

BALTIMORE PRESBYTERY SAMPLE
CONGREGATIONAL SEXUAL MISCONDUCT PREVENTION POLICY

CHURCH NAME

Sexual Misconduct Prevention Policy and Procedures

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Context for this Policy

Sexual misconduct of any kind is a violation of scriptural teachings and of faithful relationships. It is never permissible nor acceptable. It is the policy of this church, as it is of the Presbytery of Baltimore and the denomination that all church members, church officers, non-member employees and volunteers maintain at all times the integrity of congregational, ministerial, and professional relationships.

Scope of this Policy

In this policy we will address sexual misconduct by church professionals, officers, members, non-member employees, and volunteers consistent with the Presbytery's Policy. (All roles hereafter referred to as "leaders.")

Teaching elders, commissioned ruling elders and certified Christian educators are bound by the *Presbytery of Baltimore Sexual Misconduct Policy and Its Procedures* (found at <http://www.baltimorepresbytery.org/index.php/presbytery-administration/sexual-misconduct-response-team>.)

Definitions¹

SEXUAL MISCONDUCT includes sexual abuse, sexual harassment and viewing, storing or transmitting pornographic material for any purpose on church property and/or with church-owned devices such as, but not limited to, computers or cell phones.

SEXUAL ABUSE happens when someone in a leadership role engages in sexual contact or sexualized behavior with a person in a subordinate role. Trust is betrayed; boundaries are violated; body and soul are broken. Victims of abuse often feel abandoned by God. Such abuse is contrary to the teachings of the Gospel.

¹ This policy makes use of the definitions and guidelines of the FaithTrust Institute, whose long experience with clergy sexual abuse prevention has become authoritative. We recommend this organization as a resource (www.faithtrust.org). At the same time, the Presbytery of Baltimore reserves the right to interpret and apply all definitions contained in this policy statement.

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Sexual abuse can include physical contact from the person in the leadership role, such as (but not limited to):

- Sexual touch and repeated ‘accidental’ touch of sexual areas of the body
- Tickling and playful aggression that seem uncomfortable to [the recipient]
- A prolonged hug when a brief hug is customary behavior
- Kissing on the lips when a kiss on the cheek would be appropriate
- Pressing up against the body when hugging
- An inappropriate gift
- Sexual intercourse

Sexual abuse can also include verbal behavior, in person or by technological means, initiated by a person in a leadership role when such behavior sexualizes a relationship, such as (but not limited to):

- Innuendo or sexual talk
- Suggestive comments
- Tales of one’s exploits or experiences
- Questions about the intimate details of another’s relationships
- Looking for sympathy about his or her partner’s sexual inadequacies

SEXUAL ABUSE OF A MINOR consists of any sexual contact between an adult and an individual under the age of eighteen or one who allegedly lacks the mental capacity to consent, including accessing, promoting, or pandering of child pornography on church property and/or with church-owned devices such as computers or cell phones.

SEXUAL HARASSMENT includes, but is not limited to, behaviors such as any or all of the following: sexual advances, requests for sexual favors, other verbal or physical contact of a sexual nature, the establishment of an intimidating/hostile work environment, threats of retribution and requests/demands for secrecy that requires persons to consent as a condition of their assigned role or employment.

MANDATED REPORTER is described by the law of Maryland as a person who is required to report any and all suspected incidents of child abuse, including child sexual abuse, that come to their attention. The PCUSA defines Mandated Reporters as including Teaching Elders, Ruling Elders and Deacons.

MEANINGFUL CONSENT can only occur when two people are relatively equal in power and when fear, coercion or manipulation is completely absent from their relationship.

Preventing Sexual Misconduct

Preventing sexual misconduct is the primary concern of this policy. There are three major components of prevention:

1. Pre-screening checks of both ordained and non-ordained employees and of volunteers.
2. Removing opportunities for sexual misconduct.
3. Educating the staff and congregation.

Pre-screening

It is important to conduct background checks for all ministers and employees. We may also require checks on volunteers who work with children and youth.

(See Appendix 1 for procedures suggested by Baltimore Presbytery's insurance provider.)

Ordained Staff

The Presbytery requires a background check for all ordained staff coming into the Presbytery. The Presbytery has a contract with a service that checks for criminal convictions in the states and counties in which the person has resided for the past seven years. The presbytery and the church share the cost for this check equally. The church may also want to check for motor vehicle convictions or financial stability.

Non-ordained Staff

Pre-screening non-ordained staff is the responsibility of the *(insert appropriate congregational committee name here)*. We require confirmation of identity through the use of a government issued document which includes a photograph, such as a driver's license or passport, in those cases in which the applicant is unknown to the church.

If the staff position includes working with children or youth or involves counseling, the church shall implement additional protections, including a self-disclosure form containing questions about any past sexual misconduct or criminal law violations, verification of references, and a criminal background check (which will require personal information and a release). All documentation will be retained in a personnel file. If the person will be driving for the church, the background check shall also include a check for motor vehicle convictions. *Non-ordained staff will be required to fill out the self-disclosure questionnaire every two years.*

Volunteers

Pre-screening volunteers who work with children and youth is the responsibility of the *(insert appropriate congregational committee name here)*. Volunteers are required to fill out a volunteer application and to sign the acknowledgement form. *Volunteers are required to re-apply every two years.* These forms will be kept in an appropriate file in the church office.

Disqualification

The following offenses disqualify a person from care, supervision, control, or oversight of minors:

1. Any offense against minors as defined by state law.
2. A misdemeanor or felony offense as defined by state law that is classified as

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sexual assault, indecency with a minor or adult, assault of a minor or adult, injury to a minor or adult, abandoning or endangering a minor, sexual performance with a minor or adult, possession or promotion of child pornography, enticement of a minor, bigamy, incest, drug-related offenses, or family violence.

3. A prior criminal history of an offense against minors.

No person who has been convicted of the offenses outlined above or who has been on a probated sentence or received deferred adjudication for any offense outlined above, or has presently pending any criminal charges for any offense outlined above until a determination of guilt or innocence has been made, including any person who is presently on deferred adjudication, may be entrusted with the care and supervision of minors or may directly oversee and/or exert control or oversight over minors.

Removing Opportunities for Misconduct

(See Appendix 2 for suggested supervision procedures and volunteer/staff behavioral guidelines offered by Baltimore Presbytery's insurance provider.)

Volunteers – The Six-Month Rule

One way of preventing sexual misconduct is to discourage abusers who intentionally seek out churches. Traditionally churches are short-staffed and trusting, which means that they take all comers without asking too many questions or knowing the people to whom they entrust children and youth. As a general rule, no person shall be allowed to work with children or youth or to serve in a counseling role unless he or she has been a member of the church for at least the prior six months. Persons who do not meet this requirement will be paired with a person who has been a member of the church for at least the prior six months.

The Two-Person Rule

Another way of preventing sexual misconduct is to remove opportunities. Reducing the time a leader is left alone with potential victims can do this. Having an unrelated person present can provide this protection and can provide an unbiased witness to corroborate an accused person's story. Having a "core" volunteer or a permanent employee in high-risk areas, such as the nursery and Sunday School would still permit husband-wife teams to volunteer and participate. During functions for children or youth, supervision should be provided to the greatest extent practicable by a *minimum of two unrelated adults* at all times.

Matching Children with Adults

Finally, there should be some method of matching children and youth with the adults who pick them up. Prior to releasing a child or youth, workers must verify the identity of the person claiming the child or youth. The church will provide the materials, but the responsibility for placing any identity tags on children or youth belongs to the parents.

Social Media

Leaders should expect that any use of social media (including but not limited to Facebook, Twitter and texting, for example) will be open to the public and therefore should think carefully about how their use of these media might impact the reputation of their church and ministry. Inappropriate use of social media may result in consequences as determined by the Session.

Youth leaders especially, but not exclusively, will be aware of the age limit rules for each type of social media used (for example, Facebook requires that users be 14 years old or older), and will abide by those rules in their social media contacts. Social media conversation with those between the ages of 14 and 18 will only be as part of public communication with more than one recipient.

Educating the Staff and the Congregation

To be effective, both in terms of preventing sexual misconduct and reducing the church's liability exposure should it occur, this Policy and the Presbytery Policy must be publicized to the congregation and especially to the leaders. In this way, the church will be on record as opposing sexual misconduct and as implementing certain preventive measures. Because anyone in the church can be involved in church activities the entire congregation must be familiar with these policies. Dissemination and education also will enable the congregation to report alleged incidents in the proper channels. All leaders are encouraged to attend the *Healthy Boundaries Workshop* offered by the presbytery's Sexual Misconduct Response Team with registration paid for by the church.

Worker Training

Each staff member and volunteer will be given the Sexual Misconduct Policy and Procedures in writing and will be strongly encouraged to take the Presbytery's *Healthy Boundaries Workshop* with registration paid for by the church.

Procedure for Registering a Complaint or Reporting an Incident

Accusations against a church member or non-ordained staff employee are handled within the church's administrative structure. (*Insert appropriate congregational procedures: who should receive an initial complaint, who will investigate and determine an outcome, what is the appeals process*).

Accusations against teaching elders, commissioned ruling elders or certified Christian educators follow the Presbytery's Policy and are reported to the Stated Clerk. (Please refer to the Baltimore Presbytery website:

<http://www.baltimorepresbytery.org/index.php/presbytery-administration/sexual-misconduct-response-team>.) All procedures are concurrent with mandated reporting.

Policy Established by Session on (insert date of vote) to be reviewed and updated at least every three years.

2.0 Selection of Church Workers

2.1 Worker Screening

Prior to employment all paid workers and volunteers working with youth will complete an employment application, and screening form. Each person will undergo a personal interview and have a list of a minimum of three references verified.

2.2 Background Checks

The church will require a criminal background records from the Maryland State Police, child abuse history clearance, and, for those coming from outside the state, an FBI clearance form. Background checks shall include five years of history. If the individual has had one employer for over five years, then inquiries will be made of the two most recent employers. Written records documenting compliance with these Policies shall be made and retained indefinitely.

All clergy, all lay persons, and all volunteers who regularly supervise youth activities, including unpaid Sunday School teachers, shall be furnished with a copy of these Policies and shall complete and sign a certificate evidencing the receipt of these Policies. (*See Appendix 3.*)

The church seeks to maintain a safe, secure and loving place where care givers, teachers and leaders, both paid and volunteer, minister appropriately to the needs of all persons. Among other efforts to preserve and maintain such an environment, it is appropriate that careful personnel screening procedures be conducted with respect to all clergy, all church employees, and volunteers who regularly supervise youth activities. It is important to note that background checks are conducted not because the church presumes any person to be unsuitable to engage in ministry; we conduct background checks to carry out our obligation to make affirmative efforts to maintain a safe environment within the church.

2.3 Application Process

There are certain routine aspects of any diligent personnel screening procedures, including the consistent use of applications prior to a person's engagement in ministry within the church, consideration of the information contained in the completed application. Careful and thoughtful inquiries of former employers and other persons, and such related follow up inquiries as may be suggested on the basis of information acquired through this process is essential. The church must demonstrate that it has taken all reasonable action to assure that ministry is conducted by appropriate persons. Complete records must be made of all activities constituting background checks and such records should be maintained indefinitely.

Normally, the first step in screening of personnel is obtaining a completed, signed application form. A sample of such a form is included in *Appendix 4* to this policy. A form such as this assures that all necessary information is obtained efficiently in written form. It is desirable to have a completed form prior to the personal interview, so that any incomplete or questionable responses can be explored at that time.

2.4 Personal Interview

The personal interview provides an opportunity to explore any respects in which information in an application is incomplete or to pursue any responses that raise issues of any kind. Written notes should be made evidencing questions asked and responses provided in the course of the interview.

2.5 Reference Follow-up

Following the personal interview and receipt of a completed application, contact should be made of all church's having past or present authority over the individual. This should include all schools attended by the individual during the past five years and all employers of the individual during the past five years.

If the individual has had only employer for over five years, inquiries must be made of the two most recent employers. In addition, contact should be made with two personal references. Reference checks may be made in writing through the use of a standard form, or through personal telephone contact with the persons in question.

2.6 Recording Requirements

Where contacts are made in person or by telephone a detailed written record, indicating questions asked and responses given, should be made with respect to each reference inquiry. A routine inquiry of public records also must be carried out with respect to all persons covered by mandatory personnel screening requirements.

The procedures described above constitute basic information gathering. It is vitally important that all information gathered be evaluated with care to ensure that the information is complete. Equally important, the information should be evaluated carefully to determine whether the responses suggest that further inquiry is warranted.

2.6 Confidentiality

Information collected during this process should be treated in strict confidence and maintained securely to protect the privacy of the applicant and persons furnishing background information or references. Records evidencing background investigations should be maintained indefinitely.

3.0 Supervision of Church Workers

Churches can use reasonable care in selecting workers, but still be liable for injuries on the basis of negligent supervision. Negligent supervision refers to a failure to exercise reasonable care in the supervision of church workers and church activities. This section deals with how we can reduce the risk of negligent supervision.

3.1 Two Adult Rule

Two adult supervisors should be present during any church activity. Preferably one of these adults would be a parent of one of the participating children or youth, or at a minimum someone over 21 years of age. This will reduce the risk of sexual molestation, and also reduce the risk of false accusations of molestation.

3.2 Obtain Parental Permission

If there is a legitimate reason to be alone with a child, the church staff or volunteer workers should obtain the consent of the child's parent or guardian before going out alone with that child, or spending time with the child in an unsupervised situation. Workers should also notify an appropriate church leader of such meetings in advance. Children should also have parental permission for involvement in church sponsored programs or activities.

At times when one-on-one interactions with youth cannot be avoided, another adult is to be present or at least aware of the place of consultation and who is being counseled. Every attempt will be made for the counseling to take place in a public place such as a corner away from but in clear view of others. Seclusion is to be avoided.

All youth must have parental/ guardian permission to attend any event. All adult advisors are to refrain from giving personal gifts or money privately to youth without first consulting the parents or the Youth Subcommittee. No youth event is to function with a closed-door policy. Clergy, parents, church staff members, parishioners all have a right to observe any youth activity at any time.

3.3 Investigate Suspicious Behavior

Any inappropriate conduct or relationships between an adult worker and a youth should be confronted immediately and investigated. Prompt warnings will be issued when appropriate. All situations will be monitored closely. Continued violations will result in the termination of the worker.

Suspicious behavior may include, but is not limited to, a youth appearing aloof or withdrawn. Additional indications may also include changes in personality or behavior. These signs may indicate that a problem may exist that deserves attention.

3.4 Criminal Sanctions

All adults who work with children will be informed regarding the potential criminal penalties that may be applied with regard to sexual relationships with minors. Improper sexual relationships can lead to felony convictions and imprisonment in a state penitentiary. Additionally, the insurance provided by the church may not provide the alleged perpetrator with defense of a sexual misconduct charge, or pay any portion of a jury verdict assessed against them on account of such conduct

3.5 Overnight Rule

As a rule overnight activities will be avoided whenever possible. If it becomes necessary to take youth on an overnight trip, all adult chaperons and supervisors will be cleared in advance with proper church leadership. There will be no last minute substitutions or changes made to the list of cleared chaperons without a legitimate interview process, and complete acceptance by proper church leadership. The direction of one person, regardless of title, does not constitute “proper church leadership.”

All overnight activities will provide separate sleeping arrangements for males and females. A single adult and a single youth will never sleep alone together. In addition, separate bathroom/showers facilities by gender (or specific times to use a single facility) will be provided. Sexual relations between youth and/or inappropriate displays of affection will result in the youth involved being sent home.

3.6 Nursery Identification

There should be a specific procedure to identify the child and the child’s parent at the church nursery school. Children will only be released to a properly identified and pre-authorized parent or guardian.

Please define your specific procedure here:

APPENDIX 3

SAMPLE RECEIPT OF SEXUAL MISCONDUCT POLICY

I hereby acknowledge that I have received a copy of the (*name of congregational policy*) and that I understand the content of this policy.

Signature: _____

Print Name: _____

Date: _____

Position/ Function: _____

APPENDIX 4

SAMPLE APPLICATION FORM

This application is to be completed by all employees, and volunteers who regularly supervise youth activities (excluding unpaid Sunday School teachers).

Personal Information: Name: Last _____ First _____ MI _____

Present Address: _____

Home Phone: _____

Position for which this application is being made:

On what date would you be available?

Minimum length of commitment?

Marital status: Married ____ Single ____ Engaged -Divorced _Remarried Widowed

Social Security Number:

Driver's License Number: _____ State: _____

List the name and location and dates of attendance with respect to the last two educational institutions in which you have been enrolled

List other names used (maiden, former, nickname, a/k/a's)

Previous home addresses with applicable dates (list last two):

Name and address of church of which you are a member.

List (name and address) other churches you have attended regularly during the past five years.

List all previous church work involving youth (identify church, location, dates, and type of work).

List any gifts, callings, training, education or other factors that have prepared you for work with children and/or youth.

List (by name, street address, telephone number, and contact person) your employers for the past 10 years.

Have you had any driver's license or other license (e.g., professional) suspended or revoked? If so, give full details.

Have you ever been arrested or charged with driving under the *influence*? If so, list each such arrest or charge, when and where it was made and its outcome.

Have you ever been convicted of child abuse or a crime involving actual or attempted sexual molestation of a minor? If so, please explain.

Has any formal or informal charge, claim, or complaint ever been made that you engaged in inappropriate sexual behavior? If so, give full details.

Is there any fact or circumstance about you or your background that would call into question the advisability of entrusting you with the supervision, guidance, and care of young people?

Please furnish the names of two persons, other than relatives or present or former employers, to serve as personal references.

Name: _____ Name: _____

Address _____ Address: _____

Telephone _____ Telephone: _____

Under penalty of perjury, I swear or affirm that the information given above is true, complete, and correct. I understand and agree that a complete background investigation may be conducted with respect to me, and that this information may be verified by contacting persons and organizations with whom I have had contact or which may have information concerning me. I hereby release and agree to hold harmless from liability any person or organization that provides such information. I also agree to release and hold harmless the church and (name of congregation), their officers, employees, agents, and volunteers from any and all liability as it relates to any investigation taken by them regarding the information contained in this application, or any action by them as a result of such investigation.

Applicants' Signature: _____

Date: _____

Print Name Here: _____