
■ LEGAL UPDATE ■

Sexual Misconduct/ Child Abuse

A Preventative Approach

By Ruth E. Parish

Sexual misconduct generally creates an aura of shame and discomfort for everyone involved. No one wants to believe that an employee or volunteer would be guilty of such a thing.

The following material has been

developed in order to minimize allegations of sexual abuse by individuals who work with young people either as employees or volunteers. The areas addressed below have been selected because they are the source of greatest risk.

Obviously some of the recommendations will not apply to all groups involved with young people, so employers must apply the guidelines with care. Church and school administrators who do not have policies relating to sexual misconduct and child

LEGAL UPDATE

abuse should develop and implement them as quickly as possible. Since each state and province has its own laws governing sexual misconduct and child abuse, organizations should contact an attorney knowledgeable about local laws to advise them and to help clarify these issues.

All individuals applying for a job, regardless of whether or not it is a paid position, should be required to complete a formal employee or volunteer application/data form. The form should contain the following basic questions:

- Name
- Social Security number
- Address (current and past)
- Current/previous work experience
- Convictions for any crime, excluding minor traffic violations
- Pending criminal charges
- Legal right to work in the country (not required of volunteers)
- A signed statement by the applicant that all information contained in the form is true and accurate.

References should be required and checked thoroughly.

Job Descriptions should accompany every position.

Fingerprinting is required in some areas for persons who work with children. Check local statutes.

Interview the applicant thoroughly after background information has been obtained and processed.

Keep accurate and up-to-date records on each employee/volunteer. Records should be kept in a secure location by the head administrator, personnel officer, or official designee. Contents of the files should be held in strictest confidence.

Each organization within which adults and children interact, whether a school, day-care center, camp, or Pathfinder group, should establish a system where one or more *confidential counselors* are available to children for immediate assistance on any issue at any time.

Awareness programs should be established for both children and adults. Employees and volunteers should be made aware of their vulnerability to accusations of sexual misconduct.¹ However, while exercising caution, teachers and youth leaders should continue to offer strong, loving, Christian assistance to young people under their care.

Benefits and Risks of Touch

When done appropriately, physical touch can be very therapeutic. It offers the following benefits:

- It makes us feel better about ourselves and our surroundings;
- It positively affects children's language development and IQ;
- It causes measurable physiological changes in the toucher and in the touched.

Touch can often communicate in a way that words cannot. When a youngster is hurt, we can use words only ("It's OK; I understand"), or we can combine touch with empathy and give the child a hug. Oftentimes such supportive touching is just the right "medicine" to heal a physical or emotional hurt.

Avoiding Misunderstandings

However, because we live in an imperfect world we must be aware of dangers that may never have occurred to us before. A simple hug, given in an inappropriate way—even with the best of intentions—may place a teacher or youth leader in a most embarrassing situation.

Every employee must understand that touch must be nonsexual, and hugs compassionate, not passionate. If the touch is misunderstood by either the young person or others a simple action may turn into an ugly situation.

General Conference Risk Management Services recommends that church employees become more aware of situations that are likely to be misunderstood. While people dealing with children should continue to touch and hug, they need to exercise judgment and learn appropriate ways for communicating sympathy, empathy, love, concern, and understanding through nonsexual physical contact.

Home and School groups should discuss with trained professionals the kind of behavior expected of both youth and educators. By working together, parents and teachers will learn mutual cooperation and respect. One cannot overestimate the benefits from a strong, supporting parent-teacher relationship. With such a working climate, if a misunderstanding occurs, chances are that it can be successfully resolved.

Administrators should frequently observe the activities of those in charge of youth activities, and should

develop written standards outlining acceptable conduct between employees/volunteers and young people. These guidelines should be discussed and distributed to all persons concerned.

While the above measures should help prevent potential problems, there may come a time when someone lodges a complaint. At this point it is imperative that all employees, volunteers, and administrators recognize the seriousness of such an allegation. The following guidelines should be used in handling a complaint:

1. Once an allegation of abuse has come to the attention of administration, it should be reported immediately to the appropriate government agency. Every effort should be made to cooperate with any investigation by the agency. Administrators must not allow their handling of the case to suggest that they are trying to effect a cover-up or to minimize the seriousness of the allegation.

It may be advisable to neutralize the situation by suspending the accused adult(s) while a confidential investigation is taking place. Legal counsel should be sought before deciding whether suspension is necessary.

2. If the complaint is found to be groundless, the charges should be kept confidential and the material removed from the employee or volunteer's file. If investigation is inconclusive, an attorney should be consulted to determine what action is appropriate.

3. If the employee/volunteer is found to be at fault, the attorney should be consulted in order to proceed with appropriate disciplinary and/or dismissal procedures. At this point, if they have not already done so, administrators should notify Risk Management Services or other insurance carrier of the incident. □

Ruth E. Parish is Director of Personnel for the General Conference Risk Management Services Service, Silver Spring, Maryland.

REFERENCES

¹ Risk Management Services Guidelines—Sexual Misconduct (General Conference of SDA, September 1987).

² Kathleen Keating, *The Hug Therapy Book* (Minneapolis, Minn.: CompCare Publishers, 1983).

³ Risk Management Services Guidelines—Sexual Misconduct.