

Article X - Section 10.07: Sexual Misconduct

Philosophy

- New Hope Presbyterian Church is a community of faith. In life and in death we belong to God and trust in the one triune God, whom alone we worship and serve. We gather in a safe place to equip the saints for the work of ministry, for building up the body of Christ (Eph. 4:12).
- This policy is not limited to the church building but includes all church related work of this congregation's employees, volunteers, and others.
- The possession or use of material that could be classified as pornography or used for sexual stimulation is not permitted on church property.
- Any form of sexual misconduct or harassment is unacceptable behavior, a violation of trust, and is contrary to Scripture. False accusation of sexual misconduct or harassment is also a violation of trust. (Refer to definitions at the end of the policy.)
- The Presbyterian Church (U.S.A.) adopted a revised sexual misconduct policy in October 2013, and it is incorporated in this document by reference. This PCUSA policy shall apply with full force and effect in New Hope Presbyterian Church.
- The Presbytery of New Hope adopted a policy and procedure covering sexual misconduct allegations against ministers. The policy described here is meant to augment the Presbytery policy, providing direction for our congregation.

Covenant and Background Checks

- In accordance with existing child protection policy and guidelines, the church will obtain background checks on all volunteers who periodically supervise or monitor the activities of children under age 18. For purposes of this policy standard, 'periodically' shall mean one or more hours per quarter in a calendar year. These checks shall be repeated every three years. These checks shall sign the attached Covenant Statement before assuming their duties.
- Criminal background checks will be conducted on all paid staff. These checks will be conducted prior to service and every third year. If staff are disqualified based on the result of the background check, service will be terminated. A pastoral conversation will be offered to discuss other ways the applicant may be of service to the church.

Procedure for ordering, reviewing and retaining background checks

The background checks on volunteers shall be performed by an investigative firm of good reputation (such as Shepherd's Watch or SentryLink) that has resources to conduct an effective interstate examination. The examination shall focus on:

- a. arrests and convictions under criminal law;
- b. driving records of those who drive for church-related activities.

Authorizing and retaining background checks

1. The pastor, director of Christian education, or other paid staff may authorize the performance of a background check. However, only the pastor may receive and review the results of a background check.
2. For security and privacy, the results will be kept in a locked file to which only the pastor has access.
3. The background results will be destroyed when:
 - the individual leaves this church,
 - when a new background check is performed,
 - after three years have elapsed; records will not be retained more than three years.

If a background check reveals information raising questions about the volunteer's suitability for regular interaction with children or the volunteer's suitability to serve as a driver for church-related activities, the pastor will discuss the information with the individual in confidence. If this discussion convinces the pastor that the information is erroneous or that the individual has reformed his or her behavior and has redeemed his or her character, the pastor may endorse adding the individual to the roll of volunteers. Otherwise, the pastor will help the individual find other ways to serve the church and its mission.

Report of Known or Suspected Misconduct

- Any suspicious activity must be reported immediately to the Pastor. The incident will be documented in writing, including details as to what, when, where, and how, pinpointing the date, time and other circumstances. All reports will be heard and taken seriously. All involved will be gentle and sensitive to the alleged victim, the accused, and the person making the report. The Pastor will advise the complainant within 24 hours of action taken regarding the complaint.

- The Pastor will form a committee consisting of the Pastor, the elder in charge of the program, and another elder chosen by the Pastor. The committee will investigate the facts, take appropriate actions, and inform the Session. Session may then determine what information to tell the congregation.
- If there is reasonable cause, the actions that may be taken are (but not limited to): counseling, restrictions or removal of the accused from the situation, and contacting appropriate authorities.
- If there is not reasonable cause, a written record of the event will be maintained in a locked file in case of further questions.
- If either party is unsatisfied with the outcome of the process, then they have the right to appeal to the Session. Only the Pastor or the Pastor's designee will respond to media contact about the case.
- To the extent possible, the complainant and/or victim will receive the respect of privacy and confidentiality. If the victim is a minor, the Pastor will keep the victim's parents apprised of the progress of the case. Nothing in these procedures is intended to discourage the victim from reporting the alleged violation to the proper local authorities.
- To the extent possible, the accused will receive the respect of privacy and confidentiality. The accused will be informed of the accusation by the Pastor and apprised of the progress of the case. The accused shall receive pastoral support.

Definitions

Child Sexual Abuse includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation or gratification of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. The age of maturity is governed by state law.

Sexual Harassment as defined for this policy is 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 as a term or condition of an individual's employment, or his/her continued status in an institution;
2. Submission to or rejection of such conduct by an individual is used as the basis of employment decisions such as continued employment, possible promotions or demotions, salary increases, etc., affecting such individual; or
3. Such conduct has the purpose or effect of unreasonable interference with an individual's work performance by creating an intimidating, hostile, or offensive working environment.

Sexual Misconduct is the comprehensive term used in this policy to include:

1. Child sexual abuse as defined above;
2. Sexual harassment as defined above;
3. Rape or sexual contact by force, threat, or intimidation; and
4. Sexual malfeasance. Sexual malfeasance is defined as sexual conduct within a ministerial (e.g. clergy with a member of the congregation) or professional relationship (e.g. counselor with a client, lay employee with a church member). Sexual conduct includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to restrict church professionals or members from having normal, mutual, social, intimate, or marital relations;
5. And any sex crimes identified in federal or state law that are not enumerated on this list.

Covenant Statement for New Hope Presbyterian Church

(Session Approved 8/14/2011)

This covenant shall be a bond between the congregation of New Hope Presbyterian Church and the people who are committed to providing a safe and secure environment for all who participate in its ministries. The following policy statements reflect our congregation's commitment to preserving this church as a sanctuary for all who would enter and as a place where all people can experience the love of God through relationships with others.

Policy

In keeping with the covenant of baptism, we, the congregation of NHPC, have committed ourselves to the nurturing of all people. No one can learn to love and trust God when those who represent God are unloving and untrustworthy. We promise that we will:

- provide structure, education, and policies that will keep all safe from harm and abuse; and
- screen volunteers, train them, and require them to comply with NHPC policies.

Agreement

As a volunteer/employee working with this congregation, I agree:

- to affirm my commitment to support NHPC as a safe place for all people;
- to observe and abide by all church policies, including New Hope Presbyterian Church Sexual Misconduct Policy and Child Protection Guidelines, which I have received and reviewed;
- to participate in training and education events provided by the church related to my assignment;
- to report abusive or inappropriate behavior promptly to the Pastor;
- and to cooperate in every way possible with a criminal background check on me, which shall be completed at no cost to me.

Certification

I certify by my signature that I have not, to my knowledge, been the subject of any investigation, legal or church-related action or complaint involving a reported instance of physical, sexual, or emotional abuse or misconduct. I have never been refused, resigned from, or been asked to resign from a post for reasons related to sexual misconduct. I pledge to report promptly any future investigation, complaint or action to the Pastor.

Signature

Printed Full Name

Date

Signature of Pastor

Printed Full Name

Date