

**SAFE CHURCH POLICY:
SEXUAL MISCONDUCT PREVENTION & MANDATED REPORTING**

I. Foundations

As God who called you is holy,
be holy yourselves in all your conduct.
I Peter 1:15

Not many of you should become teachers,
my brothers and sisters, for you know that we
who teach will be judged with greater strictness.
James 2:15

Tend the flock of God, that is your charge,
not under compulsion, but willingly,
not for sordid gain, but eagerly,
do not lord it over those in our charge, but be examples to the flock.
I Peter 5:2 (NRSV)

II. Policy Statement

It is the policy of the Presbytery of San Joaquin (hereafter referred to as Presbytery) that all employees, members and volunteers of the Presbytery shall maintain the integrity of ministerial employment and professional relationships at all times. Sexual misconduct (as defined in Appendix A) violates the principles set forth in Scripture and is never permissible. The Presbytery's Safe Church Policy applies to all Ministers, employees, volunteers and persons involved in the ministry of the Presbytery. Its purpose is as follows:

- To set standards of ethical behavior consistent with Scripture and secular law, and to establish a process for the enforcement of those standards;
- To establish personnel employment practices and forms for the administration of appropriate employer/employee relationships within the Presbytery;
- To serve as a guide for the prevention of sexual misconduct;
- To provide educational programs and training in mandated reporting (See Appendix E) and preventing sexual misconduct

III. Rationale

- A. An act of sexual misconduct is a violation of the ordination vows of Ministers of Word and Sacrament, Ruling Elders, and Deacons. Church leaders are called upon to exercise integrity, sensitivity, and caring in a trust relationship devoted to the best

interests of those to whom they minister.

- B. Sexual misconduct is a misuse of authority and power which breaches Christian ethical principles. Further, it is a misuse of a trust relationship to gain advantage of another for personal pleasure or power, in an abusive, exploitative, and unjust manner. Such conduct cannot be justified by a claim of mutual consent.
- C. All churches, new church developments and fellowships in the Presbytery shall comply with this policy.

IV. Responsibilities

A. Commission on Ministry (COM) Responsibilities

- 1. COM shall make available Safe Church Training once a year.
- 2. COM shall annually require and report that all members of COM have returned a signed copy of Appendix D.
- 3. COM shall annually require and report that members of COM have completed Presbytery- approved Sexual Misconduct and Mandated Reporter or Safe Church Training.
- 4. COM shall distribute Section IV of this document to all Pastor Nominating Committees (PNCs).

B. Committee on Preparation for Ministry (CPM) Responsibilities

- 1. CPM shall annually require and report that all members have returned a signed copy of Appendix D.
- 2. CPM shall annually require and report that all the members of CPM have completed Presbytery-approved sexual misconduct prevention and mandated reporter or Safe Church training.

C. Executive Presbyter/Stated Clerk Responsibilities:

- 1. Inquire regarding sexual misconduct when making clearance checks of applicants for ordained positions and report to COM and the PNC.
- 2. Inquire regarding previous sexual misconduct prevention and mandated reporter trainings and Safe Church Trainings when making clearance checks of applicants for ordained positions and report the findings to COM.
- 3. Annually confirm that all members of the Presbytery staff have completed Safe Church Training and maintain a record of compliance.
- 4. Report annually: a) names of Ministers, members of COM and CPM who have returned a signed copy of Appendix D; b) session compliance with Elder training on Safe Church Policy; c) session compliance in developing and/or adopting Safe Church policy.
- 5. Provide training in Safe Church for all convened PNCs.
- 6.

D. Minister Responsibilities

- 1. Ministers shall annually return a signed copy of Appendix D.
- 2. All Minister members of Presbytery shall complete Presbytery-approved Safe Church Training every three years (Section II.A.1).

E. Personnel Committee of Presbytery Responsibilities

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1. The personnel committee of the Presbytery shall comply with fair employment practices.
2. The personnel committee of the Presbytery shall maintain record keeping, pre-screening and reference checks for Presbytery staff in accord with the provisions listed in sections III.F & IV.

F. Presbytery Office Responsibilities:

1. The Presbytery Office shall keep a current file of the Ministers, members of COM, and members of CPM who shall have returned a signed copy of Appendix D.
2. The Presbytery Office shall keep a current file of the Ministers, members of COM, and members of CPM who shall have completed Presbytery-approved sexual misconduct prevention and mandated reporter training or Safe Church Training.
3. The Presbytery Office shall maintain records verifying that all its employees and volunteers at Presbytery retreats and special events have signed a copy of Appendix D.
4. Special note: All adults who volunteer or provide transportation for Presbytery-sponsored events involving minors are required to provide as part of the registration process 1) a signed copy of Appendix D, and 2) formal approval of their session to participate. (See Section 111.G.3,4,6)

G. Session Responsibilities:

1. The moderator shall inform the session annually of the following responsibilities:
 - a) Session of the particular church shall require that all Ministers (regardless of denomination) under its purview complete Presbytery-approved sexual misconduct prevention and mandated reporter training.
 - b) Session shall require that all currently serving and newly elected Elders complete Presbytery-approved sexual misconduct prevention and mandated reporter training or Safe Church Training; that they sign Appendix D (indicating that they have received and read the Presbytery's Safe Church Policy); and shall record such in the minutes.
 - c) Session shall ensure and document through training, notice-posting and other appropriate communication means that officers, employees and volunteers are aware of, understand and have access to the Presbytery's Safe Church Policy (20B).
 - d) Session of each church within the Presbytery shall adopt and implement a Safe Church Policy (sample policy can be found in Appendix E).
- e) The clerk of each session shall make available to church members upon request a copy of the Presbytery Safe Church Policy.
- f) Session is responsible through its personnel committee or PNC for contacting references (See Appendix C) for all applicants for church employment.

V. Employment Practices

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All governing bodies shall comply with fair employment practices.

A. Employment Pre-Screening of all Minister and Employee Applicants

1. Pre-employment screening for ALL employees, including clergy, shall include completion of certification found on page two (Appendix D) of the Employment Questionnaire - Presbytery of San Joaquin which states: I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct; (b) I have never resigned or been terminated from a position for reasons related to sexual professional treatment for reasons related to sexual misconduct on my part.
2. A lay applicant who is unable to certify to the above may instead provide a description of the relevant complaint, resignation, transfer, termination, outcome of the situation, and any explanatory comments the applicant wishes to make. The statement submitted by the applicant shall be fully vetted by the employing institution before any job offers are extended.
3. A copy of the signed or unsigned certification (Appendix D) shall be kept at the place of employment.

B. Reference Checks

1. The Presbytery, through the Executive Presbyter/Stated Clerk, is responsible for including questions regarding sexual misconduct when making clearance checks of applicants for ordained positions; and for reporting to COM and the PNC.
2. The employing entity, through its session, governing board, or personnel committee is responsible for contacting references for all paid and volunteer positions.
3. If an applicant gives false or misleading information or withholds relevant information regarding sexual misconduct, the applicant shall be eliminated from consideration.
4. In response to reference requests, the Executive Presbyter/Stated Clerk and/ or other persons authorized by the Presbytery (either directly or through COM) to give references, must give truthful information regarding allegations and administrative or disciplinary action related to sexual misconduct of the applicant. The response must be limited to information contained within the written summary prepared by the PJC or governing body.

VI. RESPONSE PROCEDURES

A. Initial Report Procedures

Allegations of sexual misconduct are made in a variety of ways. It is important that officers, employees, and persons highly visible to church members and visitors understand how allegations of incidents are to be processed.

A

The first person to learn of alleged sexual misconduct must take the allegations seriously and confidentially. This person shall complete the Report of Suspected Sexual Misconduct (Exhibit A, this document). The report shall immediately be delivered to and

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called to the attention of the clerk of session or the Stated Clerk of the presbytery.

NOTE: It has been determined through case law that there is no confessional protection in the Presbyterian Church (U.S.A.).

Any incident of suspected sexual abuse of a minor, by a person covered by this policy, shall IMMEDIATELY be reported to Child Protective Services, local law enforcement, and/or the district attorney.

B. Presbytery Judicial Response

Immediately upon receipt of the Report of Suspected Sexual Misconduct, Executive Presbyter/Stated Clerk shall inform the-COM Chair, and these two shall appoint an Investigating Committee (*IC*) as stipulated in the Rules of Discipline (D-10.0201).

The I.C. must promptly begin its inquiry into the allegations, having received orientation by the Executive Presbyter/Stated Clerk and a member of the Synod Task Force, as delay may cause further harm to all parties involved. The I.C. will conduct a thorough investigation as called for in D-10.0200.

Administrative leave for the accused shall be evaluated and recommended when appropriate by the I.C. to the Executive Presbyter/Stated Clerk and Chair of COM, who together will determine and take the appropriate action. If administrative leave is deemed appropriate, the COM shall immediately begin work with the session and congregation.

Administrative leave is appropriate if there is some likelihood that a similar offense as alleged may occur during the period of investigation and/or trial; or if it appears necessary to preserve the peace and purity of the congregation, related organization, or sponsored Activity. Administrative leave is preventative, not punitive.

If the I.C. finds the allegations to be unsupportable, the report of that finding is forwarded to the Executive Presbyter/Stated Clerk who shall then report that finding to the presbytery.

If at any time during the investigation the accused admits to the allegations, the investigation shall proceed to its conclusion, the charges shall be filed with the P.J.C. along with the signed statement of the accused, and a settlement of consequences may be mediated.

If the accused does not concur with the allegations, charges are to be filed with the P.J.C. and the judicial process is to continue, per D-10.0400ff.

The degrees of censure are listed in D-12.0100, and the terms of restoration in D-12.0200. The P.J.C. is encouraged to consult with the Synod Task Force for sentencing appropriate to the offense.

C. Presbytery Pastoral Response

Feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, and feelings of alienation from God, self, the religious community, and family, are injuries frequently suffered by those impacted by sexual misconduct (these include among others: the victim(s), the accused, the accuser, the families and co-workers, the congregation, other employing entities, and the presbytery). It is important for the presbytery to be sensitive to the pain of all those involved, and their need for healing, and to act by making appropriate pastoral care available.

1. Victim and Family

The presbytery will offer pastoral care to the victims of sexual misconduct and their families through an advocate. If the victim or family at first refuses care, the presbytery should continue to offer this assistance throughout the process. Above all, the presbytery will NOT act in a self-protective manner by ignoring the victims and their families.

2. Congregation (or employing entity)

The COM, recognizing that allegations may polarize the congregation, damage morale, and create serious internal conflicts, may need to meet with the session to inform them of the allegations toward a religious leader related to that congregation. After a briefing on the judicial process, the COM may assist the session in planning their care for the congregation through this time.

3. Accused and Family

The presbytery will offer to provide pastoral care for the accused as well as his/her family through a liaison. If the accused is a minister, this is the responsibility of the COM (G-11.0502 I.). Any representative of the presbytery is not to make any presumption of guilt or innocence and must be aware that the accused is wounded by the experience.

When charges against the accused are not sustained, it is vital that the presbytery publicize this fact as widely and *as* quickly as is appropriate.

VII. Statute of Limitations

Allegation of sexual misconduct should be made to the proper officers of the presbytery as promptly as possible. However, there is no time limit on the filing of charges in cases of sexual misconduct (D-10.0401). Child sexual abuse may not be recognized until the victim of abuse reaches adulthood. A person victimized when an adult may not recognize the abuse or be willing to come forward with an allegation for many years.

VIII. Compliance and Distribution

All Minister members of the Presbytery, its employees, and volunteers in high risk positions, e.g., youth ministry, camp counselors, etc. shall be required to sign

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a statement (Appendix D) acknowledging that they have received a copy of this document (Policy EC-2 and EC-3) and that they agree to conduct themselves in accordance with the policy contained therein.

Policy EC-2 and EC-3 shall also be distributed to the sessions of all churches in the Presbytery and be made available to their church members upon request.

Appendix A

Definitions

1. **Child Sexual Abuse** includes, but is not limited to:
 - a) any sexual contact or sexual interaction between a child (under the age of eighteen years) and an adult;
 - b) any use of a child for the sexual stimulation of an adult, a third person, or the child;
 - c) any risqué jokes, innuendo, unacceptable visual contact, unwelcome casual touch, unwelcome and inappropriate hugs and kisses, and sexually suggestive pictures between an adult and a child, as deemed inappropriate by any reasonable adult.
2. **Sexual Abuse** is sexual misconduct in the context of a clear breach of professional trust and/ or misuse of the power, stature, influence, or authority of the clerical office or other leadership position. In the professional context, mutual expressions of affection do not abrogate the abusiveness of the relationship, for true consensuality may be considered, by definition, impossible between a professional and a person in that professional's care.
3. **Sexual Harassment** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in the Presbytery; or,
 - b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or,
 - c) such conduct has the purpose or the effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment based on the declared judgment of the affected individual. Lack of intent to harass is no defense.

Mutual consent is not possible when one party is a clergy/ professional lay leader in a pastoral, counseling, employer or leadership position within the church, related organization, or sponsored activity in which the other party is a parishioner, member, counselee, employee; or, when one of the parties is a child.

Examples of sexual harassment include, but are not limited to:

- a) Verbal: sexual innuendoes, risqué jokes, sexually suggestive or insulting questions, comments, or sounds, jokes or teasing of a sexual nature, sexual propositions or threats, continuing to make sexual advances or comments or otherwise expressing personal interest after being informed that the interest is unwelcome, sexual remarks regarding clothing, body, or love life, or any type of subtle pressure for sexual activity. The first time one of these activities takes place, it may not be considered harassment; if asked to stop and conduct continues to take place, it IS harassment.
- b) Visual: sexually suggestive or gender derogatory objects, pictures, computer software,

- posters, or letters; leering, whistling, or obscene or sexually suggestive gestures.
- c) Physical: unwanted physical contact, including touching, pinching, brushing the body, impeding or blocking movement, sexual intercourse or assault.
 - d) Encouraging attitudes or patterns of verbal, visual, or physical conduct (may or may not be obviously directed at a particular person) which may be reasonably perceived as tending to legitimize, rationalize, or make light of unwanted sexual advances.
4. **Sexual Misconduct** is a comprehensive term used in this policy to include, but is not limited to:
- a) child sexual abuse as previously defined;
 - b) rape or sexual contact by force, threat, or intimidation;
 - c) sexual malfeasance- as breach of trust by a religious leader, resulting from a relationship and/or sexual contact within a ministerial or professional or leadership relationship;
 - d) production, accessing or distribution of pornography as defined by actions or policy statements of the General Assembly, Presbyterian Church (U.S.A.); or viewing pornography on church computers or on church premises.
5. **Employee or Volunteer** (member or non-member) is any person hired or volunteering to work for the Presbytery or related organization within the jurisdiction of the Presbytery.
6. **Mutual Consent** is not possible when one party is a clergy/ professional lay leader in a pastoral, counseling, employer or leadership position within the church, related organization, or sponsored activity in which the other party is a parishioner, member, counselee, employee; or, **when one of the parties is a child.**
7. **Mandated Reporting:** Mandatory reporters of child and elder abuse and neglect in California include "clergy members" and "custodian of records of a clergy member" (in the PCUSA this refers to clerks of session).

The constitution of The Presbyterian Church (USA) requires that Ministers of Word and Sacrament, Elders, and Deacons report to ecclesiastical and civil legal authorities knowledge of harm, or risk of harm, related to physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential (for clergy)/privileged (for elders and deacons) communication, or (2) she or he reasonably believes that there is risk of future physical harm or abuse.

Appendix B

Relevant Sections of California Penal Code 11165, 11166 and 15600

¹ “A mandated reporter shall make a report to an agency (police or sheriff’s department welfare department Child Protective Services, Adult Protective Services) whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows, or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report to the agency immediately or as soon as practicably possible by telephone and the mandated reporter shall prepare and send, fax, or electronically transmit a written follow up report thereof within 36 hours of receiving the information concerning the incident.”

¹ “Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine.”

The Welfare and Institutions Code section 15600 and the following sections provide for mandatory reporting of abuse of older adults age 65 and over and of dependent adults ages 18-64. The law defines a ¹¹dependent adult" as someone ages 18-64 who has physical or mental limitations which restrict his/her ability to carry out normal activities or to protect his/her rights, including those whose abilities have diminished with age. The current abuse reporting law applies to both older and dependent adults.*

¹ “Any mandated reporter, in his/her professional capacity, who has observed or has knowledge of an incident that reasonably appears to be abuse, or is told by the older or dependent adult that he/she has been abused, or reasonably suspects abuse must report the known or suspected abuse by telephone immediately, and by written report within two working days as described below.”

¹¹ “If the known or suspected abuse is alleged to have occurred in a long-term care facility such as a skilled nursing facility or a residential care facility, the abuse must be reported to the Long-Term Care Ombudsman Program or the police. If the abuse occurred anywhere else, the report must be made to Adult Protective Services or the police.”

¹¹ “Any person reporting abuse under this law is immune from civil or criminal liability, unless that person acted in bad faith or with malicious purpose.”

“However, failure to report physical abuse of an older or dependent adult is a misdemeanor punishable by not more than six months in county jail or by a fine of not more than \$1,000, or both. Willful failure to report serious abuse, where the abuse results in death or great bodily injury, may be punishable by up to one year in county jail, or a fine of up to \$5,000, or both.”

Reported by:

Name and title

Address

City, State, Zip Code

Telephone

Date of Report:

Person suspected of misconduct:

Name and title

Address

City, State, Zip Code

Telephone

Another person(s) involved (victims)

Name and title

Age and sex

Address

City, State, Zip Code

Telephone

Witness (es)

Name and title

Age and sex

Address

City, State, Zip Code

Telephone

Describe incident(s) of suspected sexual misconduct with as much detail as you are able, including date(s), time(s), and location(s):

Identify eyewitnesses to the incident, including names, addresses and telephone numbers, where available:

Other information which may be helpful:

Appendix D Employment Questionnaire

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NAME: _____
First Middle Last

ADDRESS: _____

CITY, STATE, ZIP _____

PHONE _____
Business Mobile Home

Have you ever been known by any other name? Yes _____ No _____

If yes, please provide the other name: _____

Employment Record: (List current and previous employers for the last five years)

Employed by _____

Address _____

City, State, Zip _____

Your supervisor _____ Phone _____

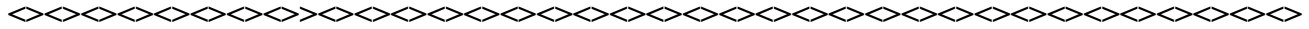
Supervisor's Title _____

Employed from (Month/Year) _____ to (Month/Year) _____

Why did you leave? _____

Appendix D Employment Questionnaire

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Employed by _____

Address _____

City, State, Zip _____

Your supervisor _____ Phone _____

Supervisor's Title _____

Employed from (Month/Year) _____ to (Month/Year) _____

Why did you leave? _____

Please complete the following certification:

I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct; (b) I have never resigned or been terminated from a position for reasons related to sexual misconduct; or (c) I have never been required to receive professional treatment for reasons related to sexual misconduct on my part.

Signed

Date

NOTE: If you are unable to make the above certifications, you may instead give, in the space provided, a description of the complaint, termination, or course of treatment you have been involved in, giving dates, names, and addresses of employers or physicians, the outcome of the situation, and any explanatory comments you care to add.

If the above certification cannot be made because of sustained or pending charges related to sexual misconduct, termination for reasons related to sexual misconduct, or civil or criminal charges, the following waiver must be signed, witnessed, and notarized:

Release

The information I have provided on this questionnaire is accurate to the best of my knowledge and may be verified by the Presbytery of San Joaquin to make any and all contacts necessary to verify my prior employment history, medical information, and to inquire concerning any prior arrest or criminal records or any judicial proceedings involving me as a defendant. By means of this release, I also authorize any previous employer, any physician who has treated me (specifically including any psychiatrist, mental health professional, or psychologist possessing information as to prior mental or emotional illnesses or drug or alcohol abuse), and any law enforcement agencies or judicial authorities to release any and all requested information to the Presbytery of San Joaquin.

I have read this release and understand fully that the information obtained may be used to deny me employment or any other type of position in the Presbytery of San Joaquin. I also agree that I will hold harmless the Presbytery of San Joaquin, as well as any prior employer, psychologist, psychiatrist, mental health professional, physician, law enforcement authority, or judicial authority from any and all claims, liabilities, and cause of action for the release or the use of any information.

Signature

Date

Employment Reference

If the information in this report alleges sexual misconduct as defined in the *Policy and Procedures, Safe Church Policy of the Presbytery of San Joaquin*, a copy of this employment reference in its entirety will be given to the accused.

1. Name of applicant _____
2. Reference or church contacted (if a church, identify both the church and person contacted):

3. Date and time of contact: _____
4. Method of contact (telephone, letter, personal conversation): _____
5. Summary of conversation (summarize the reference's remarks concerning the applicant's fitness and suitability for the position, any allegations of sexual misconduct or child sexual abuse):

Name of person making this reference contact _____

Signature

Date

Appendix F

Acknowledgment of Receipt

(Policy and Procedures, Safe Church Policy, Presbytery of San Joaquin)

I hereby acknowledge that I received on _____ (date) a copy of “Policy and Procedures, Safe Church Policy for the Presbytery of San Joaquin, dated February 24, 2018, and that I have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy.

Name (Please print)

Signature

Date

A similar acknowledgment will be signed at such times as amendments or revisions to the policy are made and distributed.

Appendix G

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Information Regarding Policy and Procedures

Safe Church Policy

Presbytery of San Joaquin

In recognition of the public and spiritual trust given to the Presbyterian Church (U.S.A.), the Presbytery of San Joaquin has adopted a policy to set and enforce standards of ethical sexual behavior by clergy and lay leaders consistent with scripture and secular law, and to provide procedures for inquiry and effective response to allegations of sexual misconduct. Copies of the entire policy and procedure document may be obtained from your pastor, clerk of session, or the presbytery office.

THIS POLICY IS BASED UPON SCRIPTURE

“As God who called you is holy, be holy yourselves in all your conduct.” -- I Peter 1:15

“Not many of you should become teachers, my brothers and sisters, for you know that we who teach will be judged with greater strictness.” --James 2:15

POLICY STATEMENT

It is the policy of the Presbytery of San Joaquin that all church members, church officers, nonmember employees, and volunteers of the Presbyterian Church, and related agencies, shall maintain the integrity of ministerial, employment, and professional relationships at all times. Sexual misconduct is a violation of the principles set forth in scripture and is never permissible.

CONSONANT WITH SCRIPTURE, THE UNDERLYING ETHICAL PRINCIPLES OF THIS POLICY ARE:

1. The act of sexual misconduct is a violation of the ordination vows of clergy, elders and deacons, and a breach of trust for all who are placed in leadership positions in the church.
2. Sexual misconduct is a misuse of authority and power which breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal pleasure or power in an abusive, exploitative and unjust manner. Even if the one being ministered to initiates or invites a sexual relationship, it is the clergy person's or lay leader's responsibility to maintain the appropriate role and prohibit a sexual relationship.

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3. Sexual misconduct takes advantage of the vulnerability of children and persons who are less powerful to act for their own welfare. It is antithetical to the gospel call, to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

THIS POLICY DEFINES SEXUAL MISCONDUCT AS:

1. Sexual abuse of children (under the age of 18 years).
2. Rape or sexual contact by force, threat, or intimidation.
3. Sexual Malfeasance - a breach of trust by a clergy/lay leader resulting from sexual contact within a ministerial or professional relationship.
4. Production or distribution of pornography.
5. Sexual harassment.

PRESBYTERY WILL SEEK TO MAKE OUR PRESBYTERY AND MEMBER CONGREGATIONS SAFE PLACES BY:

1. Providing educational programs and training in pastoral and disciplinary procedures aimed at preventing sexual misconduct.
2. Immediately investigating all allegations of sexual misconduct.
3. Providing advocates to victims and liaisons to those accused.
4. Working with congregations to heal pain and conflicts within the congregation resulting from such misconduct.
5. Taking disciplinary action against the accused if the investigation reveals that the misconduct did, in fact, occur.

YOU CAN HELP TO ENSURE THE EFFECTIVENESS OF THIS POLICY BY:

1. Monitoring your own conduct toward others.

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2. Promptly informing any person or persons involved that they should stop engaging in conduct offensive or objectionable to you or to others.
3. Bringing the matter to the attention of your pastor, supervisor (if you are a church employee), member of personnel committee, elder, chairperson of presbytery Commission on Ministry, or the Executive Presbyter/Stated Clerk.

YOU MAY CONTACT THE COMMISSION ON MINISTRY FOR THE YEAR _____

Name of Chairperson

Phone

YOUR EXECUTIVE PRESBYTER IS:

Name

Phone

Appendix H

Sample Safe Church Policy

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H. POLICY STATEMENT

- A. It is the policy of *CHURCH NAME* that all employees, members and volunteers of the *CHURCH NAME* shall maintain the integrity of ministerial employment and professional relationships at all times. Sexual misconduct is a violation of the principles set forth in Scripture and is never permissible. The *CHURCH NAME* is committed to providing a work environment free of unlawful harassment. The *CHURCH NAME* Safe Church Policy prohibits sexual harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, or local law or ordinance or regulation. All such harassment is unlawful.
- B. The *CHURCH NAME* Safe Church Policy applies to all Ministers, employees and persons involved in the operation of the Church. Its purpose is as follows:
 - 1. To set standards of ethical behavior consistent with Scripture and secular law, and to establish a process for the enforcement of those standards;
 - 2. To establish personnel employment practices and forms for the administration of appropriate employer, employee and volunteer relationships within the Church;
 - 3. To serve as a guide for the prevention of sexual misconduct *and the assurance that our congregation is a safe place for all.*

II. RATIONALE

- A. An act of sexual misconduct is a violation of the ordination vows of Ministers of Word and Sacrament, Ruling Elders, and Deacons. Church leaders are called upon to exercise integrity, sensitivity, and caring in a trust relationship devoted to the best interests of those to whom they minister.
- B. Sexual misconduct is a misuse of authority and power which breaches Christian ethical principles. Further, it is a misuse of a trust relationship in order to gain advantage of another for personal pleasure or power, in an abusive, exploitative, and unjust manner. Such conduct cannot be justified by a claim of mutual consent. Even if the one being ministered to initiates or invites a sexual relationship, it is the ordained person's responsibility to maintain the appropriate role and prohibit a sexual relationship.
- C. Sexual misconduct takes advantage of the vulnerability of children and persons who are less powerful to act for their own welfare. It is antithetical to the gospel call to work as God ' s servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

III. DEFINITIONS

- A. **Child Sexual Abuse** includes, but is not limited to:
 - 1. Any sexual contact or sexual interaction between a child (under the age of eighteen years) and an adult;
 - 2. Any use of a child for the sexual stimulation of an adult, a third person, or the child;
 - 3. Any risqué jokes, innuendo, unacceptable visual contact, unwelcome casual touch, unwelcome and inappropriate hugs and kisses, and sexually suggestive pictures between an adult and a child, as deemed inappropriate by any reasonable adult.

- B. **Sexual Abuse** is sexual misconduct in the context of a clear breach of professional trust and/or misuse of the power, stature, influence, or authority of the clerical office or other leadership position. In the professional context, mutual expressions of affection do not abrogate the abusiveness of the relationship, for true consensuality may be considered, by definition, impossible between a professional and a person in that professional's care.

- C. **Sexual Harassment** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in the Presbytery; or,
 - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or,
 - 3. Such conduct has the purpose or the effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment based on the declared judgment of the affected individual. Lack of intent to harass is no defense.
 - a. Examples of sexual harassment include, but are not limited to:
 - 1) Verbal: sexual innuendoes, risqué jokes, sexually suggestive or insulting questions, comments, or sounds, jokes or teasing of a sexual nature, sexual propositions or threats, continuing to make sexual advances or comments or otherwise expressing personal interest after being informed that the interest is unwelcome, sexual remarks regarding clothing, body, or love life, or any type of subtle pressure for sexual activity.
 - 2) Visual: sexually suggestive or gender derogatory objects, pictures, computer software, posters, or letters; leering, whistling, or obscene or sexually suggestive gestures.
 - 3) Physical: unwanted physical contact, including touching, pinching, brushing the body, impeding or blocking movement, sexual intercourse or assault.

- D. **Sexual Misconduct** is a comprehensive term used in this policy to include, but not limited to:
1. child sexual abuse as previously defined; rape or sexual contact by force, threat, or intimidation;
 2. sexual malfeasance-- as breach of trust by a religious leader, resulting from a relationship and/ or sexual contact within a ministerial or professional or leadership relationship;
 3. production or distribution of pornography as defined by actions or policy statements of the General Assembly, Presbyterian Church (U.S.A.); or viewing pornography on church computers or on church premises.
- E. **Mutual consent** is not possible when one party is a clergy/ professional lay leader in a pastoral, counseling, employer or leadership position within the church, related organization, or sponsored activity in which the other party is a parishioner, member, counselee, or employee; or when one of the parties is a child.

IV. PREVENTION EDUCATION AND TRAINING

- A. All Ministers of Word and Sacrament, installed Ruling Elders and Deacons, and employees of *CHURCH NAME* will take the Presbytery of San Joaquin's Safe Church Training **within six months of beginning their service** at *CHURCH NAME*.
- B. Elders and Deacons serving consecutive terms must meet this requirement once during their service.
- C. Ministers of Word and Sacrament must comply with the Presbytery of San Joaquin's Safe Church Policy and mandated reporter requirements.
- D. All employees must participate in Safe Church Training every 3 years.
- E. Volunteers working with minors:
1. must complete *CHURCH NAME* Volunteer Information Form and Background Check including fingerprints within 4 weeks of starting their work.
 2. will be provided orientation about and a copy of the *CHURCH NAME* Safe Church Policy.
 3. The goals of the orientation will include:
 - a. recognition of the imbalance of power between the volunteer and those in their care;
 - b. understanding the necessity of maintaining appropriate boundaries as well as establishment and maintenance of professional and caring environment and demeanor;
 - c. awareness that frequent calling visits, frequent phone conversations, extended time together, and physical touching, hugs, and kisses may be associated with

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sexual advances and are high risk behaviors which may be perceived as unwelcome or an infringement on the rights of others;

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- d. the need for volunteers who work with minors, ~~or~~ counsel, or provide spiritual direction to observe professional cautionary measures such as: limiting time spent with each counselee or directee, making sure that there are other people around the buildings during sessions, *ensuring an open door or clear window into any meeting room*, and observing a professional caution regarding touching of counselee/directee;
- e. the need for volunteers who are providing counseling to be in a supervisory relationship with a licensed psychotherapist; and,
- f. the need for volunteers who are providing spiritual direction to be in direction themselves as well as having a supervising spiritual director.

V. RESPONSIBILITIES

A. Minister Responsibilities

- 1. Ministers shall annually confirm that they have received and read the Safe Church Policy by completing and returning Appendix D.
- 2. All Minister members of Presbytery shall complete Presbytery-approved Safe Church Training every three years.

B. Personnel Committee of CHURCH NAME Responsibilities

- 1. The personnel committee of the CHURCH NAME shall comply with fair employment practices.
- 2. The personnel committee of CHURCH NAME shall coordinate training for all persons affected by this policy.
- 3. The personnel committee of the CHURCH NAME shall maintain record keeping, pre-screening and reference checks in accord with the provisions listed in this policy.
- 4. The personnel committee shall report yearly to session the names of any persons who are not in compliance with this policy.

C. Session Responsibilities

- 1. The moderator shall inform the session annually of the following responsibilities:
- 2. Session of the particular church shall ensure that all Ministers (regardless of denomination) under its purview complete Presbytery-approved Safe Church Training; and submit a completed Appendix D to the COM.
- 3. Session shall ensure that all newly elected Elders complete Presbytery-approved Safe Church Training; that they sign Appendix D (indicating that they have received and read the

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- Presbytery's Safe Church Policy; and shall record such in their minutes.
- 4. Session shall ensure and document through training, notice-posting and other appropriate communication means that officers, employees and volunteers with high visibility are aware of, understand and have access to the Presbytery's Sexual Misconduct Reporting Policy (EC-I).

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5. Session of each particular church within the Presbytery shall adopt and implement a Safe Church Policy to ensure compliance with fair employment practices.
 6. The clerk of each session shall make available to church members upon request a copy of the Safe Church Policy (EC- I) and the Sexual Misconduct Reporting Policy (EC-2).
- D. Session is responsible through its PNC or personnel committee for contacting references for all applicants for church positions.

VI. EMPLOYMENT PRACTICES

All governing bodies are to comply with fair employment practices.

1. Employment Pre-Screening of all Employee Applicants
 - a) Pre-employment screening for ALL employees and volunteers is to include completion of certification which states:

I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct; (b) I have never resigned or been terminated from a position for reasons related to sexual misconduct; or, (c) I have never been required to receive professional treatment for reasons related to sexual misconduct on my part. (Appendix B of Presbytery Policy EC-1)
 - b) If the applicant is unable to certify to the above, lay applicants may instead provide a description of the relevant complaint, resignation, transfer, termination, or course of treatment including dates, names, addresses, and telephone numbers of employers and/ or physicians, the outcome of the situation, and any explanatory comments the applicant wishes to make. *The statement submitted by the applicant shall be fully vetted by the employing institution before any job offers are extended.*
 - c) Copies of completed " CHURCH NAME Employment Questionnaire" shall be kept at the CHURCH NAME office.
2. Reference Checks
 - a) The Session, through the personnel committee, is responsible for including

- questions regarding sexual harassment and other sexual misconduct when making clearance checks of applicants for ordained positions; and for reporting to COM and PNC any information received.
- b) The session, through its personnel committee, is also responsible for contacting references and performing background checks for all called, paid and volunteer positions.
 - c) Employees and volunteer applicants shall be given opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference.
 - d) If an applicant gives false or misleading information or withholds relevant information regarding sexual misconduct, said applicant shall be eliminated from consideration.
 - e) If a response to an employment/volunteer application and/or a reference check reveals information of sexual harassment or other sexual misconduct, COM must be notified immediately.

VII. COMPLIANCE AND DISTRIBUTION

All employees and volunteers in high risk positions (e.g., youth ministry, camp counselors, etc.) shall be required to sign a statement (Appendix D) acknowledging that they have received a copy of this document and that they agree to conduct themselves in accordance with the policy contained therein. Furthermore, a summary statement of this policy and other significant portions of this document shall be posted in the church office.