

**POLICY STATEMENT OF  
SECOND PRESBYTERIAN CHURCH  
ON  
ABUSE, NEGLECT, MISCONDUCT AND HARASSMENT**

*[This policy was shared by 2<sup>nd</sup> Presbyterian Church, St. Louis, as a model for sessions working on misconduct policies. This is not the only model but it is a good one and can be adapted to fit your local context. When adopting any policy it is wise to do your due diligence and seek advice from the Stated Clerk, your legal counsel, and others.]*

The purpose of this policy statement is to declare and affirm our commitment to creating and maintaining a community in which members, staff and volunteers can worship and work together in an atmosphere free of all forms of discrimination, harassment, exploitation and intimidation. All who are associated with Second Presbyterian Church (the “Church”) should be aware that the Church is strongly opposed to sexual exploitation, physical or emotional abuse, harassment and neglect, and that such behavior is prohibited by Church policy. It is the policy of the Church to take whatever action may be appropriate to prevent and stop any behavior contrary to this policy and, if necessary, to remove from service those persons who violate this policy. Non-church groups that use Church facilities are expected to comply with this policy.

The following areas will be discussed in this policy:

**Preventing** misconduct through attentive hiring practices and education;

**Procedures** for handling complaints of alleged misconduct; and

**Policies** related to the abuse or neglect of children under our care.

In all respects, these procedures will be in compliance with the *Book of Order*.

**Prevention of Misconduct**

A. **Hiring of New Staff**

1. *Written Application:* All persons seeking to be employed by the Church must complete and sign a written application in a form to be supplied by the Personnel Committee. The application will request basic information from the applicant about previous experience and employment, will require at least two references, and will request disclosure of previous criminal convictions. The application form will be maintained in confidence on file at the Church.
2. *Personal Interview:* A face-to-face interview will be scheduled with the applicant by member(s) of the Personnel Committee, during which the applicant will be invited to discuss his/her suitability for the position. The Pastor, as head of staff, will be included in the interview when possible.

3. *Reference Checks:* At least two of the applicant's references will be checked. These will preferably be of an institutional nature as opposed to personal or family references. This will be necessary especially if the employee is to work with children, in which case references will include organizations where the applicant has worked with children in the past.
4. *Criminal Background Check:* A national criminal background check is required for all employees, and for the following categories of volunteers:
  - those who will be involved in overnight activities with minors (defined as under age 18);
  - those counseling minors on an individual basis;
  - those involved in one-on-one mentoring of minors; and
  - those having regular one-on-one contact with minors (such as coaches or vehicle drivers).

Before a background check is run, prospective workers and volunteers listed above will be asked to sign an authorization form allowing the Church to run the check. If an individual declines to sign the form, he/she will be ineligible for employment or volunteering. The criminal background history obtained for employees and volunteers will be maintained in confidence on file at the Church. The history obtained for other applicants will be destroyed securely.

What constitutes an offense that will keep an individual from employment will be determined by the Personnel Committee on a case-by-case basis in light of the surrounding circumstances. Generally, convictions for an offense involving children, violence, dishonesty, illegal substances, indecency or any conduct contrary to the mission of the Church will preclude an applicant from being hired. Failure to disclose criminal conviction on the application form will also be a disqualifying event.

Church members who volunteer to help with children as church school teachers, nursery workers, youth group leaders, field trip drivers and the like will not be required to complete a background check unless their activities also fall into one of the 4 categories listed above.

**[Note to Clerks/Moderators:** *The presbytery office can run background checks for you for a reasonable fee through the service used to check ministers coming into the presbytery. Call the office to obtain the release form which gives the necessary information to run a background check and provides a signature authorizing the search.]*

## B. Working with Children

1. *Two Adult/Open Door Rule:* It is our goal that a minimum of two adult workers will be in attendance at all times when children are being supervised during our programs and activities. Some youth classes may have only one adult teacher in attendance during the class session; in these instances, at least one door to the classroom should remain open.

2. We do not allow minors to be alone with fewer than two adults on our premises or in any sponsored activity unless in a counseling or similar session with parental approval, or unless an adult related to the minor is in the vicinity. Doors should remain open.
3. *Teenage Workers:* There may be times when it is necessary for babysitters (paid or volunteer) who are themselves under age 18 to assist in caring for children during programs or activities. They must be at least 14, and they must be under the supervision of either an employee of the Church, a volunteer who has undergone a background check, or an adult member of the Church.
4. *Discipline Policy:* It is the policy of the Church not to administer corporal punishment, even if parents have suggested or given permission for it. There should be no spanking, grabbing, hitting or other physical discipline of children. Workers should consult with the Pastor or a member of the Committee on Christian Nurture if assistance is needed with disciplinary issues.
5. *Restroom Guidelines:* A supervising adult should escort children who need help in the bathroom. Workers should never be alone with a child in a bathroom where the door is closed, and should never be in a closed bathroom stall with a child. Parents are strongly encouraged to have their children visit the bathroom prior to class.

C. Caregivers

Those who are engaged as “caregivers” in the Church, including elected or appointed leaders, employees, volunteers and authorized ministers, are responsible for knowing the possible impact of their words and actions in ministering to the emotional, mental, and spiritual needs of people who come to them for help or over whom they have any kind of authority. Sexual harassment or exploitation, neglect, physical, emotional and sexual abuse of a parishioner or other individual by anyone involved in the mission of the Church is unethical and will not be tolerated within the Church community.

Because caregivers sometimes deal with individuals who are emotionally and psychologically fragile or otherwise personally vulnerable, it is imperative that those engaged in the mission of the Church maintain their own psychological, emotional and spiritual health, and that they have adequate preparation and education for helping those they seek to serve.

It is the policy of the Church to encourage its leaders, ministers, employees, and volunteers to nurture safety within caregiver relationships by being attentive to self-care, education and the importance of referring those in need to supportive and helpful resources.

## **Procedures for Handling Complaints of Alleged Misconduct**

### A. Response Team

A Response Team will consist of four members of the congregation, who will rotate off the team on a staggered basis, i.e., each year one member will rotate off and a new member will be selected by the Personnel Committee and the Pastor, subject to the approval of the Session. There will be at least one male and one female on the team, and if possible, one person of color. This appointment/rotation will take place in the summer of each year. The team will be familiar with the policies of the church regarding abuse, neglect or harassment and will understand how to respond to complaints as listed below. Should any conflict of interest arise between a committee member and a misconduct allegation, the committee member will be excused from the investigation.

### B. Notification of Alleged Misconduct

1. When an employee, a volunteer or a member complains of misconduct and the complainant and the individual accused can resolve the matter directly with one another, the Response Team will not be notified.
2. The complainant can report the incident to the Pastor, a member of the Session, or to a member of the Personnel Committee, who may be able to arbitrate a resolution of the matter. In this case, the Response Team does not need to be involved. A summary of the complaint and the resolution should be recorded and maintained in a file created expressly for that purpose, and not in an employee's file.
3. If informal resolution of the complaint does not seem appropriate or possible, or if attempts to resolve the conflict do not succeed, a written statement will be submitted by the complainant to the Clerk of Session, who will notify the Response Team. The Response Team shall gather statements and other information from the individuals involved in the alleged incident and from others who may have pertinent information. The Team will present a summary of such information, as well as recommendations, to the accused individual's supervisor (if employee) or to the Session (if a member). Such a report will be made within 2 weeks. Appropriate records of these proceedings will be maintained and filed with the personnel committee.

Possible outcomes include:

- a. A finding by the Response Team that no exploitation, harassment, neglect or abuse has occurred; or
- b. A finding that exploitation or harassment, neglect, physical, emotional or sexual abuse has occurred. In this case, the Personnel Committee (if employee) or the Session (if member) will be called upon to review the Response Team's recommendations and take action accordingly, which may include one or more of the following:

- a formal reprimand in writing or an informal reprimand, with defined expectations for changed behavior;
- a recommendation requiring a program of growth that may include education and/or counseling;
- probation, with the terms of the probation clearly defined; and
- dismissal from employment or volunteer position.

Appropriate records of these proceedings will be maintained.

C. Notification of Alleged Misconduct by the Pastor, Student Minister or Intern

1. Any employee or member who alleges harassment, abuse or misconduct by the Pastor of the Church will be asked to contact the Response Team directly or by way of members of the Personnel Committee or members of the Session. The Response Team will contact the Session and the Presbytery, where the case will be handled by Presbytery Guidelines.
2. If the accused employee or volunteer is a student minister or intern, the Response Team shall inform the Session, the Presbytery and the body supervising the student/intern.

D. Notification of Appropriate Secular Authorities

Any complaint that contains allegation of possible child abuse, neglect or physical or sexual abuse or harassment which violates the law will be reported to the appropriate secular authorities by the Response Team, and the Team will cooperate fully in any investigation. The church's insurance company will be notified if necessary.

E. Non-Retaliation

No person bringing a complaint of sexual harassment, exploitation, neglect, physical, emotional or sexual abuse, and no person assisting in the investigation of such a complaint, will be affected adversely or otherwise, in terms and conditions of employment, church membership or affiliation or otherwise discriminated against or discharged.

**Policies Related to Abuse or Neglect of Children Under Our Care**

- A. Teachers of our children and childcare workers may become concerned about outside abuse or neglect of the children under our care. If an individual has cause to believe that a child under his/her care has been subjected to abuse or neglect, this should be reported immediately to the Pastor for further action including reporting to authorities as may be mandated by state law. If an incident of abuse or neglect of a child is alleged to have occurred at the Church or during a Church-sponsored program or activity, the following procedures shall be followed:

1. An adult or older child or adolescent who sees or hears about a child abuse incident will be encouraged to document the incident in writing as soon as possible. Copies of the report will be given to the pastor, the clerk of session and the response team. The report should include:
  - a. name, age, gender of victim
  - b. name, age, gender of alleged abuser
  - c. relationship of above
  - d. nature of misconduct, including times and locations
  - e. witnesses and/or evidence to support the allegation
2. The parent or guardian of the child will be notified by the Pastor or a member of the Response Team.
3. Appropriate state authorities/hotline will be notified by the Pastor or a member of the Response Team
4. The clerk of session will notify Presbytery and the church's insurance company.
5. Each employee or volunteer alleged to be involved in the abuse or misconduct will immediately be placed on leave from working with children pending an investigation.
6. The Response Team will coordinate any in-house investigation and ensure proper reporting to authorities as listed above. The Pastor, if he/she is not involved in the abuse, will be the liaison to the media, should such become involved. Anyone from the Response Team who speaks to the media should be trained for that purpose or should contact Presbytery for help. All other workers will refrain from speaking with the media.

*Revised 8/24/10*