

Policy Committee:

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Input from ELCW (Mardell Martin), Tech Committee (David Huff & Rollie Purdy) Wedding (Iris Westphal)

Purpose:

- review policies suggested at the LCMC convention in October, 2017.
- Review sample policies of other congregations
- Make recommendations to ELC Council

Policies discussed and recommended to and approved by Council:

1. Responsible Behavior
2. Volunteer Conflict Management
3. Document Retention
4. Disposition of Furniture and Equipment
5. Financial Review
6. Child Safety (ELC existing policy)
7. Building Use
8. Food Safety
9. Use of Church Property
10. Church Closing for Bad Weather

Still in review:

- Facebook
- Network Safety
- Weddings

POLICY REGARDING RESPONSIBLE BEHAVIOR

While openness to a wide variety of individuals is one of the prime values held by our congregation and expressed in our denomination's purposes and principles, we affirm the belief that our congregation must maintain a secure atmosphere where such openness can exist. When any person's physical and/or emotional well-being or freedom to safely express his or her beliefs or opinions is threatened, the source of this threat must be addressed firmly and promptly, even if this ultimately requires the expulsion of the offending person or persons.

There may be times when disruptive behavior of an individual within the church building has led members to voice their concerns about one or more of the following:

1. Perceived threats to the safety of any adult or child;
2. The disruption of church activities;
3. Diminished appeal of the church to its potential and existing membership.

The following shall be the policy of **Emmanuel Lutheran Church, Fontanelle, IA** in dealing with these issues:

1. If an immediate response is required, this will be undertaken by the Minister(s), if available, and/or the leader of the group involved. This may include asking the offending person or persons to leave, or suspending the meeting or activity until such a time as it can safely be resumed. If further assistance is required the Police Department may be called. The person initiating such action shall document the events in writing. Anytime any of these actions are undertaken without the Minister being present, the Minister must be notified. A follow-up letter detailing what steps must be taken before returning to the activities involved will be sent by the Minister to the offending party or parties.
 - a. The minister may/should forward the situation to be dealt with by the council.
2. Situations not requiring *an immediate* response will be referred to the Council President. The council will respond in terms of their own judgment observing the following:
 - a. The council will respond to problems as they arise. There will be no attempt to define "acceptable" behavior in advance.
 - b. Persons identified as disruptive will be dealt with as individuals; stereotypes will be avoided.
 - c. The council will collect all necessary information.
 - d. To aid in evaluating the problem, the following points will be considered:
 - 1.) DANGEROUSNESS – Is the individual the source of a threat or perceived threat to persons or property?

(OVER)

- 2.) DISRUPTIVENESS – How much interference with church functions is going on?
 - 3.) OFFENSIVENESS – How likely is it that prospective or existing members will be driven away?
- e. To determine the necessary response, the following points will be considered:
- 1.) CAUSES – Why is the disruption occurring? Is it a conflict between the individual and others in the church? Is it due to a professionally diagnosed condition of mental illness?
 - 2.) HISTORY – What is the frequency and degree of disruption caused in the past?
 - 3.) PROBABILITY OF CHANGE – How likely is it that the problem behavior will diminish in the future?
- f. The council will decide on the necessary response on a case by case basis. However, the following three levels of response are recommended:
- 1.) LEVEL ONE – The council shall inform the Minister(s) of the problem and the Minister(s) AND a member of the council shall meet with the offending individual to communicate the concerns.
 - 2.) LEVEL TWO – The offending individual is excluded from the church and/or specific church activities for a limited period of time, with reasons and conditions of return made clear.
 - 3.) LEVEL THREE – The offending individual is permanently excluded from the church premises and all church activities. Before this is carried out, the council will consult with the Minister(s). If it is decided that expulsion will take place, a letter will be sent by the Council President explaining the expulsion and the individual's rights and possible recourse.
- g. Any action taken under item f. (above) may be appealed to the Council.

Emmanuel Lutheran strives to be an inclusive community, affirming our differences in beliefs, opinions, and life experiences. However, concern for the safety and well-being of the congregation as a whole must be given priority over the privileges and inclusion of the individual. To the degree the disruptive behavior compromises the health of this congregation, our actions as people of faith must reflect this emphasis on security.

Volunteer Conflict Management

Our Vision:

Emmanuel Lutheran Church will be a place filled with the Holy Spirit where people are coming in to be sent out: Focused on changing hearts and changing lives for a better world.

Mission:

- **Coming in** to be inspired and reconnected with God's Word and God's people.
- **Coming in** to be empowered to serve.
- **Sent out** to share the message of the cross.
- **Sent out** to be God's disciples in His global kingdom.
- **Sent out** for missions.
- **Sent out** to bring God's love and healing to people in need.

Purpose Statement

It is the intent of Emmanuel Lutheran Church to be a place in which members of our church community may live and learn in this faith. Volunteers serve our community in a variety of ways and their commitment to our ministry is valued and appreciated.

Conflict

When a conflict arises between multiple volunteers, or between a volunteer and those he/she serves in a ministry area, the church will strive to handle the conflict in a manner that cares about the well-being of all parties involved.

Volunteer Management

Depending on the nature of the conflict, any one of the following actions may be taken:

- The infraction will be brought to the volunteer's attention by the Ministry Team Leader who oversees that area. Together they will create a plan to remedy the situation.
- If constant issues arise, the volunteer and Ministry Team Leader will work together to find a new ministry area that fits the volunteer's passion and skill set where the potential of similar repeat infractions would not exist.
- If the infraction results in a significant level of anxiety or upset within the ministry area, the Ministry Team Leader and Pastor/Council President may immediately remove the volunteer from that ministry area for at least one (1) year. This decision will be made based upon a number of factors including but not limited to: scope, potential impact on participants, actual actions, perceived actions, etc.
- If the Ministry Team Leader needs assistance, they should contact the church council President to bring before the Council
- Anyone dealing with the situation should have some training in conflict management.

If it is the volunteer's desire to re-enter this ministry area in the future, the Pastor, Ministry Team Leader, Council President, and volunteer may re-evaluate and create a re-entry plan if appropriate.

Dec. 2017



Managing Boundaries as a Leader in the Church.

Leaders ultimately bear the responsibility of establishing a safe environment free from harassment. Consistently upholding a standard of a harassment-free environment will keep the environment safe.

Know Your Boundaries to keep it safe! Maintain a Harassment-Free Environment.

Suggested tips for Keeping Safe

- Do not meet alone in any 1:1 setting
 - Encourage 3rd person presence (especially with opposite sex/gender)
 - Or have 3rd person presence near (in close proximity of) meeting space
- Be Visible - Meet in confidential space but with glass doors and/or windows for visibility
- Keep the door physically open when possible

Clear, effective and well-communicated anti-harassment policy is the foundation for an effective prevention and remediation program, as well as the basis for a successful defense of a charge of unlawful harassment.

Effective policy implementation is directly linked to harassment prevention training.

- Build Awareness for unwelcome and unwanted behavior.
- Raise and uphold your standards and values.

Effectively communicating the policy and complaint procedures is essential to ensure effectiveness and to minimize the risk of liability should harassment occur. Understand the policy, its prohibitions, the complaint procedure, the consequences of violating the policy, and the leadership response to prevent and correct misconduct and/or unlawful behavior. Develop a culture of Zero Tolerance for any type of harassment. Maintain a Harassment-Free Environment for the safety of all.

EEOC's Definition of Harassment (U.S. Equal Employment Opportunity Commission)

“Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA).

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information. Harassment becomes unlawful where

- 1) enduring the offensive conduct becomes a condition of continued employment, or
- 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the

Responding to a potential violation of a harassment requires immediate response using listening and discernment skill while speaking the truth in love with compassion, empathy and sensitivity. As leaders, you must deal expeditiously and fairly with allegations of sexual harassment whether or not there has been a written or formal complaint.

- I. RESPOND IMMEDIATELY: If there is an allegation of a behavior violation, then immediately respond with sensitivity, to manage the risk, using prayerful discernment and appropriate confidentiality. Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved. Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints. Immediately contain the situation by preventing any further interaction with named individual(s) which may include the suspension of employment responsibilities or obligations; suspend for everyone's protection to get the facts through proper investigation.
- II. INVESTIGATE promptly: Uphold the investigatory process (see guidelines/checklist). Fact find by listening to the stories shared, being mindful of any bias(es). Don't make judgement or assume stories to be true or false, simply gather data in the form of observable information and facts.
- III. COMMUNICATION PLAN: Develop an intentional plan identifying those individuals or groups of individuals who have a "need to know" while maintaining confidentiality. (Less is better at this point. Identify "Who" needs to know "What" by "When"). Be intentional. Explain the Process, Trust the Process, maintain confidentiality and preserve human dignity by managing with great sensitivity (Be mindful of Grace, Mercy, Sensitivity, Forgiveness, Restoration & Reconciliation that may need to occur). Identify:
 - Parties involved
 - Those interviewed
 - Church leadership (Executive Committee as subset of Church Council)
 - Church Council
 - Congregation (ask for support and healthy behaviors)
 - Manage the Media (if applicable*)
 - ⇒ Keep personnel issues out of the media
 - ⇒ *Identify available resources for the above

TIPS when confronting the leader about allegations and resulting investigation: Conversation Outline (Using Facts discovered during Investigation):

- DESIRED/EXPECTED: Describe Behavioral standards expected of a Leader
- ACTUAL Behavior(s) that violated this standard
- GAP – describe with Facts
- IMPACT/CONSEQUENCES – discuss the serious implications and resulting action/discipline
- Ask for COMMITMENT to Support and move to Restoration/Forgiveness/Reconciliation

ABC's – “Always Be Careful” to Properly Investigate

(Guidelines for a fair, just and thorough allegation investigation)

(Adapted from Society of Human Resource Management - Form Resources August, 2014)

Investigate Promptly: Keep in mind that the obligation to investigate arises whenever you learn about a claim of wrongdoing. This includes formal and informal complaints. You should almost always investigate an allegation of misconduct. Exceptions might be when the allegation are very minor (such as a harmless joke not targeted at a specific individual or when the accused immediately admits to the misconduct, taking immediate disciplinary action.)

Maintain Confidentiality – take reasonable steps to maintain confidentiality. Only disclose information to people on a “need to know” basis.

- ⇒ Conduct a thorough interview of the accuser or initial witness(es) asking WHO, WHAT, WHEN, WHERE, HOW and WHY. Reiterate the need for individual cooperation in maintaining discretion. Ensure that no one experiences retaliation. Listen carefully. Take confidential notes; review notes and Ask if there is anything else.
- ⇒ Safety first. Make sure no one is in harm's way. Stabilize the environment. The more severe the claim or emotions, the greater care may be needed to separate and keep safe from further threats, retaliation or harassment so prompt investigation can proceed.
- ⇒ Case-by-Case determine if non-disciplinary suspension or leave is appropriate. Allow a voluntary process if possible for the accuser during the investigation. Restate and Reinforce the Congregation's position regarding no retaliation.
- ⇒ Assess what additional help you may need. Consult with legal counsel in all allegations of discrimination, harassment and/or violence.
- ⇒ Define whom you need to speak with and what questions need to be asked. Determine when written statements are needed. Collect relevant documents (see example templates).
- ⇒ Interview the accused and potentially involved person(s) with an intent to find out the facts of what happened. Ask for information/observations that clears and defends the accused. Provide detailed allegations to the accused
- ⇒ Assess when the accuser/witness should be asked to put their claim(s) in writing and if signed statements are needed.
- ⇒ Remain neutral. Stay objective. Be mindful of any self-bias. Determine if you need to attempt to protect the identity of the accuser.
- ⇒ As any new information surfaces, re-interview (or conduct additional interviews) based on the new information/issues. Present any new allegations to the accused.
- ⇒ Assuming all documents may be seen by a jury, keep fact-based notes of interviews, responses, dates/times, efforts, results, actions and refusals. Suspend judgement. Avoid speculation or conclusions. Document only what you were told and what you saw.
- ⇒ If guided by an attorney, get issues into an “Attorney/Client Privilege” to protect before a report is prepared/summarized.
- ⇒ Decide on the necessary action(s) to take. Don't debate with the individuals. Close the investigation with those who need to know. Develop an appropriate and intentional communication plan as necessary.
- ⇒ Determine what information to provide to the Congregational Leadership/Council Executive Committee/Council throughout the process.
- ⇒ Follow up on the effectiveness of any corrective action. Be alert to possible retaliation claims and follow up on them.

⇒ If you find there is no probable cause, you may consider advising the accused that if a similar issue is raised again, the current incident will be taken into consideration during any new investigation.

*Make sure you have reviewed and covered each of the above items.

SAMPLE INTERVIEW (Questions)

OUTLINE:

Date of Alleged Incident:

Where did the specific event occur?

Please explain the events that occurred? (What did you see, hear, experience etc...)

Were there any witnesses to this specific event? (If yes, please provide their names)

How did you feel?

Is there anything else we need to know?

What would be your desired outcome as result of an investigation?

Name of the Person conducting the interview & Date:

SAMPLE Documentation as an Expected Outcome of Complainant/Accuser (requested resolve):

Although my signature on this document does not constitute an admission of guilt, I do acknowledge that the complainant perceived my action(s) as being offensive. My signature on this form is my agreement that I will cease-and-desist the actions that are perceived as being offensive.

NAME/Signature of Respondent

Date

I am satisfied my complaint has been acknowledged and that actions taken by the respondent are satisfactory to me.

NAME/Signature of Complainant/Accuser

Date

Name/Signature/Title the Interviewer/Supervisor

Date

INVESTIGATION: SAMPLE

Follow-Up Letter to Complainant

[Date]

Dear [NAME]:

This letter summarizes the results of [Congregational Name]'s investigation into your allegations that [Accused Name(s)] acted inappropriately and/or violated Congregational policy by [describe/summarize the nature of the complaint here].

As we discussed, [Congregational Name] takes such allegations very seriously and will not tolerate inappropriate behavior in the Church. Individuals are encouraged to bring such matters to our attention at any time, without fear of any adverse action being taken against them for doing so.

As you know, [Accused Name(s)] [has/have] been on suspended leave since [date] to allow us to investigate your complaint. In my capacity as representative of [Congregational Name] I have interviewed all the named individuals involved, including you and [the alleged/accused], and our investigation is now complete. Though we could not confirm all allegations, it does appear that inappropriate behavior and violations of Congregational standards[policy] took place. *A copy of that policy is attached to this letter (if applicable).*

Although privacy considerations limit our ability to share confidential information with you about others, I can tell you that the appropriate action has been taken to ensure that such conduct does not repeat itself. Should you experience any further problems, please feel free to let me know [or speak with another trusted member of the Congregational Council]. Any future misconduct, including any retaliation, will be dealt with promptly and severely as such circumstances dictate.

Please do not hesitate to ask questions of speak up about matters that concern you. If you feel any form of retaliation occurs, report it immediately so it can be addressed quickly.

Thank you again for bringing this matter to our

attention. Sincerely,

[name, title, contact

information] C: File

Emmanuel Lutheran Church Operating

Policies – Document Retention

This policy provides guidelines for the retention of documents relating to the operation of the church. Many of these documents will be physically stored in the church archives room although they are not considered part of the archives. The church “archives” will maintain their own guidelines for other church documents of historical significance.

The following documents should be kept for a minimum of three years:

- Duplicate bank deposit slips
- Employment applications and interview materials of those not hired
- Petty cash vouchers
- Pledge records

These documents should be kept five years:

- Authorization to perform background checks and the results obtained

These documents should be kept a minimum of seven years:

- Accounts payable ledgers
- Bank reconciliations and bank statements
- Cancelled checks
- Monthly financial statements
- Loan payments and schedules
- Payroll registers
- Personnel records after termination
- Time sheets
- Vendor invoices
- Vouchers of payments to employees for reimbursements, allowances, etc. (filed with vendor invoices)

These documents will be kept permanently:

- Annual Financial Statements
- General Ledger (called Account Analysis in Power Church) by fiscal year
- Depreciation schedules
- Articles of Incorporation and by-laws
- Audit reports
- Board meeting minutes
- Contracts and Leases in effect
- Expired contracts and leases
- Insurance Policies, including expired policies
- Payroll tax returns, including Form 941, 1099, W-2, W-3, and state withholding returns
- Real property documents including closing statements, appraisals, deeds, mortgages, special assessment and property tax records and related cancelled checks
- Real estate records for as long as property is owned plus three years after disposition
- Securities owned, detailed records of purchases, sales, dividends and investment expenses

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The Council has established the following guidelines for retention of information for archives purposes:

- Annual Reports (the minutes of the Annual meeting of the church congregation)
- Information about “special” financial operations of groups within the church, such as:
 - a) Capital fund drives
 - b) Endowment Fund
 - c) Bequests and gifts to the church or some of its sub-sets, such as:
 - Memorial garden
 - Items for kitchen
 - Contribution of funds for special needs of the building and grounds
 - On-going church involvement in community-wide projects
 - d) “Isolated” one of a kind financial events, such as:
 - Sale of church lands or building
 - Purchase of new church lands or buildings

Each year, records should be purged and disposed of properly, according to these guidelines. The church council will appoint persons to accomplish this guideline.

December 2017

Emmanuel Lutheran Church

Operating Policies – Disposition of Furniture and Equipment

The church will dispose of furniture and equipment that is no longer functional or useful in a manner that serves the best interests of the church community keeping in mind the desire of the church to use “green processes” when available.

When an item of furniture or equipment is determined to be no longer functional or useful, the Council will be notified so a determination of method of disposition can be made.

When the Council determines an item of furniture or equipment no longer has value or usefulness to the church, it will be disposed of in one of the following ways:

1. Furniture of minor value and old computer equipment may be offered to church members via the weekly bulletin and/or monthly newsletter at an agreed price or for haul away. Any remaining items may be donated to a non-profit, charitable organization and/or recycled through the best available alternative available.
2. Items not covered by the above will be sold through sealed bids, auction or publicly advertised sale with any proceeds from such sale being deposited to the operating fund of the church.
3. Trade-in allowances on any item of equipment being replaced or upgraded may be accepted.
4. Items that are broken, and beyond repair, or parts are no longer available may be recycled or disposed the best alternative.
5. Items that are no longer of value to the congregation may be also disposed of in a similar manner.