

#1.9

CHILD PROTECTION AND SEXUAL MISCONDUCT

#1.9a - CHILD PROTECTION AND BACKGROUND CHECK POLICY

To ensure that a consistent Policy for background checks shall be adhered to at Chapel by the Sea, background checks on all employees and certain volunteers shall be required.

APPLICATION: Applies to all potential employees and volunteers who have significant contact with infants, toddlers and all youth under 18 years of age at Chapel by the Sea.

PROCEDURE REGARDING BACKGROUND CHECKS:

- A. Volunteers and employees who fall within the above parameters shall sign a release granting permission for Chapel to process a national-level background check.
- B. A prospective employee or volunteer who falls within these parameters and who refuses to sign a release for the background check shall not be hired or accepted as a volunteer by Chapel by the Sea.
- C. A follow-up background check shall be conducted as deemed necessary.
- D. All background checks shall be confidential and the result only available to the Pastor and the Personnel Committee, who shall process the background check requests and maintain the files.
- E. If an individual states that the background check results are incorrect and can present facts that leave the report questionable, a more thorough investigation may be necessary.

RESPONSIBILITY: Adherence to the consistency and confidentiality of this Policy shall be the responsibility of the Pastor. In consultation with the Personnel Committee all reports shall be discussed and resolved.

#1.9b - SEXUAL MISCONDUCT POLICY

INTRODUCTION: In keeping with the Book of Order and for the peace, unity and purity of the church, this sexual misconduct policy is adopted for the Chapel by the Sea. In addition to this policy applying to the local congregation, pastoral staff members are subject to the Clergy Sexual Misconduct Policy of Peace River Presbytery.

- A. Definition of Sexual Misconduct.
Sexual misconduct is the comprehensive term used in this policy to include sexual abuse of children or adults, rape or sexual assault, and sexual harassment. Sexual misconduct is an abuse of authority and power. It breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal gratification in an abusive, exploitative, and unjust manner. Categories of sexual misconduct are described below.

1. Sexual abuse occurs whenever a person in a position of trust engages in a sexual act or sexual contact with another person to whom he or she owes a professional responsibility. Such abuse includes, but is not limited to, the following:
 - a) Sexual acts or sexual contact with a minor.
 - b) Sexual acts or sexual contact involving inducement, threat, coercion, force, violence, or intimidation of another person.
 - c) Sexual acts or contact involving a pastor with church members or church staff members to whom they are not married and with whom they have a professional relationship. Such relationships are not acceptable even when consensual, and regardless of whether pastoral care is involved. The inherent imbalance of power between ministers and lay people or staff undermines the validity of such consent.
 - d) Sexual acts or sexual contact with a person who is incapable of appraising the nature of the conduct or is physically incapable of declining such activity.
 - e) Sexual acts or sexual contact arising from the administration of a drug or intoxicant which substantially impairs the reasoning or judgment of another.
2. 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 of the adult or of a third person. The behavior may or may not involve touching and includes the display or use of sexually suggestive materials, objects, or pictures. Child sexual abuse between an adult and a child is always considered forced whether or not consented to by the child. Child sexual abuse is a crime in all states.
3. Rape or sexual assault is a crime in every state and should be reported to civil authorities and to the Senior Pastor and to the Clerk of Session of Chapel by the Sea.
4. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually offensive nature when any of the following circumstances prevail:
 - 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 an institution.
 - b) Submission to or rejection of such conduct by an individual is the basis for employment decisions affecting that individual.
 - c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment.
5. Sexual harassment can consist of a single intense or severe act or multiple persistent or pervasive acts.
6. Sexual harassment may include, but is not limited to the following:
 - a) Sexually oriented jokes or humor;
 - b) Sexually demeaning comments;
 - c) Verbal suggestions of sexual involvement or sexual activity;

- d) Questions or comments about one's personal sexual behavior;
 - e) Unwelcome or inappropriate physical contact;
 - f) Graphic or degrading comments about an individual's physical appearance;
 - g) Express or implied sexual advances or propositions;
 - h) Display or use of sexually suggestive materials, objects or pictures;
 - i) Repeated requests for social engagements after an individual refuses.
7. Discussions about sexual ethics with church members, review of curriculum or programming material with staff members or committees, providing information about sexual health issues and other appropriate conversations are not sexual harassment but should always be approached with care and discernment.
- B. Policy on Sexual Misconduct.
- 1. Sexual misconduct is never permissible.
 - 2. All volunteers shall read this statement regarding sexual misconduct. This statement will be made readily available for review.
 - 3. The church shall from time to time offer classes, programs or instructional material for volunteers regarding sexual misconduct.

#1.9c - REPORTING PROCEDURES POLICY

- A. Do not treat any suspicion, report or accusation as frivolous.
- B. Do not investigate and judge, but simply report.
- C. Church members should report to the Pastor.
- D. Church employees should report to the immediate supervisor, who then reports to the Pastor.
- E. **Law enforcement officials shall be notified immediately.** Safety of the victim is paramount and may require the reporter to report to the police before reporting to the Pastor or immediate supervisor.
- F. The parents or guardians will be notified and informed.
- G. The church liability insurance company shall be promptly notified.
- H. The church will cooperate with law enforcement agencies.
- I. The Pastor will meet immediately meet with all pastoral, program and support personnel, and with the Clerk of Session to keep them informed.

ADDENDUM FOR INFORMATION

CHURCH LAW REGARDING DUTY TO REPORT

From the *Book of Order of the Presbyterian Church 2015/2017*

Pages 63-64

Paragraph G-4.0302 Mandatory Reporting

Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the 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 communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse.

Paragraph G-4.0301 Trust and Confidentiality

In the exercise of pastoral care, teaching elders (also called ministers of the Word and Sacrament) and ruling elders who have been commissioned by a presbytery to limited pastoral service (G-2.10), shall maintain a relationship of trust and confidentiality, and shall hold in confidence all information revealed to them in the course of providing care and all information relating to the exercise of such care... A teaching elder or a ruling elder commissioned to pastoral service may reveal confidential information when she or he reasonably believes that there is risk of imminent bodily harm to any person. (Comment: Understanding that past performance is the best predictor of future behavior, a person who hears a confession that a person has molested a child can assume there is risk of future physical harm or abuse.)