need to assure several things:

First, that the spiritual integrity of the church is preserved by policies which express and implement biblical principles, and that those who become integral parts of the church's ministry share and further the spiritual mission of the church.

Second, that employment and personnel practices conform to the law. While churches are often not subject to some employment laws because of their size or religious character, law is increasingly imposing obligations on employers ranging from

tax withholding and reporting, to minimum wage and hour laws, and some discrimination provisions.

Third, that job descriptions and expectations are clear so that there is no confusion about the nature of the work expected and conditions of employment are clear.

Fourth, that job benefits are clearly stated, covering such areas as vacations, sick leave, retirement benefits, personal leave, accumulated sick time, paid medical insurance, etc. Such policies need to be clear to minimize misunderstandings and arguments about “promises” made.

Fifth, clear and specific steps in a hiring process should be set forth including such matters as announcements, applications, and references, as well as clarity in regard to hiring recommendations and decisions. Similar provisions should cover such areas as supervision, periodic review of performance, and termination procedures.

Sixth, it would be helpful to have some clarity about a grievance procedure and the resolution of disputes.

UNIQUENESS OF CHURCH EMPLOYERS

While many employment laws and issues are the same for churches and other employers, there are distinctive elements and aspects of religious and church employers.

- Some state and federal statutes imposing duties on employers do NOT apply to church employers.
- Churches typically function primarily with volunteers rather than employees; this raises distinctive issues.
- Some church personnel, such as pastors, have a unique place in the law, partly treated as self-employed persons and partly as employees.
- Churches often have much more interest in the conduct of employees both on the job and even off the job than most employers.
- Churches may have special expectations regarding the religion and beliefs of employees.



IDENTIFYING “EMPLOYEES”

It may seem obvious, but often there is some confusion with identifying who is an “employee” — and this is significant because many legal obligations arise with “employees” and do not apply, at least directly, to volunteers or other non-employees. Thus churches must first ascertain who are its employees. Not everyone who works at or for the church is an employee under the law. In addition to employees there are the following:

Independent contractors

Often churches wish to class persons as independent contractors in order to avoid paperwork, benefits or paying social security. It is quite clear that sometimes this classification is improper. There are several tests that have been employed to ascertain whether a party is an “employee” or a “volunteer.” The most common test followed by the IRS looks at a range of twenty-one factors including such factors whose equipment is used (the church’s or worker’s), nature and extent of supervision, who provides training, who sets the hours of work, method of payment, continuing relationship and location of work. While the details are beyond the scope of this volume, a couple of illustrations may make the distinction a bit clearer for churches. Consider the issue of maintenance of lawns. If the church hires someone for a fixed rate who uses their own equipment, pays their own additional helpers, and decides how and when to do the job, they are clearly an independent contractor and not an employee. On the other hand, a person who works more directly under the supervision of the pastor or other church official, is paid by the hour, is told when and how to do the work, and uses church equipment is almost certainly an employee. It would be quite unusual for typical church staff such as youth workers, choir directors, and educational ministers to be independent contractors. Ordained clergy, however, are treated as self-employed.

Volunteers

Churches have many volunteers and we usually know who they are. If they are not paid for their work in any form, they are almost always volunteers. If, however, they are in fact paid in some other ways such as periodic thank-you honoraria or clothing allowances, that may turn them into employees and raise minimum wage violations.

Can one be both a volunteer and an employee? Yes...but! A person may be an employee in one capacity such as a church secretary, but be a volunteer in another capacity such as a Sunday School teacher or youth worker. But, one cannot avoid employer obligations to an employee who wants to become a “volunteer” doing the same job but

putting in extra hours. For example, the church secretary works a full forty hours as a secretary and the work is not done, so she volunteers to work extra hours because she loves the church and her job and wants to help. The church must treat that extra time as “employee” time and is liable for paying wages and often overtime.

EMPLOYMENT “AT WILL”

A major issue in all employment contexts is what limits there are on the employer’s freedom to dismiss employees. Do they have to have a good reason—good cause? Can they dismiss employees for religious reasons such as conduct inconsistent with the church’s moral principles?

Can a church fire employees without good cause?

In most circumstances, yes. North Carolina is generally an “at will” employment law state which means that an employer does not have to have a reason to dismiss an employee. This is the classic common law. North Carolina retains a strong “at will” employment doctrine. Absent some special factors, employers need not have nor articulate any specific reason to terminate an employee.

Limits to this employer right

However, there have been increasing limits in many states imposed on this historic right of employers, and though North Carolina has fewer restrictions on such rights than many states, there are still important limits on this absolute right.

Statutory limits

These limits come primarily from federal and state law that will be noted below such as non-discrimination laws.

Contracts

Other limits come if there is a contract of employment. A contract entered into by the church and an employee may limit the employer’s ability to dismiss the employee or establish certain required processes that must occur before dismissal. Most contracts would involve a document signed by both the church and employee. Most churches will choose not to enter into such contracts as they often become an occasion for serious conflict and even litigation.

- **Oral promises?**

It is possible to have an oral employment contract if the terms are sufficiently definite. Church interviewers and committees should be very careful NOT to make what appear to be final employment commitments unless they have authority and intent to do so. Actual employment agreements should also make clear that no subsequent oral commitments from any party can change the at-will employment status or modify any terms agreed to in writing. For this same reason churches should avoid describing any employee as “permanent” which might be interpreted to mean they could not be dismissed except for some good cause. In a few instances courts have held that a promise of employment for a specific period of time, combined with some conduct of the employee in reliance on that promise may create a binding promise and limit the employment at will doctrine. For example, a promise to employ a person till age 65 as an inducement to a person to leave another job and move to North Carolina may create an obligation on the church’s part. The North Carolina Supreme Court has construed this exception very narrowly, and held that absent a contract setting forth a fixed duration, the “at-will” policy can only be overcome by statute or a public policy exception. The Court also downplayed the factor of a change in residence duration.

- **Implied contract?**

Sometimes lawyers may argue that an “implied” contract existed, such as where the church has an employee handbook. It may be important therefore to specify not only that any handbook is not a contract creating rights in any party, but also to have a more clear statement in handbooks and personnel policies which provide that the church reserves and retains the right to dismiss any employee for any reason at any time.

- **Personnel/Employee Handbooks – a potential trap**

Lawsuits have sometimes alleged that personnel handbooks and their policies were an implied part of, or created some, contract of employment. North Carolina courts have rejected such arguments and insisted that “the law of North Carolina is clear that unilaterally promulgated employment manuals or policies do not become a part of the employment contract unless expressly included in it.” *Walker v Westinghouse Electric Corp.* 77 N.C. App 253, review denied 315 N.C 597 (1986). It is prudent however important to state clearly in any employee handbook and policy manual itself two things: first that the manual is not a contract or an implied part of any contract with any employee; and second that its provisions are subject to change at any time by action of the church or its delegate. The statement might read as follows:

This Policy Manual and Employee Handbook with its personnel provisions is an expression of the current operating policies and procedures of the church and is subject to change at any time through the procedures of

the church as set forth in its bylaws and other documents. The church is charged with periodic review of all the policies and procedures set forth herein, and may prospectively change these policies and procedures. Thus while the church is committed to operating within its policies and procedures, these may be modified from time to time. Thus, this manual is not a contractual promise to hold in force these specific policies and procedures. This handbook is not to be construed as a guarantee of continued employment or specific benefits. _____ Church reserves the right to revise this handbook at any time. Employees are responsible for becoming familiar with new policies or procedures. No oral statements or representations can in any way change or alter the provisions of this handbook. This handbook cannot, however, anticipate every situation or answer every question about employment at the church. The church shall make every reasonable effort when policies and procedures are modified, to advise those affected of the changes.

Public policy

In some fairly rare instances courts may find a firing is impermissible not because it violated any contract or was prohibited by some law, but because it is contrary to public policy. For example, if an employee were fired for refusal to file a false report to the government such as reporting his working hours or income, a court might find the firing was contrary to public policy. This exception has been very narrowly applied, and usually only where the employer seeks to terminate the employee for complying with a legal duty, and not always then. Courts have held that North Carolina’s Equal Employment Practice Act which also applies only to employers with fifteen or more employees and bars discrimination on account of race, religion, color, national origin, sex or handicap does express public policy of the state which may be a basis for a wrongful discharge claim. Claims within this narrow category are classified as actions alleging “wrongful discharge.”

NONDISCRIMINATION EMPLOYMENT LAWS IMPACTING CHURCHES

A fairly broad range of federal and state statutes impose obligations on employers. While some have little or no impact on most churches, others are directly applicable. Even though detailed analysis of the complexities of some of these laws is beyond our purpose here, we can briefly summarize the general applicability of the major statutes to churches.

Churches often NOT covered

Churches with less than fifteen employees, or churches not affecting commerce, are NOT covered by most non-discrimination laws.

Numerical minimums

Most of the federal non-discrimination (and other) statutes apply only to employers with a minimum number of employees and employers which “affect commerce.” These numerical minimums mean by far most churches are not covered. However, churches with large staffs or churches with child care centers or other educational programs with significant number of employees may reach the minimum number since the number of employees usually is calculated by combining all the divisions or departments of an employer, even if separately administered and organized. The specific laws regarding counting employees can be complex, and churches should consult legal counsel in close situations.

Here are the minimal numerical requirements:

- Title VII of Civil Rights Act: 15 or more employees
- Age Discrimination in Employment Act: 20 or more
- Americans with Disabilities Act: 15 or more
- Family and Medical Leave Act: 50 or more
- Fair Labor Standards Act: No minimum

Affecting commerce

Many federal statutes also require an employer to “affect commerce” before the statutes are applicable. While churches may think they have little impact on commerce, many court decisions have construed this requirement very broadly. These have found that purchasing supplies that have moved in interstate commerce or long-distance phone usage is enough. More recently courts have found some small nonprofit ministries had so few contacts with interstate commerce that they were held not to meet this test. Churches with fifteen or more employees should probably assume they may well be found to “affect commerce.”

General “discrimination” issues

Church biblical principles and discrimination

First, a church’s policies about discrimination should not be primarily shaped by legal duties, but by biblical principles. In most cases, discrimination laws whether applicable to churches or not, express values and principles which churches should long ago have endorsed. Biblical principles challenge the church not to discriminate on the basis of ethnicity race and age. Discrimination on such factors as race or ethnicity should be opposed by churches on spiritual grounds.

However, churches do have convictions about religious hiring preferences. Most churches would insist on the need and right to hire Christians, or even perhaps members of their own religious communities for all church positions or at least for those where the beliefs and practices are crucial to their job performance. Churches should make clear, as a matter of their witness and clarity, both of these commitments. Here is a policy statement that expresses both the general commitment to nondiscrimination, but reserves the right to select the church’s own staff based on their adherence to the value and faith of the church.

Nondiscrimination Policy

As a matter of faithfulness to biblical principles, _____ Church shall not practice or condone discrimination against persons based on their race, color, ethnicity, national origin or age. This commitment derives from biblical teachings, from the example of our Lord, the command of the Great Commission, and the witness of the early church in breaking down barriers of race and ethnicity.

We will, consistent with our calling and character, reserve membership, employment and church workers to those who share our Christian faith and commitment and can thus further our mission. This, too, is consistent with our commitment to spiritual integrity and faithfulness to biblical admonitions.

Title VII of the Civil Rights Act of 1964

Duties

The most prominent and comprehensive is Title VII of the Civil Rights Act of 1964 that bars discrimination in a range of contexts including employment. Title VII says it is illegal for a covered employer to fail or refuse to hire or discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin. The Pregnancy Discrimination Act was added to Title VII in 1978. Prohibited discrimination might be by any treatment that treats persons disparately based on a prohibited class, or even a neutral, objective criteria which nevertheless adversely or disproportionately affects a protected class of employees. Title VII and other nondiscrimination statutes also typically require the posting of notices on the prohibited practices in conspicuous places.

If, however, the church meets the minimum employee standard, AND “affects commerce” then most Title VII provisions apply such as the prohibition of discrimination based on race, gender, color or national origin. Such discrimination need not be in the refusal to hire, but in any disparate treatment of employees or applicants based on these factors.

Exceptions to Title VII

Even if Title VII is applicable, there are some exceptions that are very important for churches.

The BIG exception: religious discrimination is permitted by religious organizations

Title VII itself specifically provides that it “shall **not apply** . . . to a religious corporation, association, educational institution or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution or society of its activities.” [(42 U.S.C. sec 2000e-1(a)).

The Supreme Court, has made clear that this exemption applies at all levels of a religious organization and not just to employees who might have some task which required religious teaching. ***This means the church may require ANY or ALL of its employees to share some aspect of religious doctrine, practice or affiliation – not just ministers or persons with religious duties.***

A church may prefer or require persons to be of a particular religion, hold particular religious beliefs, or be members of a particular denomination or church. They may, thus, ask candidates about their religious faith or ask them to share their Christian experience or faith.

It is very important, however, to have an express, clear policy about the church's hiring practice, so that there is no issue about what is expected. Of course, the church may if it wishes have standards that vary with the position. For example, a Baptist church may wish to have a policy that certain staff positions must be filled with persons of its own denomination or even a particular doctrinal persuasion, while other positions may not be quite so specific, requiring perhaps only Christian faith. Or they may have the same requirement for all employees – from pastor to janitor.

General Policy Statement – One Church's Policy

It shall be the employment policy of this church that a condition of employment is a personal faith in Jesus Christ as Lord and Savior; an active membership in a local Christian church, and a lifestyle consistent with biblical teachings. Applicants shall be asked to affirm their Christian commitment and provide information on their current church involvement. The lifestyle expectations apply to conduct both on the job and outside the workplace, and are governed by biblical teachings as understood and applied by this local church.

Note: This church exemption is for “religious” discrimination, not other types of prohibited discrimination such as age or gender or race. In fact churches in North Carolina with the requisite number of employees and affecting commerce have encountered challenges under Title VII for age discrimination. However, even here there are some exceptions noted below.

“Internal Affairs” and constitutional protection of church autonomy

Title VII probably does not affect “discrimination” in internal aspects of churches such as gender-based deacons or churches which reserve the pastoral role to men. Such theological choices would almost certainly be protected by the First Amendment's religion clauses which have been held to bar intrusion by courts into internal ecclesiastical matters affecting doctrine and practices which are theological in character. Courts are very reluctant to intervene in such matters.

“Ministerial Exception”

Courts have crafted what is commonly called a “ministerial exception” to the application of many of the typical anti-discrimination statutes, not just Title VII. Because of constitutional considerations, it has consistently been held that the religion clauses bar judicial intrusion into the internal affairs of churches and especially in regard to church decisions about the employment of its clergy. The “ministerial exception” holds that courts will not entertain claims regarding discrimination in the context of the employment or employment-related claims involving “ministers.” The courts note such intrusion would inevitably involve courts in reviewing or examining the theological doctrines of the church – an examination barred by the First Amendment. While courts have occasionally faced close questions about who counts as a “minister” for purposes of this exception, the principle is well established.

The effect is to allow churches and ministries to determine the factors they use to choose their ministers and clergy. It has been applied to reject judicial involvement in claims of age and gender discrimination, and claims alleging wrongful termination, even though the termination apparently violated the church's own rules and federal laws.

But a major problem remains

Churches may engage in “religious” discrimination, but what about other types. Outside the “ministerial exception” area, Title VII (if the employer is covered) bars discrimination on a range of grounds such as gender, age, marital status, etc. In most cases churches eagerly accept the underlying principle, but not always. For example, can a church “discriminate” against unmarried pregnant employees/applicants? Or divorced persons? Or persons cohabiting outside marriage? Or a lesbian teacher in a church school?

In such instances, the discrimination is for religious reasons, but it is not directly religious discrimination. The “discrimination” is based on some other factor, like marital status, or about some conduct. What about conduct that is prohibited for religious reasons – such as sexual misconduct?

These are partly unresolved questions, and churches need to assure their fullest freedom to hire within not only their religious basic beliefs, but also in regard to persons whose lifestyle and conduct fit with Christian and biblical perspectives. To maximize their freedom churches should do the following:

1. Set forth clearly and expressly, in writing, that the church's standards for hiring or retention are based on a) their theological and biblical views, b) are spiritual derived, and c) are rooted in biblical convictions. This is to make it so clear to others these are not merely social conventions or stereotypes.
2. Be prepared, if these standards are challenged, to assert a range of legal defenses for religiously grounded hiring standards, including state and federal constitutional defenses, any statutory rights such as any state Religious Freedom Restoration Act, and

the well-established principle of non-intrusion into the internal ecclesiastical affairs of churches.



Off-Duty Conduct – Lifestyle Issues

The same issue may arise with off-duty conduct. In most employment contexts, there is concern that employers not punish employees for activities or conduct in their personal lives that do not affect their work. Some states have adopted “privacy in the workplace” or “lifestyle protection” statutes that limit employer sanctions for certain off-duty conduct. Some specifically refer to rights of smokers, while others protect all “lawful activities.”

N.C. Gen. Stat 95-28.2, the so-called “Smoker’s Rights Law” provides that North Carolina employers are prohibited from discriminating against persons for the lawful use of lawful products during non-working hours, and applies to private employers who regularly employ three or more persons. An exception, however, permits organizations to prohibit such use when the restriction reasonably relates to the fundamental objectives of the organization. The statute would appear also to bar discrimination against persons on the basis of their drinking alcoholic beverages.

You can see that a church “discriminating” against persons who used alcoholic beverages might run afoul of this statute. Some church employers are likely to view this differently, not as “alcohol discrimination” but as a religiously grounded requirement for church employment. Many churches would believe that some off-duty conduct is so contrary to the church’s doctrine and/or moral beliefs that it is repugnant and unacceptable in an employee. Typical examples of such conduct might include drunkenness and adulterous relationships.

In the specific case of the North Carolina statute, the church should be able to establish that its policy against hiring an alcohol user falls within the exception related to the “fundamental objectives of the organization.” This would be easier to establish if the church’s covenant or other teachings clearly prohibit or discourage the use of alcohol as a beverage. Churches should also make clear that this is protected as religiously grounded discrimination, protected by the First Amendment. Churches would still do well to make sure employees understand the expectations of off-duty conduct that may result in their termination. It is difficult to create a comprehensive list, but some statement should be included in the personnel handbook that indicates these expectations.

Thus, employment for a church may not only be conditioned on certain basic beliefs, but on conduct requirements. The latter, however, should be made clear and, to the extent possible, spelled out with specific examples.

Americans with Disabilities Act (ADA)

The ADA is a federal law that protects individuals with disabilities from discrimination in several contexts, including in employment and in public accommodations. It is applicable to employers with fifteen (15) or more employees. Claims are enforced by the Equal Employment Opportunity Commission (EEOC) which has issued regulations implementing the Act. Detailed information on the Act is available at www.eeoc.gov, and www.ada.gov. A publication by EEOC, *The Americans with Disabilities Act: A Primer for Small Business*, addresses issues related to many aspects of ADA’s requirements.

Key Points Affecting Church Policies:

Facilities accommodations discrimination does NOT apply to churches

The ADA includes a specific exemption for religious organizations and houses of worship in regard to Title III of the Act’s provisions regarding public accommodations, and assuring persons with disabilities have “full and equal enjoyment of public accommodations.” However, building codes often now require things like ramps to meet the access needs of persons with physical limitations.

Employment discrimination based on disability DOES apply to churches

However, Title I of the Act which protects people with disabilities from employment discrimination does not exempt churches. If a church meets the minimum employee thresholds of fifteen persons, the Act would apply and bar discrimination in application procedures, hiring, firing, advancement and other conditions and privileges of employment, and would require employers to make reasonable accommodations

What “disabilities” are covered?

The details of who is covered by the Act, and what constitutes a “disability” are very important, but beyond our scope here. In general the phrase “individual with a disability” covers anyone

who has “a physical or mental impairment that substantially limits one or more major life activities, who has a history of impairment, or who is regarded as having an impairment.” Major life activities include walking, seeing, hearing, lifting, working, learning.

The statute specifically notes that the ADA does not protect certain claims. Homosexuals, bisexuals, transvestites, exhibitionists, persons with gender identity and sexual-behavior disorders, kleptomaniacs and pyromaniacs are not covered. Courts have also declined to find that pregnancy, absenteeism, high blood pressure, job-related stress, drunkenness or hypertension to be “disabilities.” Disabilities do include alcoholism, asthma, diabetes, dyslexia, limb amputation, epilepsy, blindness, manic depressive syndrome, HIV positive, AIDS.

AIDS and HIV

Discrimination against persons with HIV or AIDS is prohibited by ADA, barring an employer from refusing to hire or to dismiss a person with HIV/AIDS. Churches not covered by ADA should develop a policy nonetheless because the issue may well arise and the church should give consideration to matters of medical evidence and their Christian principles in developing an appropriate policy. AIDS information is available at www.cdc.gov.

The North Carolina Communicable Disease Act provides that tests for AIDS virus cannot be required, performed or used solely to consider a person's suitability for continued employment. It makes it unlawful to discriminate, because of the infection, against any person with the AIDS virus or HIV infection in determining suitability for continued employment. It does NOT prohibit an employer from requiring an AIDS test for job applicants as part of a medical screening, and may deny employment to a job applicant on the basis of a positive result of such a test. The Act also permits employers to take appropriate action if continued employment or employment in a specific position poses a significant risk to the health of others. Since it has no minimum number of employees before it is applicable, it does create obligations on employers with less than the number required (15) for the federal ADA.

ADA does not require an employer to hire a person who cannot perform the essential tasks

The Act does not prevent an employer from imposing requirements essential to perform the task — what are called “bona fide occupational qualifications.” To be covered by the ADA, a person must be a “qualified individual” — and thus persons may be rejected because they simply cannot do the job. A blind person does not in any event qualify for a bus driver position. Any requirement which is a “bona fide occupational qualification” (BFOQ) is permissible, and applying it does not violate ADA.

Interviewing implications

If covered by the Act, the church must consider some major implications for the interviewing process. One of the basic rules of EEOC in applying ADA is to limit the questions that may be asked of an applicant and especially questions about health or disabilities.

Covered employers should carefully review their application forms and interviewing questions in light of these restrictions.

Reasonable accommodation

ADA, when applicable, requires employers to make reasonable accommodations for the disabled if, with the accommodation, they can perform the essentials of the job. These accommodations may include making facilities accessible, modifying restrooms, acquiring special devices to aid in performing the tasks, and even reassigning workers or modifying work schedules. ADA does not require employers to hire persons who cannot perform the essential functions of the job with reasonable accommodations. The employer does not have a duty to accommodate where it would impose an undue hardship on the employer, or where the worker's condition or limitations would pose a direct threat of harm to himself or others in the workplace. The ADA requires only “reasonable accommodations” to employ a qualified person who can perform the essential functions of the job. Accommodations that would impose an undue hardship are not required. Whether any accommodation is an undue hardship will be assessed by considering the cost and difficulty of accommodations and the resources of the employer. The employer is not obligated to make the specific kind of accommodation the employee wishes, but only a reasonable one.

North Carolina's Gen. Stat. 95-28.1 bars employers from denying or refusing employment to or discharging any person from employment because that person possesses sickle cell trait or hemoglobin C trait.

Confidentiality requirements

If a church is covered by the Act, the ADA requires that employers maintain employee confidentiality about their medical condition.

North Carolina's “Persons with Disabilities Act”

“Persons with Disabilities Act” (N.C.G.S. 168A) includes provisions barring certain discriminatory practices affecting persons with disabling conditions, and imposes an obligation to reasonably accommodate employees with disabilities. It further bars discrimination in a “place of public accommodations,” but defines such a place as one that “supplies good or services . . . or which solicits or accepts the patronage or trade of any person.” The Act only applies to employers with fifteen or more employees.

Age Discrimination in Employment Act (ADEA)

This Act prohibits employers from discriminating on the basis of age against employees and applicants who are age forty and above. The Act applies to employers with more than twenty employees who affect interstate commerce. There have been disputes under this statute that have arisen in North Carolina churches. The following church story is illustrative of the law and potential problems.

An Almost True Story

A local church wanted to make a change in a long-term employment position of church secretary. They were convinced the employee was no longer effective, but did not wish to be hurtful and fire her for inadequate job performance. In fact in job appraisals over the last years, everyone was always very nice and complimentary, and the file showed no evidence of dissatisfaction problems or warnings. They simply chose to apply a church policy calling for retirement at age 65. The employee, however, consulted legal authorities and challenged the forced retirement under this Act. The church had a sufficiently large child care program that they met the twenty (20) employees requirement, and thus the church had a problem. They wanted to say they really were letting her go for performance problems, but that was hard to demonstrate because there was no “paper trail” of any job problems. The church was forced to retreat, apologize and could have been forced to rehire. The church had made two serious mistakes: First, it thought that its forced retirement program was permissible, and second, it had never documented the alleged employee-competence problems so that it was very difficult to claim successfully that the dismissal was really for competence reasons and not because of age.

So what if your church is covered by the Act?

1. Churches should reframe any current compelled retirement age policies. Compulsory retirement programs are only permissible in very limited circumstances, such as those in executive and policy-making areas and who have substantial guaranteed retirement benefits.
2. Churches should document job performance through periodic employee evaluations, and note areas of problems and required improvements.
3. While under ADEA, employers may offer a group of employees incentives to take early retirement. Usually if such offers are made to individuals, rather than a group, they may be held to violate ADEA.
4. The Older Worker Benefit Protection Act of 1990 does permit employers to reduce some insurance benefits in the case of older workers. Most insurers are well aware of these provisions and develop their plans accordingly.
5. Recall, under the ministerial exception and non-intrusion principles, courts will not interfere in church decisions to force a minister to retire.
6. Use caution in the interview process — avoid questions that imply a bias on the basis of age.
7. Other requirements: Covered employers must keep records for three years and post approved notices in a conspicuous place.

FAIR LABOR STANDARDS ACT AND OTHER GENERAL LAWS

The BIG ONE:**Fair Labor Standards Act (FLSA)**

The FLSA is the primary federal law governing such matters as minimum wage, overtime pay and similar matters of employee compensation and benefits. The rules are complex and extensive, but the general impact on churches is as follows.

FLSA sets minimum wages and overtime rules for employees

- a. The law does not exempt churches and churches are covered for all except “exempt” employees.
- b. Coverage of the act only applies to “employees” within the meaning of the Act. Thus unpaid true volunteers and independent contractors are not covered.
- c. In addition to being an “employee,” persons are governed by FLSA only if either they are personally engaged in commerce or the production of goods for commerce OR the employer is an enterprise engaged in commerce. The former is the “individual employee test,” and the latter is the “enterprise test.” Legal arguments might well be made about whether custodians and grounds maintenance personnel are sufficiently involved in commerce. BUT since a parallel North Carolina statute, the Wage and Hour Act, applies without regard to any commerce connection, church employees who are not exempt are going to be covered with essentially the same wage and hour requirements.
- d. Under DOL rules, a person may not be an employee AND a volunteer for the same job. Thus a church secretary employee cannot work as a “volunteer” for additional hours beyond the forty (40) hours per week and avoid overtime obligations, but she could work as a volunteer in the church preschool area.
- e. Exempt employees: Under FLSA some employees are “exempt” from coverage. Exempt employees under FLSA are those “employed in a bona fide executive, administrative or professional capacity (including any employee employed in the capacity of administrative personnel or teacher in elementary or secondary schools). FLSA sets out specific rules for these categories, the purpose of which is to assure the employer does not seek to label employees as exempt merely to avoid the requirements of FLSA. The effect is that certainly pastors and church business administrators are exempt from overtime requirements, but that child care workers, secretaries, and custodians are not.
- f. *Note:* The common practice of offering “comp time” in lieu of overtime is ILLEGAL if covered by FLSA. Nor can overtime be avoided by paying persons a “salary” instead of an hourly wage. Overtime at a rate of not less than 1 1/2 times the regular rate must be paid for work over forty (40) hours in any week.
- g. FLSA also requires employers to keep track of wages paid and hours worked. They must keep records for three years, and of

course, post the notice in a conspicuous place. The Equal Pay Act amended FLSA and added special rules.

- h. The Act also regulates child labor, providing distinct rules for different groups. It is usually illegal to hire minors under the age of 14 except in agriculture. Fifteen-years-olds may be hired in some non-hazardous jobs but not more than three hours on a school day or more than eighteen hours in a school week or forty hours in a non-school week. Except during June 1 though Labor Day they cannot work before 7:00 a.m. or after 7:00 p.m.. Employers have more freedom in the case of sixteen- and seventeen-year-olds. In the latter case they may work unlimited hours in a non-hazardous job, but driving a motor vehicle or being an outside helper on a motor vehicle is classified as hazardous.

The sample *Personnel Policies* and *Employee Handbook* included in this manual reflects the basic obligations of employers under FLSA.



The Family Leave and Medical Leave Act (FMLA)

FLMA covers employers with fifty or more employees and requires covered employers to give eligible employees up to twelve weeks of unpaid leave because of the birth or adoption of a child or because of the serious health condition of the employee or the employee's spouse, child or parent. Few churches meet the minimum employee threshold, but if your church does, you should become aware of the specific requirements and conform your policies to them. More information is available at www.dol.com.

Immigration Reform and Control Act of 1986 (IRCA)

IRCA applies to ALL employers including churches. The Act prohibits employers from "knowingly hiring, recruiting or referring for a fee any alien not authorized to work in the United States." The Act imposes fines and penalties including prison for employers with a pattern or practice of illegal hiring. Employers are required to collect an I-9 Form from every new employee, and the Form requires employers to check a list of documents to establish an individual's identity and legal authority to work in the U.S. The form is provided by the Immigration and Naturalization Service (INS) and is mandatory for all new employees and all employers, regardless of how long they have been in the church or community. The I-9 is for new employees, not applicants. I-9 Forms are not filed with the government, but maintained by the employer and must be available for inspection and must be kept for three years. Forms are available at www.ins.usdoj.gov. A free booklet, *Handbook for Employers*, Form M-274, is available.

Fair Credit and Reporting Act (FCRA)

FCRA protects applicants and employees when employers seek credit information about them. The law restricts the right of employers to obtain credit information, requiring them to get written consent before obtaining a credit report, and mandating certain disclosures to applicants and employees when they do get the reports. In addition to getting permission, if the employer takes any adverse action, the employer must give the individual a copy of the report and a written description of the individual's rights under FCRA. If the employer obtains an investigative consumer report that includes personal interviews from acquaintances of the individual, then there are other disclosure requirements. Church policies should be familiar with legal obligations and duties if they pursue seeking credit reports and especially proceeding with individual investigative reports.

Occupational Safety and Health Act (OSHA)

OSHA was first adopted in 1970 to protect workers from unsafe working conditions. Churches are not automatically exempt, and federal regulation provides that churches are subject to OSHA if one or more persons are employed in "secular activities." (See www.osha.gov and www.dol.gov.) A North Carolina Act, Occupational Safety and Health Act of North Carolina, is based on the federal act and in large part adopts the standards and regulations of the federal law. These statutes provide regulations and procedures in regard to inspections at work sites, investigations, citations for violations, and employer defenses to alleged violations.

Employee Polygraph Protection Act

This act generally prohibits private employers from requiring employees to take polygraph tests. There are very limited exceptions in certain factual contexts such as issues of embezzlement. However, the rules are so narrow that churches should seek advice before considering a request or requirement of an employee to take such a test. The statute

also requires the posting of the notice regarding this act in a conspicuous place.

Uniformed Services Employment and Reemployment Rights Act (USERRA)

In the light of Desert Storm, Congress adopted USERRA. The act is intended to “minimize the disadvantages to an individual that occur when that person needs to be absent from his or her employment to serve in the country’s uniformed services.” The context is the employment problem of reservists who are called to active duty. The law provides that a person may be absent from work of military duty for five years and still be eligible for reemployment, and requires employers to make reasonable accommodation for disabled veterans. Persons recovering from injuries during training or while on duty have up to two years to return to their job. Two companion North Carolina Acts also provide certain reemployment rights to individuals serving in the N.C. National Guard, and provide that members of the Guard “shall not be denied initial employment, reemployment, retention in employment, promotion or any benefit of employment by an employer on the basis of (Guard membership) performance of service, application for service or obligation (N.C. Gen Stat 127A-202.1 and Gen Stat 127A-201 et seq). Churches which find themselves in this context should consult with personnel law specialists or an attorney for the specific provisions of the act.

Worker’s Compensation

The North Carolina Worker’s Compensation Act applies to all employers with three or more employees and is voluntary for employers with less than three. Under this law workers are entitled to compensation for injuries and illness that results from their employment. The Worker’s Compensation system is essentially an insurance system which in most cases protects the employer against tort law suits for employment-related injuries or illness, and assures compensation depending on the nature and severity of their injuries. Absent such coverage a church could be subject to lawsuits to compensate persons for their injuries. Thus there are advantages for both the employer and employee,

Coverage does not apply to independent contractors or to a “casual employee” and not in the general scope of the employer’s business. “Casual employees” do not count in meeting the three-person threshold, and the courts have held that employment is casual when “it is irregular, unpredictable, sporadic and brief in nature.” Covered employers may either secure worker’s compensation insurance from a private carrier or self-insure. Failure to comply with one of these two options results in substantial exposure for financial liability in the event of compensable injuries and fines for failure to comply with the law.

Unemployment Compensation

State and federal statutory schemes merge to create an unemployment-compensation system which provides benefits for covered employees who are involuntarily laid off from jobs through no fault of their own. North Carolina and other states have adopted mandatory programs of

unemployment insurance for employers meeting minimum standards. North Carolina’s legislature has said that “economic insecurity due to unemployment is a serious menace to the health, morals and welfare” of the people of the state and therefore adopted this program, as mandatory. Employers are subject to the requirements if one of two tests is met.

However, the federal and state statutes exempt certain religious organizations. Especially the federal statute exempts “service performed in the employ of a religious, charitable, educational or other organization” which is a 501 (c)(3) exempt organization. North Carolina statutes exempt services performed “in the employ of a church or convention or association of churches. . . or by a duly ordained, commissioned or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order.”

However, even if not required to participate, a church or other exempt entity MAY apply for coverage under the program by submitting a letter accompanied by Form NCUI 601 to the Employment Security Commission. Those whose applications are accepted are required to remain in the program for at least two years.

Two payment systems are available to these organizations: (1) a tax rate based on a percentage of wages which is calculated based on the experience with claims; and (2) an alternative of a low rate and the employer pays all claims — a sort of self-insurance scheme.

Participation does involve significant reporting which some churches may oppose because of the burdensome process or on other autonomy grounds.

Electronic Communications Privacy Act of 1986 and related laws

Modern technology has raised many new issues. Computer technologies, video cameras, and surveillance devices have all resulted in new opportunities for monitoring and surveillance of workplaces and activities. While these new systems often provide new tools for security of facilities and monitoring workplace conduct and efficiency, they have also raised issues of privacy and employee morale.

The most common areas where concerns, legal and otherwise, arise for churches are such matters as computer monitoring/access, telephone communications, and surveillance cameras. Computer policy as it relates to security matters and to employee access and misuse are addressed elsewhere in this manual.

The tensions between employee privacy rights on the one hand and the concern of employers about employee on-the-job conduct has resulted in various efforts by state and federal lawmakers to balance the competing interests. Many of the statutes address issues of employer monitoring of employee’s oral conversations, telephone messages, e-mail and voice messages. The Electronic Communications Privacy Act of 1986 generally prohibits employers from (1) intentionally intercepting, using, or disclosing any wire, oral, or electronic communication, or (2) accessing stored communications. This prohibition, however, provides an important exception where one of

the parties to the communication has given prior consent to such interception. Such consent may be actual consent such as a written statement, or in some cases implied consent where the employee was aware of the monitoring and did not object.

Other important interpretations, exceptions or limitations are as follows:

- 1) The prohibition on the interception of oral communications applies only if it is “uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation.”
- 2) Telephonic communications interception prohibitions provide an exception for monitoring in the “ordinary course of business,” such as through an extension phone — but this does not extend to intercepting personal conversations except to prevent unauthorized use of the phone. Even if the intercept is permissible, the employer must stop listening once it becomes apparent that a conversation is personal, and thus no longer within the “ordinary course of business.” Thus, a church could under the law “intercept” a telephone communication if one of the parties (either at the church or the party from outside) has consented to the interception. Consent is not required so long as the monitoring is “in the ordinary course of business.” It would, however seem appropriate to advise employees if any of the telephone communications are potentially monitored, and why.
- 3) E-mail intercepts are likewise covered but only apply to communications affecting interstate or foreign commerce, and seem to provide an exemption for activities in the “normal course of business.”
- 4) Video surveillance. Churches, as other employers, may consider video camera surveillance for a range of legitimate reasons such as security monitoring of entrances and /or sensitive facilities, child care areas such as preschool, child care programs, playgrounds and, on occasion, to monitor employee contexts. In most cases involving churches it would be the former types of security monitoring rather than employee monitoring. It would also almost always be transparent rather than covert.

So long as there is a valid reason such as security, an employer may choose to install video cameras or closed-circuit TV's to observe employees in public areas of the work-place. However, employers should not use such surveillance equipment in areas such as bathrooms or gym dressing rooms where employees and others have strong expectations of privacy. Video surveillance without voice recording has been held by courts not to be covered by ECPA so long as those doing the surveillance use their own camera. If there is simultaneous voice recording, then it would be covered by the act.

State tort laws have occasionally been utilized in claims of impermissible intrusion into the solitude or seclusion of a person. Such intrusion is highly offensive to a reasonable person and may create an action for invasion of privacy.

So, what should churches do?

1. Publish and post a written policy on any monitoring. Such a policy may create an implied consent and also reduce the employee's reasonable expectation of privacy in the communications.
2. Respect employee privacy rights
 - a. Avoid any monitoring in more private areas such as locker areas, restrooms.
 - b. Cease monitoring communications once the personal nature of any communication is evident.
 - c. Avoid creating an atmosphere of mistrust and spying which lower job satisfaction and cause stress.
 - d. Limit monitoring by computer-system operators to observation of message routing information rather than the content of messages.
3. Avoid secret monitoring of oral communications. Such monitoring would not fall within the “ordinary course of business” exception.
4. Avoid intercepting e-mail during transmission as any such intercept would be subject to the ordinary course of business rule. After transmission, when the messages are stored, the rules seem to permit “system providers” access to stored communications.
5. Taping private conversations. Audio taping of conversations, such as surreptitiously doing so in investigations of theft or other misconduct should only be done after careful review with legal counsel, as it may implicate state and federal laws. The law may well treat taping phone conversations covered by the ECPA differently than workplace conversations not involving phones, computers and other electronic devices.

Adapted in part from *Keeping Current with the Legal Implications of Technological Changes in the Workplace* (Ross and Hardies: Chicago, Illinois, 1998) by Timothy C. Klenk and William J. Wortel.



GENERAL ASPECTS

Issues of sexual misconduct within the church have received wide national publicity, especially sexual abuse of minors. The Catholic Church has been devastated with lawsuits and disclosures revealing patterns of inadequate leadership responses to repeated child sexual abuse by some clergy. The Catholic Church has not been alone. Not a few Baptist churches in North Carolina have had to confront issues of sexual misconduct among the clergy, and lawsuits have alleged clergy abuse of counseling relationships.

Sexual misconduct in the church is not limited to the clergy, but can arise with any staff, volunteer or leader. Clergy misconduct, however, is often not only more “scandalous” but often more difficult to root out because it is concealed within the privacy of the pastoral ministry. However, members and the public are now much more cognizant of these issues and less likely to collaborate in avoidance or some sort of cover-up. Both public attitudes and new employment laws have made this an arena where churches can no longer afford to do nothing.

Addressing sexual misconduct among the clergy/staff/leadership is crucial:

- 1) As one observer noted, sexual misconduct “threatens the very nature and fabric of the church as a caring, healing community and the role of the leaders, and especially the pastor, as a shepherd.”
- 2) These issues involve central biblical moral and ethical demands, and powerfully impact our witness to the community and the world about our core beliefs about sexuality, marriage and integrity.
- 3) Sexual misconduct is now a frequent basis for litigation against employers who fail to act effectively to prevent or respond to sexual misconduct.

It is also worth noting that, sadly, many of the instances of sexual misconduct, and even abuse, come in the context of the most trusting relationships. The most egregious instances have involved clergy abusing their relationships of trust and confidence and preying upon the vulnerable. Thus it is that many denominations have adopted or recommended to local churches that the church develop both policies and procedures that address all aspects of sexual misconduct in the church.

Typically, sexual misconduct has many dimensions, ranging from criminal conduct such as sexual abuse of minors, to immoral (but not necessarily illegal) conduct such as consensual sexual relations between a pastor and a counselee or employee. Some observers divide sexual misconduct into various types. One grouping suggests four categories:

1. Sexual Harassment

Workplace sexual pressures from co-workers or supervisors who create a sexually intimidating workplace environment or actually use their power to pressure or threaten workers to accept their sexual advances.

2. Sexual Exploitation

Sexual activity or contact 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.

3. Sexual Abuse

This usually refers to any of a wide range of improper sexual conduct by adults with children or other vulnerable groups, and may include inappropriate physical contacts or a range of other conduct that is a form of sexual abuse.

4. Sexual Misconduct

This refers to sexual conduct that will usually not be illegal, nor necessarily involve exploitation or manipulation, but is contrary to biblical principles and often in violation of marital vows. This typically would involve consensual sexual conduct outside of marriage. Of course, when the relationship is that of a pastor and staff member or counselee, or even others, what may appear to be consensual may in fact be sexual exploitation.

Numerous lawsuits across the U.S. have been litigated involving clergy who abused their positions of confidence and took advantage of vulnerable counselees. Civil courts have wrestled with the applicable law in these cases, with most courts reluctant to find legal wrongdoing in consensual sexual misconduct cases, but other juries and insurance companies have recognized legal claims in some factual settings. Churches quite properly perceive such conduct as sinful, wrong, and destructive and should respond to it with decisive action. Indeed, in the overall church policies suggested below, all forms of sexual misconduct are covered, not just the legal misconduct context.

SEXUAL HARASSMENT AND TITLE VII, CIVIL RIGHTS ACT

In popular use, “sexual harassment” might refer to many contexts of sexual misconduct. It has a more specific legal context, however, referring chiefly to sexual misconduct in the employment relationship. Sexual harassment laws, both state and federal, have had a major impact on workplace rules and liabilities. Especially prominent has been the impact of the sexual harassment components of Title VII of the 1964 Civil Rights Act. Though that act, as noted below, may not directly be applicable to most churches, its moral and ethical principles certainly ought to remind churches of their duties, and further, claims for sexual misconduct may occur under state law for essentially the same kinds of misconduct. Thus, the requirements, expectations and liabilities under Title VII are worth noting even for church contexts that might not be directly liable under Title VII.

What Employers Are Covered by the Sexual Harassment Provisions of the Civil Rights Act of 1964

Title VII applies to employers that

1. Are engaged in an industry affecting commerce, and
2. Have fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year

Do churches “affect commerce”?

Courts have often interpreted “affecting commerce” very broadly. Decisions now make clear churches may often not avoid “commerce” affect. In one leading case the court suggested that the church had purchased supplies moving in interstate commerce and made interstate phone calls enough to “affect commerce.” EEOC has a guide on their website at www.eeoc.gov

Does the church have fifteen employees?

Many churches would not have the minimum twenty employees to be covered. But, churches with substantial staff such as in related child care programs may meet this threshold. In one case involving a church and its related school, an appellate court suggested that where the operations of multiple units are interrelated and with a common management, common ownership and financial control, it is proper to count all the employees from the divisions.

NORTH CAROLINA LAW

North Carolina does not have a direct state statute paralleling the federal law in Title VII affecting private employers. The N.C. Equal Employment Practices Act, like the Title VII, does not apply to employers with less than fifteen employees, and in any event, the Act has not been the basis for typical sexual harassment claims. Harassment claims have typically been brought tying sexual harassment into infliction of emotional distress claims or other tort claims such as assault and battery. Plaintiffs have also won negligent supervision cases against companies where the company failed to take action when it knew of the harassment. Where the action is based on these tort claims, rather than Title VII or the Equal Employment Practices Act, the fifteen employee requirement does not apply. Thus, churches which would often be exempted from a direct Title VII claim would still be vulnerable to common law tort claims under North Carolina law.

WHAT IS SEXUAL HARASSMENT?

The 1990 Equal Employment Opportunity Commission which enforces the sexual harassment prohibitions of Title VII, has published guidelines which define sexual harassment as “unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature” that affect employment decisions, interfere with work performance, or create a hostile work environment. There are thus two basic situations where sexual harassment will be found:

- **Quid Pro Quo Sexual Harassment.** When submission or rejection of such conduct is used as a basis for an employment decision such as hiring, firing, and promotions; or
- **Hostile Environment.** When such conduct interferes with an employee's work performance or creates a hostile or offensive “work environment.”

Key Points:

1. Sexual Harassment under Title VII is limited to the workplace context – and the obligations of employers to their employees
2. Under EEOC guidelines, sexual harassment includes unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of sexual nature whenever
 - a. They are unwelcome
 - b. They are of a sexual nature (as opposed to merely rude or crude)

AND some consequences, such as any of the following, are suggested:

1. Submission to such conduct is implicitly a condition of employment (a “quid pro quo” type claim), OR
2. Submission or rejection is a basis for employment decisions affecting the individuals (another type of “quid pro quo” claim) OR

3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance OR creates an intimidating, hostile or offensive working environment. (a "hostile environment" claim).
4. A "hostile environment" exists where sexual remarks and offensive behavior (often by co-workers) is so pervasive and severe that a reasonable employee would find the workplace hostile, offensive and intimidating.
7. Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits or sexual orientation, sexual propositions
8. Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, co-ercing sexual intercourse
9. Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters, or magazines

SEXUAL HARASSMENT BEHAVIOR

The 1990 EEOC guidelines define sexual harassment as "unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature" that affect employment decisions, interfere with work performance, or create a hostile work environment. Some church policies, mirroring sexual harassment claims, have listed as illustrations these kinds of behavior as "improper conduct":

1. Any subtle or other pressure or request for sexual favors or activity, including any suggestion that an applicant's or employee's giving in to or rejecting sexual advances will have an effect on that person's employment or terms of employment
2. Unwelcome sexual flirtation or propositions
3. Unnecessary or inappropriate touching of a sexual or abusive nature (e.g., patting, pinching, hugging, repeated brushing against another person's body, etc.)



4. Displays of sexually suggestive pictures, drawings, cartoons or objects
5. Threats or demands for sexual favors
6. Written contact, such as sexually suggestive or obscene letters, notes, or invitations

WHO'S LIABLE?

Recall that "sexual harassment" actions under federal law are targeted at the employment context and usually focus on a "worker's" right to be free of this conduct by co-workers or supervisors (bosses). Many state law claims in North Carolina also have been brought against co-workers and employers or supervisors who ratified or condoned improper harassment by co-workers or supervisors. So who is potentially liable?

The actor/perpetrator/harasser

Of course, in one sense the very person doing the harassing has potential liability, certainly under state law, for any range of potential legal claims including assault, battery, and infliction of emotional distress.

The employer

The key to Title VII, however, is potential employer (e.g. church) liability. The employer-church may be liable for harassment by co-employees, and by supervisors (or even non-employees under special circumstances).

- a) Co-worker harassment – The employer may be liable if the employer knew or should have known about the harassing conduct by a co-worker, unless it can show the employer took immediate and corrective action.
- b) By supervisors – The employer may be liable when a supervisor links employee job benefits to accepting the sexual conduct, or sometimes when the supervisor's conduct creates a hostile environment.

BEING PROACTIVE, FIRM AND AVOIDING LIABILITY

Federal legal provisions on limiting liability

Quid pro quo context

Under federal law, when the harassment involves supervisor misconduct – then, if no tangible economic action has been taken against the employee, the employer-church can avoid liability if 1) the church takes reasonable care to prevent sexual harassment and correct it, and 2) the employee unreasonably failed to take advantage of the church's preventive and corrective opportunities. BUT if a supervisors' actions lead to economic disadvantages – then the church is strictly liable even if the church did not know of the harassment.

Hostile environment context

The employer can avoid liability for unknown conduct creating a hostile environment if the employer has (1) adopted an explicit policy against sexual harassment, (2) adopted a complaint procedure which employees can use to resolve complaints about sexual harassment, and (3) affirmatively raised the subject in the workplace by expressed strong disapproval.

KEY POINT!!

Therefore, under Title VII, the existence of preventive and corrective policies is crucial – and certainly from a moral and Christian perspective, such policies which seek to prevent sexual harassment and to promptly address any violations is not only legitimate, but urgent. Similarly under state tort law, an employer who has not been negligent and acted promptly and effectively to prevent such harassment is minimizing exposure to liability.

What policies should a church have?

What kind of policies should a church have – not just for compliance with Title VII, but because the very concerns Title VII addresses ought to be of concern especially to churches?

- **Written:** Mere general notions or informal expectations are not enough in this crucial area. The policy's expectations and consequences should be express and unambiguous.
- **Communicated:** Policies that are not clearly communicated are often useless. Policies should be in an employee handbook, probably posted in at least an abbreviated form, and reviewed on employment with all staff.
- **Applied:** Procedures which encourage and enable aggrieved persons to report misconduct are essential, as are systems and persons who clearly take complaints seriously. This almost certainly means identifying specific and alternative reporting avenues and immediate responses.

A prevention process

A key element in a church process should be not simply to address promptly and fairly instances of harassment, but to see that steps and policies are in place that, in so far as possible, prevent or minimize such conduct. Experts in the field frequently cite actions such as these in a prevention strategy.

First: Adopt a comprehensive and clear church policy

The EEOC guidelines advise that “prevention is the best tool for the elimination of sexual harassment” and recommend that employers adopt and implement policies prohibiting sexual harassment. An effective sexual harassment policy should have these elements:

- a. A definition and express prohibition of sexual harassment;
- b. Language which encourages reporting of complaints;
- c. A process for consideration and resolution of complaints that is prompt, fair and demonstrates complaints are taken seriously;
- d. Provision for imposing appropriate discipline where violations of the policy regarding sexual harassment are found;
- e. Clarity about the responsibilities of staff and volunteer leadership and any employee supervisors to know, understand and take action based on the policies including such elements as (1) reporting co-worker harassment; (2) stopping harassment which they may observe; (3) respond sensitively to employees with complaints, giving appropriate counsel in regard to church policies, and not condoning, minimizing or ignoring harassment of an employee;
- f. Assure all employees that retaliation against any persons who file formal complaints or otherwise bring concerns about such harassment will not be tolerated.

Second: Communicate the policy in a prominent manner

The church should have various systems to assure the sexual harassment policy is understood and that the church takes it seriously. As noted, this would certainly mean it would be set forth in any personnel or employee handbook, and that at least a summary of the policy would be posted in the workplace. Senior personnel should review the policy with any new hire, or newly promoted person into a supervisory capacity. It may be advisable to have all staff sign the policy indicating they have read it and understand its terms. Some employers conduct periodic seminars or other sessions to cover these and other key policies. Such efforts assist in putting everyone on notice about the importance of this issue, but also provide an opportunity for clarification of expectations. Senior leadership in the church should identify with these concerns and policies. Because of the prominence of volunteers in church work, it may also be appropriate to include them in any sensitivity training in this area, though they would not normally fall within the legal framework of harassment claims.

Third: Apply the policy, Handle complaints, Investigate and decide

Procedures must assure that complaints are not casually dismissed or minimized. Thus, there should be a structured system, set forth in writing and known to complainants and those responsible for processing. This system should also include several elements such as the following factors:

- a. **Registering complaints:** To whom may complaints be presented? Usually more than one route is offered, perhaps including both male and female persons to whom reports may be made. Some suggest they should be in writing, others suggest first complaints should not require a writing since that may intimidate some employees—a first discussion of a complaint could be oral, and then perhaps the person could be assisted in writing the complaint.
- b. **Processing system:** A process for promptly following up on any complaint by interviewing complainants, witnesses and the alleged perpetrators. A standard form for interviewing complainants and alleged perpetrators may help assure fair and comprehensive coverage. (*See the appendix for sample forms.*) One writer has suggested the following “key facts:” when, where, witnesses, how you responded, what happened, previous experiences with this person, did you tell anyone, do you know others who have been treated similarly.
- c. **Decisions:** A process for judging or assessing the situation and conduct, and deciding on a proper response to all concerned, including a range of remedies. This process will include a conclusion about whether the evidence substantiates the complaint and, if so, it will consider the severity of the offense, the frequency of the conduct and perhaps the certainty of the conduct, and whether the harassment was “intentional” as opposed to what may have been a violation of the standard but was not so understood by the perpetrator — e.g. unwanted hugging.
- d. **Implementation:** Following up on decisions with appropriate disciplinary action where warranted. This may include clarification of expectations for appropriate conduct, and in some cases some work reassignment or office rules need to be adjusted or developed.
- e. **Documentation:** Be sure the entire process has been documented with some detail: the nature of the complaint, what was done to investigate it, the conclusions that were reached, and if there was a finding of inappropriate conduct. The report should then note the corrective action that was taken, and any future steps to monitor the situation to assure no further harassment (if it had occurred) and no retaliation.
- f. **Follow-up:** Where a decision or action has made specific recommendations regarding an employee’s conduct, or office systems or procedures, the process should assure these recommendations or requirements are being observed/implemented. And perhaps in all events, some follow-up should be included that checks in with complainants after periods such as one-month and six-months to assure there are no continuing problems.

A RECOMMENDED SHORT POLICY STATEMENT

SHORT FORM SEXUAL HARASSMENT POLICY

_____ church is committed to providing a work environment for employees and volunteers in keeping with Christian principles and free of unlawful harassment and any other inappropriate harassment even if not covered by law. Church policy prohibits sexual harassment and harassment because of race, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, or any other basis protected by federal, state, or local law, ordinance, or regulation. This church's anti-harassment policy applies to all persons involved in the operation of the church and prohibits unlawful harassment by any employee or volunteer worker of the church, including supervisors and co-workers.

Prohibited unlawful harassment because of sex, race, ancestry, physical or mental disability, mental condition, marital status, or age, includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- Visual conduct such as derogatory and/or sexually -oriented posters, photography, cartoons, drawings, or gestures;
- Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work;
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and
- Retaliation for having reported or threatening to report harassment.

Any employee or volunteer who believes that she/he or another employee has been subjected to any form of unlawful harassment should register a complaint to her/his supervisor, the senior pastor, chairman of the deacons or the chairman of the personnel committee. The complaint should specify the name(s) of the individuals involved (including any witnesses) and a description of the specific conduct complained of as sexual or other harassment. The church will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation. If the church determines that unlawful or improper (even if not unlawful) harassment has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action will also be taken to deter any future harassment. The church will also take appropriate action to remedy any losses that may have occurred as a result of the harassment. The church will not retaliate against any employee for filing a complaint and will not knowingly permit retaliation by any other employee or elected official. The church encourages all employees to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

Where a church is subject to Title VII they may add these policy provisions: "The Federal Equal Employment Opportunity Commission investigate and prosecute complaints of prohibited harassment in employment. Any employee who believes that prohibited harassment has occurred or who believes that retaliation for resisting or filing a complaint has occurred may file a complaint with the appropriate Federal agency. The nearest offices for the Federal agencies are listed in the telephone book."

This would need to be supplemented with procedural guidelines for the persons who are identified as recipients of complaints.

ONE POSSIBLE “PROCESS” PROVISION – ADAPTED FROM A CHURCH POLICY

THE SEXUAL-HARASSMENT COMPLAINT PROCESS

The individual has the right to decide how to deal with harassment. If you believe you are being harassed, you should speak up or your lack of action may be interpreted as acceptance. Incidents of harassment should be documented. Keep a written record of the incident(s) including what the harasser did and said, who saw what, your response and to whom you reported anything. You may decide to proceed informally or you may decide to initiate formal action immediately, or later if the informal procedures are unsuccessful.

Informal Process

Not all incidents of harassment require formal complaints to deal with the situation and may be resolved in an informal manner. Sometimes an exaggerated response to a misinterpreted action can cause great pain and turmoil out of proportion to the incident.

Informal resolution options:

1. When you feel you are being harassed, communicate your disapproval and objections immediately to the harasser, either personally or in writing, and request the harasser to stop.
2. If the harassment does not stop or if you are not comfortable with addressing the harasser directly, you may take your concern to the senior pastor or chair of the personnel committee for discussion and advice. All conversations with the personnel committee chair or pastor with respect to allegations of harassment are to be kept confidential.

Formal Process

You may register in writing or otherwise, a complaint of sexual harassment and request the personnel committee or a special committee it appoints to investigate the allegations. They will examine the allegations through interviews with you and any witnesses and the alleged harasser. The investigating committee will then determine as best as they can, whether any sexual harassment has occurred and its severity, frequency and the appropriate manner of dealing with the harassment, if in their opinion the allegations are founded. This may include obtaining the apology of the harasser, suggesting counseling and/or education for the harasser, informal or formal reprimands, and disciplinary procedures including possible termination in cases so warranting. If it is determined that, in their opinion, no harassment has taken place, the confidentiality of all parties should be maintained.

Legal Action

If this church is an employer covered by Title VII of the Civil Rights Act, an employee may bring a complaint with the Equal Employment Opportunity Commission directly which will investigate the allegations. The commission investigates and may prosecute complaints of harassment in employment. Any employee who believes that prohibited harassment has occurred or who believes that retaliation for resisting or filing a complaint has occurred may file a complaint with the appropriate Federal agency. The nearest offices for the federal agencies are listed in the telephone book.



SEXUAL EXPLOITATION

While “sexual exploitation” has not received the statutory attention and public outcry that sexual abuse and sexual harassment have received recently, it is a very serious concern. In some ways, this form of sexual misconduct has been in the “closet” for years. These instances often do not receive legal attention because the conduct is often consensual, at least in appearances.

DEFINITIONS

One church group has addressed this and described the conduct in this way:

Sexual exploitation is a betrayal of trust in a pastoral, professional or ministerial relationship. Sexual exploitation is also contact of a physical nature between adults in an unequal power relationship that may involve inappropriate touching, embraces or assault. Sexual exploitation includes activity such as dating during the course of a counseling relationship, kissing, touching breasts or genitals, verbal suggestions of sexual involvement or sexually demeaning comments by a leader, or sexual intercourse. Clergy should be aware that due to the imbalance of power existing between them and parishioners, the development, or the attempted development, of a sexual or romantic relationship between a religious leader and a person with whom the leader has a pastoral relationship has the potential of becoming sexually exploitive.

CASE EXAMPLE

An example from a real case in North Carolina will illustrate the not uncommon factual patterns: A pastor or other church staff/minister becomes sexually involved at some level with a counselee. The “affair” or improper relationship is often kept secret for some time, but eventually it is rumored or confirmed. In some cases, the counselee later deeply regrets the events and believes she was taken advantage of at a vulnerable time in her life. Indeed, often the counseling itself is in the context of marriage difficulties. Sometimes lawsuits are filed and courts struggle with issues of counseling malpractice, abuse of fiduciary duties, and other tort claims. Sometimes the counselee may claim the church itself is responsible for not protecting the counselee against this abuse – especially if it turns out the perpetrator has done this before. Regardless of the legal outcome, there are often broken homes and often fatally damaged ministries. The perpetrator may quietly leave the church, with the church’s consent, to keep the scandal quiet, but the damage has been done.

STATEMENT OF PRINCIPLES

This arena is one of vital importance to the church and clear statements of principle as well as policy are called for. Here is a church statement of principles:

Statement of Principles Adapted from One Church

This church is committed to a worship and work community in which members, friends, staff, and volunteers can worship and work together in an atmosphere free of sexual harassment, exploitation, or intimidation. All persons should be aware that the church condemns sexual misconduct and sexual exploitation in any form and such is prohibited by church policy. Misconduct of a sexual nature within the life of the church not only is a personal tragedy, but undermines the moral mission of the church today to speak to a culture whose sexual mores and preoccupation in media are risking our very culture and the foundations of marriage and family life. This church stands in opposition to the sin of misconduct of a sexual nature in the church and society at large. We believe we have a responsibility before God and one another to create an environment of hospitality for all persons, male or female, which is free of misconduct of a sexual nature and encourages respect, equality and kinship in Christ. It is the intention and responsibility of the church to take whatever action may be needed to prevent and correct behavior which is contrary to this policy and, if necessary, to discipline those persons who violate this policy.

All persons engaged in the ministry of this church whether ordained clergy, ministerial or lay staff members, or volunteers are responsible for knowing the possible impact of their words and actions in ministering to the emotional, mental, and spiritual needs of persons who come to them for help or over whom they have any kind of authority. Sexual misconduct or exploitation of others by anyone engaged in the ministry of this church is sinful, unethical and unprofessional behavior with tragic consequences for families and the community and will not be tolerated. Because the ministry of the church often deals with individuals who are emotionally and psychologically fragile or otherwise personally vulnerable, it is imperative that those engaged in the ministry of this church maintain their own commitment to biblical sexual standards, and to their psychological, emotional, and spiritual health and that they have appropriate preparation for helping those individuals they seek to serve in ministry.

In addition, this church has always recognized that those who are chosen for ordained ministry bear a particular responsibility to pattern their lives according to Jesus' example. Not only are our leaders regarded by the faithful as examples of what a Christian life should be but any moral offense by clergy or laypersons entrusted with pastoral and educational ministries is especially hurtful because it betrays that trust committed to them by the church to nurture and care for every member.

Any staff member who engages in sexual misconduct as set forth in Scripture is subject to discipline including dismissal. Any persons, staff or volunteers, who engage in sexual misconduct with persons to whom they are ministering in positions of leadership and trust such as counseling, group leadership, teaching, team leadership, mission group leaders, youth counselors and similar capacities will be subject to removal from those positions. Similarly, persons whose relationships in such contexts become inappropriate and risk abusing positions of leadership will be counseled regarding their conduct and may be removed from their positions.

Staff, members or others are encouraged not to ignore incidents of apparent improper conduct or relationships, but in caring and redemptive ways to assure conduct does not persist or go unchallenged.

POLICIES

Where do policies come into play in situations such as this?

1. Establish clear biblical standards for sexual conduct by all staff.
2. Establish policies that reduce the potential for inappropriate conduct in fact or appearance, such as limiting the situations in which any staff are alone with a person of the opposite sex in contexts which might create concerns or impressions of inappropriate relationships.
3. Church policies may seek to minimize some of these risks by policies about counseling settings, physical arrangements such as windows in counseling room doors or staff offices, and minimizing situations where the minister and a counselee are in the building alone.
4. Pastors and counselors may establish policies limiting long-term counseling and use professional Christian counselors rather than develop the more intense and often intimate counseling relationships which develop in longer term, in-depth counseling.
5. Establish practices and policies which do not condone or ignore improper relationships of this kind, nor tolerate any cover-up of such relationships, and which promptly address appearances of impropriety.
6. Carefully inquire about prospective ministers in regard to their conduct and reputation in this specific area at prior places of ministry. Do NOT adopt a "don't ask, don't tell" policy.



GENERAL PERSONNEL POLICY

The law may seem omnipresent in personnel matters and certainly is a substantial factor in developing sound personnel policies and procedures. However, there are many areas that, while having a tangential legal aspect, are primarily matters of sound and efficient management.

IDENTIFYING CHURCH AUTHORITY IN PERSONNEL MATTERS

Roles of Congregation, Pastor, and Personnel Committee

Church documents and personnel policies should make clear the roles of major bodies and persons in the personnel area. Specifically, they should identify what bodies have hiring authority, supervisory authority over employees (may vary with which employees), performance review and disciplinary authority, and termination authority.

Churches vary in how they allocate these responsibilities. Very large churches may even have church administrators with substantial staff supervisory responsibilities. Some churches give personnel committees substantial responsibility, even final authority, in the hiring and firing of some staff levels. Smaller churches often reserve all final authority for congregational decisions. Whatever the policy about the locus of authority and responsibility, it should be spelled out in the personnel policies, though portions may also be set forth in church bylaws.

Churches with major special programs such as child care or after-school care programs may allocate full personnel authority to that program's governing body or senior staff of that program. Or they may delegate it but subject to final review by a general church body such as a personnel committee or the congregation.

Policies should distinguish between church bodies that have some consulting or advisory role and those with authority. For example, many smaller churches may have policies that provide that recommendations of the personnel committee are also reviewed by the deacons. However, it is often not clear whether the deacons have some actual authority to reject or modify the recommendations or only provide their counsel on the recommendations.

The personnel policy included with this manual assumes a common pattern for personnel committees. That pattern gives the personnel committee a substantial role in all phases of non-ministerial staff hiring, supervision, discipline and termination, with final authority resting with the congregation on all hiring and termination decisions. Churches that allocate those responsibilities differently should reframe those portions to reflect their practice. It is also assumed that the

church congregation retains all authority for calling and terminating the pastor, and that such processes should be set forth in the bylaws.

Large churches also may have multiple levels of staff and some staff would supervise other staff. This policy manual, however, addresses that question by assuming the pastor is the supervisor of all staff, but notes that the pastor may delegate that responsibility to others. Again, if local practice differs, your policy manual should reflect your system.

HIRING POLICY AND PROCEDURE

Among the most crucial personnel matters for churches, requiring their careful attention, are hiring policies and procedures – the processes for applications, interviewing, screening, hiring and then training and supervising employees (and volunteers, too, for that matter). ***Staffing issues – screening, training and supervision – are discussed at length in the section on Preschool/Child/Youth Protection and Ministry Policies.***

These matters are discussed in length in a volume written by this author and published by the Baptist State Convention, *Risky Business: Church Hiring and Volunteer Selection Guide – A Legal and Policy Guide*. (The volume is available from the author at 910-893-1801, buzzard@webster.campbell.edu or from the Baptist State Convention.)

In *Risky Business*, churches are encouraged to develop a Ten-Step Hiring Process including these key steps:

- Step 1: Preparing a Job Description
- Step 2: Implementing a Recruitment Process
- Step 3: Creating an Employment Application
- Step 4: Obtaining Signed Release Forms
- Step 5: Utilizing Appropriate Testing
- Step 6: Conducting Interviews
- Step 7: Checking References
- Step 8: Background Checks
- Step 9: Final Hiring and Rejection
- Step 10: Wrapping Things Up

Risky Business details the importance and major aspects of each of these steps and appropriate forms for churches to utilize.

EMPLOYEE TRAINING

Church policy should make clear that all new staff are provided with orientation and training in connection with their responsibilities. This training should include full familiarity with the policy and procedures manual of the church and its personnel handbook. The nature of the responsibilities will affect of course the scope of this training, with special training emphases where the task involves financial systems, working with children, operation of motor vehicles, sanitary systems, etc.

SUPERVISION

Church policies should set forth clearly who has supervisory responsibilities and the duties that entails. Often staff problems arise because of the lack of supervision, inadequate supervision, or conflict regarding who supervises and directs an employee's activities. Lawsuits, as we have noted, may also allege that a failure to supervise adequately employees was the reason some employee engaged in some negligent or improper action resulting in injuries.

Every employee should be told on employment who their supervisor is. That supervisor becomes immediately involved in developing an effective relationship with the employee, including training and orientation.

Supervisors would normally be responsible for directing the employees activities, establishing priorities, giving counsel to employees on job performance, and being involved in periodic performance reviews.

PERFORMANCE REVIEW

A clear system of periodic performance reviews with written assessments is clearly an important aspect of effective personnel policy. Assessments, properly done, have as their primary purpose, the enhancement of job performance by affirming areas of excellence and achievement, and identifying areas of concern or weakness. Informal performance review by a supervisor should also enable an employee to improve his work where there are deficiencies or problems.

Churches err, when in a mistaken sense of love and concern, they do not directly address areas of inadequate work performance or other problem areas with employees. It is unfair to the employee, poor stewardship for the church, and may raise later serious problems if issues are not faced directly and constructively. (See Appendix.)

DISCIPLINE AND TERMINATION

It is also clear that churches must have a clear procedure for discipline and even termination when necessary. These procedures should identify the authority to impose discipline such as oral or written reprimands, and authority to terminate employees.

OFFICE POLICY

There is a large range of office practice and procedure areas that should be addressed in an effective personnel policy and employee manual. Such matters as office hours, snow days, vacation scheduling, and computer use should be clearly addressed. The sample employee handbook enclosed here provides one sample of possible office policies. While some of the policies noted there have legal implications or reflect legal obligations, most are simply matters of sound, clear judgment.

Confidentiality of Employee Salaries

While salaries of employees are naturally very confidential, in many churches the role of the congregation in approving the budget may involve individual compensation figures. Where that disclosure is the practice, obviously confidentiality at least within the church is lost. Some churches in the process of presenting the budget do not include individual salaries, though that certainly might result in a member requesting that information. Absent a specific policy providing for nondisclosure to the congregation, it would seem that the information would have to be provided. This can be especially controversial in regard to the pastor's salary and benefits. Some approaches disclose only the salary totals for staff with no breakdown. One proposal suggests keeping the salaries confidential but providing a mechanism for individual members to request disclosure. Often that requires a showing of good cause which is likely to create further controversy. It is this author's view that disclosure is proper and perhaps healthy. The whole church has not simply an arguable right to such information, but it may be important for the church body to know. If, for example, salaries are inadequate, comparatively unfair, or even excessive, the church cannot respond if these figures are kept confidential. Some may even suggest that their confidentiality suggests something may be inappropriate or create controversy. Disclosure is often the best choice.

EMPLOYEE COMPENSATION AND BENEFITS

A major aspect of an employee handbook and church policy manual involves employee compensation and benefits. While some aspects such as overtime pay and minimum wage are subject to some state and federal laws, others are matters of local options — such as paid holidays and sick-leave days. But again, whatever they are, they need to be clear so that church administrators and employees know exactly what is expected. Policies should also address the process for the reimbursement or advance of business expenses incurred by employees. Financial policies on reimbursement issues are discussed in the financial policy section of this manual.

COMPUTER POLICIES

Policies regarding access to, use of, and security concerning computers and the church are covered in the employee handbook which contains an extensive computer policy.



VOLUNTEERS

Churches have relatively few employees, but many, often hundreds of volunteers involved in its ministries. How do all these issues of liability, selection, training, and supervision apply to volunteers? Many of the policy issues certainly have implications for volunteers as well as employees. Who we let watch the children, tend to the infants, drive vehicles, supervise teenagers, and handle funds is just as crucial when they are volunteers as when they are employees. Yet we know there are problems. How do we screen volunteers? Will we discourage volunteers? What can we legally do? What are the risks?

Issues of staff screening, training, and supervision are addressed in the chapter on Children and Youth Protection and Ministry Policies in Risky Business. What follows are some additional principles and approaches related to volunteers, largely drawn from the same book.

Key #1: Volunteers are THE KEY workers of the church

In many respects volunteers are the primary workers in the church, not the paid employees. In some ways, policies and procedures are more important for volunteers than employees. Employees are often under some sort of supervision and there is a clear authority over them – their selection, work time, duties and rewards. Volunteers often have little supervision, and the authority over them is at best loose and very indirect. There is no formal system of rewards or sanctions. The potential for unauthorized or improper actions is much greater than with employees. And the effectiveness of the church's work and its orderliness and coordination depend to some extent on the volunteers being on the "same page" of procedures and policies. The very range of volunteer activities make formal policies difficult to draft as well as monitor.

Key #2: Volunteers create RISKS

Any of the activities led by volunteers create substantial risks of harm to others if they are not done properly. Some of the activities pose especially high risks, e.g., operating a motor vehicle, working with children and other dependents, handling food, overnight supervision of children or youth, and working with power tools. In fact, with the exception of child care employees, the most common risks from church activities arise from the activities of volunteers, not employees. The volunteer van driver is a far greater risk than the church secretary.

THE LEGAL STATUS OF VOLUNTEERS

Legal Issues with Volunteers

A. Legal Fact 1 - Liability for Volunteer's Negligence

Churches and religious organizations often do not consider that the church is, in most instances, just as liable for the acts of volunteers as for employees. When a volunteer drives the church van, he is driving it FOR THE CHURCH. It makes no difference that he is not paid; it is still on behalf of the church. The law would view the driver as an agent (the old word was "servant") of the church which is the principal (or "master"). The master is liable for the acts of the servant when those acts are committed within the scope and course of the work of the master. This is the respondent superior type of liability. The church, therefore, ought to be quite concerned about potential negligence and resulting harms from volunteers, just as it would from employees.

B. Legal Fact 2 - Liability for Church's Negligence in Selecting Volunteers

The liability is also essentially the same under the negligent-hiring types of liabilities. Further, an employer may be liable for the acts of its employees and volunteers if the employer fails to exercise due care in screening, hiring, or supervising such employees and volunteers.

Churches must realize that the law does not differentiate between employee-workers and volunteer-workers when considering a negligent hiring suit. The same standard of care is required from the employer for both. This means that when a church "hires," or utilizes, a volunteer worker, it must take reasonable care in determining that the volunteer is indeed qualified and poses no ascertainable threat to others.

Legally – what is a "volunteer"?

Who is considered a "volunteer"? The courts will look at several factors in determining that a worker truly is a "volunteer." Consider the following factors:

- Does not expect any compensation for his/her services
- Is motivated by the desire to contribute to the efforts of the church or organization, not by the desire for compensation
- Is not permitted to enjoy the fringe benefits offered to church employees

- Understands that the church is under no obligation to continue accepting his services or to compensate him/her now or in the future for such services

If any of the above criteria has not been met by the volunteers in your organization, they are not really “volunteers,” but “employees.” The church may find itself obligated to compensate for past services or extend other employee benefits to those individuals. It may be advisable to request that all volunteers sign a statement that they acknowledge their “volunteer” status and further acknowledge that the above listed criteria are understood and will be abided by. Keep the signed statement in the volunteer’s employment file.

Further, if the criteria are not met, the court or other agency enforcing labor law, will simply re-classify the “volunteer” as an “employee,” and will hold the employer/church liable for all employment activities and obligations as if the volunteer were in fact an employee.

PRACTICAL PROBLEMS FOR CHURCHES AND VOLUNTEER SCREENING

All this is made even more complex by the practical realities of church life.

Limited resources

First, churches have limited resources and limited staff members available to extend the hiring process used for permanent hires to volunteer workers. Many churches feel that the burden of implementing such a process would simply require the reduction in the use of volunteers.

A transitory and episodic volunteer force

Second, the church may feel that the relatively episodic nature of volunteer work and the constant turnover of volunteer workers make it impossible to keep up with the process and paperwork of any “hiring” type review. When a volunteer is needed to go this weekend to help in tornado-relief work or to go right now to get some donuts for the overnight event of the youth group, there is no time for any “hiring” process. Even if there were, it would not be worth spending scores of hours to “qualify” the volunteer for a task that may take much less time than the review would.

Volunteer resistance to a “qualifying” process

Third, recruiting workers is hard enough without eliminating some who will not take the time to go through the process. Few volunteers are going to take the time to fill out applications, provide release forms, or anything of that sort. It is tough enough to get them to raise their hands, or put their names on the sign-up sheet in the foyer. Many volunteers might well take personal exception to any suggestion that they need to be investigated or checked out by some person or

committee. Any process which suggests that people cannot be trusted would be destructive of central values of the church.

Our mobile communities

Fourth, the fact is that today churches are often made up of people who have not grown up together with years of personal and community relations. Churches are often made up of strangers with whom we want to become involved. The irony is that this fact in some ways suggests we may need to be more careful about volunteers because we do NOT know much about many of the members. But the same facts make it more difficult. Any serious hiring-type process that really was intended to check out volunteers would today involve many more people than it would have in the more stable communities of a few generations ago.

SO WHAT CAN A CHURCH DO?

So what can a church do to avoid effectively the serious risks in some activities without destroying the sense of community or creating a management monster? Are there any options the church has in shortening the hiring process for volunteers while still screening effectively?

Assess the responsibilities and risks associated with volunteer activities

Not all volunteers in a church have the same levels of responsibility or pose the same kinds or degrees of risk. Volunteers who help weed the yard, paint the sanctuary, or teach an adult Sunday School class pose few risks of serious injury to themselves or others. Other types of volunteer activities pose much more serious risks because of one or both of two factors:

1. The vulnerability of those whose activities they will assist in, and/or
2. The inherent risks of the activity itself — using a chain saw, driving a car

One might even create a scale of such activities according to the presence of one or both of these factors and note the kinds of activities of volunteers. It might look in a typical church something like this:

Low Risk

- Adult S.S. Teacher
- Church Clean-Up Day
- Office Work

Moderate Risk

- Church Meals Cook
- Relief-Work Volunteer
- Church Preschool Worker

High Risk

- Child Care Volunteer
- Children's Camp Counselor
- Church Van Driver

Consider the NATURE of the risks the volunteer activity creates

Next, for those positions involving moderate or substantial risk, consider whether the risks arise because of the potential dangers in the job itself, such as driving, or whether the risks are because of vulnerability of the recipients.

The importance of this distinction is that in the former case, the issues of careful selection (hiring, if you will) are usually limited to questions of the competence (training, aptitude, skills) in the specific task involved. In the second instance, it is not so much the presence or lack of a specific skills as it is questions of general character, maturity, judgment, etc.



Examples

For example, if the volunteer is to operate a motor vehicle for the church (taking youth to camp, picking up special adults), the chief risk posed relates directly to one issue: is the person an appropriate person to choose as a driver? We do not need to know much about character or educational background, except perhaps propensity to violence or abuse. We DO need to know whether the person is a driving risk. The basic question is: What is his driving record? Is there anything in that record, or reports from others who have witnessed his driving, that would warn the church so that to accept him as a driver would be “negligent”?

Consider alternatively the situation with a preschool worker or child care volunteer or children’s overnight camp supervisor. In this situation, we are not just interested in skills. The church, and the parents of all those involved, would probably like to be assured the person is a responsible adult, exercises good judgment, knows how to appropriately discipline, has minimal health-care skills, and in today’s world, we would like to be sure the person is not an undue risk of physical, sexual or other abuse to those in his care. This is a rather broad set of concerns.

Thus, we suggest two important inquiries:

First, does the volunteer create some significant level of risk that warrants at least SOME screening?

Second, given the nature of the risks, what kind of screening is reasonably expected?

Example: The church requests volunteers to meet at the local park and help clean it up. Is screening needed? Probably not. There is very little danger and few skills are needed for such work.

Example: The church is building a home for a homeless family. The church requests volunteers to help roof the house. Is screening needed? Some. Specific skills are needed, and the height involved makes the position more risky to the individuals. The church should only utilize those with experience. A check into the volunteer’s personal background, however, is not necessary.

Example: The youth group is going on a camping trip. The pastor asks for volunteers to accompany them on the weekend excursion. Is screening needed? Yes. There may be a need for certain skills, and the associated risk is greater because the volunteer has overnight access to children—possibly unsupervised, even though there will be other volunteers along.

Now, custom design an appropriate screening system

Given the level and nature of risks involved in any situation, design an appropriate system for screening. This need not be terribly complex. Consider this illustration:

Vehicle operators

For all persons who plan to drive the church vehicle or their own on behalf of the church, indicate that church policy and appropriate insurance coverage will require the church to review their driving record. A simple questionnaire for all drivers might also be required. This might include name, driver’s license number and expiration date, special restrictions, if any, on the license, accidents and convictions within the past three years, and insurance company and agent.

Mission-Trip Volunteers

For those involved in work/mission projects, the church might have a standard “Mission Project Questionnaire.” (*See sample in Appendix.*) This questionnaire might include questions about various skill and task areas that might be involved, including questions related to physical health and limitations, tetanus vaccination status (and others, if project is overseas), experience in certain tasks or use of certain equipment, medical insurance, and whom to contact in emergencies.

Mom's Morning-Out Volunteers

For those involved as volunteers in a formal child care or mom's-morning-out program, the screening process should be virtually as thorough as for employees, unless the volunteer is doing nothing but office-related tasks. And since volunteers in such programs may be asked to do a variety of things, some review of knowledge and skill would be important including things like first-aid abilities, handling infants, supervising certain play activities, etc.

Develop Protective Systems Beyond Screening

A good volunteer program should not simply depend on screening. For reasons far beyond just legal risks, most volunteer activities should involve at least three other aspects:

Orientation and training

Whether the activity is a youth weekend retreat or cutting down trees for a shut-in or working in a mom's morning-out program, the volunteers should have some orientation/training which will review their tasks: person in charge, handling emergencies, equipment/supplies needed, insurance factors, etc. This would include explanations of any church policies that must be followed during the activity such as no persons, including volunteers, being able to leave the campgrounds, or no camp counselor counseling a teenager alone, or no smoking.

Supervision and accountability

In any activity, there should be some supervision of volunteers. Of course, in most church activities, the supervisors may themselves be volunteers, but in any event these need to be persons "in charge." Supervision and acceptability also may be informally structured by assuring that in certain types of activities there will always be more than one volunteer present.

Post-activity review

One helpful process in any substantial volunteer activity is to engage in at least some post-activity review which might well include notes on volunteers, including special skills or problems which may have developed.

Helpful policies and forms

This probably sounds a bit overwhelming. Some basic policies, however, can at least address the most common situations and some forms will help. There are some basic policies and references to forms in the Appendix. However, matters dealing with children and child care workers are addressed in the Preschool/Child/Teens Protection and Ministry Policies section of this manual, and are not covered here.



FINANCIAL POLICIES

INTRODUCTION

STATEMENTS OF PURPOSE & PRINCIPLES

PERSONNEL INVOLVED (OFFICERS & COMMITTEES)

BUDGET-PREPARATION PROCESS

ACCOUNTING SYSTEMS & INTERNAL CONTROLS

HANDLING OF FUNDS & RECEIPTS

HANDLING OF DISBURSEMENTS

REPORTING & RECORDS

AUDITS

SPECIAL FINANCIAL ISSUES

*“Remember this:
Whoever sows
sparingly will also
reap sparingly,
and whoever sows
generously
will also reap
generously. Each
man should give
what he has
decided in his heart
to give, not
reluctantly or
under compulsion,
for God loves a
cheerful giver”
(2 Cor. 9:6-7)*



INTRODUCTION

Recent events in the public sector, and some occasional sad stories from churches, make clear the importance of clear and specific policies regarding financial affairs. As stewards of its financial resources, churches have a spiritual and legal obligation to be careful and prudent in the receiving, handling, managing and disbursing of funds.

Thus, this is an area to which churches need to give much more attention. Of course, the degree of specificity of policies and the complexity of procedures will be affected by the scope and nature of the church's financial activities and the personnel available. A church with multi-million dollar budgets, trust funds, endowments, and a planned giving program will have a much different policy manual than a small congregation of 100 members and a lower level of financial resources.

BENEFITS/GOALS OF CLEAR FINANCIAL POLICIES

Assure responsible stewardship of resources for ministry

A primary dimension of financial policy must be to make every effort to monitor the receipt and use of funds to assure good stewardship of the funds the members commit to the Lord's work – both to avoid improper use or diversion, and to use funds wisely and responsibly.

Assure compliance with legal duties

Legal obligations are multiple and increasing. Such obligations arise from the following circumstances: a) statutory duties such as withholding and depositing funds deducted from employee wages; b) obligations imposed on nonprofit and tax-exempt organizations; c) fiduciary duties of elected and paid leadership; and d) the legal rights of donors to the proper use of their gifts.

Create member confidence in the handling of church funds

Churches are often lax in establishing clear policies and specific procedures in regard to financial matters. This opens the door to potential confusion, unsubstantiated allegations and conflict as well as serious improprieties or at least faulty judgment.

Give volunteers clear guidance in performing their responsibilities

One problematic factor is that the financial matters of churches are often administered by volunteers who give long hours to the careful and tedious work as treasurers and/or financial secretaries. These volunteers often work alone, with little assistance and sometimes with limited financial experience.

SPECIFIC POLICIES IN THE FINANCIAL ARENA

This guidebook covers the following basic aspects of financial policy:

- Statements of Purpose and Principles
- Personnel Involved (Officers and Committees)
- Budget-Preparation Process
- Accounting Systems and Internal Controls
- Handling of Funds and Receipts
- Handling of Disbursements
- Reporting and Records
- Audits
- Special Financial Issues

STATEMENTS OF PURPOSE & PRINCIPLES

Some churches express in their policy statements some of their core beliefs or convictions about church finances and stewardship. Typical examples include provisions about biblical principles of stewardship, tithing and fundraising. One legal aspect of a core biblical principle is that of steward-

ship and the duties of stewards to care for what is entrusted to them. This is consistent with the law's view of church funds – that they are a trust for the purposes for

which they are given. The funds are thus, not really the church's, but the church is a trustee or steward of the funds.

One local church set forth a few of their core principles which are partially noted here not as a particular recommendation of the specific points, but as illustrative:



#1 Primary Source of Church Income

_____ Church is dependent on God through the faithful and generous tithes and offerings of God's people to underwrite the church's ministry.

#2 Missions Giving

_____ Church commits a minimum of 10 percent of its budget to God's work in our world, country and community.

#3 Financial Bible Teaching & Giving Policy

_____ Church will teach biblical financial and giving principles through Bible studies, seminars, and sermons. The goal of this teaching will be to help people become financially free in their lives in order to serve and honor God more fully and faithfully.

#4 Fundraising Events

Because _____ Church is dependent on God through the faithful and generous support of God's people, the church discourages the use of fundraising events (banquets, bazaars, carnivals, festivals, bingo, craft sales, candy sales, product sales, raffles, fish fries, etc.) to help meet the church's basic financial needs.

One core principle from both a legal and biblical perspective is that all church funds are a "trust," from which a great stewardship responsibility flows.

Legal Note: Church Funds – A Trust

Under IRS and other legal principles, church funds are a trust for the exclusive use for religious and charitable purposes. The requirement that church funds may only be used for the church's religious and charitable purposes is also reflected in the IRS provisions that the funds of any tax-exempt body may not "inure to the private benefit of any individual, except for the payment of reasonable compensation for services rendered." This means that while the church may pay money to persons for the reasonable value of their services, the church may not distribute its resources, money or property to private individuals – because that is not a proper charitable and religious purpose.

One practical effect of this rule is that church funds should never be in an account in the pastor's name or other private person, and church funds should never be used to pay personal expenses of the pastor or others, nor should any private persons accept any financial favors or special benefits from church funds beyond their reasonable and agreed compensation.

PERSONNEL INVOLVED (OFFICERS & COMMITTEES)

This section of policies should identify the elected and paid leadership, committees and any other entities that have responsibilities in the financial area, and set forth the scope of their duties and authority. In most churches this would always include the treasurer and a finance committee. And in larger churches, it often involves other officers and bodies such as a financial secretary, a budget committee, an offering-counting committee, an audit committee, an endowment committee and sometimes a specific role for trustees or deacons. The purpose of multi-personnel is of course partly to spread responsibility, but it also should serve as a control and accountability system. Other elements of this financial personnel policy might include provisions about securing bonding for the financial officers and leaders, accountability, authority and authorized signatures.



The selection and election of key leaders such as treasurer or financial secretary may be addressed in the constitution or bylaws, but may also be set forth in the policy manual which usually will have a more detailed job description.

Here are some typical descriptions that might be part of the financial policy or bylaws, and these may be adapted to the structures and personnel in any local church. The particular tasks ascribed to any officer may vary among churches. For example, the tasks assigned to the treasurer and to the financial secretary are not always the same from church to church. The keys are 1) be clear and specific, and 2) assure that the duties provide a cross check on financial matters.

Congregational Authority

Consistent with our Baptist congregational polity, the congregation as a whole shall have final authority over the financial affairs of the church. These include the adoption of a budget, adopting financial policies which shall guide its elected and paid leadership, and the application and interpretation of those policies. In furtherance of the diversity of gifts and ministries, the congregation, through its policies and procedures, may assign many responsibilities to its leaders, committees and staff but retain final authority.

Budget and Finance Committee

The Finance Committee shall oversee the financial affairs and policies of the church and carry out the directions of the church in the financial area. It has oversight and responsibility for reviewing the budget, evaluating the on-going financial status of the church, providing guidance to the church's elected financial officers, and proposing and assuring compliance with financial policy.

(If there is no separate Budget Committee, then the following might be included: The Finance Committee is responsible for proposing an annual comprehensive budget that covers the ministries, administrative, and practical needs of the church.)

Financial Secretary

The Financial Secretary is primarily to receive the funds that come into the church treasury, record the funds, deposit the funds, and forward information about the deposit to the church treasurer so that the funds may be used to support the ministry of the congregation. The responsibilities of the Financial Secretary are as follows:

- 1. To work according to the guidelines established by the church.*
- 2. To receive funds from whatever source, record them, and report them to the church treasurer, the church, and its leadership as provided in church policies.*
- 3. To collect offerings received during worship services, making certain that more than one person is involved in collecting and counting the money.*
- 4. To insure money is deposited in a bank as soon as possible after it is received. All deposits should be made within three days of receipt.*

5. *To establish a procedure to collect and record money received through methods other than the regular offering, including money received through the mail.*
6. *To produce individual charitable-gift receipt summaries of all donations received during a calendar year and mail the summaries to contributors within two weeks of the end of that year.*
7. *To be accountable to the congregation through the designated committees, elected officers and paid staff leadership.*

Treasurer

The Treasurer is responsible to disburse all funds received into the church treasury in a responsible and organized manner in accord with the policies and procedures established by the church. The responsibilities of the Treasurer are as follows:

1. *To disburse all money contributed to the local church budget, keeping accurate records of how money is spent.*
2. *To prepare accurate monthly financial reports indicating the financial well-being of the congregation.*
3. *To work according to the guidelines established by the church.*
4. *To participate in and report regularly to the appropriate committees, officers and congregational meetings.*
5. *To assure there are adequate records documenting the assets of the church for insurance and other purposes.*
6. *To make recommendations for the investment of excess funds.*
7. *To insure that all church property is appropriately covered by insurance for casualty and liability losses.*
8. *To insure that all governmental taxes, reporting forms, and regulations are met on a timely basis.*
9. *To be accountable to the congregation and its committees.*

Counting Committee

In many churches the elected financial leaders such as treasurer carry out the task of “counting” offerings. In some churches, deacons or other leaders are called on to count. As will be noted later, it is advisable to have a system that separates the depositing/dispersing functions and the counting procedures. The Counting Committee in smaller churches could be the same as the Finance Committee or some other body.

Offering-Counting Committee

The Finance Committee shall appoint sufficient members of an Offering-Counting Committee which may include some of their own number to assure that not less than two are available on all occasions at which funds are to be counted. The counting team on any given occasion shall perform double counts on all receipts and utilize counting sheets to report their counts. Each counter shall sign the counting sheet reports.

Audit Committee

While many churches do not have a formal audit committee, the task is a crucial one. In a smaller church this task could be assigned to some other existing body such as trustees, deacons or finance committee. It should NOT be done by those who actually carry out the financial operations.

Audit Committee

The Audit Committee shall consist of not less than three persons nominated by the Nominating Committee and elected by the church. The committee shall conduct or arrange for an annual audit of a type and nature the church deems appropriate. The scope of any audit shall assess whether the financial policies and procedures are being adhered to. In the event of outside auditors, they shall recommend to the church such person(s) or auditing firm. They shall assist the audit and review with the auditors any findings and recommendations. The committee shall convey the report of the auditors to the church leadership, officers and the congregation.



The budget-preparation process section of the financial policies should set forth the following: How the budget is compiled for presentation to the church, the effect of the budget in controlling expenditures, procedures for interim adjustments, inter-category adjustments and emergency authorizations. In some churches the Finance Committee also has a budget responsibility, but in other churches these responsibilities are divided among separate committees.

Here are some representative policy/procedure drafts related to the budget-preparation process.

Budget Process

1. *The Budget Committee shall annually request each department, person or committee with budget line items to evaluate their programs and submit a budget request to the committee.*
2. *Optional: The _____ Committee shall/may submit its draft proposal to the deacons, church council or another group for their review and recommendations before submission to the church.*
3. *The proposed budget shall be distributed to the membership not less than two weeks before the church conference where it will be presented for adoption. The budget shall be submitted for approval by majority vote at the church's annual meeting or at such other time as set by the church to approve an annual comprehensive budget.*
4. *On adoption, the budget shall be published and made available to all church members.*
5. *Financial reports to the membership shall be structured to reflect the budget income and expenditures reported in the budget categories.*
6. *Effect of the budget:*
 - a. *Authority of responsible parties*
 - 1) *In the event of cash-flow problems or other factors requiring financial restraint, the Finance Committee may impose temporary spending limits in one or more categories and/or recommend to the church specific budget adjustments.*
 - 2) *Any major expense items—those exceeding \$1,000 (for example)—Even though it is in the budget—may not be expended without notice to and approval of the Finance Committee or their designee. This is to assure that sufficient funds are available to meet that and other needs. The Finance Committee may, as noted above, impose temporary limits or recommend budget adjustments.*

b. Budget changes and adjustments:

- 1) *Proposed budget changes during the fiscal year may come from the Finance Committee or from other committees or members. Such proposals from other committees or members must first be presented to the Finance Committee 30 days before they are presented to the congregation so that the Finance Committee may make informed recommendations regarding any such proposal.*
- 2) *With the approval of the Finance Committee, budget allocations within major ministry departments such as Sunday School, youth ministry, property maintenance, may be made between line items when sufficient cause is found. Such interim adjustments, however, may not increase the basic church budget or the budget for any department or major ministry area.*
- 3) *In an emergency, with the consent of two-thirds of the Finance Committee (or perhaps deacons or trustees) the church may expend funds beyond the budget for any line item up to \$1000 for operational contingencies, and up to \$5000 for emergency repairs. This provision is intended to be utilized only when the need is sufficiently compelling and there is inadequate time to secure congregational approval. When this authority is utilized, the Finance Committee shall advise the church of its action in the next congregational meeting.*



Here is another example of a church's budget-preparation process:

Church Budget Process

Each year, a budget shall be established for the church and approved by the congregation as established by the charter and bylaws.

1. *Preparation — The church budget shall be prepared and coordinated through the Budget Committee in the third quarter of each year for the year following:*
 - a. *The budget shall consist of planned expenditures to include but not limited to: salaries and benefits, utilities, repairs and maintenance, interest expense, debt-retirement, foreign and home missions, benevolence, church programs and administrative expenditures.*
 - b. *The budget shall consist of projected revenues from all sources to include but not limited to: offerings, debt retirement, maintenance reimbursement, auxiliary groups, miscellaneous income, foreign missions and home missions, and benevolence.*
2. *Review and approval process*
 - a. *Deacon review — The proposed budget shall be presented to the deacons for review and endorsement. The proposed budget shall be published in the church newsletter for two consecutive weeks prior to the scheduled presentation of the budget to the church in Conference.*
 - b. *Presentation to the church for approval — The Budget Committee shall present the proposed budget to the church. Church members present at the church conference shall review, amend, as necessary, and approve the final budget.*

The fiscal year

Church documents such as bylaws or financial policy should establish the fiscal year. The fiscal year does not need to coincide with the calendar year. The fiscal year should correspond with the organization's natural operating cycle. Aside from the common practice of adhering to the calendar year, many churches prefer October 1 to September 30 (Or September 1 — August 30) to flow concurrently with the fall programming of the church.

Fiscal Year

The fiscal year for all church finances shall be _____ to _____.

ACCOUNTING SYSTEMS & INTERNAL CONTROLS

A major key to effective financial systems is an adequate financial and accounting method for keeping the church financial records. Various commercial systems are available. Today, there is comprehensive computer software specifically designed for churches. An effective system of accounting supported by appropriate financial policies will assure that all church assets are accounted for, that gifts are properly allocated to the appropriate account, that disbursements are made by check based on approved bills or obligations and allocated to the proper accounts, that regular financial reports are made to the appropriate committees and leadership, and that internal and external controls are in place to assure the accuracy of the records.

This almost certainly involves policy established directly by the church or its designated committee that covers these areas:

1. Designates persons with defined responsibilities in all the financial areas
2. Approves any church accounts and those who have signing authority on each church account including when multiple signatures are required
3. Approves an accounting system for use by the church and assures adequate training of those who utilize it
4. Establishes the specific systems for handling funds
5. Establishes procedures for any petty cash fund
6. Identifies types of financial reports to be submitted, when and to whom
7. Establishes systems and persons responsible for internal audits





HANDLING OF FUNDS & RECEIPTS

Obviously a major section of the financial policies must involve the reception, receipting, recording, allocating and depositing of funds. This area includes:

- **PROCEDURES:** Practical procedures such as who counts monies, who records receipts, who sends what kinds of receipts, and in what account are deposits made.
- **LEGAL DUTIES:** Compliance with legal duties and even Internal Revenue Service requirements for receipting or reporting charitable contributions.
- **ACCOUNTING PROCEDURES:** Assuring an effective accounting and financial process with the proper internal control checks and balances.

PROCEDURES FOR HANDLING FUNDS/GIFTS

The church must establish specific procedures for the immediate handling of gifts/receipts including such matters as counting the offering, creating reports and deposit slips, depositing funds, handling gifts received by mail, etc. These procedures should reflect a range of “Internal Controls.” The purpose of the internal controls is to protect the reputations of individuals involved with church finances and to protect the assets of the church. Internal control involves dividing financial duties in a manner which creates checks and balances, minimizes clerical errors, and does not allow one person “to both make a mistake and then hide the mistake.” The procedures should involve multiple persons and back-ups and assure a secure system. The objective is an accurate, verified count, record of gifts, and secure deposit to the proper account, and then information properly conveyed to the leaders who need it for record keeping and receipting. It is beyond the scope of this policy manual to set forth the detailed internal accounting and financial management policies which the church should employ. However, consider one area of concern about appropriate systems: the receiving and counting of offerings. The key in this area is a policy that assures the security of the offering and protects those involved from any temptations and from false accusations or suspicions. Policies here would involve 1) the security of the receipts until counting and recording, 2) multiple simultaneous counters and verified recording, and 3) further security and multiple persons supervising the deposits.

A policy manual might lay out with great detail the policies and procedures regarding counting, depositing or it may only state a general policy and leave the specific procedures for the Finance Committee and others to develop, draft and implement. While the detailed procedures may be too long for inclusion in the overall policy

manual, they do need to be written and specific. The lack of written policies is likely to mean shifting procedures when new persons take office or assist. Clear policies give direction to volunteers who might otherwise not know how to proceed. A good accounting system and the advice of a certified public accountant, as well as specialized publications on church financial management, can give specific guidance on the details. Here is an example of the general policy statement:

Receiving, Counting and Depositing Funds

The Finance Committee shall develop a comprehensive written set of policies and procedures for the reception, counting, recording and depositing of offerings and gifts whether through the general offerings or by mail or other means. The policies and procedures, as aspects of the overall financial management systems, assure appropriate internal controls through checks and balances, separation of functions and systems which can assure the integrity of the system and those who handle and safeguard the finances.

A more detailed and specific policy might be summarized as follows:

Handling Offering Receipts Policy

1. *Two members of the Counting Committee shall, immediately after any church service at which an offering is taken, count the offering together.*
2. *They shall count and record any loose cash offerings and record the total on a separate envelope in which they place these loose offerings.*
3. *Offering envelopes shall be opened, the amount of the cash or check verified with any amount stated on the envelope, a notation made on the envelope whether the gift is by check or cash, the amount of the gift noted on the envelope, and assure the donor's name is clearly on the envelope. Any marked special designations on any check, such as building fund or mission fund, not noted on the envelope shall be also noted on the envelope. Any checks not in envelopes shall be placed in one with the same information supplied. The empty envelopes shall be provided the treasurer or financial secretary as the basis for creating a donor record and to provide back up for accounting records.*
4. *All checks should be stamped on the back with “For deposit only.”*
5. *A tally sheet of the totals shall then be completed which records the total of loose offerings, the total of cash given by envelope with an identified donor; then the total cash collected. The tally sheet will also note the total received by check and*

a grand total. This recording should be observed and verified by each of the counters. The tally sheet should be signed and the date and service recorded, such as Sunday morning worship Jan. 15, 2004. The tally sheet should note any gifts that have been designated for a special account such as missions fund, benevolence fund or building fund.

6. A deposit slip should then be created from this tally sheet, and the funds

LEGAL REQUIREMENTS

It is essential to have proper receipting that is consistent with IRS guidelines, not to mention good relations with donors. Such a procedure is now much more complex than a generation ago because of IRS rules and other legal principles. Here is a thumbnail sketch of the legal rules: 1) What constitutes a deductible gift? 2) What kinds of receipts are required for the donor and what is the duty of the church?

What is a tax-deductible gift?

Churches need to be aware of whether funds that are received are tax-deductible charitable gifts so that they will be properly receipted and the church will comply with the IRS regulations. This makes the proper handling of the depositing and receipting of such contributions a very important function in the church. There are several requirements that all contributions must satisfy for donors to be able to claim the gifts as deductible charitable contributions:

Some Legal Rules for Charitable Contributions

1. Must be a gift of cash or property. Something of value must be given to the church (usually cash). May not be donated personal services or free use of some personal asset.
2. Must be unconditional (except for permissible designations to aspects of a organization's activities, such as missions). The donor must surrender control to the church.
3. Made payable "to or for the use of" qualified charity. (Gifts to individuals, even if charitable in intent such as to meet a personal need, are NOT deductible contributions.) [The church is a qualified charity.]
4. Must be without personal benefit to the donor. May not be in exchange for services or goods, except intangible religious benefits.
5. In certain cases, the gift must be substantiated with specific types of receipts from the charitable organization.

Thus, not all "gifts" are tax-deductible, even if the gift is given to the church. What are NOT gifts for tax-deductible purposes?

- Gifts of services — such as providing labor or professional services — are not deductible gifts. Churches may NOT give receipts for the value of the services. If a plumber or an architect gives free time, no receipt shall be given for the value of their time. However, they may deduct their out-of-pocket expenses for travel and materials

- Gifts of the use of property are not deductible gifts. Therefore, the church may not give a receipt for the value of the use of property such as a house or snowplow.
- Contributions directly to needy individuals, or through a church but earmarked for specific individuals, are NOT deductible, and churches should not provide receipts for such. Donations to a benevolence fund which are NOT earmarked for individuals are normally deductible and the church may receipt such gifts.
- Gifts to departments of the church such as a Sunday School class are NOT deductible contributions because they are NOT funds under the control of the church UNLESS the funds are subject to church control. If the funds are forwarded to or accountable to the church treasurer, and subject to the financial control of the church, then they would be "TO AND FOR THE USE OF" the church and be classified as a deductible contribution.

Receipting rules

If the church has established that certain receipts are deductible charitable gifts, the church needs to be aware of the receipting rules established by the IRS. Some of these are not legal duties of a church, but are required if the donor is to receive the benefit of the tax deduction. Others, however, are duties of the church regardless of the donor's tax-exemption claim.

Legal Receipting Rules

Gifts Under \$250

The donor's canceled check is ordinarily a sufficient receipt, but if the gift is in cash, then some receipt or statement from the church may be required to substantiate the gift.

Receipting Gifts of \$250 or more

Since 1993, donors can no longer rely solely on cancelled checks to justify charitable tax deductions for single gifts of \$250 or more. Because of this churches should provide a written receipt for any gift of \$250 or more, noting the date and amount. Churches that provide periodic written reports to donors noting not simply the total, but itemizing any gifts of \$250 or more would also provide the donor the necessary documentation. NOTE: The donor need not have separate individual receipts for gifts under \$250 even if such gifts add up to \$250 or more. The receipt should include the following:

1. The date of gift
2. The donor
3. The amount of gift
4. The exempt organization receiving the gift (name of church)

A statement indicating whether the church has provided any goods or services in exchange for the gift, and if so, a description and good faith estimate of the fair market value of the goods and services given must be provided.

A sample General Gift Receipt Form is in the Appendix. *Note:* Recent IRS Publication 1771, *Charitable Contributions—Substantiation*

and *Disclosure Requirements* authorizes e-mail acknowledgments of contributions. The publication makes clear that there is no specific form required and that “letters, postcards or computer generated forms. . . are acceptable.”

Gifts exceeding \$75 where there was a quid pro quo provision of goods or services.

Church must provide a specific disclosure statement to donors when gifts exceeding \$75 are received in connection with a quid pro quo provision of goods and services. For example, an organization which offers a book or concert tickets for a donation of \$100 must provide a statement noting the gift and value of what was received in exchange and any deductible gift which exceeded the reasonable fair-market value of the items received. A sample is provided in the Appendix.

Contributions of non-cash property

Receipts for non-cash gifts must note the gift given, and not merely note the claimed dollar value of the gift. Thus a gift of a car or real estate should note the gift given with specific detail that might be relevant to its value, but it is the donor's task to justify his/her tax- deduction value.

Gifts of property exceeding a value of \$5,000

For gifts of property the aggregate value of which exceeds \$5,000, the donor must obtain a qualified appraisal and attach it to their tax return in which the deduction is claimed. The appraisal summary must be on Form 8283, signed by the charitable organization, such as the church, and attached to the return.

If property received by the church requiring Form 8283 is then sold or otherwise disposed of within two years, the church must file form 8282 within 125 days of its disposition and a copy provided the donor.

Some special receipting situations

Payments for use of goods or services

Receipts implying a gift should not be given for funds received by a church for services rendered such a rental fee for using the fellowship hall. This is true even if the church says no fee is required, but suggests donations. Any receipt provided should note it was a “payment for use of facilities” or similar description. Only funds received in excess of the fair rental value would be deductible. In the event of such an excess, the receipt should note the total paid, the fair rental value, and the difference as a gift.

Fundraising auction

If an individual buys an item at a charitable auction, such as a church youth group seeking to raise funds for a mission trip, only the portion that exceeds the fair market value is a potential tax deductible gift, and a receipt should note the total gift, and the estimate of the fair value of what was received. The same would apply to a youth group's doing cleaning or yard work for gifts—

the receipt should note the total given and fair value of what was received, and the resulting charitable gift.

Non-cash gifts

Occasionally problems arise with non-cash gifts other than receipting issues. Such non-cash items might be securities (stocks/bonds), specific items (playground equipment, pianos) or even real property. In the event of securities, most churches have a policy of prompt sale and converting them into cash, except in a few cases where the gifts are designated as part of a special endowment fund (discussed further below). Most churches do not want to become stock analysts, guessing or timing the market and so have a policy of sale.

With gifts intended for use by the church such as a piano, sports equipment, etc., whether newly purchased or used, the policies should make a couple of aspects clear: (a) that the church needs to approve, through some process, the acceptance of the property—so as to assure that it is appropriate and useable; and (b) to make clear that if it is a gift, the church, and not the donor, will control its use and possible disposition. The latter point is often sticky because a donor of a piano or antique table may wish to continue to have a say in its use, location and resent its removal. However, the policy needs to be clear even if it is difficult at times to enforce.

Here is a draft policy statement in this regard:

Non-cash Gifts

The church recognizes that non-cash gifts of many kinds are very important in the ministry of the church. The policies set forth here are intended to assure that such gifts are appropriately used by the church and to guide donors in their giving priorities.

- 1. Gifts of negotiable securities will, unless the Finance Committee finds special circumstances, be welcomed, and be sold immediately.*
- 2. The church in conference or through a committee given the authority, must agree to the receipt of real property, and the Finance Committee and other appropriate committees may make recommendations to the church regarding the acceptance and use of such a gift.*
- 3. Gifts of other items for the use of the church must be approved by the appropriate committee or person who would utilize such property in the ministry of the church. This is to assure the property is appropriate for the intended use, and that the donor will also be aware of the intended use of the donated item.*
- 4. All gifts become the property of the church, and their use and/or disposal is at the sole discretion of the church, except where the donor has subjected the gift to a specific designation accepted by the church.*
- 5. For all gifts of objects accepted by the church, a donation receipt letter will be sent to the donor in a timely manner for tax purposes.*

ALLOCATING TO PROPER FUNDS AND SPECIAL “DESIGNATED FUNDS” ISSUES

It is helpful to recognize first that even the smallest church often has multiple funds, and often these involve separate bank accounts (though not necessarily). The following are quite common:

- General Fund
- Building Fund
- Missions Fund
- Benevolence Fund
- Designated Funds

Many churches also have one or more of the following special funds:

- Cemetery Funds
- Endowment Funds
- Trust Funds
- Special Mission Fund
- Scholarship Fund
- Debt-Retirement Fund (e.g. Sinking fund)
- Separate Child Care Fund
- Separate Sunday School Funds
- Petty Cash Fund
- Love Offerings
- Lottie Moon/Annie Armstrong Accounts

And then there may be an array of separate funds kept by sub-groups in the church:

- WMU Fund
- Brotherhood Fund
- Sunday School Classes
- Your Mission Trip Fund

Church policies must relate to these different funds and address issues of accountability and oversight, reporting, depositing, and spending such funds. Elected and paid financial leadership must be aware of these accounts to properly allocate receipts, as well as monitor and disburse the funds. This will result in a Chart of Accounts which is a formal listing of all the different accounts used by the church. Usually, the Chart of Accounts has numbers assigned to each account to help identify accounts and to locate more readily the account in the general ledger. The Chart of Accounts will vary from church to church with a small church having a less elaborate breakdown than that of a large church. A church operating on a unified budget will have a Chart of Accounts that differs considerably from a church using a number of separate funds.

First Policy Point: What funds are “church” funds?

The church must first determine which of its funds are within the church’s financial responsibility, oversight and ultimate management. If a fund is within this category, then the church needs a system of financial review and oversight. There must be systems of accounting, reporting and control. The positive side of this is that donations to

such a fund supporting the church’s purposes and under its control would normally qualify for tax deductibility by the donor. At a minimum, if the funds are seen as church funds, there must be a reliable record-keeping procedures, review by the church financial leadership, and some level of audit, even if informal. The funds should be part of an annual report to the church. Some funds, however, may be outside this scope. The church may decide not to treat local Sunday School class funds, or some youth ski trip fund, or the WMU’s own dues as general church funds.

Policy statements should reflect these decisions:

Funds Policy

All accounts or funds created by the church or by any church entity must a) be approved by the church in conference, b) be subject to annual reporting requirements, c) be under the oversight of the treasurer and Finance Committee, and d) provide a means of recording, securing, depositing and reporting approved by the Finance Committee.

Some miscellaneous funds created by a group within the church may NOT be official church funds in which case there will no official receipting or reporting within the church. These funds should in most cases be for limited and short-term use such as a temporary fund for an outing or a social-events fund of a class.

Establishing Funds

The church shall upon recommendations from the Finance Committee establish such funds as are deemed appropriate including the general fund, and other special or designated fund accounts. The Finance Committee and treasurer shall assure that proper accounting is maintained for each fund, and procedures implemented for assuring proper deposits, receipting and accounting.

Second Policy Point: Allocating to proper account

Once we know what accounts are proper church accounts, those receiving and recording funds and gifts should be sure the gifts are credited to the proper accounts. In most cases, church policy will treat any general gift or offering as going into the general fund. Depositing or crediting to other accounts can occur only if there is a specific designation or if the offering is for a specific account.

Allocation of Gifts to Funds and Accounts

Except where the donor has expressly designated otherwise, or the receipts have been received for special funds or causes, all receipts shall be credited to the General Fund.

Third Policy Point: How many actual different bank accounts

In addition to the question of proper bookkeeping involving allocation of funds, the church needs to determine the actual number of different bank accounts. Totally segregated accounts are often appropriate to further insure proper use of funds. Some accounts may

involve longer-term deposits suggesting different types of accounts. It would seem wise to have, at a minimum, separate accounts for the general fund and for designated accounts. Many churches combine all the designated funds into one actual account, usually an interest-bearing account of some type. A policy in this regard might read as follows:

Deposit Accounts

The church may establish such bank accounts for the deposit of funds as shall be appropriate. Designated (restricted-use) funds shall be receipted and disbursed through separate ledger accounts. The church treasurer shall maintain one or more separate accounts for all designated funds. *Note: Though not required by law or sound accounting practices, the separate account provides greater assurance such funds are not inappropriately used.*

Fourth Policy Point: Special treatment for restricted-use funds

As a matter of law as well as good faith, churches must carefully distinguish between designated gifts and general gifts. Designated gifts are those where the donor has given the gift subject to its use for a given fund or project. It could be a very narrow designation, such as “for the bell fund,” or it could be more general such as “for world missions.” (Note: The church might itself “designate” some general funds, such as setting aside 5 percent of receipts for missions or for a building fund, but such designations may be “undone” by the church.)

The critical factor here is that IF the church accepts the gift with the stipulation or designation, it is BINDING — it may not use the gift for any other purpose without the consent of the donor (or perhaps in extraordinary cases, a court authorization).

Problems of restricted-use funds

- The designated project is not one the church really is prepared to do because there are insufficient funds or it is of little priority.
- The anticipated project fails for lack of funding and is cancelled.
- The fund is oversubscribed and there is too much money (not a common problem).
- The church changes its priorities, e.g. wants to build a gym instead of the original sanctuary and the donor had specified a sanctuary.
- The donor dies before the project is begun and now is unable to consent to changes in the designation.
- The designation is VERY specific, such as missions in Afghanistan, thus posing more problems than a general designation such as “overseas missions.”

Legal rule for designated funds

Where funds are accepted subject to the donor's designation of the use of the funds, the church is under a legal duty to preserve those funds and use them only for the designated purpose. The church must be sure to separately account for these funds, and the actual money must be preserved, not merely a paper accounting. Thus it is usually best to keep such designated funds in a separate account.

Note: The designated use must be consistent with the exempt purposes of the organization and not for some personal purpose. The designation, for example, might be a building fund, new hymnals, scholarships or a new organ, but could not be earmarked for some individual use or benefit.

These rules lead to several policies that church should consider. These include the following:

- In general, avoid collecting designated funds for unapproved miscellaneous causes.
- Limit the receipt of designated gifts to funds the church has established and recognizes as valid and intentional.
- Assure that designated funds are properly accounted for, preserved and kept separate from general operating funds.
- Avoid borrowing from such funds (see below).
- Wherever possible, establish the church's ultimate authority to reallocate funds when ministry priorities warrant.

A designated funds policy

Here is a comprehensive policy addressing these elements.

Designated Funds Policy

1. *The church may establish such designated funds and accounts as needed to further the ministry of the church, and shall for all such funds assure separate accounting and reporting.*
2. *The church through its officers shall establish one or more separate bank accounts for such designated funds, separate from the general fund, but may combine multiple designated funds in one account so long as separate accounting is made.*
3. *No designated funds shall be received by the church except where the church has approved or established the fund and its related project or activity. Gifts with some unapproved designation shall be returned or may, at the discretion of the Budget and Finance Committee, be held conditionally until the church can assess whether it wishes to establish such an approved designated fund.*
4. *Members wishing to give designated funds should consult with the pastor or other leadership to request the church's consideration of their preferred designation and any alternatives.*
5. *Designated funds shall be restricted solely for the designated use, and may not be diverted to other purposes without the written authorization of the donor.*
6. *The treasurer and/or Finance Committee shall provide an annual report to the church on the status of all designated funds including new receipts and expenditures.*
7. *Whenever feasible and appropriate, the Finance Committee or its designee shall advise donors when their designated funds have been used*

Retaining the right to reallocate designated gifts

Note: Some churches seek to avoid the potential “trap” of designated giving by providing a notice in all their financial literature and in bylaws that reserves final authority to the church in the use of all funds. The legal effect of such a provision may depend on whether the donor had “notice” of this provision. Perhaps a person who actually knew, or was a member and had been provided a copy of the notice such as in the bylaws, might be held to it, but an outside donor would probably not. The provision might also discourage some major designated gifts because the donor would not be assured of its use. If such a provision was included it might read as follows:

Retention of Church Discretion Over Designated Funds

While this church's intent is to use all designated gifts for the specific purposes and projects designated, the final authority for the use of all gifts to the church rests with congregation. In exceptional circumstances where the designated purposes are no longer feasible, or have been completed, or for other good cause, the church membership may redirect such gifts to other appropriate ministries or projects, retaining to the extent deemed feasible, the basic original purpose of the designation. The Finance Committee may waive this provision but only in writing and in regard to specific gifts.

Limited right to reallocate

A church might not want to retain discretion over all designated funds, but only over some specific ones. For example, in the last couple of years there have been several churches that have wished to allocate some building funds that had been designated for a particular use which now is no longer feasible. When the funds were collected for the building fund, a church-discretion provision might have included some reallocation of those specific funds. The form of such a provision would simply be a statement adopted by the church and included in all fundraising literature for the affected fund which contained the reservation of a right to reallocate.

One church has the following designated-gift policy:

Designated-Gift Policy:

Our church members have a long history of generous giving. The purpose of this designated-gift policy is to encourage and guide our members to make timely and meaningful gifts to our church and its mission effort.

The senior minister shall accept all designated gifts on behalf of the church conditionally subject to review and final acceptance by the Finance Committee.

Potential donors are requested to confer with the senior minister to ascertain the appropriateness of their gift to the church. It should be understood by the membership that some gifts might be deemed inappropriate by the Finance

Committee in light of the theology, Christian mission, and values of our church.

All designated gifts become a matter of church record unless the minister, the Finance Committee, and the donor agree that confidentiality is in the best interest of the donor and the church.

In addition to the general Designated-Gift Policy, there may be further appropriate steps in regard to at least some of the specific designated funds. For any such funds here are considerations:

- Determine the purpose of the fund and how will it further the church's mission.
- What policies will guide the use of these specific funds? How and under what conditions will the funds be disbursed? If persons are involved as recipients, what are the requirements for each recipient? How much can they receive?
- Establish a procedure for disbursement of the specific fund. How will the money be spent?
- Establish accountability procedures. Reports should be required from recipients as appropriate.

Returning designated (restricted-use) gifts

Since any charitable contribution is an irrevocable transfer of a donor's entire interest in the gift, it is generally not proper for a donor to request, or a church to offer, to return the donated cash or property. This general rule would not apply where there had been a clear mistake such as the donor meant to write \$1,000 on the check and wrote \$10,000, or the person giving the gift did not have the mental capacity to make the gift. But with a few exceptions of this sort, an undesignated gift is complete, and in fact a return would create other legal problems for the donor and the charitable organization because of tax issues.

In the area of designated giving, however, there are often instances where the issue of a DUTY to return the gift may arise. As we will see, there are a few exceptions to this general rule. Designated contributions are held by the church “in trust” for the specified designated purpose, and so long as the church still intends to use the funds for that purpose at some foreseeable point in time, the church normally has no duty to return the gift if requested, and it may create problems for the church and the donor if it does.

The problems arise when the church chooses, for whatever reason, not to pursue the purpose/project and thus will not be using the funds for that purpose, or will not be using them within a reasonable and originally anticipated time. If for example, the sanctuary-remodeling project to which persons gave designated funds is cancelled, then the issue is different. The contribution at that point (not before) is revocable at the option of the donor. What should the church do under these circumstances?

If the donors can be identified, they should be asked if they want their contributions returned or retained by the church and used for some other purpose. The church may NOT proceed to use the funds for other projects, even if similar and approved by the

church, without the donor's authorization (unless of course the original designation included some provision that the church could redirect if necessary). *Note: If the funds are returned and had been the basis for a tax return claiming them as contributions, the donor will have to file an amended return.*

What if the donors for some reason cannot be identified because the gifts were in cash, without documentation, or the documentation has been inadequate or lost? In the cash of an unidentified portion of a gift the best approach would be to have the congregation approve the reallocation of the funds, preferably to some allocation close in overall purpose to the original purpose.

What if the donor is deceased? This may become very tricky. Heirs of the donor may have interests in any such fund, and they may be both difficult to find, and perhaps unlikely to all agree on some reallocation. In such circumstances, it may be necessary to seek judicial authorization to transfer the fund to another church cause.

May the church “borrow” funds from its own designated accounts?

Suppose the church has substantial funds in an “organ fund” from designated gifts and there is a temporary cash-flow problem. Can the church use the organ-fund money to cover the immediate expenses? In most cases, yes. Unless the donation itself barred such borrowing, the church could with proper approval of the church or its designated committee approve such, but should establish a written record of the approval and the timing and means of restoring the fund. This should normally be done only on a short-term basis and where there is a clear basis for knowing the funds may be replaced.

What about borrowing from a scholarship fund created by designated gifts for the costs of an educational building or remodeling of the sanctuary? (The church may wish to do this because the interest rate on the savings is much less than what the rate would be for a new church loan.) Maybe! Assuming there were no specific restrictions on then original donor gifts for the scholarship fund, then the best process would be to first seek the approval of the original scholarship-fund donors if they are available. Second, create a formal document reflecting the church's approval setting forth the terms of the borrowing—amounts, repayment schedule, etc. If the scholarship fund anticipated or required its deposit in interest-bearing accounts where the interest would add to the fund or be used for distribution, then the church should repay with interest at a rate not less than the fund would have received if it had not been borrowed. Thus the repayment schedule should include interest and principal repayments.

Gifts “earmarked” for persons

It is a basic principle of IRS charitable-gift law and tax-deductibility regulations that deductible gifts may NOT be earmarked for individuals, but rather must be given “to and for the use of” the qualified organization — e.g. church. In general therefore, a donor may not give a gift to a church with a designation “for Mary” to help her in a financial emergency or to help her go on a mission trip.



However, churches legitimately have a desire to meet the needs of persons in crisis such as a fire, medical emergency or other special need. This is an aspect of a church's charitable character. The giving of alms for the poor has a long and biblical history. In fact many churches have a “benevolence” fund often administered by the deacons and supported by regular offerings and special appeals.

The basic issue is not whether the church can collect money for such persons (usually that is no problem especially if it is a genuine charitable situation of need), but whether gifts for such a purpose are tax deductible.

What is the law?

IRS Rules for “Earmarked Gifts”

e.g. Benevolence Fund

Persons who give gifts directly to a person as a charitable gift to assist their needs (such as emergency medical needs or natural disaster) are NOT entitled to a tax deduction for their gift since it is NOT given to a qualified charitable organization

Gifts given to a qualified organization such as a church, but which are “earmarked” for a specific person or small group of specific persons — a designated gift — are also NOT entitled to deductibility because the donor is controlling the recipient of the gift and the organization is a mere conduit of the fund.

Gifts given to the benevolence fund of a charitable organization such as a church are typically deductible IF the use of the funds is determined by the church and not the individual donor. The church must decide through its designated committee or officers, and applying its policies, how such gifts

are used. Thus gifts without specific earmarked designations other than to the benevolence fund are normally deductible gifts. See IRS Publication 526.

Donors may suggest needs to the church or authorities, but may not control the decisions

In light of this, the church Benevolence Fund Policy should read something like this:

Benevolence Fund Policy

In furtherance of this church's ministry exemplified in our Lord and his teaching to give to those in need, the church Benevolence Fund shall be a resource for meeting special financial needs that arise in our community and church. The church will accept contributions to the Benevolence Fund that are "to and for the use of" the church. The specific use of such funds is subject to the control and discretion of _____ (the deacons or the Benevolence Committee or those designated by the church to disburse such funds). Any church member may make recommendations regarding situations calling for assistance, but donors may not designate nor control the identity of persons receiving financial assistance from the fund.

The church may establish a procedure of regular Benevolence Fund offerings as well as special appeals or offerings as needs may require.

Example: Mission-Trip Fund

A similar problem with "earmarked" for individuals designated gifts sometimes arises with church mission trips. A group from the church are headed for China and funds are needed for airfares and other expenses, and the church is asking the participants to try and get support. If a person wishes to contribute to the fund "for Mary's airfare" then that is an earmarked gift for an individual, and it is NOT a charitable gift entitled to deductibility – because the donor is really giving it to Mary and the church is a mere conduit.

Can the church structure it so that it is deductible? Probably" yes."

First, the church must embrace the project as part of its program, consistent with its exempt status. If the trip is a mission trip and not a vacation with a few church visits thrown in, then it would qualify.

Second, the church can set up a designated fund for the expenses of the entire project including airfares, materials, etc.

Third, some church body, committee probably, can be charged with using the donated funds to achieve the purposes of the mission trip. Those expenses may well include travel costs, including Mary's. Even Mary might contribute to such a fund so long as there is no expectation or agreement that the church will channel her gift directly into her ticket as a sort of quid pro quo.

Here's a suggested Mission-Fund Policy:

Mission-Fund Policy

The church may from time to time establish a Mission Fund to receive designated gifts in support of a church-approved mission project. Such approval shall assure the project is consistent with the purposes and ministry of the church, has appropriate leadership, and has a realistic budget. The church will accept gifts to such mission projects so long as the gifts are not designated for particular individuals, but for the project broadly. The Mission-Fund Committee along with the Finance Committee shall have final authority over the specific allocation of the gifts toward elements of the project costs.

Memorial Funds

Policy Point

Memorial gifts with donor-controlled designations can pose problems because they may specify projects or elements not approved by the church. It is better to have a "Memorial Fund" with a Memorial Register/Book, but leave the specific use to a designated committee who will listen to preferences of donors, but not be absolutely subject to those preferences.

Problems with memorial gifts

Memorial funds are usually a specific type of designated fund. Most churches receive memorial gifts, often in fairly small donations but occasionally in larger sums. The problem often arises when a donor, say a member of a bereaved family, may wish to narrowly designate the gift. Now if such a designated fund exists in the church, the desire of the beneficiary would pose no problem. However, sometimes no such fund exists and it may not even be a priority need for the church. Timing may make it difficult to negotiate the preferred special use.

A preferred solution is to establish a memorial fund which has a process for acknowledging and recording gifts and permits donors to express any special interests. This process makes clear that some committee such as a Memorials Committee makes the determination of the use of funds. This is of value because it permits the committee to accumulate smaller contributions which often come to such a fund and to accomplish some appropriate objective. Thus, the legal effect is to keep the donations "designated" but not to have the donor create an obligation for some specific use which may be inappropriate or even infeasible.

Of course, if a memorial gift is substantial in size and sufficient to accomplish the objective, the church will need to assess whether that objective is appropriate and choose to either accept, reject or seek to negotiate some modification in the objective.

Here is what a policy with those purposes might look like:

Memorial Gifts Fund

The Finance Committee and treasurer shall establish a Memorial Gifts Fund for receiving and accounting for designated gifts in memory/honor of members and others associated with the church or its friends.

The Finance Committee or a Memorial Fund Committee (if such is established) shall establish appropriate policies on the use of such memorial gifts and authorize expenditures of the funds for purposes it deems appropriate. The committee may identify priority projects or ministries toward which it will allocate such gifts. While specific interests of donors will be considered, the committee retains the authority and responsibility to use the funds in a manner appropriate to the purposes of the church. All gifts are received subject to this principle.

A Book of Memorial Fund Gifts (or Book of Memory) shall be maintained by the committee which will register memorial gifts to the church. The following information will be included in the book: The name of the person in whose memory/honor the gift is given, the date and occasion for the gift if applicable, the name(s) of the donor, and a description of the gift. When the funds are used, a note may be made in the book as to the use.

Where memorial funds are used to purchase a tangible asset, the committee may recommend to the church that a memorial marker be placed on the object noting that it was made possible by the memorial fund.

Memorials Committee

Some churches have utilized a “Memorials Committee” to process and manage such gifts. The following provisions of one church are more extensive than the description of the committee role in the policy noted above.

Memorials Committee

The church shall elect a standing Memorials Committee of not less than three persons. The tasks of a Memorials Committee are as follows:

- A. To establish procedures and policies in regard to memorial gifts and related projects to assist families in choosing items that best support priority church-ministry projects and help redirect unneeded or undesirable gifts.*
- B. To prepare an inventory of potential memorial projects and regularly review and update the list and submit it to the church annually for approval.*
- C. To publicize the existence of the approved list of needs and opportunities to members and friends of the church. Projects can be in memory of a loved one who has died or in honor of a loved one who is still living.*

D. To supervise the receiving, recording and disbursement of all memorial gifts.

E. To keep an accurate record of all memorial gift money received and distributed by the Memorials Committee through the church financial secretary (or treasurer).

F. The committee will supervise the sending of thank-you notes for all memorial contributions.

The committee will approve the disbursement of memorial gift fund money at its discretion through the church treasurer.

Investment Policy

In some churches, it may be appropriate to have an investment policy or even an Investment Committee. If the church has substantial endowment funds or designated funds in large amounts that will not be utilized for several years, then careful consideration needs to be given to how to preserve those funds and receive the best returns. One short form policy/committee approach would be the following:

Investment Policy

The chair of the Finance Committee will appoint a chair and two other members to form the Investment Committee. The function of this committee is to make recommendations to the Finance Committee to insure the safe and prudent investments of unrestricted funds while continuing to fulfill the operational obligations of the church and its purposes. Authority for selecting investment options remains with the Finance Committee subject to the review and ultimate authority of the congregation.

FUND RAISING

Most churches, unlike major nonprofit national ministries, do not have major, complex fund-raising ventures. A few do have substantial fund-raising efforts in connection with major capital funds such as for new buildings, but most operations are funded with tithes and offerings on a relatively routine basis. Some churches do have “pledging” of the budget, however a majority of Baptist churches seem to avoid such structured programs.

Permissible types of fund raising

Many churches have policies, written or otherwise, regarding some kinds of fund-raising events. For example, some churches bar virtually all fund-raising efforts through bake sales, harvest sales, bazaars, dinners and similar events. Such churches insist that tithes and offerings are the only proper way of supporting the ministry of the church. Other churches, while not using such efforts for general church funding, do permit or even encourage these special fund raising events for specific projects or activities such as mission trips or a church van. Still other churches would limit such activities to sub-groups in the church, perhaps the primary one being the youth group which raises funds for its activities with car washes, workdays, walk-a-thons, etc.

If the church has a policy in this area, it should set it forth clearly so that the church and its members and leaders understand any applicable policies and procedures. Such financial policies should be in writing and available to all the members of the church. A very general policy statement that is permissive of some special fund-raising events, but requires prior approval might read as follows:

Fund-Raising Activities

The principal means for the support of the ministry of the church is through the tithes and offerings of its members, whose stewardship is a dimension of discipleship. Any special fund-raising activities by the church or any of its divisions or programs must be approved by the church in conference, based on a written proposal noting the nature of the proposed fund-raising activity including the target audience, place and time, the financial goal, the proposed use of the funds, and who will be conducting and supervising the event including accountability for the funds. No fund-raising event shall use the name of the church or its ministries without the approval of the _____.

Charitable Solicitations Law

N. C. Solicitations Law

North Carolina's Charitable Solicitations Act exempts persons soliciting charitable contributions for "religious institutions" from its licensing and disclosure requirements.

Because of the abuses in charitable solicitations, many states have enacted laws regulating fund-raising efforts by charitable organizations. Statutes typically require registration with the government before soliciting funds and impose certain reporting requirements such as amount of funds raised and the use of those funds. Statutes typically sought to regulate "professional fund raisers" because of a concern that too much of the funds raised were being used to pay the fund-raisers; sometimes very little went to the actual charitable enterprise. Some statutes even sought to regulate the amount of administrative fees and expenses that could be charged by professional fund-raisers. An earlier North Carolina statute embodying many of these regulations was held unconstitutional by the United States Supreme Court. In that case, the court concluded the First Amendment prohibits a state from subjecting religious organizations to the administrative requirements of the North Carolina statute, since it imposed an impermissible excessive entanglement of the government with religion. The statute which had exempted religious organizations which primarily receive their support from members but not others, was held to impermissibly favor one type of religious group from another.

The current N.C. statute, N.C. G.S. Chapter 131F, cites as its primary purpose the prevention of fraud, deception and misrepresentation in the solicitation and reporting of contributions. Importantly for churches, the statute specifically exempts "Any person who solicits charitable contributions for a religious institution" from the statute's

general requirements on charitable organizations of licensure, production of certain information about the organization, its leadership and financial affairs, and disclosure of information to donors.

North Carolina Securities Act

Securities Law

The North Carolina Securities Act exempts from its licensing and registration requirements persons who are promoting/selling securities for religious and other non-profit groups, but does not exempt them from provisions regarding fraudulent, untrue or misleading representations about securities. Federal law similarly exempts religious organizations.

One might suspect that churches rarely encounter the arcane world of securities law. In fact there have been numerous instances where problems have arisen and churches and pastors have been charged with violating federal and state securities laws.

Churches engaged in building programs have often employed the sale of "bonds" as an aspect of raising capital. The sale of such bonds is subject to state and federal law, in part to avoid fraud as well as to ensure full disclosure and accountability. The Uniform Securities Act, adopted by most states, governs any sale of securities and defines them in such a way that many of the instruments used in church fundraising programs may be covered. In general, these laws require the advance registration of proposed securities with the federal and state government, filing sales and advertising literature, registering the agents and brokers who will be selling the securities, and the prohibition of certain fraudulent practices.

North Carolina Securities Law (Ch. 781), article 3 exempts certain securities from the registration and related regulations including "... any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or the Administrator may by rule or order impose conditions upon this exemption either generally or in relation to specific securities or transactions." The statute also prohibits fraud and certain other practices. These provisions bar fraud, making "any untrue statement of a material fact," engaging "in any act, practice of course of business which operates or would operate as a fraud or deceit upon any person," as well as other prohibited acts such as market manipulation. The exemption for churches and others from the registration requirements for the sale of securities or for salespersons does NOT exempt churches or their agents from the fraud provisions.

The North American Securities Administrators Association has developed guidelines for a church to follow in drafting a prospectus or offering circular. In 1994 the North American Securities Administrators Association adopted Guidelines for General Obligation Financing by Religious Denominations.

HANDLING OF DISBURSEMENTS

INTERNAL CONTROLS

Appropriate “internal controls” that were noted in dealing with the receipt of funds apply as well to policies governing procedures in the disbursement of funds. The same core principles apply: separation of functions, checks and balances, and proper documentation and related records.

It cannot be emphasized too strongly that these policies are NOT primarily based on suspicion of likely embezzlement or even incompetence, but rather primarily on assuring proper use of funds, effective policies to guide our elected and paid leaders who work with finances, and creating confidence among donors and church members.

As noted in the section above on Handling of Funds and Receipts, it is essential to develop comprehensive policies governing the receipt and disbursement of funds. These procedures should provide a separation of functions so that the same person does not receive the bills, approve their payment, write the check and keep the accounts. Often in small churches it is true that the treasurer may do all these functions. Finding volunteers with the skills and willingness to take the care and time to perform financial functions for the church is often difficult. Nevertheless, good stewardship challenges even small churches to make every effort possible to implement sound financial internal controls.

Specific recommended steps and procedures are available from more specialized books on church financial management, from CPAs and auditors who may work with churches, and often are an aspect of an effective accounting system.

Effective policies should seek to assure that the same person does not handle all the key functions such as counting and depositing funds, authorizing payments, and writing checks. The same person who approves purchases should not prepare the checks for payment, and the individual who prepares the checks should not sign them.

- **Individual A** – Approves Purchases
- **Individual B** – Prepares Checks
- **Individual C** – Signs Checks

GENERAL RULES/PRINCIPLES

Basic “safeguards”

Writing in *Christianity Today*, Dan Busby in “Safeguard the Church Treasury” (May/June 1999, Vol.45, No. 3, p. 60) suggested numerous “safeguards” on the disbursement of funds including structural policies and careful processing of bills and payments. At the structural level, his recommendations mirror those of almost all policy advisers:

1. The person who approves purchases should not prepare the checks for payment.
2. The person who prepares the checks should not be authorized to sign them.
3. The check-signer should not be the person who approves invoices for payment.

Busby writes, “At the very least, a church should appoint different individuals to count weekly offerings and to pay the bills. But segregating the duties of purchase approval, check preparation, and check signing is the best way to control the disbursement of funds.”

Additional safeguards many, including Busby, note are the following:

1. Requirement of two signatures at least on checks over a specified amount such as \$500 or \$1,000. This is especially important if the church has fewer procedural controls on the bill-paying approval and check-writing process.
2. A limited number of persons authorized to sign checks, and the pastor should not be one of them.

Authority for disbursements

The authority for the disbursement of church funds comes from the adopted church budget. The treasurer has no authority to disburse funds except at the direction of the church or some body to whom the church has delegated that authority. The church typically authorizes disbursements generally in one of two ways:

1. By the adoption of a budget that typically authorizes such routine expenditures as the utility bills, mortgage payments, literature and salaries
2. By special authorizations for non-budgeted items by the congregation or some person or group given that authority. Thus, if a person comes to the treasurer and seeks to make a donation with a request that the donated funds be sent to some other cause or ministry, the treasurer is not authorized to honor the request. Even if the other cause is good and charitable, the treasurer only has authority to act within the scope of the church’s authorization.

The church may also have policies that even when certain expenses are within the budget, that the treasurer or others are not to approve purchases or expenditures without some other layer of approval. For example, while the utility bills will presumably be paid without any further action, other expenses might be budgeted with an understanding that they are expended only on condition the budget's income projections are met, or the funds are in fact available. It is important to know, therefore, whether the budget constitutes an authorization or only a goal.

Some specific contexts

Petty-cash funds

Careful policies should be set for any petty-cash fund. Such funds are often very efficient for managing small expenses such as stamps or other small expenses. If such a petty-cash fund is established, it is important to assure that it is appropriately authorized and that policies govern its use. In sum, the establishment of the fund should be approved by the appropriate church body, supervised by the treasurer and Finance Committee and governed by established procedures for its use. Among major questions to be addressed will be the amount to be placed in the fund, the appropriate uses of the fund, who is responsible for it, how receipts and records are to be maintained, and when and how it is balanced and funds replenished.

Some writers on church financial policy suggest a rather modest sum of not more than \$100 be kept in a locked box which in turn is kept in a locked filing cabinet or desk. One person should be authorized to make payments from it. Records should be kept of how much was expended and for what along with any receipts. Expense slips might be used to record each expense. These receipts plus the cash remaining should always total the total petty cash fund. The fund would then be replenished on a periodic basis, such as monthly.

Employment-related financial aspects

Many aspects of financial policy involve employee and personnel policies. This policy area is substantially impacted by state and federal tax and employment law. The law imposes substantial obligations in regard to withholding various taxes, forwarding withheld funds to proper agencies, filing financial reports, as well as paying certain taxes including, but not limited to, the employer's share of Social Security. It is unnecessary here to set forth all these obligations since employer guides are readily available detailing the scope of these duties and setting forth the forms, schedules and payments. We note here only some special employee issues that arise in the church context which seem to create confusion for church employers. Some of these issues are also addressed in the section on Personnel Policy.

Churches, as other employers, must withhold FICA taxes from non-minister employees as well as pay its share of Social Security and Medicare payments. Churches must also withhold and pay federal income taxes on the wages paid each employee.

A self-employed minister-employee may enter into an agreement with the church for withholding income taxes. Withholding is based on Form W-4 completed by the employee.

All withheld taxes must be deposited periodically using deposit coupons Form 8109. Churches withholding income taxes, Social Security and Medicare taxes must file Form 941 quarterly. Church must also file certain annual forms with the IRS including giving all employees a W-2 and Form W-3.

Housing allowance

A pastor may receive a housing allowance that is not subject to income taxes. The allowance must be approved in advance by the church, and may not exceed the reasonable rental value of his home plus housing-related expenses such as utilities, furnishings and repairs, nor may it exceed the actual expenses for such. A form or letter should be supplied by the church to the pastor indicating the housing allowance and the amount, and should be based on a submission by the pastor setting forth the anticipated expenses. This amount is NOT reported on the W-2 or 1099-MISC form. The pastor will report this on Form 1040 and will pay Social Security and Medicare self-employment taxes on the base salary AND the housing allowance. See the section on Pastoral Staff Policies for further discussion of policy in this regard.

Loans

If a church makes loans to employees or the pastor and the church receives interest of \$600 or more on a loan secured by real estate, Form 1098 must be provided to the payer by the church. If the loans are made at below prevailing interest rates and the loan exceeds \$10,000, the church must report the difference in interest charged from the market rate as income in Box 1 of Form W-2. Loans to pastoral staff are also discussed in the Pastoral Staff section of this policy manual.

Payments to non-employees for royalties or services

Churches must report payments to non-employees and the IRS on Form 1099 if they exceed the minimum amount during the year.

Employee-incurred "business"/church expenses

The church should establish a clear policy on the reimbursement of legitimate church expenses incurred by staff and sometimes even volunteers. A failure to establish an appropriate plan forces staff and volunteers to subsidize church expenses from their own salaries or resources. A poorly developed process may create problems for the church and the staff in regard to tax liabilities and improper use of church resources.

The Law on Employee Expense-Account Reimbursement

The IRS identifies two types of expense reimbursement plans: accountable plans and nonaccountable plans and the impact

these have on reportable income on W-2 forms and the recipient's tax returns.

- A. Accountable plans – the preferred and most equitable system – results in the payment by the employer of expenses incurred by the employee NOT being included in the W-2 for the employee. These funds are NOT reported as income. To be a qualified accountable plan, the IRS requires that three conditions be met (See IRC Sec 62[c], IRS Regs 1.62-2.):

1. Legitimate Business Expense: All the expenses must have a business connection
2. Substantiation of Expenses: The employee must “adequately account” his/her expenses to the employer within a reasonable period of time. (This requirement means written reports on who, what, where, when, why and how much for expenses claimed. These must be specific and not general, broad categories such as “\$_____ for “travel.”)
3. Return of Excess Advances or Reimbursements: Any reimbursement or allowance in excess of proper and accounted expenses must be returned within a reasonable time. (Advances themselves must be calculated not to exceed reasonably anticipated expenditures.)

(In the event any expenses exceed the reimbursement, then those are deductible by the employee on the 1040.)

- B. Nonaccountable Plans – If the pastor, or other employee, is reimbursed under what the IRS terms a nonaccountable plan, then the sums paid as reimbursement or as expense allowance are reported as income in the W-2 along with other salary and wages. A nonaccountable plan is any not meeting the conditions above for an accountable plan.

Nonaccountable reimbursements

If the church-employer reimburses but not in accord with these requirements, then all monies paid, whether for expenses or salary, are treated as wages or salary and reported on W-2. The employee then must complete Form 2106 and itemize deductions in order to claim deductions for travel and transportation expenses. Certain of these expenses are limited to 50 percent deductions, and others subject to the 2 percent of adjusted gross income limit. The effect is to shift the paper work to the employee as well as causing an increase in the employee's reportable gross income

Note: Churches have often treated the reimbursement of expenses for pastoral staff with an approach that builds expense reimbursement into a compensation package. Such an approach has been prohibited by the IRS.

Bottom line on reimbursing business expenses

A financial plan for a church should carefully develop an appropriate system for handling church expenses paid for by the pastor. This area must be governed by careful policies and procedures to assure compliance with proper accounting standards and IRS scrutiny.

Church policy on reimbursement

The IRS has set forth with specificity the legal effect of different systems employed by any entity in regard to employee expense accounts. So what written policy and procedures should a church adopt to comply with the law and minimize unnecessary tax liability for all employees?

Provide for reimbursement of expenses within the budget

The Budget Committee shall review past experience, consult with the Personnel Committee and employees and make a best estimate as to the proper expenses of employees and recommend for church approval a budget and account for reimbursement as such expenses arise. The church may set limits on the extent of such expenses by setting budget maximums in general. Items like continuing education and travel costs are examples of such expenses.

The Personnel Committee shall adopt an expense reimbursement policy that shall include guidelines on what expenses are considered appropriate. For example when would the church consider air travel appropriate? Is air travel limited to tourist-class fares? Should the church be reimbursed for the cost of meals that exceed an allowed per diem?

Adoption by the church of a reimbursement expense plan that includes the IRS requirements of substantiation, return of excess, etc.

Procedures for Reimbursement of Expenses

The church or its designated committee shall establish and implement the specific procedures for submission of requests for reimbursement, required substantiation documentation, and procedures for expense advances and reimbursements consistent with the requirements of an accountable plan as described by applicable IRS regulations. The procedures shall include the appropriate forms and identification of persons authorized to approve advances or reimbursements and process forms.

Establish a clear system including appropriate forms for employees to submit expenses for reimbursement.

Such a system should include requirements for necessary documentation including receipts where possible. The system may also require that certain expenses would require prior approval. Other more routine expenses such as monthly pastoral car mileage would not require prior approval. The church could also provide that in certain circumstances the church would advance expense account funds, subject to necessary post-expenditure accounting and return of any unused funds.

The treasurer or other officer would, on some periodic basis, reimburse for qualified and substantiated expenses, recording such on the books of the church.

The treasurer shall process monthly any approved reimbursements and advances and record such on the books of the church, retaining records to establish conformance with the accountable plan standards of the IRS.

Here's another version of a Church Reimbursement Policy that also includes the IRS time frames:

Church Reimbursement Policy

Consistent with IRS regulations for an accountable expense reimbursement policy and the church's desire to confirm to these requirements for the benefit of the church and staff, the church hereby establishes an expense reimbursement policy. This plan assures that ministers and other staff may receive advances for, or reimbursement of, expenses to the extent provided for in the current budget if, and only if, the following conditions are met: 1) the expense has a stated business purpose related to the church's ministry, 2) the minister or staff provides written detailed substantiation of the expenses, normally on a form provided by the church, within not less than 60 days, and 3) any excess reimbursements are returned within 120 days. Further, any advances must not be made more than 30 days before the expected expenses, nor in excess of a reasonable estimate of those expenses. An accounting and substantiation of expenses must be made within 60 days and the return of any excess advance fund within 120 days.

Travel reimbursements

The church should also establish specific policies governing business travel by pastor/staff business both to assure the appropriateness of the expenses and to control the costs. Here is one policy approach on travel reimbursement.

Travel Reimbursement of Out-of-Town-Business Expense

All out-of-town travel for staff must be approved in advance by _____. Where travel to events is authorized the church will pay for travel, registration fees, accommodations and meals within the following guidelines.

- a. *For each employee who has a travel budget line item, they will submit a plan of expenses, not to exceed the total line item.*
- b. *Travel. One travel day to your destination and one return travel day is authorized. An exception will be made if there is substantial savings to the church and prior approval is obtained.*
 - (1) *Air transportation used for official business must be coach class.*
 - (2) *Taxicab/shuttle expense between home (or hotel) and transportation terminal may be reimbursed.*

- (3) *Reimbursement is authorized for fares plus tip at 15 percent of the fare.*
- (4) *Private auto expenses are normally reimbursed at IRS standards. Local travel is reimbursed for business purposes only. This must be documented on a log.*
- (5) *Travel other than by a usually traveled route must be justified. A member may not ask for reimbursement for that portion of an indirect route traveled for personal convenience.*

c. Event registration fees.

- (1) *If meals are included, annotate which meals (breakfast, lunch, dinner).*
- (2) *No meals will be reimbursed when a meal(s) is included in the registration fee.*

d. Accommodations.

- (1) *Only the nights of the conference will be paid plus one night prior when necessary to accommodate a travel day.*
- (2) *Room charge, tax and hotel charges for reasonable phone usage are authorized items for reimbursement.*

e. Meals. The member is entitled to the actual amount paid not to exceed \$35 per day. Meal allowance is payable for whole days, except for the day of departure from and for the day of return to home, in which case a per diem is computed as follows:

- (1) *Breakfast: \$7.00*
- (2) *Lunch: \$10.00*
- (3) *Dinner: \$18.00*

f. Staff members are responsible for excess costs and any additional expenses incurred for personal preference or convenience.

- (1) *Reimbursement is not allowed for the following expenses since they represent costs incurred as a result of the member's personal preference.*
 - (a) *All time not justified as official travel will not be reimbursed.*
 - (b) *The cost of meals and/or lodging procured at personal expense in lieu of meals and/or lodging provided for in a registration fee paid by the Church.*
- (2) *Reimbursement is not provided for extra costs for accommodations, meals and travel for accompanying spouses or family members except where the church has determined the purpose of the event warrants the presence of the family members.*

g. Receipts and a daily itemization must accompany each voucher submitted for reimbursement.

- (1) *When the actual expenses incurred during any one day are less than the daily amount authorized, the member is reimbursed only for the lesser amount.*
- (2) *Receipts are required for all meals and lodging.*
- (3) *A copy of the registration form must be submitted ensuring dates of the conference are reflected on the form as well as any meals provided.*



REPORTING & RECORDS

A wide range of reporting requirements arise in part from legal obligations but also internally from bylaws or policies – not to mention the advisability in a church of effective communications with members. Often related to these reporting responsibilities are record-keeping practices. In this section we will note some of these reporting and record keeping responsibilities and policies which assure compliance.

CONGREGATIONAL FINANCIAL REPORTING

Periodic financial reports

Church members will typically expect periodic financial reports, usually summary reports on a monthly basis. They may also expect more detail in reports at all congregational meetings (whether monthly or quarterly) and a comprehensive annual report. Certainly to support the public reports, there will need to be internal records and reports not less than monthly as receipts and expenses are noted. Bank statements must also be reconciled. If a church has an active Finance Committee, it may seek more detailed monthly reports than would typically be provided to the congregation.

Responsibility for reporting

The treasurer is normally responsible to ensure that accurate financial statements are prepared on a timely basis. The church elected and paid leadership should receive statements monthly and the church membership should receive a statement at least once a year. The treasurer should explain these statements to the recipients so that they understand the financial condition of the church. The explanation should include reasons for departures from budget. It is very useful for comparison purposes if the statements contain budget numbers in a column beside the current actual figures. If possible, it is also useful to contain another column that shows the figures from the church's financial statements for the previous year as well.

Here is a typical policy statement about such periodic reports.

Financial Reports

The treasurer and such other officers as may be necessary, shall provide financial reports at each congregational business meeting. A comprehensive written financial report and accounting of the previous year's revenues and expenditures shall be presented to the membership at the first church conference of the new fiscal year and a summary published in the church newsletter. This report will include comparisons of actual revenues and expenses compared to budgeted figures.

Individual member/donor access to financial records

As a matter of congregational polity and long-standing Baptist practice, members typically have access to the financial records of the church, except for individual member donor records. This is also consistent with North Carolina nonprofit corporation statutes which provide that members have a right to inspect and copy a wide range of corporate records including “accounting records.” (See N.C.G.S. 55A-16.) Consistent with this Baptist practice, the following policy on access to records seems proper:

Access to Financial Records

Members shall have access to the principal financial reports of the church including budgets, periodic financial reports, annual financial reports and reports from auditors. Members shall not, however, have access to individual donor records, except records of their own giving. Such individual donor records shall be confidential and available only to those who must have the information to carry out their assigned duties. Members shall have access to records showing the disposition of designated funds.

Do members have the legal right to inspect church financial records?

Generally yes. Courts in different states have disagreed. Some have held that at least under some circumstances, members and donors have the right to see church financial records to assure that funds are properly accounted for and disbursed. This is especially important where donors challenge the improper disbursement of donated funds which had been subject to certain conditions regarding their use. Other courts have, however, shown reluctance to intrude into internal church financial affairs, citing First Amendment concerns. Still others have suggested that certain objective factors could be examined by a civil court, but not matters involving internal church policies and decisions reflecting its ecclesiology or doctrine. Some courts have applied nonprofit corporation laws to those churches that have incorporated. Such laws often contain provisions for member's access to basic financial reports. North Carolina's Not-for-Profit Corporation statute specifically provides for member inspection of corporate documents. It does seem that donors who allege gifts have not been used in accord with accepted designations might well obtain some limited judicial relief in seeking to challenge alleged improprieties.

State and Federal Government financial reports

Form 990 – Annual Report of Tax-Exempt Organizations

One major federal report, the annual 990 filing, normally required of all tax-exempt entities [IRC 501 (c) (3)], is NOT required of churches and associations of churches. This report, which is also available to the public, includes substantial financial information on major donors, summary of expenditures, and salaries of high-level officers and staff.

Other Financial Reports

If the church is an employer, it is subject to many state and federal labor, withholding, and other tax laws. Churches should carefully review their duties of reporting and complying under these laws and may well need to consult their financial and legal advisers. There may also be additional requirements if a church employs a number of people who are engaged in trade or commerce or are doing business in other states. Here is a list of the common reporting and filing requirements that often affect churches – most related to employment and/or financial dealings.

IRS Form 8274	This deals with Social Security tax for church employers.
IRS Form 4361	This form relates to Social Security and ministers.
IRS Form 941 or 941SS	These forms are for the reporting of city, state or federal tax withholding. If the church is exempt from Social Security, 941SS is to be submitted.
IRS Form W-4	The W-4 form pertains to all employees and some minister employees.
IRS Form W-2	This form is a statement of earnings.
IRS Form W-3	To the Social Security Administration and, in some instances to the state.
IRS Form 1099 MISC.	Issued to self-employed individuals indicating sums paid.
IRS Form 1099 INT.	Issued to anyone paid interest of more than \$10 in a calendar year.
IRS Form 1096	Transmittal form for all 1099 forms.
IRS Form 8283	This form is submitted to the IRS for donations of non-cash items in excess of \$500 or less than \$5,000. Read it carefully.
IRS Form 8282	This is to be completed by the church only if non-cash items are sold.
IRS Form 8300	If a church (or any other ministry) receives \$10,000 or more in cash in any business or trade transaction (e.g., rental of property or a parking lot), it would need to be reported on Form 8300. This reporting is NOT required for charitable contributions.

IRS Form I-9	The Immigration and Naturalization Service requires this to be on file for every employee.
IRS Form 990	A church is not obligated to fill out and return this form.
IRS Form 990T	A church that receives \$1,000 or more in gross income from an unrelated trade or business must file this form. (Unrelated Business Income obligations are discussed below.)



Government investigation of church finances

The Internal Revenue Code gives the IRS authority to examine the financial records of individuals and organizations to assess the accuracy of federal tax returns, liability for taxes and collecting taxes. This extends to churches. Because of concerns about actual or prospective excessive and intrusive audits by IRS, and arguments that the free exercise of religion was not being recognized by prior policy and practice, Congress enacted the Church Audit Procedures Act, now Section 7611 of the IRC.

Church Audit Procedures Act

This act authorizes the IRS to conduct a church tax inquiry only if a high level treasury official reasonably believes, based on written evidence, that the church is not exempt or is carrying on an unrelated trade or business, or is engaged in activities creating tax liability. The IRS will send a written inquiry to the church explaining 1) the specific concerns triggering the inquiry, 2) the general subject matter of the inquiry, and 3) the provisions of the IRC and administrative regulations that authorize the inquiry as well as the church's right to an informal conference with the IRS before any examination of church records.

A tax examination of church records and activities is also subject to certain requirements including all those above, plus an examination notice, description of records to be examined, offer of an informal conference, and copies of certain IRS documents.

The act also limits inquiries into religious activities to the extent necessary to determine whether or not the organization is in fact a church. The act requires that church tax inquiries be completed within 90 days and combined inquiries and examinations completed within two years. Other provisions are intended to limit repeated inquiries and examinations and provide exemptions for certain investigations such as criminal investigations.

Retention of records/reports

What records should a church retain and for how long? Every church should have a Record Retention Policy so that its officers and any staff are provided sufficient guidance in dealing with “old” records. The policy should also note that the records should be maintained at or under the control of the church, rather than, for example, in the treasurer’s or church secretary’s home. The location of the records may vary according to their nature. Some such as titles, insurance policies and the like should be kept in a secure and fire-safe location such as a safe-deposit box, whereas others may be kept in filing cases at the church office.

Churches may wish to consult their legal counsel on any specific record. Some writers have suggested specific time limits for a wide range of documents. For many churches, however, keeping track of the various suggested time spans for retention of scores of documents seems administratively unrealistic. A much simplified system would be to establish two categories of retained records: (1) those permanently retained, and (2) for all others establish a time limit which may be longer than required, but covers all those not permanently retained. For example, except for those permanently retained, a 10-year retention of other retained records meets or exceeds all the recommended terms. Thus, a more simplified policy than trying to establish and implement widely varied terms would be as follows:

Record Retention Policy

The church through its officers and staff shall retain permanently the following records and documents: Articles of Incorporation, church bylaws, titles to property, insurance policies, membership rolls, stock certificates and transfer lists, minutes of church business meetings (church conferences), annual financial reports, audit reports, copyrights and trademark registrations, church newsletters, Sunday bulletins, legal correspondence, tax returns and working papers, retirement and pension records, and such other documents whose permanent retention is required by congregational action. These documents shall be maintained in a fireproof and secure location under the control of the church.

The following records shall be retained for a period of ten years in a secure location: All church financial records and statements (bank statements and records checks, contribution statements, vendor documentation, purchase orders, housing-allowance designations), accident reports, personnel records (applications for employment, terminated employee records, expired contracts, personnel files, payroll records), property documents (appraisals, expired insurance policies, tax or other financial matters), contracts and agreements, wills of deceased donors, federal/state/local filings, insurance documents (accident reports, claims [after settlement], expired policies, safety reports), expired trust agreements.



The financial records of every church, regardless of size, should have some type of audit periodically, preferably annually. An audit is not just about watching out for embezzlement. Fortunately, though that does happen in churches, it is relatively rare. The more crucial function of an audit is to provide an independent evaluation of the church's financial systems, procedures and statements. Conducting an audit is not a sign of distrust, but a mark of responsibility and evidence of good stewardship.

An effective audit will lead to recommended improvements in the church's procedures that can be made. Thus the advantages of an audit are as follows:

1. Assure members and donors of the proper use of funds and the accuracy of the basic financial statements of the church.
2. Recommend improvement of systems and procedures.
3. Avoid potential financial and legal problems.
4. Suggest improvements in church operations.
5. Affirm the staff and volunteers in their financial responsibilities.

While the term "audit" suggests a very expensive process involving professional CPA's spending weeks poring through financial records, there are in fact a range of types of "audits" that a church may employ. Larger churches with complex financial operations, multiple volunteer and professional staff and many accounts may find it appropriate to secure a full-scale audit; smaller churches will rarely employ such a process.

A less formal audit may be conducted internally by persons other than those who typically manage the church's financial affairs, or may even involve, as some churches have done, exchanges between a couple of churches of knowledgeable members providing an audit of each other's books and procedures. One suggested methodology for this would review BOTH procedural aspects as well as checking of the accuracy of financial records such as bank-account balances. Here are some factors one author suggests for any informal audit team:

1. *Are the functions of the treasurer and financial secretary separate so that the person receiving funds is different than the person writing checks?*
2. *Are these positions rotated periodically to keep a person from performing one of the functions for many years?*

3. *Does the office secretary (or other designated person who is not authorized to sign checks) open the bills coming to the church (where all church bills should be) to insure a second set of eyes sees bills and knows that the church is not running delinquent on any bills?*
4. *Does the office secretary (or other designated person not authorized to sign checks) open the monthly bank statement and review all checks to insure payments are going to recognized entities?*
5. *Review authorization procedures:*
 - a. *Does the treasurer need other approvals for payment of bills?*
 - b. *Do all the bills in one randomly selected month follow the approved pattern of approvals?*
 - c. *Does a sampling of the bills (say 5% of the total checks in two randomly selected months of bank statements) follow the approved pattern of approvals?*
 - d. *In the samples, do the amount, date, check number and payee all agree with the invoice?*
 - e. *Do all checks written to the pastor; council/board member, treasurer, and/or financial secretary have proper substantiation?*
6. *Were all bank statements properly reconciled?*
7. *Are payroll records properly handled? There should be some master file on the information and copies of each quarter's tax reports (941's among others). These reports should be sampled with a few random reports added down columns and across rows to insure accuracy.*
8. *Are blank checks kept in a secure place?*
9. *Contact the church's bank:*
 - a. *Get a copy of the most current bank-signature card to insure only those currently authorized signers are on the bank records.*
 - b. *Verify whether or not there were any "insufficient-funds checks" written by the church during the past twelve months.*
10. *Does the church have a "master list" of all church assets? This should include serial numbers, dates purchased and cost. If in doubt, a physical inventory of the assets may be required.*



A very helpful booklet, *Local Church Audit Guide*, provided by the General Council on Finance and Administration of the United Methodist Church at 1200 Davis Street, Evanston, IL 60201 (847) 869-3345, also is very specific and helpful to congregations of any size, and useful for churches which do not hire outside professional auditors.

A comprehensive professional audit would probably be more beneficial than a non-professional, internal audit. Such an audit might check on the following: (1) impermissible loans to officers, (2) impermissible interest-free loans, (3) gifts of sale or donated items to “insiders” such as church officers or staff, (4) impermissible use of church funds for personal expenses (i.e. using church credit cards), (5) proper substantiation of personal use of church vehicles and church use of personal vehicles, (6) proper use of restricted funds, and (7) proper accounting of petty cash.

Audit Committee?

In a very large church an audit committee would be useful. It should be composed of at least three members. These people may be from the finance committee, be trustees of the church, or be separately appointed or elected. It is the duty of this committee to oversee the audit of the financial records of the church annually or as instructed by the church. If the church is too small for an audit committee, then the Finance Committee could appoint people who are not on any of the financial groups to review the records.

11. *Does there appear to be a fair representation of the assets and liabilities of the church on the balance sheet? Does the cash position at the end of the accounting period match those on the final checkbook reconciliation?*
12. *Are excess cash resources invested following a wise (and preferably written) investment program? Are those assets properly reflected on the balance sheet?*
13. *Get a copy of the church's insurance policy to make sure that all assets are protected. (If certain assets are not protected, was a conscious decision made not to cover them?) Do the coverage amounts equal the approximate replacement value? (The minimum coverage should at least be equal to any debt backed by those assets as collateral). Are the liability coverage levels “appropriate”?*



SPECIAL FINANCIAL ISSUES

UNRELATED BUSINESS INCOME (UBI) AND FORM 990-T

Legal Note on Unrelated Business Income

Churches as well as other nonprofits are required to file IRS Form 990-T if they have “unrelated business income” of \$1,000 or more. It is OK to have such income, but it may be subject to taxation. The definitions and exemptions are complex, and most churches probably have no unrelated business income. However, churches that rent debt-financed property, or parking lots, or carry on regular sales of non-religious items should consult their attorney or accountant.

While churches are exempt from paying taxes on their income, tax liability may sometimes arise from income derived from activities unrelated to their exempt purposes. This Unrelated Business Income (UBI) is subject to federal and state taxation precisely because it is not derived from the exempt activities of the church. Since 1969, churches have been included in tax code provisions subjecting them to tax liability for unrelated business income. The North Carolina tax liability rules largely mirror the federal rules.

Like many tax areas, the law about UBI is often complex, but several basic points need to be understood by churches so they at least know when they need to explore potential liability further.

What is UBI?

UBI is defined as income from a (1) regularly carried on (2) trade or business that is (3) not substantially related to the organization’s exempt purposes.

Is UBI improper?

It is not illegal or improper for a tax-exempt body such as a church to have some UBI. Unless the UBI becomes excessive (the “tail wagging the dog”), then it does not threaten the tax-exempt nature of the church.

What obligations arise if there is some UBI?

UBI, if over \$1,000 does require the filing of an annual report to the IRS, Form 990-T, (a corporate return for the state), and if there is a “profit” from the unrelated business activities, there may be tax payments due. The “profit” will be determined by subtracting the directly related expenses associated with the activity which produced the income from the gross income – including deducting proportionate share of overhead expenses such as personnel, facilities and equipment.

What is NOT UBI even though it is “income”?

Not surprisingly, IRS rules on what income is UBI and what is not are often complex. But here are some types of income that might look like UBI because they are “sales,” but are not UBI.

- a. Any income derived from activities related to the church’s purposes would not be UBI – for example, sales of religious items, sermon tapes
- b. Income produced by the sale of donated goods, such as a bake sale or thrift store
- c. Income substantially produced by volunteer labor (such as retail thrift store outlet)
- d. Most passive income such as from bank savings accounts, CD’s, interest, dividends, stocks, and rental property income (unless the property is debt financed)
- e. Incidental activities in furtherance of an exempt purpose (e.g. selling coffee at a church’s coffee house used for study and ministry)
- f. Church child care income, at least so long as program has some religious component which makes it a related function
- g. Church cemetery income
- h. Sales from church-operated store/shop – at least so long as items sold are related to religious mission
- i. Annual “harvest” sales, rummage sales
- j. Sale of publications when they are related to the exempt purpose and distributed in a non-commercial manner

Warnings factors: maybe you have UBI

- a. Church rental income from parking lot or other property which is still financed in part by debt
- b. Church rental property income such as parking lot where the church provides services such as security or attendants
- c. Leasing/renting/charging for use of equipment and resources (computer or printing capacity)

Churches should be aware of potential for tax liabilities when there is substantial income from unrelated activities. In case of uncertainty, check with local counsel. Keep careful records for any income producing activity. A full overview of the rules, exceptions and possible strategies for churches is available. *Render Unto Caesar: Unrelated Business Income Tax: Liabilities of Churches and Ministries*, by Robert A. Buzzard and Lynn R. Buzzard is available from Prof. Buzzard at PO Box 891, Buies Creek, NC 27506, or order at buzzard@webster.campbell.edu. (\$20).

UBI Policy Statement:

The treasurer and Finance Committee shall be familiar with the basic provisions of Unrelated Business Income regulations, and shall file federal and state tax returns in the event such income exceeds \$1,000. In the event of reportable UBI, the treasurer and and/or Finance Committee shall advise the pastor, deacons and other leadership so that the church may assess its policies and practices in this regard.

ENDOWMENTS & INVESTMENTS

Some churches have endowment funds, often created by substantial gifts to the church through legacies and bequests. Occasionally churches have somewhat smaller long-term funds for special contexts such as scholarships. All such gifts and endowments may be subject to the designated-gift rules referenced above that limit the use of the funds.

For all such long-term investments and endowments, the church should establish policies regarding several aspects: investment policy (where to keep the funds); distribution of any income or principal from the funds; authority to distribute. Endowments raise investment-policy questions as well, and the church needs to give to those responsible clear direction on the nature of any investment strategy — typically avoiding high risk or low-grade instruments and preferring high security. Investment strategies will of course also be affected by the length of anticipated term. A very long-term endowment where no principal is being utilized might suggest a different investment strategy than a fund scheduled for depletion with five years.

For churches seeking a more extensive discussion of church endowment funds, there are several sources including Gerald W. Bauer, *Congregational Endowment Funds: Empowering the Vision of God's Coming Kingdom* (From Alban Institute and the Baptist Foundation in North Carolina.)

SPECIAL OFFERINGS & GIFTS

Christmas and special gifts to pastors/staff

Where special offerings or gifts are collected specifically for the pastor, several matters of policy arise. If the funds are then passed on to the staff member without flowing through the books of the church, then the funds normally are individual gifts which are neither tax deductible to the donor nor taxable to the recipient. It is simply a gift, and the role of the church is collecting and passing along the funds.

If, alternatively, the church receives the funds on the books of the church, but the funds are personally designated and not within the church budget, then they would seem NOT to be deductible by the donor because they are earmarked, but would be taxable as income to the pastor.

If there is a budgeted specific amount for such bonuses that comes from the general fund, then they must be treated as ordinary income to the pastor subject to withholding, included in the W-2 form, and all other income rules.

“Love Offering Gifts” for special speakers

Such payments are typically payments for services rendered, such as the guest revival speaker. In such cases, they are income, but usually of an independent contractor, and subject to the church reporting on Form 1099. There is, however, a bigger problem and that is that the gifts are earmarked by the donor for a particular individual, and thus not really given to the church. The church is merely a conduit for the earmarked gifts. They are thus not deductible contributions. If the gifts were given for the church-approved event, such as the revival, and not automatically passed on to the speaker, then perhaps the gifts could be deductible as gifts to a permissible designated fund — the “Revival Fund” out of which a range of expenses could be paid.

If the funds were truly gifts without any corresponding service, such as a going away gift for someone headed for mission work, then the funds are simply gifts, and the donor receives no deduction, nor does the recipient have any tax liability.

The IRS and courts have held also held that in circumstances where the very pattern and structure of compensation includes substantial gifts, that they are tax deductible income even though they were never processed through church books. See further information in the section on Pastoral Staff Policies.

LOANS TO STAFF

While loans to staff such as the pastor are not necessarily illegal, they are often unwise, and have been known to create considerable problems for churches. One legal point worth noting is that if loans are made to an employee at less than market-value interest rates, the difference in what would have been paid as interest with what was paid must be treated by the church and the employee as taxable income. The same principal would apply to any loans which were forgiven; the amount forgiven is taxable income. The below-rate interest or forgiven loan may not be treated simply as a gift since tax-exempt entities such as churches may not use their assets for private inurement — that is for private gain. Any distribution must serve the charitable purposes of the church. This does not include giving away money to individuals except in specific contexts of charity. The best policy and one which avoids conflict or embarrassment is a “no personal loans” personnel policy.

BANKRUPTCY'S IMPACT ON CHURCH RECEIPTS

In 1998 Congress adopted The Religious Liberty and Charitable Donation Protection Act of 1998. This Act was in response to two problems churches had encountered when donors or potential donors filed for bankruptcy. The first problem was that the courts had sometimes held that the bankruptcy trustee could recover contributions made to a church by a bankrupt donor for donations made within the prior year, under the legal theory they were “fraudulent transfers.” Under the bankruptcy code a “fraudulent transfer” was one made not only with an intent to deceive, but any transfer for less than the “reasonably equivalent value” made within one year before the date of filing. The intent of the Act was to protect creditors against a party who is headed for bankruptcy from giving away assets before declaring bankruptcy and then not being able to pay creditors. Many bankruptcy trustees went to churches insisting they return contributions made to them by donors during the year prior to their bankruptcy, claiming these gifts met that test for a “fraudulent transfer.” Churches and their donors resisted these efforts, and insisted the donors do receive value for their contributions. Some courts sided with the trustees and compelled the return for donations. Some highly publicized cases wandered through the courts for years. The risk to churches was that they would never know for certain that any funds they received were not going to be subject to return if the donor declared bankruptcy within a year. It posed some interesting problems with major gifts for designated causes. The money given might well be gone, and be in a building or food-relief work—and now the money had to be returned, and yet it was gone. So other funds had to be found.

To correct this problem Congress adopted the Religious Liberty and Charitable Donation protection Act of 1998 which provides that transfers of a charitable contribution to a qualified charity or religious entity “shall not be considered a transfer. . . in any case in which A) the amount if the contribution does not exceed 15 % of the gross annual income of the debtor for the year in which the transfer is made; or (B) the contribution exceeded [the 15% sum], if the transfer was consistent with the practices of the debtor in making charitable contributions.”

This protection, while not covering intentional efforts to defraud by giving away assets, did eliminate the trustees’ arguments that donations were recoverable because they were not an exchange for reasonable value. It removed most of the legal cloud over donations, and churches did not have to watch the clock for the year to pass and remove any uncertainty.

The second impact of the Act was to permit persons in bankruptcy to continue to make charitable donations after declaring bankruptcy. The issue had been whether a debtor under Chapter 13 plan was in “good faith” when the plan included charitable giving while there were unpaid creditors waiting in line. The issue in some cases was whether substantial giving such as tithing was consistent with the debtor’s obligations to creditors under certain bankruptcy plans such as Chapter 13. Courts were mixed on whether denying the bankrupt person the right to a sincere belief in a religious duty to tithe was a violation of religious liberty or not. Here the Act seeks to resolve some

of these issues. It provides that bankruptcy courts can not dismiss bankruptcy plans on the ground that a debtor proposes to continue making charitable contributions, assuming those contributions do not exceed 15 percent of the bankrupt’s gross income, or if more, a sum consistent with the debtor’s regular practice.

FIFTY INTERNAL CONTROL PRACTICES FOR EVERY CHURCH

Reference

The Church Guide to Internal Controls, Church Law and Tax Report, Richard J. Vargo, 1995.

These controls are the most reasonable for all churches, large and small, to use to reduce the risk of embezzlement and the generation of unreliable financial reports.

General Internal Controls

- Are specific accounting functions handled by the individuals or groups who are assigned these functions in the church’s organizational chart, bylaws, or manual of operations?
 - Who collects the offering? Who counts the offering? Who goes to the bank?
- Does the church have a written, up-to-date accounting procedures manual?
 - Places responsibility and assures continuity of practice
- Does the financial secretary’s or treasurer’s activities involve only keeping the records of cash collections and preparing the support for disbursements?
 - The separation of duties is the keystone of a church’s internal-control system.
 - Keeping the record-keeping function distinct from the cash handling function will go a long way in reducing the church’s risk of misappropriation of funds.
- Are facilities locked when not in use?
- Are the accounting records safeguarded at all times?
 - Are computer files backed up and the backup copies properly stored? Are paper records stored at home or in the church safeguarded from being destroyed, altered, or tampered with?
- Is an internal-audit committee operational?
 - An internal-audit committee is usually made up of members with accounting or business backgrounds. They perform some tests of the accounting records. Their tests should be done annually at a minimum.
- Are the accounting records and the underlying internal controls audited annually?
 - In churches that have a new treasurer every year, the church will be certain to have each treasurer’s work reviewed.
 - The auditor can identify and correct any deficiencies before they become standard operating procedures.

- A written policy of annual audits precludes any treasurer from feeling paranoid about the members not trusting him or her.
8. Are new personnel screened?
 9. Are all employees who have access to cash bonded?
 - Blanket bonds are popular with churches because all employees may be covered. Your church insurance policy should provide this coverage.
 10. Are members encouraged to use offering envelopes?
 11. Are members encouraged to use checks in making their offerings?
 12. Is the handling of offerings always controlled by at least two people?
 13. Is the handling of other receipts of cash always controlled by at least two people?
 14. Is cash counted in a secure area?
 15. Do the money counters verify that the contents of the offering envelopes are identical to the amounts written on the envelopes by the members?
 16. Are all checks received restrictively endorsed as soon as possible?
 17. Is cash deposited as soon as possible after receipt?
 18. Is all cash received deposited in the bank?
 19. Is cash safeguarded in a safe, lock box, or similar protective container when at the church?
 20. Are collection reports given to the financial secretary or treasurer for entry into the accounting records, and a copy sent to the internal audit committee for subsequent audit purposes?
 21. Are incoming-mail and in-office contributions handled by people who are not responsible for the accounting records?
 - If contributions acknowledgements and/or statements are mailed on a regular basis, this may mitigate the risk from not having these duties separated.
 22. Has the bank been instructed in writing never to cash checks payable to the church?
 - A letter to the bank may not prevent someone from cashing such a check, but it would fix responsibility for the misappropriation with the bank.
 23. Are contribution records maintained for members?
 24. Do members receive periodic (perhaps quarterly) notices of their contributions from the audit committee?
 25. Are the periodic notices of contributions sent to each member photocopied?
 - The idea here is to deter anyone from changing the amount on the notice to an amount that is not recorded in the books.
 26. Are members instructed to report any irregularities or errors in their notices of contributions to the internal-audit committee?

Cash Disbursement Controls

27. Are requisition slips prepared for anticipated disbursements that do not have standing authorization?
28. Are prenumbered purchase orders used for all disbursements that do not have standing authorization for payment?
 - Their use protects the church from unscrupulous vendors who send unordered goods to churches.
29. Are invoices for goods and services approved by a qualified person before payment is made?
30. Are invoices checked for accuracy before being paid?
31. Is a check authorization slip prepared to support the disbursement of funds?
32. Are all disbursements of cash, except for minor items, made by serially numbered checks?
33. Is a check protector used?
 - This is a mechanical device that embosses the amount on the check so that nobody can change the amount of the check before it is deposited at the bank.
34. Do all check signers inspect all supporting documents before signing?
35. Are at least two signatures required for all checks?
36. Are supporting documents canceled when checks are issued?
37. Are all voided checks marked and retained?
38. Is preparing a check to cash prohibited?
39. Are blank, unused checks safeguarded at all times?
40. Are expenses always recorded in the correct accounting period?
41. Is a petty-cash fund used for minor disbursements of cash?
42. Are vouchers prepared for all disbursements from the petty-cash fund?
43. Are transfers among bank accounts properly authorized?

Reconciliation practices

44. Are reconciliations of all bank accounts prepared monthly by a person not involved in writing checks?
 - Bank statements should be mailed to a member of the internal audit committee or someone designated by the committee to reconcile the accounts.
 - Monthly reconciliations should be retained for use during the yearly audit of the books.
45. Is the petty cash fund reconciled on a surprise basis at least once a year?
46. Are account balances in “the books” ever reconciled with the amounts presented in financial reports?

Other Assets

47. Are valuables (securities, jewels, valuable documents, etc.) afforded protection in a bank safe-deposit box?
48. Are two signers required for access to the safe-deposit box?
49. Is an updated inventory of securities, valuables, equipment, and other major non-cash assets maintained?
50. Are scheduled reviews made to determine if insurance coverage is adequate?



PRESCHOOL/CHILD/ TEEN PROTECTION & MINISTRY POLICIES

INTRODUCTION: URGENCY & LEGAL ASPECTS

MINISTRY TEAM & PROTECTION TASK FORCE

LEADERSHIP POLICIES: SCREENING, HIRING,
TRAINING & SUPERVISING

GENERAL SAFETY & HEALTH ISSUES

CHILD ABUSE: PREVENTING & RESPONDING

NORTH CAROLINA CHILD CARE REQUIREMENTS

*“Children are
a heritage
from the Lord,
and the fruit
of the womb
is a gift.”
(Psalm 127:4)*

INTRODUCTION: URGENCY & LEGAL ASPECTS

URGENCY

No area of church life demands all our careful attention and utmost sensitivity more than do our ministries and relationships with children of all ages, including teens. They are among the most vulnerable among us, and we owe them not only a high legal duty to be sure we do no harm, but a great spiritual urgency for their care and nurture.

Tragic news stories in recent years of the physical and sexual abuse of children, even by those most entrusted with their care, have been tragedies not only for the reputations of church groups, but chiefly for those who suffered. One is reminded of our Lord's warning against those who would hinder and harm children.

Our own sensitivities and these recent events have created a proper sense of urgency about reviewing our church life as it involves children, and gaining a new sensitivity to issues of appropriate care, safety and nurture of children of all ages. We ought, in this context, to think not only about physical security and safety—as crucial and basic as that is—but about the whole nature of our ministry to children and their families. Put differently, we must think not simply in terms of making playgrounds safe and background checks for children's workers, but think “theologically” about the church and its witness and ministry to and for children.

A CHALLENGING, COMPREHENSIVE VISION

One church document correctly noted that all our activities and programs and facilities for children and teens need to be about a “PLANNED MINISTRY.” Children's ministry is not primarily about “watching the children” while adults “do church.” Our entire efforts with children and teens must be the product of “intentional ministry” whether it is Sunday School or other church ministries. Viewed in a proper biblical perspective, all aspects of child and teen ministry may be seen as encompassing powerful aspects of our biblical witness including nurturing faith and trust in God, outreach to a community and needy families and children, advocacy for children, and witness to the good news in Christ.

AN EXPECTATION OF QUALITY

One of the strengths churches bring to involvement with children is certainly the expectation on the part of families and communities that the church will bring some of its greatest commitments to that ministry — love, care, gentleness, forgiveness. The expectations of those within and without the church are likely to be high in regard to the quality of care, skills and attitudes of staff, and personal attention.

SCOPE OF CONCERN

The focus on major policy questions is on church activities with minors that have the least oversight from state or other agencies. These activities are those with which it might be easiest to lose focus because of their greater informality, reliance almost exclusively on volunteers, and usually a lack of training or supervision. These policies refer to preschool, children, and youth ministries such as Sunday School, discipleship, Vacation Bible School, music and mission groups, half-day weekday preschools, and other activities.

Special Note: An area of ministry for many churches is state-licensed child care for both preschoolers and children. These ministries are ways in which churches serve communities, seek to reach out to families, meet needs for childcare, and provide a vehicle for nurturing preschoolers and children as they learn and grow. Child care programs, in all the varieties, certainly demand comprehensive policies at virtually every level — facilities, staff, programs, transportation, safety, health, food service, finances, supervision, etc. Many of the policy issues raised by such programs are dealt with intensively by state standards, inspections and training programs. Church child care programs are under some level of policy and practice review by the state, but areas such as the connection of the daycare to the church and the distinctively Christian relationships and programming need to be addressed by the church.

The purpose of this section will not be to examine detailed policies and procedures for every conceivable type of children and teen activities, but rather to establish the vital importance of some key policies and procedures designed to address major areas affecting the safety, health and care for those entrusted to the congregation.

QUALITY OF MINISTRY/ CARE - PRIORITY

A church is properly concerned about the quality of its preschool, children, and teen ministries that help them mature as persons, grow in faith, experience the love and grace of God in Christ, and begin to grasp what a church is. However, the recent elevated concerns about the safety of minors, especially in regard to child abuse, have overshadowed these high priorities.

With youth challenged and even threatened in so many ways in our culture, and facing crucial life-shaping decisions about their lives, ministries to youth cannot help but be a crucial dimension of a church's ministry.



Unfortunately, too often ministries for children and teens have been afterthoughts or merely babysitting for adult activities. Church ministries with children and youth represent one of the best opportunities to build relationships with caring leaders and create experiences and knowledge that affect these young people for their entire lives. It is indeed a solemn trust to

accept the high calling of ministry with children and teens. Churches must develop expectations and plans which assure the highest levels of the care of children and teens in teaching, modeling, counseling, and nurturing in the context of the church and their families.

In the spiritual arena it is not easy to set forth simple policy rules. However, a church can determine to give substantial resources of energy and focus on developing spiritual and educationally sound ministries for children and teens by having the following:

1. A commitment of the church staff to the development of these ministries with minors.
2. The recruitment of committed and skilled volunteer leadership for preschoolers, children and teens, who also have the spiritual and relational maturity for the task.
3. An understanding of the way preschoolers, children and teens develop and grow; an understanding of the world they live in; and a familiarity with age-appropriate methodologies.
4. A clear grasp of the worldview/theology of the church and its impact on the models, ideas and values the church wishes to instill.
5. A church body that can embrace its children and teens with the patience, grace and love required for faithful, persistent ministry and relationships.

A question of vulnerability

The concern about minors – both legally and otherwise – derives in part from their vulnerability. They are not in a position to “fend for themselves.” They cannot assess as clearly what activities might be dangerous or what conduct may be improper. And even if they might in some circumstance sense something is “not right,” they often are not in a position to resist or challenge those in authority. Thus, whenever a church ministers to those who are especially vulnerable, there is a special duty – both spiritually and legally – to exercise special care. We should note here, that this not only fits clearly in the context of minors, but also to other groups which might be vulnerable in the same way; for example, the elderly, individuals with special needs, and some institutionalized persons.

STATE STANDARDS AND REASONABLE CARE

As noted, the scope of our concern does not seek to review the requirements of licensed daycare facilities and providers. However, the legal system of licensing and the regulations of the North Carolina Day Care Commission are important for two reasons.

First, a church should review its child care ministries and assess whether those ministries fall within the licensing and regulatory requirements. If so, conform to them. Secondly, the standards set for licensed daycare centers are helpful in considering standards for church ministry policies for preschoolers and children. For example, state standards in regard to adequate facilities, food preparation, staffing etc. may give guidance to a church in developing and reviewing its policies.

North Carolina's standards for child care centers may be found on the web at www.daycare.com/northcarolina/state5.html or ordered from the NC Division of Child Development at 1-800-859-0829. Sections that may be of special interest are:

- Section .0500 Developmentally Appropriate Activities for Centers
- Section .0600 Safety Requirements
- Section .0700 Staff Requirements (Including health, general requirements, prerequisite special training, in-service training, staff-child ratios, etc.)
- Section .0800 Health Standards for Children (applications, emergency medical care, administering medication, infectious and contagious disease, sanitary food service, toileting, clothing)
- Section .0900 Nutrition Requirements
- Section .1000 Transportation Standards
- Section .1300 Building Code Requirements
- Section .1400 Space Requirements
- Section .1800 Discipline
- Section .1900 Special Procedures Concerning Abuse/Neglect

Section .2100 Church Child Care Center Requirements

Section .2700 Criminal Record Checks

Note: Further summaries of the state child care statutes are included in the supplemental materials section of this chapter.

Legal Note: State Standards and Reasonable Care

Church liabilities for injuries are usually based on a claim that the church, through its policies or actions (including staff and volunteers) was *negligent* – that is, the church did not act reasonably under the circumstances, and this failure was the cause of the injury.

In many cases, what was reasonable is a jury question – because there are no absolutely clear standards. However, it would be a very strong defense to any allegation of negligence to show that the church acted consistent with state-established standards and regulations. If the state, for example, established certain standards for playground equipment or staff-child ratios, it would be difficult for a plaintiff to argue the church was negligent in those respects.

Thus, complying with the standards set by the state for licensed child care facilities, or standards widely published by reputable agencies or consumer groups, would be very helpful in showing the church acted reasonably and exercised the proper care.

COVERAGE OF THIS CHAPTER

We will now turn to suggested areas of appropriate policy in some specific contexts. However, these categories are by no means totally separate, and policies often advance interests in multiple areas. For example, a policy requiring multiple adults to be present in any children's group ministry, such as a Sunday School class or church preschool area, serves goals in several areas: it enhances physical safety; it would usually improve the quality of care/teaching; and it would minimize risks of abuse or false charges. However, there is still some value in looking at several distinct areas of concern for effective child protection policies in ministry.



MINISTRY TEAM & PROTECTION TASK FORCE

Child protection and ministry effectiveness begin with a ministerial staff that sets the tone and agenda, and then is implemented by trained and competent leadership that is volunteer and/or paid. This section will recommend:

1. A Preschool-Children and/or Youth Ministry Committee/Team
2. A Protection Task Force/Subcommittee

THE PRESCHOOL-CHILDREN AND/OR YOUTH MINISTRY COMMITTEE/TEAM

An effective preschool, children and youth ministry and protection plan is more than a set of rules and regulations. At the heart is a core of committed leaders who annually review the entire ministry. This could be accomplished with a Preschool and/or Children Ministry Committee or Team as well as a Youth Committee or Team. These committee(s)/team(s) would give consideration to such areas as curriculum, congregation involvement with the ministry, protection issues, and the highest quality in volunteer leadership and support. These volunteer leaders, ministerial staff, and informed, interested laity must jointly determine the process for the ministry review and develop a plan.

It is vital that attention be given to the integration of preschool, children and youth ministry with the larger mission of the church that is based on the church's core beliefs and convictions.

THE PROTECTION TASK FORCE/COMMITTEE OR SUBCOMMITTEE

The most effective way to assure the focus of dedicated leadership on issues of children and teen protection and ministry is the establishment of an active, dedicated task force/committee that oversees the safety and security issues for the church. It may well be that a subcommittee of the larger preschool-children-youth committees may have a special assigned focus on issues of preschool, children and youth protection.

This task force would be charged with recommending and implementing all of the policies and ministries adopted by the church in areas of preschool, children and youth protection in coordination with the larger preschool, children or youth committee(s)/team(s). The protection task force would also be charged with educating all leadership teaching with and/or responsible for preschool, children and youth ministries. The task force would need to work closely with parents as well as the larger congregation in explaining the policies and developing support and involvement in the ministry.

Preschool-Children and Youth Ministry Committee/Team and Protection Task Force/Subcommittee

The church shall establish and elect a preschool-children, and youth committee(s)/team(s) charged with oversight over all the preschool, children and youth ministries of the church. They shall be responsible for assuring the quality and integrity of such ministries by (1) implementing the policies of the church designed to assure ministries which are faithful to the church's beliefs and vision; (2) by staffing with persons of highest vision, integrity and commitment to children and teens; and (3) providing that all aspects of such ministries are administered and staffed to assure the safety of, and care for, our children and youth. They shall regularly review the programs and policies in these areas, assure their observance and recommend additional policies, procedures and programs.

A Protection Task Force that is a subcommittee of the larger committee(s)/team(s) will be established to develop and implement protection policies for the church. These protection policies will be presented by the larger committee(s)/team(s) to the congregation for approval.

The ministry committee(s)/team(s) shall in all respects work closely with the ministerial staff and volunteer leadership, as well as parents, in furthering this vital area of ministry to our church and community.

NOTE: Separate Preschool, Children, and Youth Committee/Team and Task Forces/Subcommittees

Some churches may wish to organize the committee/team or the protection task force into one, two, or three task forces: preschool, children (or preschool/children), and youth. While many of the protection issues are similar, there certainly are distinctions and often youth ministries have their own special programs and concerns that may warrant a separate task force.

Ministry Leadership Screening is the #1 safeguard in protecting preschoolers, children and teens.

7 Key Policies in the Screening Process:

- Job Descriptions/Qualifications
- An Application Process
- Checked References
- Criminal and Other Background Checks
- Thorough Interview Process
- Final Approval Authority
- Probationary Employment

LEADERSHIP POLICIES (SCREENING, HIRING, TRAINING AND SUPERVISING)

A TOUGH SELL!

Staffing issues, both of paid and volunteer leaders, are perhaps the most urgent – and sometimes difficult – in addressing issues of child care and abuse. Churches often find it difficult enough to find volunteers without putting them through some “application” and “screening process.” (See discussion of volunteer screening issues in the last portion of the Personnel Section of this policy manual, and in *Risky Business: Church Hiring and Volunteer Selection Guide*, by Lynn R. Buzzard and Susan Edwards.) It may be initially perceived as an expression of distrust, and inconsistent with a person’s long involvement in the church.

Churches will need carefully to engage the whole church in a discussion about the need for staff and volunteer screening, and seek understanding on the part of the church about the importance of the spiritual and legal protection of the church’s ministry with preschoolers, children and teens. Church members may easily concede the need for such screening with “newcomers” but believe it is unnecessary with those who have been part of the church and community – and perhaps relatives – for years. This will, of course, be more common in small towns and rural areas where church membership is fairly stable and members and their reputations are well known. A careful explanation of the reasons for the process, combined with potential liabilities, and the fact that many church insurers are now pressuring their insured churches to implement screening processes may assist a church by adopting these measures.

After reviewing the strongly recommended screening of staff and preschool/children/youth leaders approach, we will note some limited alternatives for occasional, part-time youth leaders, which is less intensive.

Staffing issues include at least three levels we will now review:

- Screening – Procedures for securing staff and volunteers
- Training – Required training of those selected
- Supervising – Ongoing supervisory policies

SCREENING – PROCEDURES FOR SECURING STAFF AND VOLUNTEERS

Advantages

Congregations must assure that preschoolers, children and teens are served through the very best caregivers. With increased concern around issues of child abuse, congregations need to assure that all leaders have been adequately screened. Appropriate screening protects the preschoolers, children and teens, the leaders, and the congregation. Screening actually serves multiple purposes.

- First, of course, it may identify and help avoid problem ministry applicants.
- Second, in addition, the very fact of screening means that some persons will “self-screen” – that is, persons with known histories will not even “apply.” So the very process discourages some problem applicants.
- Third, it also sends a very powerful signal to all parents/guardians that the church is committed to ensuring the safety of preschoolers, children, and teens.

Elements

An effective screening and hiring process should include the following seven elements/steps:

- a. Job/Task description and qualifications
- b. Application process
- c. Reference checks
- d. Criminal and other background checks
- e. Interview process
- f. Final approval authority
- g. Probationary employment

Job/Task description and qualifications

The church should carefully identify the specific tasks and duties of the employee or volunteer. This will guide the church in identifying appropriate qualifications. Some of those qualifications may involve skills, experiences and educational background. Other qualifications, however, may relate to Christian commitment, church membership or prior involvement in church ministry.

For example, some general qualifications (other than the specific skills or education for a particular position) might be reflected in a provision as follows:

Every volunteer and staff person who works with preschoolers, children and/or youth shall:

- 1) Confess Jesus Christ as their personal Lord and Savior
- 2) Adhere to the affirmations of faith of the church
- 3) Be a member in good standing for one year
- 4) Be hired or approved in accord with the policies and procedures of the church
- 5) Evidence the skills, attitude and Christian maturity appropriate to the ministry
- 6) Agree to adhere to the church's ministry and preschool, children and youth protection policies
- 7) Have no history of being an abuser or criminal record inconsistent with the ministry task

The job description should also set forth with some specificity the tasks and requisite specific skills or knowledge appropriate to the task.

One-Year Membership or Involvement Rule?

Many suggest that a qualifying factor should be that any person who will work with the children and youth of the church should have been an active member for a defined period of time — such as one year. Such a rule allows the church to observe the person, see the extent of their involvement in the church, perhaps assess some of their gifts and strengths, and see how they relate to the larger church membership. Other churches with less emphasis on formal membership may focus instead on active participation in ministries of the church. Still others may apply the one-year rule only for major leadership with children, and not apply it to aides and assistants working under another adult.

Application process

An application process should be included both for paid staff and volunteer leaders. The “application” process for volunteers might be named a “Volunteer in Ministry” form or other such name, but the effect is the same. The application and accompanying packet should include the following information.

- 1) **Personal information:** Name (and prior names), address, prior addresses
- 2) **Ministry information:** Areas of interest, gifts, talents, etc. The applicant should indicate their prior church history and ministry involvement, perhaps a five-year history.



- 3) **References:** References should be required for paid staff positions, and perhaps for volunteers who have been in the community for less than five years. References should be from persons unrelated to the applicant, and emphasis should be put on references that have had some knowledge of the applicant's work with preschoolers, children and teens.
- 4) **Procedures:** The packet should include a statement of church policy concerning the care and guidelines for ministering to preschoolers, children and teens.
- 5) **Statement:** A place for volunteers and staff to sign a document stating that they have read the procedures and agree to observe the safeguards.
- 6) **Release:** Authorizing reference and background checks. For example, one church requires an additional statement from each volunteer children's teacher, child care worker or youth worker with regular responsibilities regarding any criminal or civil court record and any incidents or allegations of conduct harming preschoolers, children or teens. Following is an edited version of that statement:

**DECLARATION OF CRIMINAL RECORD,
ORDERS OF CIVIL COURTS, AND OTHER CONDUCT**

This form is strictly confidential and, except under compulsion of law, will only be seen by those immediately responsible for securing workers with preschoolers, children and teens. Please put details on a separate sheet of paper and attach. Disclosures will not necessarily be a bar to selection or appointment.

Do you suffer from any illness or diseases that may affect your work with preschoolers, children or teens? (Circle One) YES / NO
If Yes, please give details:

Have you ever been convicted of a criminal offense (including time spent in prison) or been cautioned by the police or bound over to keep the peace? (Circle One) YES / NO
If Yes, please state the nature and details of the offense.

Have you ever been held liable by a court for a civil wrongdoing or had an order made against you by a matrimonial or family court? (Circle One) YES / NO
If Yes, please give details.

In the context of employment or volunteer work, have you ever been dismissed, disciplined, moved to other work or resigned from any paid or voluntary work as a result of complaints, charges or allegations that your conduct resulted in any kind of harm to preschoolers, children or teens? (Circle One) YES / NO
If Yes, please give details:

I certify that the above information is accurate and complete to the best of my knowledge and I hereby consent to police and court records and other relevant government records and files being examined to verify the information which I have supplied.

Name _____

Date of Birth _____

I have attached ____ pages to this statement.

Signed _____

Date _____

Reference checks

It is essential to verify carefully the information provided and to check the references provided. Effective use of references is discussed at further length in Risky Business, but here are some basic guidelines:

- 1) A common way to check references is to send out a form, which when returned, should be kept on file. A telephone check, however, is preferred as it is likely to be more candid than a written reference. If phone interviews are utilized, responses should be recorded on a form that is also retained.
- 2) Some references, especially from former employers, will often provide only the most minimal information such as dates of employment. In phone calls one might receive some indirect suggestions if there were problems, such as hesitation to directly respond to certain questions.
- 3) It may be helpful to ask the named references to suggest other persons familiar with the applicant's work.
- 4) Ask direct questions. Most references will not volunteer any negative information. Direct questions might be "Would you hire this person to work with preschoolers, children or teens?"
- 5) A reference of someone who directly observed the person's involvement with preschool, children or teen ministry would be especially valuable, and that might also be pursued with the pastor or other designated church leaders.

Criminal and other background checks

Background checks are perhaps the most overlooked step in too many volunteer enlistment and hiring processes – perhaps because they are often not easy, and may make the person doing the checking feel like they are "prying" into secrets, and asking for confidential information. However, a range of background checks are now considered standard operating procedures for organizations with clear hiring procedures.

Background checks may include the following, depending on the nature of the position:

- 1) Credit history
- 2) Driving record
- 3) Academic or other training records
- 4) Criminal records

Mandatory criminal background checks are increasingly common among organizations with paid staff and volunteer leaders working with preschoolers, children and teens. A church will have to determine when criminal background checks are appropriate. Such a determination will probably depend on the nature of the activities in which the employee or volunteer will be involved, the level of responsibility, and how well-known the person is. Many churches will find it easier to have a fixed set of criteria when such checks will be conducted rather than making such judgments on an individualized basis. Most advisers suggest such checks should be required whenever an employee or volunteer has a regular role in working with preschoolers, children or teens. Since employees may be less troubled by background checks, churches should do

criminal background checks on all employees first. The results of any such check, including when and how such a check was conducted should be documented and a record kept.

How to do criminal background checks

First, you should obtain a release from the applicant for the search.

Second, the process of criminal background checks can be fraught with problems and, in some cases, be rather difficult depending on the extent of cooperation by local authorities. For this reason, one option is to have background checks done by an outside agency that is familiar with the appropriate methodologies for obtaining the information. The question of scope may also be an issue – that is, in how many states will a search be conducted. In some circumstances a nationwide search may be done, whereas in others only one or selected states.

Among the organizations/systems providing background and criminal record checks for churches are the following that seem to come with strong recommendations and/or organizations behind them. Though these come highly recommended by others, before utilizing any of these you should verify for yourself their integrity and thoroughness by contacting them and checking others who have utilized their services.

1. NexCheck, developed by Nexus Solutions (888) 639-8788. This program recommended by The Good Shepherd Program which focuses on church child-abuse prevention, was developed by Nexus Solutions to "provide churches and other nonprofit organizations with the background information they need." Their web site is www.nexus-solutions.com.
2. Oxford Document Management Company offers "comprehensive background checks" of clergy, church workers and volunteers. Its advertising notes it has provided these services for a wide range of denominations. They perform a range of background checks such as criminal records, credit-bureau history, motor-vehicle record checks and child-abuse registry. They can be contacted at 800-801-9114 and through their website at www.oxforddoc.com.
3. Church Mutual Insurance Company recommends criminal arrest and conviction screening through ChoicePoint's ScreenNow, a background screening service offered at a discount to Church Mutual customers. They may be contacted at 800-554-2642 (menu option 1) and at www.churchmutual.com and Choice Point directly at 1-800-853-2414.
4. LifeWay, a Southern Baptist ministry, has negotiated background check services with U S Mutual Association and has secured attractive pricing for such services for Southern Baptist churches and agencies. Additional information is available at 804-304-5142 or toll free at 888-338-8762, Ext. 8115. The web site is www.lifeway.com.

Third, document your efforts — even if unsuccessful or if some government agency would not assist in the search. All this will be part of showing your reasonable efforts. The documentation of any of your background search efforts should be placed in the ministry applicant's file.

Abuse registry records

It may also be possible to take advantage of any state central register of perpetrators of sexual abuse or child abuse. Forty-nine states now have some form of laws requiring registration by convicted sex offenders. The state laws vary in how they work, so each state's registry system would need to be reviewed.

North Carolina's Sex Offender and Public Protection Registry was established in 1996 (NCGS 14-208.5) and requires a person who is a resident of North Carolina who has a reportable conviction to maintain registration with the sheriff of the county where the person resides.

- Reportable offenses include offenses against a minor such as kidnapping, abduction and felonious restraint, and "sexually violent offense" including such offenses as rape, incest, sexual exploitation of a minor, taking indecent liberties with children.
- They must register within ten (10) days of establishing residence within the state, or being present within the state for fifteen days,
- The registration is required for ten (10) years for some offenses and lifetime registration for "recidivists" and "aggravate offenses."
- The registration information includes name, aliases, date of birth, types of offenses for which person was convicted and fingerprints.



Public access to abuse registry

The provisions state that the following information in a county registry is a "public record" available to the public for inspection: name, sex, address, physical description, picture, conviction date, offense for which registration was required, the

sentence imposed as a result of the conviction, and registration status. The identity of the victim of the offense cannot be released. A copy of the individual's registration form, a part of the county registry, may be obtained by submitting a written request to the sheriff, subject only to a reasonable fee for duplicating and mailing costs.

In addition to the county registry, a current central statewide sex-offender registry is maintained, to which public access is also available. This information is to be made available free to the public by the internet at sbi.jus.state.nc.us -- click on "North Carolina Sex Offender and Public Protection Registry."

Special rules apply to juveniles who are not required to register unless a court finds the juvenile is "a danger to the community." Such information, even if registration is required, is not a public record and therefore not available for public inspection.

A state publication, *The North Carolina Sex Offender Registration Program*, explains the details of the requirements and the public access to the registry. (Available at www.jus.state.nc.us/NCJA/sexofreg.htm.)

Megan's Law

A federal law — Megan's Law—requires states to notify communities of dangerous child molesters and sex offenders.

Some problems and issues with criminal records

What are disqualifying criminal records?

Most organizations that work with preschoolers, children and teens conclude that individuals should be permanently disqualified from holding positions involving significant contact and work with them if the criminal record check reveals a history of sexual abuse with preschoolers, children or teens, any crime in which preschoolers, children or teens were involved as a victim or participant, obscenity or pornography offenses, or any history of violence or sexually exploitative conduct. While churches celebrate the potential for repentance, conversion and substantial changes in conduct, most would still bar any involvement even if the prior incidents were before a conversion experience.

What about "charges" but no convictions?

Where a criminal background check reveals that charges or complaints may have been filed, but there were no convictions, the church should not assume either that the person was guilty or that they were innocent. Charges may not have been pursued for a range of reasons some having nothing to do with innocence. On the other hand, it may well be that charges had been found to have no basis in fact. There have been instances of charges being filed where the charged person was found to be totally innocent. The church thus should seek further information not only from the prospective worker, but if possible from the prosecutor or

police where charges had been filed or other persons who may be aware of the actual facts.

What about lesser crimes?

Other criminal convictions, such as for drug use or theft, would typically be evaluated based on a range of factors including how recent the conviction was, how many convictions, the age at which the crimes were committed, post-conviction evidence of changed life, and the nature of the positions or responsibilities in the church program/ministry.

Limits of the effectiveness of these criminal record checks

Criminal record checks will not normally disclose youth offenses, because these records will be sealed. Other convictions may be sealed for other reasons, and unavailable in a search. Checks will not surface allegations that may have been settled out of court in some civil process. Some criminal records do not go back further than a set number of years, such as seven. Convictions, especially plea-bargains, may be to lesser charges than were actually at issue, thus they are not foolproof.

Verify the accuracy of records

Criminal records documents are not always accurate. If some negative data surfaced to raise an issue with the applicant, it would be important to seek to verify, clarify and document this information. Names are sometimes confused. I recall one case where a record of a criminal (not abuse) conviction seemed to indicate the person had served an eleven-year sentence when it was actually eleven days — because a typist had put “y” for years instead of “d” for days.

Adult survivors of abuse – a debate!

One troubling and controversial factor has been the relevance of a person's having been a victim of child abuse. This raises the likelihood of that person becoming an abuser. One widely used guidebook for churches even suggests that experts agree, “most child abusers were themselves abused as children.” Some legal advisers have suggested that for churches to be safe, they should ask a potential leader if they have been a victim. They note that there have been cases that have held that the failure to ask such questions was negligence because of some statistical factors suggesting a higher incidence of abusers among those who have been abused.

Others have been very critical of this approach, as not only unduly invasive, but as almost “re-victimizing” the victim — holding them in some ways as “tainted” because of their hurt. However, it is also true that most victims do NOT themselves become abusers. It is also true that a victim of abuse MAY be especially sensitive to these issues and be most

aware and able to detect and respond appropriately to potentially abusive situations or behavior.

So how should churches handle the matter of prior abuse as a factor in screening? Should the question even be asked, and what if the answer is “Yes, I was a victim”?

1. Most legal purists would say the question should be asked. An alternative, less perhaps intrusive, but inviting an open answer, would be to inquire: “Are there any personal experiences you have had with issues of abuse that would make you especially sensitive or aware of these issues among preschoolers, children and teens?”
2. If you do discover an applicant has a history of having been abused, it should NOT be an automatic or even presumptive bar to serving at all—but it may suggest further discussion with the applicant, and a more careful background check.
3. Other factors that may emerge in discussion with a ministry applicant would be how they have responded to their own hurt, and possible counseling they have found helpful.
4. Obviously, a central factor will be checking references of those who have observed closely the person's work with preschoolers, children or teens.

Interview process

At some point, usually after all or most of the documentation has been received, an interview should be conducted. This interview should involve more than one person representing the church. It might include a current preschool, children or teen leader as well as someone from the Protection Task Force, or if a staff position, from Personnel. The interviewing process should include the use of an established list of questions, other matters that may have come up in reviewing documents and references, and matters which arise in the context of the interview. In addition to specific information, the interview process will also seek to assess other attributes. One church suggested the following qualities would be desirable to demonstrate in an interview, though it seems unlikely an interview would surface all these:

- 1) Openness: a genuine interest in and concern for young people
- 2) Dependability
- 3) Self-confidence and assertiveness
- 4) Self-awareness
- 5) Good health and a high energy level
- 6) Sense of humor and the ability to relax
- 7) Ability to tolerate conflict and discord
- 8) Cooperative team spirit: ability to express viewpoints honestly and accept compromise
- 9) Emotional stability and good impulse control
- 10) Ability to make quick, sound decisions, often independently

One national church body suggests the following guidelines for the interview process:

“Each employee or volunteer applicant is interviewed by a committee of at least two members who are familiar with sexual-abuse issues, and are comfortable in discussion of the topic. In preparation for interviewing, the selection committee members should determine the questions they wish to ask the applicant. These will be guided by the job description or responsibilities of the position and the expectations of the individual. The applicant's resume and information provided by the application form and/or screening form will be reviewed by the committee prior to the interview to ensure applicable education and experience and to identify any areas of concern that need to be clarified during the interview.

During the interview the applicant will receive a clear and direct statement about the church's general concern for the safety of children and that policies are in place to this end. Conduct expectations towards children/youth are provided in writing and reviewed. The applicant is asked if he/she anticipates any difficulty meeting the expectations. Any breach of conduct expectations, including breaches of the Child Abuse Policy, will be grounds for church discipline including dismissal from the office/employment. Such a breach, if leading to a dismissal, will be for cause.”

After the interview, the interviewing team should discuss and record their observations, note any remaining questions or issues which should be addressed or resolved, and make any recommendations. There should be written record of the interview event: when, who was there, summary of content and the observations of the interviewers. This would be a confidential file.

Final approval authority

The church should then have some final hiring/utilizing decision process. That process will doubtless be different for formal employees than for volunteers, but some level of formality should be included even with volunteers. Perhaps a letter should be sent welcoming them to the team, and noting any further processing steps. Such a final processing step might also be to go over the preschool, children and teen protection policies including child-abuse reporting obligations.

The product of this final approval should be a formal list consisting of those who have been screened and approved for preschool, children and teen ministry. That list then becomes the standard and would be maintained by the church office and the appropriate committee.

Probationary employment

Many churches have a formal probationary period for all employees at the end of which their position is to be ratified by the appropriate body/leader. That may be less appropriate with volunteers, but a six-month review for all volunteers might be very

desirable. It would provide a structured opportunity to review any problems, large or small, a chance for the volunteer to clarify questions or concerns, and where necessary, to redirect energies. It might also give the volunteer a more graceful way to step aside from tasks for which were not well suited. At the end of the probationary period, a further note should be added to the worker's file noting completion and any observations.

Keeping a personnel file for workers

While churches normally keep a personnel file for formal employees, they may be less inclined to do so for volunteers. It is important, however, to be able to establish that required procedures were followed, that a file be kept on the volunteer workers as well as paid staff. This file would contain the records and documents related to the recruitment and screening process, i.e., resume, application and/or screening form; interview summary; reference and contact check information; and criminal records search. The confidentiality of these records is essential. They should be stored in a locked filing cabinet with access limited to individuals who carry immediate responsibility for the applicable programs.

OK – What about occasional workers?

Issue: What about occasional, part-time leaders who may at times assist with preschool, children or teen activities? Do we have to go through this process for them? Is it practical?

In an ideal safety-conscious world, the full screening would probably be done on all persons who work with preschoolers, children and teens, but we recognize that as a practical matter, this may not be feasible. Hence some writers on this subject such as the authors of *Reducing the Risk of Child Sexual Abuse* and the authors of *The Good Shepherd Program*, do suggest that under some limited circumstances a less intrusive process might be utilized. They call it a “secondary” screening. Others similarly suggest that several factors might justify a less demanding and intrusive process. In most cases these more relaxed processes have the following conditions and components:

1. They are limited to occasional and part-time preschool, children and teen leaders – and never apply to regular paid staff or regular volunteer leadership.
2. They are not appropriate for program or team leaders.
3. They may only be utilized for persons who have been active church members for some defined period such as one year.

The more relaxed process would also include:

1. Making them aware of the church's safety and security policies and behavioral guidelines.
2. A signed statement they have not been charged with or convicted on child neglect or abuse
3. A more abbreviated interview process

Absent some factor suggesting otherwise, no criminal background check or extensive reference check would be conducted.

Issue: What about screening of outside groups whose personnel will work with preschoolers, children and teens?

If working with church's own preschoolers/children/teens:

If the outside group is going to work with the church's own preschoolers, children or teens, the church **MUST** take very clear steps to assure itself the persons who will be involved have been appropriately screened – for skills, supervision, and background checks, and that appropriate protection policies are effectively observed by the group. This would normally mean the church would want to see what policies the outside group has developed and what screening and training processes the outside group has employed. The nature of the activities the outside groups will conduct will also be relevant in assessing the scope of inquiry by the church. A group which is going to spend a weekend at a conference training teens in drama ministry, in cooperation

with the church's own adult leadership, would probably require less scrutiny than a group coming to work with small children in a week-long day camp.

If outside group is using the church facilities, but working with their own preschoolers/children/teens:

Even though the liabilities are likely less in many respects in this context, the church should still expect some basic assurances. Two options for the church are:

- 1) Leaders of community groups of preschoolers, children or teens who use the church facilities should be required to read the church's child protection policy and sign a statement they have read and agree to abide by its provisions;
- 2) Outside groups could be required to submit their own child-protection policies which would then be reviewed by the church, and if the church finds them adequate, could approve the use based on the implementation of those policies by the user.

In some rare situations churches have been held liable for injuries suffered by preschool/children/teens based on the argument they did not take reasonable steps to assure that those who used the facilities were subject to proper supervision and protective policies.

The church may also wish to require such outside groups to show proof of insurance covering child abuse and other claims arising from acts of their staff and volunteer leaders.

Chaperones?

Parents or other personnel chaperoning an event should be given a copy of the protection policies and be required to sign a statement that they have read and understand the policy.



TRAINING

As noted earlier, not only is screening essential, but also effective training of those who work with preschoolers, children and teens is recommended. Training would include a range of components such as age-appropriate educational methodologies, safety matters (procedures, first aid, emergency exits and procedures, handling body fluids, and dealing with injuries), and observing and implementing protection policies. Churches are often rather negligent in this area. Consider for example how rarely churches provide ANY training for those who work with infants or toddlers in the church or during child care during worship. A good policy regarding training should include the following elements:

A. Mandatory Training

1. Training sessions shall be held not less than annually. Sessions shall be held for all volunteers who work with preschoolers, children and teens to educate them on the policies and procedures for insuring safety and reducing the risk of abuse. Specific training shall be provided by supervisors, staff or volunteer, in regard to specific policies in the volunteer's area of ministry.
2. Annual training for all church paid staff members shall review the policies and procedures for insuring safety and reducing the risk of abuse.
3. New staff and volunteers must participate in the training program upon beginning their ministry assignments.
4. Records of attendance and program content shall be retained.

B. Training content shall include all the following:

1. Church policies and procedures
2. General "abuse" matters
 - What is abuse?
 - Signs of abuse: physical, emotional, sexual
 - What conduct is inappropriate?
 - Reporting duties: to state and church
 - Staff and volunteer screening procedures and purpose of these measures
 - Hearing preschool/children/teen "reports"
 - Legal (civil and criminal) consequences of misconduct
 - Where to get help

When a minor reports abuse

Leaders of minors should be prepared to hear an abuse report. This can be a very sensitive process — and revelations and stories may come as a "surprise." Some guidelines for leaders to whom a person discloses abuse have been provided by some church bodies. One diocese suggested the following guidance as edited by this author:

Stage 1: Hearing a minor disclosure abuse

As a church leader you get to know your young people very well. They may develop enough trust to be able to tell you about unhappy things that are happening to them—at home, at school or at church. This is both a privilege and a responsibility.

- Be aware that a minor may want the abuse to stop, but still love the abuser.
- The minor may believe that you are able to stop the abuse without anything else happening.

- If a minor asks to tell you something in confidence, ALWAYS tell them that it will depend on the circumstances. You may have to tell someone else if they are being harmed.
- If it is possible, try to have another adult present while the minor speaks, but do not prevent him or her from speaking if another adult is not present.
- Maintain eye contact.
- Allow the minor to talk but do not press for information.
- Tell the minor that they are not to blame for anything that has happened.
- Reassure the minor that they were right to tell.
- Let the minor know that you will have to tell other people so the abuse can stop. Try to explain what will happen next in a way the minor can understand.
- Reassure the minor that you will support them during the difficult time to come.
- As soon as possible, write down as accurately as possible what the minor said, how it was stated, and how they appeared emotionally.
- Document the date, time and location as well as the names of person(s) present.
- Write down your responses.

Stage 2: The listener's response

- If the child needs urgent medical help, call the emergency services—police or ambulance—or take the child to the nearest hospital. Tell the attending authority of your suspicions.
- If the child is not in immediate danger and/or you are not sure whether any abuse has occurred, immediately discuss your concerns with the pastor or other person charged with responsibility, such as the church's Child Protection Task Force.
- As soon as you suspect abuse or following preliminary discussions, you have a duty to report the incident under North Carolina's Child Abuse Reporting statute.
- The state protective agency should be given as much detail as possible: dates, times, descriptions, verbatim conversation(s). Distinguish between fact and opinion, what you have seen and what others have told you.
- You may wish to follow up your referral by writing to the state agency confirming your telephone call and copies of the letter should go to the pastor or appropriate church abuse-response team.
- Be prepared to have further talks with the investigation team.
- Continue to support the person reporting abuse.
- You will need support for yourself.

Another church had these simple guidelines:**DO:**

1. **Listen**—take time to hear what the child has to say.
2. **Believe**—tell the child you believe them and you will do whatever you can to get them help.
3. **Reassure**—say to the child that you're sorry this happened and tell them it's not their fault.
4. **Report**—report the abuse by contacting the pastor, or a member of the abuse-response team.
5. **Take Care**—take care of yourself since this is emotionally draining.

DON'T:

1. React with shock, horror or disbelief.
2. Promise to keep a secret. However, you are legally obligated to report abuse if you feel you have reasonable grounds to believe a child is in need of protection.
3. Say everything will be fine.
4. Assume that the child hates the abuser.
5. Interview the child.

Of course, training should also be provided in areas other than safety and protection. As noted elsewhere, this should include first-aid training for all those who work with preschoolers, children and teens. Paid staff and leaders need to be encouraged to have CPR and other emergency training. Churches should also assure that those who work with preschoolers, children and teens understand and employ age-appropriate educational methodologies, are familiar with creative teaching methods, learn to work effectively in teams, and are maturing in their own understanding of faith and their spiritual life.

SUPERVISION

The third dimension of staffing, after screening and training, is continual and effective supervision. Unless a church has systems to monitor and measure the competence and performance of the leadership and volunteers, it risks not only poor teaching, but serious breaches of the responsibilities and duties of those who are entrusted with preschoolers, children and teens.

This requires churches to have systems and structures of accountability, review and assessment that can detect and hopefully correct omissions or breaches of policy. Such supervision would typically include structured sessions of observing leaders and formal times of performance review. In addition, more informal and occasional times of encouragement and friendly admonition should take place.

With employees, as noted in the personnel section, formal supervisory and review processes are crucial. Records should be kept of such, but it is obviously a bit more complex with volunteers. However, some record that volunteers were observed, found to be in compliance with child-protection policies, and that discussions were held with volunteers reviewing their work would be helpful in refuting later allegations that such volunteers were not adequately supervised.

Our “two-adult rule” discussed in the next section also is helpful in assuring that there is some accountability even if there is no formal supervisory relationship between the two or more persons.



GENERAL SAFETY & HEALTH ISSUES

An obvious concern for any church is the safety of minors. Such concerns involve a wide range of areas including food (both served by the church and perhaps brought by children), facilities and equipment (rooms, fire safety, playgrounds, age-appropriate toys), transportation, discipline, adequate supervision, emergency-care provisions, release of children, security concerns, children with special needs, parental approval of special activities, infectious diseases – and perhaps more.

As noted in the section, “General Policies: Property,” some of these concerns involve physical property and its proper design as well as maintenance and appropriateness for those who would use it. Some of the material here will duplicate that found in the Property section of General Church Policies, because it also has specific application to preschool, children and teen policies.

You should, however, refer to the property section’s discussion of premises liability, and the “attractive nuisance” legal concept that may enhance church liability when it attracts children who then are injured. In this area, there are many guides produced by consumer groups, child-advocacy organizations and insurers.

BUILDING SECURITY ISSUES

Security issues generally are noted in the General Church Policy portion of this manual. They are obviously of special concern in connection with children. All activities at the church, especially if the church facilities are large with a variety of groups meeting, can raise important security concerns to be sure preschoolers, children and teens:

- Are accounted for in the classroom/activity area
- Are where their parents think they are
- Are protected from persons who might enter and wander throughout the facility, hide in it, or pose a risk of harm to those in the facility.

Thus, as noted in the General Policy Section, churches should take steps to provide limited entry, have hosts or security-conscious persons available to monitor the facilities, and assure that children, including teens, are not free to roam the facility before or after scheduled events. We also have noted the importance of lighting and landscaping in minimizing possible threats of those who might lurk in portions of the grounds. With today’s technology, a church may find it well worth the cost to place video monitoring and taping equipment at several key points in the church to monitor those who enter the facilities, particularly in areas for preschoolers and children.

PLAYGROUNDS/ RECREATIONAL AREAS

Many churches have playgrounds and recreational areas that are not only used for structured church activities but also often are accessible during non-supervised hours by others such as community children and youth. This would typically include open play areas, basketball courts and children’s play areas. Several policy areas need to be considered in these contexts including the following:

Authority/Responsibility issues

Policies should identify what committees/staff are assigned responsibility for oversight and implementation of procedures and operations involving these areas. The duties of those responsible should be spelled out especially in regard to inspections, supervision, records, and incident reports of injuries and accidents.

Prohibited activities

Policies should expressly prohibit certain activities such as skateboarding in areas where such would pose a risk to others using the property. Such policies must be enforced and should be publicized to the church and, where feasible, in public notices. Other activities might be restricted to certain areas. Behavioral rules for users of such facilities might also be established, though realistically these could only be enforced during church activities. Examples of such rules might be prohibitions on fighting, swearing and bringing glass containers onto playgrounds or ballfields.

Safety aspects

Policies should assure the general safety and good repair of equipment on such playgrounds, and that the equipment and surfaces conform to accepted standards. Adequate adult supervision should be required whenever such facilities are being used for church activities. There should be no unreasonable risks posed by natural or artificial qualities or characteristics of the property, such as its proximity to a highway or pond that would suggest the need for appropriate barriers. Play areas should be free of holes and have adequate drainage, and walkways should be smooth. The area should be free of broken glass, debris, anthills and trash. Rules and policies regarding the maximum number as well as ages of children using certain facilities such as preschool and children’s play area need to be addressed.

GuideOne Center for Risk Management, an insurance provider for churches, suggests the following aspects of playground safety:

Equipment Selection

- Consider location carefully.
- Examine manufacturer's expectations and specifications.
- Consider which age groups will be using the equipment.
- Request detailed product information from the U.S. Consumer Product Safety Commission, Washington, D.C. 20207.

Play Area

- Avoid asphalt, concrete, turf and earth surfaces.
- Sand, fine gravel, or shredded wood chips are acceptable, but never on top of a hard surface. Rubber mats or material are safer.

Maintenance

- Conduct frequent general inspections daily.
- Involve children in the inspection process and encourage them to report any hazards they see.
- Conduct detailed inspections on a regularly scheduled basis.
- Promptly repair any damage or hazards found.

Supervision

- Lack of supervision is the number one contributor to injury.
- Children must be given undivided attention.
- A sufficient number of qualified individuals must be present.
- Watch for potential hazards.
- Insist that children follow the appropriate safety rules.

Checklists

Checklists often are helpful to those who are charged with monitoring safety conditions. Here is one such safety checklist for play areas:

General Precautions

- Is there a suitable perimeter fence that separates the playground from streets, ponds and other potential hazards?
- Does posted information include proper equipment usage, how to report potential hazards, and emergency phone numbers?
- Are trash receptacles provided, but away from play areas?
- Are benches, drinking water and shade available?
- Is equipment properly spaced to provide safe entrance and exit?
- Is the equipment design appropriate for the age of children?
- Have playground rules or guidelines been developed and communicated with an attitude and priority of safety?

Supervisory Precautions

- Are appropriate numbers of supervisors on duty during play? The younger the children, the more supervisors are needed.
- Does the supervisor make a general evaluation of new or potential hazards when entering the play area?
- Are staff, parents and children taught the proper use of equipment?
- Does the supervisor deter dangerous activity or misuse of equipment?

- Do the children listen and obey the supervisor?
- Is play suspended when equipment is wet?
- Are ballgames, skating, bikes, throwing, and similar activities kept in designated areas away from playground equipment?
- Does the supervisor watch the entire play area, without the distractions of other conversations, paperwork or activities?
- Does the supervisor have access to first aid, CPR assistance, and a telephone?
- Are all injuries reported when medical attention is required?

Maintenance Precautions

- Are maintenance costs for equipment and surfacing included in the annual budget?
- Does the play area have good water drainage, including heavy use areas under swings and at slide exits?
- Is there complete documentation of maintenance activities and injuries or accidents?
- In a written preventive maintenance schedule, do you check for the following items?
- Miscellaneous debris or litter
- Damage by vandalism or wear
- Appropriate depth of loose-fill surfaces
- Poisonous plants in the area
- Protrusions, projections, including nuts, bolts, or screws
- Sharp points, corners and edges
- Worn out ropes, chains and cables
- Potential clothing entanglement hazards (open s-hooks)
- Pinch, crush or shearing points
- Exposed moving parts
- Tripping hazards
- Unstable equipment anchors
- Rotting, cracks and splinters
- Rust or corrosion, especially at surface level
- Head entrapment hazards (spaces 3.5" to 9")?
- V-angle entrapment hazards
- Finger entrapment hazards (holes or missing end caps)

Safe and effective facilities

Organizations involved with the administration of children's groups should be familiar with the guidelines for the safe operation of children's groups established by local and state agencies. Health and safety training should be provided to the leaders, and they should be given a set of guidelines to follow that are specific to the site and the ministry. Here are some common guidelines:

Space

There should be at least 25-30 square feet of usable space per child. See below for the maximum number of children suggested per room.

Toilets

The ideal is one toilet and hand basin per ten (10) children.

Play area

If children will be meeting less than four hours per day, it is recommended that a safe outdoor area be provided. If children under thirteen years of age meet more than four hours per day in your facility, the state regulations for a licensed facility must be followed. A quiet area is also useful.

*NOTE: A system of regular inspections of equipment and environment is central to minimizing injuries in play and sports areas. Checklists for such are available from state agencies, childcare advocates and from Christian Ministry Resources, P. O. Box 2301, Matthews, NC 28106. Church Mutual Insurance Company's booklet, *Safety At Your Playground*, provides guidance on developing playgrounds, lists of age-appropriate equipment, guidance on appropriate playground surfaces, supervisory responsibilities and general safety issues including a safety/maintenance check list. (Available from Church Mutual at 1-800-554-2642, and www.churchmutual.com.)*

Policies should assure that specific elements of known risk are adequately addressed, as for example in playground surfaces where there are standards published by the Consumer Product Safety Commission and others regarding the kinds of materials and depth of same that are recommended for certain types of play equipment and their height. All these standards call for the use of rubber-type materials or a loose fill material such as wood chips, mulch or sand. Special policies and safety rules have been developed for preschool and children's play areas addressing issues of surfaces, spacing of equipment such as slides, swings, and age-appropriate equipment. Assure that age-appropriate equipment has been chosen, based on that for which the playground area is being developed. Lists of appropriate equipment for different age groups are available.

Safety checklist for facilities and equipment

In the resource, *Protecting Our Church & Children: What church leaders must know*, included as an addendum to this guidebook, the authors provide a comprehensive list of questions regarding equipment and facilities.

Staffing

Adequate staffing is a factor in many areas of concern in preschool, children and teen ministries. It is relevant in minimizing risks of abuse, in helping improve the potential for quality programs, and certainly in the safety area, especially when special needs or emergencies arise.

Each group should have at least two unrelated workers and it is often advisable to have both men and women (but not married couples) working with preschoolers, children and teens.

In *Protecting Our Church and Children*, included as an addendum with this policy manual, the recommendations cover both adult/child

ratios and maximum number of children, and also provide a guide for multiple age groups:

Age Groupings	Adult/Child Ratio	Maximum Group Size
Babies — Kindergarten	1:3	12
Babies — Twos	1:3	12
Threes — Kindergarten	1:4	15
Babies	1:2	12
Ones — Twos	1:3	12
Threes — Pre-K	1:4	20
Kindergarten	1:5	24
School-age children	1:6	26

Licensed childcare centers may follow the ratios recommended by the state.

Prohibited and higher-risk activities

It may be wise to establish policies that prohibit certain activities entirely because of the inherent risks. Alternatives to absolute bans would be to prohibit some activities for persons below a certain age, and/or have prohibitions absent express consent by the parents of children participating. Church Mutual Insurance Company, for example, in their booklet, *Youth Safety and Your Congregation*, discourages churches from sponsoring or participating in the following activities:

- bungee jumping
- rodeos
- parasailing
- trampolines
- high diving boards
- scuba diving
- spelunking
- fireworks displays
- any vehicle-racing or speed contests

Other common activities may be of such a character that the church should take extra precautions in regard to supervision, planning, training and equipment. These would include activities such as boating, swimming, hayrides, water-skiing, bicycling, wilderness excursions, camping and some athletic contests. (*Youth Safety and Your Congregation* also has brief suggested guidelines for these activities. The booklet and other information may be obtained at www.churchmutual.com)

Food preparation

If you regularly prepare food for preschoolers or children on the premises, the facility should meet local health department regulations and environmental standards. Packed lunches should be kept cold. Drinks should be available. Staff should be aware of children's food allergies and special needs. Parental information forms should request information on any special dietary needs or restrictions.

If the church is a licensed childcare facility, state-licensing regulations must be followed.

The *Protecting Our Church and Children* resource, included as an addendum with this policy manual provides a “Food Safety Checklist.”

Special needs

Preschoolers, children, and teens with special needs should be welcomed when the church can provide the necessary staff, resources and facilities to accommodate the child's needs, and reasonable efforts should be made to provide such. Leaders should talk with the parents of minors with special needs to see if the program is or may be made appropriate for them. The church should evaluate ministries to see if they can be adapted to meet the special needs of the children in your area.

General health and safety advice

Phone access

There should be easy access to a telephone on the premises and a cell phone should be available off the premises when minors are on a trip or at a playground. Important phone numbers needed in a medical emergency should be posted prominently.

First Aid

A first-aid kit should be available in any location used by minors, and it should be checked monthly to assure that it is fully supplied. Those who work with children shall be trained in First Aid and other emergency skills such as CPR and dealing with choking.

Accident Log

A logbook should be kept in an official place to record all accidents.

Fire Safety

All adults should be trained in fire safety, including exit routes and alternatives. Fire extinguishers should be available and regularly checked. Smoke detectors should be installed and batteries regularly checked. Regular fire drills should be held.

Emergency Preparedness

All adults should be trained in procedures to follow in case of a tornado, hurricane, earthquake, terrorist threats or other emergency situations.

Infectious Diseases

Children or staff with infectious diseases should not participate in the group until medical personnel clear them.

Allergies and Sensitivities

Adults should be aware of any special limitations a child may have or any allergies especially to foods, such as peanuts and special sensitivities such as to bee stings.

No Smoking

Smoking should not be allowed in areas where there are minors.

Premises Control

Preschoolers and children should not be allowed to leave the premises unsupervised. They should not be allowed to wander around the church facility or be alone especially when going to the bathrooms, as they may be some distance from the activity.

Departure of Children

Arrangements should be made for children and teens to return to their homes after the activity is over. Children should not be permitted to go home alone. Children should not be permitted to leave the premises without their parents' permission.

Drop-Off of Preschoolers and Children

Preschoolers and children are never to be left at a classroom unless two unrelated adults are present. If there are not two adults present, parents may wait with their child or take the child to another room or office where two or more adults are present.

Pick-up of Preschoolers and Children

For all preschool children, unless special provision is made otherwise, a parent must come to the room and pick up their child/children from the classroom. Authorization for independent release may be given by signing a release for children in first and second grades. Third and fourth graders may be released independently after class.

Release of Children

All teachers and workers who release children **MUST** visually check the parent ID with the child's ID before releasing the child.

Consent Forms

Parents should sign a consent form when children or young people are taken on trips or activities off the premises (not in the church or regular meeting place).

Contact Numbers

When taking minors on a trip, parents or guardians must be given an itinerary in case they must reach the child. Each minor's parent or guardian must provide the adult leaders written phone numbers of persons identified as contacts if there is a major problem. This information should be given to the leader and a copy left in the church office.

Medical and emergency policies and procedures

First Aid

First-aid supplies and equipment should be available in each classroom. (*Protecting Our Church and Children* resource, included as an addendum, suggests specific items.)

Incident Reports

An incident/accident report form should be completed each time an accident or health issue occurs. This form should be completed

by the person in charge who is present and turned in to the office immediately. Extremely minor injuries requiring only emotional comfort or a simple Band-Aid need not be written up but should be mentioned to the parent or guardian.

Medicines

Never administer any medicine (including over the counter medicines) without the written consent of the parent! In special circumstances where church workers must administer medications, it must be only where there is written authorization with specific instructions on the medications, timing and dosage. Staff should record in a log any medications given, noting child, medicine, dosage, time and person administering.

Bodily Fluids

Caution must be exercised when dealing with bodily fluids. Due to the increased risk of the spread of disease, bodily fluids must be promptly and safely disposed of and the area properly cleaned. Leaders must wear protective gloves. Leaders must adequately wash after contact with body fluid of any kind. This should be done routinely, even when no health risk is perceived. Disposable materials soiled by blood must be placed in a plastic bag. Soiled clothing will be returned to the parents in a plastic bag. If a child has come in contact with the body fluids of another child, the parents of that child should be notified.

Medical Emergencies

In case of a serious emergency involving broken bones, convulsions, fainting, loss of consciousness, or other serious injury, one set of church policies suggests the following procedures and guidelines:

- Keep calm and keep children and the injured as calm as possible.
- Do not move the injured child.
- Speak calmly, reassuring the child.
- Send a fellow teacher for help. Never leave the injured child.
- The person in charge shall call 911 after assessing the situation and give the information and directions as needed.
- As soon as the leadership is notified, the co-worker should return to help in



removing other children in the department from the scene of the accident.

- The person in charge (staff member) will locate the parents and advise them of the condition of the child and procedure suggested by medical personnel.
- Leaders will refer to the child's parents for details of preference of hospital and doctor.
- In case the child is transported to the hospital, a leader will accompany the child, especially if the parents cannot be located in a timely fashion.
- As soon as possible, the teacher needs to return to his/her class to see that the other children remain calm and reassured.
- An incident/accident form should be written as soon as possible with specifics of medical personnel recommendations and name of hospital to which the child was taken.

Parental Consent and Medical Authorization:

1. The parent or legal guardian should be encouraged to fill out a parental consent certification and medical authorization form for each child who will be participating in the ministries of the church. Parents or legal guardians at the start of each calendar year will fill out a new form.
2. A copy of the forms should accompany any activity that takes place outside the church facilities.

Wellness Policy

The American Academy of Pediatrics suggests the following signs of communicable illness that would be reason to exclude the child from participation include:

- A fever (100 degrees or more in the armpit, 101 degrees orally, or 102 degrees rectally)
- Diarrhea
- Severe coughing
- Two or more episodes of vomiting within the past 12 hours
- Red eye with white or yellow eye discharge, until 24 hours after treatment
- Yellow or green nasal discharge
- Scabies or lice
- Chicken pox or a rash suggestive of chicken pox
- Other undiagnosed rashes
- Open skin lesions
- Tuberculosis, until a physician states the child is not infectious
- Strep throat, until 24 hours after treatment begins
- Pertussis, until 5 days after antibiotic treatment
- Hepatitis A, until one week after onset of illness or jaundice
- Impetigo, until 24 hours after treatment

Any child on antibiotics should have been on the drug for at least 24 hours before coming to an activity.

***Protecting Our Church and Children* resource, included in this manual, gives additional recommendations about children's medications.

Transportation (vehicles, delivering and picking up children)

General issues of safe transportation are covered in the section on General Church Policies. Issues such as screening drivers, assuring appropriate vehicle safety procedures, liability issues and similar general matters are addressed. In the context of minors, there are some special issues regarding which the church may wish to establish policies.

One issue involves safety practices involved in children getting off buses or out of cars, such as coming to a church ministry, and again when they are picked up. Inadequate supervision, as we have noted before, can pose serious risks and liabilities as cars flow in and out of church property. Church policy should probably insist that adults bring children, at least under a certain age, e.g. thirteen, into the facility and the place of the activity/ministry, and pick them up there as well. This places the responsibility for safe entry and egress on the parent and not on the church or the teacher/leader.

Children should not be permitted to leave in a vehicle with persons not authorized to pick them up.

Special emergencies – fire/tornado

Policies should also be set and communicated clearly to all staff and volunteer leadership concerning emergency circumstances such as fire, tornadoes and similar threats. Here is a sample.

Leader Guidelines in Case of Fire or Fire/Smoke Alarm

In the event of fire or fire/smoke alarm, take the following immediate action. Do not wait for confirmation of a fire.

- Line up students by the door and take a head count.
- Close windows and doors as you leave and if possible take your class attendance or sign-in sheet with you.
- Know your exit route as posted in the classroom and quietly and calmly lead students out by proper exit.
- Proceed to a grassy area away from the building and off any roads.
- Once you are clear of the building, take a head count and/or attendance.

- Return to the building only after the "All Clear" has been sounded.
- Do not dismiss any students from outside.
- For the safety of the children, parents may NOT get their child/children before the class has left the building. Parents must show their ID to claim their child and sign out on the sheet.

Leader Guidelines in Case of Tornado Immediate Threat

In the event of a warning that there is immediate risk of a tornado, take the following steps immediately.

- Assemble all the children and then lead them to an inside wall on the lowest floor.
- Guide the children to crouch on the floor facing the wall, bent over with hands on the back of their heads.
- Keep away from glass doors and windows.
- Do not return to the classroom until advised by other church staff or leaders that the risk has passed.

Emergency Checklist suggested by *Protecting Our Church and Children*

- Are building diagrams with emergency evacuation procedures and routes posted by the doors in each room?
- Do diagrams show the location of fire extinguishers and alarms?
- Are leaders trained in the proper use of fire extinguishers?
- Are fire extinguishers inspected routinely?
- Are all exits clear of furniture or other obstructions?
- Is a telephone easily accessible to leaders, with numbers for the fire department, law enforcement, emergency medical service, and poison control center posted?
- Is there a designated evacuation crib for babies (equipped with evacuation wheels) and does it fit through all exit doorways?
- Is there a designated meeting place in the event of an evacuation and are parents aware of this location?
- Are leaders trained in first aid, adult and infant/child CPR, security, and procedures for fires, tornadoes or other emergencies? (For an example, see <http://www.dhhs.state.nc.us/dcd/emerg.pdf>) Is there a readily available list of these leaders and other trained church members?
- Are periodic evacuation/emergency drills conducted?
- Are first-aid supplies kept in an easily accessible location?
- Are first-aid supplies routinely checked to ensure sufficient quantities and adherence to expiration dates?

CHILD ABUSE: PREVENTING & RESPONDING

A PRE-QUIZ

Before reading further, try this checklist to assess your church's child-abuse protection system. Any "no" answers suggest potential risks and problems—for the church and children! Adapted from Making Churches Safer, Evangelical Covenant Church.

Yes or No	We do background and reference checks on all our paid staff who work with children and youth.
Yes or No	We do background and reference checks on all volunteer workers in our church who work with children and youth.
Yes or No	We have required training on child abuse for all youth and children workers, paid and volunteer. Training includes recognition and protection
Yes or No	We have adopted specific church policies regarding child-abuse protection.
Yes or No	We provide annual training for all staff and volunteers during which we review all church policies on child protection and abuse prevention.
Yes or No	We carefully monitor our practices and procedures to be sure our policies are implemented.
Yes or No	We have established a specific strategy for dealing with child abuse accusations or incidents.
Yes or No	We have a clear, well-communicated reporting procedure for staff, parents and others regarding suspected incidents of child abuse.
Yes or No	Our workers are well aware of North Carolina's abuse reporting obligations.

If any of you put a stumbling block before one of these little ones. . . it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea. — Matthew 18:6

INTRODUCTION

If the care of children is among our highest concerns, no aspect of that is more emotionally compelling than tragedies of the abuse of children—abuse in many different forms, including the tragedies of sexual abuse. Advocacy groups report that in North Carolina "Every five minutes . . . a child is abused or neglected." Prevent Child Abuse in North Carolina, an advocacy group, reports that thirty children died in North Carolina in 2000 as a result of

abuse, and more than 32,000 children reported to authorities in North Carolina in 2000-2001 were confirmed as abuse cases. They also note that 85 percent of the time, the perpetrator of abuse and neglect is a biological parent. Parents who were abused as children are six times more likely to abuse their children. (*See www.preventchildabusenc.org.*)

According to a report by the National Committee to Prevent Child Abuse:

- In 1995 there were approximately 109,230 new cases of child sexual abuse. Despite a slight decline in 1995, the report emphasizes that there are far more sexual abuse cases being reported in the 1990's than there were in the 1970's and 1980's.
- The most common abusers of children are acquaintances of their victims—and most abuse takes place within an ongoing relationship of some type.
- Sexual abuse occurs among all groups of society in rural and metro areas, and regardless of race, education or socioeconomic status.
- Child advocates commonly claim that one in four women and one in seven boys are sexually molested before their 18th birthday.

This is not a problem of "them" — but within the church family itself. In June 1992, the Synod of the Christian Reformed Church in North America (CRCNA) surveyed 1,000 adult members of the CRC. Among the respondents, 12 percent reported having experienced physical abuse or neglect, 13 percent reported sexual abuse, and 19 percent reported emotional abuse. The total abuse prevalence rate was 28 percent, or more than one in four, a rate that the study says is comparable to the rate of abuse found in the general population. This study concluded with this warning: "This study found abuse— physical, sexual, and emotional—to be prevalent in the CRC. We examined the nature of abuse; it is real. The church now faces tough questions, such as how to respond, how to minister to survivors and abusers, and what preventative measures to adopt."

Many have noted that churches remain especially vulnerable to perpetrators. Mark Hughes who helps screen volunteers and workers at Park Cities Baptist Church in Dallas, Texas, has noted that churches that fail to provide proper safeguards, including hiring and supervisory procedures for any staff member or volunteer working with children, are "offering a path of least resistance" for sexual predators. "Churches are the paths of least resistance for pedophiles," Hughes said. "If a church doesn't have a screening program, a pedophile could be working with children in a couple of weeks."

Beth Yates, minister of childhood education at First Baptist Church of Garland, Texas, noted that ". . . the molesters now see churches, especially larger ones where they can have a degree of anonymity, as easy targets. . . . Every church is eager to have volunteers who want to work

with children. It's the church's responsibility to make sure their motivation for doing so is proper. . . . The best thing is to get a program in place before something happens," Yates advised.

Some authorities have suggested that as other youth organizations have become more careful in screening staff and volunteers, churches have become known as "easy places to gain access to children." The Department of Christian Formation of the Evangelical Covenant Church noted these aspects that make churches potential targets or at least environments sometimes conducive to abuse:

- It is a community of trust.
- There is ignorance of facts.
- There are few safeguards.
- There are a number of opportunities to be in contact with children and youth.
- There is easy access to children and youth because there is a constant need for more volunteer workers.

The same source noted the devastating impact of child sexual abuse:

- Victimization of children
- Shattered trust
- Damaged families
- Psychological, emotional and spiritual damage
- Congregational disunity
- Litigation and financial cost

Priorities for churches

Churches are recognizing the need for far more diligence in this area. For these reasons we must give some significant attention to policies in this area. Three priorities exist for churches:

1. Understanding the nature and scope of the problem
2. Developing policies and procedures that minimize risks and detect potential problems
3. Responding aggressively to allegations and incidents

Child abuse and neglect—definition

"Child abuse and neglect means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child under the age of eighteen." – The Federal Child Abuse Prevention - Treatment Act

Child abuse comes in many forms, though perhaps sexual abuse has received the most attention in recent years. Those who work in this field note at least four types of abuse to which we should be sensitive and responsive.

1. **Physical Abuse** - Violent non-accidental contact that results in injury. This includes but is not limited to striking, biting or shaking. Injuries include bruises, fractures, cuts and burns.
2. **Sexual Abuse** - Any form of sexual activity with a child, whether in the home or any other setting. The abuser may be adult, adolescent or any minor four years older than the victim.

(Adapted from National Resource Center on Child Sexual Abuse, 1992). It includes sexual-touching conduct such as fondling, oral, genital or anal penetration, rape, incest, and non-touching activities including verbal comments, pornographic videos, obscene phone calls, exhibitionism, allowing children to watch sexual activity, exploitation and/or exposure to pornography or prostitution.

3. **Emotional Abuse** - A pattern of crushing a child's spirit and attacking his/her self-worth through rejection, threats, terrorizing, isolating or belittling. Emotional abuse affects a child's emotional development leading to low self-esteem, problems with feelings and emotions, and difficulty with relationships.
4. **Neglect** - Includes failure by a caregiver to provide for a child's emotional needs such as love and attention; physical needs such as food, clothing, shelter and health care; and failing to offer supervision when it is within his/her power to do so.

Other Key Facts

1. Who are the abusers?

Less than 20 percent of abusers are strangers.

2. How prevalent is abuse?

Some studies suggest that 1 in 3 girls and 1 in 7 boys are abused before they reach age of 17.

3. Who are the victims?

The child, the family, the church, the community and sometimes the family of the abuser are the victims.

North Carolina law—reporting child abuse

North Carolina, as other states, has specific statutes addressing child abuse, and neglect, and various duties of parents, custodians, caregivers, and the public. One section provides definitions and notes the scope of criminal acts:

1. North Carolina General Statute § 7B-101. Definitions.

As used in this subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

- (1) Abused juveniles. - Any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:
 - a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
 - b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;
 - c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
 - d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree rape, as provided in G.S. 14-27.2; second degree rape as provided in G.S. 14-27.3; first-degree sexual offense, as provided in G.S. 14-27.4; second degree sexual offense, as provided in G.S. 14-27.5; sexual act by a custodian, as provided in G.S. 14-27.7; crime against nature, as provided in G.S. 14-177; incest, as provided in G.S. 14-178 and G.S. 14-179; preparation of obscene

photographs, slides, or motion pictures of the juvenile, as provided in G.S. 14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in G.S. 14-190.6; dissemination of obscene material to the juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; displaying or disseminating material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first- and second-degree sexual exploitation of the juvenile as provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the juvenile as provided in G.S. 14-190.18; and taking indecent liberties with the juvenile, as provided in G.S. 14-202.1, regardless of the age of the parties;

- e. Creates or allows to be created serious emotional damage to the juvenile; serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal or aggressive behavior toward himself or others or
 - f. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile.
- (2) Aggravated circumstances. Any circumstance attending to the commission of an act of abuse or neglect which increases its enormity or adds to its injurious consequences, including, but not limited to, abandonment, torture, chronic abuse, or sexual abuse.
- (3) Caretaker. — "Caretaker" also means any person who has the responsibility for the care of a juvenile in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes and includes any person who has the approval of the care provider to assume responsibility for the juveniles under the care of the care provider.

2. North Carolina Law: Reporting Duties

Note: The statutes have the following effect:

- 1) Who must report? "Any person"
- 2) When must they report? When they "suspect" a juvenile has been subject to child abuse, neglect or dependency
- 3) To whom do they report? Director of Department of Social Services of county where juvenile lives
- 4) What do they report? Information about the juvenile (name, address, etc), suspected "injury or condition" and their own name, address and phone number
- 5) What if they are mistaken and there is no abuse? If the report was in "good faith" which is presumed, they are immune from civil and criminal liability for the reporting
- 6) What if the communication was "privileged"? Only the attorney-client privilege is an exception to the duty to report.

a. The duty of "any person" to report child abuse, neglect or dependency.

North Carolina General Statute § 7B-301. Duty to report abuse, neglect, dependency, or death due to maltreatment.

Any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 7B-101, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the department of social services in the county where the juvenile resides or is found. The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number. Refusal of the person making the report to give a name shall not preclude the department's investigation of the alleged abuse, neglect, dependency, or death as a result of maltreatment.

b. Persons who report in good faith are immune from liability

North Carolina General Statute § 7B-309. Immunity of persons reporting and cooperating in an investigation.

Anyone who makes a report pursuant to this Article, cooperates with the county department of social services in a protective services inquiry or investigation, testifies in any judicial proceeding resulting from a protective services report or investigation. . . is immune from any civil or criminal liability that might otherwise be incurred or imposed for that action provided that the person was acting in good faith. In any proceeding involving liability, good faith is presumed.

c. "Privileges" such as the "Clergy-Penitent" privilege are not a basis for not reporting.

North Carolina General Statute § 7B-310. Privileges not grounds for failing to report or for excluding evidence.

No privilege shall be grounds for any person or institution failing to report that a juvenile may have been abused, neglected, or dependent, even if the knowledge or suspicion is acquired in an official professional capacity . . . No privilege, except the attorney-client privilege, shall be grounds for excluding evidence of abuse, neglect, or dependency in any judicial proceeding (civil, criminal, or juvenile) in which a juvenile's abuse, neglect, or dependency is in issue nor in any judicial proceeding resulting from a report submitted under this Article, both as this privilege relates to the competency of the witness and to the exclusion of confidential communications.

CHURCH LIABILITIES

Recent news makes clear that churches are clearly finding themselves targets of lawsuits over alleged child abuse on their premises or by their staff or workers. In the last few years the number of lawsuits has multiplied based in part on a new and growing consciousness of abuse issues and media attention to the issue. Parents are more aware today of child abuse and thus more likely to inquire about the causes of suspicious behavior or signs. Former victims are no longer silent, and often years later are seeking legal redress.

Some changes in the law and legal strategies are also increasing the number of lawsuits such as state reporting laws, and in some states, expanded statutes of limitation extending the time after incidents of abuse when lawsuits may be brought.

Add to this a growing “litigiousness” in a society, and you have all the ingredients for expanding church litigation and potential liability.

The results have been staggering at times with some judgments against churches into the millions of dollars where the church knew of abuse but had taken no action.

Church Liability for Child Abuse

As noted in earlier sections, church liability for injuries caused by child abuse may arise in several contexts. Often the church is NOT liable to a victim of abuse by a church staff or volunteer when it neither knew nor could have known of the risks presented, and had acted reasonably in its policies and practices. However, there are various ways in which the church might be found to have been negligent.

1. A church might be liable if it failed to take reasonable steps in its programs and policies to provide protection for minors, such as inadequate control and supervision or failing to secure facilities properly which permitted abusers to have access to minors.
2. The church may also be liable if it fails to properly screen employees or volunteers who then, in their capacities with the church, injure others. Thus, a church could be liable if it gives someone access to minors who a reasonable inquiry would have discovered were a risk based on their prior criminal record or incidents of abuse. This is “negligent hiring.”
3. The church may also be liable if it is negligent in “training” or “supervising” paid or volunteer leadership whose acts then injure others. The church has a duty to train its paid and volunteer leadership to safely perform their tasks.
4. Another area of liability is the one seen in recent church cases, and it involves the failure of the church to take reasonable steps when it became aware of misconduct or allegations. A church is under a duty to act on knowledge it acquires that may pose a risk to others. Thus, when a church is aware of paid or volunteer leadership misconduct with minors, it must take reasonable steps to protect any actual or potential victim. That may involve a range of steps depending on the seriousness of the misconduct to assure no

further harm. Failure to do so would be “unreasonable” and expose the church to liability. This is sometimes referred to as “negligent retention.”

Note: Liability has also been increased by some jurisdictions extending statutes of limitation which permit the abused to bring actions sometimes many years after the events. More public attention has also made victims more willing to bring legal claims.

SO . . . WHAT SHOULD CHURCHES DO?

Incidents of molestation can occur in any church – and when they do, most churches are shocked, often having had no suspicion. The perpetrators often are perceived as upstanding, reputable members of the church and community. Churches have been all too willing, without any screening, to accept anyone willing to volunteer to work with preschoolers, children and teens. Churches are by nature trusting and this has made them targets of molesters, and vulnerable to abusers.

As one church policy statement noted, “A single incident of abuse or molestation can devastate a church. Parents often become enraged, the viability of the church's youth and children's programs is jeopardized, and church leaders are considered responsible for allowing the incident to happen. There is also the enormous potential for legal liability for the church, its officers and directors, and institutions. More tragic is the emotional trauma to the victim and the victim's family.”

These elements suggest two MAJOR OBJECTIVES:

- **Prevention:** Policies intended to minimize incidents
- **Response:** Policies to effectively address incidents

So what do churches need to do?

A summary by Christian Service Brigade probably summarizes the needed action rather well and succinctly:

- “Run up the Flag” – Alert and educate church leadership and set policies
- Recruit leaders carefully
- Supervise church activities
- Establish a reporting procedure
- Know how to respond when allegations/incidents arise

All of these steps should be reflected in policies, and there is a broad consensus that policies and procedures must address the concerns on several fronts including the specific areas discussed next.

Nine Elements of a Comprehensive Church Child-Abuse Prevention/Response Policy

- A. **Commitment:** Articulating a clear unambiguous commitment to child-protection action
- B. **Responsibility:** Identifying responsibility for developing and implementing policies and taking action on complaints
- C. **Staffing:** Establishing enlisting/hiring, training and supervising systems for all church leaders, including clergy and volunteers who have access to minors
- D. **Educating:** Educating the congregation concerning abuse – its forms, signs, and how persons respond
- E. **Policies:** Developing operating policies that diminish the risk of child abuse and the risk of false accusations
- F. **Facilities:** Designing facilities to further protect minors
- G. **Responding:** Having clear procedures to act promptly on suspicions, allegations and incidents of abuse or other improper conduct
- H. **Ministering:** Ministering to those who have suffered abuse or neglect and to abusers, while assuring the protection of minors
- I. **Insuring:** Securing adequate insurance coverage

CLEAR CHURCH COMMITMENT IN POLICY STATEMENT

Churches need to develop, publish and distribute to families with children in the ministry, as well as to the entire congregation, a clear and comprehensive statement about its commitment to preschoolers, children and teens, and their care and safety in the hands of the church. Here is one such statement adapted from a church's "letter" to those to whom it ministers about its commitment in this area.

Introduction

Child abuse affects the lives of thousands of children every year in the U.S. Churches too often have been negligent in the screening, education and training of their children's and youth workers. The result has been tragic either because of false accusations or the failure to protect a child in need. We recognize a high responsibility for our ministry programs for children and youth, and for the actions of all those who work with them. Court decisions are holding churches liable when they failed to properly screen their volunteers, educate their workers, or provide adequate supervision. Yet our accountability to law is almost nothing compared to our spiritual accountability to God and our community for the children entrusted to our love, nurture and care.

Our Response

It is our commitment to make every effort to make our facilities and programming a safe and nurturing place for all our children, youth and workers. Our commitment to our children and youth, and their parents, is to assure that specific procedures and policies are implemented to screen, train and supervise children's and youth workers. Through increased awareness and supervision, we hope to prevent any incidents from occurring, and hence support effective, caring ministries that continue to further the cause of Christ and lead individuals to a personal relationship with Him.

Statement of Purpose

The main purpose of our Child and Youth Protection and Ministry Policies is to protect children and youth.

This purpose is accomplished in part by educating and training child care workers, both members and friends, on issues which may contribute to dangerous and unsafe conditions affecting children and youth. These issues include how best to avoid neglect and abuse. Individual members and friends of the church are encouraged to act responsibly not only in caring for children and youth, but also in caring for each other (Matt. 19:13-14; John 15:9-17).

We continue to develop guidelines and procedures to address concerns and/or allegations concerning safety, wellness and abuse. The governing board of the church will assume responsibility for evaluating the conditions under which the church ministries are carried out and for investigating charges and reporting misconduct. The Children and Youth Ministry Task Force is specifically charged with implementing and reviewing all our policies and developing effective responses to any concerns.

RESPONSIBILITY

No child abuse prevention and response policy can be effective unless it locates duties and responsibilities to assure the responses are timely and effective. There are in fact two "responsibility" elements:

1. **Prevention Policy Tasks:** Creating, communicating and implementing general prevention-oriented policies, and
2. **Abuse Response Tasks:** Responsibility to take action in the context of incidents, reports, allegations and problems.

Prevention policymaking is, by its nature, an ongoing, deliberative and often slow process. The latter is a "crisis" context. It requires decisive, immediate, coordinated responses involving many persons. Hopefully the occasions for its work will be few, but when called upon it may be psychologically and spiritually demanding with few "rewards." But because of this nature of the responsibility, it needs to be assigned in advance. Policies need to make clear where responsibility rests. There will not be time when the urgency arises to sort out who ought to respond and what they might do.

Preschool-Children and Youth Ministry Committee/Team and Protection Task Force/Subcommittee

The general duties of this Committee/Team and/or Task Force have been identified already in this chapter — including general oversight over preschool, children and teen ministries including protection policies. If this approach is adopted by churches, then these groups would cover the first of the two tasks mentioned above — the prevention policy task.

The issue then is how to identify responsibility for the second task — responding to abuse allegations and/or incidents. There are several possible approaches, and each is, in effect if not form, used by churches.

1. **Pastor-led Response:** In this approach the pastor takes the dominant, almost exclusive role, of responding including notifications, investigations, interviews, etc. The pastor may or may not have a pre-established set of guidelines. The pastor may draw other persons and even experts into the process, but it is not so much a team effort.
2. **Ad Hoc Approach:** In this method, whenever incidents arise a team of some sort, formally or informally is assembled to respond according to policies that may or may not be well established.
3. **Abuse-Response Team:** This method is a formal team approach. The members are deliberately chosen for their commitment, their different skills, approaches, and maturity, and perhaps some experience or expertise they bring to the task.

Preferred approach: Abuse-response team

The ad hoc and pastor-led approaches have serious limits in their ability to respond comprehensively and promptly with effectiveness. An effective approach requires multiple persons, and some advance coordination and “team” work. Thus, the abuse-response team approach — by whatever name — seems best assured of a well-designed plan and execution.

The relative rarity of instances requiring the team’s mobilization may suggest that it is unnecessary to have anything like a standing team. However, the fact that if and when incidents do arise it will be necessary to act very quickly and decisively — and hopefully with some prior thought and awareness among the group — argues against creating such teams AFTER incidents arise. It certainly would be preferable for persons to know they might be called upon in this regard to have become very familiar with the policies and procedures, and to have discussed their respective roles.

Abuse-Response Team Composition

It would be this author’s recommendation that one or more members of the Preschool-Children and Youth Ministry Committee/Team and Protection Task Force/Subcommittee be members of this Abuse-Response Team, thus assuring some coordination between policy and responses. Additional persons may be added to help fill out the appropriate skills be added. The Abuse-Response Team should then meet at least annually to review policies, consider their respective roles, and clarify means by which the group may be mobilized when necessary. It would then be this

body’s task to respond in accord with the policies and procedures adopted by the church in the event of allegations or incidents including the reporting, documentation, investigation, findings and recommendations. In many churches, the pastor may be seen as a key member of such the Abuse-Response Team. In other churches the pastor may often have a major role, but not be a formal member of the team. In any case, if any member of the team, including the pastor, is one of those about whom charges or suspicions are directed, they should not serve in the response and investigation.



Abuse-Response Team Duties

One church has spelled out in some detail the serious scope of these responsibilities. Here are their observations:

The work of the team will require the following skills:

- the ability to provide spiritual support and counsel
- the ability to provide emotional and practical support to family members (the victim's and the perpetrator's families)
- the ability to lead group and congregational discussions
- the ability to liaison with treatment and legal personnel
- the ability to mediate family relationship and practical issues

Team members should be chosen on the basis of their ability to address these tasks so that the team as a whole has within itself a variety of resources. Care should also be taken to ensure that prospective members have the ability to work cooperatively within the structure of a team. It may take an extended period of time (e.g., 1-2 years) before resolution of all the issues is gained. The emotional stress of this work should not be underestimated. Team members need to be emotionally stable and healthy, having resolved any of their own abuse issues.

The team will need to be aware of several individuals and sub-groups within the congregation. These include: the victim(s) and members of the family; the perpetrator's family; the peers of the victim (e.g., education classes, youth group); and abuse

survivors who are part of the congregation at large. (An incident of abuse may raise old issues for survivors of child sexual abuse.)

These individuals and groups will need specific support and opportunities to process the impact and implications of the abuse.

STAFFING

Staffing issues of appropriate hiring, training and supervising were covered in the previous section on leadership. Much of that material focuses specifically on abuse protection and should be reviewed there.

EDUCATION OF THE CONGREGATION

Another major tool of protection of minors against abuse is the implementation of an educational program for the whole church, and especially parents and their children, to help everyone identify and avoid potentially dangerous situations. Families face these issues not only in regard to church activities, but also in every dimension of their lives. A church has an opportunity, perhaps an obligation, to help parents be sensitive to signs of abuse, and to recognize and help their children be sensitive to and avoid dangerous situations, relationships and behaviors.

Given the fact that a very high percentage of the abuse of children is from a parent, there is also an obvious need for churches to seek to minister to parents who may be having difficulty with their parenting skills and with the ability to handle their emotions and behaviors. Educational and counseling ministries may be very crucial here, far more than perhaps had been frequently thought. Those responsible for developing family ministries may need to more openly address issues such as anger management and discipline.

One aspect of education is helping not just paid and volunteer leadership, but parents and the entire congregation to understand the dynamics of child abuse and to be sensitive to “signs” of abuse so that intervention, when necessary, may be timely. Prevent Child Abuse North Carolina, a nonprofit organization, and other organizations have set forth factors that may help staff and others recognize child abuse. They properly note that the mere presence of these factors does NOT mean there is child abuse, but a broad pattern of such signs may suggest monitoring the context. They also note that abused children often display no negative signs, and of course often will not tell others. (See www.preventingchildabusenc.org/report-abuse.htm)

Here is a composite of “signs” suggested by various groups including Prevent Child Abuse North Carolina:

Signs of Possible Physical Abuse

1. Unexplained bruises in various stages of healing (bruises will be different colors)
2. Self-destructive behavior
3. Welts, human bite marks, bald spots
4. Unexplained burns, especially cigarette burns
5. Unexplained fractures, abrasions or other injuries
6. Nervous, aggressive, disruptive and destructive behaviors
7. Unusually wary of physical contact
8. Unduly frightened of parent or caretaker
9. Expresses little or no emotion when hurt
10. Unduly shy, withdrawn and passive

Signs of Possible Sexual Abuse

1. Engages in sexual activity not appropriate for the child's age, or sex play with peers
2. Has a detailed and sophisticated understanding of sexual behaviors
3. Goes back to behaviors such as bed-wetting, speech loss
4. Suffers sleep disturbances or nightmares
5. Has pain, itching, bruising or bleeding in the genitalia
6. Has venereal disease
7. Has frequent urinary tract or yeast infections
8. The sexually abused older child may exhibit delinquent or aggressive behavior, show signs of depression or display self-injurious behaviors such as substance abuse, self-mutilation, attempts at suicide, prostitution, running away.
9. “Acting out” sexual behaviors
10. Nervous or hostile attitude toward adults
11. Verbal comments such as “I don’t like (a person),” or “I don’t want to be alone with ____.”
12. Reluctance to be with a particular person

WARNING! It is equally important to be aware that persons have often been targets of suspicion or accusation of child abuse were in fact innocent. Reporting hot lines have been sometimes used by persons to accuse other falsely, with devastating consequences. Over half of the initial reports on possible abuse and neglect do not lead to confirmations. Often once suspicion arises it is very difficult for someone accused to “prove” they did not do something inappropriate. That is why policies and practices should seek to minimize the potential for false accusations.

OPERATING POLICIES

Comprehensive operating policies can diminish the risk of improper behavior, give assurance to parents and the church that protective measures are in place, and minimize the risk of false accusations. Thus, one of the most critical aspects of minimizing risks of child abuse is the development of specific policies and procedures to guide leaders and parents who govern aspects of the church's ministry with preschoolers, children and teens. Implementing these policies is not a guarantee against incidents or accusations, but after careful screening and training, it is suggested by many as the second most important process for a church in addressing these issues.

We will, therefore, note a wide range of recommended policies for ministry with minors designed to minimize the risk of abuse in the context of the church's programs and to protect leaders against false accusations. Whether these are appropriate in a given church context will depend on the nature and scope of that church's preschool, children and teen programs and leadership. But some of these would seem applicable in almost every context. These are "operating" policies.

Policies Not Followed May INCREASE Liability

Recall that one thing legally worse than having no policies, is having policies that are not observed. When you have no policies you could at least argue you didn't know what you should do, or debate with an injured party what he thought you should have done. When you have good policies that demonstrate you do know what is proper and reasonable – but you ignored your own standards – then you have little claim for ignorance. Thus, in one sense, you convict yourself. As noted earlier, policies to be effective must be 1) Clear 2) Communicated, and 3) Observed

Suggestions here range from general policy provisions such as the "two-adult" rule, to suggested policies in some specific contexts.

General abuse protection policies/procedures for preschool, children and teen ministries

Seven Key General Policies

1. Two-Adult Rule
2. Limiting Role of Minors
3. Open Door Policy
4. "Public" Activities
5. Respect Privacy
6. Identify Paid and Volunteer Leadership
7. Approved Release of Minors

Rule 1: Two-Adult Rule

One of the most basic policies to implement is what is often called the "two adult" rule. This policy requires two adults to be present in all programs and activities involving preschoolers and children – and many churches apply the rule to teen programs as well.

The rule also frequently suggests that the two adults not be from the same immediate family and include both men and women. The goal is that adult volunteers and staff are never in an isolated setting with minors without an adult partner.

Quite apart from the advantage of minimizing occasions for child abuse and providing witnesses to any activities which create claims or concerns, the two-adult rule is also a sound principle just from the standpoint of effective teaching, discipline or even control. It also assures that in cases of problems or emergencies, one adult can handle the individual situation without leaving the other children without supervision or attention.

Bathroom visits/privacy

The two-adult rule has special application also when supervising visits to the bathroom, showers, diapering, or other circumstances in which the minor may be dressing or undressing.

Counseling/one-on-one context

The same principle should be applied in some form in any counseling context with children and youth. In counseling situations, the "Two-Adult" rule would mean a counselor/leader should always be in a situation where they are in the line of sight of another person, preferably another adult. If it is necessary for a volunteer or paid leader, including clergy, to meet individually with a child or youth, it should be done in a public setting or where they are clearly visible by others.

Transporting preschoolers, children, and teens

The same two-adult rule is applied by some churches in transporting minors. One policy provides the following: "When transporting children and youth, two volunteer and/or staff persons should be in each church van." Another policy reads: "Church volunteers and staff are not to be alone while transporting a child or adolescent to/from a church activity without the expressed written consent from a parent or legal guardian.

Parental permission before a leader is alone with a minor

Some church policies require parental permission before clergy, paid or volunteer leaders go out alone with a minor or spend time alone with a minor in a unsupervised situation.

Sunday School classes

Some churches apply this rule to ALL preschool and children's ministries including Sunday School classes. One church has the following rules that are applications of the same principle:

No child will be allowed into a classroom before the two adult workers are present. If a class is unexpectedly short-staffed, the following steps will be taken:

- *Utilization of On-Call help: Approved individuals may be available to fill unexpected staffing needs and will be the first called upon.*

- *Combining of Classes: Two classes may be combined, if practical, to meet the staffing requirements. A notice will be posted for parents telling them where to pick their children up.*
- *Utilization of Parent Helpers: If on-call stand-ins are not available and combining classes is not an appropriate option, a parent will be asked to stay to meet the staffing guidelines before additional children will be admitted to the classroom. The teacher will assume supervisory responsibility and inform the parent of pertinent policies (i.e. bathroom policy etc.).*
- *Cancellation of Class: Programs without adequate staffing will not commence. Additionally, programs, which continually experience staffing deficiencies will be subject to review.*
- *All assigned children's ministry workers are expected to arrange for their own pre-approved substitute.*

Rule 2: Limiting Role of Minors: Adults Only?

It is quite clear that adults must be providing the supervision and leadership of all preschool, children and youth activities. Churches that assign these duties to persons under eighteen years of age are taking serious risks. Older children and teenagers are not equipped with the combination of skills, judgment, experience and maturity to provide safety and a high quality of care of infants, preschoolers and younger children.

Note: The Two-Adult rule does NOT bar the presence of assistants or helpers such as older youth in the program or activity. Many churches do make use of teenagers as assistants in Bible School activities, or even children's worship. Many churches see such involvement as not only very helpful but essential to the ministry, and also as a valuable way to train youth and involve them in ministry. Preferably teens need to be involved in their own age-group ministries or worship if they are occurring at the same time.

However, policies should be clear about the limitations on the role of those under eighteen years of age.

- Non-adults should never be in charge of a ministry for minors, or be included to satisfy the two-adult rule. Any youth assistants should be under the direct and immediate supervision of an adult.
- In no event should minors be left alone with a preschooler or child or leave the room with them.
- Minors should not handle or provide immediate care for infants even if adults are present.
- Minors should never discipline a preschooler or child.
- Minors should never take a preschooler or child alone to the bathroom.
- Minors should never bathe or undress a preschooler or child.

Rule 3: Open Door Policy

Another basic policy is the "Open Door" Policy. This policy provides that the parents of the minors served, the clergy, and

administrative and professional staff of the church have the right to visit and observe the program at any time unannounced. This policy might also encourage visitors, supervised by a leader, to observe groups. Of course, this policy does not authorize strangers, unrelated to the church or the children to enter into the room with the children, nor disrupt activities.

Some churches have a designated supervisor, who is charged with frequent, random unannounced visits to classes and ministries to randomly monitor all activities.

Rule 4: "Public" Activities

Related to the "open door" policy is a policy of assuring that all preschool, children and teen activities are in some sense "public" — visible, transparent to others — as opposed to being conducted in isolated, remote and unobserved locations. This policy also has implications for facilities. Here are guidelines applying this general rule.

- 1) Hold all activities for minors in a central, highly visible location where other groups or adults are present.
- 2) Do not allow activities to take place in private rooms, offices or isolated parts of a building. Keep all remote areas, such as closets and unoccupied rooms, locked.
- 3) Classrooms and teaching areas should never be locked while in use, with the exception of outside entrances to the preschool and or children's areas that should be locked to outsiders, but of course not locked for persons needing to exit in an emergency. Putting alarms on the exit doors to provide notice if any person, such as a child, does open the door. Lights should remain on.
- 4) Each door of a classroom should have a large window. If there is no window, the door should be left open. Sight lines through each window should remain unobstructed at all times.
- 5) If the two-adult rule cannot be observed, have more than one small group in a large room so that there is more than one adult present.

Rule 5: Respect and Practice Privacy

Another basic rule is that paid leadership and volunteers must respect the privacy of minors. One church set forth these basic principles (somewhat modified):

- 1) Respect the privacy of all individuals.
- 2) A young person has the right to reject displays of affection if he or she feels uncomfortable about them. Do not impose your self on others. Respect each person's wishes.
- 3) Protect your own privacy. In some instances of camp or youth group living, youth supervisors will be rooming with the young people; therefore, caution must be taken when discussing sensitive subjects with the guys or girls in your living quarters. You should not go into details of your private life, or pressure persons to reveal private aspects of their life.

Rule 6: Clearly Identify Leaders

It is good policy, especially in a large church with frequent visitors, to have all paid and volunteer leaders clearly identified by visible badges or tags with their name and a designation as staff or volunteer. This will not only provide some defense to persons misrepresenting themselves, but more commonly also help others seek assistance or directions.

Rule 7: Guidelines for Releasing Preschoolers and Children from Church Supervision

Policies regarding the release of preschoolers and children from direct supervision by the church ministry leader arise in two contexts of concern. First, a concern that young unsupervised preschoolers and children may wander about the facility or even outside of it, without the parent's knowledge – and become confused, lost or injured. A church quite naturally does not wish to relinquish responsibility for the preschooler or child until the parent or other proper person has “taken over.”

A second concern arises from potential serious problems when preschoolers and children are not released to the proper person. Some few, but tragic, situations have involved churches where a leader has allowed someone to pick up the preschooler or child from the class or activity who was not authorized. In some cases the preschooler or child was in fact being “kidnapped.” Sometimes this has occurred in the context of disputes between parents and issues of child custody. Other times the issue is less legally complex, but a leader may still wonder whether a preschooler or child should be released to an uncle, grandparent or an older sibling.

For these reasons, churches have had to develop specific policies. These policies are intended to assure basically that a properly authorized person has now taken responsibility for the preschooler or child. To accomplish this, churches increasingly use signed authorization forms, name tags, matching tags, and similar devices to assure they act properly.

Protecting Our Church and Children, which is an addendum to this guide, sets forth a four-step effective approach utilizing commonly recommended elements.

Here, with some modifications, is another example of a large church's policy:

This class release policy for children from church programs is intended to help to reduce the opportunities for both abuse and abduction, as well as assure parents that their children are being properly cared for and their whereabouts secured.

1. Preschool:

- a. *Each parent or guardian will sign children in and out of the preschool area and note where he/she (parent/guardian) will be in case of an emergency.*
- b. *No child will be released from the preschool area except into the care of the person who signed him/her in, unless noted at the time the child is signed in that another*

(named) person will be picking the child up, or a general authorization has been signed noting to whom the child may be released at any time.

2. Children:

- a. *Sunday: Each parent or guardian will sign children third grade and younger in and out of class and note where he/she (parent/guardian) will be in case of emergency. No child will be released except into the care of the person who signed him/her in, unless noted at the time the child is signed in that another (named) person will be picking the child up, or a general authorization has been signed noting to whom the child may be released at any time.*
- b. *Weekday Programs: Children will only be released into the care of their parent or guardian. If no one comes to claim a child, the teacher or counselor will take the child to a designated area in the church where he/she will stay with the child until the child is picked up.*

Churches may also require parents to supply names of those adults who have parental permission to pick up children in case of emergencies.

Policies in some specific settings

In addition to general policies, it is often incumbent to develop specific written guidelines in some special contexts. In the notes that follow, we note just a few of these areas, and some policies that churches have developed. They are not meant to be legally required, nor the most effective approach, but representative of an approach which is helpful to a church adopting its own policies.

a. Preschool Bathroom Procedures: (A policy merging the policies of a couple of churches)

- 1) Parents will be encouraged to take children to the bathroom before leaving the children in a class or activity.
- 2) Children are taken only upon their request or if the child shows obvious signs of needing to go. A child can be encouraged to have another child accompany him/her along with the adult.
- 3) Volunteers and staff should never be alone with a child in an unsupervised bathroom. When taking children to the bathroom, keep the main door open while the child is in the room. Remain outside the bathroom where you can hear the child. If the child needs assistance with his/her clothes, have the child come out of the bathroom to help him/her.
- 4) A youth volunteer (under the age of 18 yrs.) should never take a child to the bathroom.
- 5) If the child requests a teacher's help in the bathroom, try to teach the child how to help himself/herself as much as possible. [Use the hand-over hand method. This technique enables you to place your hands over the child's hands in

helping with fastening clothes, wiping skin, and the like.] Spend as little time in the bathroom as possible. Use proper language but language the child can understand.

- 6) Never enter a stall and then shut the door when assisting a child.
- 7) The staff should rotate this responsibility so the same person is not taking the children all of the time.
- 8) Do not invade a child's privacy while washing or toileting or touch inappropriately or intrusively.

b. Infant Care (Often referred to as “Nursery”)

As we have noted, no church ministry creates more potential risks, than the church's care for very young children such as infants and toddlers. We have already noted the importance of concerns for safety generally, and for policies regarding the release of any child to others.

The recommendations in a previous section for staff screening, training and supervision, comprehensive operating policies, facilities designed for child protection are very crucial in regard to infant care precisely because the infants are the least able to resist any inappropriate conduct, look out for themselves, or communicate directly their needs and hurts. The two-adult rule, careful selection of appropriate adult leadership, and controlled access to the infants will be of the highest priority.

c. Discipline Policy

It is very important that the church adopt, communicate to the whole church, and observe policies regarding discipline to be observed by all paid and volunteer leaders who work with minors. General awareness of the policy will make it more likely that violations will come to the church's attention.

Such a policy should address issues of permissible and impermissible discipline, reprimands, quiet time, and notification of parents and supervisors. The policy might begin with an affirmation of respect for minors and their safety and then address specific aspects of discipline. Most churches would adopt some policies and principles such as the following:

Child Discipline Policy

The church is committed to a nurturing, safe and respectful environment for children entrusted to its care. The staff and all those who minister to our children are committed to such care and to abide by the following child discipline policy:

1. *The church recognizes that appropriate discipline is not only essential in our ministry to children, but an aspect of loving care of children as they mature and learn to respect themselves and others.*
2. *No physical punishment or verbal abuse, such as ridicule or threats, is to be used at any time*

3. *Adult expectations of the behavior of children and youth and appropriate discipline must reflect their age and level of comprehension.*
4. *Children are to be reminded of the kind of behavior that is acceptable for the setting.*
5. *Appropriate forms of disciplining a child/youth are: Distracting the child/youth with another activity, helping the child/youth focus on another more acceptable behavior, and separating the child/youth from others if another volunteer/staff is available to assist.*
6. *Parents will be informed and involved whenever a child/youth misbehaves beyond minor correction or a pattern of misbehavior increases. If separating the child within the classroom or removal of the child from the room becomes necessary, the situation must be discussed with the child's parents or guardian as soon as possible.*
7. *Concerns about a child's behavior or the appropriate response to a child's behavior should be reported to the program leadership.*
8. *Appropriate forms of discipline are to be reviewed with the volunteers/staff as part of staff/volunteer regular training.*

d. Private Music Lessons, Tutoring

One-on-one instruction should not be given on church premises without another adult present, consistent with the two-adult policy.

e. Gifts

Paid and volunteer leaders are not to give gifts to individual preschoolers, children or teens without the prior knowledge of the parent(s) and supervisor. Gift giving should be done on a group basis or for special occasions only. Gifts should be modest and appropriate to the occasion.

f. Off-Site Trips and Overnight Activities

Any events involving children or youth off-site for special activities/trips should require thorough planning and special procedures. These are even more crucial for any overnight activities. Here are some basic policies often adopted by churches:

Overnight/Trip Policy

- 1) *All off-site church sponsored/participant activities must be approved by the appropriate committee such as the Preschool-Children and/or Youth Ministry Committee/Team, and the pastoral staff be informed.*
- 2) *A written plan must be submitted as part of the approval process noting the leadership involved, purpose, dates, proposed activities, adults participating, children/youth participating, means of transportation,*

any other organization or leadership involved, and contact names and numbers at the off-site location.

- 3) *The leadership must be pre-screened staff/volunteers, and these leaders must be present at all times with the children/youth. The leaders must assure the student/leaders ratio is appropriate for the activity.*
- 4) *A minimum of two approved adult leaders is required for any trip or out-of-class activity. At least two adults must stay until the last child is picked up.*
- 5) *Parents will be notified at least one week prior to an outing. Proper written consent forms are required for each child participating in off-campus group activities. Medical release forms are needed.*
- 6) *The transportation shall conform to the church's transportation policy. When an activity is a local one, it is best if parents arrange their own transportation to and from the activity site.*
- 7) *All overnight events must be accompanied by at least two supervising adults who have been approved through the church's screening process.*
- 8) *There will not be overnight events for children younger than third grade unless it is specifically a parent/child outing.*

g. Proper Display of Affection

Touch is an essential responsibility in nurturing lives. Physical contact with minors should be age and developmentally appropriate. Be aware of and sensitive to differences in sexual development, cultural differences, family backgrounds, individual personalities, and special needs. The following guidelines may be helpful.

- **Hugs:** One-arm side hugs or hand-to-arm hugs are positive contacts. Avoid initiating full contact, body-to-body hugs or kisses.
- **Lap Sitting:** Appropriate sitting on laps may occur with children, five years old and younger. Discourage lap sitting with school-age children. Rather, encourage them to sit next to you.
- **Casual Touch:** Gentle contacts during activities may be on children's heads, shoulders, arms, and hands.

Youth/Student protection and ministry policies

Youth/Student ministry includes persons in grades 7-12 and/or ages 12-18. In many respects, youth/student protection policies are simply an application of the general safety and protection policies of the church, and those applied for young children. However, given the nature of youth and special aspects of youth/student ministry, churches have often developed some special policies and guidelines for youth/student ministry. Here are some policies reflecting these special concerns.



a. Qualified Adult Leadership

Adult leadership is essential to safe and effective youth/student ministry. "Qualified adult" is defined as a person who is at least twenty-one years of age who has been approved to work with minors by the pastor or his designee in accord with the church screening, training and supervision policies. The principal worker must be five years older than the oldest student in the group.

b. Minimum supervisory requirements:

- 1) Ages 12-14: One qualified adult for every eight minors.
- 2) Ages 15-18: One qualified adult for every ten minors.
- 3) Two-Adult Rule for Leadership: At least two unrelated, qualified, adults must be present on all trips and outings. If both male and female youth are present, both male and female adult leadership is required

c. Youth/Student Leaders Properly Trained and Supervised

Designated adult leadership must monitor and guide the leadership techniques used by youth/student peer-leaders and insure that church policies are followed.

d. Proper Preparation for Activities

Activities must never be undertaken without proper preparation, equipment, clothing, supervision, safety measures and fully informing church leadership and parents.

e. Sensitivity to Relationships

Special care must be exercised regarding any physical contact between adults and minors. Adults, whether staff or volunteers, must avoid even the appearance of romantic relationships with teenagers. At no time shall anyone working with youth/students pursue a dating relationship with a student. Staff should always be sensitive to students' "crushes."

f. Care Exercised in Personal Conferences

In situations requiring personal conferences with youth/students, the meeting is to be conducted in view of other adults and youth/students.

- 1) Youth/student ministers are generally not qualified to counsel youth/students. On-going counseling relationships — more than two meetings — are discouraged. In the event of any such ongoing counseling relationship, parents must give specific written permission, the pastor must approve, and in all cases the policy requires that any such one-on-one counseling must be where other adults are within the line of sight.
- 2) Opposite Sex Outside Appointments/Lunches: One-on-one lunch or outside appointments with students of the opposite sex are discouraged. If necessary, meetings with members of the opposite sex should only be made if separate transportation is used. Meetings should only be in public places. Late night meetings with students are discouraged. When possible, meet with at least two students for off-site appointments.
- 3) Staff/volunteers should not invite a youth/student to his/her home alone. Instead, invite a group, making sure the “two-adult rule” is observed and parents are notified of the activity.

g. Respect for Privacy

Adults must respect the privacy of youth/students in situations such as changing clothes or bathing. Adults are to respect their own privacy in the same way.

h. Separate Accommodations

When staying in hotel-style rooms or camping, no youth/student is permitted to sleep in the same tent or room as an adult other than his or her own parent or guardian. Adults and youth/students sharing a large sleeping space (for example, a barracks-style retreat room) is acceptable as long as at least two qualified adults are present.

i. Constructive Discipline

Discipline used during youth/student programs and activities must be constructive and always reflect Christian values and the discipline policies of the church.

j. Transportation Policy

- 1) The church’s general transportation policy regarding appropriate drivers, vehicles and procedures must be observed. Minors may not be transported in truck beds, even if equipped with a “topper,” camper or other enclosure.
- 2) Parental permission must be given in writing for a minor to drive to an event away from church property. In any case, minors may not drive with passengers other than siblings in the vehicle.
- 3) When a staff member or volunteer is driving a minor home, they should not be alone with the minor. However, if there are times when a driver has only one youth/student to take home, the driver is to call the parents and give the estimated time of departure and arrival at destination. A staff member

or volunteer must never take a student of the opposite sex anywhere alone.

k. Incident Reports

Adult leadership shall immediately report any serious incidents involving youth/students or youth/student ministry such as accidents, fights, serious misconduct by youth/students or adults, persistent discipline problems, and parental complaints. A written report should be promptly completed noting the incident, witnesses, and other relevant information. The report should be submitted to the pastor or other designated church leadership. Parents should be informed of any serious incidents involving their youth/student.

l. Reporting Child Abuse

Adults, both paid and volunteer, are required to report incidents of suspected abuse to the appropriate civil and church authorities as set forth by church policy and law.

m. Specific Behavioral Standards

1) Any conduct which would constitute sexual harassment

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

- Written contact, such as sexually suggestive or obscene letters, notes, or invitations;
- Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, 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, displaying sexually suggestive objects or pictures, cartoons, posters, or magazines.

2) Abusive activities prohibited

Physical hazing is prohibited and may not be included as a part of any church activity. Abusive peer activities, e.g. initiation ceremonies, ridiculing, bullying, tickling are not permitted.

3) Alcoholic beverages/drugs

The use of alcoholic beverages and/or illegal drugs is prohibited while participating in (or traveling to) any youth/student event. No adult shall participate in a youth/student event while under the influence of alcohol or illegal drugs. Alcoholic beverages are not to be present at youth/student events or activities. When incidents occur, follow the incident-report procedure as stated previously.

4) Physical contacts

- a) Backrubs: Anyone working with youth/students is to refrain from giving or receiving backrubs.
- b) Do not play rough physical or sexually provocative games or permit tickling.
- c) Appropriate displays of affection are often part of conveying support and encouragement to one another. Displays of affection between youth/student leaders and youth/student group members should be limited to such actions as a brief hug, an arm around the shoulder and open-handed pat on the back, a handclasp or handshake or a light touch to the forearm. These displays of affection should be restricted to public areas. A youth/student group leader's or member's right to refuse such a display will be respected.

5) Potentially sexual situations for staff to avoid

- a) Don't be sexually suggestive about or to a youth/student even in fun.
- b) Don't allow youth/students to involve you in excessive attention seeking that is overtly physical or sexual in nature.

6) Staff responses to inappropriate suggestive advances

One church noted that "Children or youth/students can sometimes make suggestive approaches to an adult. They may have a crush or they may act inappropriately following previous abusive experiences." The church policy then noted that it is crucial that the church adult/ worker takes steps promptly, including the following:

- Advising the youth/student that "their language or behavior is unacceptable."
- Reporting the incident to the pastor or worker's supervisor the incident.
- Recording the incident and what was done and said, in order to deal with any later accusations or misunderstandings. Such a recording should be in a letter summarizing the facts and provided to the pastor or appropriate committee leadership.
- The worker with church leadership should then decide what measures if any will be taken to help the youth/student and prevent a reoccurrence.

Designing facilities to further protect children

In addition to general safety factors about facilities, which have already been noted, there are certain steps that may be taken specifically to minimize risks of abuse of children and false accusations. It is common now to remodel or build facilities with a number of these features. Typically they include the following:

1. All classrooms have windows in either doors or large windows in the walls where the whole room is visible to others. If the doors do not have windows, the doors are to be kept open.
2. Video cameras, with tape recording, may be placed in sensitive areas such as infant-care areas.

**CHILD ABUSE RESPONSE
PROCEDURES: HAVING CLEAR
COMMITMENTS AND
PROCEDURES TO ACT PROMPTLY
ON SUSPICIONS, ALLEGATIONS
AND INCIDENTS OF ABUSE**

We now turn to a policy area not just about prevention, but about response to abuse allegations/incidents. Many of the recent news stories about church-based sexual abuse, especially where it has involved clergy, have focused on the failure of church leaders to take complaints and suspicions seriously. In some cases, abuse was effectively ignored, and priests were actually reassigned to positions that again put them into contact with minors. Apparently many church leaders wished to "sweep it under the rug" in the interests of the reputation of the church or to save embarrassment. It is clear such a response is unacceptable from any perspective.

Effective policies in this area need to be quite specific and address aspects of investigating allegations and reports, reporting obligations to public officials, and taking effective corrective and disciplinary actions within the church. The obligations to report suspected abuse apply not only to incidents in connection with the church, its leaders and ministries, but to any other situations where there is suspected abuse, such as a child who is involved with the church's ministries where there is suspicion that there is physical or other sexual abuse.

How detailed should the procedural policies be?

Given the fact that most churches will have few if any serious abuse allegations arise from their church's ministry, (though they may have instances of concerns about appropriate behavior in church ministries), many churches will choose to have only general policies about the church's responses to allegations involving abuse. Larger churches with many children and youth activities, and scores of persons working in many different contexts with children, may develop more specific and detailed procedures.

Whether spelled out in detail, or left to a smaller task team to work out, the elements that should be covered are the following:

1. **Commitment to Prompt Response:** A church commitment to prompt and effective responses to allegations and complaints.
2. **Complaint Procedure:** A clear identification of to whom reports can be made – with alternatives for reporters.
3. **Reporting Requirements:** A clear requirement and expectation that members, staff and volunteers report inappropriate conduct, whether it rises to the level of abuse or not.
4. **Follow-Up Action Steps:** A clear procedure for acting on complaints through protection measures, investigations and disciplinary action where proper.

Policies in this area are very crucial precisely because action will be required immediately. There will be no time to convene committees to study “what shall we do?” Clear procedures and responsibilities need to be established so that the “plan” may be promptly implemented.

1. Commitment to Prompt Response

This should simply be a statement that assures members and families that the church commits itself to prompt and effective responses. Given the history of churches that have ignored complaints, minimized allegations, and kept secret actual incidents of abuse, this commitment must be unequivocal. Of course it will be tested in practice.

A Canadian church group noted four different ways churches have responded, three of which it concluded were both ineffective and illegal. (<http://www.fmc-canada.org/scodsexualabusepolicy.htm>) Another inadequate approach has been added. The five patterns/options as amended and reframed are:

a. Ostrich Approach

In this approach, the church typically ignores or discounts allegations and complaints by either not believing them, or minimizing them – “He didn’t mean anything bad.” “Are you sure?” “You’re OK, aren’t you?”

This approach almost certainly furthers the abuse, and cooperates with the abuse’s desire to keep this all a “secret” – and confirms the threats often made by abusers that no one will believe the child. This approach discourages the victim who will be more reluctant to report.

The church’s failure to act on behalf of victims sends a message to perpetrators that they can victimize without being held accountable. Not only will the abuse of the victim who disclosed continue, but the circle of victims will increase. The church will be open to serious liabilities for the abuse and the failure to comply with reporting laws.

b. The “Spiritualize” Approach

In this approach a church acknowledges the complaint and disclosure of abuse, and correctly recognizes the spiritual aspects including biblical principles of sin, confession, repentance and reconciliation. However, in practice this often minimizes the scope and consequences of the act, the need for professional and specialized intervention with the abuser and the profound emotional scars often imposed on the victim.

The church may too easily and quickly seek repentance and forgiveness—thus quickly resolving the matter. As one church document noted, “Unfortunately, this option has similar effects as the first option. Often the focus is on the victim, re-enforcing an already heightened guilt and responsibility. The specialized treatment and support required is discredited, leaving the victim both vulnerable to further victimization, and confused with the continuing emotional pain in the face of supposed spiritual healing. For the perpetrator, acknowledgment of his behavior, coupled with quick repentance may be easily offered if he senses that he will not be held legally accountable or be required to seek professional and specialized help. Without facing his behavior within the context of emotional and cognitive issues, the repentance will be short-lived. He will not be able to simply “go and sin no more.” His behavior will continue, bolstered by the knowledge that he faces limited accountability. This approach also violates the legal duties of reporting and continues to leave the church open to serious legal liabilities, compounded if the abuse should continue.

c. “Internal Do-It-Yourself” Approach

In this approach the church does take the complaints seriously, and recognizes the dangers of a simplistic quick forgiveness-reconciliation approach. The church taking this approach will accept the victim’s disclosure, investigate the allegation, and if founded, proceed to hold the offender accountable. This approach aims to manage the abuse within the congregation by offering counseling that attempts to address the emotional, social, cognitive and behavioral issues presented by the victim and by the perpetrator.

The church using this approach has obviously taken its task seriously, and recognized a key role for the church and its unique spiritual, biblical and communal resources. A church using this approach may do many very constructive things in its policies, education and ministry.

Its shortfall is two-fold. First, it ignores its legal reporting duty and chooses willfully to ignore the law which is designed to implement the state’s criminal code, as well as assure public services are available for the victim. Second, this approach may reflect a failure to recognize the multiple and complex issues faced by both victim and perpetrator that require professional assessment and skilled therapy over an extended period of time. Few congregations have staff with this level of expertise or with the time required to offer treatment services to either the victim or the abuser.

d. “Pilate’s – It’s Your Problem” Approach

In this approach the church, recognizing the seriousness of the allegations and its legal duties – and perhaps its feeling of helplessness – happily reports the abuse and “gets out of the way.” The church treats it as exclusively a “crime” and social services problem. The church may even be quite happy not to have to deal with the “messy” and painful situation. The church can pride itself of “doing its duty.”

This approach, however, ignores the very character and nature of the church and its responsibility to both victims and abusers. It totally hands over to the state a matter which implicates its core doctrines of sin, judgment, confession, forgiveness, healing – and robs the church as well as the victim and abusers of those unique resources of the church – a loving, caring community which knows of sin and restoration.

e. The Full-Resources Approach

In this approach, the church recognizes the multifaceted nature of sexual abuse and facilitates a multi-service approach. This response begins with reporting the disclosure of abuse to the authorities – but does not stop there. The church both co-operates with authorities during the investigation that follows and may join with treatment professionals or supplement them to offer both victim and abuser the varied help and support each needs.

This does not abandon the victim or abuser, or “hand them over” to others – but recognizes the church’s as well as the state’s responsibilities.

2. The Complaint Procedure

The church must have a complaint procedure to ensure that minors, their parents, and others have an avenue to air their concerns, allegations and observations. This procedure should ensure that everyone will be heard and that some action, when appropriate, will be taken on their behalf. It is crucial that the procedures for sharing these concerns or allegations be well publicized—and some may choose to post them. The procedures should be distributed to staff, volunteers, minors and parents.

The complaint procedures will typically note:

1. The church’s encouragement of reporting concerns, incidents or allegations.
2. Limited commitment to confidentiality. (Confidentiality principles should assure that reports/allegations/concerns are not shared with persons who have no duties or responsibilities in the matter, but confidentiality principles cannot and should not limit disclosure required by law or otherwise essential for the safety of persons or other responsibilities in dealing with the incidents.)
3. How and where to report and to whom. (Alternatives should be offered.)
4. The church’s commitment to take all reports seriously, to make appropriate inquiries and to take necessary action.

3. Reporting Requirements

The response policies should note an unequivocal commitment to abide by state legal reporting requirements as one aspect of a comprehensive response. This obligation is imposed on all the staff and volunteers; the church will assure that the requirements have been met. The church will not only report but also cooperate with authorities in any criminal inquiry.

4. Follow-Up Action Steps

Here, the church needs to set forth, largely for its own Abuse Response Team, the steps to be followed on receiving allegations or complaints. These steps will typically cover such matters as the following:

- a. A recognition of the legal obligation to report suspicions of child abuse.
- b. Assigned responsibility in the church to address suspicions, complaints and allegations by careful investigation.
- c. Provision for interim steps that may be appropriate such as temporary suspension of leaders who are accused.
- d. Identification of the alternative responses by the church to allegations – e.g. finding no merit to the allegations, finding unwise or inappropriate behavior but not rising to the level of intentional misconduct or abuse, serious misconduct but not abuse, serious misconduct which may be criminal abuse.
- e. Sanctions and other actions based on findings.
- f. Responses and ministries to any person who has been aggrieved by improper conduct up to and including abuse.
- g. Special procedures will need to be adopted in connection with allegations regarding clergy.

A GENERIC ABUSE-AND- INCIDENT-RESPONSE POLICY

Below is a non-detailed approach in writing an abuse-and-incident-response policy. Policies could include much more highly detailed provisions on investigation approaches, time limits, etc. A generic abuse-and-incident-response policy might read as follows:

Basic Policy and Commitment

This church is committed to a safe and healthy environment for preschoolers, children and teens. The church has established many policies and procedures to minimize such risks in its own ministries. A further aspect of our policy is to assure that the church and its leadership take immediate and effective action when suspicions, allegations or incidents of improper conduct with minors within our church’s ministry occur. This is essential to protect both any alleged victim and an accused. To implement this commitment, the following policies and procedures shall be observed.

1. Communicating Concerns

Church members are encouraged, and staff and volunteers required, to discuss with the pastor, other staff or church leadership including the Preschool-Children and/or Youth Ministry Committee/Team any violations of the church protection policy. They should bring to their attention any suspicious behavior such as inappropriate conduct or relationships between a paid or volunteer leader and a minor. Such conduct need not rise to the level of “child abuse” to be of legitimate concern. To the extent legally permissible, the identity of persons communicating these concerns shall be kept in confidence. Such prompt discussion permits the church to monitor promptly and effectively any situation, clarify possible misunderstandings or interpretations, and take such corrective and disciplinary action as may be appropriate. Reports may be direct complaints from parents, children, other persons within the church or persons outside the church. All reports will be promptly investigated. It is our intention to be alert to any abusive situation and to take prudent steps to respond to each report.

2. Reporting Abuse

Paid or volunteer leaders, including clergy, must report any suspicions or incidents of abuse occurring within the ministry of the



church, whether those suspicions or incidents are directly observed or reported to them by other staff, other witnesses or minors themselves. Reports of such should be communicated promptly, and shall be made to the church through lay leadership, senior church staff, or church officers, as well as to official authorities as required under the Child Abuse Reporting Act. Any

lay leader or officer receiving such reports shall communicate them promptly to the Senior Pastor, or the Chair of the Deacons or a member of the Preschool-Children and/or Youth Ministry Committee/Team or any Abuse Response Team.

3. Persons Responsible to Pursue Allegations

The Abuse Response Team shall assure that the church's policies and procedures in handling allegations and incidents are promptly and fully observed, and that the resources the Abuse Response Team has identified are properly mobilized.

Allegations of Child Abuse

Upon receiving a report or allegation clearly raising a reasonable possibility of abuse, the Abuse Response Team shall immediately

take charge of the process, observing the policies and procedures established by the church and as may be supplemented by team policies.

Allegations of Serious Misconduct, but Not Abuse

Upon receiving reports or allegations of serious misconduct or serious or repeated breaches of protection policies, the pastor or in his absence the chair of the Preschool, Child and Youth Protection and Ministry Team shall conduct an inquiry or appoint a team of three persons to follow up consistent with church policies, including recommendations for interim and final action. If the matter clearly does not involve an allegation of or possible incident of child abuse, the Child Abuse Response Team shall not be responsible for processing the concern. (Note: it may be important NOT to have the Abuse Response Team address these allegations because it may well be then assumed by outsiders that if the Abuse Response Team involved it “must be abuse” – thus potentially seriously damaging the reputation of a person.)

Allegations of Inappropriate, Non-Abuse Conduct and/or Breaches of Policy

Upon receiving reports of conduct or policy breaches which clearly do not rise to the level of allegations or suspicions of abuse or other serious misconduct, the pastor or other party supervising the response shall, with at least one other person, conduct an inquiry, report to the Preschool, Child and Youth Protection and Ministry Team in writing their findings and recommendations, and, as appropriate, meet with all parties concerned to clarify the findings and any actions recommended.

4. Interim Measures

The Abuse Response Team or other group designated in charge of any inquiry may take immediate steps to assure the protection of all persons pending clarification and conclusions, and may temporarily suspend with pay any staff members or volunteers until the inquiry and findings are completed. The temporary suspension shall be effective for not more than thirty (30) days unless the Personnel Committee agrees on a longer period.

5. Processing Allegations and Incidents

The Abuse Response Team or other group designated in charge of any inquiry shall assure that the following steps have been or are promptly taken.

- That immediate steps to protect and assure assistance to any preschooler, child or teen are taken.
- That the reporting statutes are complied with, if applicable, and that the church is cooperating with civil authorities in providing accurate and complete information.
- That the parent of any minor who has allegedly been the victim of abuse or object of inappropriate behavior has been notified of the allegations and the actions being taken.

- d. That the matter is promptly investigated by interviews with all relevant persons.
- e. That, as necessary, staff or volunteers have been temporarily placed on leave or reassigned pending resolution of the matter.
- f. That where possible and appropriate, the church will minister directly to any victim and his/her family, without impeding any criminal or other state investigation.
- g. That as much as possible, the inquiry, investigation and conversations will be kept confidential.
- h. That after due inquiry, those responsible shall determine as best as possible the facts, and propose any church action of discipline and ministry as they find appropriate.
- i. That, when appropriate and necessary, the church leadership will be advised of any findings and resolution, and when proper or required, the church membership will also be advised of actions taken or recommended and the needed response of the church.
- j. The church insurer shall be promptly notified of allegations of serious misconduct toward children and youth.
- k. The church shall secure legal counsel.
- l. The Abuse Response Team collectively and its members individually, as well as others who may be involved in any investigation or abuse response, shall document in detail their inquiries, reports received, reports of witnesses or parties, and findings. These shall be kept by the chair in a confidential file.
- m. The Abuse Response Team shall carefully assess any response to media or other inquiries from those not directly involved. The church shall normally simply issue this statement:

"All matters involving reports or allegations of abuse or any misconduct toward or involving preschoolers, children or teens are taken very seriously, and in accord with specific written policies of this church, are investigated thoroughly and promptly by a special team, and in full compliance with all civil and criminal laws. Appropriate action is promptly taken to ensure the protection of minors and others, including any accused, during the inquiry. The inquiry within the church is properly confidential, protecting both alleged victims and any accused, but guided by biblical principles and commitments to justice and truth. Where wrongs or sins have been committed the church focuses on the continued protection of minors, accountability, confession, repentance and ministries of healing and restoration to all involved."

6. Barring Involvement with Minors

On any finding that a staff member or volunteer has engaged in willful and serious misconduct with a minor, whether or not rising to the level of abuse, that person shall not be approved, authorized or permitted to have further involvement in the preschool, children and teen ministries of the church, and that the person shall be so advised. Such additional restrictions on the person's involvement in certain activities or presence as may be necessary to implement

this policy and protect the preschoolers, children and teens may also be imposed. These restrictions shall be recommended by the Abuse Response Team or other body charged with the investigation to the Personnel Committee and other appropriate committees such as those for children or youth ministry. After review by such committees, they may be approved by the church in conference, or if the bylaws so permit, by some other body delegated such powers.

7. Allegations Against a Pastor

In the event allegations of abuse or other serious misconduct involving a minor are lodged against the pastor, the Abuse Response Team shall fulfill the duties of assuring the steps set forth in this policy are observed. On any initial and immediate finding that the allegations are serious and credible, even if as yet unconfirmed, the Abuse Response Team may recommend to the church the immediate suspension of the pastor from his duties pending further investigation and recommendations. The church may, by majority vote, accept the recommendation of the Team. Those responsible for investigating and responding to such allegations may consult advisers such as other pastors, leadership at the Baptist State Convention, legal counsel and other counselors. In the event the Abuse Response Team finds serious pastoral misconduct, the Abuse Response Team shall report their finding to the church along with any recommendations regarding dismissal, counseling, restrictions on ministry and related matters.

SOME PROCEDURAL SUGGESTIONS

As an Abuse Response Team pursues its investigation and seeks to minister to all involved, they will have to meet with the minor victims and alleged perpetrators. Having some sense of their purpose and approach will be essential. That kind of detail is something such a team should discuss and prepare for as part of its own training. The details are generally beyond our scope, but here is an edited version of what one church, Maple Ridge Christian Reform Church, put in their policies about such meetings.

Meeting with the Alleged Child Victim

1. To bring safety and promote healing.
2. To offer pastoral care as well as to outline and inform the child victim and /or the victim's parents of the church policy and procedures in handling such cases.
3. To encourage initiation of therapeutic intervention
Therapeutic intervention should be conducted by a person specifically trained and with expertise in abuse (with victims and perpetrators).
4. Pastoral care of the victim and/or the victim's parents must follow through in consecutive weeks/months/maybe even years.

Meetings with Alleged Perpetrator

The Abuse Response Team will in most instances need to meet with the alleged perpetrator. This should involve more than one person, and the team should consider the option of having one of the team be a Christian therapist trained in the confrontation and treatment of abuse cases. Proper records must be kept by all persons involved in the interviews. The purpose of the initial meeting as one church procedure described it is as follows:

1. *To make the alleged perpetrator aware of the abuse allegation.*
2. *To make the alleged perpetrator aware that the church takes responsibility for supervising a member of the church who is in need of admonition and discipline. (If the allegation turns out to be true, it is understood that the perpetrator has a spiritual problem that has to be addressed through spiritual means. If the allegation turns out to be false, the church will support the alleged perpetrator for purposes of minimizing any damage done to his or her reputation.)*
3. *To offer pastoral care (support / resources if necessary) as well as to outline and inform the perpetrator of church policy. At this meeting it should be confirmed that there has been an offer to visit or that a visit with the alleged victim has occurred. What, if any, other procedures in handling the case will also be discussed and plans made to follow up on the decisions.*
4. *On verification of allegation, to insist upon the initiation of therapeutic intervention by a person trained in the confrontation and treatment of abuse cases.*

For churches seeking more detail procedures, several resources may be helpful, including the following:

Covenant Publication “*Responding to Sexual Misconduct in the Context of the Church*.”

Maple Ridge Christian Reformed Church, Maple Ridge, British Columbia, has a very extensive and detailed procedural set of policies, titled *Abuse Prevention Policy*, which may be obtained on the internet at www.mapleridgecrc.com/AbusePolicy.btm

The Good Shepherd Program, William T. Stout and James K. Baker. Nexus Solutions, Fort Collins, Colorado. 1-888-639-8788, www.nexus-solutions.com

MINISTERING TO THOSE WHO HAVE SUFFERED ABUSE AND TO ABUSERS, WHILE ASSURING THE PROTECTION OF CHILDREN

1. Ministry to the formerly abused

In addition to immediate care for those who have just suffered abuse, there is a larger ministry to the abused who often years later still are traumatized by their childhood experiences — and whose relationships and self-image remain wounded by these experiences. Given the prevalence of child abuse in our society, churches and their staff should develop sensitivity and understanding of the dynamics and effects, and be prepared to minister to those who have suffered such abuse. Since it is clear that the effects often traumatize persons for years, the church’s ministries are not just to those who have immediately suffered abuse, but those who may have lived with its memories for many years — and perhaps have never adequately dealt with it spiritually or emotionally,

As one church document noted: “Each congregation should consider the fact that they almost certainly have survivors within their community and should think about ways of responding in a sympathetic and practical way. This means creating a loving environment within which healing can happen and may require providing access to factual information and sources of professional help.”

The pastoral care of the direct and indirect survivors of sexual misconduct — including victims, spouses, families and the congregation involved — should be a concern of the church reflected in its teaching, discipleship, counseling and family ministries.

While some ministry to victims of abuse in childhood may be in one-on-one counseling contexts, many victims are unlikely to initially share these painful memories. Thus, the church’s ministry to them may be indirect through teaching, small groups and pastoral ministry where biblical principles of healing, forgiving, and restoration may bear fruit. Churches may also need to be ready to recognize those who may need more intensive therapeutic intervention and be able to refer persons to effective counselors.

The fact that child abuse and sexual abuse is now more openly discussed may create a freer atmosphere for some to seek help.

2. Ministry to abusers

Everyone recognizes that, as one church policy noted, “the church is a place for sinners, for the vulnerable and for those in need [and] abusers are people in desperate need of help.” Yet responding appropriately to abusers is emotionally difficult, and certainly involves recognition of a priority commitment to the protection of past and potential victims. Appropriate ministry to, and church relationships

with, abusers is further compounded by research and experience, which suggests that pedophilia/sexual offending can be a kind of addiction that is very hard to control and may be impossible to cure. This too must be part of the factors that must be considered when dealing with an ex-offender in the church and community.

As difficult as it may be to persuade a church community that it needs to seek to be a restorative community for abuse ex-offenders, the biblical call cannot be ignored. That, however, does not mean the church must ignore the risks or dare avoid acting responsibly both to the ex-offender and the rest of the community.

Here are some policies that seek to combine the commitments to redemptive ministry and the protection of minors:

Church Policy and Ex-Offenders

1. *Ex-offenders, subject to the conditions set forth herein, are encouraged to find in the church a place of worship and spiritual life — joining with the whole community of faith in confession, repentance and restoration.*
2. *Ex-offenders are invited to seek forgiveness and healing, and we are confident that the grace of God is sufficient to forgive. As forgiven sinners, ex-offenders are encouraged to find fellowship, spiritual nurture and encouragement from the Body of Christ. Ex-offenders who are members of the congregation are to receive the normal pastoral care afforded a child of God.*
3. *Ex-offenders are expected to recognize the nature of their compulsions and spiritual disease and with God's help commit themselves to steps which will help them deal effectively with their behavior including professional counseling.*
4. *Ex-offenders must recognize that for their own self-discipline and the church's protection of others, specific steps of supervision and discipline which provide protection for potential victims may be established by the church.*
5. *The pastor, in consultation with other church leadership including the chair of the Preschool-Children and Youth Ministry Committee/Team and Protection Task Force/Subcommittee, and the Abuse Response Team Chair shall develop specific guidelines and restrictions applicable to the ex-offender's participation in the church, put them in writing, and communicate them to the ex-offender who will be asked to sign them acknowledging their receipt and a commitment to abide by them.*
6. *Ex-offenders must recognize and accept that, given their conduct, it is necessary that they have no further involvement with preschoolers, children or teen ministries, or have unsupervised contacts or involvement with minors in any context. Ex-offenders will not be authorized to participate as volunteers in these programs. Other restrictions may be imposed in terms of access to facilities and/or activities to further reduce risks.*
7. *The ex-offender will be advised that while the church recognizes that it may create difficulties if others in the church are aware of his/her background, the church cannot keep the information totally confidential. Key leadership involved in preschool, children and teen ministries will be informed. It is also recognized that given the context, the word will likely spread to the whole church.*
8. *The pastoral leadership shall share with church leaders, and those involved directly in children's and youth ministries, the fact of the presence of the ex-offender in the church, emphasize that the person has been welcomed to the church. They shall be advised of the restrictions that have been established and urged to inform the pastor or Abuse Response Team chair promptly if these restrictions are violated or other inappropriate conduct involving the person is observed or reported. The church leadership shall also assess to what extent and under what circumstances the larger church should be informed of the facts — given due consideration for all the concerns both for the ex-offender and the church body.*

SECURING INSURANCE COVERAGE

A church should discuss with its insurer the scope of its coverage related to abuse charges against the clergy, paid and volunteer leaders. The church should carefully review the policy language as to:

- the financial extent of coverage
- types of claims covered
- assurance that the defense costs are covered
- persons covered
- any exceptions to coverage

The church should also consider guidelines the insurer may suggest to minimize risks.

Such policies may exclude coverage for intentional torts such as child abuse. However, the church may be sued under the theory of negligent hiring, supervision or training, and therefore coverage for these claims may not be available.

NORTH CAROLINA'S CHILD CARE REQUIREMENTS

North Carolina through General Statutes and a Commission imposes regulations on child care facilities. If church programs for preschoolers and children amount to child care and the operation of a child care facility, they are subject to state laws governing licensing and a wide range of regulations. North Carolina actually has two categories of authorized daycare facilities: state licensed facilities, and a second special category of license for church daycare facilities. The latter category imposes fewer standards and regulations, though there are fire, building, health and sanitation regulations imposed. Churches MAY choose to seek licensed status and comply with the heightened requirements for licensed facilities.

1. North Carolina Gen. Statutes §110-86 defines child care requiring state licensing

“Childcare. - A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following (partial list):

- Recreational programs operated for less than four consecutive months in a year;
- Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics or clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
- Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels or churches;
- Bible schools conducted during vacation periods;”

2. A child care facility is defined in the statute:

“Includes child care centers, family child care homes, and any other childcare arrangement not excluded by G.S. 110-86(2), that provides childcare, regardless of the time of day, wherever operated, and whether or not operated for profit.

- a. A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.
- b. A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive childcare.”

3. The statute bars interference with religious training (§ 110-88.1).

“Nothing in this Article shall be interpreted to allow the State to determine the training or curriculum offered in any religious-sponsored child care facility as defined in G.S. 110-106(a). (1999-130, s. 6.)”

4. Religiously sponsored childcare

“§ 110-106. Religious sponsored childcare facilities.

- (a) The term ‘religious sponsored childcare facility’ as used in this section shall include any childcare facility or summer day camp operated by a church, synagogue or school of religious charter.
- (b) Procedure Regarding Religious Sponsored Childcare Facilities.
 - (1) Religious sponsored childcare facilities shall file with the Department a notice of intent to operate a childcare facility. . . After the religious sponsored childcare facility has filed this information with the Department, the facility shall be visited by a representative of the Department to ensure compliance with the applicable provisions of G.S. 110-91.
 - (2) Each religious sponsored childcare facility shall file with the Department a report indicating it meets the minimum standards for facilities as provided in the applicable provisions of G.S. 110-91 as required by the Department. The reports shall be



- in accordance with rules adopted by the Commission. Each religious sponsored childcare facility shall be responsible for supplying with its report the necessary supporting data to show conformity with those minimum standards, including reports from the local and district health departments, local building inspectors, local firemen, volunteer firemen, and others, on forms which shall be provided by the Department.
- (3) It shall be the responsibility of the Department to notify the facility if it fails to meet the minimum requirements. . . The Secretary may issue an order requiring a religious sponsored childcare facility which fails to meet the standards established pursuant to this Article to cease operating. . .
- (4) Religious sponsored childcare facilities summer day camps shall be exempt from the requirement that they obtain a license and that the license be displayed and shall be exempt from any subsequent rule or regulatory program not dealing specifically with the minimum standards as provided in the applicable provisions of G.S. 110-91. Nothing in this Article shall be interpreted to allow the State to regulate or otherwise interfere with the religious training offered as a part of any religious sponsored childcare program. Nothing in this Article shall prohibit any religious sponsored childcare facility from becoming licensed by the State if it so chooses.
- (c) G.S. 110-91(8), 110-91(11), 110-91(12) do not apply to religious sponsored childcare facilities, and these facilities are exempt from any requirements prescribed by subsection (b) of this section that arise out of these provisions.
- (d) No person shall be an operator of nor be employed in a religious sponsored childcare facility who has been convicted of a crime involving child neglect, child abuse, or moral turpitude, or who is a habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children.
- (e) Each religious sponsored childcare facility shall be under the direction or supervision of a literate person at least 21 years of age. All staff counted toward meeting the required staff/child ratio shall be at least 16 years old, provided that persons younger than 18 years old work under the direct supervision of a literate staff person at least 21 years old. Effective January 1, 1998, a person operating a religious sponsored childcare home must be at least 21 years old and literate. . .”



PASTORAL STAFF POLICIES

INTRODUCTION

PASTORAL SEARCH PROCESS

PASTORAL HIRING

PASTORAL ROLE/DUTIES

PASTORAL ACCOUNTABILITY & REVIEW

STRUCTURES OF CARE & SUPPORT

PASTORAL FINANCES/BENEFITS

CONFLICT MANAGEMENT

PASTORAL TERMINATIONS

SPECIAL ASPECTS OF PASTORAL MINISTRY

SEXUAL MISCONDUCT

*“Be shepherds of
God’s flock that is
under your care,
serving as overseers
– not because you
must, but because
you are willing, as
God wants you to
be; not greedy for
money, but eager
to serve; not
lording it over
those entrusted to
you, but being
examples to the
flock. And when
the Chief Shepherd
appears, you will
receive the crown of
glory that will
never fade away.”
(1 Pet. 5:2-4)*



INTRODUCTION

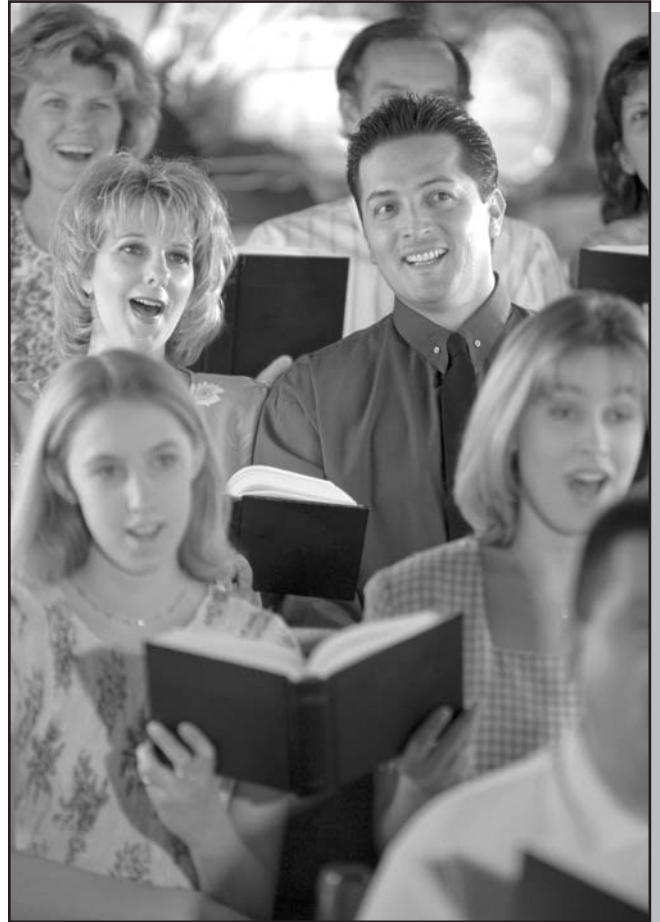
No area is more sensitive than the relationship between the pastor and the congregation. It is such a crucial relationship that perhaps we should not be surprised it generates such strong emotions of both support and enthusiasm, as well as tension and even destructive conflict that destroys whole church communities. Many articles have been written noting an increase in church tensions regarding pastoral leadership.

Clear policies will not end such conflicts, but they can assist in several ways:

1. They can minimize areas of misunderstanding about expectations, duties and procedures.
2. They can seek to assure a more constructive process for dealing with conflicts over pastoral leadership in a church.
3. They can assure that certain procedures are in place that can channel disputes and conflicts as well as clarify church procedures in addressing such disputes.

Policy areas that should be considered include at least the following:

1. Pastoral Search Processes
2. Pastoral Hiring
3. Pastoral Roles/Duties
4. Pastoral Accountability
5. Structures of Care and Support
6. Pastoral Finances/Benefits
7. Conflict Management
8. Pastoral Terminations
9. Special Aspects of Pastoral Ministry
10. Sexual Misconduct





PASTORAL SEARCH PROCESS

It is clear to all that few aspects of a church's life require more care or sensitivity than the pastoral-hiring process. Almost all recognize that the old pattern of inviting a pastoral candidate to a church and listening to one sermon and then voting is woefully inadequate. A much more deliberative process is required for both the church and the pastor in assessing a relationship as crucial as that between a pastor and a community of believers — a church. The lack of careful review often leads not only to mismatches and misunderstandings, but great pain that can often come close to destroying ministries and ministers.

RESOURCES

For this reason there are many helpful guides available which we will not seek here to replicate. However, as a matter of policy, churches must establish a rather comprehensive set of policies and guidelines for the search process. Among helpful guides are the following:

See Buzzard and Edwards, *Church Hiring and Volunteer Selection Guide (Risky Business)*. Available from the author, L. R. Buzzard at 910-893-1801, P.O. Box 891 Buies Creek, NC 27506. This work contains a whole section on pastoral hiring with suggested congregational questionnaires, candidate questions and reference-checking processes.

See M. Wayne Oakes, *Finding a New Pastor for Your Church*, a manual prepared by Oakes for the Baptist State Convention of North Carolina. This also contains a sample covenant, survey forms, reference releases and numerous forms for a church survey, telephone-interview form, credit-information release, pastoral-candidate questionnaire, and other materials.

See also, Bruce Powers, *A Manual for Minister-Church Relations* (1999).

Consider a very helpful article, "What Are Pastoral Search Committees Looking For?" by Rev. John Simpson, General Superintendent, Baptist Union of Victoria, Australia. The article originally appeared in *Ministry Perspectives*, a publication of the Baptist Union of Victoria, and may now be found at <http://ministryhealth.net/>. The author identifies the basic things that he found churches sought in a pastor. The full article is well worth consulting, but in summary form, he concluded these were the "bottom-line" expectations and qualities sought:

Basic bottom-line expectation

The pastor will have a sense of call to ministry, as evidenced by the following:

- Assurance that there will be a growing relationship with Christ as Lord.
- An understanding of how and why a pastor is in the ministry.
- An assumption that the pastor will be continuing to stretch his mind and develop further his giftedness for ministry.

Most often-sought qualities in a pastor

"listed according to a freshly emerging understanding of priorities":

- The capacity to bring vision and strategic thinking to the leadership of the church
- The clear ability to relate warmly to people within and beyond the immediate congregation and to all ages
- The capacity for effective communication
- Effectiveness in pastoral care
- A commitment to evangelism
- A "playing coach" who will engage the church in ministry and not attempt to do it all himself
- Ability to connect with the communities in which they are located and a concern with how the pastor sees the needs of the community
- A pastor who can work effectively in a team ministry situation

CLERGY HIRING – LEGAL IMPLICATIONS

While legislatures and courts largely steer clear of regulating or interfering with clergy hiring issues (as noted in detail in the Personnel Policy Section), this does not mean that there are no legal implications when churches hire clergy. The law still hovers around the relationship to some extent.

Some legal implications in clergy hiring

Negligent hiring

A church may still be liable if it acts unreasonably in hiring a clergy person who harms others. Thus, for example, the hiring of a clergyman whom the church knew had a history of child abuse, and which then placed him in an unsupervised situation with children whom he abused, might well be liable under a theory of negligent hiring.

Liability under theories of agency

An employer is liable for the harms caused by an employee when those acts are in furtherance of the employer's interests. Thus, a church may sometimes become liable for pastor's negligence

Contract breach

While courts will not interfere in any matter involving doctrinal or theological questions, they will often enforce rights arising from contracts. Thus, commitments made to a pastor in an employment agreement may be enforceable in a court.

Non-religious employment-tax law

There is a wide range of laws that govern employer/employee relations which are applicable, and the clergy are not automatically exempt. Tax and reporting laws governing, for example, income tax withholding and Social Security, cover all employees.

KEY CHURCH-POLICY COVERAGE FOR PASTORAL SEARCH

In general terms, the pastor-search process and related policies and procedures should cover the following areas:

Identifying search responsibilities

(Selection, role and duties of a search committee)

The most important factor here may be to assure that the committee is carefully chosen to assure they have the spiritual discernment, congregational sensitivity, and willingness to make a major investment of time in this crucial task. Too often committees are chosen without careful consideration of congregational diversity, spiritual maturity and judgment. We encourage a nomination process that would allow those who nominate members of the committee to seek a balance of age, special interests and other factors in the composition of the committee. The voting process in most churches is such that nominations that may be quite inappropriate or lack balance are difficult to deal with, once on the floor, without hurt feelings. Thus a process something like the following is more likely to produce an effective committee. A balanced committee may also be more likely if the nominated slate is elected as a group and not individually. The provision that follows would typically be set forth in the bylaws and covers the selection and duties of a search committee.

Pastoral Search Committee

When a vacancy in the pastorate occurs, a special Pastoral Search Committee shall be elected by the church from nominees submitted by the (deacons, Nominating Committee, some other committee or a combination of these groups meeting together) of whatever size it deems appropriate. These nominees shall represent a crosssection of the church and shall be recommended on the basis of their spiritual maturity, commitment to the ministry of this church, and the special commitments and interests they represent within the church. The church shall vote on the nominated committee as a group. The committee shall proceed promptly and diligently to seek to find a pastor who, by calling, training, and proven ability, seems qualified spiritually, mentally and physically to lead the members of this church. In its efforts to meet its responsibilities, the committee shall be responsible to the church directly. The committee shall receive and give full consideration to all suggestions from members of the church. Members of the committee shall be reimbursed by the church treasurer for any necessary travel and subsistence expenses that are incurred in the performance of its duties.

Search process itself

In *Risky Business: Church Hiring and Volunteer Selection Guide*, there is a detailed set of suggested steps for an effective search process. The book discusses each step in detail, and the reader here is referred to it. In summary, the ten steps recommended are as follows:

- Step 1. Committing the Church to a Healthy, Thorough Process
- Step 2. Self-Assessment of the Nature and Needs of the Church and Its Ministry
- Step 3. Identification of Qualities, Gifts, and Styles of an Appropriate Pastor
- Step 4. Implementing an Effective Process for Identifying Potential Candidates
- Step 5. Implementing an Initial Screening Process to Reduce the Pool
- Step 6. Implementing Comprehensive Screening for Survivors — Serious Candidates
- Step 7. “Dating”—Exploring the Relationship with Final Candidates
- Step 8. Presenting the Candidate
- Step 9. Entering into an Employment Agreement
- Step 10. Wrapping Up



PROCEDURES & PLURALITIES FOR EXTENDING A CALL

Church bylaws or other policies must obviously make clear the specific procedure for extending a call. In most churches this is set forth in the bylaws in a clause which sets forth the basic parameters for a congregational meeting to call a pastor, the process and required plurality. A typical provision would be as follows:

The vote on the nomination of a pastor by the Pastoral Search Committee shall be held at a service in regard to which notice has been provided for not less than two weeks. Prior to such a meeting the committee shall have provided ample opportunity for the members of the church to have become familiar with the candidate and assess his appropriateness and calling for the church, and the terms of the call proposed by the Nominating Committee. The vote shall be by secret written ballot. To be elected pastor, the minister nominated by the committee must receive at least 90 percent of all the votes cast. If the committee's report fails to receive the required vote, the moderator shall declare the nominee not elected, and shall refer the matter, without debate, to the committee for further investigation and further recommendations under the foregoing procedure.

CONTRACTS? COVENANTS?

Much confusion and many hurt feelings can be avoided if any pastoral call includes some written specific provisions about the terms. Too often there are instances where a pastor thought that the offer included some benefit such as a sabbatical option, continuing-education support or certain retirement benefits only to find out that those had not been approved by the church. Such benefits may have been only the views of the search committee or some of its members. A written statement of the salary and benefits and related terms can assure that what is being offered is what is being accepted. These terms may be primarily financial, but may also include expectations of approved number of weeks in preaching in other places, attending conferences, and any outside work or educational commitments. These should be in writing and presented to the church as an aspect of the "call."

A clause in the bylaws calling for such written policies not only at hiring, but as an aspect on ongoing policy might provide as follows:

The church shall establish and set forth appropriate employment policies in regard to the pastor, adopt them as an aspect of the calling of the pastor, and annually review such policies. Such policies shall not constitute a contract and are subject to modification by the church at any time.

While some churches and pastors have entered into formal contracts regarding their employment, this author believes such written contracts are ill-advised. Formal contracts have been the cause of much disruption in some churches and can lead to law suits and further acrimony. They rarely are in the church's best interest.

While contracts are potentially troublesome, there has been a movement toward some kind of "covenant" statements. These statements are not so much about technical terms of employment as they are about the nature of the relationship and commitments toward one another. A sample Pastor-Church Covenant is set forth in M. Wayne Oakes, *Finding a New Pastor for Your Church*. It provides in broad language the nature of the relationship between the pastor and the church.

A particular covenant, discussed later in this section, dealing with issues of conflict has also been drafted and promoted by the Baptist State Convention. The proposal is in part a response to growing concerns about pastor-congregation conflicts and a desire to develop a healthy way of responding. If such covenants are adopted in some form such as incorporating them into policy statements or bylaws, churches need to recognize the legal obligations and potential later legal arguments which may arise from them. From a legal perspective, a *covenant* could quite easily be in fact a *contract*. Indeed, the word *covenant* is often used to express legal obligations. One option is to adopt such covenants "in principle" as a guide to a church's process, but specifically to disclaim any legal obligations arising from them. Such a statement contained as part of any covenant might read as follows:

This covenant is an expression of the aspirations of the pastor and congregation regarding the nature and quality of the relationship and are not intended to create any legal rights or duties on any party.

The effect of such disclaimers, if thorough and effective, is however that they also take the "teeth" out of the covenant.



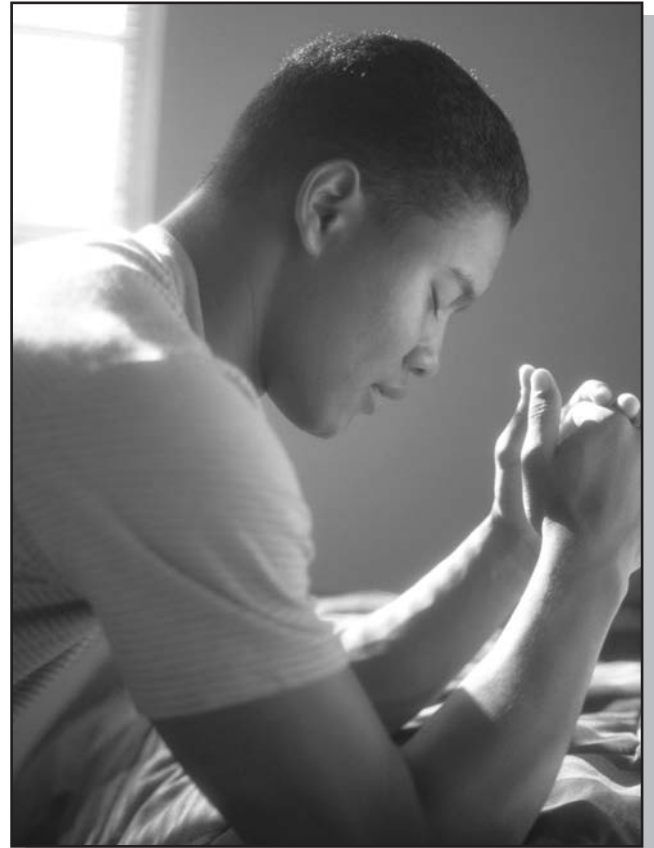
What is a pastor's job? Few "jobs" are as diverse and difficult to describe as that of a pastor. The pressures and expectations come from many sources, often conflicting, and rarely gentle. While some tasks are obvious — preaching on Sunday, conducting weddings and funerals, hospital visits — much else is quite ambiguous. This is compounded by changing roles of the clergy in modern society. No longer are the clergy necessarily leading community figures or among the few highly educated persons in or community. Lay persons are not so inclined to defer to the pastor on church matters.

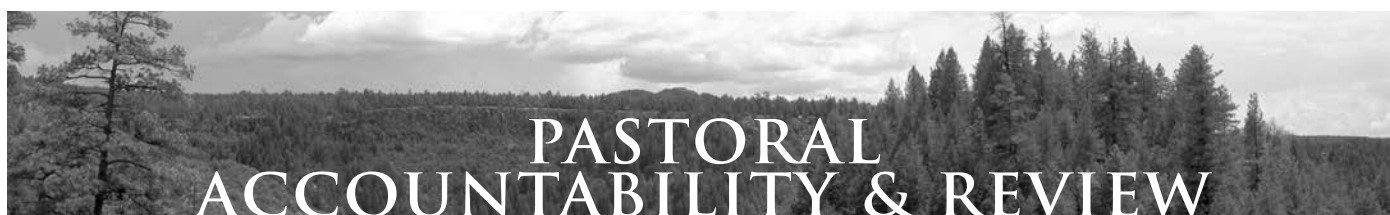
CEO?

One of the major issues in pastoral ministry today is the leadership role of the pastor. Is the pastor like a Chief Executive Officer? What style of leadership is appropriate in the church? The reality is there are many models and styles of leadership, and perhaps each has an appropriate context. However, not a few conflicts in churches arise over misunderstood or clashing images of pastoral roles, styles and issues of leadership. These matters should be carefully discussed in not only search processes but as the church develops its relationship with a pastor.

The more formal expression of duties is perhaps less complex, and does not really cover issues of style, shared leadership, collegiality and related questions. Nor will just asking candidates about their "style" necessarily be effective. Others perceive many pastors who might describe themselves as consensus builders and team players as quite authoritarian. Thus, it is essential to discuss leadership styles with references who have worked with a pastor. As far as formal duties are concerned, bylaw or policy manual provisions are not much different. A typical example from church bylaws is as follows:

The pastor shall have in charge the welfare and oversight of the church; the pastor shall be an ex-officio member of all organizations, departments and committees. He may recommend a special meeting of the deacons or any committee according to procedures which may be set forth in the bylaws. He shall conduct religious services on stated and special occasions, administer the ordinances, minister to members of the church and community, and perform other duties that usually pertain to that office. The pastor shall have special charge of the pulpit ministry of the church and shall, in cooperation with the deacons, provide for pulpit supply when absent and arrange for workers to assist in revival meetings and other special services. The pastor shall be the administrative head of the church and shall, with the approval of the Personnel Committee, arrange and approve all absences and vacations of all church employees.





Many churches tend to have a fairly poor record of establishing systems, structures or policies that provide for reliable “feed-back” to pastoral staff about how their ministry is being evaluated and received. In theory, a deacon or elder body might perform such a function, but in fact they rarely do. Pastors may be “in the dark” about perceptions, or more commonly, have little means for sorting out the seriousness and credibility of complaints or rumors. Thus, when there are concerns, they often are either unknown to the pastor or ignored until tensions rise. Then they become difficult to address effectively.

Many observers have also noted that the lack of accountability often is very detrimental to the pastor who lacks an effective accountability and support group. He is called on to “disciple” but has often no place of discipling himself. The result is a kind of isolation and loneliness helpful neither personally nor in a ministry sense.

In some denominations there are bodies whose specific task is, in constructive ways, to assist the pastor in a mutual evaluation of the ministry, assessing strengths and weaknesses, identifying concerns, celebrating gifts and inviting improvements in areas of weakness. Such a group may also assist the pastor in discounting complaints where the group is aware that these are without merit or perhaps come from sources which routinely and consistently make the same complaints about every pastor.

Somebody within a church, probably in most cases the deacons or Personnel Committee, should have an annual review of each member of the pastoral staff. There are numerous resources available suggesting the content of such a review. Bruce Powers’ *Covenant Ministry: A Manual for Minister-Church Relations* contains excellent suggestions for periodic pastoral-ministry review.

Periodic Pastoral-Ministry Review

The deacons (or perhaps the Personnel Committee) shall not less than annually develop and implement a process of ministry review with each member of the pastoral staff. This review shall seek in collaborative and constructive ways to assess ministry strengths and areas of weakness or concern. They shall seek to identify means to enhance effectiveness in ministry and in the pastor’s growth in all dimensions of life and work. Where appropriate, priorities may be mutually set and means developed for addressing problems or concerns.





STRUCTURES OF CARE & SUPPORT

In addition to issues of accountability and review of the pastor, issues of effective and nurturing systems of pastoral support are also important. While functions of accountability are crucial, there is also an important role for a congregational committee or body that seeks not so much to critique as to nurture and support the pastor and his family. In M. Wayne Oakes' *Finding a New Pastor for Your Church*, the author suggests such a group under the title, "Council on Caregiving." Oakes notes two purposes for such a group in the church: "First, it functions to offer encouragement to the pastor and staff" in such areas as spending adequate time with their families, self-care, spiritual development and continuing education. Second, "to foster good, clear and open communication among the members of the congregation and between the church family and the pastor/staff." Oakes suggests these functions for such a council:

Responsibilities

1. *Encouragement of the pastor and staff. The council should encourage self-care, family time, spiritual development, and continuing education. This can be accomplished by seeking information from the pastor and staff on how to accomplish these and negotiating their completion within the church's polity. It would also be appropriate for the council to lead the congregation in remembering special days or special accomplishments of these who serve the church.*
2. *Provide for exit interviews to be held. Seek the assistance of other appropriate lay leaders to do after-worship exit interviews in order to solicit opinions of participants in what improvements might be considered. This information should be shared with the pastor and staff as appropriate.*
3. *Facilitate communication and resolve problems. Church members frequently fail to communicate their expectations of the pastor and staff. Even though there may be a strong commitment to the life of the church, eventually church members and/or church staff will suffer from broken expectations. The broken expectation may be over something said or unsaid; it may be over something done or not done. Regardless, the person who experiences the hurt may harbor ill feelings toward the church. The council can function effectively by serving as the bridge to hear these concerns.*

Bruce Powers in his manual, *Covenant Ministry: A Manual for Minister-Church Relations*, calls for establishing a Minister-Church Relations Committee. He suggests a detailed process for its creation and sets forth his concept of its task in some detail. His model seemingly gives more attention to the committee having a sort of "business" agenda than this author would recommend, but the overall discussion is very constructive. His model would combine the

functions of accountability and review with those of a more personal support group — and perhaps in theory that is appropriate, but in practice it may create mixed messages.

A video, "Why You Should Develop a Pastor-Parish Relations Committee," produced by Roy M. Oswald, offers a rationale for a pastor-parish relations committee and their responsibilities. A leader's guide outlines use of the video to work with a board and members to establish this committee. The video suggests that the relationship between the pastor and the congregation is key, but that few congregational members really understand the daily realities of being the pastor of their congregation. The video suggests that such a committee's sole task is "to monitor the quality of the relationship between the pastor and the congregation." Rather than "fielding complaints, conducting evaluations, or setting salary-tasks" often assigned to such groups, committee members should work to understand the pastor's perspective, hopes and needs, and to convey to the pastor their understanding of the congregation's life (ISBN 1-56699-257-5, \$37 from Alban Institute).

Church policy could provide for such a review either by an existing body like the deacons, or by the creation of a special ministerial-relations committee, and set forth their duties. An appropriate concern is to differentiate their duties from those of the deacons or other church committees. A policy that seeks to provide some overlap between other key groups such as the Personnel Committee and deacons might read as follows:

Ministerial-Relations Committee Policy

The church shall establish a committee of not less than five or more than seven persons to serve as a Ministerial-Relations Committee. The deacons shall appoint one member. The Personnel Committee shall appoint one member, and the Nominating Committee shall recommend other members who shall serve three-year, staggered terms. In the first year of a new pastor's tenure, at least one member shall be a person who served on the Pastoral Search Committee.

The committee shall seek to provide support and counsel for the pastor, sharing visions for ministry and reflecting the expectations and/or concerns of the congregation. They shall be sensitive to the minister's personal and family needs, spiritual nourishment and ministerial effectiveness. The committee shall annually, in consultation with the pastor, engage in a review of the church's ministry, and where appropriate, work collegially to develop goals and objectives to enhance ministerial effectiveness. The committee may conduct a survey of a scope and nature they deem appropriate to assess the sense of the congregation regarding the pastor and the pastoral ministry.

PASTORAL FINANCES/BENEFITS

MINISTERIAL EMPLOYMENT STATUS – SELF-EMPLOYED OR EMPLOYEE?

The law regarding who is a self-employed person and who is an ordinary employee is at times fuzzy. There is some debate about the proper characterization of a pastor; but the view of the IRS and that of most observers is that a pastor/minister is a minister employee. It is clear the IRS position is that ministers are employees, and tax courts have so ruled at least in most typical situations. In *Weber v. Commissioner* the court noted the following criteria as controlling: that the minister was subject to significant control, was required to work at the church, could not unilaterally discontinue regular church services, his position was permanent rather than transitory and the benefits received such as health insurance and retirement indicated an employee relationship. As such his earnings would be reported annually on IRS Form W-2. Such a status has certain advantages because the minister as an employee is eligible to participate in employee-benefit plans, could be provided a church-owned car for business purposes, would be covered by the church's liability policy, and similar advantages not available to a self-employed person. The only theoretical advantage to begin self-employed is that some ministry-related expenses might be more effectively deducted by a self-employed person, but that may be also handled effectively by the church having a reimbursement plan for ministry-related expenses.

Note: A minister may, however, be self-employed in regard to other income such as speaking honoraria, which come not from the church-employer but from others. Self-employment income is reported on Schedule C, and payers of income to self-employed persons report those payments on Form 1099.

However, in a bit of quirk in the law, ministers will commonly be treated as self-employed for purposes of Social Security. All ministers are part of the Social Security system unless they timely file Form 4361 and receive an approval to opt out of the program. Such an exemption is only available to persons who are “conscientiously opposed to, or because of religious principles” are opposed to acceptance “. . . of any public insurance . . .”

Withholding

A pastor may elect, irrespective of his status, to have the church withhold payroll taxes, and such additional withholding to cover Social Security taxes, rather than file quarterly estimates and payments.

SALARY AND BENEFITS ISSUES

Clergy compensation is a sensitive issue, with local church patterns varying widely. Several policy elements might be worth considering, including the following:

General compensation issues

The church should develop a compensation-review process that takes into consideration a range of factors and comparative analysis. Materials are available from the Baptist State Convention to assist churches is basic salary/compensation levels.

Do “love gifts” count as salary?

Ordinarily, gifts are not treated as income. Thus small love gifts to a pastor at Christmas time from private parties are unlikely to be treated by anyone as “income” from the church. However, like all rules, there are exceptions and special circumstances. There may be some situations where what might be seen as gifts by some, would be treated as reportable income by the IRS.

Church processed, programmed “gifts”

Where the church is the vehicle through which gifts are given, then the gifts may be seen as a kind of indirect compensation. If the “gift” monies flow through the church treasury, then it is almost certainly taxable income to the pastor. It is not even tax deductible by the individual donor because it is a gift earmarked for a private person with the church just being a pass-through entity. Even if the church does not process the gift money through the treasury, it may be that if the church leaders promote, collect and deliver the money, that some would argue it is “compensation” and taxable.

Substantial, routine “gift” supplemental income

Another situation where “gifts” become income is illustrated by a case, *Swaringer v. Commissioner*. In this case the pastor received \$24,000 during the year which were treated as “gifts” which he received for Christmas, birthday and Father's Day. The “gifts” were in fact received by him from members. The tax court, however, was not convinced and concluded that “the transfers arose out of the pastor's relationship with the members of his congregation and were presumably because they believed he was a good minister and they wanted to reward him.” Thus, the court concluded the gifts were in fact a part of the compensation he received for being a minister.

EXPENSE ACCOUNTS

Ministerial expense accounts have often not been effectively handled by churches. This has often resulted in unnecessary taxes for the pastor and inadequate recognition by the church of the payments made by pastors which are actually church-related expenses. Too often churches do not have an effective reimbursement system for expenses a pastor incurred, so that in effect the pastor uses part of his personal income for church expenses. Other times, a church may have inadequate procedures and policies on what expenses might be reimbursed and the procedures for requesting, approving and accounting for such.

One common system is for the church to designate a portion of the pastor's compensation package for certain church expenses paid by the pastor such as car/travel expenses and even such expenditures as books or continuing education. Then the pastor supposedly may deduct these amounts on his 1040, or perhaps the church would not report these expense allocations as income. Such a system at best costs the pastor unnecessary taxes, makes the pastor pay out of his pocket church expenses, or is even illegal.

The IRS identifies two types of expense-reimbursement plans – accountable plans and nonaccountable plans – and the impact these have on reportable income on W-2 forms and the recipient's tax returns.

Accountable Plans

The preferred and most equitable system results in the payment by the employer of expenses incurred by the employee, and these sums are NOT included in the W-2 for the employee. These funds are NOT reported as income.

To be a qualified accountable plan, the IRS requires that three conditions be met. (See IRC Sec 62(c), IRS Regs 1.62-2):

1. Legitimate Business Expense: All the expenses must have a business connection.
2. Substantiation of Expenses: The employee must "adequately account" to the employer within a reasonable period of time. This requirement means written reports on who, what, where, when, why and how much for expenses claimed. These must be specific and not general, broad categories such as \$_____ for "travel."
3. Return of Excess Advances or Reimbursements: Any reimbursement or allowance in excess of proper and accounted expenses must be returned within a reasonable time. (Advances themselves must be reasonably calculated not to exceed reasonably anticipated expenditures.)

In the event any expenses exceed the reimbursement, then those are deductible by the employee on the 1040.

Nonaccountable Plans

If the pastor, or other employee, is reimbursed under what the IRS terms a nonaccountable plan, then the sums paid as reimbursement or as expense allowance are reported as income in the W-2 along with other salary and wages. The employee may then deduct the actual

expenses incurred (not what was perhaps identified by the church as expense allowances).

If the employer reimburses but not in accord with the requirements of an "accountable plan," then all monies paid, whether for expenses or salary, are treated as wages or salary and reported on W-2. Employees then must complete Form 2106 and itemize deductions in order to claim deductions for travel and transportation expenses. Certain expenses are limited to 50 percent deductions, and others subject to the 2 percent of adjusted gross-income limit. The effect is to shift the paper work to the employee as well as causing an increase in the employee's reportable gross income.

Note: The IRS prohibits an approach some churches have taken whereby accountable reimbursements are taken out of the overall compensation package. That is, IRS audit guidelines indicate that if a church has a package that has a fixed amount, but then periodically reduces what it treats as salary by the amount of substantiated business expenses, the arrangement is a nonaccountable plan. This is so even if some portion of that package is labeled as "expense account." One approach might be to pay the pastor \$30,000 - \$25,000 salary and \$5,000 as an expense account. If any of the \$5,000 was not actually used for accounted expenses and returned, it is still impermissible.

A financial plan for a church should carefully develop an appropriate system for handling church expenses paid for by the pastor. This area must be governed by careful policies and procedures to assure compliance with proper accounting standards and IRS scrutiny.

The IRS has set forth with specificity the legal effect of different systems employed by any entity in regard to employee expense accounts.

So what written policy and procedures should a church adopt to comply with the law and minimize unnecessary tax liability for the employee or pastor? Here's a summary of appropriate policy and practice:

1. Budget for reimbursement of expenses for employees including the pastor.

The Budget or Finance Committee should review past experience, consult with employees and perhaps other churches, make a best estimate as to the proper expenses of employees and set up an account for reimbursement as such expenses arise.

The church may wish to assure that there are some controls on the extent of such expenses. Therefore general budget maximums may be set. Other sub-expense components such as continuing education, travel/auto expense, etc. may also be predetermined. The church would then only reimburse up to the budget limits.

The expense-reimbursement plan might well include guidelines on what expenses are considered appropriate. For example, when the church considers air travel appropriate, limits to tourist-class fares would be required. Limits on costs of meals reimbursed would also be set with a maximum amount per diem.

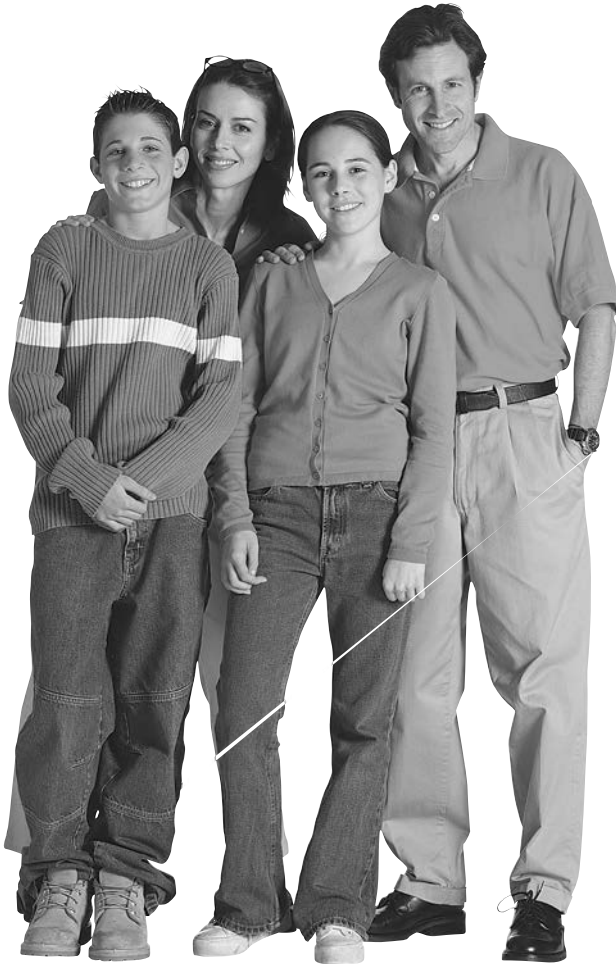
2. *Formally adopt a reimbursement-expense plan which includes the IRS requirements of substantiation, return of excess, etc.*

3. *Establish a clear system including appropriate forms for employees to submit expenses for reimbursement.*

Such a system should include requirements for necessary documentation such as receipts where possible. The system may also require that certain expenses would require prior approval. Other more routine expense, such as monthly pastoral car mileage, would not require such.

The church could also provide that in certain circumstances the church would advance expense account funds, subject to necessary post-expenditure accounting and return of any unused funds.

4. *The treasurer or other officer would then periodically reimburse for qualified and accounted-for expenses and record such on the books of the church.*



Here are samples of appropriate church resolutions to adopt, and record in the minutes:

For an limited reimbursement of actual substantiated expenses:

In addition to the salary provided all employees including the pastor, the church will reimburse them for auto, travel and professional expenses considered ordinary and necessary for them to carry out their duties with a fixed annual, limit of _____. If actual expenses are less than this sum, the difference will not be paid as additional salary or other benefit.

For an unlimited reimbursement:

In addition to the salary provided all employees including the pastor, the church will reimburse them for auto, travel and professional expenses considered ordinary and necessary for them to carry out their duties.

General Reimbursement Policy:

Consistent with IRS regulations for an accountable expense-reimbursement policy and the church's desire to conform to these requirements for the benefit of the church and staff, the church hereby establishes an expense-reimbursement policy whereby ministers and other staff may receive advances for or reimbursement of expenses to the extent provided for in the current budget if and only if (1) the expense has a stated business purpose related to the church's ministry, (2) the minister or staff provides written detailed substantiation of the expenses, normally on a form provided by the church, within not less than 60 days, and (3) any excess reimbursements are returned within 120 days. Further, any advances must not be made more than 30 days before the expected expenses nor in excess of a reasonable estimate of those expenses, and an accounting and substantiation of expenses must be made within 60 days, and the return of any excess advance fund within 120 days.

The church should also establish some specific policies governing pastor/staff business expenses such as travel both to assure the appropriateness of the expenses and to control the costs. Here is one fairly detailed policy approach adapted from one church on travel-reimbursement policy:

Travel Payments/Reimbursement of Out-of-Town Business Expense

All out-of-town travel for staff must be approved in advance by _____. Where travel to events is authorized, the church will pay for travel, registration fees, accommodations and meals within the following guidelines:

1. *For each employee that has a continuing education/workshop budget-line item, they will submit a plan of expenses, not to exceed the total line item.*

2. *Travel. One travel day to your destination and one return travel day is authorized. An exception will be made if there is substantial savings to the church and prior approval is obtained.*
 - a. *Air transportation used for official business must be coach-class accommodations.*
 - b. *Taxicab/shuttle expense between home (or hotel) and transportation terminal may be reimbursed.*
 - c. *Reimbursement is authorized for fares plus tip at 15 percent of the fare.*
 - d. *Private auto expenses are normally reimbursed at IRS standards. Local travel is reimbursed for business purposes only. This must be documented on a log.*
 - e. *Travel other than by a usually traveled route must be justified. A member may not ask for reimbursement for that portion of an indirect route traveled for personal convenience.*
3. *Registration fees.*
 - a. *If meals are included, annotate which meals (breakfast, lunch, dinner) and how many.*
 - b. *No meals will be reimbursed when a meal(s) is included in the registration fee.*
4. *Accommodations.*
 - a. *Only the nights of the conference will be paid plus one night prior (to accommodate travel day).*
 - b. *Room charge, tax and hotel charges for reasonable phone usage are authorized items for reimbursement.*
5. *Meals. The member is entitled to the actual amount paid not to exceed \$35 per day. Meal allowance is payable for whole days, except for the day of departure from and for the day of return to home, in which case a per diem is computed as follows:*
 - *Breakfast: \$7.00*
 - *Lunch: \$10.00*
 - *Dinner: \$18.00*
6. *Staff members are responsible for excess costs and any additional expenses incurred for personal preference or convenience. Reimbursement is not allowed for the following expenses since they represent costs incurred as a result of the member's personal preference:*
 - a. *All time not justified as official travel will not be reimbursed.*
 - b. *The cost of meals and/or lodging procured at personal expense in lieu of meals and/or lodging provided for in a registration fee paid by the church.*

7. *Receipts and a daily itemization must accompany each voucher submitted for reimbursement. Items must be listed to clearly indicate the expenses applicable to each calendar day.*
 - a. *When the actual expenses incurred during any one day are less than the daily amount authorized, the member is reimbursed only for the lesser amount.*
 - b. *Receipts are required for all meals and lodging.*
 - c. *A copy of the registration form must be submitted ensuring dates of the conference are reflected on the form as well as any meals provided.*

HOUSING ALLOWANCE & PASTORIUM ISSUES

Pastorium or housing allowance?

The old almost universal pattern was that the church provided a pastorium for the pastor. Increasingly, a variety of factors have led many churches to shift from that pattern and pastors have secured their own housing. Typically churches, instead of providing the house, provided some additional compensation as "housing allowance." Many factors may go into weighing the pros and cons of the pastorium versus the housing allowance. An excellent summary was developed by an office of the Nazarene Church. Available at <http://pensions.nazarene.org/pb1001u.html>. It suggests these factors:

Pro Pastorium and Con Housing Allowance:

1. In some situations, there really is little choice. The pastorium may be connected to or adjoining the church building with no alternative for selling or renting. Unless used for Sunday School rooms, it remains the pastor's home.
2. Churches owning a pastorium may strengthen their ability to attract the pastoral candidate of their choice who may not be able or willing to buy a home.
3. In some areas, there are no property taxes due on a church-owned pastorium, which may mean less expense is involved.
4. The church handles repairs and maintenance on the pastorium, thus freeing the minister from these time-consuming worries and expenses.
5. Often a pastorium is nicer than what a minister could afford to buy in the community.
6. Making a pastoral change is easier when moving from pastorium to pastorium, since securing temporary quarters is unnecessary for house hunting or waiting for occupancy.
7. When the pastorium is sold, the church loses a traditional and meaningful way of showing love and concern for the pastorium family.

8. Many ministers do not have sufficient funds for a down payment on a home.
9. The church which enters the loan business to “give” the pastor the down payment often bears the cost of low interest and little or no payment on the principal. There may be tax implications as well. State nonprofit corporation laws must be followed carefully. Some states may even prohibit such loans.
10. The loan situation is hopefully trouble-free, but awkward situations have developed!
11. Many homes appropriate for the minister’s needs are out of price range for his salary.
12. Very often the church cannot afford a housing allowance that fully covers all expenses including real-estate taxes, fire and casualty insurance, upkeep, etc. It takes constant review and appropriate board action to keep pace with these increasing, inflationary costs.
13. Some pastors do not have the extra time, money or expertise to handle such a real-estate investment which includes the added responsibility to maintain and repair “his” home.
14. In some locations, real estate can move very slowly, if at all! Adequate housing may not be available for purchase when needed. Likewise, a home may not sell when it comes time for a pastoral change.

Pro Housing Allowance and Con Pastorium:

1. A housing allowance may solve the problem of having to build a new pastorium at today’s costs, while at the same time help the pastor plan for his retirement.
2. With a housing allowance, some feel that compensation planning may be more flexible, easier to compare, and simpler to budget.
3. Home ownership suggests permanency and may encourage longer pastorates.
4. Since a home owner pays real-estate taxes, he has more voice in community affairs.
5. A minister buying a home gets to choose the kind, style and location.
6. The minister’s family may decorate as they wish – even remodel without board action.
7. Home ownership becomes an important investment for the future, assuming, of course, each property appreciates in value and appropriate equity is established. This growing “earned equity” is portable as the minister relocates, allowing him to take his full earnings to a new location.
8. Home-owning ministers get a double tax break. Within certain limits, the housing allowance used to provide and furnish a home is nontaxable income. In addition, mortgage interest and property taxes are deductible as itemized deductions.
9. A homeowner can sell his principal residence and may not be required to pay any tax on up to \$500,000 of profit. The exclusion can be used as frequently as every two years. (IRS has specific regulations controlling how this may be done.)
10. In the event of disability, death or retirement, home ownership with adequate insurance generally means an immediate move is unnecessary.

Tax aspects of housing allowance and church policy

Recent federal legislation, and specifically the Clergy Housing Allowance Clarification Act of 2002, has clarified the scope of permissible housing allowance claims by ordained pastors and the duties of church employers in such designations. The general rules provide the following, and churches should adopt procedures assuring compliance:

1. The housing allowance is only available to ordained clergy serving churches or church-owned entities. [See Reg. 31.3401(a)(9)-1(b)]
2. The allowance must be designated by the church employer in advance – specifying that amount of compensation which is provided as a “housing allowance” – typically in lieu of a pastorium or additional expenses the minister would incur even if a pastorium was provided.
3. The allowance claimed by the pastor may not exceed
 - a. The amount designated in advance by the employer
 - b. The fair-market rental value of the home, furnished, plus utilities
 - c. The actual expenses paid by the pastor toward purchasing and maintaining the home (mortgage payments, interest, repairs), furnishing, and providing utilities. Amounts received as designated housing allowance that exceed the actual expenses must be reported as additional income on the minister’s Form 1040.

To comply with these rules and procedures, the church should do the following:

1. Require the ordained minister (pastor or other ordained qualified minister) to submit in the fall of each year, a written signed statement of expected expenses for the items noted above.
2. The Finance or Personnel Committee should then review and in general be satisfied that the amount requested as housing allowance is not clearly excessive in terms of the fair-market rental value of the furnished home plus utilities. (It is not the church’s legal duty to do this, nor is the church’s conclusion determinative, but it has some obligation not to designate as housing allowance a sum that is clearly excessive.)
3. Then the committee should recommend that a resolution be adopted by the church declaring the sum designated as housing allowance. The amount of this allowance is not then included in the pastor’s W-2 or 1099, but is reported by the pastor in other portions of Form 1040. (Note: Normally non-ordained youth ministers, choir directors, etc do NOT qualify for this.)

A Sample Board Resolution

Resolved, that [pastor's name] receive a total compensation during the tax year _____ of which \$_____ is designated as housing allowance, based on his estimation of actual expenditures.

Here is the general policy statement:

Pastoral Housing Allowance Policy

The Finance Committee shall annually request of those who qualify for a "Housing Allowance" the submission of an estimated housing expenses, satisfy itself that the total does not clearly exceed the fair-market rental value of the furnished home plus utilities, and recommend to the church prior to next tax year, a sum to be designated in that next year as "Housing Allowance." The church or its designated body shall vote on such recommendation and record it in its minutes.

SABBATICALS

Some churches have a specific policy providing for some periodic "sabbaticals" or times of leave with pay for study, renewal or other activities. While this is still rare, it is more common in larger churches. Such policies, if the church chooses to have them, should make clear the terms and procedures and whether such sabbaticals are automatic or only options. A typical policy might read as follows:

Policy on Pastoral Sabbatical Eligibility

A member of the pastoral staff, after full-time service for a period of not less than 7 years may request a (3-month/6-month) sabbatical leave with pay for purposes of spiritual renewal, education or other purpose which will enhance effectiveness in ministry. The staff member must request such leave not less than six months in advance and set forth in writing the nature of the use of the sabbatical. The Personnel Committee shall review the proposal with the pastor and make such recommendations to the church regarding its approval as they deem appropriate.

EDUCATIONAL BENEFITS

With the increased emphasis on professional continuing education, many programs are offered to clergy for advanced education leading to certificates and degrees.

The church may wish to establish policies regarding such, both to encourage certain enhancements in skills, but also to place limits on such activities. A church may also provide some limited budget to support some continuing education participation by pastoral staff.

A generic policy might read as follows, though a church may wish to spell out in more detail its policies:

Policy on Pastoral Continuing Education

The pastoral staff is encouraged to participate in denominational and other educational opportunities to develop professional skills and ministry effectiveness. These programs may be offered by universities, theological schools or institutes. They involve times when the pastoral staff are otherwise assumed to be performing their ministry. Pastoral staff who wish to enroll in more extended educational programs including programs leading to degrees and certificates or matriculation with educational institutions shall review their interests and proposals with the Personnel Committee (or deacons), setting forth in writing the nature of the program, time commitments, length and relevance for ministry. The committee may make such recommendations to the church as they deem appropriate.

LOANS

Churches occasionally provide loans for pastors, such as funds to enable a pastor to make a down payment on a home. Sometimes such loans are made with repayment not due until the home is sold or the pastor leaves. While such loans may be very helpful at times, they do create special legal and relational contexts. Because of this, loans to pastoral staff directly from the church are, in general, unwise.

Legal Issues

In some states, nonprofit corporation laws bar loans to officers and directors. In North Carolina, there is an exception to the prohibition in the case of full time employees who may also be officers or directors. However, the general rule requiring the use of the church's funds exclusively for its charitable purposes would still impose some limits on the scope and degree of risk involved in making loans.

Loans also raise a range of tax issues. For example, loans at below market interest rates may create further legal problems and impose obligations on the church and the recipient to treat such favorable rates as income. This "forgone interest," however, is not reportable if the loan amount does not exceed \$10,000. Similarly, if loans are forgiven, then those sums become taxable income, reported to the IRS by the church on Form 1099 in the year it is forgiven.

Loans can also lead to very difficult practical problems of repayment, especially if the loan period extends beyond the person's tenure. Churches should therefore in general avoid making loans directly from church funds to the pastor (or other staff).

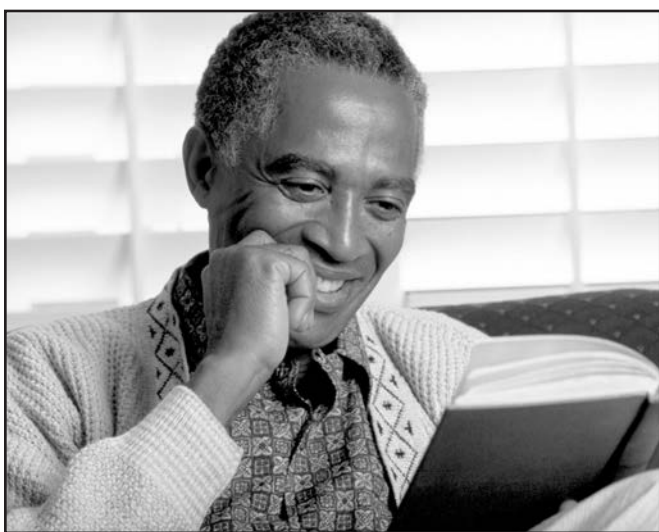
Promissory Notes

If loans are made, they should be set forth in a proper legal manner with specificity concerning the expectations for repayment, interest due and other conditions. This would be done usually in the form of a

promissory note. The note could be a “demand” note, payable and due at any time the lender demands, or a “term” note with the loan payable over a specified period of time. Absent a formal agreement, there is the potential for serious problems arising over what the terms of the agreement were and even issues of the enforceability of the loan. Absent a formal agreement with clear provisions for repayment, IRS may construe the transaction as a gift and not a loan with serious implications for both the pastor and the church.

Policy on Church Loans to Pastoral Staff

The church, consistent with its exempt status and legal obligations regarding the use of its funds, shall not make loans or otherwise act as security for loans, to members or staff. Any exception to this policy must be approved by two-thirds vote of the church on recommendation from the Personnel and Finance Committees and only after a written legal opinion that such a loan is not inconsistent with the church's legal obligations. Any loan agreement must be in writing and contain specific provisions for regular repayment.



“WORK FOR HIRE”

The issue of ownership rights to materials created as part of the minister's duties as pastor are discussed in the section on copyright policy in General Church Policies in this manual.

EXTENDED PERSONAL OR MEDICAL LEAVE

If general employee benefit policies do not address long-term medical leave covering the pastoral staff, it would be wise to establish some basic policies. Especially in the context of a senior pastor, an extended medical problem can put great strains on both the pastor and his family, as well as the church. Churches are appropriately reluctant to make pastoral changes in the face of a long illness or disability of a pastor, and yet sense the need not to be caught in a long-term, uncertain absence of pastoral leadership. Financial considerations are also of legitimate concern. The elements of such a policy would typically include financial arrangements, length of period of an extended leave, and process for addressing termination where the period of leave has been exceeded. Some of the financial pressures on a pastor's resources in the event of long-term leave could be addressed by a disability insurance policy.

OUTSIDE WORK COMMITMENTS

Except in those circumstances where a pastor is bi-vocational, it is the usual assumption that pastoral staff are full-time employees. There are often, however, situations where pastoral staff may have or wish to have other work commitments ranging from other preaching and ministry opportunities (revivals, conferences, etc.) to more substantial activities sometimes including outside business commitments. Not a few contexts of this sort have created surprises and concerns in churches where pastors have either undisclosed or substantial outside interests.

A generic and nonspecific policy might read as follows:

Policy on Pastoral Outside Employment

Pastoral staff are expected to give their full-time energies to the ministry of the church. Any other employment or active business involvement involving the time and energies of the pastoral staff must be disclosed to the (church/deacons/personnel) committee. Where, in the opinion of the committee, such activities are likely to, in appearance or fact, intrude upon the commitments toward the church, the committee shall refer the matter to the church. The committee may make recommendations to the church regarding the church's approval, limitations on, or disapproval of the outside involvements.



Conflict among churches is endemic and tragic. For a community whose doctrines emphasize forgiveness, reconciliation, forbearance, restoration and redemption, and whose Lord prayed that “they may be one,” it is more than a sad reality. Local churches, associations, even denominations are torn with conflicts which seem poorly handled at best.

Sadly, this conflict more often than not revolves around the pastor. Conflicts with pastors may result from legitimate concerns about direction, style, or theology – but just as often it is about personalities or “turf-wars” with church leaders or groups. In any event, the focus of effective conflict management is not to prevent conflict, but to make every effort to let the conflict be an occasion for constructive responses. If conflict is not managed correctly, it can rapidly degenerate into recriminations with ripples that flow throughout the church. It is often noted that as conflicts emerge and grow they reach a point where the original factor creating the issue no longer matters – it has now become a “war” between good and evil, between persons, and all must choose sides.

It is beyond the scope of this policy manual to explore the origins and potential responses to conflicts and the insights of the growing discipline of “conflict management.” However, some core church policies are obviously at issue, and such policies might at a minimum express the higher callings of the Gospel and our Lord concerning how we deal with conflict.

Many resources are available which seek to bring Christian teaching to bear on conflicts, and especially conflicts among believers. These resources emphasize biblical teachings from both Matthew 18 and 1 Corinthians 6 as well as other insights. Among the resources churches ought to consider, not just after conflict emerges, but as a matter of a biblical perspective are the following groups of materials:

Baptist State Convention

M. Wayne Oakes and Dennis L. Burton, *Finding a Way Through Conflict*, contains step-by-step approach to addressing church conflict and specific “exit strategies” in the context of conflict over a pastor. The volume contains proposed wording for a bylaw or policy provision on dealing with church-pastor conflict (Pp. 28ff, published 2002 and available from Baptist State Convention.)

Peacemaker Ministries

Peacemaker Ministries is a non-denominational, evangelical ministry seeking to implement biblical principles in a wide range of conflict contexts. Extensive materials on conflict management and training in biblical conflict resolution are available. Information is available at www.peacemakerministries.org. The emphasis is on Matthew 18 strategies. Two resources may be of special interest:

First is *Managing Conflict in Your Church*, an audiotape seminar, detailed manual, and computer disk provide pastors and church/organization leaders with preventative methods and procedures to guide them in responding wisely to conflict and protecting churches from destructive lawsuits. Includes over eighty pages of sample policies, applications, forms and other documents to protect churches from common legal challenges.

Second, is the *Peacemaker Ministries Church Conflict Intervention Team*. The primary purpose of an intervention is to teach and to change the way a church is approaching its conflicts. The process followed by the team is described in some detail on the website. If you decide your church could benefit from the services of an intervention team, please contact the Church Relations division for a proposal written specifically for your needs.

The Alban Institute

The Alban Institute, at www.alban.org has a wide range of materials on church conflict including the following widely read books:

Conflict Management in Congregations, ed. Lott

Discover Your Conflict Management Style by Speed Leas

Moving Your Church Through Conflict by Speed Leas

Behavioral Covenants in Congregations: A Handbook for

Honoring Differences by Gil Randle



PASTORAL TERMINATIONS

Pastoral terminations are among the most traumatic events in the life of a church and the pastor. Many terminations can be celebrations of an effective ministry and sadness at the break in relationships that had often been forged in spiritual struggles and life's most dramatic moments — births, deaths, weddings, illness. Too many are filled with bitterness and tragedy that affects churches for years — some almost never recover. Some terminations, or failures to terminate, lead to church splits with relationships among members that never heal.

WHAT'S THE PROBLEM?

To this author, the reasons are, of course complex, but do include often one or more of the following:

- **Incompatibility**
Pastor-church matches that were almost destined to serious fractures because either the pastor or the Pastoral Search Committee (or both) had failed to really “date” long enough to assure a basic compatibility perhaps in theology or style. It turned out to be a match not “made in heaven.”
- **Pastoral Misconduct**
Rarely, but sometimes, serious pastoral misconduct involving moral failure.
- **Isolation**
Problems related to inadequate systems of pastoral support and accountability structures as noted above.
- **Unmanaged Conflict**
Conflict that has “gotten out of hand” because of inadequate processing of issues and broken relationships, as noted in the section on conflict management.
- **Power Struggles**
Battles between church factions, between a group accustomed to control that now is threatened, or a rift between a pastor and a dominant church family.
- **Managing Change**
A pastor, sensing the need for change to minister to new dynamics in a community, initiates changes which are vigorously resisted by the “traditionalists” and just as vigorously supported by the new generation or new members.

- **“Tired Blood”**

A sense in a congregation or its lay leadership that, though there is no crisis, it is time for new leadership with fresh approaches, and that the church is now just passing time.

- **Theological/Doctrinal Issues**

Real and substantial differences on core issues as perceived by the church (Note: Though this is often cited as the cause of fractures, many times the real causes are not this noble or fundamental.)

“CONGREGATIONAL GOVERNMENT” & TERMINATION PROCESS

The congregational government system, by its nature, often does not always handle pastoral conflict and termination well. These churches do not have a small leadership group who can “ease” a pastor out and avoid “airing their dirty laundry.” Nor is there a denominational superintendent or bishop who can quietly make a reassignment without a nasty local vote.

From this author's perspective as the recipient of frequent calls from churches and pastors in the midst of conflict, and as a frequent interim pastor where there has been some conflict, Baptist churches have two distinctive problems which need addressing with better policies and procedures to manage church-pastor terminations:

1. Lack of constructive means for pastoral change when there are no major crises

In Baptist and other congregationally-governed churches it is, generally, difficult to vote a pastor out. One might assume it is easy — you do not have to persuade a bishop or presbytery — just call a meeting and vote! But it is really not that simple. With the exception of churches that seem to have developed a tradition of expelling pastors, most churches strongly resist any effort to “fire” the pastor. Even when a majority might sense it is time for a change, many are unwilling to actually show up and vote a pastor out.

Because of this, pastors often over-stay their effectiveness. This may be compounded by a pastor's concern that he may find other pastoral opportunities difficult to find—at least with the same prestige or salary. Thus, he “puts in his time” until retirement. Churches, reluctant to fire pastors, drift or worse. This is especially so in contexts of long tenure. As noted above in regard to conflict-management concerns, churches need processes that in constructive ways evaluate ministries and can intervene before crises or paralysis sets in.

2. Problems in constructive terminations in the context of crises

The stories of the firing of pastors are almost legendary. It is not unknown for pastors to be fired while they are away on vacation, or to be dismissed in an ambush meeting with no real notice to the members of the pending action. Pastors have almost been literally thrown out into the street after years of service, with little consideration for a time of transition. The result has not been surprising — bitterness, badly divided churches, and many who have left the ministry.

Perhaps even Baptists at times may look enviously on a hierarchical church where a superintendent or other official can gracefully “reassign” a pastor without the trauma to the church or pastor.

Do we need new approaches?

Churches need to establish commitments and policies and procedures which, at a minimum, provide a clear and fairer procedure for acting on proposals to dismiss a pastor and appropriate processing of the issue. In a larger context, many have suggested that more intensive and deliberative processes need to take place in the context of pastoral conflict as noted above in the section on conflict.

Wayne Oakes and Dennis L. Burton have developed a set of “Exit Strategies” that seeks to encourage churches to commit themselves to a more sensitive and deliberative process to deal with a pastor’s termination. These strategies first seek to resolve problems and, failing that, to implement an appropriate termination that will respect both the church’s needs and the pastor’s calling and ministry. The basic approach and objective is to assure a process that first seeks to utilize biblical processes of mediation or arbitration to resolve and sort out strains in the pastor-congregation relationship. Where such strains cannot be effectively resolved, the suggested process is to seek a “renegotiated” resolution or “planned exit” rather than a more painful vote of dismissal. The proposals also suggest “Care” aspects of a church toward a pastor in the event of forced exits. The Exit Strategy proposal to churches and ministers is set forth in the Appendix, and in Oakes and Burton’s manual, *Finding a Way Through Conflict*. If adopted, whether totally or in part, it would need to be expressed in formal provisions either in bylaws or policy provisions. The strength of the proposed policies and procedures is their focus on a less contentious and more deliberate process and a structural process that avoids precipitous action and summary dismissals except in instances of serious moral, criminal or doctrinal error. These potential strengths are also its weaknesses. If the process is formally implemented, it can create a whole array of potential “legal” obligations and duties. These may drag out a process and create the potential for further disputes about the process itself. Further disputes can become lawsuits and create financial obligations toward former pastors that strain the spirit if not the budget of a church.

In the model set of bylaws suggested here, the more technical aspects of processing a vote on termination of pastor are set forth with the purpose of assuring the following:

1. Notice of the pending action — no ambushes or surprises
2. Preserving the right of the pastor to be heard
3. Clarifying how such a vote may be initiated — so that it may not just be one person’s hostility constantly rising from the issuer and forcing votes
4. Establishing the requisite majority — affirming the congregational principle of majority decision-making. Such a formal clause might read as printed below — though this is not intended to address the larger process questions, and does not reflect the more detailed and extensive “Exit-Strategies” approach also noted above.

Note: This policy suggests the “majority rule” principle should apply to votes to terminate a pastor (after an appropriate process), rather than some higher plurality often seen in church bylaws. The reason is not simply a commitment to an abstract majority rule principle, but the practical fact that a pastor who has a majority actually willing to vote for his termination simply cannot effectively minister. A church that required, for example, a 75 percent vote to terminate a pastor would be saying that only 26 percent—about one-fourth—of the church need to support the pastor. That simply is a recipe for disaster. Since, in fact, many people might feel it is best for a pastor to “move on” but would not actually vote to dismiss him, a 50-percent-plus majority vote to dismiss probably reflects a much higher dissatisfaction anyway. If, as many churches, we expect a very high level of support for the call of a pastor (often 75 percent or even as high as 90 percent), we ought not to expect an effective pastorate when the percentage of support falls to 26 percent.

The more traditional pastoral-termination bylaw provision is set forth on the following page. It does not, however, include the more deliberative and relational processes suggested by the “Exit-Strategies” approach noted above. The Appendix contains the “Exit-Strategies” approach which can be adapted to a church by inclusion in the bylaws.

If a church enters into the “Exit-Strategies” commitment it must either (1) make clear they are not binding, or (2) if binding, then assure they are not in conflict with the bylaws. Some churches have adopted the “Exit Strategies,” but have not modified their bylaws. This creates a conflict between a policy and a more fundamental document — the bylaws. This problem could be overcome either by adopting the “Exit Strategies” as a provision in the bylaws themselves or by including a provision that permits the adoption of alternatives such as the “Exit Strategies” as an alternative to the other more traditional termination provisions. Such a clause might read as follows:

The church, by a two-thirds vote may enter into covenants with a pastor which provide other terms for dealing with issues and procedures of termination, so long as no such provision may bar the immediate dismissal of a pastor for breach of a church’s stated doctrinal commitments or moral failure, as determined by the church.

The more traditional bylaw provision is as follows:

Pastoral Termination

The pastor is called to serve until the relationship is dissolved at the request of either the pastor or the church.

1. *Resignation. The pastor may resign but shall normally provide at least 30 days notice before the termination of his services. A written resignation or an oral resignation delivered at a Sunday morning service or business meeting of the church, if without conditions, shall be final and binding. If any resignation is subject to conditions it shall be effective and binding when accepted by majority ballot vote of the church.*
2. *Removal. Such a vote may be initiated by the recommendation of the deacons, or by a motion calling for such a vote passed by majority vote at a congregational meeting. In this case the moderator shall immediately set the date for such a meeting to be held within thirty days. Or another time can be set by a written petition signed by not less than 20 percent of the membership and given to the deacons or its chair. In the event of such a petition, the deacons shall set a time for the vote on the tenure of the pastor to be held in not less than 60 days. No member-petition-based call for a vote on the pastor's tenure shall be effective if such a petition has been filed and a vote taken within the last 12 months.*
 - a. *The officers and the members shall make every effort to follow biblical principles including the process set forth in Matthew 18 in dealing with conflicts regarding pastoral staff. An effort should be extended to permit reconciliation of conflicts in a manner consistent with our Christian faith and doctrine.*
 - b. *Removal shall be effective immediately upon the adoption of a motion terminating the Pastor, but salary and benefits shall continue for not less than thirty days. Any resolution to dismiss may also contain recommendations concerning other financial aspects of the termination including severance pay.*

SUSPENSIONS OF STAFF

Hopefully one issue that rarely arises is how the church can respond promptly and effectively when there are serious and apparently credible charges against a pastor involving moral failures. Examples might be criminal conduct, embezzlement of church funds, child abuse or sexual misconduct. In such cases, prompt action may be essential for the credibility of the church and even its protection. In Oakes' volume there is a recognition that in such situations the more extended process he suggests is not applicable. However, even in a more expedited process such as in the policy noted above on pastoral termination, there is a significant time lag for notice of meetings and the vote to dismiss.

These same problems arise in other institutions such as schools. In the child-abuse allegations context, a school will often immediately suspend a teacher at least from their normal duties until allegations are assessed and appropriate action taken. The suspension might be from all duties or only from duties creating a risk related to the charges. The scope of the suspension may also relate to the degree of certainty regarding the truthfulness of the allegations. Thus, a mere allegation might lead to only a limited suspension from further activities in the context of the allegations, whereas substantial evidence of the truthfulness of the charges might lead to a complete suspension pending review and further action. One common option is to provide for an immediate "suspension with pay" pending review and action.

In the section on child-abuse responses in the section on child-protection policies, this volume recommends, as do most writers, that whenever there is a credible allegation of child abuse, the alleged perpetrator be immediately suspended from his/her work or ministry with children—not as an assumption of guilt at all, but as an appropriate interim measure. In that context, the suspension relates to any worker including a pastor.

Here is an optional addition to the termination policy that authorizes such suspensions of pastoral staff pending congregational action:

Suspensions

The Deacons and Personnel Committee (or some other committee) may, by combined three-fourths vote, temporarily suspend with pay all or some of the duties of pastoral staff where, in the face of criminal charges or other serious allegations of moral failure, they believe such suspension is required for the credibility of the church and/or the safety and security of the church, its members or those it serves. Such a suspension may include conditions or prohibitions related to their pastoral status. Such suspension imposed by the committees may only extend for a period sufficient for the congregation to take appropriate action consistent with other provisions in the bylaws and in no event more than 30 days. At a proper congregational meeting, such suspensions may be terminated, modified, affirmed or extended for indefinite or defined periods of time. Such suspensions shall not be understood as necessarily concluding the truth of charges against the pastoral staff member, but to provide an appropriate process for investigation and for processes consistent with church doctrine and governance.

SPECIAL ASPECTS OF PASTORAL MINISTRY

CONFIDENTIALITY

An important aspect of ministry generally, and certainly for pastors, is that of confidentiality. Confidential communications are common in many aspects of ministry and especially in counseling. Whether in formal structured counseling or the informal pastoral ministry on a daily basis there is usually an assumption of confidentiality in the communications. A pastor who cannot keep confidences will soon lose the confidence and trust of the members. Pastors become aware of many aspects of persons' lives — and these are shared with an assumption that the information communicated is confidential.

An assumption of confidentiality

Confidentiality has been a prominent issue in lawsuits against pastors by others who allege that some communication given under an expectation of confidentiality has been broken. In other words, the pastor breached an actual or implied promise of confidentiality. This claim may be combined with claims of an invasion of privacy and a breach of a duty of the pastor to maintain in confidence what has been disclosed or revealed. Lawsuits may also include claims of libel and slander, or even negligent infliction of emotional distress.

A clash with accountability

Some pastors and commentators have suggested that rigid notions of confidentiality are contrary to biblical principles of communal accountability, the obligations of church leaders and appropriate applications of church discipline. For example, should an admission of an ongoing marital affair by a deacon with a staff member or embezzlement of church funds be kept confidential from church leaders? When do the interests in safety, or church integrity, or criminal conduct overcome this confidentiality?

Liability for disclosure

There are clearly contexts in which churches and individuals have been held liable for invasions of privacy or breaches of confidentiality by public disclosure of communications that had taken place under a reasonable expectation of privacy. Such liability might be because the private information was revealed at all, or perhaps while there was a basis for some limited disclosure, the pastor went beyond what was a necessary disclosure, and revealed the communication to those with, in a sense, “no need to know.”

Given the current culture of counseling, it is almost inevitable that the counselee assumes the communications will be held in confidence. Only affirmative steps by the counselor, or policies of which the

counselee is aware, could overcome this. This may well create dilemmas for counselors who learn information which they believe ought to be shared as an aspect of accountability, church discipline or constructive healing — but that may pose some serious risks without the consent of the counselee.

Permissible disclosures

There may be contexts in which a pastor MAY reveal confidences, but is under no legal duty to do so. An example would be the case where there is a communication about a pending criminal act. If a counselee revealed that there was an intent on the part of the counselee's friends to break into a warehouse that night, there is almost certainly no impermissible breach of confidence for the pastor to reveal this fact to authorities.

Mandatory disclosures of confidential communications

There are some “secrets” which are such that there is a duty to reveal these confidences. A failure to do so creates legal liabilities, criminal or civil. These duties to reveal sometimes arise by way of a mandatory statute, such as North Carolina's child abuse reporting requirements. The duty may also arise by way of tort law under which the pastor would have a duty to communicate certain information and the failure to do so would open him up to suits for personal wrongs.

In the case of the duty to report child abuse, North Carolina's statute provides in part as follows:

N.C. G. S. §7B-301

Any person or institution who has cause to believe that any juvenile is abused, neglected, or dependent, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the Department of Social Services in the county where the juvenile resides or is found. The report may be made orally, by telephone, or in writing.

The report shall include information as is known to the person making it, including:

- *The name and address of the juvenile;*
- *The name and address of the juvenile's parent, guardian, or caretaker;*
- *The age of the juvenile;*
- *The names and ages of other juveniles in the home;*
- *The present whereabouts of the juvenile if not at the home address;*

- *The nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and*
- *Any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention.*

If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number. Refusal of the person making the report to give a name shall not preclude the Department's investigation or the alleged abuse, neglect, dependency, or death as a result of maltreatment.

Does the clergy-penitent privilege apply to child-abuse reporting?

The clergy-penitent privilege common in almost all states and statutorily set forth in North Carolina at N.C. Gen. Stat. § 8-53.2 reads as follows:

Communications between clergymen and communicants

No priest, rabbi, accredited Christian Science practitioner, or a clergyman or ordained minister of an established church shall be competent to testify in any action, suit or proceeding concerning any information which was communicated to him and entrusted to him in his professional capacity, and necessary to enable him to discharge the functions of his office according to the usual course of his practice or discipline, wherein such person so communicating such information about himself or another is seeking spiritual counsel and advice relative to and growing out of information so imparted, provided, however, that this section shall not apply where communicant in open court waives the privilege conferred.

Despite this classic privilege, the duty to report applies even if the communication was made in the context of a “privileged communication.” North Carolina statutes have made this expressly clear:

N.C. Gen. Stat. § 7B-310

No privilege shall be grounds for any person or institution failing to report that a juvenile may have been abused, neglected, or dependent, even if the knowledge or suspicion is acquired in an official professional capacity, except when the knowledge is gained by an attorney from that attorney's client during representation only in the abuse, neglect, or dependency case.

No privilege, except the attorney-client privilege, shall be grounds for excluding evidence of abuse, neglect, or dependency in any judicial proceeding (civil, criminal, or juvenile) in which a juvenile's abuse, neglect, or dependency is in issue nor in any judicial proceeding resulting from a report submitted under this Article, both as this privilege relates to the competency of the witness and to the exclusion of confidential communications.

There is no question but that these reporting requirements have at times created dilemmas for counselors and therapists, but the duty is clear. Even though North Carolina's statute does not set forth any specific civil or criminal penalty, it would be the basis for civil liability in a suit by someone injured by virtue of the failure to report. (For an article discussing the dilemmas created by these contexts see, LeRoy G. Schultz, “Confidentiality, Privilege and Child Abuse Reporting,” *Institute for Psychological Therapies Journal*, v. 2 —1990. Available at www.ipt-forensics.com/journal/volume2/j2_4_5.htm)

The duty to warn

In addition to the statutory duty to report child abuse even if the knowledge came from a confidential communication, there also may



be duties under principles of tort law. For example, even if there were no mandatory-reporting, child-abuse statute, a pastor or counselor who knew of such and failed to reveal the knowledge of the harm could be liable in a civil suit by an injured

person. In one striking case, a California therapist and the university for whom he worked were held liable when the therapist was told by a patient of an intent to kill another person. Even though the therapist told the police, he did not warn the person threatened, who then was killed. The court found there was a duty to warn in such cases of threats of serious harm.

How far does this principle extend? It is not always clear when the “confidences” pose a sufficient risk to others that there is a duty NOT to keep the confidence.

Bottom Line:

1. Unless specific steps are taken to dispel the assumption of confidentiality of pastoral communications, pastors should as a matter of practice recognize the expectations of privacy and only disclose confidences under very specialized circumstances such as noted herein. In furtherance of this, the pastor and the church should assure that pastoral counseling records that might contain confidential information are secure. Pastors may choose not to keep records that might become an issue.

2. Church policy should assure that pastors, staff and volunteers, especially those who deal with “juveniles” are aware of the statutory duty to report child abuse. Since the obligation is on individuals AND institutions, the church itself has a duty to report.
3. Where communications intended to be confidential nevertheless evidence a serious risk of harm to third persons, the policy and practice should be to report such communications, such as threats to others, to authorities, and where the threat is of serious bodily harm, to warn the threatened person.

COUNSELING GUIDELINES

Because counseling is such a major aspect of pastoral ministry, and because it often touches persons' lives at times of great emotional vulnerability and need, churches need to give some more careful thought to the counseling ministry than is often the case. The need is also evident from the increasing frequencies of lawsuits involving alleged misconduct by pastors in counseling relationships. There are two basic kinds of allegations about counseling misconduct :

Clergy malpractice

First, there are allegations of improper counseling itself—“bad advice”—a failure to give proper, helpful, professionally recognized counsel. This is commonly called “counseling malpractice” or “clergy malpractice.”

Courts have almost uniformly rejected the theory of clergy-counseling malpractice, beginning with the seminal case involving Grace Community Church in California. After years of litigation in this case, the courts finally held against a plaintiff who alleged in part that the church had been negligent in the counseling advice they gave a young man who later committed suicide. In addition the church was not found to be negligent because they had failed to refer the young man to professional therapists. In broad strokes the courts have held that the courts are barred from assessing the spiritual quality of spiritual counseling, and when churches provide spiritual ministry, there is no “standard” by which secular courts could adjudicate that counseling. Thus, so long as pastors are not holding themselves out as professional therapists or as secular counselors, but rather as spiritual counselors whose counsel emerges from their spiritual ministry, they are not subject to judicial second-guessing on the nature of their advice. The lack of objective criteria to assess appropriate “spiritual counseling” bars judicial intrusion.

One could imagine advice so egregious and dangerous that a person who lacked the capacity to realize the dangers it posed might cross the line. But cases have dealt with imaginable, but extraordinarily rare facts. In the main, however, so long as pastors are engaged in spiritual counseling, there would appear to be very minimal liability based on the content of the advice.

BUT—

... it does seem that if pastors who counsel promote themselves as “qualified” based on some training program or certificate or licensing, they may well be subject to liability if they counsel contrary to the standards of that licensing or accrediting group which they claim to adhere to. Thus, the pastor who announces or promotes that he is a “certified” or “licensed pastoral counselor” or is a graduate of this or that professional program, may find a counselee arguing that the pastor breached the standard of care set forth by that accrediting body.

The same would be true of any representations made in church materials about a counseling program. The church or pastor may well be held to the standards that the church or pastor claims you meet. *Principle:* You may be held to the standards you yourself assert! As a matter of policy, therefore, churches and pastors should normally NOT represent that their spiritual ministry conforms to, or is accredited by, some external source — unless they intend to abide by and be subject to the standards of that body. It ought, in this author's view, be enough to offer spiritual and biblical counseling without further adjectives or other “accreditors.”

Clergy misconduct

Second, there are allegations of misconduct related to the counseling context. Here the focus is not on bad advice but on bad conduct. Such misconduct could be any of a wide range including financial misconduct (taking financial advantage of a counselee), physical violence such as assault and battery, but has more commonly been related to sexual misconduct.

Courts have had a difficult and often-conflicting way of dealing with allegations that a pastor took advantage of a counselee's vulnerabilities and became sexually involved with them. Many such suits have been brought across the nation, including North Carolina and Baptist churches. Sometimes the suits are brought by the counselee who later reflects on what has happened and brings suit. Other times a marriage has been shattered, and a suit may be brought by the former spouse. The allegations are far reaching. They include claims the pastor breached their fiduciary duties toward the counselee, tort claims, and in states that permit it, claims for alienation of affection.

Some of the facts in these stories are tragic illustrations of pastoral misconduct. The lawsuits often also involve the churches themselves. The plaintiff frequently alleges that the church knew or should have known of this kind of conduct by the pastor, failed to supervise the pastor properly, negligently hired the person in the first place, and similar claims.

Some churches, concerned about potential sexual misconduct in fact or appearance, have developed policies to try to address the contexts in which such allegations or conduct might occur. Some churches have developed specific policies barring ministry staff, other than the pastor, from any long-term counseling relationships. These policies do not permit any counseling involving sexual matters. They bar physical

contact with counselees and require all counseling to take place at the church during normal hours when other staff are in the facility. Windows are required in all office doors where any counseling takes place. It is impossible, of course, to totally sanitize all the relationships with such policies, but a church should consider which of these is appropriate to its situation and ministry.

Church leadership should also be sensitive to allegations of improper conduct and take them seriously. They should review with all staff any concerns that are being voiced and address promptly and effectively allegations of misconduct.

A review of any prior allegations of such misconduct should be part of any hiring process. Since such information is often not shared even by those aware of such rumors or facts, it may take direct questions, specific conversations and some probing to assure that there is no history to be concerned about.

One North Carolina church has developed a set of policies designed to minimize the opportunity for or appearance of impropriety by staff involving their formal or informal counseling relationships. Their policies provide in part the following:

Counseling Sessions

Church is committed to protecting the integrity of our staff and the reputation of our church. Scripture stipulates that church leaders are to be “above reproach,” and that even the “appearance” of wrongdoing should be avoided. Therefore, the following counseling guidelines have been established for all staff members to follow:

- *Never visit the opposite sex in a home environment.*
- *Never counsel the opposite sex alone in a church office or room.*
- *Never counsel the opposite sex more than once without the counselee’s mate present.*
- *Never go to breakfast, lunch or dinner alone with the opposite sex.*
- *Never kiss any church member or church guest of the opposite sex.*
- *Never discuss detailed sexual problems with the opposite sex*

- *Never discuss personal marriage problems with any church member or church guest of the opposite sex.*
- *Never drive alone in a car with the opposite sex.*
- *Carefully respond to cards or letters from the opposite sex.*
- *Use church secretaries and open/glass viewing rooms as protective measures.*

The documentation of all counseling sessions should be properly secured under lock and key by all those who counsel. These files should be strictly protected against unauthorized access because of the legal and ethical responsibilities the church could face.

The disposition of counseling files in the event of the counselor’s death or departure from the church ministries will be the responsibility of the pastor with legal counsel assistance.

SEXUAL MISCONDUCT

The subject of sexual misconduct is dealt with at length earlier in this manual. When considering any type of sexual misconduct (harassment, abuse, exploitation) on the part of the pastoral staff, refer to the section entitled Personnel Policies. The topics of “Sexual Harassment” and “Sexual Exploitation” speak to this timely issue. The church may decide to include the same guidelines again here in Pastoral Staff Policies or simply refer back in the manual as needed.



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This section includes two major subdivisions:

A. Sample documents

B. Forms

These documents and forms are provided as samples only and are not intended or recommended for uncritical use. Churches should evaluate which documents and forms might be useful for their specific needs. These samples may be helpful in designing materials for each individual situation. Any form can easily be removed from the manual for copying.

Additional sample forms and documents may be added to this publication through annual supplements available through the publisher or author. If the publisher has a record of your purchase, you will be sent information about available updates. Such information will be posted on www.bscnc.org or call the Baptist State Convention of NC at (800) 395-5102 (NC ONLY) or (919) 467-5100.

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OTHER PERSONNEL-RELATED FORMS

The following forms are provided in *Church Hiring and Volunteer Selection Guide (Risky Business): A Legal and Policy Guide*, by Lynn R. Buzzard and Susan Edwards. This volume may be purchased at buzzard@webster.campbell.edu and 910-893-1801. These forms are also available on a diskette from the same website.

- **General Application**

This form, as the title indicates, is a "general" form which seeks to obtain a broad range of information about the applicant. For a specific task, such as secretary, choir director, child care worker, custodian, etc., the church should develop a Supplemental Application designed to reflect the needs in that specific position.

- **Interview Form**

This is a generic interview form which would be used by the person or committee interviewing applicants. As with the generic application, it would need to be supplemented with specific inquiries related to the specific job being considered, as for example in the Child Care Interview Supplement which follows.

- **Child Care Interview Supplement**

This interview supplement suggests the sort of questions and discussion which ought to take place in the context of the hiring of child care personnel. It is intended to supplement the more general interview form.

- **Volunteer Child Care Worker Registration Form**

This form is an attempt to provide a basic information gathering process for the typical Sunday morning child care worker at the church. It is an attempt to balance the need for some scrutiny of those who work with children both for competence and risk avoidance. This form provides minimal screening which should not drive away volunteers who might be offended by a more cumbersome process. More detailed screening should be used for more intensive child care situations such as a weekday program. It assumes in a typical church that there are at least two, and usually more, adults present. The form is intended to provide information as to special skills and emergency information, as well as surface risk factors.

- **Children's and Youth Ministry Volunteer Information Form**

Any activity with children and youth involves risk related both to lack of skills as well as character. This form is intended to provide basic screening and skills information for the church on those who are going to be involved in these activities. This is NOT intended as an adequate screening for fulltime staff persons in the church or child care, but the occasional volunteer working in a multiple staff situation.

- **Reference Release Form**

This form should be completed by applicants and may be helpful in obtaining more full disclosure from references.

- **Reference Check Form**

- **Pastoral Candidate Reference List**

- **Pastoral Candidate Reference Release**

- **Pastoral Candidate Reference Check**

- **Vacation Days Tracking Form**

This form is used to track an employee's use of vacation-day benefits.

- **Request for Leave of Absence Form**

This form is used by church employees to request all leaves of absence

- **Employee Warning Notice Form**

This form is the method for documenting employee violations.

- **Volunteer Driver Registration Form**

Because vehicle operation is a major source of risk and potential liability, this form is intended to provide not only helpful skill and emergency information, but also to raise issues of unreasonable risks because of driver's prior record.

- **Employment Check List**

A general check list at the conclusion of the hiring process to assure that all the bases have been covered.

DOCUMENTS

ARTICLES OF INCORPORATION

_____ CHURCH

A NONPROFIT CORPORATION

I, the undersigned natural person of the age of eighteen or more, acting as incorporator for the purpose of creating a nonprofit corporation under the laws of the State of North Carolina, as contained in Chapter 55A of the General Statutes of North Carolina, entitled "Nonprofit Corporation Act," and the several amendments thereto, do hereby set forth:

ARTICLE I - NAME

The name of the corporation is _____ Church.

ARTICLE II - DURATION

The period of duration of the corporation shall be perpetual.

ARTICLE III - PURPOSES

- A. The purposes for which this corporation is organized are to operate and function as a church in all its religious, charitable and educational dimensions including but not limited to the specific biblical objectives set forth in the bylaws and the following broad purposes:
1. To advance and promote the worship of God
 2. To engage in and promote the study of the Holy Scriptures
 3. To advance the gospel of Jesus Christ by preaching, evangelism, teaching and the administration of the ordinances of the church
 4. To create and enable Christian fellowship as a nurturing and discipling function of the church
 5. To promote the biblical principles of justice and righteousness in personal, social, community and national life
 6. To carry on the work of the church in all its spiritual, benevolent, educational, philanthropic, civil and social aspects and activities
 7. To promote the spiritual welfare of all persons and to disseminate the Word of God to the people of all nations through evangelistic, educational and charitable missions
 8. To organize and maintain such ministries and divisions, including but not limited to, schools, child care centers, relief programs and social services and other programs authorized by law which will promote and advance the religious purposes set forth herein.
- B. In furtherance of its purposes, and to the extent necessary to carry out such purposes, the corporation
1. Shall have all the powers given to and possessed by a North Carolina Nonprofit Corporation organized under the North Carolina Nonprofit Corporation Act.
 2. May engage in any lawful activity within the purposes for which the corporation may be organized which are incidental to and in furtherance of the exempt purposes of the corporation.
- C. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, officers or other private persons, except to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes as set forth in the Articles.
- D. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future U.S. Internal Revenue Law) or (b) by any corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future U.S. Internal Revenue Law).

ARTICLE IV - GOVERNMENT

The government of this church shall be congregational in nature, and the final authority for the operation and management of the affairs of this corporation, spiritual and temporal, shall be vested in the membership of the church, which authority shall be exercised in the manner set forth

in the bylaws. Members alone shall have the authority to adopt and amend bylaws, approve budgets, receive members and govern and conduct the affairs of this church.

ARTICLE V - MEMBERS

The corporation shall have such classes of members as provided in the bylaws and all members shall be elected by the congregation in the manner set forth in the bylaws. All present members of _____ Church shall automatically become members of the corporation.

ARTICLE VI - INITIAL DIRECTORS

The number of initial directors shall be _____, and the initial directors shall be the same as the current members of the deacons of _____ Church, whose names and addresses are as follows:
(Names and street addresses would be listed here.)

ARTICLE VII - DISSOLUTION

Upon the dissolution of the corporation, the board of directors shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such a manner, or to such organization or organizations organized and operated exclusively for religious purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future U.S. Internal Revenue Law), as the board of directors shall determine.

ARTICLE VIII - REGISTERED AGENT AND PRINCIPAL OFFICE AND PLACE OF BUSINESS

The address of the initial registered office and principal office and place of business of the corporation in North Carolina is _____, County of _____, _____, North Carolina _____, and the registered agent is _____.

ARTICLE IX - INCORPORATOR

The name and address of the incorporator, acting as representative of all the members of _____ Church, is _____ (name and address).

In TESTIMONY WHEREOF, I have hereunto set my hand, this the _____th day of _____, _____.

Lynn. R. Buzzard

State of North Carolina
County of _____

I, _____, a Notary Public for said county and State do hereby certify that on the _____th day of _____, 200____, _____ did appear before me and did each acknowledge the due execution of the foregoing Articles of Incorporation.

In testimony Whereof, I have hereto set my hand and official seal, this the _____th day of _____, 200____.

My commission expires _____.

[seal]

Note: This sample set of bylaws is not intended to suggest that the specific structures or procedures set forth here are either required or even preferred forms and approaches. Churches vary widely in their bylaw provisions, especially in such areas as means of nominating and electing deacons and other key leadership, the range and duties of church officers, the timing and frequency of church business meetings, and the allocation of tasks to committees or councils or their retention by the whole church body.

This sample is more to suggest the sort of topics and coverage that are appropriate to include in bylaws, rather than the specific text. The sample does, however, reflect some provisions common among North Carolina churches.

BYLAWS

CHURCH

ARTICLE I. NAME

This church shall be known as the _____ Church and is located in _____, North Carolina.

ARTICLE II. PURPOSE

The purpose of this church shall be to provide regular opportunities for public worship, to sustain the ordinances, doctrines and ethics set forth in the New Testament for the church of our Lord Jesus Christ; to nurture its members through a program of Christian education; to channel its offerings to the support of the objects of the Redeemer's Kingdom, and to preach and propagate among all people the Gospel of the Revelation of God through Jesus Christ as Savior and Lord.

ARTICLE III. COVENANT

Having been led, as we believe, by the Spirit of God to receive the Lord Jesus Christ as our Savior, and on the profession of our faith, having been baptized in the name of the Father, and of the Son, and of the Holy Spirit, we do now, in the presence of God and angels, most solemnly and joyfully enter into covenant with one another, as one body in Christ.

We engage, therefore, by the aid of the Holy Spirit, to walk together in Christian love; to strive for the advancement of this church in knowledge, holiness and comfort; to promote its prosperity and spirituality; to sustain its worship, ordinances, disciplines, and doctrines; to give it sacred prominence over all institutions of human origin; to contribute cheerfully and regularly to the support of the ministry, the expenses of the church, the relief of the poor, and the spread of the Gospel through all nations.

We also engage to maintain family and private devotions; to religiously educate our children in the Christian faith; to seek the salvation of our kindred and acquaintances; to walk circumspectly in the world; to be just in our dealings, faithful in our engagements, and exemplary in our deportment; to avoid all tattling, backbiting, and excessive anger; to abstain from the promotion, sale and use of destructive drugs and intoxicating drinks as a beverage; to shun pornography; to be zealous in our efforts to advance the Kingdom of our Savior.

We further engage to watch over one another in brotherly love; to remember each other in prayer; to aid each other in sickness and distress; to cultivate Christian sympathy in feeling and courtesy in speech; to be slow to take offense, but always ready for reconciliation, and mindful of the rules of our Savior to secure it without delay.

We moreover engage that when we remove from this place, we will as soon possible unite with some other church where we can carry out the spirit this covenant and the principles of God's Word.

ARTICLE IV. GOVERNMENT

Section 1. Congregational Government

The government of this church shall be congregational in nature, and the final authority for the operation and management of the affairs of this corporation, spiritual and temporal, shall be vested in the membership of the church, which authority shall be exercised in the manner set forth in the bylaws. Members alone shall have the authority to adopt and amend bylaws, approve budgets, receive members and govern and conduct the affairs of this church.

Section 2. Autonomy and Affiliations

This church is autonomous, yet as a Baptist church, it recognizes the privileges of Christian fellowship, social intercourse and cooperation with other churches, but it shall at all times be independent and the final authority for management and operations of all spiritual and temporal matters shall be vested in the membership of the church and be exercised in the manner set forth in these bylaws. The church shall seek to cooperate with the _____ Baptist Association, the Baptist State Convention of North Carolina, the Southern Baptist Convention and any other agency or convention the membership desires and shall seek to participate in those organizations by supporting their cause and through duly elected messengers.

ARTICLE V. MEMBERSHIP

Section 1. Eligibility

Anyone professing faith in the Lord Jesus Christ, giving evidence of a change of heart, and adopting the views of faith and practice held by this church, may upon baptism by immersion, be received into the fellowship of this church by majority vote of the members present. On the recommendation of the pastor, the deacons by unanimous consent may suspend the requirement for immersion baptism as a condition of membership in cases of physical inability or severe hardship.

Section 2. Admission of Members

A person may become a member in one of the following ways:

- A. Profession of Faith and Baptism: An applicant may be received on profession of faith as a candidate for baptism, after the administration of which the applicant shall automatically enjoy the full fellowship of the church.
- B. Letter: A member from another church of like faith and order, who has received the ordinance of baptism by immersion, may be received by letter of dismission and recommendation and if such letter cannot be secured within ninety days, the clerk shall automatically record such member as "received on Statement of Experience."
- C. Statement of Experience. Any person to whom the ordinance of baptism by immersion has been administered may be received as a member upon statement of experience and faith in Christ.
- D. Spiritual Watchcare. Persons who are temporary residents in the area of the church or who are members of a church of another denomination or who have justifiable reasons for not being baptized by immersion may come under the Spiritual Watchcare of this church. Such persons shall, except as qualified below, have the same rights and privileges as those ordinarily afforded members of this church such as pastoral care, but they shall not be members nor vote in church business conference nor hold office in this church or in any of the church organizations filled by vote of the general church membership. When such persons desire or are able, they may be baptized by immersion and be received into the membership of this church.

Section 3. Procedure

Persons may present themselves at a regular church service for membership. At the discretion of the pastor, the church may, as set forth in these bylaws, call itself into special session and vote on the membership of the candidate, or the pastor may acknowledge the desire and postpone the vote until some subsequent meeting.

Section 4. Duties of Members

The duties of the members of this church shall be to be just in their dealings, faithful in their engagements, guarded in their conversation, exemplary in their deportment; to be faithful in all the duties essential to the Christian life; to regularly attend the services of the church; to give regularly and systematically to its support and kingdom causes; and to share in its organized work.

Section 5. Rights of Members

- A. Voting. Every member is entitled to vote at all elections and on all questions submitted to the membership.
- B. Holding Office. Except as otherwise set forth herein, every member is eligible for consideration by the membership as a candidate for elective offices in the church.
- C. Records. Members shall have access to the principal records of the church including minutes of its governing body and principal financial reports. However, consistent with Baptist doctrine and practice, these rights shall not include the right to review or inspect individual donor records or personnel files.

Section 6. Inactive Members

The deacons shall not less than every three years review the membership rolls of the church. For those persons who, without good cause, have not participated in the life of the church in the past six months, the deacons shall seek to make personal contact and determine the reasons for their inactivity and encourage them in their relationship with the church. In the event such persons cannot be contacted, or the persons indicate a

desire to be placed on an inactive roll, or the deacons believe an inactive status would be appropriate, the deacons may recommend to the church those persons to be placed by an inactive roll. The church by majority vote may then place such persons on the inactive roll. Persons on an inactive roll shall not be entitled to vote on any matter before the church. Persons may be removed from the inactive roll and return to the regular church roll by congregational vote initiated by a request of the member or by recommendation of the deacons.

Section 7. Termination of Membership

The methods of terminating the membership status of a member shall be as follows:

- A. By Letter. A letter of transfer to unite with another church may be issued, upon request, to another church for any member of this church who is in good standing.
- B. Removal from Roll. Upon receipt of reliable information that a member has united with another church, this church shall terminate the membership status of the member and the clerk shall remove the member from the roll, and advise the church of the action at the next meeting, and where possible notify by letter the person removed from membership of the action.
- C. By Exclusion. The membership, after due notice and opportunity of hearing, and every possible kindly effort to make such action unnecessary, may upon majority vote terminate the membership status of a person in this church for reasons it considers sufficient to warrant such action.
- D. By Personal Request of the Member. Any member shall be removed from the roll and the membership status of that member terminated upon request by that member to the pastor or deacons.

ARTICLE VI. MEETINGS

Section 1. Worship

This church shall hold regular worship services on Sundays at such time as recommended by the pastor and deacons and agreed upon by the church. The ordinance of the Lord's Supper shall be observed at least quarterly as determined by the pastor or deacons.

Section 2. Business Meetings

- A. Annual Meeting. The annual meeting shall be held the _____ of each year for the election of church officers, standing committees, special committees, and any other offices and committees of the church. The election of some officers may, at the discretion of the church or as set forth in these bylaws be held at some other regular or called meeting.
- B. Regular Business Meetings. A regular business meeting shall be held (quarterly, monthly) on the (date, e.g. 1st Monday of each month). Such meetings may be rescheduled by the deacons when weather or other emergency so requires.
- C. Special Called Meetings.
 - 1. At any regular meeting of the church, the pastor or chair of the deacons may call for an immediate business conference to act upon the reception of members.
 - 2. Special business meetings may be called at any time by the pastor or chair of the deacons or a majority of the deacons, or upon the written request of any twenty (20) members of the church. Upon such a written request the moderator shall schedule a meeting to be held within thirty (30) days and provide not less than one week's notice, including announcement at a Sunday morning worship service. Notice stating the purpose, date and time of the meeting shall be provided the membership. No matter shall be considered at the called meeting except that for which it was called and previously announced.
 - 3. In the event of an emergency, the pastor or chair of the deacons may, with consent of two-thirds of the deacons, call an emergency meeting without full notice to the members. Such notice as is possible will be given to the membership, and action is limited to the items requiring the emergency meeting. Such emergency meetings shall not be subject to the special procedures set forth below. No meeting under this provision may be called in regard to personnel matters.
- D. Presiding Officer. The moderator shall be the pastor who shall preside at all business meetings. In the absence of the moderator, or on any matter involving the tenure of the pastor, the chair of the deacons shall act and if the chair of the deacons is also absent, the vice-chair of the deacons shall preside.
- E. Quorum. A quorum shall consist of the members present at a business meeting.
- F. Matters Requiring Special Procedures. On any motion properly before a business meeting dealing with the purchase or sale of real property, the employment terms or salaries of church staff, the removal of officers, the modification in the overall budget exceeding \$1000, or the affiliation relationships of the church, where the membership has not been given notice of the general subject and nature of the proposals to be voted upon at such a meeting, any member may, by request at such a meeting, require that the motion be referred to the deacons and the

appropriate committee, who will have up to thirty (30) days to make a non-binding recommendation regarding the proposal. The congregation may vote upon the motion at the next special or regular business meeting.

- G. Notice. Except where otherwise required by these bylaws, any requirement of notice for a meeting or item of business to be presented shall be satisfied if announcement is made at a Sunday morning worship service one week in advance of any meeting or action, or notice is provided in any regular or special church newsletter mailed ten (10) days in advance.
- H. Voting. Unless otherwise designated, all matters of business shall be decided by a majority vote of the members present and voting. Voting by proxy or absentee ballot shall not be permitted. Except as otherwise set forth in these bylaws, the moderator at his discretion shall designate the manner of voting, except that the members may by motion made and adopted require a written ballot.
- I. Minutes. The clerk shall keep minutes of each business meeting and preserve them when approved as part of a permanent church record. A copy of the minutes of the church shall be kept at the church office.
- J. Parliamentary Procedure. In business meetings good parliamentary law shall be followed, using Robert's Rules of Order as a general guide. The moderator may, absent objection or with the consent of the majority, deviate from such rules in the interests of full discussion and harmony.

ARTICLE VII. OFFICERS

Section 1. Ordained or Scriptural Officers

The ordained or scriptural officers of the church are the pastor, the ministerial staff and the deacons.

Section 2. Other Officers

There shall be a clerk, a treasurer, director of Sunday School, director of Women's Missionary Union, and such other officers as may be needed to carry out all the purposes of the church. Their term of office will be one year.

Section 3. Pastor

- A. Duties. The pastor shall have in charge the welfare and oversight of the church; the pastor shall be an ex-officio member of all organizations, departments and committees; may recommend a special meeting of the deacons or any committee according to procedures which may be set forth in the bylaws; shall conduct religious services on stated and special occasions, administer the ordinances, minister to members of the church and community, and perform other duties that usually pertain to that office; shall have special charge of the pulpit ministry of the church and shall, in cooperation with the deacons, provide for pulpit supply when absent and arrange for workers to assist in revival meetings and other special services. The pastor shall be the administrative head of the church and shall, with the approval of the Personnel Committee, arrange and approve all absences and vacations of all church employees.
- B. Call and Election. When a vacancy in the pastorate occurs, a special Pastor Selection Committee shall be elected by the church from nominees submitted by the (deacons, Nominating Committee, etc.) of a size it deems appropriate. These nominees shall represent a cross-section of the church and nominations from the floor during the election shall not be precluded. The committee shall proceed promptly and diligently to seek to find a pastor who, by calling, training, and proven ability, seems qualified spiritually, mentally and physically to lead the members of this church. In its efforts to meet its responsibilities, the committee shall be responsible to the church directly. The committee shall receive and give full consideration to all suggestions from members of the church. Members of the committee shall be reimbursed by the church treasurer for any necessary travel and subsistence expenses that are incurred in the performance of its duties. When the committee has made a choice and is ready to make a report and recommendation to the church, it shall cause notice thereof to be given from the pulpit at two successive Sundays preceding the Sunday morning service at which it shall submit its report and nominate a minister to be the pastor. The committee shall put before the church only one name, at any one time, and no nomination shall be made from the floor.

The election shall be held at the service at which the nomination is made. To be elected pastor, the minister nominated by the committee must receive at least ninety (90) percent of all the votes cast, and it is desirable that the vote shall be unanimous. If the committee's report fails to receive the required vote, the moderator shall declare the nominee not elected, and shall refer the matter, without debate, to the committee for further investigation and further recommendations under the foregoing procedure.
- C. Employment Policies. The church shall establish and set forth appropriate employment policies in regard to the pastor, and annually review such policies. Such policies shall not constitute a contract and are subject to modification by the church at any time.
- D. Termination. The pastor is called to serve until the relationship is dissolved at the request of either the pastor or the church.
 - 1. Resignation. The pastor may resign but shall normally provide at least thirty (30) days notice before the termination of his services. A written resignation or an oral resignation delivered at a Sunday morning service or business meeting of the church, if without conditions, shall be final and binding. If any resignation is subject to conditions it shall be effective and binding when accepted by majority ballot vote of the church.

2. Removal. Such a vote may be initiated by the recommendation of the deacons, or by a motion calling for such a vote passed by majority vote at a congregational meeting in which case the moderator shall immediately set the date for such a meeting to be held within thirty (30) days, or by written petition signed by not less than twenty (20) percent of the membership and given to the deacons or its chair. In the event of such a petition, the deacons shall set a time for the vote on the tenure of the pastor to be held in not less than sixty (60) days. No member-petition-based call for a vote on the pastor's tenure shall be effective if such a petition has been filed and a vote taken within the last twelve (12) months.
 - a. The officers and the members shall make every effort to follow biblical principles including the process set forth in Matthew 18 in dealing with conflicts regarding pastoral staff. An effort should be extended to permit reconciliation of conflicts in a manner consistent with our Christian faith and doctrine.
 - b. Removal shall be effective immediately upon the adoption of a motion terminating the pastor, but salary and benefits shall continue for not less than thirty (30) days. Any resolution to dismiss may also contain recommendations concerning other financial aspects of the termination including severance pay.

Section 4. Deacons

- A. Election. There shall be ____ members of the deacon body. These shall be elected from among the church membership who have proven themselves to have scriptural qualifications. Members shall be elected for a term of three years with one-third of the number being elected each year and they shall assume office on _____. After the completion of a full three-year term, no member shall be eligible for re-election until after the lapse of one year. Whenever members are to be elected, the Deacon Nominating Committee shall place in nomination names of six (6) persons for full terms plus nominees for unexpired terms. Nominees for unexpired terms shall be specified for particular unexpired terms and shall be elected for the length of the unexpired term. Members nominated from the floor must have previously agreed to serve. If there are nominations from the floor, the election shall be by written ballot with the nominees receiving the highest number of votes elected. At their first meeting in each church year, the deacons shall elect a chair, vice chair, secretary, and other appropriate officers.
- B. Deacon Nominating Committee. A committee composed of seven (7) church members to nominate the deacons shall be elected to serve a period of one year. The members of this committee shall be elected by the church, upon recommendation of the pastor and the deacons, on _____ (the third Sunday of June each year) and shall assume their office immediately after their election. The retiring chair shall be responsible for calling a meeting of the members of the committee within two weeks of the election, at which time a chair and secretary and other appropriate officers shall be elected for the ensuing year. The committee shall request the membership to provide it with the names of members to be considered by the committee in selecting the nominees for the deacons. In selecting the nominees, the committee will use its best efforts to select persons who have proven themselves to have scriptural qualifications and whose character and leadership is respected in the church and community, also giving consideration to representation from the entire church body.
- C. Duties. The deacons shall at all times consider themselves as servants of the church. With the pastor, and as the Holy Spirit may direct, they are to consider and make recommendations to the church in all matters pertaining to its work and progress. They are to oversee the discipline of the church, to establish and to maintain spiritual fraternal relations with all members of the church, and to assist the pastor in the use of the church property, (with proper respect to the responsibility of the Building and Grounds Committee). They shall arrange for regular meetings and such committees as are necessary to the discharge of their duties. The chair of the deacons may call the deacons into special session whenever need for such arises.
- D. Organization. The deacons shall elect their chairman, vice-chairman, secretary and such other officers as they deem appropriate and establish regular times of meetings.
- E. Corporate Duties.
 1. Function as Board of Directors. The currently serving members of the deacons shall, meeting and acting together, constitute the Board of Directors of this church. Such Board of Directors shall change by and in the same procedure as for the terms of members of the deacons so that the Board of Directors shall perpetually be the same as the deacons. In their capacity as directors, they shall have the duties and responsibilities attendant to directors, subject however to the limitations set forth in the charter and bylaws. The directors shall not have power, except as expressly authorized by the congregation, to purchase or sell or encumber any real or personal property, to install or remove officers or staff, to amend the bylaws or charter, or to bind the corporation to any contract. Consistent with our spiritual principles, Baptist polity and long-term practice, the congregation as a whole retains the authority to govern the affairs, spiritual and temporal, of the church.
 2. Corporate Officers. The chair of the deacons shall, whenever required by law or practice, serve as the president of the corporation, having however only such express powers as are granted by the congregation, and having no power absent such express authorization to bind the corporation in any matter or act for it. In a similar manner and subject to the same limitations, the vice-chair of the deacons shall be authorized to act as the vice-president.

Section 6. Clerk

It shall be the duty of the clerk to attend, or be represented at all church business meetings, to keep accurate record of all business transactions, to prepare the annual associational letter and to notify all officers, issue letters of dismissed as authorized by the church, preserve all papers and valuable letters and records that belong to the church, and preserve a true history of the church. It shall also be the duty of the clerk to see that an accurate roll of the church membership is kept with dates and methods of admission and dismissal, change in name, correct mailing addresses and other pertinent information. The clerk shall serve as the secretary of the corporation.

Section 7. Treasurer

It shall be the duty of the treasurer to receive, keep in a bank, and disburse by check, upon proper authority, all money or things of value that are given to the church, and keep at all times an itemized account of all receipts and disbursements, rendering regular account to the church to be preserved by the church clerk. The treasurer's books shall be audited annually as arranged by the church; and all books, records, and accounts kept by the treasurer shall be considered the property of the church. The treasurer shall upon invitation meet with the deacons, and shall be an ex-officio member of the Finance Committee.

ARTICLE VIII. COMMITTEES

Section 1. Committees

The church shall elect such standing and special committees as may be deemed necessary to carry on the various phases of the program of the church. These committees shall be elected by the church upon the recommendation of the Nominating Committee, unless the church directs their appointment in a different manner. All committees serve at the pleasure of the church, and shall in no event have any authority to act for the church except where specifically authorized.

Section 2. Composition, Duties and Election of Committees

The composition, duties and means of election of all committees, standing and special, shall be established by the church and set forth in a committee handbook made available to all church members.

ARTICLE IX. STAFF

Section 1. Ministerial Staff

The ministerial staff shall be composed of the pastor and other persons who fill ministerial positions as may be created from time to time by vote of the membership. Members of the ministerial staff other than the pastor shall be elected or terminated by the membership upon recommendation of the Personnel Committee in consultation with other appropriate committees and the pastor.

Section 2. Church Staff

The church staff shall be composed of all persons employed by the church except the ministerial staff and the pastor. Members of the church staff shall be employed or terminated by action of the Personnel Committee with the agreement of the pastor.

Section 3. General Provisions

A job description for each staff position shall be prepared and shall be revised periodically by the pastor and the Personnel Committee and given to all candidates being considered for that position or to the person filling that position. Staff positions may be combined from time to time at the discretion of the pastor and the Personnel Committee, and the combined position held by one person. All members of the staff shall be called or employed for indeterminate terms. A staff member may resign by giving thirty (30) days written notice of termination to the church. The relationship of a staff member to the church may be terminated by the church at any time by action of the body or committees authorized to elect or terminate that staff member. The church shall for all staff positions establish appropriate employment policies including job descriptions, benefits and other policies. Such policies shall not constitute an employment contract and may be terminated or modified at any time by appropriate church action.

ARTICLE X. FINANCES

Section 1. Budget

The Finance Committee shall prepare and submit to the church for approval an annual budget.

Section 2. Accounting Procedures

All funds for any and all purposes shall be handled in accordance with procedures established by the Finance Committee, be reported to the church treasurer or financial secretary, and be properly recorded on the books of the church. A system of accounting that will adequately provide for the handling of all funds shall be the responsibility of the Finance Committee.

Section 3. Fiscal Year

The fiscal year of the church shall run from _____ to _____.

Section 4. Expenditures and Receipts of Funds

- A. No funds shall be disbursed without the express authorization of the church as provided for in the budget or separate authorization.
- B. No designated funds shall be received except where the church has approved the receipt of funds for the designated cause. Separate accounting shall be maintained for all designated gifts and funds.
- C. The receipt of gifts of real or personal property must be approved by the appropriate church authorities.
- D. All gifts of money or other items shall be used solely at the discretion of the church, subject only to such restrictions on the use of gifts which are designated to a church approved fund, and as may be made at the time of their receipt

ARTICLE XI. CHURCH POLICY MANUAL

The officers shall assure the creation and maintenance of a policies and procedures/operations manual which shall contain all currently controlling policies and procedures governing any aspect of the church's affairs including policies regarding the handling of funds, use of facilities and employment policies and practices.

ARTICLE XII. GENERAL AND MISCELLANEOUS PROVISIONS

Section 1. Ministerial Ordination

When this church has been requested to ordain a member or when the church wishes to ordain a member to the full Gospel ministry, it shall, upon recommendation of the pastor and the deacons who have satisfied themselves as to the candidate's fitness, call an Examining Council according to accepted Baptist procedure to examine the candidate with respect to the candidate's Christian experience, call to the ministry and views of Bible doctrine. The pastor may invite the Associational Council of Ordinations to examine the candidate concerning the candidate's fitness for the ministry. When the Examining Council recommends the candidate's ordination, the candidate shall be properly set apart and ordained, with prayer and the laying on of hands, provided that prior to the ordination, three-fourths of the members present at any regular church meeting agree thereto.

Section 2. License to Preach

When a member announces to the church the call to the ministry, the church, upon recommendation of the deacons and by majority vote, may license the member as an acknowledgment of the call to the ministry and the encouragement to make preparation for it. The clerk of the church may furnish the member with a copy of the minutes or a certificate of license. It is understood that the performance of civil duties by the member shall be governed by state law.

Section 3. Church Council

The Church Council shall consist of the pastor, the ministerial staff, the church secretary, the chair of the deacons, the director of the Sunday School, the director of the Women's Missionary Union, the chair of the Finance Committee, and three members elected by the church. The council shall work with the ministerial staff and the deacons as a coordinating and enabling agency of the church, but shall respect and shall not encroach upon the responsibilities of committees and the deacons. The council may make such recommendations to committees, the deacons and the membership as it may deem appropriate.

ARTICLE XIII. AMENDMENTS

Section 1. Amendment

These bylaws may be amended, altered or repealed by a two-thirds votes of the members present at any business meeting; provided, however, that such amendment, alternation or repeal must be given to the clerk in writing; this proposed change shall be presented to the church at least two weeks prior to the time the vote is taken.

Section 2. Copies

A copy of these bylaws and any amendments thereto shall be maintained by the clerk and copies made available at the church office.

COMMUNICATION AND EXIT STRATEGIES FOR CONGREGATIONS AND MINISTERS

Copied from Dennis L. Burton and M. Wayne Oakes, *Finding a Way Through Conflict*,
Baptist State Convention of North Carolina, 2002.

In the event of a disagreement, between the church and its minister(s), our greatest desired outcome is the resolution of the problem(s) with a genuine reconciliation occurring between the church and its minister(s). However, in recognizing the reality and frailty of human relationships, we acknowledge the need for an agreed upon plan between the Congregation and its Ministerial Staff, should the relationship become unworkable. The goal of this plan is to seek to minimize the pain, caused by the ending of our relationship, in circumstances that are less than we would desire.

To that end, we agree to the following process as our Communication and Planned Exit Strategies:

Areas of disagreement, or “Pinches” in the relationship, will be submitted to a process of mediation or negotiation with the intention of resolving the issues and returning the relationship to a productive level. (Reference is made to the Role Renegotiation Model.)

The process of mediation and/or negotiation to be followed, in the event a “Pinch” or a “Crunch” occurs in the relationship between the congregation and a member of its ministerial staff, is as follows:

1. If a congregational member or a small group of members has a concern regarding the minister, they will go directly to the minister with their concern before asking for the assistance of church leadership. (If requested, a Deacon may go with the member and listen.) The goal of this dialogue is resolution and reconciliation of the issue between the member and the minister.
2. If the issue is not resolved by step one, the member(s) or minister may request that a mediation team be formed to negotiate the matter. The team will be composed of up to three persons, two from within the congregation and one who is not a member of the congregation. (This could be another pastor or deacon from another church) These persons will be persons who are neutral on the issues at hand. Members of the current Deacon Board will not serve on this team. The Role Renegotiation Model will be used to help clarify the expectations and to specify the steps of resolution.
3. Should resolution not be reached by step two, the member(s) or minister may request that the active Deacon hear their concerns. The issues will be provided to the Deacons in writing, with specific concerns identified. The mediation team may be invited to participate with the Deacons in the discussion of the concerns. The Deacons have the following options available:
 - a. The Deacons may conclude the issue is not resolvable, but no value will be gained by further discussion and the concerned parties will be encouraged to consider the matter closed. (The risk of increased Corporate Pain may become an issue.)
 - b. The Deacons may arbitrate the dispute and mandate the solution. (The risk of increased Corporate Pain may become an issue.)
 - c. They may recommend that the Congregation enter into a Conflict Resolution Process. Recommended sources of a consultation are the Pastoral Ministries Team of The Baptist State Convention of North Carolina and The Center for Congregational Health of Winston-Salem, North Carolina.
 - d. They may conclude the issue cannot be resolved, and it is in the best interest of the minister and the congregation to begin a process of separation in which the minister may take up to _____ (i.e. nine) months to relocate. The congregation will be apprised of their action and an opportunity given for input from the membership. The decision of the deacons will be affirmed by a vote of the congregation. Should the pastor not relocate within the _____ (nine) months, the Care Portions of the Planned Exit Strategy will begin. (See below.)
 - e. They may refer the matter to the congregation with a recommendation that the congregation vote on the tenure of the minister.

Please Note:

Both the Deacons and the Minister are asked to consider carefully the impact of a vote on the tenure of the Minister. Such a vote rarely is helpful and almost always is destructive to the Minister, his family and to the congregation. Often, such severe damage is done to the reputation of the Minister and the church, that it will take years to overcome. This action should be seen as a “Last Resort” action on the part of the church. It is also to be stated, that the “Care” needs of the Minister, his family, and the congregation will be far higher if this option is exercised.

Any one of the following actions by the minister(s) will result in the call for immediate resignation or a vote on tenure by the congregation.

1. Moral Failure
2. Repeated, Inappropriate or Abusive Behavior
3. Gross Misconduct, Dereliction of Duty, or Incompetence in Office

4. The Teaching/Preaching of Doctrine Not in Accordance with the Church's Doctrinal Stance (as stated in the governing documents of the church)
5. Embezzlement of Church Funds

Implementation of the Care Portions of the Planned Exit Strategy

Implementation of the Care Portions of the Planned Exit Strategy is achieved by one of the following actions:

The Minister Tenders His Resignation as a Result of a Forced or Planned Exit

The Minister will, in consultation with the Deacons, agree on an effective date for the resignation. It should be noted that some circumstances could dictate an immediate resignation. The Deacons will accept the letter of resignation and inform the congregation. The Minister's resignation will not be voted on by the congregation. It should also be noted that some circumstances could dictate a brief period of time between the announcement of the Minister's resignation and the effective date. This can occur when the Minister and Deacons agree that it is in the best interest of the Minister, his family and the church to have a final closure experience. Once the resignation is submitted, the "Care" portions of the Planned Exit Strategy will be immediately applied.

The Minister Does Not Tender His Resignation and the Deacons Call for a Business Conference to Vote on His Tenure as Their Minister

The Deacons will call for this conference in accordance with the prescribed process in the Church Documents, such as the Church Constitution and ByLaws. Attention will be given to the percentage vote required to end the tenure of the Minister. The vote will be by written ballot and the ballots will be preserved following the announcement of the outcome of the vote. Should the congregation vote to end the tenure of the Minister, its effect will be immediate, and the "Care" portions of the Planned Exit Strategy will be applied.

Care Portions of the Planned Exit Strategy

Care of the Minister and His Family in the Event of a Forced or Planned Exit

1. The pastor shall receive full salary and benefits based on one month for each year of service to this congregation, with the minimum amount of time being three months, the maximum being twelve.
2. If living in a parsonage, the minister may remain in the parsonage or he will receive a housing allowance equal to the rental value of the parsonage, based on one month for each year of service to this congregation, with the minimum amount of time being three months, the maximum being twelve.
3. The church will provide for counseling, as needed, for the Minister and his family for up to six months. The pastor will be encouraged to seek career assessment available through the Baptist State Convention of North Carolina or through Leader Care provided by Lifeway Publishing, Nashville, Tennessee.
4. Where possible, an exit interview will be conducted with the Minister and their spouse. This interview may be conducted by an appointed, outside, representative of the church, if it is felt that this would be more productive. A report of the interview will be provided to the leadership (Deacons, Personnel Committee, etc.) of church.
5. The church will seek a special prayer team of five persons minimum to pray daily for the Minister and his family for at least the agreed upon period of time of the Exit Strategy.

Care of the Congregation in the Event of a Forced or Planned Exit

1. The Deacons will seek pastoral care for the church through an organization skilled in such care. Recommended sources are the Pastoral Ministries Team of the Baptist State Convention of North Carolina or the Center for Congregational Health in Winston Salem, North Carolina.
2. The Deacons will consider a recommendation that the church enter into a Conflict Resolution Process as provided by the Pastoral Ministries Team of the Baptist State Convention, the Center for Congregational Health, Winston-Salem, North Carolina, or other qualified and competent consultation.
3. A special prayer team, of five persons minimum, will be sought to pray daily for the church for at least the agreed period of time of the Exit Strategy.
4. The Deacons will consider recommending the engagement of an Intentional or Transitional Interim Pastor to the congregation during the interim period. Information regarding the Intentional Interim Ministry Program may be obtained through the Center for Congregational Health of Winston-Salem, North Carolina. Information regarding the Transitional Interim Pastor may be obtained through Lifeway Publishing, Nashville, Tennessee.
5. Deacon care teams will be formed, by active and inactive deacons, to visit members of the congregation requesting such a visit. The purpose of these visits will be to listen to the concerns of the members and to pray for healing and/or reconciliation in the congregation.

FIFTY INTERNAL FINANCIAL CONTROL PRACTICES

From: *The Church Guide to Internal Controls, Church Law and Tax Report*, Richard J. Vargo, 1995

These controls are the most reasonable for all churches, large and small, to use to reduce the risk of embezzlement and the generation of unreliable financial reports.

General Internal Controls

1. Are specific accounting functions handled by the individuals or groups who are assigned these functions in the church's organizational chart, bylaws or manual of operations?
 - Who collects the offering? Who counts the offering? Who goes to the bank?
"Getting cash to the bank looks like a Laurel and Hardy movie in some churches as those people who hold the Sunday offering look for someone to take it to the bank."
2. Does the church have a written, up-to-date accounting procedures manual?
 - The manual places responsibility and assures continuity of practice.
3. Does the financial secretary's or treasurer's activities involve only keeping the records of cash collections and preparing the support for disbursements?
 - The separation of duties is the keystone of a church's internal control system.
 - Keeping the recordkeeping function distinct from the cash-handling function will go a long way in reducing the church's risk of misappropriation of funds.
4. Are facilities locked when not in use?
5. Are the accounting records safeguarded at all times?
 - Are computer files backed up and the backup copies properly stored? Are paper records stored at home or in the church safeguarded from being destroyed, altered or tampered with?
6. Is an internal audit committee operational?
 - An internal audit committee is usually made up of members with accounting or business backgrounds. They perform some tests of the accounting records. Their tests should be done annually at a minimum.
7. Are the accounting records and the underlying internal controls audited annually?
 - In churches that have a new treasurer every year, the church will be certain to have each treasurer's work reviewed.
 - The auditor can identify and correct any deficiencies before they become standard operating procedures.
 - A written policy of annual audits precludes any treasurer from feeling paranoid about the members not trusting him or her.
8. Are new personnel screened?
 - Seventy (70) percent of all embezzlers are repeat offenders.
 - Some screening must occur and may involve as little as a few telephone calls to references, former supervisors, neighbors and so on.
9. Are all employees who have access to cash bonded?
 - Blanket bonds are popular with churches because all employees may be covered. Your [church] insurance policy should provide this coverage.
10. Are members encouraged to use offering envelopes?
 - Envelopes serve to (1) protect members' offerings until they can be counted, and (2) provide the basis for recording the contribution in the church's accounting records.
 - The envelopes should be retained by the treasurer or financial secretary until after a contribution report has been provided to members.
11. Are members encouraged to use checks in making their offerings?
12. Is the handling of offerings always controlled by at least two people?
13. Is the handling of other receipts of cash always controlled by at least two people?
14. Is cash counted in a secure area?
15. Do the money counters verify that the contents of the offering envelopes are identical to the amounts written on the envelopes by the members?
16. Are all checks received restrictively endorsed as soon as possible?
17. Is cash deposited as soon as possible after receipt?
18. Is all cash received deposited in the bank?
 - Cash receipts should be deposited intact, that is, without being reduced by disbursements.
19. Is cash safeguarded in a safe, lock-box, or similar protective container when at the church?
20. Are collection reports given to the financial secretary or treasurer for entry into the accounting records, and a copy sent to the internal audit committee for subsequent audit purposes?

21. Are incoming-mail and in-office contributions handled by people who are not responsible for the accounting records?
 - If contributions acknowledgements and/or statements are mailed on a regular basis, this may mitigate the risk from not having these duties separated.
22. Has the bank been instructed in writing never to cash checks payable to the church?
 - A letter to the bank may not prevent someone from cashing such a check, but it would fix responsibility for the misappropriation with the bank.
23. Are contribution records maintained for members?
 - This is required by the IRS.
24. Do members receive periodic (perhaps quarterly) notices of their contributions from the audit committee?
25. Are the periodic notices of contributions sent to each member photocopied?
 - The idea here is to deter anyone from changing the amount on the notice to an amount that is not recorded in the books.
26. Are members instructed to report any irregularities or errors in their notices of contributions to the internal audit committee?

Cash Disbursement Controls

27. Are requisition slips prepared for anticipated disbursements that do not have standing authorization?
28. Are prenumbered purchase orders used for all disbursements that do not have standing authorization for payment?
 - Purchase orders should be used even if requisition slips are not used. Purchase orders provide structure and accountability for legitimate purchases.
 - Their use protects the church from unscrupulous vendors who send unordered goods to churches.
29. Are invoices for goods and services approved by a qualified person before payment is made?
30. Are invoices checked for accuracy before being paid?
31. Is a check authorization slip prepared to support the disbursement of funds?
32. Are all disbursements of cash, except for minor items, made by serially numbered checks?
33. Is a check protector used?
 - This is a mechanical device that embosses the amount on the check so that nobody can change the amount of the check before it is deposited at the bank.
34. Do all check signers inspect all supporting documents before signing?
35. Are at least two signatures required for all checks?
 - This is strictly an internal control and often not enforced by the bank.
 - Prevents one person from being in charge of cash.
 - Blank checks should not be signed!
36. Are supporting documents canceled when checks are issued?
 - Stamp "Paid" on the paperwork. If a voucher check is used, attach the paperwork to the voucher.
37. Are all voided checks marked and retained?
38. Is preparing a check to "Cash" prohibited?
39. Are blank, unused checks safeguarded at all times?
40. Are expenses always recorded in the correct accounting period?
41. Is a petty cash fund used for minor disbursements of cash?
42. Are vouchers prepared for all disbursements from the petty cash fund?
43. Are transfers among bank accounts properly authorized?

Reconciliation Practices

44. Are reconciliations of all bank accounts prepared monthly by a person not involved in writing checks?
 - Bank statements should be mailed to a member of the internal audit committee or someone designated by the committee to reconcile the accounts.
 - Monthly reconciliations should be retained for use during the yearly audit of the books.
45. Is the petty cash fund reconciled on a surprise basis at least once a year?
46. Are account balances in "the books" ever reconciled with the amounts presented in financial reports?

Other Assets

47. Are valuables (securities, jewels, valuable documents, etc.) afforded protection in a bank safe-deposit box?
48. Are two signers required for access to the safe-deposit box?
49. Is an updated inventory of securities, valuables, equipment, and other major non-cash assets maintained?
50. Are scheduled reviews made to determine if insurance coverage is adequate?

YOUTH MINISTRY RETREAT/ SPECIAL EVENT GUIDELINES

1. **Forms.** All participants or staff of any age must complete and sign a registration form and the community agreement on it before participating in each Youth Ministry sponsored event. All youth must have a parent/guardian's signature on the completed approval and medical permission form.
2. **Adult Leaders.** (advisors, chaperones, counselors, program leaders, chaplains) must be at least eighteen (18) years of age and at least two years older than the oldest eligible youth participant. No church youth event shall have fewer than two adult advisors. Those planning the event shall seek to have one adult present for every five youth. The adult leadership will reflect the gender make-up of the youth attending, so that if there are male and female youth, there must be male and female adult advisors. Experienced adult youth workers are to be included with adults who are newcomers to youth ministry.
3. **Attendance.** All participants must remain at the event through its entirety. Late arrivals and early departures must be approved by the event coordinator before an event begins, and parental notice and approval of such shall be required. Only registered participants may attend the event. This is intended to provide a safe and secure environment for all participants and to honor the integrity of the community that forms when people gather.
4. **Smoking.** There shall be no smoking. The possession and use of tobacco or any tobacco products is prohibited.
5. **Alcohol and Drugs.** No legally controlled substances, including drugs and alcoholic beverages, may be used or be in the possession of any adults or youth at a church-sponsored events. If a person violates this agreement she/he will be sent home at her/his own expense. Adult leaders must be made aware before any event of the use of prescription drugs by any participating youth.
6. **Prohibited Leadership.** Any person convicted of prior incidents of sexual misconduct or abuse will not be used in any capacity for church-sponsored youth events. Any person who is accused of improper behavior will be removed from positions that would give him/her access to youth, until the situation is satisfactorily resolved.
7. **Sexual Misconduct.** No form of sexual misconduct will be tolerated. Sexual misconduct includes, but is not limited to: sexual abuse, sexual molestation, sexual harassment and sexual exploitation. In addition, presenting sexually provocative material or language is considered inappropriate.
8. **Abuse.** Physical abuse is defined as deliberate bodily harm of a person by another. Emotional abuse is the spoken or unspoken devaluing of another, such as, name-calling, or indicating that he/she is worthless. Sexual abuse is any sexual involvement or sexual contact between a youth and an adult or between youth when there is an unequal distribution of power, such as, when one person is significantly older, larger, stronger, or holds more authority. Such abuse is unacceptable behavior and may be grounds for sending a perpetrator home from an event.
9. **Basic Needs.** We expect church-sponsored programs to be fun and refreshing. No one is to be deprived of the basic human needs of food, shelter, sleep, safety and clothing at any event.
10. **Reporting.** Any person who believes he/she has experienced improper behavior is urged to report it to the proper authorities: an adult leader, any church staff, youth minister or pastor as soon as possible. Any adult advisor who receives a report of suspected or actual misconduct must report it to the church staff or lay leadership.
11. **Accommodation.** All overnight programs will provide safe, supervised sleeping arrangements. This will mean gender-specific sleeping areas. A single adult and a single youth will never sleep alone together. In addition, separate bathroom/shower facilities by gender (or specific times to use a single facility) will be provided.
12. **Transportation.** Participants and their families are responsible for arranging their transportation to and from church-sponsored events, unless otherwise provided by the church. All youth participants who drive to an event must park their vehicle for the duration of the event. Adult advisors are to avoid dropping off and/or picking up youth without being accompanied by another adult.
Adult advisors who are transporting youth to and from events must be approved drivers, and parents must have notice and give approval for their children to be transported by the advisor.
13. **Violence.** No one is to strike or hit or otherwise threaten anyone at any time. No weapons of any kind are to be brought to church-sponsored events. Anyone in possession of a weapon will be sent home.
14. **Dating.** No adult youth worker is to date a youth or to become romantically or sexually involved with a youth who is a member of his/her local program or a participant in church-sponsored programs.
15. **Gifts.** All adult leaders are to refrain from giving or receiving personal gifts or money privately to youth without first consulting the parents, and pastor or youth committee leadership.
16. **Meetings.** All church-sponsored youth meetings will be open to the church membership and parents of involved youth. Problems that arise in the course of youth programs will be addressed honestly and directly. Clergy, parents, youth, and lay leadership have a right to full information about all church-sponsored programs, and a right to observe any youth program at any time.
17. **Pastoral Care.** When one-on-one conversation or pastoral care is necessary between an adult leader and a youth, another adult is to be present, or at least aware of the place of consultation and who is being counseled. Counseling shall be in an open public place in view of others.

VEHICLE TRIP SAFETY GUIDELINES AND EQUIPMENT LIST

Trip Safety Guidelines

The following safety rules are designed for use prior to each trip, regardless if it is taken in church/school-owned or private vehicles. The organizer and/or driver for the trip will ensure all participants read and understand the following “rules for the road.”

1. Seat belts must be worn at all times.
2. No hazardous, disruptive activity or noise will be permitted while the vehicle is moving. All passengers must follow the driver's requests.
3. Keep all objects inside the vehicle.
4. All windows must be kept clear of objects that may obstruct the driver's view.
5. In case of an accident or emergency, stop and do not exit the vehicle unless instructed by the driver. Always exit on the sidewalk or shoulder side of the vehicle, never on the traffic side.
6. Violation of these rules may result in the termination of the trip for the entire group or the removal of a participant from the trip.
7. My safety and the safety of others is a priority on this trip.

I have read, understand and will comply with these rules during the entire trip.

Name: _____ Date: _____

Auto Safety and Survival Kit

When going on an extended trip, the following components are necessary to ensure safety and security:

- Accident reporting forms
- A cellular/mobile telephone (not to be used by the driver while driving)
- Blankets
- Bottled water
- Coins for telephone use
- Duct tape
- Emergency phone numbers (road service, church, pastor, etc.)
- Fire extinguisher (dry chemical)
- First-Aid kit
- Flashlight and batteries
- Emergency flags/flares
- Food (nutrition bars, trail mix, etc.)
- Gloves
- Insurance information
- Jumper cables
- Maps
- Paper towels and toilet tissue
- Radio with fresh batteries
- Rags and towels



FORMS

Church
Charitable Gift Receipt

Date of Receipt: _____

Donor: _____

(You may add here some thank you comments or they may be on an accompanying note/letter.)

Cash Received as a Gift _____ : \$ _____
(date)

Your gift will be applied to the general fund unless you have designated the gift to a church-approved designated fund as checked below:

____ Building Fund

____ Missions Offering

____ Other approved fund: _____

Any goods or services received in connection with this gift were solely intangible religious benefits.

(Person and title issuing receipt – as in John Doe, Treasurer)

Church
**Charitable Gift Receipt
and Statement of Value Received**

Date of Receipt: _____

Donor: _____

*(You may add here some thank you comments or they may be
on an accompanying note/letter.)*

Cash Received as a Gift _____ : \$ _____
(date)

In return for your gift, we provided you with _____ that we estimate
has a value of _____. Any other goods or services you received consisted solely of
intangible religious benefits that did not need to be valued for tax purposes.

The deductible portion of your contribution for federal income tax purposes is limited to the
excess of your contribution over the value we provided for you. Your cash gift of _____,
less than _____ value of the _____ we provided makes a net contribution of _____.

Your gift will be applied to the general fund unless you have designated the
gift to a church-approved designated fund as checked below:

_____ Building Fund

_____ Missions Offering

_____ Other approved fund: _____

Any goods or services received in connection with this gift
were solely intangible religious benefits.

(Person and title issuing receipt – as in John Doe, Treasurer)

_____ **Church**
Charitable Non-Cash Gift Receipt

Date Gift Received: _____

Date of Receipt: _____

Donor: _____

(You may add here some thank you comments or they may be on an accompanying note/letter.)

Property Received as a Gift: *(full description)*

Any goods or services received in connection with this gift were solely intangible religious benefits.

(Person and title issuing receipt – as in John Doe, Treasurer)

Information for Parent Concerning Church-Sponsored Event

In order to assure your consent as a parent, and to invite your understanding and prayer for the activities of the church involving your child, we ask you to read carefully the information we provide, and the consent we seek from you for your child(ren)'s participation in this special program or event.

The Church-Sponsored Event

Date(s) of Event/Program: _____

Nature of Event and Activities: _____ Described here _____ Described in attached page

The following recreational or sporting activities are included:

Place of Event: _____
(Specific name or address, and city or locale.)

Time of Departure from Church: _____ Time of Return to Church: _____

Travel will be by: _____ private cars
_____ our church van/bus
_____ another church's bus/van
_____ public transportation (_____ bus, _____ train, _____ subway)
_____ rented bus
_____ (other) _____

Drivers will be: _____ Church Staff
_____ Adult Volunteers Approved by Church
_____ Provided by Company from Whom Vehicle Is Leased
_____ (Other: _____)

Overnight accommodations: _____ Yes _____ No

Staying at: _____ Local Church
_____ Church-Owned camp
_____ Non-Church Owned Camp
_____ State or Federal Park/Campground/Assembly
_____ Hotel/Motel
_____ Other _____

Program leaders: _____ and _____

Adults providing supervision at event site:

Name _____ Phone at Site/Cell _____

Name _____ Phone at Site/Cell _____

Organization(s) other than this church providing leadership and/or supervision

Cell phone number contact with an adult leader during transportation and events: _____

Any special clothing, bedding or equipment needed for event:

Any special skills essential for participation in any activities in the program:

Costs to each participant: _____

Please keep these two pages for information and for contact numbers!

Parental Approval for Youth Event

Name of Child/Youth: _____

_____ I authorize my child's participation in this program/event, and in each element described in this notice or attachment.

_____ I authorize my child's participation in this program/event, except for the following elements/activities:

_____ Before approving my child's participation I would like more information about some aspect of the program.

In order to allow us to effectively supervise and assure the enjoyment and safety of all, please provide the following further information:

Please note any special dietary needs of your child:

Are there any regular medications your child is taking and will have with him/her?

Does the child need assistance in taking these medications? _____ Yes _____ No

If yes, do you approve an adult member of the leadership team giving such assistance? _____ Yes _____ No

Is your child under medical care for any immediate, but temporary condition? _____ Yes _____ No

If Yes, please describe in such a manner that our supervisors may be aware of any special needs or possible problems.

Are there any restrictions on the nature or extent of physical activities of your child? _____ Yes _____ No

If Yes, please describe those restrictions.

Does your child have any known allergies or serious reactions to things like bee stings or other toxins? If so, please specify and note important restrictions or limitations and treatments or responses.

When was the child's last tetanus shot? _____

Home Telephone: _____ Work Telephone: _____

Alternate Close Family Member: _____

Relationship: _____ Phone: _____

Family/Minor's Physician: _____

Medical Insurance Coverage: _____ Yes _____ No Through what Insurer? _____

Signature: _____ Date: _____

Relationship: (parent/guardian) _____

Please Read and Sign the Attached Medical Treatment Forms.

(Note: Churches may wish to assure actual parental signature by having such signatures provided in person at the church or in the presence of another adult who verifies the signature. The use of a Notary Public is possible, but often would be cumbersome for many parents. In some circumstances, it may be important to assure that the signing parent has appropriate custody and the lawful right to grant approval. Attach to this approval form any or all of the following forms dealing with medical problems that might arise.)

Emergency Medical Treatment for a Minor Child Authorization

Please review this emergency medical treatment authorization and if you consent, sign below. We encourage you to authorize emergency medical treatment for your minor child by filling in and signing this form.

I, (name) _____, as the (parent, guardian) _____ of (child's name) _____, and having full authority to hereby give my consent, in the event all reasonable efforts to contact me directly at (phone) _____ or (alternate phones) _____, are unsuccessful, to secure any medical treatment necessary for my child by any licensed physician or dentist, including the admission for such emergency care to any hospital reasonably accessible. This authorization does not include major surgery unless two licensed physicians or dentists concur that immediate surgery is necessary.

It is my understanding that the church will attempt to notify me in case of a medical emergency involving my child. If the church cannot reach me, then I authorize the church to hire a doctor or other health-care professional, and I give my permission to the doctor or other health-care professional to provide the medical services he or she may deem necessary. I will pay for any medical expenses so incurred.

I will notify the church if I feel there are any health considerations that would prevent my child's participation in any of the activities listed above.

I also give my permission for the church's and/or youth leaders to restrict my child from participation in any activity which they have any question about for health or other reasons.

This authorization is effective:

_____ Only for the period of this special event.

_____ Until revoked by me in writing.

Signature: _____

Date: _____

Medical Information

Student Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

In Case of Emergency, please notify:

Name: _____ Relationship: _____

Phone – Home: _____ Cell: _____ Work: _____

Alternative Emergency Contact:

Name: _____ Relationship: _____

Phone – Home: _____ Cell: _____ Work: _____

Primary Care Physician:

Name: _____

Address of Office: _____

Phone: _____

Please check the following areas of concern:

1) Allergies: () Hay Fever () Drugs, please list () Asthma

() Food, please note which foods () Bee Sting

() Other Problems: (Note) _____

2) Does student suffer from, or ever experienced, or has currently tested positive for:

() Epilepsy/Seizure Disorders () Heart Trouble () Diabetes

3) Does student wear contact lenses? () yes () no

4) Does child/youth/minor take regular medications?

Prescription Medications: (Note prescriptions taken daily) _____

Non-Prescription: (Note over the counter medications taken daily) _____

Medical/Hospital Insurance Information:

Insurance Co.: _____ Phone: _____ Policy No.: _____

Policy Holder's Name: _____

Relationship to student: _____

If unable to contact a parent or guardian at the time of an injury, I give permission for this student to be taken to the nearest hospital for emergency treatment.

Signature of Parent/Guardian

Date

Authorization to Administer Medications

Child's Name: _____ Today's Date: _____

Name of Medication: _____

Is medication (circle one): Prescription Over the Counter

Dates to be administered:

Times to be administered:

Dosage:

How is medicine to be administered?

PLEASE NOTE:

Prescribed medicine must be in its original container bearing the pharmacist's label that includes instructions for dosage, the child's name, the name of the prescribing physician or other health professional, and a current date. Over-the-counter medicine must be in its original container, accompanied by the original printed instructions, and within expiration limits. Medicine will be administered as authorized in writing by the child's parent or legal guardian, not to exceed amounts and frequency of dosage specified in the medicine.

Parent or Guardian Name (please print): _____

Parent or Guardian Signature: _____

For church use to record all administrations authorized.

Type of Medicine _____

Dosage Given _____

Time Given _____

Date _____

Signature _____

Type of Medicine _____

Dosage Given _____

Time Given _____

Date _____

Signature _____

Type of Medicine _____

Dosage Given _____

Time Given _____

Date _____

Signature _____

Type of Medicine _____

Dosage Given _____

Time Given _____

Date _____

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Type of Medicine _____

Dosage Given _____

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Date _____

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Type of Medicine _____

Dosage Given _____

Time Given _____

Date _____

Signature _____

Type of Medicine _____

Dosage Given _____

Time Given _____

Date _____

Signature _____

Type of Medicine _____

Dosage Given _____

Time Given _____

Date _____

Signature _____

Special Youth Event Youth Participant and Parental Approval Form

To Be Completed by Youth Leader:

Due Date for Submission of Form: _____ Dates of Event: _____ Place of Event: _____

Cost: \$_____ (Price includes: Lodging, Food, _____)

General Description of Event Activities _____ Below _____ On attachment

Person Responsible at Church who can provide further information:

_____ Phone: _____

Contact person and phone number at the event itself:

_____ Phone: _____

To Be Completed by Youth Participant:

Name: _____ Date of Birth: _____

Street Address: _____ Grade in School: _____ Sex: M F

City: _____ State: _____ Zip Code: _____

Home Phone #: _____ Personal Cell Phone: _____

Mother's Name: _____ Father's Name: _____

Youth Agreement:

- I agree to act responsibly and considerately during this event.
- I will respect the rules set forth by the leaders.
- I will maintain contact with event's leaders and will follow the rules of behavior they establish.

Signature: _____ Date: _____

Parent or Legal Guardian Agreement:

I _____ certify that I am the parent or legal guardian of _____, and have authority to and do consent to my child's participation in this event.

- I recognize that I will be financially responsible for medical care that may result from any injury or illness which my child may sustain or succumb to while participating in this activity.
- My child has medical conditions and/or physical limitations and/or allergies which are enumerated here and on the back of this form (if necessary). _____.
- I hereby consent to emergency medical care to be provided for my child in the event that such care should become necessary in the course of this event.
- I hereby give permission for my child to ride in any vehicle as authorized by the leaders of this event.
- My child is covered by the following health insurance policy:

Company Name: _____ Policy Number: _____

Name of Policy Holder: _____

Signature of Parent or Legal Guardian: _____ Date: _____

Youth/Child Incident Report Form

This form shall be used to report a wide range of “incidents” – ranging from accidents to fighting, serious conflicts such as public arguments between staff or between staff or volunteers and children or youth, disciplinary actions such as removal of children or youth from activities. The purpose is to provide a contemporaneous account of what transpired.

Person Completing this Report: _____

Reason for report: _____

Date of incident: _____ Time: _____

Place of incident: _____

Name(s) of Children/Youth: _____ Age: _____

_____ Age: _____

(Add others if necessary)

Briefly describe what happened:

What action did you take?

Were there any witnesses? _____ yes _____ no

List others who witnessed the incident or responses:

Has the incident been resolved? _____ yes _____ no

Explain: _____

Are there other follow-up steps you believe should be taken?

Was the insurance company informed: _____ Date: _____

Report submitted to: _____ Date: _____

Signed: (Person completing report) _____

For Staff Use

Date contact made with family(ies): _____

Name of staff person following up: _____

Briefly describe what parents or youth say happened:

Is additional investigation needed? _____

Explain: _____

Was the incident reported to local authorities? _____ yes _____ no

By Whom: _____

Reported to: _____ Time: _____ Date: _____

Investigating Police Officer: _____ Star/Badge #: _____

Signed: (Staff Member in Charge of Follow-up):

_____ Date: _____

Support Staff Performance Evaluation
Cover Sheet – For Official Use Only

Appraisal Date: Month _____ Year _____

Appraisal Period: _____

Name: _____

Position: _____

Supervisor: _____

Completion Date: _____

Employee Self-Evaluation Form

1. Successes: List major projects completed or other accomplishments during the appraisal period.
2. Strengths: Briefly note the strengths that you bring to your ministry.
3. Development: Briefly state any areas in which you would like to see further personal development.
4. Job Description: I have reviewed the attached job description for my position. It is current and accurately describes my required and performed responsibilities.

Employee Signature

(Date)

Supervisor Signature

(Date)

Performance Appraisal by Supervisor

Employee Name: _____ Position Title: _____

Reason for Review: _____Annual _____90 Day _____Unsatisfactory Performance _____Merit _____Other

Date employee began present position: _____ Date of last appraisal: _____

Instructions: Carefully evaluate employee's work performance in relation to the employee's job description. In the appropriate space, place the appropriate numerical value that corresponds to the adjectival rating provided in the "Definitions of Performance Rating" section.

Definitions of Performance Ratings

Outstanding (4) Performance is exceptional in all areas and is recognizable as being far superior to others.

Very Good (3) Results clearly exceed most position requirements. Performance is of high quality and is achieved on a consistent basis.

Good (2) Competent and dependable level of performance. Meets performance standards of the job.

Needs Improvement (1) Performance is deficient in certain areas. Improvement is necessary.

Unsatisfactory (0) Results are unacceptable and require immediate improvement. (No merit increase should be granted to individuals with this rating.)

N/A Not Applicable or too soon to rate.

Employee _____

Employee Supervisor _____

Rated Areas

Rating

Supervisor's Comments

Quality – The extent to which the employee's work is accurate, thorough and neat.

Productivity – The extent to which the employee produces a significant volume of work efficiently in a specified period of time.

Job Knowledge – The extent to which the employee possesses the practical/technical knowledge required on the job.

Rated Areas**Rating****Supervisor's Comments**

Reliability – The extent to which the employee can be relied upon regarding task completion and follow up.

Attendance – The extent to which the employee is punctual, observes prescribed work-break/meal periods and has an acceptable overall attendance record.

Independence – The extent to which the employee performs work with little or no supervision.

Creativity – The extent to which the employee proposes ideas; finds new and better ways of doing things.

Initiative – The extent to which the employee seeks out new assignments and assumes additional duties when necessary.

Adherence to Policy – The extent to which the employee follows safety and conduct rules, other regulations and adheres to church policies.

Interpersonal Relationships – The extent to which the employee is willing and demonstrates the ability to cooperate, work and communicate with coworkers, supervisors, subordinates and/or outside contacts.

Judgment – The extent to which the employee demonstrates proper judgment and decision-making skills when necessary.

Overall Performance: ____ Outstanding ____ Very Good ____ Good ____ Needs Improvement ____ Unsatisfactory

On _____ I discussed this performance appraisal with the employee.
(Date)

(Supervisor signature)

(Date)

I have reviewed and discussed this performance appraisal with my supervisor.

(Employee signature)

(Date)

Addendum to Performance Appraisal

Instructions: This addendum must be completed in private and confidentially at the time of your performance appraisal, placed in the envelope you receive with it marked "Confidential," and returned by you directly to the Senior Pastor, Chair of the Personnel Committee, or Chair of the Deacons at your discretion.

I understand that sexual harassment is defined as "unwelcome sexual advances or requests for sexual acts or favors, unwanted touching or intimacy, insulting or degrading sexual remarks or conduct, epithets, slurs, or negative stereotyping based upon gender, and the posting of sexually offensive or degrading materials in the workplace." I understand it is my responsibility to report any sexual harassment.

1. I have _____ have not _____ been sexually harassed by an employee, volunteer staff member or worker, or officer, pastor or other leader of the Church. If your answer is "have" then answer question 2.
2. I have _____ have not _____ reported this sexual harassment to the a church leader or officer. If so, to whom was the complaint or allegation made? _____
3. I would like to discuss this matter with _____ Senior Pastor, _____ Chair of Personnel Committee, _____ Chair of Deacons, _____ Other church leader

(Signature)

(Date)

Annual Job Performance Review

Employee Name: _____ Date of Review: _____

Title: _____

Date this form given to supervisor: _____ Supervisor: _____

The Professional Side

- I. List your professional roles. Be prepared to clarify those to your supervisor during the review.
- II. Review the goals you set for the year. Place a check mark by the goals that are completed, an “INC” by the ones that are incomplete and the date when you will complete it, and a “D” by a goal that you have dropped and be ready to explain why.

III. Of the above goals, what are the two or three that will consume most of your time and energy during the next six months. List those below.

IV. How will progress in the previously-mentioned goals be measured?

V. List things in your job description that you do well. Be as specific as possible.

Supervisor's comments:

VI. What are the things that can be changed in your job description or current duties that will build on your strengths?
To be done by you?

To be done by your supervisor:

To be done for you by the church:

Supervisor's comments:

VII. What are the things in your job description that you need to work on?

Supervisor's comments:

VIII. Having discussed your job description and goals, what revisions need to be made to those goals or to the job description?

The Personal Side

I. List items that you would like prayer for in the following areas:

A. Ministry

B. Personal

C. Family

I understand that sexual harassment is defined as

Summary

Rate yourself on the following scale: (1 = lowest; 5 = highest)

- | | | | | | |
|--|---|---|---|---|---|
| 1. Job satisfaction | 1 | 2 | 3 | 4 | 5 |
| 2. Employing your ministry strengths at the Church | 1 | 2 | 3 | 4 | 5 |
| 3. Fulfillment of your current job description | 1 | 2 | 3 | 4 | 5 |
| 4. Your salary and benefit compensations | 1 | 2 | 3 | 4 | 5 |

5. Your involvement in the pastoral staff team (check one response):

____ I feel completely part of the team and believe that my views are valued by the other members of the staff.

____ I feel somewhat part of the team.

____ I feel that sometimes my views are dismissed too quickly.

____ I feel like I am not part of the team.

Supervisor's final evaluation

Please rate the supervisor in the following areas: : (1 = lowest; 5 = highest)

- | | | | | | |
|---|---|---|---|---|---|
| 1. Overall job performance | 1 | 2 | 3 | 4 | 5 |
| 2. Your agreement with the submitted one-year goals | 1 | 2 | 3 | 4 | 5 |
| 3. Contribution to the pastoral staff | 1 | 2 | 3 | 4 | 5 |

Additional comments:

At the conclusion of the Annual Job Performance Review, please sign this form.
Your supervisor will provide you with a copy for your records.

Signed: _____

Supervisor's Signature: _____

Request for Accommodation

(To Be Completed by Employee Requesting Accommodation):

Name of Employee Requesting Accommodation: _____

Type of Accommodation Requested: *(Please indicate the accommodation requested in any work assignments or conditions, and the reason or basis of such a request.)*

(Employee signature)

(Date)

Provide this form to your supervisor or a member of the Personnel Committee.

(To Be Completed by Employee's Supervisor):

What are the essential functions of this job/position?

How would the requested accommodation impact the performance of these functions?

What would be the impact of granting the accommodation on the budget, other employees, and facilities?

Church's Decision with Respect to Requested Accommodation:

Accommodation Granted: Yes _____ No _____

Action Required by Church to Implement Accommodation Granted:

If accommodation was denied, why?

What alternate accommodation was suggested? Outcome?

Communication of decision with employee requesting accommodation:

Date: _____

Result of determination discussed with the employee and supervisor:

(Employee signature)

(Date)

(Supervisor's signature)

(Date)

Sexual Harassment Complaint

Name: _____

Date: _____

Job title: _____

Telephone: _____

Describe the incident itself. Be as specific as possible including

- a) Who was involved?
- b) When and where did this occurred (date, time, place)?
- c) What specific actions, words of other conduct were offensive or unwelcome harassment?

Who, if any one, was present, and did they witness the conduct?

What was your immediate reaction to the incident?

What, if anything, did you say or do toward the person whose conduct you complain of?

Did you speak you any other persons about this incident soon after it happened?
If so, to whom, when and what in general did you tell them?

Had you experienced prior incidents of sexual harassment involving the same person(s)?
If so, note the occasion and conduct in each incident (when, where, the incident itself, your reaction and any witnesses).

Has the complainant spoken with you since the immediate incident? What was said?

What would you recommend as a solution?

I understand that the information contained in this complaint will be kept as confidential as possible. The church is committed to a workplace free of harassment of any kind, and an investigation will be conducted promptly and thoroughly.

I understand I will be interviewed. I also understand that my identity and the complete nature of my complaint may be revealed to the person(s) whom I have claimed committed sexual harassment.

(Employee signature)

(Date)

For Administration Only

Date Harassment Complaint Form Received: _____

Received By: _____

Person(s) assigned by Personnel Committee to investigate the claim:

Comments:

Sexual Harassment Claim Investigation Form

Investigators: _____

Date of Claim: _____

Name of Person Cited in Complaint: _____

Job title: _____

The church has received a sexual harassment complaint involving you. In accord with church policies, a prompt and thorough investigation is being undertaken in regard to this claim. The investigation will interview all persons who were involved or present when the alleged misconduct occurred and do our best to be fair and impartial. Your cooperation is required as we seek to clarify what transpired and comply with our legal as well as spiritual obligations.

You will be given a full opportunity to respond to the allegations in person and through any witnesses. Below is a summary of the complaint, and a member of the investigating committee will set up a time to speak with you regarding this matter. While we recognize and respect concerns for confidentiality. We also realize that our obligations, both legal and spiritual, may result in other persons becoming aware of the allegations, and any resulting action required by the finding of the committee.

I understand that I have a duty to cooperate in this investigation, whether I believe the claim to be true or false. I agree to answer questions completely and honestly. Further, I agree to take no action or retaliation against the person(s) who have filed the claim or assisted in the investigation. The investigation and information regarding the claim will be kept as confidential as possible. I understand I have the right to know the results of the completed investigation.

(Employee signature)

(Date)

Fair Credit Notice

Authorization and Consent for Consumer Credit Investigation

(Notification to applicant/employee that a consumer credit report may be obtained by the church/employer.)

In compliance with Public Law 91-508 (the Fair Credit Reporting Act), as amended by Public Law 104-208 (the Consumer Credit Reporting Reform Act of 1996) and applicable state law, this notice is to inform you that a consumer credit report may be obtained in connection with your application for employment or current employment with the church. If you have any questions regarding this, please contact the chair of the Personnel Committee or the person with whom you have been interviewing. Any information obtained shall be held in confidence by those responsible for employment matters, and you may obtain a copy of any consumer report obtained and respond to any of that information.

Signature of Applicant/Employee: _____

Print Name: _____

Social Security Number: _____ Date: _____

Authorizing Church Official: _____ Date: _____

Credit Background Check Release
Authorization for Employer to Obtain a Consumer Credit Report

My signature below represents my voluntary authorization for the church, including its agents and representatives, to obtain a consumer credit report on me. I also acknowledge and certify that the church has provided me with prior written notification that a consumer credit report may be obtained on me, and that I have been given a copy of the written notification as well as a copy of this authorization.

Signature of Applicant/Employee: _____

Print Name: _____

Social Security Number: _____ Date: _____

Informed Consent for Background Checks

The position for which you have applied requires working with children under the age of 18. It is our policy to conduct background checks ourselves or through other agencies on all persons who work with children and youth, both staff and regular volunteers in any leadership position. Background checks will be made in regard to the following charges/arrests/convictions: child abuse or neglect, murder, manslaughter, felony level assault or any assault crime committed against a minor, kidnapping, arson, criminal sexual conduct, illegal use of drugs, drunk driving and prostitution-related crimes.

Full Name: Last _____ First _____ Middle _____

Any other legal names you have had or names you have used? If so, list them below:

Date of Birth: _____ Sex: _____

Have you ever been convicted of any of the crimes listed above or any felony? Yes _____ No _____

If yes, please explain: _____

I authorize the church to conduct, or to employ outside agencies to conduct, the background check noted above. The expiration of this authorization shall be one year from the date of my signature.

Signature: _____ Date: _____

You have the following rights:

1. The right to be informed by the church of any outside agencies response to the background check and to obtain from them a copy of the background-check report.
2. The right to obtain from the church any record that forms the basis for the report.
3. The right to challenge the accuracy and completeness of any information contained in the report or record.
4. The right to be informed by the church if your application to be employed with, volunteer with, or continue as an employee or volunteer has been denied because of the agency's response.

Request for Use of Church Facility by Non-Member

(Complete and return to church office five working days before date of use.)

Personal Information:

Today's Date: _____

Date(s) of Requested Use: _____

Person Completing Request: _____

Address: _____

Telephone: _____

Is this a single-use request? Yes _____ No _____

Times Requested: _____

Organization of Group Requesting Use: _____

Principal Officer/Leader of Group Requesting: _____

Telephone: _____

Address of Local Group Requesting: _____

Function/Activities Planned for This Event: _____

Person in Charge of This Event: _____

Character of Requesting Group:

____ Other Church Group

____ Non-Church Ministry

____ Family

____ Informal Association/Community Group

____ Non-Profit Organization

____ Business Organization

____ Other (specify)

Is a member of this church involved in this organization/activity? Yes _____ No _____

If yes, who: _____

Person making request is responsible for cleanup; if another person, please note who:

Home Phone: _____ Work Phone: _____

Areas Needed: (Check area(s) needed)

- ☐ Auditorium/Sanctuary
☐ Library
☐ Sound Room
☐ Fellowship Room
☐ Nurseries
☐ Youth Building
☐ Kitchen
☐ [Note other specified rooms]:

Will meals/food be served at the event? Yes _____ No _____

If yes, will it be ☐ catered ☐ pot-luck type ☐ prepared on the premises
(Use of the kitchen requires compliance with kitchen and food preparation policies of the church.)

Supplies or Equipment of Church Requested:

Audio/Visual Equipment Needed: (overhead, projector, podium)

Signed by Requesting Person:

I have read the attached facility policies and personally, and on behalf of the requesting organization/group, if any, agree to abide by these policies.

Name: _____ Date: _____

For Office Use:

Deposit Paid _____ Total Fees _____ Balance Due _____

Request Form, Policies & Guidelines given to: _____

☐ By Hand delivery ☐ By Mail ☐ By Fax ☐ By E-mail

Request Approved by: _____ Date Approved: _____

Date entered on Master Calendar? _____

Keys: Specific Key(s) issued? _____ Date: _____ To: _____

Date Key(s) Returned _____

Facility-Use Guidelines and Policies

Please Read Carefully and Comply With All Policies and Guidelines.

General Policies

1. Permission: No use of the building is permitted without adult supervision.
2. Scheduling: Use of the building must be scheduled five working days in advance on the master calendar through the church office.
3. Set-up and clean-up: Person in charge of meeting is responsible for following facilities policies as well as set-up and clean-up guidelines.
4. Coffee and refreshments: These are entirely the responsibility of person in charge of scheduled meeting.
5. Cancellations: In the event of cancellation, it is important to CONTACT THE CHURCH OFFICE as soon as possible (phone from 8:30 a.m. to 3:00 p.m. weekdays; leave on answering machine after hours.)
6. Non-permissible uses: Consistent with our doctrines and practices, certain activities are not permitted in any church facility, whether by our own church or others using the facilities. Among these are the following: (Add such things as smoking, drinking, etc.)
7. Insurance, security and supervision: The church may require users of the church facilities to provide assurances of adequate insurance, adequate supervision of activities, and security.

Clean-Up Guidelines

Our goal is to present a clean and orderly appearance of all church facilities to the glory of God. These guidelines are given for a consistent maintaining of the building. We greatly appreciate your help in working toward this goal.

1. Sunday School rooms: Please leave chairs folded and against wall. In rooms with small chairs, either stack on tables or line against wall. Pick up trash, clean up spills from drinks or food. Take trash out to the dumpster in back parking lot on day used.
2. All other rooms: Pick up trash, clean up spills from drinks or food. Straighten chairs and tables. Take trash to dumpster in back parking lot on day used. LEAVE ROOM AS YOU FOUND IT!
3. Nurseries: On day used, empty diaper pails and take to dumpster. Spray diaper pails with disinfectant and replace liner (located in cabinets). Clean up spills from drinks or food. Laundry guidelines are posted in each nursery.
4. Kitchen: Clean up all spills of drinks or foods. Any dishes used should be washed and put up on the day used. Take trash out to dumpster in back parking lot on day of use.
5. Auditorium: Pick up all trash and clean up all spills of drink or food (from under chairs, tables, etc.). Take trash out to dumpster in back parking lot on day of use. Replace hymnals under chair racks.
6. Fellowship room: Left as found.

Church Bus/Van Use Log

To Be Completed Prior to Trip

Group requesting use of vehicle: _____

Person requesting: _____

Approved driver(s) to be used: _____

Event and destination: _____

Date(s) to be used: _____ Time of Departure: _____ Time of Return: _____

Date approved: _____ Approved by: _____

Please indicate vehicle(s) requested:

To Be Completed After Trip

Ending Mileage: _____

Starting Mileage: _____

Total Mileage: _____

Was this vehicle re-fueled prior to return? _____ Yes _____ No

Are there any damage or vehicle problems which need to be reported? Any repairs or service to recommend?

If there were any accidents, traffic citations or other incidents, please attach full report.

Signature of Driver: _____ Date: _____

Church Bus/Van Driver Volunteer Information

It is the goal of this church to create a safe and secure environment for all members, visitors and constituents. To facilitate this emphasis, it is necessary to gather pertinent information from those who offer volunteer services as drivers. This information will be used for the sole purpose of helping the church/school select drivers and provide a safe and secure environment.

Name: _____ Date: _____

Date of birth: _____ Social Security number: _____

Have you ever used name(s) other than the one above? If yes, please list:

Current address: _____

Length of residence at current address: _____

Previous address: _____

Current phone number: (Home) _____ (Work) _____ (Cell) _____

Current valid driver's license number? _____ State issued: _____

Do you have a commercial driver's license? _____ Number: _____ State issued: _____

In what other states have you held driver's licenses? _____

Do you have current automobile insurance? _____ Name of company: _____

Name of agent: _____ Phone number of agent: _____

What types of vehicles have you been trained to drive?

Have you been a volunteer or paid driver for other organizations or businesses such as schools, churches or companies? _____

If so, note for whom and when, and vehicles you drove in those positions?

Please list all traffic violations (Include type/date/result):

Current employer: _____

Address of place of work: _____

Length of service: _____

Name of supervisor: _____ Phone: _____

List previous employers (within last five years) and dates employed:

Is there any reason you should not work with or around children or youth?

Have you ever been the subject of a child abuse investigation? _____

If yes, please provide details on separate pages.

Have you ever been convicted of or pleaded guilty to a criminal offense? _____

If yes, please provide details:

I hereby give permission to make a thorough inquiry if necessary to verify the information on this form.

I also release the church from any liability that might result from making such an investigation.

Signature of Driver: _____ Date: _____

Accident Report Information

(Place this and the Accident Report Form in every vehicle.)

In case of an accident, remember to do the following:

1. Stop immediately to investigate.
2. Look for injured people. Do not move them unless they are in immediate and imminent danger.
3. Protect yourself, others, and property from additional injury or damage. If further hazard exists, remove the vehicle or other equipment from the right-of-way, if possible. If the vehicle cannot be moved, place emergency flags or flares near the accident scene.
4. Call police and emergency medical services if needed.
5. Locate witnesses and obtain their contact information.
6. Exchange contact and insurance information with other drivers.
7. Complete the attached Accident Report at the earliest opportunity.
8. Report the accident to the church through the pastor, youth pastor or other person in charge of this trip, by telephone or in person.
9. Have someone contact your insurance agent to report the accident.

Preliminary Traffic Accident Report

Date: _____ Time: _____ (A.M. / P.M.)

City: _____ State: _____

Street name/location: _____

Damage to Vehicle or Property of Others (fill in information on other driver/vehicle)

Make of vehicle: _____ Model: _____ License plate: _____

Driver's license number: _____

Insurance company: _____

Insurance agent: _____ Company or agent phone number: _____

Name of driver: _____ Phone number: _____

Address of driver: _____

List damage visible to vehicle or property: _____

Damage to Your Vehicle or Property (fill in information on your vehicle and driver)

Make of vehicle: _____ Model: _____ License plate: _____

Name of driver: _____ Driver's license number: _____

Insurance company: _____

Insurance agent: _____

Company or agent phone number: _____

Name of driver: _____ Phone number: _____

Address of driver: _____

List damage visible to vehicle or property: _____

Injured Person(s):

1. Name: _____ Phone number: _____
Address: _____

2. Name: _____ Phone number: _____
Address: _____

(Use back of this page for other persons)

Witnesses:

1. Name: _____ Phone number: _____
Address: _____

2. Name: _____ Phone number: _____
Address: _____

3. Name: _____ Phone number: _____
Address: _____

Was a police report made? Yes _____ No _____

Did you receive a citation or arrest? Yes _____ No _____

Brief narrative of accident (Explain where you were going, load you were carrying, speed of vehicles):

Diagram of accident (show location and direction of travel of all vehicles, street names, skid marks, signs, etc.):

Driver's Signature: _____ Date: _____ Time: _____

Work Projects/Mission Trip Volunteer Information

Project Name/Activity: _____

Name: _____

Address: _____

Phone (H): _____ (W): _____ (C): _____

Spouse Name: _____

Address (if different): _____

Phone (H): _____ (W): _____ (C): _____

Closest Relative Name: _____

Address: _____

Phone (H): _____

Last Previous Residence Address: _____

How long have you been attending this church? _____

How long have you been a member of this church? _____

Previous church affiliation (name, city): _____

Family physician: _____

Name: _____ Phone: _____

Address: _____

1. Have you been informed about the purposes, activities, locations and any special risks associated with this mission trip/ work project? Yes _____ No _____
2. Have you been advised of the housing accommodations, arrangements for meals, and travel arrangements for this project? Yes _____ No _____
3. Do you have any physical limitations which may affect your ability to participate in all or some of these activities or which will require some special accommodations (e.g. heavy lifting, working at heights, strenuous activities, work at high altitudes)?

4. Please note which of the special skills noted below you possess and in the blanks note others which you may possess that will be of relevance to this project.

<u>Skill</u>	<u>None</u>	<u>Little</u>	<u>Average</u>	<u>Experienced</u>
General Carpentry				
Home Construction				
Cabinet Work				
Masonry				
Painting				
Decorating				
Cleaning				
Furniture Finishing				
Demolition of Buildings				
Cement/Concrete				
Plumbing/Water Supply				
Agricultural Work				
English as Second Language				
Cooking/Food Service				
Nursing				
Medical Technician				
Dental Assistant				
Physician				
Dentist				

5. With which of the following tools are you comfortable and experienced?
(Circle those with substantial skill, and check for those with some experience.)

Chain saw	Table saw	Tractor	Handsaw	Drill
Cement Mixer	Paint Sprayer	Air-driven Tools	Ax	Hoe
Shovel	Hammer	Cook Stove		

6. Note languages in which you have conversational or greater proficiency.

7. Note any special medical or dietary needs or limitations.

8. Please check and add comments on training/skills related to health and rescue skills?

<input type="checkbox"/> Lifesaving Certificate	<input type="checkbox"/> First Aid training
<input type="checkbox"/> EMT training	<input type="checkbox"/> Practical Nursing
<input type="checkbox"/> Physician's Assistant	<input type="checkbox"/> Doctor (note practice areas)
<input type="checkbox"/> Nurse	<input type="checkbox"/> Dentist
<input type="checkbox"/> Dental Hygienist	<input type="checkbox"/> Dental Assistant
<input type="checkbox"/> Veterinary Medicine	<input type="checkbox"/> Physical Therapist
<input type="checkbox"/> Medical Technician (note type)	<input type="checkbox"/> Pharmacist
<input type="checkbox"/> Optometry	<input type="checkbox"/> Audiologist

Comments on Skills: _____

9. In which of the following ministry areas are you comfortable or willing to be trained?

☐ Personal one-on-one evangelism

☐ Sharing your testimony before a small group

☐ Teaching a Bible lesson with plans provided for you

☐ Sharing in a prayer group

☐ Leading singing

☐ Distributing literature

☐ Leading a children's group in activities such as music, games and Bible stories

☐ Informal counseling and sharing with spiritual seekers

☐ Leading sports activities with youth/children

If this project involves activities outside the U.S., complete this section:

Do you have a current passport? _____ Number: _____ Exp. Date: _____

Have you received information on recommended vaccinations? Yes _____ No _____

List current vaccinations:

In what countries have you previously traveled? _____

Have you been involved in work or mission projects overseas before? Yes _____ No _____

If so, please note place and nature of activities.

Have you confirmed that your medical insurance will provide protection overseas? Yes _____ No _____

SAMPLE CHURCH POLICY MANUAL

WARNINGS!

This sample policy manual, which is also contained in the accompanying CD, is NOT intended for churches simply to download, cut and paste into an instant church policy manual.

Part One of this publication indicates the importance of developing church policies consistent with a church's own traditions, doctrines and practices. An effective policy manual must be based on a church's careful decisions.

This sample manual, based on legal and policy issues discussed in Part Two of this publication, is intended to offer suggestions and possible approaches to a wide range of policy matters. But churches vary enormously in size, complexity, style and ministries – and YOUR policies should reflect those realities.

We hope you will find these sample policies helpful in assisting your church's careful planning and decisions about policies, but we warn you against simplistic shortcuts. One size does not fit all – especially when it comes to churches.

The accompanying CD contains these policies, as well as forms related to them, to allow you to download those that you find appropriate, adapt them to your needs, and develop your own appropriate policy manual.

To _____ Baptist Church Family and Friends

This _____ *Baptist Church Policy Manual* is the product of our church's traditions and judgments about how we may best fulfill our ministry and organize our lives for fruitful service. It covers the wide range of programs and activities of a dynamic church community.

We recognize that there is always a risk of too many rules and procedures that may stifle creativity and a vigorous adventuresome spirit, as well as the Holy Spirit's promptings. We also know, however, that there is effectiveness and freedom in clarity about the way we organize our church life and fulfill our individual calling as part of the Body of Christ.

Policies are always subject to review. All our committees and ministries are urged to suggest ways in which we can enhance our life together. Policies may need adjusting or even abolishing if we find they are counterproductive or disabling. Therefore, we invite constructive criticism of these policies and suggestions concerning areas not addressed.

Because policies are always reviewed by our church, and the church is free to adjust and adapt them to new circumstances or priorities, the policies set forth in this manual are only a statement of current policy. They are subject to change at any time by the members of this church acting in accord with our congregational government and the procedures of the bylaws. No policy set forth herein is a promise or guarantee, nor is any contract right created by this statement of current practice.

We urge our church family, staff and friends to familiarize themselves with these policies, especially those that affect areas of their own church participation, ministry or interest. These policies are not merely formal abstract legal clauses, but statements of how we can best work, worship and ministry together in this family.

_____, Pastor

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Note: Separate Manual: Employee Handbook

SECTION A. ORGANIZATION AND STRUCTURE

1.00 Primary Governing Documents

The core governing documents of the church which set forth its basic structure, leadership and core beliefs are the constitution (or charter if a corporation) and the bylaws. These do not normally contain the detailed procedure set forth in this policy and procedure manual, but do provide the larger context of duties and responsibilities. Policies and procedures adopted by this church must not be inconsistent with provisions in these core documents.

2.00 Core Organization Aspects

2.01 Local Church Autonomy

A core principle of Baptist life is the autonomy of the local church. This autonomy is crucial because it means that all decisions about the church, its doctrine, property and leadership are made within the local church. No external body such as a conference, association or denomination has any control over the local church's decisions. This is not only a freedom but a responsibility to exercise care in all our actions to be faithful to our calling.

2.02 Relationships

While independent and autonomous, the church nevertheless recognizes the privileges and strengths which come through association with other churches and bodies of like mission and belief. Through such associations, the local church is strengthened in fellowship and enabled collectively to further the mission of the local church in missions, education, evangelism and social witness. This church thus is affiliated with the _____ Baptist Association and the Baptist State Convention of North Carolina.

2.03 Congregational Government

Consistent with Baptist tradition and theology, the government of this church is congregational in nature. The final authority for the operation and management of the affairs of this corporation, spiritual and temporal, shall be vested in the membership of the corporation, which authority shall be exercised in the manner set forth in the bylaws. Members alone have the authority to adopt and amend bylaws, approve budgets, receive members and govern and conduct the affairs of this corporation. This means that, except where specific provision is made in the bylaws, decisions are made by majority vote of those present and voting at regular and special called meetings of the members. This places a major responsibility on the members to take their responsibilities as members seriously and prayerfully.

3.00 Legal Aspects of Church Organization

3.01 Basic Character

If a nonprofit corporation

This church is a registered nonprofit corporation under the laws of North Carolina and functions consistent with the requirements of organizations recognized under the Internal Revenue Code as a §501(c)(3) tax-exempt charitable organization. Our nonprofit and exempt character provides certain rights and privileges as well as imposing some limited obligations on our affairs, chiefly financial.

If an unincorporated church

This church is an unincorporated association under the laws of North Carolina and functions consistent with the requirements of organizations recognized under the Internal Revenue Code as a §501(c)(3) tax-exempt charitable organization. Our exempt character provides certain rights and privileges as well as imposing some limited obligations on our affairs, chiefly financial.

3.02 Political Activities

Consistent with our tax-exempt status, the church is barred from certain electioneering activities and limited to insubstantial lobbying. While the church urges members to exercise their political rights to vote in elections for leadership in our local state and federal government, and in doing so to apply their Christian worldview and moral convictions, neither the church nor its officers speaking on behalf of the church shall endorse any candidate in an election, nor shall the resources, or facilities of the church be used in support of a candidate for office. Literature supporting a candidate shall not be distributed within the church. Literature about issues in a campaign may only be distributed within the church after the

review and approval by the pastor. However, nothing in this policy shall discourage the vigorous prophetic witness of the church and its members on issues touching matters of faith, morals and the spiritual health of the nation.

4.00 Membership

Membership is not merely an organizational status, but a spiritual relationship with this body of believers. The policies and procedures regarding membership, and the rights and duties of such are set forth with some particularity in the bylaws. Since members often are not aware of such provisions, they are set forth here as well.

Membership

Section 1. Eligibility.

The membership of this church shall be composed of persons who have confessed Jesus Christ as their Savior and Lord, who have been baptized by immersion, and who have been received by majority vote of members present and voting. The requirement of immersion baptism may, on recommendation of the pastor and consent of the deacons, be suspended in cases of physical impossibility or severe hardship.

Section 2. Admission of Members.

A person may become a member in one of the following ways:

- a. Profession of Faith and Baptism: An applicant may be received on profession of faith as a candidate for baptism, after the administration of which the applicant shall enjoy the full fellowship of the church.
- b. Letter: A member from another church of like faith and order, who has received the ordinance of baptism by immersion, may be received by letter of dismission and recommendation. If such letter cannot be secured within ninety days, the Clerk shall automatically record such member as "received on statement of experience."
- c. Statement of Experience. Any person to whom the ordinance of baptism by immersion has been administered may be received as a member upon statement of experience and faith in Christ.
- d. Spiritual Watchcare. Persons who are temporarily residents in the area of the church or who otherwise have not met the full requirements for membership may come under the "spiritual watchcare" of this church. Such persons shall, except as qualified below, have the same rights and privileges as those ordinarily afforded members of this church such as pastoral care, but they shall not vote in church business conference nor hold office in this church or in any of the church organizations filled by vote of the general church membership.

Section 3. Procedure.

Any person desiring membership in this church may present himself as a candidate in response to the invitation at any worship service. The presiding officer shall accept his application and refer it to the membership committee. Either the membership committee or the pastor will meet with the candidate to acquaint him with the bylaws, covenant, statement of faith, and programs and policies of the church. After receiving his affirmative commitment to the responsibilities of membership in this church, the membership committee shall present the applicant to the church, and upon the majority vote of the members present and voting, he shall be accepted in accordance with the constitution. The applicant may choose to confer with the pastor or the Membership Committee before presenting himself to the church as a candidate for membership; if so, he may be received immediately by the majority vote of the church.

Section 4. Duties of Members.

The duties of the members of this church shall be to be just in their dealings, faithful in their engagements, guarded in their conversation, exemplary in their deportment; to be faithful in all the duties essential to the Christian life; to regularly attend the services of the church; to give regularly and systematically to its support and kingdom causes; and to share in its organized work.

Section 5. Rights of Members.

- a. Voting. Except as may be otherwise provide in the bylaws every member is entitled to vote at all elections and on all questions submitted to the membership.
- b. Holding Office. Except as otherwise set forth herein, every member is eligible for consideration by the membership as a candidate for elective offices in the church.
- c. Records. Members shall have access to the principal records of the church including minutes of its governing body and principal financial reports. However, consistent with Baptist doctrine and practice, these rights shall not include the right to review or inspect individual donor records or personnel files.

Section 6. Inactive Members

The deacons shall not less than every three years review the membership rolls of the church. For those persons who, without good cause, have not participated in the life of the church in the past six months, the deacons shall seek to make personal contact and determine the reasons for their inactivity and encourage them in their relationship with the church. In the event such persons cannot be contacted, or the persons indicate a desire to be placed on an inactive roll, or the deacons believe an inactive status would be appropriate, the deacons may recommend to the church those persons to be placed by an inactive roll. The church by majority vote may then place such persons on the inactive roll. Persons on an inactive roll shall not be entitled to vote on any matter before the church. Persons may be removed from the inactive roll and return to the regular church roll by congregational vote initiated by a request of the member or by recommendation of the deacons.

Section 7. Termination of Membership.

The methods of terminating the membership status of a member shall be as follows:

- a. By Letter. A letter of transfer to unite with another church may be issued, upon request, to another church for any member of this church who is in good standing. All such applications must be passed upon by the church to which transfer is requested.
- b. Removal from Roll. Upon receipt of reliable information that a member has united with another church, this church shall terminate the membership status of the member and the clerk shall remove the member from the roll.
- c. By Exclusion. In the event of persistent breach of a member's covenant vows, the membership, after due notice and opportunity of hearing, and every possible kindly effort to make such action unnecessary, may upon majority vote terminate the membership status of a person in this church for reasons it considers sufficient to warrant such action. Any church discipline shall be exercised in accord with the principles and practices mandated in Matthew 18 with a primary view to the ministry of reconciliation and restoration.
- d. By Personal Request of the Member. Any member shall be removed from the roll and the membership status of that member terminated upon request by that member to the pastor or the deacons.

5.00 Officers and Leadership**5.01 General Officers**

We believe that all are called to ministry and gifted by God for each one's calling. Among those gifts are those of leadership, both paid and volunteer. The church bylaws set forth the principal leadership of the church including general officers such as pastoral staff, deacons, treasurer and other financial officers, clerk and those with specific leadership in ministries such as Sunday School, mission groups, and specialized ministries.

5.02 Committees/Task Groups

Much of the work of the church is carried forth by commissions, committees and task groups – short and long term. The bylaws authorize the church to create such committees/task forces and determine their composition and duties. Such groups as are created by the church are then identified with their composition and duties in the committee handbook made available to all the members. This is meant to be a working document that not only guides committees and their members, but so that the whole church may identify areas of ministry and responsibility.

5.03 Other Ministries

The church believes all members are ministers. Thus the work of the church is carried forth not only by formal organizations within the church but by individuals and small groups who witness, serve and minister in effective and wide-ranging ways, without official title of assignment.

5.04 Conflicts of Interest Policy**A. Basic Policy.**

Those in positions of church leadership shall recognize the trust that is placed in them as stewards of the resources and ministries of the church. They shall act in the exercise of their duties and leadership with the best interests of the church as the first priority, and prayerfully exercise their best judgment in providing that leadership on behalf of the church. No church staff member, officer or leader shall use his or her position, or knowledge gained through their roles, in any manner that creates a conflict between the interest of the church and its ministry and his or her personal interests. In order to comply with both legal and spiritual principles, and to avoid any appearance of impropriety, church leadership must be sensitive to potential conflicts of interest, and comply with the provisions of the Conflicts of Interest Policy of this church.

B. Procedures in the Event of Potential Conflicts of Interest

The church recognizes that not all potential conflicts of interest are inappropriate, and some actually are in the best interests of the church, as when the church purchases supplies or property from a church member or leader who has a financial interest in the business

or property. To assure, however, that such transactions comply with conflicts of interest principles and avoid any appearance of impropriety, the following procedures shall be observed:

1. Disclosure of Interests: Whenever a church leader may have a financial or other personal interest in a proposed transaction, he or she shall disclose such interest prior to the church's consideration of the transaction. Such disclosures should be made in writing to the church body involved in the transaction, and such disclosure documents maintained by the church.
2. Non-Participation in Decisions: The church leader who has such a personal interest shall not vote on whether such a transaction is approved, make motions on the matter, or execute documents formalizing the transaction. Such nonparticipation shall be documented in minutes of the body acting on the proposed transaction.

6.00 Organizations/Ministries of the Church

A portion of the church's program is carried forth in organizations of the church such as the Sunday School, women's and men's mission groups, children and youth organizations, short-term special ministries. Each of these may establish their own policies and procedures which govern their own special efforts. In some instances, the mission and leadership of such groups may be set forth in the bylaws.

7.00 Church in Conference ("Business" Meetings)

7.01 Role of Members

As a congregationally governed church, the major decisions of the church are made by the congregation meeting in regular or special sessions. Members are urged to accept their responsibilities as members to participate in these sessions and bring their gifts of discernment, wisdom and judgment to the process of governing the church.

7.02 Regular and Special Called Meetings

As set forth in the bylaws, regular congregational business meeting are held _____. Special meetings may also be called under procedures set in the bylaws, and notice is provided by announcement at Sunday morning worship services.

7.03 Bylaw Provisions Govern Meetings

The bylaws of the church provide specific rules and procedures regarding meetings, voting, quorums and related matters.

SECTION B. GENERAL CHURCH POLICIES

This section of a model church policy manual covers the subjects discussed in this section. As we have frequently noted, these should be reviewed for their appropriateness for each church in terms of its beliefs, ministries and judgments. While these issues often need to be addressed, the policy statements here are by no means the only way to “skin the cat.”

1.00 Property Matters

1.01 Real Property Titles and Ownership

All church real properties shall be held in the name of the church, and their disposition and use subject exclusively to the decisions of the congregation made in accordance with the congregational government of the church as set forth in the governing documents of the church including its charter (constitution) and bylaws.

1.02 Mortgages and Encumbrances

The real properties of the church may be encumbered only with the express consent of the congregation acting in business session.

1.03 Use and Disposition of Church Property

All personal property owned by the church through its purchase, donation or bequeath shall be used and disposed of solely at the discretion of the church, and in a manner consistent with its charter and bylaws and its character as tax-exempt, non-profit organization.

1.04 Property Committee Duties

The responsibility for assuring the church's interests and purposes are preserved and its policies observed in regard to the real property of the church is vested in the Property Committee which shall assure that the titles to properties are properly recorded, title insurance secured, the property adequately insured and a maintenance and inspection program established as required by these policies. They shall report not less than annually to the congregation on the matters within their responsibility.

1.05 Property Inventory

The Property Committee shall maintain and continually update, an inventory of all church real and personal property, dates of acquisition and cost, any warranties and manuals, any registration or other identifying numbers and where appropriate, assure the attachment of tags or markings identifying the property as church property.

1.06 Inspections

The Property Committee or its designees shall not less than annually, physically inspect all church properties owned or used by the church for any unsafe conditions, and shall report to the church their findings and recommendations for action. In conducting this review they shall consult available property and inspection guidelines which may assist in their assessment. In the event they report any such unsafe conditions, they shall assure that repairs or other appropriate action is taken promptly, and re-inspect within thirty (30) days to assure the property condition has been rectified. They shall also take immediate steps to warn and otherwise protect persons from injury from any discovered defect. The committee shall maintain records of its inspections, reports and corrective actions taken by themselves or others whether volunteers, employees or independent contractors. Other committees and officers or personnel shall also report to the chairman of the Property Committee or senior staff any conditions they believe may present a hazard or risk of injury.

1.07 Maintenance

The Property Committee shall establish a system of regular maintenance of all church properties and equipment, and maintain records of such maintenance.

1.08 Housekeeping

The Property Committee shall in consultation with staff assure the development and use of detailed regular housekeeping tasks lists and procedures to assure that those responsible for custodial and housekeeping duties have clear guidelines covering responsibilities both for building and grounds regular maintenance.

1.09 General Safety Policies

A. Safety Coordinator

The Property Committee shall appoint a staff member or church member as Safety Coordinator who shall oversee the safety policies and procedures of the church, assure their implementation, and make recommendations for enhanced policies and procedures.

B. Accident Policies

1. The church shall assure the prompt availability of first-aid supplies in all church facilities.
2. The church shall provide first-aid and CPR training for church staff and leaders, especially those who work with children and youth. The church shall have available the names and means of contacting persons with medical assistance skills.
3. The church shall prominently post the contact numbers for police agencies, medical assistance, ambulance service, poison information offices and other appropriate persons or agencies.
4. Accidents shall be promptly reported to all appropriate persons including the church's insurance carrier.
5. The Safety Coordinator and those present shall assure that the Accident-Incident Report Form is promptly completed.
6. The Safety Coordinator and appropriate staff and committees shall investigate all accidents, and take or recommend such steps as they think appropriate to minimize future risks, and review as well the church's response to the accident and any ways to enhance the response.

C. Fire Safety

1. Fire extinguishers shall be available and maintained, as well as other appropriate fire-fighting equipment.
2. Staff (paid and volunteer) shall have adequate training covering fire safety, evacuation, and the use of alarms and equipment.
3. Special inspections shall insure that fire hazards are avoided, including care in the storage of flammable liquids, improper use of extension cords or electrical equipment.
4. An evacuation plan shall be in place, including the posting in all facilities of exit directions, and clear signs and functioning exit doors. Evacuation training shall be provided all staff and teachers, including fire drills when appropriate.
5. The Safety Coordinator shall assure the church is in full compliance with fire regulations, and shall seek the counsel of fire department personnel, and insurance company recommendations.

D. Safety Training

The Safety Coordinator shall assure that all staff and church leaders have adequate safety training and appropriate refresher training in many dimensions of safety for personnel and those who utilize the facilities of the church.

1.10 Security/Safety of Participants

A. General Measures

The Property Committee shall develop and recommend to the church specific measures to provide security for church facilities and those involved in the church's ministry. The committee shall regularly review the security measures in place and make recommendations to the church. Entry security policies shall include key-control systems, door and window locks and systems, and appropriate landscaping and lighting to impede unauthorized entry. The committee shall also consider the appropriateness of internal security measures such as visitor registration, video and other monitoring, and fire, smoke and entry alarm systems.

B. Personal Safety and Security Review

The Property Committee shall annually, as well as whenever concerns are expressed or the church requests, review the security of the building and grounds for persons using, entering or leaving the facilities, and assure that appropriate personnel, locks, lighting, security and other systems and procedures are in place to assure to the extent feasible the safety of all those who participate in the life of the church and come on its premises. They shall make a written record of any recommendations, steps taken and responses to specific concerns expressed by persons of church bodies.

1.11 Use of Church Personal Property

A. Church Vehicles

In accord with the church-vehicle policy set forth herein and below, church vehicles may not be loaned or used in any way except for approved church purposes with approved drivers.

B. Other Church Property

Persons requesting short-term and limited use of tables and chairs for non-church, off-premises events shall complete a property request form noting the property to be used, and event for which it is to be used, the dates of such use, and the person responsible for its timely return. The _____ shall review such any request, assure that such use would not conflict with a needed church use, and that such use is appropriate, and grant or deny the request. Where such use may be permitted, factors to be weighed in granting approval of such use will be whether the event includes members of the church, the duration of such use, the event for which the property will be used, and any disruption to normal church activities and maintenance. The use of church-owned powered equipment such as lawnmowers, tractors, snow blowers, computers, audio-visual equipment such as projectors will not be authorized except in very special circumstances.

1.12 Prohibited Activities on and Uses of Church Property

[A church should develop this list consistent with their own practices.]

The following policies govern impermissible uses of church property:

- A. Smoking is not permitted in or on any church property
- B. The use of possession of alcoholic beverages or illegal substances on church property is prohibited.
- C. The use of R- or X-rated videos or other rated materials is prohibited on church property.
- D. The possession of guns or other weapons is prohibited.
- E. The posting of signs or materials on walls in church hallways and foyers is prohibited except with specific approval of the pastor or other designated staff.
- F. The use of church properties for commercial purposes is prohibited.
- G. The use of church properties in support of political candidates in any election is prohibited.
- H. The use of church property by any no-church group or for a non-church activity is prohibited except where approved according to procedures established by the church.
- I. The serving of food or dining is permitted only in designated areas.
- J. Pets are not permitted in the church at any time except as part of an approved educational or other program activity of the church.

1.13 Policy on Non-Church Uses of Facilities

A. General Policy on Non-Church Use

The church seeks to serve the community at large and to assist families in the church in family events requiring facilities such as church fellowship hall. Thus, so long as not in conflict with church activities or policies, certain church facilities may be used by approved community groups and local families.

B. Specific Policies

1. Church properties may only be used in a manner and for purposes consistent with the Christian mission of the church, its federal tax-exempt status and property tax exemption.
2. Any use by persons, whether members or non-members for non-church organized or sponsored activities must be approved under the policies of the church as provided herein or in other policy provisions.
3. Persons or groups wishing to use the property for non-church organized or sponsored activities shall submit a written request to the church office indicating the requested time of use, purpose, facilities to be utilized, persons responsible, and other information as may be requested. No use is confirmed or reserved until the application is received and approved, when it is then placed on the church calendar.
4. The church secretary, or in the absence of such staff position, some other person designated by the church shall maintain an official calendar noting scheduled church events as well as approved non-church events.
5. Facility-use policies shall be reviewed annually by the Building and Grounds (Property) Committee who shall make such recommendations as they believe appropriate to the church. The church shall have final authority to adopt and amend policies.
6. Requests for use of the facilities for non-church sponsored events shall be reviewed by the pastor and chair of the Building and Grounds Committee, and if the use is clearly consistent with the policies and the parties requesting use are of known responsibility, they may approve such use, or delegate that authority to staff. In the event requests are less clearly within guidelines or involve individuals or groups unknown to the pastor and/or chair, they shall refer the matter to the full committee.
7. The church reserves the right to require the payment of fees, deposits, fees to cover janitorial services as the nature of use and church policy may require. In certain contexts of use the church may require evidence of insurance.

C. Prohibited Uses

1. No use of the church facilities may be made for commercial purposes, for partisan political efforts, or by organizations that advocate laws or policies directly contrary to the doctrines and beliefs of this church.
2. No smoking or use of alcoholic beverages shall be permitted in any portion of the church's facilities.
3. Church policy generally prohibits the serving or consumption of food in certain facilities including the sanctuary.

D. Facility Specific Policies

Some facilities have special policies and requirements for their use. Among these are the church's recreational facilities and the kitchen-fellowship hall. Policies regarding these must be read and affirmed as part of the application procedure and are available from the church office.

E. Weddings and Funerals

The use of the church property for weddings and funerals is governed by the church wedding policies set forth separately.

1.14 Special Types of Property**1.14A General Cemetery Policy and Management****1. Cemetery Committee**

The church shall elect ____ (number) members to serve three-year rotating terms on the Cemetery Policy and Management Committee. The committee shall be charged with upkeep, maintenance, operation and preservation of the church cemetery.

2. Committee Duties

- a. Regularly review cemetery operations and finances and recommend policies and actions to the church regarding the operation, upkeep, financing and development of church cemetery,
- b. Implement policies adopted by the church regarding the cemetery and its funds including provision for the perpetual care of the cemetery, and specifically to assure that funds designated for cemetery maintenance are exclusively dedicated to that purpose.
- c. Report regularly to the church on all matters related to the cemetery including a publication of cemetery operating policies and financial reports.

3. Limitation on Powers

The committee shall have no power without express authorization of the church to convey, mortgage or otherwise dispose of property except the allocation of cemetery plots in accord with the established procedures of the church.

4. Financial Affairs

All funds received and expenditures shall be processed through the church financial officers and recorded on the books of the church

1.14B Church Recreational Facilities

The various committees whose activities involve the play and recreational areas of the church (including Property Committee, children's ministry and youth ministry committees and staff) shall develop specific proposed policies covering a range of topics related to the safety, use, security, appropriate activities, behavioral expectations, routine inspection and maintenance and liability protections associated with the use of these areas by church programs, outside organizations and individuals without express permission or church supervision.

These committees shall report to the church, and the church shall consider for adoption appropriate policies, and when adopted, incorporate them into this policy manual, and where appropriate provide public and posted notice of these policies.

1.14C Church Parking Lots

[See the discussions of Parking Lot Policy options in the General Church Policy section. This policy draft here assumes the church wishes to limit parking lot usage to church purposes, but does NOT wish to create a substantial enforcement mechanism.]

1. Design and Safety

The Property Committee's Safety Coordinator shall assure that parking lot design of traffic flow of pedestrians and vehicles has been carefully reviewed for safety. Appropriate markings on the parking lot and signs will further the safety considerations. Where

appropriate, the committee may recommend stationing church traffic personnel to assure safety in picking up or discharging passengers, and in entering streets and highways.

2. Use

The use of church parking lots shall be limited to persons on church-related uses. The Property Committee shall arrange for appropriate signs in the parking lot indicating its use is limited to persons on church-related activities. The notice shall also indicate that overnight use is prohibited without special permit. The committee shall create a special parking permit which may be given to persons and placed in vehicles which do have authorization for use of the lot other than immediate church matters. The committee may also create a notice of unauthorized use that may be placed on unauthorized vehicles advising the owner of the improper use and stating the policy.

c. Other Uses

Use of the church parking lots for other than parking is prohibited except by prior written permission. Neither church groups nor others may use the parking lots for other activities such as games, skateboarding, rollerblading and similar activities. Because of the risk of potential injuries, this policy shall be strictly enforced by notice in the parking lot advising improper users, and advising parents of improper use by their children when necessary.

1.15 Church Land Rented to Others

In the event any church real property is leased, rented or use permitted in any form by other persons or groups, the Property Committee, staff and officers shall assure that the use is lawful, that the users maintain insurance coverage for damages or liabilities arising from their use or possession, and that the use is not inconsistent with the values, beliefs and mission of the church.

1.16 Insurance

The Property Committee shall secure professional insurance advice and assure that adequate insurance coverage is obtained including property, general liability, business auto, appropriate to the ministries of the church, and sufficient to provide coverage for liabilities arising from the ministry of members and staff, both volunteer and paid. Not less than \$2,000,000 in liability coverage shall be included.

1.17 Zoning and the Use of Properties and Bona fide Church Purposes

The Property Committee, officers and staff shall address all uses of the real property set forth in church documents and establish programs that are grounded in the church's understanding of its character and mission. These programs shall be centered in biblical principles and/or commands which have historically been recognized as proper functions and ministries of the church. These clarifications shall affirm to this church and public agencies such as zoning authorities the legitimacy of these programs as authorized by our character and any zoning authority to function as a church.

1.18 Property Tax Exemption

The Properties Committee and church officers shall seek to assure that in so far as is possible, all real estate of the church is being presently used for church purposes in such a way as to legitimately qualify for tax exemption. Applications for such exemption shall be timely filed in the appropriate offices.

2.00 Kitchen and Food Service

(This area is one where church policies vary widely, and each church should develop and set forth policies appropriate to its facilities and activities.)

2.01 Policy Responsibility

The church shall appoint a special committee to propose a set of policies governing the use of the kitchen and food service at the church. Such policies shall address permissible uses and procedures for use, kitchen maintenance and cleaning, use of the kitchen by outside persons or groups, appropriate sanitation policies, and persons with responsibility for assuring compliance. The church shall review any recommendations, and upon adoption of any policies, they shall be added to this policy manual, and where appropriate posted in the church facilities, and provided to any proposed users of the affected facilities. Once policies are adopted, the committee and its leadership shall assure the effective implementation of such policies.

2.02 Kitchen Use

Use of the kitchen facilities and equipment must be approved by the church in accord with policies and procedures set by the church.

[One sample church policy follows.]

Fellowship Hall / Kitchen Usage Policy

The church has provided this facility and furnishings for your enjoyment. Please abide by the following guidelines. Our major concern is cleanliness and safety. Furnishings and equipment are church property and are not to be taken outside the facility without prior approval. Decorations should be limited to tables and shelves. Please do not mar, deface or make holes in walls. Please do not use tape on doors, walls or windows. In all cases, a church member must be a part of the group and be the responsible person for the function.

1. Schedule use of the Fellowship Hall/kitchen with the church office. Provide date, time, group, point of contact and phone number.
2. Using group is responsible for:
 - Checking out keys from the office, if needed.
 - Setup of tables, chairs, and equipment. Please do not use unfamiliar kitchen equipment without prior instructions.
 - Cleanup (cleaning supplies in kitchen or washer/dryer area)
 - Thoroughly clean kitchen area/stoves/counter tops, etc., and clean the coffee bar in the Fellowship Hall.
 - Sweep and mop Fellowship Hall/kitchen areas.
 - Wipe off all tables/chairs with damp cloth. All garbage should be taken outside.
 - No leftover food or drink items to be stored in refrigerator or freezer. Throw items out or take home. Don't leave them to accumulate.
 - Group items need to be marked with your group name and stored in your area of the pantry or refrigerator/freezer.
 - All dishes/pots and pans/utensils to be placed in their proper place.
 - All dish towels/potholders/cloth items to be cleaned (at church or taken home) and returned to their proper place.
 - Return tables, chairs and equipment to the locations as indicated on the diagram posted in the Fellowship Hall. Return extra tables and chairs to classrooms, as appropriate.
 - Check thermostat and turn off or adjust, as required.
 - Inspection of the area by a responsible group member.
 - Lockup of all doors in Fellowship Hall/kitchen. Lock and check all outside building doors. Ensure the entire church is secure.
 - Return keys to the office, if required.

2.03 Kitchen and Food Preparation Policies

Any use whether by the church or authorized others must conform to permissible-use policies established by the church concerning sanitation practices, fees and cleanup. Such policies shall be posted or provided in a binder available at the office and/or in the church kitchen.

2.04 Non-church Use of Food Service Facilities

Use of food service facilities of the church by any persons or groups not recognized as a church activity must be approved by the church in accord with procedures established by the church including written application and written approval and scheduling on the official church calendar. Such policies may include fees for non-church use, permitted and non-permitted use, identification of the group seeking use and responsible person, responsibilities for cleanup, food-service equipment that may and may not be used. Any user agrees to comply with all church policies regarding appropriate use of church facilities.

2.05 Church Regular Dinners/Meals

In the event the church provides regular meals in connection with church events, such as Wednesday night dinners, the designated committee shall develop specific policies regarding preparation, serving, charges, cleanup, use of tickets and other matters related to safe and effective provision of these services.

2.06 Food Banks and Other Charitable Food Services

If the church offers charitable food services such as food banks, "meals-on-wheels" type activities, special dinners for needy families, the designated committee shall set forth in writing specific policies and procedures regarding such activities including such areas as duties and responsibilities, financial procedures, health and safety issues, eligible persons, adequate supervision of food preparation, facilities security, and reporting.

3.00 Worship and Ministry

(Church and pastoral policies in this area are highly individualized, and the church should review and develop appropriate policies in the major areas which would normally include weddings, funerals, baptisms, baby dedications, revivals and homecomings. Other activities that may create special policies could be mission trips, work projects and similar activities. Where the policies chiefly relate to concerns for children and youth, they are addressed in that section of this policy manual. The few policies noted here governing weddings are intended to be illustrative of issues that might be addressed. The author does not intend to suggest these are the “best.”)

3.01 General Worship Policies

[The church might here set forth any general policies about worship services, including any church commitments to styles and leadership. If there is a “Worship Leader” position, whether staff or volunteer, the role should be clearly set forth.]

3.02 Music Policy

[The church might here set forth any general policies about music including responsibilities, role of a Music Committee if such exists, role of staff such as any Minister of Music, pianist and/or organist. Some churches have also established policies regarding types of music they believe is appropriate in the church.]

3.03 Lord’s Supper Policies

[The church might here set forth any general policies about the Lord’s Supper – its preparation, frequency, etc.]

3.04 Baptism Policies

[The church might here set forth any general policies about baptisms.]

3.05 Missions Support

This church affirms the centrality of the call to missions clearly set forth by our Lord in his command to “Go into all the world. . .” We believe vigorous support of world missions, both financially and in personal involvement, is not only in obedience to our Lord’s command, but invigorates the local church in all its life. Therefore, we adopt the following general policies:

- A. Mission committees and mission organizations of the church will be encouraged to promote and further the church’s participation in mission support and engagement, and recommend programs and activities which enhance our mission consciousness.
- B. We encourage mission awareness at all levels in our church’s life and support the development of children’s and youth mission organizations and activities.
- C. We affirm our church’s commitment to support world missions through associational, state and national bodies, and will promote such mission support through our budget and special offerings.
- D. We will through newsletters and our times of worship and fellowship share the urgency of world missions and the mission work being carried on through the support of the church.
- E. We encourage mission workers to share within our congregation their work; the Missions Committee will work with the staff to assure regular personal sharing on mission needs and news.
- F. We commit ourselves to systematic prayer support for missions, both in formal times of church prayer and worship, and to facilitating informed and specific prayer support for missions by our membership.
- G. The church shall consider periodic mission conferences that provide intensive and personal exposure to world missions, missionaries and the scope and urgency of issues of Christian missions and freedom of religion throughout the world.
- H. Direct church support for specific missionaries either on a regular or special offering basis is encouraged in principle, but such support must be approved by the church as part of a larger missions strategy. Priority for any such support would be for members of this church whom seek endorsement and support in full-time mission service, who have demonstrated a mission commitment, evidenced an appropriate spiritual maturity, have the personal and professional skills appropriate for the ministry they anticipate, and have the organizational links and endorsements essential for effective ministry. Persons seeking such support should consult with the pastor and other church leaders to discuss their sense of calling and the way in which the church can be appropriately involved
- I. Individual members are encouraged to give continuing support to mission personnel or programs with which they have some special interest or personal relationship. As an aspect of world mission and witness to “all nations,” the church shall seek to respond with special ministries and programs to “internationals” living and often studying or working in our communities. The mission organizations and committees of our church shall seek to identify such internationals, develop means of fostering relationships at the family and church levels with such

internationals, seek in sensitive and appropriate ways to witness to internationals, and in all cases to assure such persons have an understanding of our Lord's love for all persons as set forth in John 3:16.

- J. The church recognizes the value in direct mission involvement by the church members, and thus seeks to enable a range of mission projects and trips. All such church mission trips must be reviewed by staff and lay leadership and approved by the church. A request for approval of a proposed mission trips shall set forth the following:
1. Means to assure appropriate prior training,
 2. Clear expectations and requirements for those who will participate,
 3. Demonstrating a clear spiritual and ministry perspective,
 4. A sound financial plan and any recommendation for a church-approved special mission-trip fund,
 5. Identification of local and other organizations with whom such a project would be coordinated,
 6. Identification of specific contacts with church and mission leadership at the place of ministry with whom the project would be conducted,
 7. Scope and nature of adult involvement if the project is a youth ministry project,
 8. Assurance of appropriate travel arrangements, and
 9. Plans for addressing emergencies which may arise, such as health emergencies.

3.06 Weddings Policy

[Church policies here will vary widely, and we note here only one sample. Policies would normally cover such matters as counseling, making reservations, fees, music, flowers, photography, etc.]

Wedding Policy

It is our desire that your wedding be the happiest experience possible and that it be all God designed it to be. God created man and woman and intended the two to be joined in marriage, so that each might give to the other what each lacked alone. Because we desire to live within God's principles for marriage and are committed to building strong marriages, the following are the guidelines governing marriages in this church:

- A. Not Being Unequally Yoked. The church believes that Scripture (2 Corinthians 6:14-16) prevents a pastor from marrying a Christian to a non-Christian.
- B. Divorce. We will consider remarriage where a biblically allowed divorce has occurred (Matthew 5:31-32). A minimum of twelve (12) months must have elapsed since the divorce became final. In cases where one or both parties have been divorced twelve (12) months or longer, the pastor asked to perform the ceremony must decide, in light of Scripture, whether or not to perform the ceremony (Mark 10:2-12; Luke 16:18; Matthew 5:31-32; Matthew 19:1-9).
- C. Premarital Sex. Couples who are living together, or who are involved in a physical relationship, will need to separate and remain abstinent until marriage (1 Corinthians 6:13-20; Ephesians 5:3).
- D. Pre-Marital Pregnancy. In case of pre-marital pregnancy, the marriage may or may not be performed depending on the maturity of the persons involved and other considerations. The final decision to perform the ceremony will be determined by the pastor asked to perform the ceremony.
- E. Officiating. Weddings held on church facilities are officiated by pastors from the church. Guest pastors may participate in the wedding at the discretion of the officiating pastor.
- F. Pre-Marital Counseling. Pre-marital counseling is required by attending either the church's ten-week program or an equivalent program approved by the pastor.
- G. Music. The atmosphere of the ceremony is established by the music. All music should be part of the worship experience. Because a wedding is a service of worship, secular music is typically not appropriate. Final approval of music is the responsibility of the Wedding Committee. The church will provide an organist for the ceremony. If you wish to have a guest musician, this must be discussed with and approved by the Wedding Committee.
- H. Scheduling and Procedures. Persons planning a church wedding should contact the office and pastor to discuss the church wedding policies, and schedule counseling and use of facilities. Church policies regarding use of the facilities including the sanctuary and fellowship hall, reception policies should also be reviewed.

3.07 Funerals

(Insert your policies here)

3.08 Other policies regarding worship services

4.00 Special Church Activities

(Other than children and youth activities which are discussed in the Children/Youth Section)

4.01 Homecomings

(Insert your policies here)

4.02 Mission Projects/Teams

(Insert your policies here)

4.03 Other policies concerning activities

5.00 Vehicles

5.01 Transportation and Vehicle Policy

A. Transportation Committee

The church shall establish a Transportation Committee or task force consisting of persons such as staff, potential drivers, parents and others to develop, recommend, and implement appropriate policies regarding transportation needs including church-owned vehicles and borrowed vehicles in all aspects of the church's ministry.

B. Authorized Drivers and Driver Policies

Policies regarding drivers of church or non-church vehicles for church-sponsored activities.

1. The church shall require the completion of information forms for all persons driving church vehicles or non-church vehicles on church-sponsored programs and activities. The driving records of all staff and volunteer drivers operating church-owned vehicles shall be checked. No person may drive a church-owned vehicle or drive a non-church vehicle on behalf of the church who has had more than one moving violations or accident within the last year, or any reckless driving conviction or DWI/DUI charged or convicted within the past five (5) years, nor have records prior to three (3) years evidencing a pattern of irresponsible driving.
2. No persons under twenty-five (25) may operating a church-owned vehicle, or drive a non-church-owned vehicle where the church is responsible for or arranges the transportation.
3. Drivers shall be instructed on safety procedures for passengers entering or exiting the church vehicle. Such procedures shall be established, communicated and observed.
4. Trips exceeding 300 miles require the addition of a second authorized driver.

C. Other Transportation Policies

1. The Transportation Committee shall establish a regular and documented maintenance program for all church vehicles.
2. All staff and volunteers working with children and youth groups shall be provided a copy of the transportation policy.
3. Parents must be advised of and approve any transportation of their children in borrowed vehicles by non-church staff or volunteer drivers. Such approval may be a blanket approval for transportation within twenty-five (25) miles of the church. There must be a separate and specific authorization for travel beyond twenty-five (25) miles or into any other state.
4. A regular inspection and record system shall be established and implemented for each use of a church-owned vehicle including a log of each trip, purpose, driver, number of passengers and notation of inspection and indication of any problems with the vehicle or incidents with passengers or others.
5. An incident-report form for any accident or injury associated with the vehicle whether involving an accident or not shall be completed by the driver.
6. Non-owned vehicles used in any church activity involving out-of-town transportation to have passed a current inspection, and evidence must be provided of insurance coverage on the vehicle at a minimum level established by the Transportation Committee.
7. The church shall secure a business automobile insurance policy to cover damages to any church vehicle, injuries and damage to the property of others, and non-owned vehicle coverage that will cover vehicles owned and used by volunteers in church activities.

8. An additional adult besides the driver must be present on any van or bus, whether church-owned or borrowed, transporting more than seven passengers.
9. The Transportation Committee shall establish a code of conduct of youth/children who are passengers on church trips, and parents and drivers shall be advised of the policy. A copy shall be kept in each church-owned vehicle.
10. Church vehicles shall have appropriate emergency equipment on hand including safety warning lights, first-aid kits, flashlights and other equipment prescribed by the Transportation Committee. Procedural guidelines for drivers and adult supervisors in the event of a problem shall be established, including emergency numbers for church personnel or parental contacts.
11. Seat belts must be present and worn at all times by all passengers.
12. Transporting hitchhikers or unauthorized passengers is prohibited.
13. Unattended church vehicles shall be locked at all times.
14. Current vehicle registration cards and insurance information shall be kept in all church vehicles.
15. All these transportation policies shall be communicated to parents and others involved in church transportation operations.

6.00 Copyright

The church is committed to respecting all copyrights and prohibits staff or volunteers from any forms of copyright infringements. Church-owned copy machines; computers, tape duplicators, sound-recording devices or any other forms of duplicating or reproducing equipment should not be used to copy or reproduce any forms of copyrighted materials for ministry or personal use. Senior personnel are expected to understand and encourage compliance with this policy.

The church shall post on all photocopiers the following statement:

U.S. Copyright laws protect the rights of copyright holders and limit or prohibit copies being made of copyrighted materials including books and music. The making of illegal copies on this machine is prohibited by the church. In the event of any uncertainty about whether any copying is proper, please contact _____.

7.00 General Computer Policy

7.01 General Policies

- A. The Nominating Committee shall recommend and the church appoint a Computer-Technology Committee, or assign such duties to an existing committee, charged with recommending action in regard to the development and implementation of appropriate computer technology and policies governing the same in the ministry of the church.
- B. The committee shall work with the staff and professionals in the field to establish short and long-range plans for the use of computer and related technologies both to improve the efficiency of the internal administration of the church and its outreach as well. The committee shall also insure the application of the policies set forth herein.
- C. All computers on which church data are stored shall be owned by the church, which retains all rights to such data, and full access to the church computers and their data as set forth in the personnel policy.
- D. An inventory shall be kept of all computer hardware and software, and all hardware shall be identified with appropriate markers.
- E. The committee shall assure the integrity and security of church data on computers through appropriate systems of regular, secure backups, redundancy and appropriate access codes for different data and files.
- F. Computer file systems and passwords shall be utilized which recognize the confidentiality of certain records and assure only authorized persons have access to sensitive material.
- G. An appropriate system for maintenance of computer systems and enhancements through upgrades of hardware and software shall be established.
- H. Virus protection software shall be installed and systems in place for its upgrade and frequent use.
- I. The committee shall recommend appropriate steps to assure that the computers and their data are protected against electrical anomalies, surges or interruptions in service.
- J. The committee shall periodically review these policies and the computer policies in the Personnel Policy section and Employee Handbook, make recommendations regarding any changes, and report on their effectiveness.
- K. The committee shall make recommendations regarding training of staff and others to enhance the effectiveness of these systems in the ministry of the church.

- L. Computer data files shall be annually reviewed, and data no longer essential in the ordinary operations shall be deleted, and where appropriate, those files stored in external media secured appropriately.
- M. Computers no longer used by the church must have their memories effectively cleared before disposal of any type to assure that data is not inadvertently accessible to purchasers or others who acquire the computer or its parts.

7.02 Computer Use Policy

(Set forth in the Personnel Policy section of this policy manual.)

7.03 Website Policy

A. Management/Purpose Issues

1. Control

The church shall establish a Website Communications Committee which under the final authority of the congregation shall have responsibility for developing, controlling, monitoring and managing the church's website. The committee may, with the consent of the church and as the budget so provides, contract out certain technical services related to website maintenance so long as final control remains with the church and the privacy and security of data is preserved. The committee may also, with the consent of the church, contract with such professionals as may be required in establishing or expanding the capacity or scope of website church communications. The committee shall annually recommend a budget for website communications and report on all aspects of the site's activities.

2. Nature of the Site

The website shall serve as a means of communication to and from members, friends and guests about the church, its ministries and activities. Its purposes are membership enhancement and services, outreach and evangelism, and sharing vitality of Christian life and the church. It shall also provide means for church members and others to communicate with staff through e-mail links.

3. Copyright

The church shall reserve its copyright on its site contents by providing the following: "This site and all material contained in this site are protected by copyright. This includes text, graphics, logos and images. Permission is granted to download materials from the site for personal, noncommercial use. The images of people or places used on this site are either owned by the church or used with permission, and use by others is prohibited."

B. Content of Site Policies

1. Use of Links to Other Sites

The site shall include links to other sites offering denomination information, religious news, Bible study materials, church resources, world mission sites, and other ministries compatible with this church's ministry. No link shall be provided to any site whose materials would be objectionable and inappropriate for children, nor to any site whose express doctrines and beliefs are contrary to the core convictions of this church.

The site shall contain this statement regarding such links: "As a courtesy, this site may offer links to other websites. The church has not reviewed every page of every website that might be linked, and is not responsible for, nor necessarily agrees with all the contents of other sites. Users who find materials on any linked website objectionable should report the same to the Website Ministry Committee which will evaluate the appropriateness of the link."

2. Church policy shall prohibit any of the following on its website:

- a. The website shall not contain any commercial website links or any other commercial advertising.
- b. No copyrights or trademarks such as logos or artwork shall be displayed on the site without the permission of the copyright holder.
- c. The website shall comply with the church's nonprofit status by avoiding support for or against candidates for public office during elections.

3. In regard to confidentiality and security concerns, the website shall conform to the following policies:

- a. Security and nondisclosure policies shall be communicated on the site itself.
- b. Users shall be advised that confidential information should not be sent to any response option or e-mail link within the site. Any communication or material you transmit to this site by electronic mail is not necessarily secure and will not be presumed to be confidential.

- c. The site shall have security measures in place to protect the loss, misuse and alteration of any information under the church's control. All servers, network hardware, and storage devices will be housed in monitored, secure and limited access locations. Data will be stored in an encrypted fashion, and access to outside persons is not permitted.
- d. The church is committed to the privacy of persons who visit the site. The names or addresses, e-mail or otherwise, obtained from persons who volunteer to provide such on the site, such as signing in a visitor's guest book, would not be made available to third parties, sold, or otherwise distributed beyond the church. On-site registration forms may be utilized to allow users to provide contact information such as their name and e-mail address, as well as demographic information. Such information is never sold or disclosed to any third person or other organization and only disclosed as may be required by law.
- e. The church is committed to insure that persons will not be able to use information on the site for purposes which pose a risk to others, especially children. For this reason,
 - 1) The site will not use any full names of children nor provide any identifying information (name, address, school) with any image of a child, faces or addresses of children.
 - 2) No maps or directions to members or to staff members' homes shall be provided.
 - 3) No member's name, phone number or e-mail addresses shall be provided without their permission.
 - 4) If there is an interactive component that allows persons to ask questions and receive e-mail responses, requests from children will be dealt with consistent with this policy: "We will only use the online contact information such as e-mail to respond directly to a child's request on a one-time basis only, and the child will not be contacted or re-contacted further for any other purpose without the parent's consent."

8.00 Crisis Management Plan

The church shall appoint a Crisis Management Planning Team to explore the need for emergency/crisis management plans for the church to respond effectively to a range of crises, natural disasters as well as other personal, community or national crises which pose immediate risks and which require an organized response. The Planning Team shall report back to the church on their recommendations for action including the possibility of a permanent Crisis Management Team with specific contingency plans for a range of contexts.

SECTION C. PERSONNEL POLICIES

(The most sweeping personnel policies are those set forth in the *Employee Handbook*, a model of which is provided separately from this section of the general church policy manual. It could be included directly in the church policy manual, but it is often prepared separately because it is for a specific audience — employees. Since the *Employee Handbook* does not cover non-employee issues, such as volunteers, and a few other items, those are covered in this section. Frequent reference would be provided here to the *Employee Handbook*.)

1.00 Personnel Policy Responsibility

The church retains final authority over all personnel matters including the adoption of personnel policies and an employee handbook. The church retains final authority over all hiring, employee compensation, discipline and termination of employees, but may delegate such duties to a Personnel Committee elected by the church.

1.01 Personnel Committee

- A. The Personnel Committee shall be responsible for making recommendations to the church on personnel policy, and when such policies are adopted by the church, to assure they are communicated to the church, staff and employees, are understood, and posted where appropriate and observed. The committee shall review such policies regularly, assure that it stays informed about changes in legal duties, and make recommendations to the church, staff and employees that assure a lawful, healthy and effective work environment.
- B. The Personnel Committee (or others to whom it designates the responsibility) shall assure annual employee-performance reviews, be available to address employee concerns, and assure prompt response to employee communications about unhealthy, dangerous or improper working conditions. They shall be available to consider any concerns regarding sexual harassment or other inappropriate conduct toward employees.
- C. The committee shall assure that proper records are maintained for all employees.
- D. The committee may assign supervisory duties and other responsibilities to senior staff such as the pastor or a church administrator so long as it retains final authority and properly oversees the personnel process, and hears any appeals, charges or concerns.

2.00 General Principles and Foundations of Personnel Policy

The church shall adopt and implement a comprehensive *Employee Handbook* containing personnel policies affecting employees. Such policies shall be consistent with the biblical and spiritual commitments of the church and comply with applicable federal and state law. It shall evidence a recognition of the value of those who serve the church as employees, and biblical recognition of the value of work, and the responsibility of the church to treat all employees with honor and respect.

2.01 The *Employee Handbook*

The *Employee Handbook* with its personnel provisions is an expression of the current operating policies and procedures of the church, and is subject to change at any time through the procedures of the church as set forth in its bylaws and other documents. The church is charged with periodic review of all the policies and procedures set forth herein, and may prospectively change these policies and procedures. Thus, while the church is committed to operating within its policies and procedures, these may be modified from time to time. Thus, this manual is not a contractual promise to hold in force these specific policies and procedures. This handbook is not to be construed as a guarantee of continued employment or specific benefits. The church reserves the right to revise this handbook at any time. Employees are responsible for becoming familiar with new policies or procedures. No oral statements or representations can in any way change or alter the provisions of this handbook. This handbook cannot, however, anticipate every situation or answer every question about employment at the church. The church shall make every reasonable effort when policies and procedures are modified, to advise those affected of the changes.

2.02 Nondiscrimination

As a matter of faithfulness to biblical principles, the church shall not practice or condone discrimination against persons based on their race, color, ethnicity, national origin or age. This commitment derives from biblical teachings, from the example of our Lord, the command of the Great Commission and the witness of the early church in breaking down barriers of race and ethnicity.

2.03 Hiring Consistent with Spiritual Character

We will, consistent with our calling and character, reserve employment and volunteer workers to those who share our Christian faith and commitment and can thus further our mission. This, too, is consistent with our commitment to spiritual integrity and faithfulness to biblical admonitions. It shall be the employment policy of this church that a condition of employment at this church is a personal faith in Jesus Christ as Lord and Savior. Workers should maintain an active membership in a local Christian church and their lifestyle should be consistent with biblical teachings. Applicants shall be asked to affirm their Christian commitment and provide information on their current church involvement. The

lifestyle expectations apply to conduct both on the job and outside the workplace, and are governed by biblical teachings as understood and applied by this local church. The lifestyle expectations shall be those solely as determined by the church in the exercise of its spiritual discernment.

3.00 Sexual Harassment

3.01 Policy

This church is committed to providing a work environment for employees and volunteers in keeping with Christian principles and free of unlawful harassment and any other inappropriate harassment even if not covered by law. Church policy prohibits sexual harassment and harassment because of race, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, or any other basis protected by federal, state or local law, ordinance, or regulation. This church's anti-harassment policy applies to all persons involved in the operation of the church and prohibits unlawful harassment by any employee or volunteer worker of the church, including supervisors and co-workers. Prohibited unlawful harassment because of sex, race, ancestry, physical or mental disability, medical condition, marital status or age, includes, but is not limited to, the following behavior:

- A. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- B. Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- C. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work;
- D. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and
- E. Retaliation for having reported or threatening to report harassment.

Any employee or volunteer who believes that she/he or another employee has been subjected to any form of unlawful harassment should register a complaint to her/his supervisor, the senior pastor, chairman of the Deacons or the chairman of the Personnel Committee. The complaint should specify the name(s) of the individuals involved (including any witnesses) and a description of the specific conduct complained of as sexual or other harassment. The church will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation. If the church determines that improper conduct, whether unlawful or improper, even if not unlawful, harassment has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action will also be taken to deter any future harassment. The church will also take appropriate action to remedy any losses that may have occurred as a result of the harassment. The church will not retaliate against any employee for filing a complaint and will not knowingly permit retaliation by any other employee or elected official.

The church encourages all employees to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

3.02 The Sexual Harassment Complaint Process

The individual has the right to decide how to deal with harassment. If you believe you are being harassed, you should speak up or your lack of action may be interpreted as acceptance. Incidents of harassment should be documented. Keep a written record of the incident(s) including what the harasser did and said, who saw what, your response and to whom you reported anything. You may decide to proceed informally or you may decide to initiate formal action immediately, or later if the informal procedures are unsuccessful.

Informal Process

Not all incidents of harassment require formal complaints to deal with the situation and may be resolved in an informal manner. Sometimes an exaggerated response to a misinterpreted action can cause great pain and turmoil out of proportion to the incident.

Informal resolution options:

1. When you feel you are being harassed, communicate your disapproval and objections immediately to the harasser, either personally or in writing, and request the harasser to stop.
2. If the harassment does not stop or if you are not comfortable with addressing the harasser directly, you may take your concern to the Senior pastor or chair of the Personnel Committee for discussion and advice. All conversations with the Personnel Committee Chair or pastor with respect to allegations of harassment are to be kept confidential.

Formal Process

You may register in writing or otherwise, a complaint of sexual harassment and request the Personnel Committee or a special committee it appoints to investigate the allegations. They will examine the allegations through interviews with you and any witnesses and the alleged harasser. The investigating committee will then determine as best as they can, whether any sexual harassment has occurred and its severity, frequency and the appropriate manner of dealing with the harassment, if in their opinion the allegations are founded. This may include obtaining the apology of the harasser, suggesting counseling and/or education for the harasser, informal or formal reprimands, and

disciplinary procedures including possible termination in cases so warranting. If it is determined that, in their opinion, no harassment has taken place, the confidentiality of all parties should be maintained.

Legal Action

If this church is an employer covered by Title VII of the Civil Rights Act, an employee may bring a complaint directly with the Equal Employment Opportunity Commission which will investigate the allegations. The Commission investigates and may prosecute complaints of harassment in employment. Any employee who believes that prohibited harassment has occurred or who believes that retaliation for resisting or filing a complaint has occurred may file a complaint with the appropriate federal agency. The nearest offices for the federal agencies are listed in the telephone book.

4.00 Hiring, Training and Supervision of Employees

4.01 Hiring Processes

The Personnel Committee shall implement a comprehensive hiring process for all employees that assures an appropriate hiring process including recruitment, applications, interviews, reference and background checks, and disclosure to applicants of the faith, mission and expectations of the church. The extent of any testing, references and background checks will be adapted to the nature of the position.

4.02 Training

All new staff or staff transferred to new duties shall be provided with orientation and training in connection with their responsibilities. This training should include full familiarity with the policy and procedures manual of the church and its Employee Handbook. The nature of the responsibilities will affect the scope of this training, with special training emphases where the task involves financial systems, working with children, operation of motor vehicles, food service, sanitary systems, etc.

4.03 Supervision

Employees shall be informed of who has supervisory authority and responsibilities and the duties that entails. Such immediate supervisors are responsible for directing the employee's activities, establishing priorities, giving counsel to employees on-job performance, and being involved in periodic performance reviews. Employees shall be advised about to whom complaints may be made regarding supervisor misconduct.

5.00 Performance Review

The Personnel Committee shall assure an annual comprehensive performance review which documents areas of achievement and special competence and excellence, as well as areas of substandard performance, expectations for improvements and benchmarks for assessing such improvement. These shall be documented as provided in the Employee Handbook.

6.00 Discipline and Termination

The Employee Handbook shall contain specific and detailed provisions for disciplinary action in regard to employee misconduct or failure to adequately perform the assigned duties. Supervisors shall be informed of the procedural requirements in such discipline or termination.

7.00 Volunteers

7.01 Central Role

The church recognizes the primary role volunteers play in the many ministries of the church, including responsibilities often held by employees in other organizations. These duties include a wide range of positions, some involving the highest levels of trust and responsibility such as financial involvements, working with children and youth, informal counseling, teaching and ministries within and without the church facility.

7.02 Appropriate Screening, Training and Supervision

The church shall implement specific systems for appropriate screening, training and supervision based on the nature and context of the volunteer's work.

7.03 Special Risk Contexts

The church shall be especially sensitive to volunteers whose activities are of a nature and context involving dangerous conditions or of special risks. Among these are persons who operate vehicles owned by or on behalf of the church, who handle or have access to substantial funds, who work with infants, children or youth, and similar contexts. The church shall develop specific measures to assure the competence and reliability of such volunteers. They want to assure that their backgrounds do not suggest any undue risk. Information forms, releases and background or reference checks shall be utilized when appropriate to the nature of the duties. Appropriate forms for be developed or adopted for this process. With volunteers as well as employees, the church shall assure appropriate training, supervision and periodic performance review.

SECTION D. FINANCIAL POLICIES

Note: As noted elsewhere in this volume, churches use a range of terminology to describe church leadership, officers and sub-groups. Churches should adapt the language of any policy to reflect their preferred usages. For example, the policy sections here refer to “committees” – a common designation. Many churches prefer language such as “task groups,” “teams” or “ministry groups.” Similarly, some churches refer to “church business meetings,” while others use an older language “church-in-conference.” Of course, even “committee” names vary. In this section we refer regularly to a “Finance Committee.” This committee may in some churches be “Budget and Finance Committee,” a “Finance Committee,” a “Stewardship Committee,” or other name.

Not only in “language” and terminology, but in substantive content, churches should adopt those policies and procedures which reflect their own structures, ministries and styles they believe appropriate to their own context – and faithful to their sense of biblical calling. What is NOT optional, however, is that policies ought to reflect careful judgment, legal aspects related to authority and accountability as well as non-profit organizational and tax law affecting churches.

1.00 General Principles

1.01 Biblical Principle of Stewardship

_____ Church recognizes the biblical and legal principles of stewardship of all financial resources and the challenge to invest the resources God provides with faithfulness, wisdom and vision.

1.02 Biblical Means of Financial Support of the Church

_____ Church believes the principal means for the financial support of the ministry of the church in its local as well as global witness is the gifts of tithes, offerings and labor of God’s people who are challenged to give generously and joyfully as God has prospered, recognizing that they are stewards of all that God has given them.

1.03 Mission Commitment

_____ Church believes that its financial resources should be prudently invested not only in a local ministry in and through the local church, but in mission outreach across the community, nation and world. Mission support both through cooperative giving to mission programs and locally developed missions shall form a prominent part of the financial allocations of the church.

1.04 Support for the Larger Church

_____ Church, as a Baptist church, shall cooperate and generously support the mission and other ministries of the associations and conventions with which it is affiliated.

1.05 Responsible Systems of Management and Control

_____ Church, as a matter of proper stewardship, shall implement appropriate financial systems to assure compliance with legal obligations, sound financial management, and prudential systems of accountability and control.

2.00 Governing Bodies and Key Personnel

2.01 Congregational Authority

Consistent with our Baptist congregational polity, the congregation as a whole shall have final authority over the financial affairs of the church including the adoption of a budget, adopting financial policies which shall guide its elected and paid leadership, and the application and interpretation of those policies. In furtherance of the diversity of gifts and ministries, the congregation through its policies and procedures may assign many responsibilities to its leaders, committees and staff, but retain final authority.

2.02 Budget and Finance Committee

The Finance Committee shall oversee the financial affairs and policies of the church and carry out the directions of the church in the financial area. It has oversight and responsibility for reviewing the budget, evaluating the on-going financial status of the church, providing guidance to the church’s elected financial officers, and proposing and assuring compliance with financial policy.

(If there is no separate Budget Committee, then the following might be included: The committee is responsible for the proposing an annual comprehensive budget that covers the ministries, administrative, and practical needs of the church.)

2.03 Financial Officers

The church shall elect annually such financial officers as may be essential to fulfill the financial management needs of the church including a treasurer and such other officers such as a financial secretary, offering-counting committee, audit committee and investment committee as may be appropriate. The church shall for each officer establish their duties, and assure they function within the financial policies of the church.

2.04 Responsibilities and Duties – Financial Secretary

The financial secretary position is primarily to receive the funds that come into the church treasury, record these funds, deposit these funds, and forward information about the deposit to the church treasurer so that it may be used to support the ministry of the congregation. The responsibilities of the financial secretary are as follows:

1. To work according to the guidelines established by the church.
2. To receive funds from whatever source, record them, and report them to the church treasurer and the church and its leadership as provided in church policies.
3. To collect offerings received during worship services at the conclusion of the programs, making certain that more than one person is involved in collecting and counting the money.
4. To ensure money is deposited in a bank as soon as possible after it is received. All deposits should be made within three (3) days of receipt.
5. To establish a procedure to collect and record money received through methods other than the regular offering, including money received through the mail.
6. To produce individual charitable-gift receipt summaries of all donations received during a calendar year and mail within two weeks of the end of that year.
7. To be accountable to the congregation through the its designated committees, elected officers, and paid staff leadership.

2.05 Responsibilities and Duties – Treasurer

The treasurer is responsible to disburse all funds received into the church treasury in a responsible and organized manner in accord with the policies and procedures established by the church. The responsibilities of the treasurer are as follows:

1. To disburse all money contributed to the local church budget, keeping accurate records of how money is spent.
2. To prepare accurate monthly financial reports indicating the financial well-being of the congregation.
3. To work according to the guidelines established by the church.
4. To participate in and report regularly to the appropriate committees and officers and congregational meetings.
5. To assure there are adequate records documenting the assets of the church for insurance and other purposes.
6. To make recommendations for the investment of excess funds.
7. To insure that all church property is appropriately covered by insurance for casualty and liability losses.
8. To insure that all governmental taxes, reporting forms, and regulations are met on a timely basis.
9. To be accountable to the congregation and its committees.

2.06 Counting Committee

The Finance Committee shall appoint sufficient members of an Offering Counting Committee which may include some of their own number to assure that not less than two are available on all occasions at which funds are to be counted. The counting team on any given occasion shall perform double counts on all receipts and utilize counting sheets to report their counts. Each counter shall sign the counting sheet reports.

2.07 Audit Committee

The Audit Committee shall consist of not less than three persons nominated by the Nominating Committee and elected by the church. The committee shall conduct or arrange for an annual audit of a type and nature the church deems appropriate. The scope of any audit shall assess whether the financial policies and procedures are being adhered to. In the event of outside auditors, they shall recommend to the church such person(s) or auditing firm, and assist the audit, and review with the auditors any findings and recommendations. The committee shall convey the report of the auditors to the church leadership, officers and the congregation.

2.08 Authority

No officer, elected or paid leadership of the church shall have any authority to act for the church in any financial matter except where expressly authorized. No officer, paid or elected leader may without express authorization enter into any loan agreement, encumber any property or otherwise bind the church to any contract or financial obligation except as directed by the congregation.

2.09 Bonding

The church may require the bonding of any elected or paid staff who handles the funds of the church.

3.00 Budget

3.01 Budget Process

- A. The Budget Committee shall annually request each department, person or committee with budget line items, to evaluate their programs and submit a budget request to the committee.
- B. Optional: The _____ Committee shall/may submit its draft proposal to (the Deacons, Church Council, for example) for their review and recommendations before submission to the church.
- C. The proposed budget shall be distributed to the membership not less than two weeks before the church conference where it will be presented for adoption. The budget shall be submitted for approval by majority vote at the church's annual meeting or at such other time as set by the church approve an annual comprehensive budget.

3.02 Budget Publication

On adoption, the budget shall be published and made available to all church members. Financial status reports to the membership shall be structured to reflect the budget, and actual receipts and expenditures reported in the budget categories.

3.03 Effect of Budget

The budget shall constitute the limits of authority for the elected and paid leadership to expend funds and establish the basic categories of accounting. The treasurer or other leadership shall have no authority to expend funds except where authorized by the budget or separate congregational authorization.

- A. If the Finance Committee determines there is a cash flow problem or other factors requiring financial restraint, it may impose temporary spending limits in one or more categories, and/or recommend to the church specific budget adjustments.
- B. Any major expense items — those exceeding (\$1,000)—even though it is in the budget—may not be expended without notice to and approval of the Finance Committee or its designee, to assure that sufficient funds are available immediately to meet that and other needs.

3.04 Budget Changes and Adjustments

- A. Proposed budget changes during the fiscal year must come from the Finance Committee or from other committees or members. All such proposals from other committees of members must be first presented to the Finance Committee thirty (30) days before they are presented to the congregation so that the Finance Committee may make informed recommendations regarding any such proposal. The Finance Committee is responsible for making all proposed changes to the budget to the church conference.
- B. With the approval of the Finance Committee, budget reallocations within subcategories of major ministry areas such as Sunday School, youth ministry, and property maintenance, may be made between line items when sufficient justification is found. However, such internal adjustments may not increase the basic church budget or the budget for any major ministry area.
- C. In an emergency, with the consent of two-thirds of the Finance Committee (and the _____) the church may expend funds beyond the budget for any line item up to \$1,000 for operational contingencies, and up to \$5,000 for emergency repairs. This provision is intended only to be utilized when the need is sufficiently compelling and there is inadequate time to secure congregational approval. When this authority is utilized, the Finance Committee shall advise the church of its action in the next congregational business meeting.

3.05 Fiscal Year

The fiscal year for all church finances shall be _____ to _____.

3.06 Borrowing Authority

Only the congregation meeting in a regular or specially called meeting with notice may approve the borrowing of any funds from any source, including internal special-designated, reserved or investment funds.

4.00 Handling of Church Receipts and Funds

4.01 Receiving, Counting and Depositing Funds

The Finance Committee shall develop a comprehensive written set of policies and procedures for the reception, counting, recording and depositing of offerings and gifts whether through the general offerings or by mail or other means. The policies and procedures, as aspects of the overall

financial management systems, assures appropriate internal controls through checks and balances, separation of functions and systems which can assure the membership of the integrity of the system and those who handle and safeguard the finances.

4.02 Non-Cash Gifts

The church recognizes that non-cash gifts of many kinds are very important in the ministry of the church. The policies set forth here are intended to assure that such gifts are appropriately used by the church and to guide donors in their giving priorities.

- A. Gifts of negotiable securities will, unless the Finance Committee finds special circumstances, be welcomed and be sold immediately.
- B. The church in conference or through a committee given the authority, must agree to the receipt of real property, and the Finance Committee and other appropriate committees may make recommendations to the church regarding the acceptance and use of such a gift.
- C. Gifts of other items for the use of the church must be approved by the appropriate committee or person who would utilize such property in the ministry of the church. This is to assure the property is appropriate for the intended use, and that the donor will also be aware of the intended use of the donated item.
- D. All gifts become the property of the church, and their use and/disposal is at the sole discretion of the church, except where the donor has subjected the gift to a specific designation accepted by the church.
- E. For all gifts of objects accepted by the church, a donation receipt letter will be sent to the donor in a timely manner for tax purposes.

4.03 Receipting Rules

Contributions of non-cash property

Receipts [typically letters of acknowledgement from the church to the donor] for non-cash gifts must describe the gift given. No dollar value of the gift given shall be included in such a receipt/letter. Thus a gift of a car or real estate should note the gift given with specific detail that might be relevant to its value, but it is the donor's responsibility to justify any tax-deduction value claimed on tax returns.

Gifts of property exceeding a value of \$5,000

For gifts of property the aggregate value of which exceeds \$5,000, the donor must obtain a qualified appraisal and attach it to his/her tax return in which the deduction is claimed. The appraisal summary must be on Form 8283, signed by the charitable organization, such as the church, and attached to the return. If property received by the church requiring Form 8283 is then sold or otherwise disposed of within two years, the church must file form 8282 within 125 days of its disposition, and a copy provided to the donor.

4.04 Approving Financial Accounts

The church may establish the following accounts:

- General Fund
- Building Fund
- Memorial Gifts Fund
- Missions Fund
- Benevolence Fund
- Endowment Fund

The church may also establish such other special and designated accounts as it may deem appropriate.

4.05 Funds Policy

All accounts or funds created by the church or by any church entity must (a) be approved by the church in conference, (b) be subject to annual reporting requirements, (c) be under the oversight of the treasurer and Finance Committee, and (d) provide a means of recording, securing, depositing and reporting approved by the Finance Committee.

Some miscellaneous funds created by a group within the church may NOT be official church funds in which case there will no official receipting or reporting within the church. Funds not processed through the church's financial officers are not official church funds, and donations to such funds are not qualified charitable gifts for tax purposes. These funds should in most cases be for limited and short-term use such as a temporary fund for an outing or a social-events fund of a class. No bank or other financial account may be established under the name of the church unless approved by the church and unless the funds are subject to the usual financial processes established by the Finance Committee.

4.06 Deposit Accounts

The church may establish such bank and other accounts for the deposit of funds as shall be appropriate. Designated (Restricted Use) Funds shall be receipted and disbursed through separate ledger accounts. The church treasurer shall maintain one or more separate accounts for all designated funds. Note: Though not required by law or sound accounting practices, the separate account provides greater assurance such funds are not inappropriately used.

4.07 Allocation to Gifts to Funds and Accounts

Except where the donor has expressly designated otherwise or the receipts have been received for special funds or causes, all receipts shall be credited to the General Fund.

4.08 Designated Funds Policy

- A. The church may establish such designated funds and accounts as may further the ministry of the church, and shall for all such funds assure separate accounting and reporting.
- B. The church through its officers shall establish one or more separate bank accounts for such designated funds, separate from the general fund, but may combine multiple designated funds in one account so long as separate accounting is made.
- C. No designated funds shall be received by the church except where the church has approved or established the fund and its related project or activity. Gifts with some unapproved designation shall be returned, or may at the discretion of the Budget and Finance Committee be held conditionally until the church can assess whether it wishes to establish such an approved designated fund.
- D. Members wishing to give designated funds should consult with the pastor or other leadership to request the church's consideration of their preferred designation and any alternatives.
- E. Designated funds shall be restricted solely for the designated use and may not be diverted to other purposes without the written authorization of the donor.
- F. The treasurer and/or Finance Committee shall provide an annual report to the church on the status of all designated funds including new receipts and expenditures.
- G. Whenever feasible and appropriate, the Finance Committee or its designee shall advise donors when their designated funds have been used

4.09 Benevolence Fund Policy

In furtherance of this church's ministry exemplified in our Lord and his teaching to give to those in need, the church Benevolence Fund shall be a resource for meeting special financial needs that arise in our community and church. The church will accept contributions to the Benevolence Fund that are "to and for the use of" the church, and the specific use of such funds is subject to the control and discretion of (the Deacons or Benevolence Committee or those designated by the church to disburse such funds). Any church member may make recommendations regarding situations calling for assistance, but donors may not designate nor control the identity of persons receiving financial assistance from the fund. The church may establish a procedure of regular Benevolence Fund offerings as well as special appeals or offerings as needs may require.

4.10 Mission Project Fund Policy

The church may from time to time establish a Mission Project Fund to receive designated gifts in support of a church-approved mission project. Such approval shall assure the project is consistent with the purposes and ministry of the church, has appropriate leadership, and has a realistic budget. The church will accept gifts to such mission projects so long as the gifts are not designated for particular individuals but for the project broadly. The Mission Project Committee with the Finance Committee shall have final authority over the specific allocation of the gifts toward elements of the project costs.

4.11 Memorial Gifts and Fund

- A. The Finance Committee and treasurer shall establish a Memorial Gifts Fund for receiving and accounting for designated gifts in memory/honor of members and others associated with the church or its friends.
- B. The Finance Committee [or a Memorials Committee if such is established] shall establish appropriate policies on the use of such memorial gifts and authorize expenditures of the funds for purposes it deems appropriate. The committee may identify priority projects or ministries toward which it will allocate such gifts. While specific interests of donors will be considered, the committee retains the authority and responsibility to use the funds in a manner appropriate to the purposes of the church. All gifts are received subject to this principle.
- C. A *Book of Memorial Fund Gifts* [or *Book of Memory*] shall be maintained by the committee that will register memorial gifts to the church. The following information will be included in the book: the name of the person in whose memory/honor the gift is given, the date and occasion for the gift if applicable, the name(s) of the donor, and a description of the gift. When the funds are used, a note may be made in the book as to the use.

- D. Where Memorial Funds are used to purchase a tangible asset, the committee may recommend to the church that a memorial marker be placed on the object noting that it was made possible by the Memorial Fund.

4.12 Memorials Committee

The church shall elect a standing Memorials Committee of not less than three persons. The tasks of a Memorials Committee are as follows:

- A. To establish procedures and policies in regard to memorial gifts and related projects to assist families in choosing items that best support priority church ministry projects and help redirect unneeded or undesirable gifts.
- B. To prepare an inventory of potential memorial projects and regularly review and update the list and submit it to the church annually for approval.
- C. To publicize the existence of the approved list of needs and opportunities to members and friends of the church. Projects can be in memory of a loved one who has died or in honor of a loved one who is still living.
- D. To supervise the receiving, recording and disbursement of all memorial gifts.
- E. To keep an accurate record of all memorial-gift money received and distributed by the Memorials Committee through the church financial secretary (or treasurer).
- F. To supervise the sending of thank-you notes for all memorial contributions.
- G. To approve the disbursement of memorial gift fund money at its discretion through the church treasurer.

4.13 Investment Policy

The chair of the Finance Committee will appoint a chair and two other committee members to form the Investment Committee. The function of this committee is to make recommendations to the Finance Committee to insure the safe and prudent investments of unrestricted funds while continuing to fulfill the operational obligations of the church and its purposes. Authority for selecting investment options remains with the Finance Committee subject to the review and ultimate authority of the congregation.

4.14 Fundraising

The principal means for the support of the ministry of the church is through the tithes and offerings of its members, whose stewardship is a dimension of discipleship. Any special fundraising activities by the church or any of its divisions or programs must be approved by the church based on a written proposal noting the nature of the proposed fundraising activity including the target audience, place and time, the financial goal, the proposed use of the funds, and who will be conducting and supervising the event including accountability for the funds. No fundraising event shall use the name of the church or its ministries without the approval of the _____.

5.00 Handling Disbursements

5.01 General Procedures

The Finance Committee shall establish specific written policies and procedures for the handling of disbursement of funds, assuring ample internal controls. Such systems shall assure that (a) disbursements are properly authorized by the congregationally approved budget or other approval process set forth in the church bylaws or policy manual, (b) that adequate records are maintained to support the appropriateness of each disbursement through such documents as purchase orders and invoices, (c) that multiple persons are involved in the processes of authorizing payments, preparing checks and signing checks, (d) that multiple check signatures are required on all disbursements exceeding \$1000 [Note: the figure here might be affected by the common extent of such payments], (e) that the specific duties of financial leadership, paid or elected, in regard to disbursements are clearly set forth.

The disbursement system shall be integrated into a general accounting and bookkeeping system recommended and overseen by the Finance Committee and authorized by the church.

5.02 Authority to Expend Funds Outside the Budget

[Note: Who is given this authority and the financial extent of that authority vary widely, depending typically on the size of the budget, the typical congregational role in approving specific expenditures, and the function of different church bodies. What follows is one example.]

The Finance Committee may authorize expenditures outside the budget up to _____, when in their judgment such expenditure is required or especially appropriate to proceed without other approval and sufficient funds are available. The committee shall report such action to the church in a timely manner, not later than the next congregational business meeting or financial report.

5.03 Non-Employee Payments

A church shall file Form 1099 MISC for each person to whom it pays \$600 or more annually in rents or payments for services.

5.04 Employee Reimbursement Policy and Procedure

- A. Consistent with ISR regulations for an accountable expense reimbursement policy, and the church's desire to conform to these requirements for the benefit of the church and staff, the church shall adopt and implement an expense reimbursement policy whereby ministers and other staff may receive advances for, or reimbursement of, expenses to the extent provided for in the current budget if and only if the following conditions are met: (1) the expense has a stated business purpose related to the church's ministry, (2) the minister or staff provides written detailed substantiation of the expenses, normally on a form provided by the church, within not less than sixty (60) days, and (3) any excess reimbursements are returned within 120 days. Further, any advances must not be made more than thirty (30) days before the expected expenses, nor in excess of a reasonable estimate of those expenses. An accounting and substantiation of expenses must be made within sixty (60) days and the return of any excess advance fund within 120 days.
- B. The Budget Committee shall recommend for church approval a budget and account for advances and/or reimbursement as staff employment/ministry church expenses arise. The church may set limits on the extent of such expenses by setting budget maximums in general, or for any sub-expense component such as continuing education, travel expense, etc.
- C. The Personnel Committee shall adopt a written specific expense reimbursement policy that shall include guidelines on what expenses are considered appropriate—for example when the church would consider air travel appropriate, limits to tourist-class fares, and any limits on costs of meals reimbursed such as a maximum amount for meals per diem.
- D. The church or its designated committee shall establish and implement the specific procedures for submission of requests for reimbursement, required substantiation documentation, and procedures for expense advances and reimbursements, consistent with the requirements of an accountable plan as described by applicable IRS regulations. The procedures shall include the appropriate forms and identification of persons authorized to approve advances, reimbursements or process forms.
- E. The treasurer shall monthly process approved reimbursements and approved advances and record such on the books of the church and retain records to establish conformance with the accountable plan standards of the IRS.

5.05 Petty Cash Fund

The Finance Committee may recommend, and the church approve, a Petty Cash Fund which shall be governed by policies set by the Finance Committee regarding its custodianship, amount, receipting and accounting.

5.06 Housing Allowance

(See Policy Section on Pastoral Staff)

6.00 Financial Reporting

6.01 Financial Reports

The treasurer and such other officers as may be necessary shall provide financial reports at each congregational business meeting. A comprehensive written financial report and accounting of the previous year's revenues and expenditures shall be presented to the membership at the first church conference of the new fiscal year and a summary published in the church newsletter. This report will include comparisons of actual revenues and expenses compared to budget figures.

6.02 Access to Financial Records

Members shall have access to the principal financial reports of the church including budgets, periodic financial reports, annual financial reports and reports from auditors. Members shall not, however, have access to individual donor records, except records of their own giving. Such individual donor records shall be confidential and available only to those who must have the information to carry out their assigned duties. Members shall have access to records showing the disposition of designated funds.

6.03 Other Financial Reports

If the church is an employer, it is subject to many state and federal labor, withholding, and other tax laws. The church should carefully review their duties of reporting and complying under these laws, and may well need to consult their financial and legal advisers. There may also be additional requirements if a church employs a number of people who are engaged in trade or commerce, or are doing business in other states. Here is a list of the common reporting and filing requirements that often affect churches—most related to employment and/or financial dealings.

IRS Form 8274	Social Security and Medicare tax for church employers
IRS Form 4361	Relates to Social Security and ministers

IRS Form 941 or 941SS	Forms are for the reporting of city, state or federal tax withholding. If the church is exempt from Social Security, 941SS is to be submitted.
IRS Form W-4	Form pertains to all employees and some minister employees
IRS Form W-2	Statement of earnings
IRS Form W-3	To the Social Security Administration and, in some instances, to the state
IRS Form 1099 MISC.	Issued to self-employed individuals indicating sums paid
IRS Form 1099 INT.	Issued to anyone paid interest of more than \$10 in a calendar year
IRS Form 1096	Transmittal form for all 1099 forms
IRS Form 8283	Submitted to the IRS for donations of non-cash items in excess of \$500 or less than \$5,000. Read it carefully.
IRS Form 8282	To be completed by the church only if non-cash items are sold.
IRS Form 8300	If a church (or any other ministry) receives \$10,000 or more in cash in any business or trade transaction (e.g., rental of property or a parking lot), it would need to be reported on Form 8300. This reporting is NOT required for charitable contributions.
IRS Form I-9	The Immigration and Naturalization Service requires this to be on file for every employee.
IRS Form 990	A church is not obligated to fill out and return this form.
IRS Form 990T	A church that receives \$1,000 or more in gross income from an unrelated trade or business must file this form. (Unrelated Business Income obligations are discussed below.)

6.04 Document Retention Policy

The church through its officers and staff shall retain permanently the following records and documents: Articles of Incorporation, church bylaws, titles to property, insurance policies, membership rolls, stock certificates and transfer lists, minutes of church business meetings (church-in-conference), annual financial reports, audit reports, copyrights and trademark registrations, church newsletters, Sunday bulletins, legal correspondence, tax returns and working papers, retirement and pension records, and such other documents whose permanent retention is required by congregational action. These documents shall be maintained in a fireproof and secure location under the control of the church.

The following records shall be retained for a period of ten years in a secure location: All church financial records and statements (bank statements and records, checks, contribution statements, vendor documentation, purchase orders, housing allowance designations), accident reports, personnel records (applications for employment, terminated employee records, expired contracts, personnel files, payroll records), property documents (appraisals, expired insurance policies, tax or other financial matters), contracts and agreements, wills of deceased donors, federal/state/local filings, insurance documents (accident reports, claims [after settlement], expired policies, safety reports), expired trust agreements.

7.00 Audits

The Audit Committee shall conduct or arrange for an annual audit of a type and nature the church deems appropriate. The scope of any audit shall assess whether the financial policies and procedures are being adhered to. In the event of outside auditors, they shall recommend to the church such person(s) or auditing firm, assist the audit and review with the auditors any findings and recommendations. The committee shall convey the report of the auditors to the church leadership, officers and congregation.

8.00 Special Financial Matters

8.01 UBI Policy Statement:

The treasurer and Finance Committee shall be familiar with the basic provisions of Unrelated Business Income regulations, and shall file federal and state tax returns in the event such income exceeds \$1,000. In the event of reportable UBI, The treasurer and and/or Finance Committee shall advise the pastor, deacons and other leadership so that the church may assess its policies and practices in this regard.

8.02 Special "Love" and Other Special Offerings Earmarked for Individuals

The Finance Committee and other elected leadership and staff shall familiarize themselves with the provisions of the Internal Revenue Code in regard both to earmarked gifts generally and especially where gifts are solicited to be given to specific individuals. Where such gifts may be made, but would not qualify as charitable gifts for tax purposes, donors will be so advised and the church will not issue receipts or letters of acknowledgment unless they note such gifts are not qualified charitable gifts.

8.03 Loans to Staff

Loans shall not be made to staff from church funds or secured by any church asset.

Alternate Policy:

No loan shall be made from church funds or secured by any church asset except under the following conditions:

- A. The loan is recommended in writing by the Finance Committee,
- B. The loan provides a specific repayment plan,
- C. If the loan is to provide funds to enable a staff member to purchase and/or remodel a residence or other property, that a mortgage is obtained against the property,
- D. The church accountant, or other accountant or lawyer secured by the church, provides a written statement to the church that the loan does not violate state or federal law including the church's not-for-profit status, and
- E. The church approves the loan by three-fourth ballot vote.

SECTION E.

PRESCHOOL/CHILD/YOUTH PROTECTION AND MINISTRY POLICIES

1.00 General Policy and Commitment

2.00 Preschool/Children and/or Youth Ministry Committee (Team)

The church shall establish and elect a preschool/children/ youth committee (team) charged with oversight over all the preschool, children, and youth ministries of the church. (Separate committees can be established for each age group, if the church approves.) They shall be responsible for assuring the quality and integrity of such ministries, implementing the policies of the church designed to assure ministries which are faithful to the church's beliefs and vision, are staffed by persons of highest vision, integrity and commitment to children and teens, and assure that all aspects of such ministries are administered and staffed to assure the safety of, and care for, our children and youth. They shall regularly review the programs and policies in these areas, assure their observance and recommend additional policies, procedures and programs.

2.01 Protection Task Force Subcommittee.

A specific Protection Task Force that is a subcommittee of the larger committee (team) will be established to develop and implement protection policies for the church. These protection policies will be presented by the larger committee (team) to the congregation for approval. (Again, the church may decide to have more than one committee.)

2.02 Relationship with Church Leadership and Parents

The Preschool/Children and/or Youth Ministry Committee (Team) and Protection Task Force shall in all respects work closely with the ministerial staff and volunteer leadership, as well as parents, in furthering this vital area of ministry to our church and community.

3.00 Policies on Leadership Selection, Screening, Hiring, Training and Supervising

Recognizing the highest priority that must be given to assuring that those who work with children and youth be carefully chosen and effectively trained and supervised, the church shall assure a thorough process of screening, training and supervising all who work in these ministries.

3.01 Screening Assurance

Careful and systematic screening of volunteers or paid staff who work with preschool, children and youth will assure all parents/guardians that the church is committed to enduring the safety of those in our care and the quality of our leadership.

3.02 Screening Steps

The specific screening process shall be established by the Protection Task Force Subcommittee.

3.03 General Qualifications for All Leadership

Every volunteer and staff person who works with preschoolers, children, and/or youth shall:

- 1) Confess Jesus Christ as their personal Lord and Savior
- 2) Adhere to the affirmations of faith of the church
- 3) Be a member in good standing for one year
- 4) Be hired or approved in accord with the policies and procedures of the church
- 5) Evidence the skills, attitude and Christian maturity appropriate to the ministry
- 6) Agree to adhere to the church's ministry and preschool, children and youth protection policies
- 7) Have no history of being an abuser or criminal record inconsistent with the ministry task

3.04 Application process for volunteer leadership positions with preschool, children and youth.

A. Volunteer in Ministry Form

All persons being considered for, or seeking, positions working with preschool, children and youth shall complete the "Volunteer in Ministry" form as developed by the Preschool/Children and/or Youth Ministry Committee (Team), providing personal information, references, signed releases authorizing the securing of reference and background checks, and information regarding criminal records.

B. Criminal Records Statement

A declaration of criminal record, orders of civil courts, and other conduct statement, approved by the Preschool/Children and/or Youth Ministry Committee (Team) shall be completed and signed by all candidates.

3.05 Background Checks

Those responsible for screening shall assure thorough background checks are completed and written records maintained of the specific steps taken and information received. These records shall be confidential personnel records and retained. Outside agencies may be employed for these background checks. Candidates will be provided an opportunity to respond to any alleged misconduct which might surface in any background check.

3.06 Reference Checks

References shall be contacted, preferably by phone as well as written communications. Records of communications received and notes from phone or personal conversations shall be maintained. These records shall be confidential personnel records and retained. A checklist of questions shall be developed by the Preschool/Children and/or Youth Ministry Committee (Team) for use in interviews with references. References shall be asked to identify others who may have relevant personal information.

3.07 Interviews

Thorough interviews will be conducted with any candidates by a team of not less than two persons. The Preschool/Children and/or Youth Ministry Committee (Team) shall establish specific objectives, issues and questions to be covered in such interviews. The interview process shall include a thorough discussion of the church's child-safety policies and provide the candidates with copies of church policies and procedures regarding safety and protection matters. Interviewing teams shall provide a written summary of the interview including their observations and recommendations and areas for any further inquiry. The interview report shall be retained as a confidential file item.

3.08 Final Hiring Approval

The church and Preschool/Children and/or Youth Ministry Committee (Team) shall assure a process for the final and formal approval of all persons, paid or volunteer, who work with in this ministry, and maintain the list of approved persons.

3.09 Occasional Workers

The Preschool/Children and/or Youth Ministry Committee (Team) may establish a more limited process for the approval of occasional workers with preschool, children and youth where such persons are not paid employees and not regular workers in this ministry area. However, they must work directly alongside persons who are fully approved. This more limited process shall include an interview, thorough provisions for informing the workers of the safety policies and procedures, and a signed Declaration of Criminal Record, Orders of Civil Courts, and other conduct statements.

3.10 Outside Groups Working with the Church's Preschoolers, Children and Youth

The Preschool/Children and/or Youth Ministry Committee (Team) or Protection Task Force Subcommittee shall assure that any outside organization or persons working with the church's preschoolers, children and youth have employed appropriate screening procedures and have appropriate safety policies and procedures which will be in force in the work with this church.

3.11 Training

The Preschool/Children and/or Youth Ministry Committee (Team) shall assure the development of an comprehensive training program for all workers, paid and volunteer, in this area of ministry.

3.12 Specific Training Programs**A. Mandatory Training**

1. Training sessions shall be held not less than annually. Sessions shall be held for all volunteers who work with preschoolers, children and teens to educate them on the policies and procedures for insuring safety and reducing the risk of abuse. Specific training shall be provided by supervisors, staff or volunteer, in regard to specific policies in the volunteer's area of ministry.
2. Annual training for all paid church staff members shall review the policies and procedures for insuring safety and reducing the risk of abuse.
3. New staff and volunteers must participate in the training program upon beginning their ministry assignments.
4. Records of attendance and program content shall be retained.

B. Training content shall include all the following:

1. Church policies and procedures
2. General “abuse” matters
 - What is abuse?
 - Signs of abuse: physical, emotional, sexual
 - What conduct is inappropriate?
 - Reporting duties to state and church
 - Staff and volunteer screening procedures and purpose of these measures
 - Hearing preschool/children/teen “reports”
 - Legal (civil and criminal) consequences of misconduct
 - Where to get help

3.13 Training Records

The committee shall retain records of training sessions including leadership, program components, and attendees.

3.14 Supervision

The Preschool/Children and/or Youth Ministry Committee (Team) shall assure that effective supervision is provided in all areas within their ministry, and that systems are in place to monitor and measure the competence and performance of all workers. Such supervision would typically include structured sessions of observing leaders and formal times of performance review. More informal and occasional times of encouragement and friendly admonition should be planned.

4.00 General Safety and Health Issues

The Preschool/Children and/or Youth Ministry Committee (Team) and the Protection Task Force Subcommittee shall review all aspects of the church’s ministry, giving special care to issues of safety and health, providing periodic reports, assessments and recommendations for appropriate actions by the church and its personnel.

4.01 Recreational Facilities (playgrounds, play areas etc.)**A. Responsibilities**

The Preschool/Children and/or Youth Ministry Committee (Team) shall assure that there are assigned responsibilities for oversight and implementation of procedures and operations involving all recreational facilities, and set forth the duties of those responsible in regard to inspections, supervision, records, and incident reports of injuries and accidents.

B. Prohibited Activities

The Preschool/Children and/or Youth Ministry Committee (Team) and Protection Task Force Subcommittee shall expressly prohibit certain activities such as skateboarding in areas where such would pose a risk to others using the property. Such policies shall be enforced, and publicized to the church and, where feasible, in public notices. Other activities may be restricted to certain areas. Behavioral rules for users of such facilities shall also be established.

C. Safety Standards for Facilities and Equipment

Policies shall be developed, publicized and implemented to assure the general safety and good repair of equipment on such playgrounds, and to see that the equipment and surfaces conform to accepted standards. Adequate adult supervision should be required whenever such facilities are being used for church activities. Rules and policies regarding the maximum number as well as ages of children using certain facilities such as preschool and children’s play area shall be addressed. In considering appropriate safety standards in such recreational areas, the committee responsible shall consult guidelines and standards published by state agencies, insurance companies and others. They shall develop checklists and routine inspection procedures. Reports of periodic inspections and repairs shall be maintained. Maintenance schedules shall also be established and written records made and retained.

D. Supervision

Policies shall be developed and applied that assure that adequate adult supervision is provided in the use of recreational facilities and equipment.

4.02 Appropriate Space for Preschool and Children

Policies shall assure that appropriate space standards for preschoolers and children are followed including space per child and maximum numbers of children in a class. These policies are intended to assure effective teaching and supervision.

4.03 Staffing Levels

To assure both effective teaching, care and safety, the policy of this church is to seek to meet the following standards:

Age Groupings	Adult/Child Ratio	Maximum Group Size
Babies – Kindergarten	1:3	12
Babies – Twos	1:3	12
Threes – Kindergarten	1:4	15
Babies	1:2	12
Ones – Twos	1:3	12
Threes – Pre-K	1:4	20
Kindergarten	1:5	24
School-age children	1:6	26

4.04 General Prohibited or Restricted Activities

A. Prohibited

To minimize undue risks in children and youth activities under church sponsorship, the Preschool/Children and/or Youth Ministry Committee (Team) and Protection Task Force Subcommittee shall establish policies which prohibit certain activities as part of church-sponsored programs whether on church facilities or otherwise. Among such prohibited activities would be bungee jumping, parasailing, high-diving boards, scuba diving, fireworks displays, any vehicle racing or speed contests

B. Restricted

The committee may also establish guidelines for other activities which, while not prohibited, are of such a nature as to require special care or expertise. The guidelines for such activities may include special policies regarding church approval, skilled supervision, training, age limits, and parental approval.

4.05 Food Preparation

The Preschool/Children and/or Youth Ministry Committee (Team) shall establish guidelines and policies regarding food safety. The Protecting Our Church and Children resource provides a “Food Safety Checklist” as a general guide. (See the supplement provided with this manual.)

4.06 General Safety and Health Policy

- A. **Phone Access:** There shall be access to a telephone on the premises and a cell phone available off the premises when minors are on a trip or at a playground. Important phone numbers needed in a medical emergency shall be posted prominently.
- B. **First Aid:** A first-aid kit shall be available in any location used by minors. It should be checked monthly to assure that it is fully supplied. Those who work with children shall be trained in first aid and other emergency skills such as CPR and dealing with choking.
- C. **Accident Log:** A logbook shall be kept in an official place to record all accidents.
- D. **Fire Safety:** All adults working with preschool, children and youth shall be trained in fire safety, including exit routes and alternatives. Fire extinguishers should be available and regularly checked. Smoke detectors should be installed and batteries regularly checked. Regular fire drills should be held.
- E. **Emergency Preparedness:** All adults shall be trained in procedures to follow in case of a tornado, hurricane, earthquake, terrorist threats or other emergency situations.
- F. **Infectious Diseases:** Children or staff with infectious diseases shall not participate in the group until medical personnel clear them.
- G. **Allergies and Sensitivities:** A policy and procedure shall be established that assures that adult workers are aware of any special limitations or allergies a child may have, especially to foods such as peanuts and special sensitivities such as to bee stings.

4.07 Premises Control – Access, Departure, Etc.

- A. **Premises Control:** Preschoolers and children shall not be allowed to leave the premises unsupervised. They shall not be allowed to wander around the church facility or be alone especially when going to the bathroom.
- B. **Departure of Children:** Arrangements shall be made for children and teens to return to their homes after the activity is over. Children shall not be permitted to go home alone. Children shall not be permitted to leave the premises without their parents' permission.
- C. **Drop-Off of Preschoolers and Children:** Preschoolers and children are never to be left in a classroom unless two unrelated adults are present. If there are not two adults present, parents may wait with their child or take the child to another room or office where two or more adults are present.
- D. **Pick-up of Preschoolers and Children:** For all preschool children, unless special provision is made otherwise, a parent must come to the room and pick up their child/children from the classroom. Authorization for independent release may be given by signing a release for children in first and second grades. Third and fourth graders may be released independently after class.
- E. All teachers and workers who release children MUST visually check the parent ID with the child's ID before releasing the child.

4.08 Off-Site Events

- A. Any off-site events with preschoolers and/or children must be approved by the Preschool/Children and/or Youth Ministry Committee (Team), based on a detailed submission of the plans, supervision, travel arrangements and parental involvement/approval process.
- B. One-day, but not overnight, off-site events by the youth group, but within the county or adjacent county must be approved by the youth ministry leadership. They shall provide for sufficient supervision, adult transportation, and otherwise comply with church policies. Off-site youth events involving travel beyond adjacent counties or involving overnight stays must be approved by the Preschool/Children and/or Youth Ministry Committee (Team) which shall assure adequate supervision, appropriate facilities and chaperones, adult transportation and use of consent forms.
- C. Consent Forms: Parents must sign a consent form when children or young people are taken on trips or activities off the premises (not in the church or regular meeting place). Consent forms shall note the nature of the activity, type of transportation provided, contact numbers for the supervisors and sites of activities. Parents shall also be asked to authorize emergency medical treatment, provide information on special medical or dietary needs, provide telephone numbers where a parent or others may be contacted in an emergency, and other information appropriate to the activity.

4.09 Medical and Emergency Policies and Procedures**A. First Aid**

First-aid supplies and equipment should be available in each classroom. (See *Protecting Our Church and Children* for suggestions on specific items.)

B. Incident Reports

An incident/accident report form should be completed each time an accident or health issue occurs. This form shall be completed by the person in charge who is present and turned in to the office immediately. Extremely minor injuries requiring only emotional comfort or a simple Band-Aid need not be written up but shall be communicated to the parent or guardian.

C. Medicines

Staff, paid or volunteer, shall never administer any medicine, including over-the-counter medicines, without the written consent of the parent! In special circumstances where church workers must administer medications, it must be only where there is written authorization with specific instructions on the medications, timing and dosage. Staff shall record in a log any medications given, noting child, medicine, dosage, time and person administering. (*Protecting Our Church and Children* resource, included in this manual, gives additional recommendations about children medications.)

D. Bodily Fluids

Caution must be exercised when dealing with bodily fluids. Due to the increased risk of the spread of disease, bodily fluids must be promptly and safely disposed of and the area properly cleaned. Leaders must wear protective gloves. Leaders must adequately wash after contact with body fluid of any kind. This should be done routinely, even when no health risk is perceived. Disposable materials soiled by blood must be placed in a plastic bag. Soiled clothing will be returned to the parents in a plastic bag. If a child has come in contact with the body fluids of another child, the parents of that child should be notified.

E. Medical Issues and Emergencies

1. Consent/Information Forms

The parent or legal guardian shall be encouraged annually to fill out a parental consent certification and medical authorization form for each child who will be participating in the ministries of the church. A copy of the forms should accompany any activity that takes place outside the church facilities.

2. Guidelines in Case of Serious Medical Injuries/Emergencies

In case of a serious emergency involving broken bones, convulsions, fainting, loss of consciousness or other serious injury, the following guidelines shall be observed:

- Keep calm and keep children and the injured as calm as possible.
- Do not move the injured child.
- Speak calmly, reassuring the child.
- Send a fellow teacher for help. Never leave the injured child.
- The person in charge shall call 911 after assessing the situation and give the information and directions as needed.
- As soon as the leadership is notified, the co-worker should return to help in removing other children in the area from the scene of the accident.
- The person in charge (staff member) will locate the parents and advise them of the condition of the child and procedure suggested by medical personnel.
- Leaders will refer to the child's parents for details of preference of hospital and doctor.
- In case the child is transported to the hospital, a leader will accompany the child, especially if the parents cannot be located in a timely fashion.
- As soon as possible, the teacher needs to return to his/her group to see that the other children remain calm and reassured.
- An incident/accident form should be written as soon as possible with specifics of medical personnel recommendations and name of hospital to which the child was taken.

F. Wellness Policy

The Preschool/Children and/or Youth Ministry Committee (Team) shall develop and communicate to parents and workers a policy regarding under what circumstances children with symptoms or illnesses should not participate in classes or activities.

A “wellness policy” set forth in *Protecting Our Church and Children* notes the following: “Signs of communicable illness that would be reason to exclude the child from participation include”:

- A fever (100 degrees or more in the armpit, 101 degrees orally, or 102 degrees rectally)
- Diarrhea
- Severe coughing
- Two or more episodes of vomiting within the past twelve (12) hours
- Red eye with white or yellow eye discharge, until twenty-four (24) hours after treatment
- Yellow or green nasal discharge
- Scabies or lice
- Chicken pox or a rash suggestive of chicken pox
- Other undiagnosed rashes
- Open skin lesions
- Tuberculosis, until a physician states the child is not infectious
- Strep throat, until twenty-four (24) hours after treatment begins
- Pertussis, until five (5) days after antibiotic treatment
- Hepatitis A, until one week after onset of illness or jaundice
- Impetigo, until twenty-four (24) hours after treatment

Any child on antibiotics should have been on the drug for at least twenty-four (24) hours before coming to an activity.

4.10 Special Emergencies – Fire, Weather Emergencies

A. Emergency Checklist

The Protection Task Force Subcommittee shall assure that emergency checklist such as that suggested by *Protecting Our Church and Children*, are developed and utilized by the Preschool/Children and/or Youth Ministry Committee (Team) and workers to be effectively prepared for dealing with special emergencies.

Checklist from *Protecting Our Church and Children*

- Are building diagrams with emergency evacuation procedures and routes posted by the doors in each room?
- Do diagrams show the location of fire extinguishers and alarms?
- Are leaders trained in the proper use of fire extinguishers?
- Are fire extinguishers inspected routinely?
- Are all exits clear of furniture or other obstructions?
- Is a telephone easily accessible to leaders, with numbers for the fire department, law enforcement, emergency medical service and poison-control center posted?
- Is there a designated evacuation crib for babies (equipped with evacuation wheels), and does it fit through all exit doorways?
- Is there a designated meeting place in the event of an evacuation and are parents aware of this location?
- Are leaders trained in first aid, adult and infant/child CPR, security, and procedures for fires, tornadoes, or other emergencies? (For an example, see <http://www.dbhs.state.nc.us/dcd/emerg.pdf>.) Is there a readily available list of these leaders and other trained church members?
- Are periodic evacuation/emergency drills conducted?
- Are first-aid supplies kept in an easily accessible location?
- Are first-aid supplies routinely checked to ensure sufficient quantities and adherence to expiration dates?

B. Leader Guidelines in Case of Fire or Fire/Smoke Alarm

In the event of fire or fire/smoke alarm, take the following immediate action. Do not wait for confirmation of a fire.

- Line up students by the door and take a head count.
- Close windows and doors as you leave and if possible take your class attendance or sign-in sheet with you.
- Know your exit route as posted in the classroom and quietly and calmly lead students out by proper exit.
- Proceed to a grassy area away from the building and off any roads. Once you are clear of the building, take a head count and/or attendance.
- Return to the building only after the “All Clear” has been sounded.
- Do not dismiss any students from outside.
- For the safety of the children, parents may NOT get their child/children before the class has left the building. Parents must show their ID to claim their child and sign out on the sheet.

C. Leader Guidelines in Case of Tornado Immediate Threat

In the event of a warning that there is immediate risk of a tornado, take the following steps immediately:

- Assemble all the children and then lead them to an inside wall on the lowest floor.
- Guide the children to crouch on the floor facing the wall, bent over with hands on the back of their heads.
- Keep away from glass doors and windows.
- Do not return to the classroom until advised by other church staff or leaders that the risk has passed.

5.00 Child Abuse Policies, Procedures and Commitments

5.01 Basic Church Perspective and Policy

1. Introduction

Child abuse affects the lives of thousands of children every year in the United States. Churches too often have been negligent in the screening, education and training of their children and youth workers. The result has been tragic either because of false accusation, or the failure to protect a child in need. We recognize a high responsibility for our ministry programs for children and youth, and for the actions of all those who work with them. Court decisions are holding churches liable when they failed to properly screen their volunteers, educate their workers, or provide adequate supervision. Yet our accountability to law is almost nothing compared to our spiritual accountability to God and our community for the children entrusted to our love, nurture and care.

2. Our Response

It is our commitment to make every effort to make our facilities and programming a safe and nurturing place for all our children, youth and workers. Our commitment to our children and youth, and their parents, is to assure that specific procedures and policies are implemented to screen, train and supervise children's and youth workers. Through increased awareness and supervision, we hope to prevent any incidents from occurring, and hence support effective, caring ministries that continue to further the cause of Christ and lead individuals to a personal relationship with Him.

3. Statement of Purpose

The main purpose of our Preschool/Child/Teen Protection Policies is to protect our children and youth.

This purpose is accomplished in part by educating and training child care workers, both members and friends, on issues which may contribute to dangerous and unsafe conditions affecting children and youth. These issues include how best to avoid neglect and abuse. Individual members and friends of the church are encouraged to act responsibly not only in caring for children and youth, but also in caring for each other (Matt. 19:13-14; John 15:9-17).

We continue to develop guidelines and procedures to address concerns and/or allegations concerning safety, wellness and abuse. The governing board of the church will assume responsibility for evaluating the conditions under which the church ministries are carried out and for investigating charges and reporting misconduct. The Preschool/Children and/or Youth Ministry Committee(Team) and its Protection Task Force Subcommittee is specifically charged with implementing and reviewing all our policies, and developing effective responses to any concerns.

5.02 Specific Child-Abuse Prevention and False-Allegation Protection Policies

The Protection Task Force Subcommittee shall develop specific policies and procedures designed to reduce the risk of child abuse, assure the children and parents of the church of the safe environment for their children, and protect workers from false allegations or suspicions. The policies shall include at least the following principles:

A. Two-Adult Rule:

Two adults shall be present in all programs and activities involving preschoolers and children (and perhaps youth) — preferably not from the same immediate family, and include both men and women. This shall apply to classes, transportation, bathroom visits, counseling and other activities. In the absence of two adults, classes or activities shall be combined, or meet in a common larger room, or be cancelled.

B. Adults-Only Rule:

Non-adults may not satisfy the two-adult rule, nor may minors take a leadership role in any preschool or children's program or activity. While minors may assist adults in some activities, minors shall never be in charge of a ministry for minors. Any youth assistants should be under the direct and immediate supervision of an adult.

- In no event shall minors be left alone with a preschooler or child or leave the room with them.
- Minors shall not handle or provide immediate care for infants even if adults are present.
- Minors shall never discipline a preschooler or child.
- Minors shall never take a preschooler or child alone to the bathroom.
- Minors shall never bathe or undress a preschooler or child.

C. Open-Door Policy

Parents of minors served, the clergy, and administrative and professional staff of the church have the right to visit and observe the preschool, children's and youth programs at any time unannounced.

D. "Public" – Visible Activities

All preschool, children and teen activities shall be "public" in the sense of visible, transparent to others. The activities shall not normally be conducted in isolated, remote or unobserved locations. This policy shall normally have the following implications:

- 1) All activities for minors shall be held in a visible locations where other groups or adults are present.
- 2) Activities shall not take place in private rooms, offices or isolated parts of a building. Remote areas, such as closets and unoccupied rooms, shall remain locked.
- 3) Classrooms and teaching areas should never be locked while in use, with the exception of outside entrances to the preschool and or children's areas. These outside entrances should be locked to outsiders, but of course not locked for persons needing to exit in an emergency. Putting alarms on the exit doors to provide notice if any person, such as a child, does open the door is advisable. Lights should remain on.
- 4) Each door of a classroom shall have a large window. If there is no window, the door should be left open. Sight lines through each window should remain unobstructed at all times.

E. Respect Privacy of Children and Youth**E. Identify Workers**

Program staff, leaders and workers with children should be clearly identified with name tags or other indicators they are appropriate persons to be working with the children.

G. Specific Policy Areas

The Protection Task Force Subcommittee shall also assure specific policies are developed in certain specified sensitive contexts including bathroom procedures, infant care, release of children to parents and others.

H. Discipline

The church is committed to a nurturing, safe and respectful environment for children entrusted to its care. The staff and all those who minister to our children are committed to such care, and to abiding by the following child-discipline policy.

1. The church recognizes that appropriate discipline is not only essential in our ministry to children, but is also an aspect of the loving care of children as they mature and learn to respect themselves and others.
2. No physical punishment or verbal abuse, such as ridicule or threats, is to be used at any time.
3. Adult expectations of children/youths' behavior and appropriate discipline must reflect their age and level of comprehension.
4. Children are to be reminded of the kind of behavior that is acceptable for the setting.
5. Appropriate forms of disciplining a child/youth are: Distracting the child/youth with another activity, helping the child/youth focus on another more acceptable behavior, and separating the child/youth from others if another volunteer/staff is available to assist.
6. Parents will be informed and involved whenever a child/youth misbehaves beyond minor correction or a pattern of misbehavior increases. If separating the child within the classroom or removal of the child from the room becomes necessary, the situation must be discussed with the child's parents or guardian as soon as possible.
7. Concerns about a child's behavior or the appropriate response to a child's behavior should be reported to the program leadership.
8. Appropriate forms of discipline are to be reviewed with the volunteers/staff as part of staff/volunteer regular training.

5.03 Youth/Student Protection Policies**A. General Policy**

While recognizing there are distinctions that may be made in policies regarding youth programs, the same fundamental concerns for protection and minimizing risks are present. The Protection Task Force Subcommittee shall develop appropriate policies for youth ministry, recognizing that the screening of workers, assuring adequate adult presence and supervision, and policies such as the two-adult rule, are appropriate in this context as well.

B. Staffing.

The following shall be staffing guidelines.

1. Ages 12-14: One qualified adult for every eight minors.
2. Ages 15-18: One qualified adult for every ten minors. (Check on this!)
3. Two-Adult Rule for Leadership: At least two unrelated, qualified, adults must be present on all trips and outings. If both male and female youth are present, both male and female adult leadership is required.

C. Transportation

Special concern for transportation issues also mandates a clear policy assuring adult drivers, appropriate vehicles and operating procedures and policies as set forth by this church in its transportation policies

1. The church's general transportation policy regarding appropriate drivers, vehicles and procedures must be observed. Minors may not be transported in truck beds, even if equipped with a "topper," camper or other enclosure.
2. Parental permission must be given in writing for a minor to drive to an event away from church property. In any case, minors may not drive with passengers other than siblings in the vehicle.
3. When a staff member or volunteer is driving a minor home, they should not be alone with the minor. However, if there are times when a driver has only one youth/student to take home, the driver is to call the parents and give the estimated time of departure and arrival at destination. A staff member or volunteer must never take a student of the opposite sex anywhere alone.

D. Guarding Relationships

Special care must be exercised regarding any physical contact between adults and minors. Adults, whether staff or volunteers, must avoid even the appearance of romantic relationships with teenagers. At no time shall anyone working with youth/students pursue a dating relationship with a student. Staff shall be sensitive to students' "crushes."

E. Care Exercised in Personal Conferences.

In situations requiring personal conferences with youth/students, the meeting is to be conducted in view of other adults and youth/students.

1. Youth/student ministers are generally not qualified to counsel youth/students. On-going counseling relationships – more than two meetings – are discouraged. In the event of any such ongoing counseling relationship, parents must give specific written permission, the pastor must approve, and in all cases the policy requires that any such one-on-one counseling must be where other adults are within the line of sight.
2. Opposite-Sex Outside Appointments/Lunches: One-on-one lunch or outside appointments with students of the opposite sex are discouraged. If necessary, meetings with members of the opposite sex should only be made if separate transportation is used. Meetings should only be in public places. Late night meetings with students are discouraged. When possible, meet with at least two students for off-site appointments.
3. Staff/volunteers should not invite a youth/student to his/her home alone. Instead, invite a group, making sure the "two-adult rule" is observed and parents are notified of the activity.

F. Respect for Privacy

Adults must respect the privacy of youth/students in situations such as changing clothes or bathing. Adults are to respect their own privacy in the same way.

G. Separate Accommodations.

When staying in hotel-style rooms or camping, no youth/student is permitted to sleep in the same tent or room as an adult other than his or her own parent or guardian. Adults and youth/students sharing a large sleeping space (for example, a barracks-style retreat room) is acceptable as long as at least two qualified adults are present.

H. Reporting Child Abuse

Adults, both paid and volunteer, are required to report incidents of suspected abuse to the appropriate civil and church authorities as set forth by church policy and law.

I. Behavioral Standards

1. Sexual harassment or unwanted physical contacts or approaches in any form shall be promptly addressed and remedial steps taken.
2. Physical hazing is prohibited and may not be included as a part of any church activity. Abusive peer activities, e.g. initiation ceremonies, ridiculing, bullying, tickling are not permitted.
3. The use of alcoholic beverages and/or illegal drugs is prohibited while participating in (or traveling to) any youth/student event. No adult shall participate in a youth/student event while under the influence of alcohol or illegal drugs. Alcoholic beverages are not to be present at youth/student events or activities. When incidents occur, follow the incident report procedure.
4. Displays of affection. Appropriate displays of affection are often part of conveying support and encouragement to one another. Displays of affection between youth/student leaders and youth/student group members should be limited to such actions as a brief hug, an arm around the shoulder, an open-handed pat on the back, a handclasp or handshake, or a light touch to the forearm. These displays of affection should be restricted to public areas. A youth/student group leader's or member's right to refuse such a display will be respected.

5.04 Child Abuse *(See the section on child abuse in the Preschool/Child/Teen Protection Policies in the manual.)***5.05 Child Abuse Response Team****A. Composition**

The church, working through the Preschool/Children and/or Youth Ministry Committee (Team) and Protection Task Force Subcommittee, shall establish a Child Abuse Response Team. The team shall include at least one member of the Protection Task Force, and shall include or work closely with key professional paid church staff such as the pastor. The work of the team will require the following skills:

- The ability to provide spiritual support and counsel
- The ability to provide emotional and practical support to family members (the victim's and the perpetrator's families)
- The ability to lead group and congregational discussions
- The ability to liaison with treatment and legal personnel
- The ability to mediate family relationship and practical issues

B. Duties

1. The Child Abuse Response Team shall meet at least annually to review policies, consider their respective roles, and clarify means by which the group may be mobilized when necessary.
2. Responding to Incidents and Allegations: It would then be this body's task to respond in accord with the policies and procedures adopted by the church in the event of allegations or incidents including the reporting, documentation, investigation, findings and recommendations.
3. The Child Abuse Response Team shall work with the Protection Task Force Subcommittee in assuring education of those who work with preschoolers, children and youth, as well as the congregation and parents on child-abuse signs, prevention and responses.
4. Ministry to Those Impacted: The team shall often be involved in ministry affecting diverse persons impacted including the victim(s) and members of the family; the perpetrator's family; the peers of the victim (e.g., education classes, youth group); and abuse survivors who are part of the congregation at large. (An incident of abuse may raise old issues for survivors of child sexual abuse.)

5.06 Church Child Abuse Policy**A. Basic Policy/Procedure Commitments**

1. Commitment to Prompt Response: This church is committed to prompt and effective responses to allegations and complaints.
2. Complaint Procedure: The church shall clearly identify persons to whom child abuse reports or concerns can be made – with alternatives for reporters.
3. Reporting Requirements: The church shall reinforce a clear requirement and expectation that members, staff and volunteers report inappropriate conduct, whether it arises to the level of abuse or not.
4. Follow-Up Action Steps: the church will set forth specific and clear procedure for acting on complaints through protection measures, investigations and disciplinary action where proper.

B. Specific Policy

1. Basic Policy and Commitment

This church is committed to a safe and healthy environment for preschoolers, children and teens. The church has established many policies and procedures to minimize such risks in its own ministries. A further aspect of our policy is to assure that the church and its leadership take immediate and effective action when suspicions, allegations or incidents of improper conduct with minors within our church's ministry occur. This is essential to protect both any alleged victim and an accused. To implement this commitment, the following policies and procedures shall be observed:

2. Communicating Concerns

Church members are encouraged, and staff and volunteers required, to discuss with the pastor, other staff or church leadership including the Preschool/Children and/or Youth Ministry Committee (Team) or Protection Task Force Subcommittee any violations of church protection policies or suspicious behavior such as inappropriate conduct or relationships between a paid or volunteer leader and a minor. Such conduct need not rise to the level of "child abuse" to be of legitimate concern. To the extent legally permissible, the identity of persons communicating these concerns shall be kept in confidence. Such prompt discussion permits the church to promptly and effectively monitor any situation, clarify possible misunderstandings or interpretations, and take such corrective and disciplinary action as may be appropriate. Reports may be direct complaints from parents, children, or other persons within the church, or persons outside the church. All reports will be promptly investigated. It is our intention to be alert to any abusive situation and to take prudent steps to respond to each report.

3. Reporting Abuse.

Paid or volunteer leaders, including clergy, must report any suspicions or incidents of abuse occurring within the ministry of the church, whether those suspicions or incidents are directly observed or reported to them by other staff, other witnesses or minors themselves. Reports of such should be communicated promptly made to the church through lay leadership, senior church staff or church officers, as well as to official authorities as required under the Child Abuse Reporting Act. Any lay leader or officer receiving such reports shall communicate them promptly to the senior pastor, or the chair of the Deacons or a member of the Preschool/Children and/or Youth Ministry Committee (Team), Protection Task Force Subcommittee or any Child Abuse Response Team member.

4. Persons Responsible to Pursue Allegations.

The Child Abuse Response Team shall assure that the church's policies and procedures in handling allegations and incidents are promptly and fully observed, and that the resources the Child Abuse Response Team has identified are properly mobilized

Allegations of Child Abuse

Upon receiving a report or allegation clearly raising a reasonable possibility of abuse, the Abuse Response Team shall immediately take charge of the process, observing the policies and procedures established by the church, and as may be supplemented by team policies.

Allegations of Serious Misconduct, but Not Abuse

Upon receiving reports or allegations of serious misconduct or serious or repeated breaches of protection policies, the pastor or in his absence the chair of the Preschool/ Child and Youth Protection and Ministry Team shall conduct an inquiry or appoint a team of three persons to follow up consistent with church policies, including recommendations for interim and final action. If the matter clearly does not involve an allegation of or possible incident of child abuse, the Child Abuse Response Team shall not be responsible for processing the concern.

Allegations of Inappropriate, Non-Abuse Conduct and/or Breaches of Policy

Upon receiving reports of conduct or policy breaches which clearly do not rise to the level of allegations or suspicions of abuse or other serious misconduct, the pastor or other party supervising the response shall, with at least one other person, conduct an inquiry, report to the Preschool/Child and/or Youth Ministry Committee (Team) in writing their findings and recommendations, and as appropriate meet with all parties concerned to clarify the findings and any actions recommended.

5. Interim Measures.

The Child Abuse Response Team or other group designated in charge of any inquiry may take immediate steps to assure the protection of all persons pending clarification and conclusions, and may temporarily suspend with pay any staff members or volunteers until the

inquiry and findings are completed. The temporary suspension shall be effective for not more than thirty (30) days unless the Personnel Committee agrees on a longer period.

6. Processing Allegations and Incidents.

The Child Abuse Response Team or other group designated in charge of any inquiry shall assure that the following steps have been or are promptly taken:

- a. That immediate steps to protect and assure assistance to any preschooler, child or teen are taken.
- b. That the reporting statutes are complied with if applicable, and that the church is cooperating with civil authorities in providing accurate and complete information.
- c. That the parent of any minor who has allegedly been the victim of abuse or object of inappropriate behavior has been notified of the allegations and the actions being taken.
- d. That the matter is promptly investigated by interviews with all relevant persons.
- e. That, as necessary, staff or volunteers have been temporarily placed on leave or reassigned pending resolution of the matter.
- f. That where possible and appropriate, the church will minister directly to any victim and his/her family, without impeding any criminal or other state investigation.
- g. That as much as possible, the inquiry, investigation and conversations will be kept confidential.
- h. That after due inquiry, those responsible shall determine as best as possible the facts, and propose any church action of discipline and ministry as they find appropriate.
- i. That, when appropriate and necessary, the church leadership will be advised of any findings and resolution, and when proper or required, the church membership will also be advised of actions taken or recommended and the needed response of the church.
- j. The church insurer shall be promptly notified of allegations of serious misconduct toward children and youth.
- k. The church shall secure legal counsel.
- l. The Child Abuse Response Team collectively and its members individually, as well as others who may be involved in any investigation or abuse response, shall document in detail their inquiries, reports received, reports of witnesses or parties, and findings. These shall be kept by the chair in a confidential file.
- m. The Child Abuse Response Team shall carefully assess any response to media or other inquiries from those not directly involved. The church shall normally simply issue this statement:

“All matters involving reports or allegations of abuse or any misconduct toward or involving preschoolers, children or teens are taken very seriously, and in accord with specific written policies of this church, are investigated thoroughly and promptly by a special team, and in full compliance with all civil and criminal laws. Appropriate action is promptly taken to ensure the protection of minors and others, including any accused, during the inquiry. The inquiry within the church is properly confidential, protecting both alleged victims and any accused, but guided by biblical principles and commitments to justice and truth. Where wrongs or sins have been committed, the church focuses on the continued protection of minors, accountability, confession, repentance and ministries of healing and restoration to all involved.”

7. Barring Involvement with Minors.

On any finding that a staff member or volunteer has engaged in willful and serious misconduct with a minor, whether or not rising to the level of abuse, that person shall not be approved, authorized or permitted to have further involvement in the preschool, children and teen ministries of the church, and that the person shall be so advised. Such additional restrictions on the person's involvement in certain activities or presence as may be necessary to implement this policy and protect the preschoolers, children and teens, may also be imposed. These restrictions shall be recommended by the Child Abuse Response Team or other body charged with the investigation to the Personnel Committee and other appropriate committees such as those for children or youth ministry. After review by such committees, they may be approved by the church in conference, or if the bylaws so permit, by some other body delegated such powers.

8. Allegations Against a Pastor.

In the event allegations of abuse or other serious misconduct involving a minor are lodged against the pastor, the Abuse Response Team shall fulfill the duties of assuring the steps set forth in this policy are observed. On any initial and immediate finding that the allegations are serious and credible, even if as yet unconfirmed, the Child Abuse Response Team may recommend to the church the immediate suspension of the pastor from his duties pending further investigation and recommendations. The church may, by majority

vote, accept the recommendation of the team. Those responsible for investigating and responding to such allegations may consult advisers such as other pastors, leadership at the Baptist State Convention, legal counsel and other counselors. In the event the Child Abuse Response Team finds serious pastoral misconduct, the Child Abuse Response Team shall report their finding to the church along with any recommendations regarding dismissal, counseling, restrictions on ministry and related matters.

C. Ministry and Investigative Procedures

The Child Abuse Response Team shall seek professional counsel in developing specific procedures and means of carrying forth any of its investigative, support and counseling functions with current and former victims, families, accused persons and perpetrators. The team shall also work with the pastor and other professionals in developing appropriate ministries and policies toward persons formerly charged with abuse who now seek to be a part of the church family.

In regard to ex-offenders, the church's general policies shall be as follows:

1. Ex-offenders, subject to the conditions set forth herein, are encouraged to find in the church a place of worship and spiritual life – joining with the whole community of faith in confession, repentance and restoration.
2. Ex-offenders are invited to seek forgiveness and healing, and we are confident that the grace of God is sufficient to forgive. As forgiven sinners, ex-offenders are encouraged to find fellowship, spiritual nurture and encouragement from the Body of Christ. Ex-offenders who are members of the congregation are to receive the normal pastoral care afforded a child of God.
3. Ex-offenders are expected to recognize the nature of their compulsions and spiritual disease and with God's help commit themselves to steps which will help them deal effectively with their behavior including professional counseling.
4. Ex-offenders must recognize that for their own self-discipline and the church's protection of others, specific steps of supervision and discipline which provide protection for potential victims may be established by the church.
5. The pastor, in consultation with other church leadership including the chair of the Preschool/Children and Youth Ministry Committee (Team), Protection Task Force Subcommittee, and the Child Abuse Response Team Chair shall develop specific guidelines and restrictions applicable to the ex-offender's participation in the church, put them in writing, and communicate them to the ex-offender who will be asked to sign them acknowledging their receipt and a commitment to abide by them.
6. Ex-offenders must recognize and accept that, given their conduct, it is necessary that they have no further involvement with preschool, child or teen ministries, or have unsupervised contacts or involvement with minors in any context. Ex-offenders will not be authorized to participate as volunteers in these programs. Other restrictions may be imposed in terms of access to facilities and/or activities to further reduce risks.
7. The ex-offender will be advised that while the church recognizes that it may create difficulties if others in the church are aware of his/her background, the church cannot keep the information totally confidential. Key leadership involved in preschool, child and teen ministries will be informed. It is also recognized that given the context, the word will likely spread to the whole church.
8. The pastor shall share with church leaders and those involved directly in preschool, child and teen ministries the fact of the presence of the ex-offender in the church, emphasizing that the person has been welcomed to the church. These leaders shall be advised of the restrictions that have been established and urged to inform the Child Abuse Response Team chair promptly if these restrictions are violated or other inappropriate conduct involving the ex-offender is observed or reported. The Child Abuse Response Team shall also assess to what extent and under what circumstances the larger church should be informed of the facts – given due consideration for all the concerns both for the ex-offender and the church body.
9. Ex-offenders who disregard the restrictions and conditions may be subject to additional restrictions and supervision, and if violations continue, may be subject to dismissal from the church, and if the conduct warrants, further legal action may be necessary.

SECTION F. PASTORAL STAFF POLICIES

The policies noted below regarding pastoral staff are in part set forth in the bylaws as well as here. Other policies may be established by the pastoral staff regarding internal matters.

1.00 Pastoral Duties

The pastor shall have in his charge the welfare and oversight of the church. The pastor shall be an ex-officio member of all organizations, departments and committees; may call a special meeting of the deacons or any committee according to procedures that may be set forth in the bylaws; shall conduct religious services on stated and special occasions; administer the ordinances; minister to members of the church and community; and perform other duties that usually pertain to that office. The pastor shall have special charge of the pulpit ministry of the church and shall, in cooperation with the deacons, provide for pulpit supply when absent and arrange for workers to assist in revival meetings and other special services.

2.00 Pastoral Search

2.01 Pastoral Search Committee

(The church should determine whether this process applies to all pastoral staff, or only the senior pastor. If it only applies to the senior staff, then other provisions should be made for other ministerial staff calls such as associate pastors, ministers of youth, music, etc.)

When a vacancy in the pastorate occurs, a special Pastor Selection Committee shall be elected by the church from nominees submitted by the (Deacons, Nominating Committee, or combination e.g. the Deacons and Nominating Committee meeting together) of whatever size it deems appropriate. These nominees shall represent a cross-section of the church and shall be recommended on the basis of their spiritual maturity, commitment to the ministry of this church, and the special commitments and interests they represent within the church. The church shall vote on the nominated committee as a group. The committee shall proceed promptly and diligently to seek to find a pastor who, by calling, training, and proven ability, seems qualified spiritually, mentally and physically to lead the members of this church. In its efforts to meet its responsibilities, the committee shall be responsible to the church directly. The committee shall receive and give full consideration to all suggestions from members of the church. Members of the committee shall be reimbursed by the church treasurer for any necessary travel and subsistence expenses that are incurred in the performance of their duties.

2.02 Election/Call of a Pastor

(As with the paragraph above, the church must determine whether this process is applicable to all pastoral staff members or only the senior pastor – and if not applicable to other pastoral staff, some other process should be set forth for the other pastoral staff members.)

The vote on the nomination of a pastor by the Search Committee shall be held at a service to which notice has been provided for not less than two weeks. Prior to such a meeting the Search Committee shall have provided ample opportunity for the members of the church to have become familiar with the candidate and assess his appropriateness and calling for the church, and the terms of the call proposed by the Nominating Committee. The vote shall be by secret written ballot. To be elected pastor, the minister nominated by the committee must receive at least 90 percent of all the votes cast. If the committee's report fails to receive the required vote, the moderator shall declare the nominee not elected, and shall refer the matter, without debate, to the committee for further investigation and further recommendations under the foregoing procedure.

3.00 Pastoral Staff Employment Relationships

3.01 Pastoral Staff Employment Policies

The church shall establish and set forth appropriate employment policies in regard to the pastoral staff, adopt them as an aspect of the calling of a pastor, and annually review such policies. Such policies shall not constitute a contract and are subject to modification by the church at any time.

3.02 Identification of Pastoral Staff

The Personnel Committee shall make recommendations as a matter of general policy, and in individual calls, as to what staff members shall be classified as members of the "pastoral" staff, giving recognition to the church's biblical and theological views, and the employment law implications of such classifications. The church shall also, in that process, identify and set forth in writing those persons whose classification, ordination status and church practice are authorized to perform the principal rituals and ceremonies of the church, including the performance of weddings.

3.03 Pastor-Congregational Covenant

The pastor and the church may choose to enter into a written specific covenant as an expression of the aspirations of the pastor and congregation regarding the nature and quality of the relationship. Any such covenant, however, shall not create any legal rights or duties on any party.

4.00 Pastoral Staff Ministry Accountability and Review

(One of more of the following may be included)

4.01 Annual Review

The deacons (or perhaps the Personnel Committee) shall not less than annually develop and implement a process of ministry review with each member of the pastoral staff. This review shall seek in collaborative and constructive ways to assess ministry strengths and areas of weakness or concern, and seek to identify means to enhance effectiveness in ministry and in the pastor's growth in all dimensions of life and work. Where appropriate, priorities may be mutually set, and means developed for addressing problems or concerns.

4.02 Minister Relations Committee

(There are alternative names such as Council on Care-Giving)

The church shall establish a committee of not less than five or more than seven persons to serve as a Ministerial Relations Committee. The deacons shall appoint one member. The Personnel Committee shall appoint one member, and the Nominating Committee shall recommend other members who shall serve three-year, staggered terms. In the first year of a new pastor's tenure, at least one member shall be a person who served on the Pastor Search Committee.

The committee shall seek to provide support and counsel for the pastor, sharing visions for ministry and reflecting the expectations and/or concerns of the congregation. They shall be sensitive to the minister's personal and family needs, spiritual nourishment and ministerial effectiveness. The committee shall annually in consultation with the pastor, engage in a review of the church's ministry, and where appropriate, work collegially to develop goals and objectives to enhance ministerial effectiveness. The committee may conduct a survey of a scope and nature they deem appropriate to assess the sense of the congregation regarding the pastor and the pastoral ministry.

5.00 Ministerial Staff Benefits and Related Policies

5.01 Policy on Pastoral Continuing Education

The pastoral staff is encouraged to participate in denominational and other educational opportunities to develop professional skills and ministry effectiveness. Pastoral staff who wish to enroll in more extended educational programs including programs leading to degrees and certificates, or matriculation with educational institutions such as universities, theological schools or institutes, or where such programs will involve times when the pastoral staff are otherwise assumed to be performing their ministry, shall review their interests and proposals with the Personnel Committee (or deacons), setting forth in writing the nature of the program, time commitments, length and relevance for ministry. The committee may make such recommendations to the church as they deem appropriate.

5.02 Policy on Pastoral Sabbatical Eligibility

A member of the pastoral staff, after full-time service for a period of not less than seven (7) years may request a sabbatical leave (perhaps three months) with pay for purposes of spiritual renewal, education or other purpose which will enhance effectiveness in ministry. The staff member must request such leave not less than six months in advance, and set forth in writing the nature of the use of the sabbatical. The Personnel Committee shall review the proposal with the pastor and make such recommendations to the church regarding its approval as they deem appropriate.

5.03 Reimbursement Policy

A. Authorization for Reimbursements.

In addition to the salary provided all employees including the pastor, the church will reimburse them for auto, travel and professional expenses considered ordinary and necessary for them to carry out their duties with a fixed limit as set forth in the annual budget. If actual expenses are less than this sum, the difference will not be paid as additional salary or other benefit.

B. Compliance with IRS Regulations

Consistent with IRS regulations for an accountable expense reimbursement policy, and the church's desire to conform to these requirements for the benefit of the church and staff, the church shall implement an expense reimbursement policy whereby ministers and other staff may receive advances for or reimbursement of expenses to the extent provided for in the current budget if and only if (1) the expense has a

stated business purpose related to the church's ministry; (2) the minister or staff provides written detailed substantiation of the expenses, normally on a form provided by the church, within not less than sixty (60) days, and (3) any excess reimbursements are returned within 120 days. Further any advances must not be made more than thirty (30) days before the expected expenses, nor in excess of a reasonable estimate of those expenses, and an accounting and substantiation of expenses must be made within sixty (60) days, and the return of any excess advance fund within 120 days.

C. Church Reimbursement Systems

The financial officers shall establish a clear system including appropriate forms for employees to submit expenses for reimbursement. Such a system should include requirements for necessary documentation such as receipts where possible. The system may also require that certain expenses would require prior approval and others more routine, such as monthly pastoral car mileage, would not require such. The church may also provide that in certain circumstances the church would advance expense account funds, subject to necessary post-expenditure accounting and return of any unused funds.

5.04 Pastoral Housing Allowance Policy

The Finance Committee shall annually request of those who qualify for a "Housing Allowance" the submission of estimated housing expenses, satisfy itself that the total does not clearly exceed the fair-market rental value of the furnished home plus utilities, and recommend to the church prior to next tax year, a sum to be designated in that next year as "Housing Allowance." The church or its designated body shall vote on such recommendation and record it in its minutes.

5.05 Policy on Church Loans to Pastoral Staff

The church, consistent with its exempt status and legal obligations regarding the use of its funds, shall not make loans or otherwise act as security for loans, to members or staff. Any exception to this policy must be approved by two-thirds vote of the church on recommendation from the Personnel and Finance Committees, and only after a written legal opinion that such a loan is not inconsistent with the church's legal obligations. Any loan agreement must be in writing and contain specific provisions for regular repayment.

5.06 Policy on Pastoral Outside Employment

Pastoral staff are expected to give their full-time energies to the ministry of the church. Any other employment or active business involvement involving the time and energies of the pastoral staff must be disclosed to the Personnel Committee (or perhaps the entire church or the deacons). Where, in the opinion of the committee, such activities are likely to in appearance or fact intrude upon the commitments toward the church, the committee shall refer the matter to the church. The committee may make recommendations to the church regarding the church's approval, limitations on, or disapproval of the outside involvements.

6.00 Pastor Termination

6.01 Biblical Commitment

The church commits itself to address issues of church conflict involving pastoral staff in a manner consistent with biblical doctrines of reconciliation, confession and forgiveness, and the specific admonitions of Matthew 18.

6.02 Conflict Management

The church shall give serious consideration in cases of conflict involving the pastoral leadership to utilizing outside resources which may assist in understanding and resolving such conflicts.

6.03 Bylaw Pastoral Termination Provision

The pastor is called to serve until the relationship is dissolved at the request of either the pastor or the church.

A. Resignation.

The pastor may resign but shall normally provide at least thirty (30) days notice before the termination of his services. A written resignation or an oral resignation delivered at a Sunday morning service or business meeting of the church, if without conditions, shall be final and binding. If any resignation is subject to conditions it shall be effective and binding when accepted by majority ballot vote of the church.

B. Removal.

Such a vote may be initiated by the recommendation of the deacons or by a motion calling for such a vote passed by majority vote at a congregational meeting. In this case the moderator shall immediately set the date for such a meeting to be held within thirty (30) days, or by written petition signed by not less than 20 percent of the membership and given to the deacons or its chair. In the event of such a petition,

the deacons shall set a time for the vote on the tenure of the pastor to be held in not less than sixty (60) days. No member-petition-based call for a vote on the pastor's tenure shall be effective if such a petition has been filed and a vote taken within the last twelve (12) months.

1. The officers and the members shall make every effort to follow biblical principles including the process set forth in Matthew 18 in dealing with conflicts regarding pastoral staff. An effort should be extended to permit reconciliation of conflicts in a manner consistent with our Christian faith and doctrine.
2. Removal shall be effective immediately upon the adoption of a motion terminating the pastor, but salary and benefits shall continue for not less than thirty (30) days. Any resolution to dismiss may also contain recommendations concerning other financial aspects of the termination including severance pay.

Alternate Termination Bylaw Provision:

(The church may decide to adopt the "Communication and Exit Strategies" for dealing with church-minister conflicts. These are noted in the section of Pastoral Staff, and a proposed policy is set forth in the Appendix, that could be set forth in the bylaws.)

6.04 Suspensions of Pastoral Staff

The deacons and Personnel Committee (or perhaps some other committee) may by combined three-fourths vote temporarily suspend with pay all or some of the duties of pastoral staff. This could occur in the face of criminal accusations or charges or other serious allegations of moral failure which cause them to believe that suspension is required for the credibility of the church and/or the safety and security of the church, its members or those it serves. Such suspension may include conditions or prohibitions related to their pastoral status. Such suspension imposed by the committees may only extend for a period sufficient for the congregation to take appropriate action consistent with other provisions in the bylaws, and in no event more than thirty (30) days without congregational action extending such. At any proper congregational meeting such suspensions may be terminated, modified, affirmed or extended for indefinite or defined periods of time. Such suspensions shall not be understood as necessarily concluding the truth of charges against the pastoral staff member, but to provide an appropriate process for investigation and for processes consistent with church doctrine and governance.

7.00 Ministry Guidelines

The church may adopt guidelines regarding any specific area of pastoral ministry. The pastoral staff may also develop their own ministry guidelines and advise the church, and if the pastor so wishes ask the church's endorsement of those policies. Special consideration should be given to the development of such policies in areas of pastoral counseling.

8.00 Sexual Exploitation

This church is committed to a community in which members, friends, staff and volunteers can worship and work together in an atmosphere free of sexual harassment, exploitation or intimidation. All persons should be aware that the church condemns sexual misconduct and sexual exploitation in any form and such is prohibited by church policy. Misconduct of a sexual nature within the life of the church not only is a personal tragedy, but it also undermines the moral mission of the church today to speak to a culture whose sexual mores and preoccupation in media are risking our very culture and the foundations of marriage and family life.

All persons engaged in the ministry of this church whether ordained clergy, ministerial or lay staff members, or volunteers are responsible for knowing the possible impact of their words and actions in ministering to the emotional, mental, and spiritual needs of persons who come to them for help or over whom they have any kind of authority. Sexual misconduct or exploitation of others by anyone engaged in the ministry of this church is sinful, unethical and unprofessional behavior with tragic consequences for families and the community and will not be tolerated. Because the ministry of the church often deals with individuals who are emotionally and psychologically fragile or otherwise personally vulnerable, it is imperative that those engaged in the ministry of this church maintain their own commitment to biblical sexual standards, and to their psychological, emotional, and spiritual health and that they have appropriate preparation for helping those individuals they seek to serve in ministry.

In addition, this church has always recognized that those who are chosen for ordained ministry bear a particular responsibility to pattern their lives according to Jesus' example. Not only are our leaders regarded by the faithful as examples of what a Christian life should be but any moral offense by clergy or laypersons entrusted with pastoral and educational ministries is especially hurtful because it betrays that trust committed to them by the church to nurture and care for every member.

Any staff member who engages in sexual misconduct as set forth in Scripture is subject to discipline including dismissal. Any persons, staff or volunteers, who engage in sexual misconduct with persons to whom they are ministering in positions of leadership and trust such as counseling, group leadership, teaching, team leadership, mission group leaders, youth counselors and similar capacities will be subject to removal from those positions. Similarly, persons whose relationships in such contexts become inappropriate and risk abusing positions of leadership will be counseled regarding their conduct and may be removed from their positions.

SAMPLE EMPLOYEE HANDBOOK

employee

WARNINGS!

The Church Policy Manual Guidebook and *Employee Handbook*, with their personnel provisions, are an expression of the current operating policies and procedures of the church. They are subject to change at any time through the procedures of the church as set forth in its bylaws and other documents. The church periodically reviews all the policies and procedures set forth herein. They may change these policies and procedures as needed. Thus, while the church is committed to operating within its policies and procedures, the church reserves the right to revise this handbook at any time. This manual is not a contractual promise to hold in force these specific policies and procedures nor a guarantee of continued employment or specific benefits. No oral statements or representations can in any way change or alter the provisions of this handbook.

Employees are responsible for becoming familiar with new policies or procedures.

Please sign the three statements on the following page insert acknowledging receipt of this handbook and the “Employment-at-Will” status explained in the handbook at section 3.01 and the Computer-Use Policy set forth at 6.00.

Acknowledgment of Receipt

I have received my copy of the church's *Employee Handbook*. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the handbook. I understand that except for the employment at-will status, any and all policies or practices can be changed at any time by the church. _____ Church reserves the right to change my hours, wages and working conditions at any time. I understand and agree that other than the senior pastor no supervisor or representative of _____ Church has authority to enter into any agreement, expressed or implied, for employment for any specific period of time or to make any agreement for employment other than at-will, and then only in writing.

I understand and agree to the policies and procedures contained in this handbook.

Employee Name (print) _____

Signature _____ Date _____

Acknowledgment of Employment-at-Will

I understand that I am free to resign at any time with or without cause and with or without prior notice. _____ Church reserves the right to terminate my employment at any time, with or without cause and without prior notice. Nothing in this handbook constitutes an agreement or contract of any kind. I understand that no supervisor or representative of _____ Church is authorized to make any assurances inconsistent with the provisions of this paragraph and that no implied, oral or written agreements contrary to the foregoing express language are valid unless they are in writing and approved by a resolution of the church or the body to whom in its bylaws it has designated such authority.

Signature _____ Date _____

Computer-Use Policy Agreement

Before signing, please read carefully the Computer-Use policy in the *Employee Handbook*. Your signature will signify you have read that policy, understand and agree to be bound by it.

I have read, understand and agree to be bound by and comply with, the church policy regarding the use of church computer equipment as set forth in the *Employee Handbook*.

Signature _____ Date _____

EMPLOYMENT HANDBOOK

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[A opening letter of some sort such as this one borrowed from another church would add a proper tone to the entire personnel policy and handbook purpose and process.]

WELCOME

Welcome to _____ Church. We appreciate you and the gifts and talents you bring to this ministry. We are committed to helping you use your gifts of service for the Lord in this church.

This *Employee Handbook* applies to all employees and is intended to provide guidelines and summary information about the church's personnel policies, procedures, benefits and rules of conduct.

The purpose of this handbook is to provide a central, authoritative reference source for identifying and communicating personnel policies and procedures to all employees. It should not be construed as a legal contract.

In addition, these policies and procedures are intended to create an environment that will enable employees to succeed and to perform to the high standards of performance established for our church staff.

It is important that you read, understand and become familiar with the handbook and comply with the standards that have been established. Please talk with your supervisor if you have any questions or need additional information.

It is obviously not possible to anticipate every situation that may arise in the workplace or to provide information that answers every possible question. And, of course, circumstances sometimes change. As a result, the church reserves the right to modify, supplement, rescind or revise any policy, benefit or provision contained in or referred to in this handbook with or without notice, as it deems necessary or appropriate.

Any questions concerning the interpretation, application or administration of these policies and procedures should first be directed to the senior pastor. Beyond that, questions should be directed to the Personnel Committee, which has overall responsibility for personnel.

“Whatever you do, work at it with all your heart, as working for the Lord, not for men, since you know that you will receive an inheritance from the Lord as a reward. It is the Lord Jesus Christ you are serving” (Col. 3:23-24, NIV).

1.00 FOUNDATIONS OF OUR CHURCH AND ITS MINISTRY

1.01 Church Purpose Statement

(Insert your church purpose statement here, and perhaps add any statements about the church's special vision or priorities. One might place here the ministry priorities of the church. Perhaps if the church has a long-range ministry plan, it also could be included.)

Example: The purpose of _____ Baptist Church is to lead people to a saving knowledge of Jesus Christ, to membership in His family, to develop maturity in their faith, to equip them for ministry in fulfilling the mission of the church, and to join in magnifying God's name through vibrant worship.

1.02 Statement of Faith/Doctrine

(If the church has a statement of faith, it might be included here. This can be crucial when it comes to clarifying any expectations for staff. Some churches use a short form referencing the Scriptures of the Old and New Testament as the basis of their faith and practice, and others reference the "Baptist Faith and Message" or other summary of doctrine.)

1.03 Standards of Christian Conduct

(Churches may add a statement linking lifestyle and conduct expectations to the church's core convictions. This may help to clarify that employee-conduct expectations are linked to doctrinal and biblical convictions. One church's somewhat edited example follows.)

We believe the Scriptures establish basic principles to guide the actions and attitudes of a Christian and that it is the responsibility of each Christian to glorify God through the application of these principles.

We believe the life of a Christian, empowered by the Holy Spirit, is characterized by love for and dependence upon God and love toward all people. A Christian loves others by sharing their burdens, forgiving their personal offenses and seeking to restore them to fellowship with the Lord, demonstrating the fruit of the Spirit — love, joy, peace, patience, kindness, goodness, faithfulness, gentleness and self control.

We believe that a Christian must strive to live a life in which Christ is Lord of all thoughts, actions and words. A Christian must recognize that there are actions and attitudes that are inconsistent and inappropriate. A Christian led by the Holy Spirit will, after prayer and studying the Scriptures, exercise freedom responsibly with loving regard for the sensitivities and weaknesses of others. We believe that, based on the Scriptures, we must refrain from such practices as sexual impurity and marital infidelity, as well as gossiping, drunkenness and other excesses.

In addition, many believe that certain activities, though not specifically prohibited in Scripture, are detrimental to our individual and corporate lives and the witness of our church in our community. These activities include selling and using all forms of habituating drugs, tobacco, alcohol, and narcotics except those used for medicinal purposes; viewing and participating in the activities of organizations which are inconsistent with the Gospel of Christ. Each member or anyone seeking membership in _____ Church is enjoined to prayerfully seek the guidance of the Holy Spirit with regard to these activities as well as all other aspects of individual witness.

1.04 Church-Governing Documents: Constitution/Charter/Bylaws

(It may also be well to include the Constitution and Bylaws in the Employee Handbook because they clarify the governance of the church, the roles of major church bodies and how decisions are made.)

1.05 Principal Church Governing Bodies and Organizational Chart

(Here it would be helpful to note the principal administrative bodies of the church, especially those that have responsibility in the employment area. Large churches will, of course, have more administrative bodies or key personnel. A church organizational chart might also be included, showing lines of authority and responsibility.)

- **Congregation** — The government of the church rests with the congregation which has the final authority over all matters. The administration of church matters also involves various church committees and councils which both recommend and carry out the various church ministries.
- **Committees** — Much of the implementation of the church's ministry is carried out by various committees. These committees are vital avenues of service for church members and enable the expression of the gifts which the Holy Spirit bestows on all believers. Certain

committees may have special responsibility for areas of ministry within the church, and staff at all levels will often interact with these committees and their chairpersons in furthering the work of the church.

- **Personnel Committee** – The Personnel Committee, elected by the congregation, has major responsibilities in the personnel area. The committee has the following responsibilities:
 1. To review periodically the personnel policies and make recommendations to the church regarding revisions and effective implementation.
 2. To assure the personnel policies and procedures are communicated, understood and implemented.
 3. To work with the senior pastor, staff and other appropriate committees to develop job descriptions for all staff positions.
 4. To assist the senior pastor, staff and other appropriate committees in developing and implementing a hiring process including announcements, job descriptions, salaries, application procedures, interviewing, screening and final selection.
 5. To conduct annual staff performance reviews as well as be available to staff members for the purpose of considering any comments or requests in regard to personal needs and working conditions.
 6. To seek to address and resolve grievances or problems that may arise with or among staff members.
 7. To recommend personnel budget needs to the Budget and Finance Committee for inclusion into the next year's budget.
 8. In coordination with the senior pastor, to implement the employee disciplinary policies and procedures and recommend to the church any church action deemed necessary.
 9. To identify those volunteer positions in the ministry of the church where special care must be exercised in selecting, training and supervising, and, in consultation with other appropriate committees and staff, to develop appropriate policies and procedures in those contexts.
 10. To assure that laws governing the church's employment practices are fully observed, and that the church also preserves its constitutional, statutory and spiritual prerogatives to preserve the biblical and ecclesiastical integrity of all its ministries.
- **Deacons** – The deacons are elected by the congregation and provide for spiritual oversight over the ministry of the church, in cooperation with the pastor. Though not a governing board, they often do have responsibility for reviewing the overall ministry of the church and making recommendations to the congregation.
- **Senior Pastor** – The senior pastor serves many roles including that of shepherd, counselor and teacher. In addition, the senior pastor serves as the chief administrative officer of the church, under the authority of the congregation and in consultation with other designated leadership and appropriate committees. As chief administrative officer he is responsible directly or through his delegation, for the supervision of the staff, both ministerial and support.

The current church structure is shown on the Organizational Chart that follows. This structure is subject to change. *(You should insert here your church's organizational chart.)*

1.06 Acknowledgment of Receipt

[A form for your signature with this statement acknowledging receipt of this Employee Handbook, along with the Acknowledgment of Employment-at-Will status, is included at the front of this handbook, and should be signed and provided the church office or your supervisor.]

I have received my copy of the church's Employee Handbook. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the handbook.

I understand that except for the employment-at-will status, any and all policies or practices can be changed at any time by the church.

_____ Church reserves the right to change my hours, wages and working conditions at any time. I understand and agree that other than the senior pastor no supervisor or representative of _____ Church has authority to enter into any agreement, expressed or implied, for employment for any specific period of time or to make any agreement for employment other than at-will, and then only in writing.

I understand and agree to the policies and procedures contained in this handbook.

Employee Name _____
(please print)

Signature _____ Date _____

2.00 CORE CHURCH POLICIES AFFECTING EMPLOYMENT AND MINISTRY PHILOSOPHY

2.01 Philosophy of Shared Ministry and Valued Service

_____ Church seeks to remunerate its employees in a manner that demonstrates the high regard and appreciation for the individual and his/her ministry service mandated by Scripture (1 Timothy 5:17-18, Colossians 4:1, Matthew 25:21 and 1 Thessalonians 5:12-13). We will foster an atmosphere of reciprocal care between the staff and the congregation and remove as many encumbrances as possible to help the staff serve effectively and efficiently. We will encourage present and future staff to pursue excellence in ministry and reward them for their excellent performance. We will also maintain our responsibility to be good stewards of the resources that have been entrusted to church leadership. We will not expect any of our employees to live with hardship as a cost of ministry. Every effort will be made to apply the scriptural principle that a “laborer is worthy of his hire.”

2.02 Nondiscrimination and Equal Employment Opportunity

A. Biblical Principles

As a matter of faithfulness to biblical principles, _____ Church shall not practice or condone discrimination against persons based on their race, color, ethnicity, national origin or age. This commitment derives from biblical teachings, from the example of our Lord, the command of the Great Commission, and the witness of the early church in breaking down barriers of race and ethnicity.

B. Equal Employment Opportunity

_____ Church is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available person in every job. Church policy promotes biblically based respect for all persons and prohibits unlawful discrimination based upon race, color, sex, marital status, age, national origin, ancestry, physical or mental disability, medical condition or any other consideration made unlawful by federal, state or local laws. The church is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the church and prohibits unlawful discrimination by any employee of the church, including supervisors and co-workers.

C. Disabilities

Consistent with our concern for all persons and sensitivity to those with disabilities, and without regard to whether the church is covered by federal acts such as Americans with Disabilities Act, _____ Church will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual unless undue hardship would result, and so long as not inconsistent with carrying out our mission in faithfulness to biblical principles. If _____ Church is subject to applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the church will comply with such laws and make reasonable accommodations required by the law for the known physical or mental limitations of an otherwise qualified individual unless undue hardship would result.

D. Discrimination-Grievance Procedure

Any employee who believes that she/he or another employee has been subjected to any form of unlawful discrimination should file a written complaint to her/his supervisor or the pastor or chairperson of the Personnel Committee. The complaint should specify the name(s) of the individuals involved (including any witnesses) and a description of the unlawful discrimination. _____ Church will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. If _____ Church determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action will also be taken to deter any future discrimination. _____ Church will take appropriate action to remedy any losses that may have occurred as a result of the unlawful discrimination. _____ Church will not retaliate against any employee for filing a complaint and will not knowingly permit retaliation by any other employee or elected official.

2.03 Preferential Hiring

We will, consistent with our calling and character, exercise our statutory and constitutional rights to reserve membership, employment and church work to those who share our Christian faith and commitment, conform to biblical standards of conduct, and can thus most effectively further our mission. This, too, is consistent with our commitment to spiritual integrity and faithfulness to biblical admonitions.

2.04 Conduct Expectations Related to Our Faith and Ministry

All employees are expected to conduct their personal lives outside of work in accordance with the high standards of biblical teaching. The personal life of a church employee not only affects the employee's ability to command respect and do his or her job, it also reflects upon and affects the entire ministry of the church. For this reason, personal conduct by an employee that is immoral, unethical, or otherwise not in accordance with Scripture may be grounds for disciplinary action, including dismissal. Specific proscribed conduct is set forth below. (See Section 5.00.)

2.05 Sexual and Other Harassment

_____ Church is committed to providing a work environment in keeping with Christian principles and free of unlawful harassment.

_____ Church policy prohibits sexual harassment and harassment because of race, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age or any other basis protected by federal, state, or local law, ordinance, or regulation. _____ Church anti-harassment policy applies to all persons involved in the operation of _____ Church and prohibits unlawful harassment by any employee or volunteer worker of the church, including supervisors and co-workers.

Prohibited unlawful harassment because of sex, race, ancestry, physical or mental disability, mental condition, marital status or age, includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- Visual conduct such as derogatory and/or sexually -oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work;
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and
- Retaliation for having reported or threatening to report harassment.

_____ Church is committed to taking seriously any allegations of sexual harassment, and to that end will train those charged with receiving reports or complaints, and investigating and reporting such. Those trained will be aware of the church's policies in this regard, will take concerns seriously, will respect confidentiality, and will not prejudice any claim. As in all the church's relationships, we will seek to respect all persons, to be just in all our dealings, and where there is failure and sin to invite not only confession but true repentance, renewal and restoration in Christ.

The Complaint Process

Any person who believes they have been or are being sexually harassed has the right to decide how to deal with harassment. If you believe you are being harassed, you should speak up or your lack of action may be interpreted as acceptance. Incidents of harassment should be documented. Keep a written record of the incident(s) including what the harasser did and said, who saw what, your response and to whom you reported anything. You may decide to proceed informally or you may decide to initiate formal action immediately if the informal procedures are unsuccessful.

A. An Informal Process

Not all incidents of harassment require formal complaints to deal with the situation and may sometimes be resolved in an informal manner. Sometimes an exaggerated response to a misinterpreted action can cause great pain and turmoil out of proportion to the incident. Informal resolution options:

1. When you feel you are being harassed, communicate your disapproval and objections immediately to the harasser, either personally or in writing, and request the harasser to stop.
2. If the harassment does not stop or if you are not comfortable with addressing the harasser directly, you may take your concern to the senior pastor or chair of the Personnel Committee for discussion and advice. All conversations with the Personnel Committee Chair or pastor with respect to allegations of harassment are to be kept confidential.

You need not use these informal options, and if the harassment not only involves yourself but others who have complained of such harassment from the same party, the more formal process may be immediately the most appropriate. In any event if such informal processes do not satisfactorily and promptly resolve the problem, you should proceed with a more formal process.

B. A Formal Process

Any employee who believes that she/he or another employee has been subjected to any form of unlawful harassment should register a complaint to her/his supervisor, the senior pastor, chairman of the deacons or the chairman of the Personnel Committee. The complaint should specify the name(s) of the individuals involved (including any witnesses) and a description of the specific conduct complained of as sexual or other harassment. The church will immediately undertake an effective, thorough, and objective investigation and attempt

to resolve the situation. If the church determines that unlawful harassment has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action will also be taken to deter any future harassment. The church will also take appropriate action to remedy any losses that may have occurred as a result of the unlawful harassment. The church will not retaliate against any employee for filing a complaint and will not knowingly permit retaliation by any other employee or elected official.

_____ Church encourages all employees to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

C. Legal Action

If this church is an employer covered by Title VII of the Civil Rights Act, an employee may bring a complaint directly with the Equal Employment Opportunity Commission which will investigate the allegations. The Federal Equal Employment Opportunity Commission investigates and prosecutes complaints of prohibited harassment in employment. Any employee who believes that prohibited harassment has occurred or who believes that retaliation for resisting or filing a complaint has occurred may file a complaint with the appropriate federal agency. The nearest offices for the federal agencies are listed in the telephone book.

2.06 Preschool/Child/Youth Protection Policies

All staff, as well as non-paid volunteers in the church's ministry, are required to familiarize themselves with the preschool-child-youth protection policies as adopted and published by the church, and set forth in the church policy manual. Those policies establish, among others, the following obligations of all staff:

1. To abide by the policies established by the church.
2. To report to a supervisor, the pastor or other official of the church any violations of any of these policies and procedures by staff, volunteers or others.
3. To abide by public-reporting laws in the case of incidents of suspected child abuse or neglect, reporting to the county director of Department of Social Services promptly.
4. To understand that any staff or volunteer will, under the policies, be placed on temporary leave or suspension if a credible complaint is made that the staff or volunteer has engaged in violations of the preschool/child/youth protection policies which have allegedly harmed, injured or otherwise violated policy toward the minor.
5. To understand that violations of policies may result in discipline including dismissal.
6. To participate in annual staff training on the church's protection policies and child abuse and neglect issues.

3.00 EMPLOYMENT BASIC POLICIES

3.01 Employment at Will

Employment is with the mutual consent of you and the church. Consequently, both you and the church have the right to terminate the employment relationship at any time, with or without cause or advance notice. This “Employment-At-Will” relationship will remain in effect throughout your employment with the church unless it is specifically modified by an express written agreement signed by you and approved by a resolution of the church. The statement below must be signed by all employees, acknowledging this “employment-at-will” relationship. It is provided on p. ____ of this handbook.

I understand that I am free to resign at any time with or without cause and with or without prior notice, and _____ Church reserves the right to terminate my employment at any time, with or without cause and without prior notice. Nothing in this handbook constitutes an agreement or contract of any kind. I understand that no supervisor or representative of _____ Church is authorized to make any assurances inconsistent with the provisions of this paragraph and that no implied, oral or written agreements contrary to the foregoing express language are valid unless they are in writing and approved by a resolution of the church or the body to whom in its bylaws it has designated such authority.

3.02 Employment Procedures

Employment procedures generally are established by the church and implemented through the Personnel Committee. In general, all applicants for church employment are required to complete a job application, be interviewed by appropriate church leadership, and provide other supportive information in writing, if requested. Work and personal references will normally be required and checked before a job offer is made. The nature of the position will affect the scope of review, any background checks undertaken and appropriate testing. All applicable laws governing the church’s interviewing and hiring procedures including matters covered by confidentiality rules and disclosures to applicants shall be followed. Forms included in the appendix to this handbook may be utilized, but other or additional forms may be employed for specific positions. Staff-hiring authority shall be as set forth in the bylaws. The salary will be established by the church on recommendation of the appropriate committee.

A. Ministerial-Staff-Selection Process

The election of the senior pastor shall be in accordance with the bylaws.

B. Non-ministerial-Staff-Selection Process

The Personnel Committee, in consultation with the pastor and other appropriate committees, shall develop the job title, description and financial terms. They shall also establish an appropriate means to advertise the available position, receive applications, and develop specific interviewing and screening procedures for the specific position. When the Personnel Committee, in consultation with the Senior Pastor and other appropriate committees, is prepared to recommend a candidate, they shall forward the name and resume to the congregation for hiring action unless the congregation has by law or other action delegated that responsibility to the committee.

3.03 Employment Categories and Classifications

A. Regular and Temporary Employees

Regular employees are those who are employed for an indefinite period with no special arrangements about the termination date. Temporary employees are those who are hired for a shorter time period (usually one year or less) with a mutual understanding about the date of or special conditions related to termination.

B. Exempt and Non-exempt Employees

Exempt employees by virtue of the independent or managerial nature of their work are exempt from the provisions of the Wage and Hour Law and are therefore not eligible for overtime pay. Exempt employees are normally paid on a salary basis. Non-exempt employees are not exempt from the provisions of the federal Wage and Hour Law and therefore are eligible for overtime pay. Non-exempt employees are normally paid on an hourly basis.

C. Full-time and Part-time Employees

Full-time employees are those who are approved to regularly work more than 30 hours per week. Part-time employees are those who are approved to regularly work 30 hours or less per week.

D. Ministerial and Support Staff

Ministerial staff are those employees who are licensed ministers of the gospel ordained in the areas of Southern Baptist life. Support staff are those employees whose job duties are narrower in scope and support the program and ministerial staff, church ministries, and the general operation of the church.

3.04 New Employees**a. New-Employee Orientation and Training**

New employees will be provided an initial orientation and training program to help them become familiar with the personnel policies of the church. At this time, the benefit options, leave policies, and office policies and procedures will be explained. Where appropriate, specialized training will be provided. New employees will also be informed of the compensation policies and the forms available for their use.

b. New Hires

The first ninety (90) days of continuous employment at _____ Church is considered a trial period. During this time employees will learn job responsibilities, get acquainted with fellow employees, and determine whether they are content with their job. During this time, the employee's supervisor will closely monitor the employee's performance.

During the trial period, _____ Church will review and evaluate performance. If _____ Church finds the employee's performance satisfactory and decides to continue the employee's employment, the employee will be informed of any improvements expected from the employee. The trial period may be extended up to a total of six (6) months at the discretion of the employee's supervisor. Completion of the trial period does not entitle any employee to remain employed by _____ Church for any definite period of time. Both the employee and _____ Church are free, at any time, with or without notice, and with or without cause, to end the employment relationship.

3.05 Supervisory Roles

Job descriptions will identify to whom employees report as their supervisor. Unless otherwise specified, the senior pastor shall be the immediate supervisor of all staff, ministerial and support. The pastor may, or the church may, assign supervisory responsibilities to other staff or individuals.

3.06 Employment of Minors

If you are not at least eighteen (18) years old, you are required by law to provide a valid work permit, high school diploma, or certificate of proficiency before you will be allowed to work. The employment of minors is restricted by the terms and conditions of the work permit, as well as by the provisions of state and federal law.

3.07 Immigration Reform and Control Act of 1986

_____ Church is committed to full compliance with the federal immigration laws and will not knowingly hire or continue to employ anyone who does not have the legal right to work in the United States. As an ongoing condition of employment, employees will be required to provide documentation verifying his/her identity and legal authority to work in the United States. Compliance includes completing Form I-9 within three business days of an employee's hire date.

3.08 Job Descriptions

Employees are given job descriptions before they start to work. Your job description summarizes your duties and responsibilities and gives you important information about your new job. Please read and study your job description carefully and discuss it with your supervisor if you have any questions. Your job is either part of this handbook or was provided in writing at the time of employment. The church reserves the right to revise and update your job description from time to time. This will be done when there are significant changes in job responsibilities.

3.09 Employment of Relatives or Other Special Limitations Based on Relationships

[Notes: Some churches impose limits or bans on employing certain relatives. Note the options for such policies here and draft an appropriate clause reflecting your church's policy.]

- A. Ban on Employing Close Relatives of Other Employees: Some churches adopt policies regarding the employment of relatives of other employees. Such policies sometimes bar the employment of a person who is an immediate family member of another employee, or define the prohibited relationships such as parent, child or sibling.
- B. Ban on Supervisory Relationships Among Close Family Members: Other churches do not bar such hiring but prohibit a supervisory relationship between such family members.
- C. Ban on Simultaneous-Employee Status and Certain Church Leadership Roles: It may be wise to have a policy that persons who serve as employees may not serve as members of the church's Personnel Committee. Others would extend that to other committees and bodies such as Deacons and Finance Committee. Churches may also broaden the scope of the limitation to indicate that spouses of employees may also not serve as members of committees such as Personnel.
- D. Church Secretary and Church Membership: Some churches may require or prefer a church member as church secretary because of their familiarity with the life of the church and involvement in it. A few have counseled the opposite and suggested that there are too many matters of confidentiality and sensitivity in the church office and it is best not to have a church member in that role. If a church has such a policy it should be set forth in the policy manual.

4.00 COMPENSATION AND BENEFITS

4.01 Salaries and Raises

Starting salaries are determined by the church or through its appropriate committees to whom it may designate certain responsibilities. Starting salaries are based on several factors: qualification, years of experience, job responsibility, the salary range established for each position, and approved budget limits.

Compensation changes are normally effective _____ of each year, but may be changed at the church's discretion. All compensation changes are proposed to the congregation as part of the annual budget proposal. Changes in wages and salaries are tied to employee performance and periodic job-evaluation reviews. Across-the-board wage adjustments may be proposed by the Finance Committee.

Compensation packages for ministerial staff are recommended by the Personnel Committee and approved by the church. Compensation packages may be designated in part or all of the following categories:

- Salary
- Housing Allowance
- Employee Benefits
- Expense Reimbursements shall be provided, but are NOT part of compensation packages

Support staff may be hourly or paid at a salary, within budget limitations, recommended by the Personnel Committee and approved by the church. Part-time employees are paid based on hours reported on time sheets with their supervisor's approval signature.

Employees are reviewed annually for consideration of a pay increase. A wage or salary review does not imply an automatic increase, only that you are eligible for consideration based on job performance. Budget limitations of necessity must be a factor. The results of scheduled job performance reviews and performance appraisals will play a major role in consideration of wage and salary increases.

4.02 Overtime Pay

Labor laws require the church to pay time-and-a-half for time non-exempt employees work which is in excess of forty (40) hours per week. As necessary, employees may be required to work overtime. For purposes of determining which hours constitute overtime, only actual hours worked in a given work week will be counted. All overtime work must be previously authorized by the pastor or the employee's supervisor. As required by law, the church provides compensation at a time-and-a-half rate for all overtime hours worked by nonexempt employees. To comply with this requirement, nonexempt employees are required to report all hours worked at their regular job on their time sheet each week. Non-exempt personnel are specifically not allowed to "volunteer" hours in performing their regular job assignment. Exempt employees may be required to work hours beyond their normal schedules, as work demands require. No overtime compensation will be paid to exempt employees.

4.03 Payroll Procedures

A. Pay Period.

Paychecks are issued on a weekly (biweekly/monthly) basis for all employees.

B. Payroll Deductions.

Various payroll deductions, such as federal income tax, state income tax, and Social Security taxes, are required by law. All other deductions, such as health insurance, retirement funds, etc., must be authorized by an employee in writing. Pastors may be considered as self-employed for Social Security tax purposes and are not required to have the same payroll deductions as other employees. If you have any questions about your deductions, please talk to the chair of the Personnel Committee.

4.04 Holidays

Eight (8) holidays off with pay and benefits are provided for full-time employees. Designated holidays will be New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, Thanksgiving Friday, Christmas Eve and Christmas Day. When the holiday falls on Sunday or a church-scheduled day of activity then another day will be substituted. Holidays must be taken and may not be accumulated. Holidays are also applicable to part-time employees, but without pay.

4.05 Vacation

Regular, full-time employees are entitled to vacation with pay as follows (in weeks) based on years of service: 1st year = 2 weeks; 2nd—5th year = 3 weeks; 6th – beyond = 4 weeks. An employee is eligible for vacation after six (6) months of active service. The vacation year runs from January 1st through December 31st. Vacation days will not be carried over from a prior year except in extraordinary circumstances approved by the Personnel Committee and pastor.

Permanent part-time employees working between twenty-five (25) hours per week and thirty-seven (37) hours per week shall be eligible for up to two (2) full weeks paid vacation per year. After six (6) months of service, a part-time employee is eligible for one-week vacation. Following one-year anniversary, a part-time employee is eligible for two (2) weeks vacation.

If an employee terminates in good standing during the year and has not taken all of the vacation earned as of the date of termination, payment for any vacation unused will be included in the final paycheck.

4.06 Sick Days

Full-time staff are provided five (5) paid sick days per year. Absences may be charged in half and full day increments. You may carry over sick days accrued from year to year, not to exceed ten (10) carry-over days which with a current year's provision would total fifteen (15) days. You will not be paid for unused sick days when you leave the church's employment.

4.07 Family and Medical Leave Act (FMLA)

Though the church is not covered by the federal Family Leave and Medical Leave Act (FMLA) the church will seek to accommodate employees who seek unpaid leave in the event of the birth or adoption of a child or the serious health condition of the employee or close family members. However, given the small staff, extended absences of the type permitted under the federal law may not be feasible. Certainly the church would encourage as well the use of personal leave days, vacation periods, and where applicable sick days which provide not only time off but some paid leave.

4.08 Bereavement Leave

In the event of a death in the immediate family, (spouse, child, parent, grandparent, sibling) of a full or part-time employee, the employee will be allowed up to three days bereavement leave with pay, not to exceed six per year. Employees who require more than the allowed days away from work may request vacation time or personal leave of absence without pay, subject to the provisions of the church's leave or absence policy.

4.09 Extended Leave

"Extended Leave" is defined as any times that the employee has received approval for an extended unpaid absence from work with the right to return, typically for an identified period of time. Whether a leave is granted will depend on all the circumstances including the urgency and compelling need for the leave, the length of service by the employee and the ability of the church to find suitable alternatives to carry out the responsibilities during the leave.

A. Medical - Long Term

A medical long-term leave of service is for illnesses or medical procedures requiring the employee to be away from work more than six (6) weeks. A signed note from the employee's doctor will be required along with a completed "*Request for Leave*" form. Leave must be approved by the Personnel Committee on recommendation of the senior pastor.

B. Sabbatical or Personal Leave of Absence

Sabbatical or personal leaves for spiritual and professional development or other purposes may be available to aid in the growth and well-being of the ministerial staff. A "*Request for Leave*" form must be completed. The pastor and Personnel Committee shall then review request both on its merits for the applicant, its contribution to the ministry of the church, and the financial and personnel resources of the church to accommodate the leave or sabbatical. Approved by the senior pastor and the Personnel Committee is required.

4.10 Military Leave

In compliance with both federal and state laws, any full-time employee who enters active duty in the armed forces of the United States as a result of being drafted or called up from the reserves to active duty will be granted a military leave of absence without pay. An individual returning from military service will be rehired into the former position or into a job of similar status and like pay if the individual presents the church with a copy of a certificate of satisfactory completion of military service (DD 214), and application for re-employment is made within ninety days of discharge or hospitalization continuing after discharge for a period of not more than one year.

4.11 Personal Days (With Pay)

There are occasions when it is necessary to take time off for personal reasons. Personal time off may be granted with the approval of the senior pastor. Personal time off will be limited to no more than two days annually after completing one full year of employment.

4.12 Weather Days

The Senior Pastor or his designee is responsible to determine if the church will conduct normal business on days of severe weather. You are responsible to call the church office or other designated person to receive instructions concerning work schedules. Non-exempt employees are NOT paid for “weather” days (e.g. snow/ice days).

4.13 Jury Duty

Employees who are called to serve on jury duty will be paid the difference between their regular pay and all monies paid to them by the court with the exception of reimbursement for expenses, and, in accord with North Carolina law, their jobs will be kept for them.

4.14 Worker’s Compensation Insurance

All employees are automatically covered by Worker’s Compensation Insurance at the time they are hired. It is important that all employees report any work-related injury or illness to the senior pastor or supervisor within twenty-four (24) hours, regardless of how minor it may seem. It is also important to get proper first aid and/or medical attention immediately.

4.15 Medical Insurance

_____ Church offers certain church employees the opportunity to participate in a group health insurance program. Upon employment, each eligible person receives an information packet from the insurance company explaining the program. You are responsible for becoming familiar with the benefits provided.

4.16 Retirement Program

(If the church participates in any retirement program, it should set forth the basic provisions here, or refer to some publication the church provides.)

4.17 Housing Allowance

Section 107 of the Internal Revenue Code permits ministers to exclude a designated housing allowance from their taxable income so long as the allowance is used for the costs of owning or renting a home, and not exceeding the fair rental value of the home. Any such designation must meet the requirements of the IRS and be approved in advance by the congregation. Details regarding housing allowance designations are set forth in the Pastoral Staff Policies section of the *Church Policy Manual Guidebook*.

4.18 Continuing Education for Full-Time Staff

The full-time staff will be encouraged to enhance their skills with additional education appropriate to their professional development and the ministry of the church. The Personnel Committee shall include a request for continuing education funds in the budget, and to the extent funds are available and with the approval of the pastor, staff seek full or partial funding for such continuing education.

5.00 OFFICE STANDARDS AND PROCEDURES

5.01 Office Hours

Except for holidays, or unless otherwise announced, the church office will be open Monday through Friday from 8:30 AM to 5:00 PM. Unless otherwise arranged with the pastor or your supervisor, all employees are expected to work within this schedule. Full-time employees are expected to work a minimum of forty (40) hours per week unless otherwise approved.

5.02 Punctuality and Attendance

Because you are an essential member of our team and teamwork is important, the church expects you to be prompt and regular in attendance. You are expected to be ready to begin work at the time your work schedule begins. If you are unable to report to work at the assigned time for any reason, you are expected to call the church office or contact your supervisor if possible, within the first hour after your starting time.

5.03 Lunch and Break Periods

Scheduling of the lunch period is flexible, but must be approved by your supervisor.

You are also entitled to two fifteen-minute rest breaks each day. Normally these breaks will be scheduled in mid-morning and mid-afternoon. Always make sure you return from any break on time.

5.04 Dress Standards

Personal appearance should be a matter of concern for each employee. Your personal appearance reflects not only on you as an individual, but on the church as well. We expect you to take pride in your appearance and strive to achieve a positive, business-like image when representing the church. Dress for all employees should be professional, modest and appropriate for the type work you perform. Anyone who violates this standard will be subject to disciplinary action.

5.05 Reports and Records

Staff, both support and pastoral, may be requested to file periodic reports on their activities and projects. All non-exempt staff must complete weekly time sheets as developed by the Personnel Committee.

5.06 Bonding

The Personnel Committee may require the bonding of certain employees who handle substantial church funds.

5.07 Keys

You will be issued keys necessary for your work area(s). Keys are to be carefully guarded. You should exercise care in allowing individuals into the church facilities. Do not duplicate the keys, nor lend to other persons. Immediately report any lost key to the facility manager.

5.08 Telephones

You will be assigned a telephone, a telephone extension, and if appropriate a long distance authorization/accounting code. Personal long-distance calls from office phones should be charged to your personal phone or credit card.

5.09 Bulletin Boards

Information posted on church-employee bulletin boards is for the benefit of all employees. Employees are responsible for checking the employee bulletin boards on a regular basis and for reading all materials posted by the church. When required by law, posters setting forth employment-related rights are posted on these bulletin boards.

5.10 Security

The security of facilities as well as the welfare of our members, regular attendees, employees, and visitors requires that every individual be constantly aware of potential security risks. You should immediately notify your supervisor when unknown persons are acting in a suspicious manner in or around the facility. Files, desk drawers and other places where confidential or valuable materials are kept should be locked when no one is in the office. Access to another person's office is not permitted without prior permission and approval of the office occupant.

5.11 Health and Safety

Every employee is responsible for the safety of her- or himself as well as others in the workplace. To achieve our goal of maintaining a safe workplace, everyone must be safety conscious at all times.

5.12 Children in the Office

Children should not normally be brought to the office by employees during the times when they are working. The work environment is not suited for the care or safety of children, and children should not be placed in other facilities in the church while their parent is at work. On those special circumstances when an emergency arises, with the prior approval of the pastor or other immediate supervisor, employees may be permitted to bring their children to work. Such permission shall be only granted in emergencies, and the employee should make immediate efforts to arrange alternative childcare. If a child is disruptive to the parent, other employees or the organization's operations, the child will not be allowed in the office. Requests to bring a child to the office should not be made when the child is ill. In no event may children brought to the office be left unattended.

5.13 Confidentiality

As an employee, you may have access to confidential information regarding the finances, operations, vision, and future of the church. You may also know or be informed of personal information about a church member, visitor, job applicant or fellow employee. The ability to keep information confidential is a required element of employment. Any violation of confidentiality seriously injures the church's reputation and effectiveness. Discussion of information relating to church business will be limited to those officially concerned. These matters should never be discussed outside official/professional channels including family and fellow employees. If you are questioned by someone, and you are concerned about the appropriateness of giving them certain information, remember that you are not required to answer. Instead, as politely as possible, refer the request to the pastor or other church leadership.

No one is permitted to remove or make copies of any church records, reports or documents for other than official church business without prior approval.

5.14 Use of Church Equipment and Supplies

Church supplies, copying machines, A/V equipment, tools, and other equipment are for use in the ministry of the church and not for personal use by members, attendees and employees. Use of any church equipment must be approved by those responsible for the equipment or the senior pastor.

5.15 Smoking Policy

Smoking is not allowed in any of the church's buildings.

5.16 Expense Reimbursement

It is the policy of the church to reimburse staff for all ordinary and necessary expenses required for the performance of ministry within and on behalf of the church upon submission of accurate and receipted expense reports. To be reimbursed the expenses must in most cases have been approved in advance, and substantiated by receipts.

The church reimburses automobile mileage expenses for church business needs at a rate equal to the Internal Revenue Service optional mileage allowance. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. In addition, employees driving on church business may claim reimbursement for parking fees and tolls incurred. Reimbursement will be based upon actual mileage recorded on the "Expense Reimbursement" form. A normal commute to and from work and regularly scheduled, on-going meetings with church members are not reimbursable. Other expenses should be substantiated with receipts and submitted to the Senior Pastor or his designee with a completed expense report form. The reimbursement policy and procedures are set forth in the *Church Policy Manual Guidebook* and are designed to

conform to the IRS regulations for “accountable plans” which impose requirements of timely substantiation of expenses, and timely return of any excess advances. Specific provisions regarding pastoral staff reimbursements are set forth in the Pastoral Staff portions of the *Church Policy Manual Guidebook*.

5.17 Copyright Policy

The church is committed to respecting all copyrights and prohibits staff or volunteers from any forms of copyright infringements. Church-owned copy machines; computers, tape duplicators, sound-recording devices or any other forms of duplicating or reproducing equipment should not be used to copy or reproduce any forms of copyrighted materials for ministry or personal use. If any questions arise regarding appropriate copying, employees and others are referred to the General Policies section of the *Church Policy Manual Guidebook* and may seek direction from the senior pastor.

5.18 Access to and Removal of Church Property

The church retains the right of access at all times to any church property including employee offices, work stations, filing cabinets, desks, credenzas, and any other church property at its discretion, with or without advance notice or consent. Such access would also include records, documents, files, schedules, ledgers, etc.

5.19 Employee Personal Business Promotion and/or Sales

Employees, immediate family members of employees, or businesses operated by employees or family members may not directly sell merchandise (i.e. Amway products, Shaklee products, T-shirts, music, records, etc.) to employees, church members or visitors during normal working hours. Furthermore, sales may not be made at church-related functions (such as retreats, concerts, choir trips, etc.).

Any purchases of merchandise by the church for the church’s ministry from employees or their family must be handled through the normal purchasing procedures of the church.

5.20 Personnel Files and Access

A. Contents

The church maintains current and accurate information about each employee. Employees are expected to keep the church informed of changes to their name, address, phone number, marital status, person to notify in case of emergency, etc. Personnel files will include the following types of employee information (list is not all inclusive):

- Position description
- Employment application and other forms completed by applicant
- Authorization of church or its agent to conduct a background check of the individual
- Background checks
- Offer of employment
- Personal information form including emergency-notification information
- IRS Form W-4 and other withholding forms or authorizations
- Acknowledged receipt of employee handbook
- Acknowledgment of At-Will Employment
- Appropriate materials regarding any disability accommodation
- Sign-up forms for employee benefits and any benefit elections
- Periodic performance evaluations
- Memos on commendations for excellent performance
- Warnings and disciplinary actions
- Any retirement election forms
- Hospital insurance election forms
- Beneficiary designation forms
- Other personnel-related items

B. Confidentiality

It is the policy of the church that an employee may have access to her/his personnel file within a reasonable amount of time after making a request to the pastor or chair of the Personnel Committee. The file must be examined in the presence of the Pastor or the Chair of the Personnel Committee. Personnel files may not be taken from the church premises.

5.21 Work Made for Hire

All work prepared by any employee within the scope of his or her employment, whether on or off the premises and whether or not prepared during normal working hours, will be owned by _____ Church. Examples of such work would be: books written, music composed and software developed on the church premises during normal working hours, or for the church, or in furtherance of the ministry of the church. Section 201 of the Copyright Act specifies that *the employer . . . is considered the author of a work made for hire, and owns all the rights comprised in the copyright* unless the employer and the employee *have expressly agreed otherwise in a written instrument signed by them*. Therefore, in the absence of such an executed instrument, all works prepared by an employee in the scope of his or her employment are owned by the church. Employees engaged in such creative work who believe it should fall outside the “work for hire” principle should seek any clarification or enter into a written agreement with the church affirming any exception or otherwise negotiated agreement.

5.22 Life-threatening, Infectious and Communicable Diseases

We recognize that employees with a potentially life-threatening and/or infectious illness may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to meet acceptable performance standards and medical evidence indicates that their conditions are not a threat to them or others, supervisors should be sensitive to the employee’s condition and ensure that they are treated consistently with other employees. Reasonable precautions should be taken to ensure that an employee’s medical condition does not present a health and/or safety threat to other employees.

Employees with highly communicable diseases that do threaten others with infection in the normal course of contact in the normal course of the employee’s activities should notify their supervisor and either take sick days, or where it is possible, work under some accommodation that minimizes the risk of infecting others. The church will seek wherever possible to work with the preferences of the employee but retains the right to make decisions that preserve the health and safety of others.

6.00 COMPUTER POLICY

The church makes computers available to certain of its employees and others for the furtherance of its ministry. The church wants its computer equipment to be used in a way that is not inconsistent with the ministry of the church and that will not create a risk of legal liability to the church or the users. Therefore, the church has created this policy regarding church computer equipment and requires compliance with it by each user.

All users, employees or non-employees, are required to read this policy carefully and to sign the form attached to the policy at the time of their employment by the church (for employees) or when they first use the computer equipment (for other users). The signature acknowledges that they have read and understand the policy and will comply with it. The policy may be revised by the church at any time and upon each user's receipt of the revisions or the policy as revised, he or she assumes the responsibility to carefully note the revisions and to comply with the policy as revised.

6.01 Ownership and Access

The information created on, stored in, sent from, or received by the computer equipment owned or used in the church's ministry belongs to the church and the church reserves the right to review, audit, intercept, access, monitor, sample, and disclose all such information. The church intends to exercise that right when it considers it useful to further its ministry or for other church purposes. Any information it obtains may be disclosed to any person, either within or outside of the church without the permission of the employee. Thus, the confidentiality of any information should not be expected or assumed. Even when information is deleted, it is still possible to retrieve and read it. Further, the use of passwords for security does not guarantee confidentiality. No user shall create or use any password that has not been approved by the pastor or delegated supervisor and any users who give anyone their passwords or permit any person to use the computer equipment assigned to them are responsible for that person's use of the computer equipment.

6.02 Confidentiality

Notwithstanding the church's right to retrieve and use all information, all information should be treated as confidential by all users and accessed only by individuals authorized to do so. Users are not authorized to retrieve or read any information stored by another user without prior approval by that user or the church. Users should not use a password, access a file, or retrieve any stored information, unless authorized to do so. Users should not attempt to gain access to another user's computer files without the latter's permission.

6.03 Personal Use

All computer equipment provided by the church exists for the sole purpose of helping the church to better accomplish its ministry objectives and is to be used for that purpose. The church is aware that there are times when users would like to use computer equipment for personal purposes and, provided that such use is minimal and in compliance with all other provisions of this policy, such personal use will be permitted. Like personal use of the church telephones, however, use of computer equipment for personal purposes must be minimal and, except in unusual circumstances, should be during breaks, after hours, or otherwise on the user's own time and at no cost to the church. Users must be aware that the authorization of minimal personal use of church computer equipment does not change the church's right to access, review, intercept, audit, monitor, sample and disclose all information created, sent or received on, or stored in, all computer equipment, as provided above, and does not give rise to any expectation of privacy.

6.04 Prohibitions

The computer equipment available to users is to be used for the purpose of enhancing the ministry of the church and should not be used in any way which would detract from that ministry or create the risk of any legal liability to the user or the church. Specifically, computer equipment may NOT be used to create, store, transmit, receive or otherwise communicate or access:

- Pornography or images, text or other information that contains pornographic or other sexually explicit materials (which terms, because of the nature of the church and its ministry, will be broadly construed), which prohibition shall include, but shall not be limited to, the creation, transmission, receipt, retrieval, viewing, or storage, of e-mail containing such materials, and accessing, retrieving, downloading, uploading, copying or viewing of such text, images or other information from the internet, World Wide Web, or any on-line service;
- Information that creates an atmosphere that is sexually or racially abusive;
- Information that is libelous, defamatory or abusive;

- Any message or other information that would violate any applicable federal or state laws, church rules or regulations, or any church policy; any message or other information that is unlawful or for an unlawful purpose;
- Any copyrighted materials or other information, or any trade secrets or other proprietary information or similar materials, in violation of law;
- Any e-mail or other information which the user knows or should know contains, or is likely to contain, a computer virus (e.g., a self-executing program) which corrupts the integrity of data or causes the loss of information to the recipient;
- Any message or other information which constitutes or is used for the purpose of spreading chain mail or other frivolous communications.

In general, users should be aware that, despite the simplicity of creating and communicating information by e-mail, e-mail is no less significant than letters, memoranda and other communications and that they should use the same care in creating and sending e-mail communications that they use in creating and sending such other communications on behalf of the church.

6.05 Personal Software

The use of personal software on church computer equipment is permitted only with the written approval of the senior pastor. Loading personal software is the number one means of introducing viruses into a computer network. Valid software licenses are required for all software loaded onto the church-computer network.

6.06 Home-Computer Use

Computer software purchased by the church is owned by the church and cannot be copied or installed on employee's and volunteer's home computers. Church documents, spreadsheets, or data cannot be loaded on any other computer not owned by the church without prior approval. All church computer data and information belongs to the church and should not be copied or given to any person or loaded onto any other computer.

6.07 Violations

Each user who violates this policy or uses computer equipment for improper purposes shall be subject to the limitation or termination of his or her right to use the computer equipment. Any employee who violates this policy or uses computer equipment for improper purposes shall be subject to discipline, up to and including discharge. Members of the church who violate the policy may also be subject to other church discipline. Any user who discovers a violation of this policy is required to notify the pastor or other designated representative.

6.08 Computer-Use Policy Agreement

(This form is printed for signature at the front of this handbook, p. _____, and must be signed and submitted to the church office or your supervisor.)

Church Computer-Use Policy Agreement

Before signing, please read carefully the computer-use policy in the employee handbook. Your signature will signify you have read that policy, understand and agree to be bound by it.

Name: _____

First *Middle* *Last*

I have read, understand, and agree to be bound by and comply with, the church policy regarding the use of church computer equipment as set forth in the employee handbook.

Signature _____ Date _____

7.00 EMPLOYEE REVIEW

7.01 Regular Performance Reviews

The employee's written job description as well as written annual objectives of performance developed by the employee and the senior pastor or supervisor will be the basis for regular supervisor/employee discussions on an employee's progress in the job. The performance review should recognize particular areas of strength, solving problems, meeting needs, planning for the employee's development, and other performance-related topics. These evaluations can be both formally planned meetings as well as informal discussions with the employee at appropriate times.

An annual written performance evaluation shall be completed for every employee and discussed with the employee at the end of the church's fiscal year and filed in the employee's personnel files. The Personnel Committee, with input from the pastor, deacons and others as appropriate, will be responsible for the performance review of all staff. Performance evaluations will be in writing and will permit employee comments. The primary purpose of the performance review is to give feedback to an employee regarding areas in which they excel or to identify areas where improvement can be made. Performance evaluations shall be conducted in a face-to-face, private environment. Original performance evaluations will be retained in personnel files.

7.02 Complaints and/or Concerns

In the event you have a problem or concern during employment with the church, you are encouraged to share the problem/concern. Fair handling of a problem or concern cannot be given if employees do not let the proper people know of its existence. The purpose of the employee-complaint process is to insure fair and equitable treatment for all employees, eliminate dissatisfaction, and resolve problems so that productive work relationships can be maintained for the benefit of all. The process outlined below has been established for the benefit and use of all church employees except the pastoral staff.

The problem or concern should first be discussed with your supervisor. Be as open as possible. Problems and concerns are best analyzed when all the facts are understood. You and your supervisor should come to a solution to the problem/concern, or agree upon a reasonable time frame for such solution, not to exceed three (3) days. If you and your supervisor are unable to agree upon a solution, you should submit your concern in writing to the senior pastor or chair of Personnel Committee or chair of deacons. The concern will be researched for further clarification. A meeting will be scheduled with you to review your concerns.

7.03 Corrective Counsel and Discipline

We want to commend you when your performance is outstanding. You will also be counseled if your job performance is below acceptable standards. If improvement is not shown immediately, you may be disciplined up to and including involuntary termination. The basic principle underlying any disciplinary action is that it be corrective in intent. The system is not formal and the church, in its sole discretion, may utilize whatever form of discipline is deemed appropriate under the circumstances. The church's policy of discipline in no way limits or alters the at-will-employment relationship. Unacceptable behavior which does not lead to immediate dismissal may be dealt with in one or more of the following ways:

1. Verbal Warning
2. Written Warning

Poor Performance

Informal or formal discipline up to and including termination may arise from poor job performance or from misconduct. Some examples of poor job performance are:

- Below average work quality or quantity.
- Poor attitude, including rudeness or lack of cooperation.
- Excessive absenteeism or tardiness.
- Failure to follow instructions or church policies and procedures.

Misconduct

_____ Church is a religious, nonprofit organization based upon Christian tenets. By accepting and continuing employment with the church it is expected that you will not engage in any activity which constitutes a conflict of interest with the interest of the church and that you

will conduct yourself in keeping with the principles set forth in these statements. The following list is illustrative, not all inclusive, and includes examples of gross misconduct:

- Willful violation of any church rule or deliberate action that is extreme in nature or obviously detrimental to the church's ministry efforts.
- Negligence or any careless action that endangers the life or safety of another person.
- Threatening, intimidating or coercing fellow employees on or off the premises, at any time or for any purpose.
- Malicious gossip and/or spreading rumors, engaging in behavior designed to create discord and lack of harmony, interfering with another employee on the job, willfully restricting work output or encouraging others to do the same.
- Insubordination or refusing to obey instructions properly issued by your supervisor.
- Abuse, misuse, theft or the unauthorized possession or removal of church property or the personal property of others.
- Falsifying or making a material omission on church records, reports or other documents, including payroll, personnel and employment records.
- Willful divulging of confidential church information to unauthorized persons.
- Disorderly conduct, including fighting or attempted bodily injury, immoral conduct or indecency, or the use of profane, abusive, or threatening language toward others, or possession of a dangerous weapon or illegal firearms, or explosives while on duty.
- Violation of any law adversely affecting the church, or conviction in court of any crime which may cause the employee to be regarded as unsuitable for continued employment.
- Unlawful sexual or other harassment of any other employee or person while on duty.
- Use of alcohol, drugs, tobacco or controlled substances when on duty, on church property, or in a church vehicle.
- Violation of the computer-use policies of the church.
- Falsification of employment records, employment information or other church records, including time-keeping records.
- Engaging in unethical or criminal acts whether or not related to job performance.
- Insubordination, including but not limited to, failure or refusal to obey the orders or instructions of the senior pastor or any supervisor, or the use of abusive or threatening language toward a supervisor or pastoral-staff member.

7.04 Employment Termination

Since employment is "at will" and is based upon continuing mutual consent and church need, either the employee or the employer is privileged to terminate employment at any time with or without cause or notice in accordance with the policy guidelines below:

- Resignation: A resignation is a written notice from the employee to the church at least ten (10) working days for staff employees and thirty (30) calendar days for pastoral staff employees prior to the last day of employment.
- Quit: A quit occurs when the employee leaves the church with no prior notice or less than the specified ten (10) day or thirty (30) day notice. Any employee who voluntarily resigns her/his employment or fails to report to work for three (3) consecutive scheduled workdays without notice to or approval by her/his supervisor will be considered to have voluntarily terminated employment with the church.
- Layoff: A layoff occurs when the church terminates an employee because of reorganization or lack of work. In case of a layoff, the church is obligated to give the same notice to the employee, or pay in lieu of notice, that the employee is obligated to give as described above in the case of a resignation.
- Discharge: A discharge for cause occurs when an employee is discharged for disciplinary or other reasons which constitute an unsatisfactory attitude, performance, or judgment by the employee. No notice or pay in lieu of notice is required by the church.

7.05 Termination Procedures

Termination of non-ministerial employees requires the approval of the church or its designated body as set forth in the bylaws or other approved policy. Dismissal of ministerial staff is governed by procedures set forth in the bylaws.

7.06 Benefits at Termination

Unused Vacation — Employees who resign with proper notice, are laid off, or are discharged in good standing will receive payment for any unused vacation time in accordance with the vacation policy.

Protecting our Church and Children:

What church leaders must know



Compiled by Jill B. Carter
Preschool Minister
Guilford Baptist Church
Greensboro, NC

Edited by the Preschool and
Children Ministry Team
Congregational Services Group
Baptist State Convention of NC

Dear Friend of Preschoolers and Children:

The Preschool and Children's Ministries of the Baptist State Convention of North Carolina is delighted to share "Protecting Our Church and Children: What church leaders must know" with you. We have worked on it for months, and finally it is ready for you to use in preparing your church's plan for protecting your church and children.

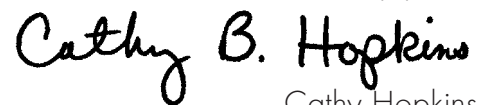
Be aware that this resource is based on the most current information we could find. Laws and codes change rather frequently and interpretation of laws and codes vary geographically, so you will need to consult with your city, county, or state inspectors for building code requirements as well as other laws that deal with safety and security. Note that if you are a NC licensed childcare center, you will need to refer to the regulations that apply to your licensing.

This resource covers some topics thoroughly and some topics, particularly those dealing with legal concerns, very lightly. There are many other resources listed on the resource page that can give you more information if you think you need it. This document does not give legal advice. It is our attempt to make you aware of the issues involved so that you can formulate policies and procedures for your church. You may want to consult with a lawyer before presenting the policies to your church.

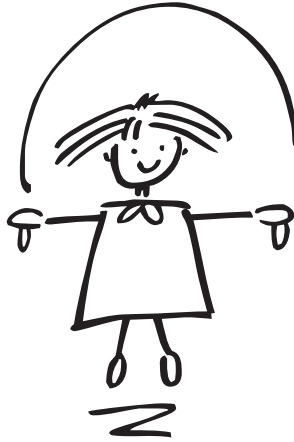
We are sure that in the future questions and concerns will arise that will necessitate replacement pages and/or additional pages or forms. When that happens, we will put that information on our website at www.bscnc.org under "Ministries-Preschool and Children."

Thanks for caring for your children and families enough to protect them in every way possible.

Sincerely yours,

A handwritten signature in black ink that reads "Cathy B. Hopkins". The signature is written in a cursive, flowing style.

Cathy Hopkins
Preschool and Children Ministry Team
Baptist State Convention of NC



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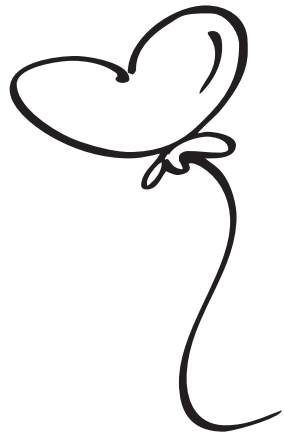
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Why do You Need to Protect Your Church and Children?

Although North Carolina churches are as diverse as its people, they all share a common interest in following scriptural dictates. Matthew 18:5 (NIV) tells us, “Whoever welcomes a *little child* like this in my name welcomes me.” As we follow this dictate to welcome children (and thus God’s presence) into our churches, we assume a legal liability to exercise reasonable care in their safety and treatment. In today’s litigious society, this is not a small undertaking. Churches can be deemed liable for both actions they take as well as actions they fail to take. Fortunately, those things, which we can reasonably do to safeguard the children entrusted to our care also offer protection to our churches against successful claims of negligence. Developing and implementing policies that address leadership, environment, safety, security, and hygiene issues is an effective method of protecting both our church and our children.

This information has been developed specifically with North Carolina churches in mind. Where applicable, North Carolina childcare regulations have been met or exceeded in the recommendations offered. It would be a very strong defense to any allegation of negligence to show that the church acted consistently with state established standards and regulations.

The recommendations in this document are applicable to all areas of ministry that a church might offer to preschoolers and children such as Bible teaching, missions education, music, weekday education, etc. There are additional state regulations that licensed childcare facilities must follow. While it is by no means an exhaustive inventory, it is our hope that the information presented here will tell you as a church leader much of what you must know to successfully protect your church and children.

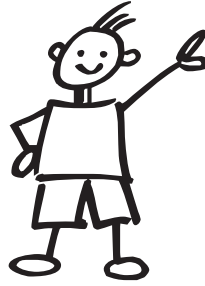
If you need further assistance, contact the Preschool and Children Ministry Team of the Baptist State Convention of North Carolina at (800) 395-5102, ext. 433 or jhaywood@bscnc.org.

God’s blessings on you as you safely welcome children into your church family.

Definitions

Preschoolers: Children from birth to kindergarten or five years of age

Children: Children from 6-11 years of age or grades 1-6



Leadership

Possibly the most difficult, but most important aspect of protecting preschoolers and children is in the area of leadership. It is both a legal and moral obligation of churches to ensure that children are entrusted to the care of qualified adults. Safeguarding this obligation requires a system of initial screening, clear responsibilities, on-going training, and adequate staffing.

Screening of Leadership

Checking backgrounds of potential leaders is essential to protecting preschoolers and children from abusers or sexual predators. This is equally important whether the leader is a paid employee or a volunteer. *Time Magazine* (April 29, 2002, p. 43) estimates that 4 percent of the adult population are sexually interested in children (pedophilia), so this is an alarmingly widespread threat.

Currently there is no central agency to process criminal background checks and coordinate information in all 50 states, so the process is often difficult and costly, but vitally important. Links to every state's registry of sexual offenders can be found at <http://sexualpredators.com/>. These registries rely on the offender to report their change of address, so they are often incomplete or inaccurate.

Churches can be found legally liable of negligence if they do not exercise reasonable care in the selection of volunteers, as well as paid leadership, since one is as likely as the other to perpetrate abuse of a child.

Licensed childcare centers in North Carolina require a certified criminal history check from the Clerk of Superior Court's office in the county where the individual resides, a signed "Authority for Release of Information" form provided by the NC Division of Child Development, a fingerprint card using SBI form FD-258, and a signed statement declaring under penalty of perjury if he or she has been convicted of a crime other than a minor traffic violation. If the individual has lived in NC for less than five consecutive years immediately preceding the date the fingerprint card is completed, a second fingerprint card

needs to be submitted in order to complete a national check. All of this information is required to be processed through the NC Division of Child Development and may take several weeks.

Churches should establish screening programs aimed at preventing individuals who have a history or intent to abuse children from being placed in a position where they have access to children. Often the mere presence of a system is enough to discourage predators from attempting to serve in a church.

There are two basic types of child molesters that any system implemented by a church should take into account.

Preferential molesters are less common, but may have many victims since they seek out children to molest. Often they are willing to invest large amounts of time with children, building relationships of trust. A screening program that includes criminal background checks and alerts interviewers is the most effective method to minimize the risk of this type molester.

Situational molesters are more common, but have fewer victims. Rather than actively seeking situations in which they may abuse, they take advantage of situations that present themselves. Since they have fewer victims, criminal records often do not exist so background checks are less effective. Policies that require two or more unrelated adults to be present with preschools or children at all times, viewing windows in all classroom doors, and adequate supervision of teachers are effective deterrents to this type of molester.¹

¹ James F. Cobble, Jr., "Screening Children's Workers: How to protect your church kids from sexual abuse" *Leadership Journal*, Summer 2002.

Before implementing a screening process, churches should take the following steps:

- Involve all concerned staff, leaders, and committees in the decision-making process, including research and education.
- Consult with your church attorney and insurance agent concerning the process, forms, questions, and records to be used and maintained.
- Designate a person who will be responsible for the screening process. This person must be able to discern what information is confidential and what needs to be shared with appropriate staff and/or leadership.
- Inform the church body concerning the need and importance of screening and the methods to be used, including adequate opportunities to ask questions and suggest changes.
- Guide the church to officially adopt policies and procedures to be used and document the action.
- Encourage the church staff and key leaders to undergo the screening process as a sign of acceptance and support.

To minimize the risk of abuse to preschoolers and children, these steps need to be followed in a screening process for volunteer or paid leadership:

- Enlist volunteers who have exhibited commitment to your church or membership in your church for a minimum of six months. Predators rarely are willing to wait to have access to children.
- Use a written application form and a release form authorizing permission to conduct reference, background, and criminal checks. Sample forms can be located at http://lifeway.com/staff_p0001.asp.
- Check references. These may be members of the church who have had the opportunity to observe the potential leader.
- Interview the volunteer. Individuals should be personally interviewed, covering such topics as their Christian testimony, past experience and current interest in working with children, and other church experiences.
- Conduct a criminal background check on any individual who will have unsupervised access to preschoolers and children. Any sexual offense crimes, regardless of how long ago they occurred, disqualify a person from working with preschoolers and children.

- Provide training for all leadership, including church policies and procedures for preschool and children's ministry.
- Keep written documentation of application forms, reference and background checks, interviews, and training session attendance provided in a secure and confidential location. Be sure to include your informal notes, e-mail, and phone conversations in the process.

Job Descriptions and Training

All positions that involve the teaching or care of preschoolers or children should have job descriptions with clear expectations detailed.

Qualifications for leadership with preschoolers or children should be in written form. These qualifications should include submission to all screening procedures and completion of training.

Leadership should have training in policies and procedures, positive discipline guidelines and techniques, preschool and/or child development, appropriate theological concepts, and teaching methods.

Sample Job Description for Preschool and Children Leadership

(Ministry specific responsibilities will need to be added.)

- Be a growing Christian and a positive example for Christ and the church.
- Be actively involved or a member of the church for at least six months.
- Complete a written application form and release form for background checks.
- Support the overall ministry of the church.
- Regularly attend scheduled training and planning sessions.
- Prepare and lead age-appropriate activities and experiences using the church-approved curriculum.
- Be present and prepared at least 15 minutes before a session begins or the first child arrives.
- Know and follow all policies established by the church.
- Build positive relationships with preschoolers and/or children and their parents/legal guardians.
- Follow positive discipline guidelines.
- Work cooperatively with other leaders, including those in other ministries.
- Contact members, prospects, and families regularly to meet needs.

- Maintain records for attendance, allergies, accidents, and other personal data for preschoolers and/or children.
- Immediately report accidents, illnesses, or unusual problems to the designated leader.
- Focus on preschoolers and/or children, refraining from extended conversations with others. Show love, understanding, and acceptance of every child.
- Be free of communicable diseases or conditions.
- Never leave preschoolers or children unattended.
- A minimum of two unrelated adults should be present at all times.
- At the end of your session, return room to its standard set-up, making sure it is clean and toys and/or teaching materials are disinfected as needed.

Adult/Child Ratios

Maintaining appropriate adult to child ratios is critical to developing relationships, teaching effectively, and providing a safe environment.

Always have two unrelated adults present with preschoolers and children for the prevention of possible child abuse and for the protection of leadership and the church should any allegations of abuse occur.

The recommended ratio of adults to preschoolers or children is dependent on the ages of the children present. (Ratio recommendations for licensed childcare centers may differ from those listed below.)

Age Grouping	Adult/ Child Ratio	Maximum Group Size
Babies – Kindergarten	1:3	12
Babies – Twos	1:3	12
Threes – Kindergarten	1:4	15
Babies	1:2	12
Ones – Twos	1:3	12
Threes – Pre-K	1:4	20
Kindergarten	1:5	24
School-age Children	1:6	26

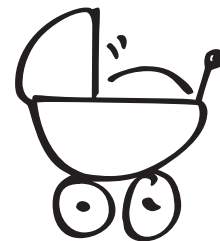
Ages of Leadership

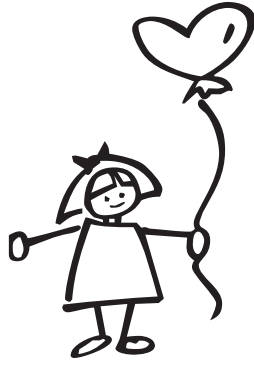
Many churches use youth as preschool or children leadership. While some youth may be more mature than others, a church needs to adopt consistent criteria for its policy. Consider:

- Does the church insurance company have a minimum age for insurance coverage?
- Are there youth activities occurring at the same time as the childcare? Youth are still growing spiritually and need to be involved in the youth ministry whenever possible.
- Is the church willing to do background checks on all youth who will be involved with preschoolers and children?
- Would a “minor” be “in charge” if an emergency situation developed?
- How will guests feel about leaving their preschoolers, especially their babies with a minor?
- If a certain minimum age is set for leadership with preschoolers and children, consider that age alone does not qualify a person for leadership responsibilities.

Note: Any person under 18 years of age working with preschoolers and children does raise concerns. The church needs to engage in a more detailed inquiry of the qualifications of the youth and their level of leadership involvement in the activity.

Caution: In no circumstance should a youth be the primary caregiver or leader and should never be in direct charge of infants. A youth should not be used as the third person in a room with two related adults.





Reporting Child Abuse or Neglect in North Carolina

N.C. Gen. Stat. § 7B-301 states: "Any person or institution who has cause to believe that any juvenile is abused, neglected, or dependent, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the Department of Social Services in the county where the juvenile resides or is found. The report may be made orally, by phone, or in writing."

Note: Confidentiality of clergy - current NC law denies the "clergy-penitent privilege" in cases of neglect and abuse.

North Carolina law requires any persons who suspect child abuse or neglect to report the case to the County Department of Social Services. Reports can be made anonymously. A person cannot be held liable for a report made in good faith.

Abuse occurs when a parent or caregiver injures or allows another to injure a child physically or emotionally. Abuse may also occur when a parent or caregiver puts a child at risk of serious injury or allows another to put a child at risk of serious injury.

Neglect occurs when a child does not receive proper care, supervision, or discipline, or when a child is abandoned.

In instances where child abuse or neglect is suspected, churches should take the following immediate actions:

- Secure the safety of the child.
- Notify the parents or legal guardians if they are not the suspected perpetrator(s).
- Notify appropriate church leadership and the county Department of Social Services.
- Report the incident to the church's attorney and insurance company.
- Document all actions taken to handle the incident.



Safety

Protecting preschoolers and children at church extends beyond making sure that well-trained and responsible adults are teaching them. Much can be done to enhance the safety of preschoolers and children in our care by careful attention to the facility and the equipment that we provide. The facility and equipment impact...

- Hygiene practices
- Supervision of leadership
- Emergency evacuations
- Unauthorized accessibility to preschool and children areas
- Teaching effectiveness

Safety includes addressing many other issues such as food, medications, emergencies, and first aid.

Safety Checklist for Facilities and Equipment

- ☐ Are all furniture and equipment age-appropriate and in good repair?
- ☐ Are floors in rest rooms covered with easily cleanable, non-absorbent material such as linoleum or tile?
- ☐ Is carpeting easily cleanable, durable, closely woven, and properly installed? *Note: floors in sleeping and play areas may be carpet or a non-absorbent material.*
- ☐ Are walls, floors, and equipment in good repair and free of peeling, flaking, chalking, or lead-based paints?
- ☐ Do all rooms have adequate lighting? *Note: Florescent lighting with color-corrected bulbs is preferred.*
- ☐ Are light fixtures clean and in good repair and are light bulbs completely shielded?
- ☐ Are windows and treatments, preferably mini blinds, clean and in good repair? Are they free of looped cords and are all cords out of the reach of preschoolers and children? *Note: Preschool room windows should be 18" from the floor and made of shatterproof glass.*
- ☐ Are rooms maintained between 65 and 85 degrees Fahrenheit when occupied by preschoolers and children?
- ☐ Do furniture and cabinets have rounded corners or are sharp corners covered with padding? Are cabinets and shelves bolted to the wall?
- ☐ Do low cabinet doors and drawers have properly installed safety latches?
- ☐ Are chairs safe, comfortable, and pinch-free? Folding chairs of any size are not safe.
- ☐ Are baby rooms equipped with no more than two adult-size rocking chairs? Adult-size chairs should not be in other preschool and children's rooms.
- ☐ Do you have an appropriate diaper-changing area?
 - Changing tables designed for home use are not appropriate
 - Table sides must be at least 4 inches in height
 - Changing diapers on the floor using a nonabsorbent, washable mat is acceptable
 - A crib should not be used for diaper changing unless the entire crib is disinfected after the diaper change
- ☐ Are preschool rooms free of staples, thumbtacks, pushpins, and other sharp objects?
- ☐ Are all doors one piece with small rectangular windows that allow viewing of all corners of a room?
 - Doors opening into hallways require a fire rating of 20 minutes or more. *Note: To meet NC fire codes, doors must be purchased with windows already installed.*
 - Classroom doors should open into the hallways unless prohibited by local fire or building codes or if fire escape routes would be blocked.
 - Doors should be at least 36 inches wide to allow for accessibility for handicap walkers, wheelchairs, and evacuation cribs.
 - Dutch doors (two-piece doors) do not meet NC fire-rating codes.

- ☐ Are there enough electrical outlets to allow access without the necessity of stretching cords along the wall? Are safety outlets or safety covers properly installed on all receptacles? *Note: Usually two outlets per wall are recommended. Outlets in rooms used by preschoolers two years and under should be 4 1/2 feet from the floor.*
- ☐ Are adult-height sinks in all preschool rooms and child-height sinks in rooms for two-year-olds through sixth graders?
 - Are hot and cold water available at each sink? Hot water should be no hotter than 110 degrees Fahrenheit.
 - Are paper towels and soap available at each sink?
 - Are sinks located within classrooms rather than the rest room?
- ☐ Are rest rooms connected to the classroom and equipped with child-sized toilets, tile floors, and doors without locks?
- ☐ Do preschool rooms have at least 35 square feet of floor area per occupant and children's rooms at least 25 square feet per occupant? The requirement for NC daycare law is 25 square feet of usable space per occupant. *Note: If growth is considered, additional square footage must be considered.*
- ☐ Are rooms clean and clutter free? *Note: Materials and equipment not needed for a session should be put in cabinets or removed from the room to a central supply area.*
- ☐ Are hallways and stairwells kept free of clutter, and well lighted? Stairwells should not be used for storage of supplies and/or equipment.
- ☐ Are rooms for children in first grade or younger located on the level of exit discharge?
- ☐ Do rooms have more than one exit, preferably leading to two separate smoke compartments in the building? *Note: Local fire inspectors can assist in determining this.*
- ☐ Are cribs in good repair, with snug-fitting mattresses at least 2 inches thick, and slats no more than 2 3/8 inches apart?
 - Is the distance between the mattress and the top of the crib rail at least 36 inches?
 - Are corner posts no more than 1/16 inch in height?
 - Are cutouts too small to allow entrapment of the preschooler?
 - Are drop-side latches secure?
 - Are bed linens tight-fitting?
 - Is there a designated crib equipped with evacuation wheels for use in an emergency?
- ☐ Are toys developmentally appropriate?
 - Are toys free of sharp edges or points?
 - Is every removable piece larger than 1 1/4 inches in diameter (for preschoolers age 3 and younger)?
 - Are toys free of parts that could pinch or trap a child's finger?
 - Are toys durable, easily washed and disinfected, and nonflammable? *Note: Stuffed animals or dolls with cloth bodies or movable/removable eyes are inappropriate.*
- ☐ Is a telephone easily accessible and are emergency numbers posted?
- ☐ Are preschool rooms equipped with covered, plastic-lined trashcans that can be disinfected?
- ☐ Are outdoor play areas kept clean and in good repair?
 - Is outdoor play space fenced? The fence must be at least four feet in height.
 - Is play equipment age-appropriate, and is it inspected for wear or damage routinely?
 - Are sand boxes kept covered when not in use to discourage contamination?
 - Is the ground beneath swings and climbing equipment covered in a cushioning material such as pea gravel, sand, or mulch? For depth of ground cover check the "Handbook for Public Playground Safety" at <http://www.cpsc.gov/cpscpub/pubs/325.pdf> or 1-800-638-2772.
 - Is play equipment free of openings that can entrap a child's head, torso, or limbs?



Food Safety Checklist

- ☐ Is formula, mother's milk, or other bottles sent from home fully prepared, dated, and identified for the appropriate child?
- ☐ Are bottles requiring refrigeration kept at 45 degrees Fahrenheit or below?
- ☐ Are bottles that require heating warmed in water in a slow cooker/crock pot? *Note: Never heat a bottle in a microwave oven. Microwave ovens decrease the nutritional value of mother's milk and can cause dangerous hot spots in any liquid or food.*
- ☐ Are prepared foods that are to be served obtained only from food handling establishments that have health department permits or inspections?
- ☐ Are round, firm foods that might lodge in the throat of a preschooler avoided? *Note: This includes foods such as hot dogs, whole grapes, peanuts, popcorn, thickly-spread peanut butter, hard candy, and whole raw carrots. Are leaders trained to handle a choking emergency?*
- ☐ Once foods or snacks have been opened, are all leftovers discarded or transferred to clean, tightly covered storage containers and labeled with contents and date?
- ☐ Are crock-pots or other equipment used for warming bottles cleaned and disinfected regularly?
- ☐ Are reusable cups and utensils washed and disinfected after each use?
- ☐ Are infants always fed in an upright position and held by an adult? *Note: Bottles should never be propped or placed in a bed with an infant.*
- ☐ Are records of food allergies for all preschoolers and children maintained and consulted? Are leaders trained to respond to accidental ingestion of an allergen?
- ☐ Are allergy alert notices for all food to be served during a session posted where parents/legal guardians can easily see them?

Medications

Medications should not be given to preschoolers or children at church. However, if necessary, written authorization by the child's parent or legal guardian should be obtained using a written permission form. (See sample in forms section.) This includes prescriptions as well as over-the-counter medicines, topical ointments and creams, and teething medication.

Medication must be in its original, labeled container and include the original, printed instructions. Dosage may not exceed amounts and frequency on the printed instructions.

Medications should be stored in a separate locked cabinet or locked box specifically for that purpose. Medications requiring refrigeration must be kept in a locked box within the refrigerator. (This applies to leader medications as well.)

Each time medication is given, the caregiver should log the information. (See sample in forms section.)

Epinephrine pens prescribed for anaphylactic shock may be kept in a location readily accessible to caregivers but out of the reach of preschoolers and children (for more information check with the NC Department of Environment and Natural Resources website at www.deh.enr.state.nd.us/ehs/Children%20Health/Child_Care/Child_Care_Policy_Memos/CC_11-13-01_Epinephrine.PDF). Caregivers must be trained in the administration of the epinephrine pen. Written permission for dosing is required from the child's parent or legal guardian.

Storage Checklist

- ☐ Is all storage space kept clean and orderly?
- ☐ Are cleaning supplies, aerosols, or any substance that would be harmful if ingested or inhaled kept in a locked room or cabinet? Are the keys to such spaces kept out of the reach of preschoolers? *Note: This does not include mild detergent solutions or disinfecting solutions. These solutions must be clearly labeled and kept out of the reach of children, but need not be kept locked up.*
- ☐ Are knives, sharp scissors, and other adult tools kept out of the reach of preschoolers and children?
- ☐ Is the door to the resource room kept locked when not in use? Are children prohibited from being in the resource room unless accompanied by a leader?
- ☐ Are leaders' purses and/or other personal items kept out of the reach of preschoolers and children?

Emergencies Checklist

- ☐ Are building diagrams with emergency evacuation procedures and routes posted by the doors in each room?
- ☐ Do diagrams show the location of fire extinguishers and alarms?
- ☐ Are leaders trained in the proper use of fire extinguishers?
- ☐ Are fire extinguishers inspected routinely?
- ☐ Are all exits clear of furniture or other obstructions?
- ☐ Is a telephone easily accessible to leaders, with numbers for the fire department, law enforcement, emergency medical service, and poison control center posted?
- ☐ Is there a designated evacuation crib for babies (equipped with evacuation wheels), and does it fit through all exit doorways?
- ☐ Is there a designated meeting place in the event of an evacuation and are parents aware of this location?
- ☐ Are leaders trained in first aid, adult and infant/child CPR, security, and procedures for fires, tornadoes, or other emergencies? (For an example, see <http://www.dhhs.state.nc.us/dcd/emerg.pdf>) Is there a readily available list of these leaders and other trained church members?
- ☐ Are periodic evacuation/emergency drills conducted?
- ☐ Are first aid supplies kept in an easily accessible location?
- ☐ Are first aid supplies routinely checked to ensure sufficient quantities and adherence to expiration dates?



Miscellaneous Safety Issues Checklist

- ☐ Are all personal items such as clothing, blankets, diaper bags, and bottles labeled with the child's name? *Note: To avoid introducing unsafe, unsanitary, or inappropriate items into the teaching environment, personal toys should not be admitted to the room, except in the case of comfort items.*
- ☐ Are babies always placed to sleep on their backs unless specific medical conditions contraindicate this? *Note: Placing infants to sleep on their backs has been shown to significantly reduce the risk of Sudden Infant Death Syndrome.*
- ☐ Are the sides of the crib always up when a child is in the crib?
- ☐ Is there a system of routine reviews of facilities and procedures to ensure adherence to all policies? Do all organizations or programs participate in the review process?
- ☐ Are coffees or other hot drinks discouraged from being brought into preschool or children's rooms?
- ☐ Are rooms arranged so that all areas are visible to the leaders?
- ☐ Are excess toys picked up periodically and spills cleaned up promptly to minimize the risk of tripping?
- ☐ Are plants non-poisonous and in non-breakable pots?
- ☐ Are latex balloons, plastics bags, and Styrofoam objects inaccessible to preschoolers?
- ☐ Are signed parental/guardian permission forms used anytime children participate in an activity away from the church? Do the forms include permission to transport the child to the event, if applicable, and a notarized, emergency medical treatment release form?
- ☐ If bathrooms are not attached to classrooms, do you have procedures that maintain the two-adult rule when preschoolers or children have to be escorted and/or assisted in toileting?
- ☐ Does your church have a procedure to ensure safety of children (1-6 grades) when they are transitioning between church ministries and parents?

Field Trips and Transportation Checklist

- ☐ Has adequate and safe transportation been secured to avoid crowding children into a vehicle? (Avoid 16 passenger vans.)
- ☐ Does each child have a car seat and/or seatbelt according to state laws?
- ☐ Are there enough adult chaperones to maintain proper adult/child ratios?
- ☐ Have parents/guardians been notified of the trip and have given written permission? (See example in forms section.)
- ☐ Have parents/guardians completed and submitted notarized emergency medical treatment release permission forms? (See example in forms section.)
- ☐ Do leaders have both the field trip permission forms and the emergency medical treatment release permission forms in their possession on the trip?
- ☐ Do leaders have a first aid kit and other child-specific medications if necessary for the trip?
- ☐ Do leaders have a cell phone or other device to communicate between vehicles or leaders on site, or to call emergency assistance if needed?
- ☐ Does one or more of the group require the field trip site to be handicap accessible?

First Aid Kit

A well-stocked, readily accessible first aid kit should be available in all preschool and children's areas. A separate, portable kit should be used during outdoor activities and on field trips. Kits should contain at least the following items:

- ☐ Disposable gloves approved for medical use
- ☐ Scissors
- ☐ Tweezers
- ☐ Thermometer
- ☐ Bandage tape
- ☐ Sterile gauze pads
- ☐ Roll of gauze
- ☐ Triangular bandages
- ☐ Safety pins
- ☐ Eye irrigation saline solution
- ☐ Eye dressing
- ☐ Pen/pencil and note pad
- ☐ Syrup of ipecac
- ☐ Poison Control Center telephone number—Carolinas Poison Control Center (Charlotte) 1-800-848-6946
- ☐ Cold pack
- ☐ Infant/child choking and CPR guide
- ☐ Antiseptic
- ☐ Red washcloth
- ☐ Hand sanitizer





Security

Security involves a deliberate plan for safeguarding preschoolers and children. All churches regardless of size or location should implement a security system. Advantages of having a system include:

- protection of the preschoolers and children
- protection of leaders from possibly making an inaccurate decision about who may pick up a preschooler or child
- equal treatment of all adults since all must follow the system regardless of their relationship to a child
- peace of mind for parents/legal guardians (Examples: guests and/or parents in custody situations, etc.)
- legal and moral protection of the church by fulfilling their obligation to exercise care in protecting the children entrusted to them.

Security Checklist

- ☐ Are information sheets completed on all preschoolers and children? (See sample in forms section.)
- ☐ Are information sheets kept in a location accessible only to authorized leaders?
- ☐ Are doors to classrooms kept shut and only preschoolers and/or children and their leaders are allowed in the rooms? *Note: Parents or legal guardians should remain in the hall when leaving and picking up their child.*
- ☐ Are all leaders trained in the proper security procedures?
- ☐ Are at least two unrelated leaders in each room?
- ☐ Is a designated leader patrolling the halls or lobby in the preschool and children's areas?
- ☐ Are parents or legal guardians required to use a sign-in/sign-out sheet for preschoolers? (See sample in forms section.) *Note: A designated person needs to file these forms in a secure location.*
- ☐ Are simple instructions about the security system communicated in writing to parents or legal guardians?
- ☐ Does the leader give the parent or legal guardian a security card, tag, or pager for the preschooler?
- ☐ Are preschoolers and children only allowed in rooms when authorized supervision is present and only for church-sponsored events or services?
- ☐ Are preschoolers allowed to be left and picked up only by authorized adults?
- ☐ Is there a procedure for verifying who will pick up a child in case of an emergency if the request must be made by telephone?
- ☐ Is the identity of preschoolers and children protected from unauthorized access? *Note: Names should not be posted with pictures in public hallways.*
- ☐ Are preschool leaders wearing name badges for identification to parents or legal guardians?

Security System Steps

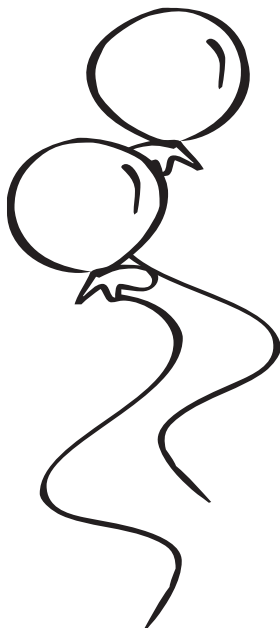
There are four steps to consider in developing an effective and efficient security system:

1) Log the arrival of each leader and preschooler

For every activity, event, or whenever childcare is provided, each leader will log in and each preschooler's parent or legal guardian will complete the "Preschooler Sign In/Sign Out Sheet" provided with each grouping of preschoolers (See sample in forms section). This form provides the leaders with a record of the arrival and departure of each preschooler as well as a record of the name and location of the parents/legal guardians. These records should be filed and kept in case there is a future question.

2) Label each child with a nametag

The nametag may be a self-adhesive nametag, a piece of masking tape, or a computer-generated label.



3) Provide parents or legal guardians with one of the following security identification items:

A card with a number that matches the number on the sign-in/sign-out sheet. It may be a temporary number for the day, a permanent number assigned to the child, or a permanent number assigned to the family. Use paper or laminated cards.

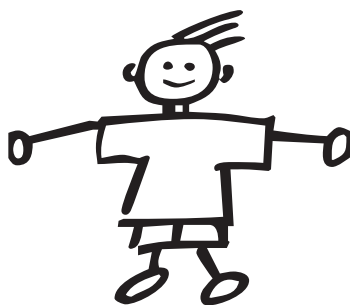
Security tags - In this system, pairs of permanent tags with matching numbers or letters are used. One tag is given to the parent/legal guardian while the other is clipped to the child. Returning parents/legal guardians must present their tag, which the teacher matches with the tag on the child before releasing him/her. The matched tags are stored in a secure location within the room for reuse with another child or they may be permanently designated for a child to use.

Note: If numbers are used on cards or tags, the number can be displayed on an electronic message board if there is a need for the parent or guardian to return to the preschooler's location.

Electronic pagers - Some churches issue numbered pagers instead of cards or tags, which have the advantage of allowing immediate notification of the parent/legal guardian if they are needed at their child's room. This is especially helpful for guests or nursing mothers.

4) Log the departure of each preschooler and leader

When the parents or legal guardians present their security identification item and sign out on the "Preschooler Sign In/Sign Out Sheet," the leader will release the preschooler to them.



Hygiene

Preschoolers explore the world with all their senses. For the first few years that means most items are explored with their mouths as well as hands, eyes, and ears. Even after they have outgrown this stage, few preschoolers or children have mastered keeping their hands and germs to themselves. Colds and normal childhood diseases alone are reasons enough to warrant diligence. Added into the concerns today are HIV, hepatitis, and other serious health threats. The risks for leaders are just as high as for the preschoolers or children in their care. Establishing good hygiene practices in the cleaning of the environment as well as diapering and hand washing procedures are essential for a church to protect preschoolers, children, and leaders.

Illness

Preschoolers and children showing signs of communicable illness should not be brought to church. If preschoolers or children develop symptoms during care, they should be isolated, the parent/legal guardian contacted to pick up the child as soon as possible, and the parents/legal guardians of the other preschoolers or children are notified of exposure.

Signs of communicable illness that would be reason to exclude the child from participation include:

- A fever (100 degrees or more in the armpit, 101 degrees orally, or 102 degrees rectally)
- Diarrhea
- Severe coughing
- Two or more episodes of vomiting within the past 12 hours
- Red eye with white or yellow eye discharge, until 24 hours after treatment
- Yellow or green nasal discharge
- Scabies or lice
- Chicken pox or a rash suggestive of chicken pox
- Other undiagnosed rashes
- Open skin lesions
- Tuberculosis, until a physician states the child is not infectious
- Strep Throat, until 24 hours after treatment begins
- Pertussis, until 5 days after antibiotic treatment
- Hepatitis A, until one week after onset of illness or jaundice
- Impetigo, until 24 hours after treatment

Cleaning the Environment

The most important tool in establishing good hygiene practices is an effective disinfectant. For preschool and children settings, the recommended disinfecting solution is regular chlorine bleach mixed with water. This solution should be available in every classroom. It is ideal because household bleach is not harmful to the environment. The mixture quickly breaks down into mainly a saline solution and does not trigger the growth of resistant bacteria. It is not harmful to preschoolers or children if accidentally ingested. A chlorine bleach solution is mildly corrosive to surfaces and should be used with care.

Bleach Solution for Disinfecting

1/4 cup household chlorine bleach to 1 gallon of water

or

1 Tbsp. household chlorine bleach to 32 oz. of water

The solution should be mixed fresh each session to ensure effectiveness or tested with test strips purchased from restaurant suppliers. The solution should be kept in a properly labeled, unbreakable, hand pump spray bottle. It should be readily accessible to adults, but kept out of the reach of preschoolers. The bleach used to make the disinfecting solution should be replaced every three months or as soon as it loses its smell. This solution should be used to clean all furniture and equipment. When possible, items disinfected with this solution should be allowed to air dry.

Checklist for Disinfecting Facilities and Equipment

Note: "Cleaning" means washed with hot, soapy water. "Disinfected" means using the household chlorine bleach solution.

- ☐ Are the sinks, dishpans, sponges, and dishcloths disinfected prior to cleaning and disinfecting toys, teaching materials, cups, or other items used in preschool rooms? *Note: Fill sink or dishpan with disinfecting bleach solution, immerse sponge or dishcloth, and soak for five minutes.*

- ☐ Are toys and other items washed in hot water with detergent, rinsed thoroughly, immersed in fresh household chlorine bleach solution for at least five minutes, and then air-dried?
- ☐ Are items that are too large or impractical to immerse cleaned and then sprayed with disinfecting solution and allowed to air dry?
- ☐ Are disinfected items or surfaces kept from the reach of children while they are drying?
- ☐ Are toys, equipment, play mats, and furniture that have been in children's mouths clean and disinfected before coming in contact with another child?
- ☐ Are toys, equipment, and furniture in older preschool rooms disinfected at least weekly?
- ☐ Are frequently touched surfaces such as refrigerator handles, door handles, and light switch covers disinfected daily?
- ☐ Are diaper pails and trash containers disinfected daily?
- ☐ Are diaper pails lined with disposable plastic and covered?
- ☐ Are toilets cleaned and disinfected daily with additional cleanings when soiled?
- ☐ Are sinks cleaned and disinfected daily?
- ☐ Are cribs assigned and labeled for a child's individual use?
- ☐ Are cribs cleaned and disinfected and linens laundered between users? *Note: In addition, linens should be laundered at least daily and anytime they become soiled.*
- ☐ Do leaders wear disposable gloves when coming into contact with bodily fluids, such as when changing a diaper, assisting with toileting, performing any first aid procedures, or wiping noses? *Note: A new set of gloves is necessary for each new action or child.*
- ☐ Are dress-up clothes, doll blankets, and other cloth items washed routinely?

Diapering Checklist

- ☐ Are preschoolers changed on a table or in an area used exclusively for diapering? *Note: Surfaces in designated diapering areas must be nonabsorbent, as well as cleaned and disinfected after each changing.*
- ☐ Are disposable gloves approved for medical use and disposable wipes (provided by parent or guardian) used?

- ☐ Are soiled disposable diapers put in a plastic lined, covered container, and removed to an outside garbage area daily? Are soiled cloth diapers emptied into the toilet and put into a plastic bag for disposal? *Note: Cloth diapers should not be rinsed.*
- ☐ Are both the caregiver and the child's hands washed after each diaper change? *Note: Infants hands may be wiped with a disposable wipe provided by the parent or guardian in lieu of washing.*
- ☐ Are steps detailing proper diapering and hand washing techniques posted in each room? (See sample in forms section.)

Hand Washing Checklist

- ☐ Are sinks installed at an appropriate height accessible for preschoolers and children?
- ☐ Do sinks have both hot and cold running water?
- ☐ Is hot water at sinks used by preschoolers and children kept between 90 and 110 degrees Fahrenheit?
- ☐ Are soap and disposable towels available?
- ☐ Do leaders wash hands upon arrival?
- ☐ Are proper hand washing procedures posted near adult sinks? (See form section for proper procedure.)
- ☐ Do leaders, preschoolers and children wash their hands:
 - before and after handling food ?
 - after coming in contact with bodily fluids, even if wearing disposable gloves?
 - before and after sand play, water play, or playing with modeling compounds?
 - after handling animals?
 - after going outdoors?*Note: Infants hands may be wiped with a disposable wipe provided by the parent or guardian in lieu of washing.*
- ☐ If running water is unavailable in the room, is a hand washing station provided?

Hand Washing Station

To set up a hand washing station for rooms where running water is unavailable, provide one pan filled with mild soapy water and a second pan filled with clear rinse water. Provide disposable paper towels and a covered, plastic-lined wastebasket. Change water frequently.



Policies

In order to adequately protect the preschoolers, children, and the church, consistency must be maintained in all ministries and from individual to individual. Since Baptist churches are typically democratic in government, the best way to ensure consistency and cooperation is by having the entire church formally adopt policies that address all areas of safety in preschool and children ministry. Such an action elevates the importance of the policies and encourages the entire church to follow the policies. As a note of caution, a church can be found negligent if it fails to enforce the adopted policies that could have prevented an incident.

Steps in Adopting and Implementing Policies

- ☐ Form a committee or work group to study and recommend policies.
- ☐ Determine the policies and procedures needed to be implemented, obtaining input from as many sources as possible (e.g. church staff, leaders in all ministries, parents, legal counsel, policies from other churches).
- ☐ Compile a draft of potential policies.
- ☐ Obtain feedback from leadership, parents/legal guardians, and staff, and refine the policies.
- ☐ Secure needed channels of approval prior to submitting the policies in a church business session (e.g. pastor, staff, deacons, church council or leadership teams).
- ☐ Present the policies to the church body for discussion and adoption during a church business session. Provide copies prior to the session.
- ☐ Train leaders, parents, and others who may be responsible for administering the policies.
- ☐ Provide printed copies to all parents/legal guardians of preschoolers and children and provide opportunities for understanding and clarification.
- ☐ Enforce the policies consistently in all ministries, and with all parents and legal guardians.
- ☐ Evaluate the policies routinely for adherence, changing or adjusting them as needed, and taking them back to a church business session for approval.

Common Points to Include in Policies

- ☐ Cover letter from the pastor, staff member, or preschool/children committee about the importance of policies for protecting preschoolers, children, leaders, as well as the church and/or a purpose statement for preschool and children policies
- ☐ Date when policies were adopted by the church
- ☐ General policies
 - Age grading criteria for groupings (e.g. promotion according to NC public school deadline of October 16)
 - Times that children may arrive and be dismissed for regular church programming (e.g. 15 minutes before and after scheduled services/activities)
 - Guidelines for room use and procedures for making child-care requests
 - Pupil/teacher ratios
 - Qualifications of leadership (e.g. age, church membership, etc.)
 - Safety and hygiene procedures
 - Instructions for parental/legal guardian inquiry about their child
 - Instructions for reporting problems or for asking questions
 - Items that may or may not be brought to preschool and children areas
 - Instructions for labeling items brought to church such as diaper bags, extra clothes, etc.
- ☐ Times and descriptions of regular programming/ministries offered
- ☐ Receiving and Dismissal Procedures
 - Security system
 - Instructions about leaving and picking up preschoolers and children
- ☐ Food
 - Instructions concerning allergies
 - Instructions for labeling bottles and other food items
 - Feeding instructions including ages, amounts, and information on snacks that will be served
- ☐ Illness and Medication
 - Information about when a child will and will not be accepted for care, including symptoms of illness
 - Procedures to be followed when a child becomes ill at church
 - Statement about administering medications at church
- ☐ Forms to be used
- ☐ Suggestions for Parents/Legal Guardians



Resources

For updates of this material, contact <http://www.bscnc.org> and look under “Ministries”.

Aronson, Susan

et. al. *Model Child Care Health Policies*. Bryn Mawr, PA: PA Chapter, American Academy of Pediatrics, 1993.

American Academy of Pediatrics

<http://www.aap.org>

Center for Disease Control

<http://www.cdc.gov>

Childcare licensing laws

<http://www.dhhs.state.nc.us/dcd/rultext.pdf>

Children’s Sunday School for a New Century

James Hargrove and David Morrow, Lifeway Press, 1999. (800) 458-2772

Clorox Child Care Center,

<http://www.clorox.com/childcare/>

ETC: A Lasting Impression, Willa Ruth Garlow, LifeWay, 1998. (800) 458-2772

Handbook for Public Playground Safety,

US Consumer Product Safety Commission, <http://www.cpsc.gov/cpscpub/pubs/325.pdf> or (800) 638-2772

James F. Cobble, Jr.

“Screening Children’s Workers: How to protect your church kids from sexual abuse” *Leadership Journal*, Summer 2002

Medical Library

<http://www.medem.com>

Nexus Solutions

(888) 639-8788, <http://www.nexus-solutions.com>, Information and resources for evaluating risks and developing an effective child safety program, including “The Good Shepherd Program.”

NLS Specialties

PO Box 1897, Kennesaw, GA 30144, (404) 422-7867. Commercial security tags and diaper bag tags.

General Statutes and Codes for Child Care Facilities

http://nrc.uchsc.edu/nn/n_carol.htm

Preschool Sunday School for a New Century

Cindy Lumpkin and Thomas Sanders, Lifeway, 1999. (800) 458-2772

Prevent Child Abuse North Carolina

www.preventchildabusenc.org, Information and training on recognizing and reporting child abuse.

Reducing the Risk of Child Sexual Abuse in your Church

Richard Hammar, Steven Klipowicz, and James Cobble, Christian Ministry Resources
PO Box 1098 Matthews, NC 28106
Website is www.ChurchSafety.com
(Risk management resources and background checks)

Risky Business! A legal and policy guide

Campbell University Church-State Resources Center, 1994. \$10. Contains information on hiring and volunteer selection. Order from Lorene Wilson, Baptist State Convention of North Carolina, PO Box 1107, Cary, NC 27512-1107 or lwilson@bscnc.org (800) 395-5102, ext. 414

“Screening Procedures for Preschool Teachers”

http://lifeway.com/staff_p0001.asp

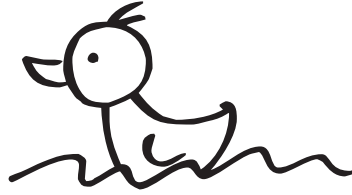
Sexual Predators & Sex Offenders National Online Registry

Provides links to listings of all 50 states. <http://sexualpredators.com>

National Clearinghouse on Child Abuse and Neglect Information

Administration for Children and Families, US Department of Health and Human Services, <http://www.calib.com/nccanch>

Handwashing Procedure



Hand washing is the simplest, most effective way to reduce the risk of spreading disease.

How to wash hands:

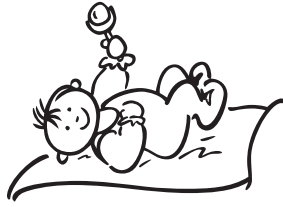
- Turn on warm water. (*Temperature not to exceed 110 degrees Fahrenheit for preschoolers and children*) Wet hands and lather with soap.
- Vigorously rub front and back of hands, wrists, between fingers and under fingernails for at least 20 seconds.
- Rinse thoroughly under warm water.
- Dry hands with a disposable paper towel.
- Use a paper towel to turn off water and put the paper towel in a covered, plastic-lined trashcan.

When to wash hands:

- Upon leaders' arrival in the room
- Before and after handling food
- After coming in contact with bodily fluids
- Before and after sand play, water play, or playing with modeling compounds
- After handling animals
- After going outdoors

Note: Remember to wash hands even if disposable gloves were used in any of these instances.

Diapering Procedure



Diaper all preschoolers using the following procedures in order to reduce the spread of communicable diseases.

- Collect all items needed to change the diaper:
 - a clean diaper
 - a sheet of non-porous paper or disposable cover
 - disposable wipes (*provided by parent*)
 - covered, plastic-lined trashcan
 - disposable gloves that are approved for medical use (*using a new pair for every diaper change*)
 - ointments or creams provided by parent or legal guardian
- Put on disposable gloves.
- Place nonporous paper or a disposable covering on the diapering surface.
- Place the child on the covered changing table or mat. Be sure to keep a hand on the child at all times.
- Unfasten the wet or soiled diaper. Clean the child with disposable wipes, wiping from front to back.
- Roll wipes and soiled diaper in non-porous paper or disposable cover and discard in covered, plastic-lined trash can.
- Apply any ointments or creams per parent/guardian written instructions.
- Remove gloves, stripping them inside out, and disposing them in the trashcan.
- Fasten the clean diaper securely.
- Wipe baby's hands with a disposable wipe, or have preschoolers wash their hands at the sink. Return the preschooler to their crib or playgroup.
- Wash hands using Hand-Washing Procedure.
- Clean and disinfect changing surface. Allow surface to remain wet with bleach solution for 30 seconds before drying with a disposable paper towel.
- Wash hands again.

Baby Information Sheet

Date _____

Personal Information

Child's full name _____

Name you use to address your child _____ Child's date of birth _____

Mailing address _____

Home address (if different from mailing address) _____

Phone number _____ E-mail _____

With whom does the child live? (parents, guardians, other adults)

Name _____ Relationship _____

Name _____ Relationship _____

Name _____ Relationship _____

Name _____ Relationship _____

List of siblings

Name _____ Age _____ Do they live with child? _____

Name _____ Age _____ Do they live with child? _____

Name _____ Age _____ Do they live with child? _____

Name _____ Age _____ Do they live with child? _____

List of pets

Name _____ Type _____

Name _____ Type _____

List preschool or childcare child attends, if applicable _____

Medical Information

List any allergies _____

In case of accidental exposure to allergens, what steps should be taken? _____

List any medical information that your child's teacher should know _____

To reduce the risk of Sudden Infant Death Syndrome (SIDS) the American Academy of Pediatrics recommends placing infants on their backs for sleeping. Please list any conditions that would contraindicate this practice for your child. _____

Feeding And Diapering Information

Breast-fed? _____ Bottle-fed? _____ Pacifier? _____ Comfort item? (specify) _____

Feeding Times

Milk _____ Juice _____ Water _____ Other (specify) _____

Diapering Instructions _____

Security Information

If your security pass should be misplaced, who has permission to pick up your child? _____

Is there anyone that should not pick up your child? _____

Are there any custody arrangements of which the leaders should be aware? _____

In the case of an emergency and a parent/legal guardian cannot be reached, whom should we contact?

Name _____ Phone _____ Relationship _____

Special Instructions Or Information

Preschooler Information Sheet

Date _____

Personal Information

Child's full name _____

Name you use to address your child _____ Child's date of birth _____

Mailing address _____

Home address (if different from mailing address) _____

Phone number _____ E-mail _____

With whom does the child live? (*parents, guardians, other adults*)

Name _____ Relationship _____

Name _____ Relationship _____

Name _____ Relationship _____

Name _____ Relationship _____

List of siblings

Name _____ Age _____ Do they live with child? _____

Name _____ Age _____ Do they live with child? _____

Name _____ Age _____ Do they live with child? _____

Name _____ Age _____ Do they live with child? _____

List of pets

Name _____ Type _____

Name _____ Type _____

List preschool or childcare child attends, if applicable _____

List any special words/phrases the child uses to indicate the need to go to the bathroom _____

Medical Information

List any allergies _____

In case of accidental exposure to allergens, what steps should be taken? _____

List any medical information that your child's teacher should know _____

Security Information

If your security pass should be misplaced, who has permission to pick up your child? _____

Is there anyone that should not pick up your child? _____

Are there any custody arrangements of which the leaders should be aware? _____

In the case of an emergency and a parent/legal guardian cannot be reached, whom should we contact?

Name _____ Phone _____ Relationship _____

Name _____ Phone _____ Relationship _____

Special Instructions Or Information

Child Information Sheet

Date _____

Personal Information

Child's full name _____

Name you use to address your child _____ Child's date of birth _____

Mailing address _____

Home address (if different from mailing address) _____

Phone number _____ E-mail _____

With whom does the child live? (*parents, guardians, other adults*)

Name _____ Relationship _____

Name _____ Relationship _____

Name _____ Relationship _____

Name _____ Relationship _____

List of siblings

Name _____ Age _____ Do they live with child? _____

Name _____ Age _____ Do they live with child? _____

Name _____ Age _____ Do they live with child? _____

Name _____ Age _____ Do they live with child? _____

List of pets

Name _____ Type _____

Name _____ Type _____

School child attends

Name _____ Current grade _____

Medical Information

List any allergies _____

In case of accidental exposure to allergens, what steps should be taken? _____

List any medical information that your child's teacher should know _____

Security Information

Is there anyone that should not pick up your child? _____

Are there any custody arrangements of which the leaders should be aware? _____

In the case of an emergency and a parent/legal guardian cannot be reached, whom should we contact?

Name _____ Phone _____ Relationship _____

Name _____ Phone _____ Relationship _____

Special Instructions Or Information

Class or Activity

[illegible]

Permission for Emergency Medical Care

In the event that I cannot be reached to make arrangements for emergency medical attention, I authorize the leadership of

(Church Name) _____

to take my child to an emergency room, or to the following physician(s) or his/her associates, for medical care.

Name of Primary Care Physician _____ Name of Dentist _____

Address _____ Address _____

City _____ State _____ Zip _____ City _____ State _____ Zip _____

Phone _____ Phone _____

Hospital Preference _____

List any allergies _____

Medications child is currently taking _____

Special instructions _____

**I give consent for any and all treatment deemed necessary by the attending physician.
(Attach a photocopy of your insurance card.)**

(Signature of parent or legal guardian)

(Today's date)

State of _____ County of _____

This instrument was acknowledged before me on (date) _____ by _____

(Notary Seal)

(Signature of Notary Public)

Permission to Administer Medicine

Church name _____

Child's Name _____ Today's Date _____

Name of Medication _____

Is medication (circle one) Prescription Over-the-Counter

Dates to be administered _____

Times to be administered _____

Dosage _____

How is medicine to be administered? _____

Please Note

- Prescribed medicine must be in its original container bearing the pharmacist's label that includes instructions for dosage, the child's name, the name of the prescribing physician or other health professional, and a current date.
- Over-the-counter medicine must be in its original container, accompanied by the original printed instructions, and within expiration limits.
- Medicine will be administered as authorized in writing by the child's parent or legal guardian, not to exceed amounts and frequency of dosage specified on the medicine label.

Parent or Guardian Name (please print) _____

Parent or Guardian Signature _____

For church use.

Type of Medicine _____ Type of Medicine _____

Dosage Given _____ Dosage Given _____

Time Given _____ Time Given _____

Date _____ Date _____

Signature _____ Signature _____

Permission to Administer Medicine

Type of Medicine_____

Dosage Given _____

Time Given_____

Date_____

Signature _____

Type of Medicine _____

Dosage Given_____

Time Given _____

Date _____

Signature_____

Type of Medicine_____

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Type of Medicine_____

Dosage Given _____

Time Given_____

Date_____

Signature _____

Type of Medicine _____

Dosage Given_____

Time Given _____

Date _____

Signature_____

Incident Report Form

General Information

Child's name _____

Supervising Adult(s) _____

Information on Incident

Date _____ Time _____

Parents notified by _____ Date _____ Time _____

Location where incident occurred

☐ Classroom ☐ Bathroom ☐ Playground ☐ Hall ☐ Doorway ☐ Other (specify) _____

Equipment/product involved

☐ Chair ☐ Rocker ☐ Swing ☐ Slide ☐ Door ☐ Hand toy ☐ Climbing equipment ☐ Ride-on toy

☐ Other (specify) _____

Cause of injury

☐ Fall to surface Height of fall _____ Type of impact surface _____

☐ Bitten by child ☐ Fall from running or tripping ☐ Insect/bee sting ☐ Animal bite

☐ Hit or pushed ☐ Motor vehicle ☐ Eating or choking

☐ Injured by an object (specify) _____ ☐ Other (specify) _____

Part of body injured

☐ Eye ☐ Ear ☐ Nose ☐ Throat ☐ Tooth ☐ Neck ☐ Trunk ☐ Arm/wrist/hand ☐ Leg/ankle/foot

☐ Other part of head or face (specify) _____

Type of injury

☐ Cut ☐ Bruise/swelling ☐ Puncture ☐ Scrape ☐ Sprain ☐ Burn ☐ Broken bone/dislocation

☐ Crushing injury ☐ Loss of consciousness ☐ Other (specify) _____

First aid administered _____

Name of person that administered first aid _____

Corrective action taken to prevent reoccurrence _____

Signature of person making report _____ Date _____

Signature of staff member _____ Date _____

Signature of parent _____ Date _____

Field Trip Permission

Leader Copy *(Complete and return to your child's leader.)*

I give my permission for my child *(name)* _____

to attend the field trip to *(location)* _____

on *(date and time)* _____

Allergies _____

Restrictions _____

Emergency Contact Person _____ Phone _____

Other Instructions _____

Parent/Guardian Signature _____

Detach and return the attached copy by *(Date)* _____

----- **Detach here and return** -----

Field Trip Notice

Parent/Guardian Copy *(Keep this copy as your reminder.)*

Child's Name _____

Class or Group _____

Destination _____ Date _____

Time Leaving _____ Time Returning _____

Chaperones _____

Transportation _____

Special Needs _____

Keep this copy as your reminder.



North Carolina Baptists
Caring. Sharing. Daring.

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