

NORTHMINSTER PRESBYTERIAN CHURCH SEXUAL MISCONDUCT AND CHILD PROTECTION POLICY AND ITS PROCEDURES

As a community of Christian faith, Northminster Presbyterian Church (“Northminster”) is committed to creating and maintaining programs, facilities and a community in which members, friends, staff and volunteers can worship, learn and work together in an atmosphere free from all forms of discrimination, harassment, exploitation or intimidation. Northminster Presbyterian Church adopts this policy in order to assure that everyone associated with our church will be able to work, worship, study and be able to enjoy fellowship free from sexual misconduct.

There are many Biblical references that speak to respecting and valuing all human beings, including:

“Instead, as he who called you is holy, be holy yourselves in all your conduct.”
(1 Peter 1:15)

Purposes of the Sexual Misconduct Policy and Procedures:

1. Prevent “sexual exploitation” or “sexual harassment” of parishioners, employees or others by anyone engaged in ministry on behalf of Northminster Presbyterian Church.
2. Prevent abuse or mistreatment of children to include abuse of one child by another.
3. Enforce standards for contact between employees, staff and children outside of scheduled programs.
4. Manage risk of one-on-one contact between adults and children.
5. Understand and accept obligations and know how to report suspected abuse of children or other “vulnerable adults” as required by this policy or as required by the State of Michigan, and cooperate with investigations as may follow.
6. Recognize circumstances of “sexual harassment” and the obligation and means to report to church leadership.
7. Understand how, by their action or inaction, they individually pose a risk to the church in the form of legal liability or loss of reputation.

SEXUAL MISCONDUCT POLICY

I. THE POLICY

All employees, pastors, members, and congregants are entitled to an environment free of sexual harassment and sexual misconduct. Sexual misconduct is unacceptable behavior. Sexual misconduct of any type by any pastor, church employee, church member or

congregant is strictly prohibited. Pastors, employees, church members, or congregants working as church volunteers are responsible for imposing limits and maintaining appropriate boundaries in all relationships. Allegations and charges of misconduct will be dealt with swiftly, fairly, and with compassion and justice for both the accused and the accuser/victim. All employees, officers and members shall refrain from using a position of power or authority to exploit an advantage over any other person, adult or child.

DEFINITIONS

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

1. Sexual abuse as defined below;
2. Sexual harassment as defined below.

Sexual Abuse of another person is any offense involving sexual conduct in relation to:

1. Any person under the age of 18 years (whether or not it was consented to by the minor) or anyone over the age of 18 without the mental capacity to consent; or
2. Any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position.

Sexual Harassment is defined as follows:

1. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature;
2. Presentation, transmission or posting of written, graphic, pictorial, video, or audio materials with sexual content. This includes inappropriate use of social media, cell phones, and computers. Any misuse of cyber / technology transmissions of all of the above items is prohibited.
3. Suggesting or forcing submission to such conduct which is made either explicitly or implicitly a term or condition of an individual's employment or involvement, or his/her continued status at Northminster.
4. Conduct of a sexual nature which has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive environment.

This policy shall be available to all staff, members, and congregants of Northminster. The policy shall be reviewed with all employees on an annual staff basis at their personnel review.

II. SCREENING PRACTICES

1. All employees and volunteers are required at the beginning of their service, to sign a certification that they have read and understood this Policy and Procedures. (Appendix A for volunteers, Appendix B for employees.)

2. All applicants for employment and all designated volunteers are required to sign a statement of release related to information regarding civil or criminal convictions or church complaints of sexual misconduct. (Appendix C Background Investigation Consent Form, obtained through the Presbytery of Detroit)
3. Any applicant who has a civil, criminal, or church record of sexual misconduct or who has admitted prior sexual misconduct of any kind will be barred from employment. A volunteer with such record will be barred from service.

III. PREVENTION

Prevention is always preferable to dealing with the crisis of sexual misconduct. Every effort shall be made to prevent it by educating staff, members, and congregants about this policy, by instituting guidelines for pastors, staff and youth workers, and by working for a better understanding by members and congregants that sexual misconduct in the church is a problem to be confronted and prevented.

The church shall work for prevention of sexual misconduct by:

1. Educating the employees, members, and congregants toward gender equality.
2. Reviewing the policy, procedures, and guidelines during officer/staff training.
3. Educating the employees, members, and congregants regarding abuse of power in relationships.
4. Encouraging open discussion of sexual misconduct in our society.
5. Empowering victims to come forward without fear of retribution.
6. Helping the employees, members, and congregants to reach a healthy resolution following a sexual misconduct incident.
7. Encouraging treatment programs for both offenders and victims involved with incidents of sexual misconduct.
8. Ensuring that the building is safe for children and youth.

Session Oversight: The Session shall ensure that the above training and education will be implemented in the following manner:

1. The Pastor and the Personnel Committee shall be responsible for providing opportunities for training and education in sexual misconduct prevention for the staff.
2. Elders and deacons are mandated reporters of abuse by the Book of Order. Each incoming class of elders, and deacons will be given a copy of this policy, procedures summary, and guidelines as part of their training, at which time they will be asked to sign the Policy Acknowledgement Form, which will be kept in the church office.

3. There will be opportunities for:
 - a) Appropriate educational opportunities for families and children to learn about what it means to be in a safe church.
 - b) Recognizing inappropriate behavior by adults or peers and to whom they should report such behavior.
 - c) Training and education in sexual misconduct prevention for all persons who work directly with children and youth.
 - d) Implementing programs to educate the members and congregants about sexual misconduct in the church and society.
4. Such programs for the staff, members, and congregants shall be repeated at regular intervals, as determined by Session at its annual review and evaluation of the policy, procedure, and guidelines.

IV. STATUTE OF LIMITATIONS

The ability of Northminster to respond promptly and justly to sexual misconduct is related in part to the opportunity to receive allegations and gather evidence soon after the occurrence. However, the Procedures regarding sexual misconduct recognize the special problems related to discovery and recognition of various forms of sexual misconduct. Child sexual abuse may not be recognized until the victim of abuse reaches adulthood. Recognition of abuse and willingness to come forward by an adult victim may also be delayed for many years.

Regardless of when the incident of misconduct or abuse is alleged to have occurred, Northminster strongly encourages and supports people with information to report the incident to Church leaders and/or staff. For the disciplinary offense of sexual abuse of another person, there is no statute of limitations. Book of Order [D-10.0401]

V. PROVISIONS FOR REVIEW OF POLICY AND PROCEDURES

The annual review of the policy and procedures shall include its discussion at a staff meeting and an annual review by Personnel. The Personnel Committee shall then review the Policy and Procedures, make any necessary and/or desired changes, verify that the policy complies with the requirements of the church's insurance carrier, and then recommend them to Session. Additionally, if the Policy and Procedures are used at any time, the Personnel Committee will evaluate the procedures outlined herein, based on their experience, and make recommendations to the Session for any needed changes.

PROCEDURES FOR IMPLEMENTATION OF THE SEXUAL MISCONDUCT POLICY

I. General Procedures

A. To ensure the safety of the victim, the entity investigating the allegation has, at their discretion, the authority to do the following:

1. Suspend the accused from participation in Northminster programs until the investigation is complete.
2. Temporarily relieve the accused from his or her duties until the investigation is complete.
3. Place an accused employee on paid leave until the investigation is complete.

B. Procedures in Section II through VI of this document will be followed.

C. All information and/or actions taken in regard to allegations brought shall be documented.

D. Any suspicion regarding minors should be reported immediately to the parents, child protective services, a staff member and Presbytery.

E. Inform Northminster's insurance agent of any allegations of sexual misconduct.

F. Refer any inquiries from the media regarding an incident of sexual misconduct to the Pastor or to the chair of the Personnel Committee.

II. Procedure to File an Allegation Against a Pastor

A. The procedure to file an allegation of sexual misconduct against a Pastor who is a member of the Presbytery of Detroit is covered under the "Policy on Sexual Misconduct" of the Presbytery of Detroit and the Book of Order.

B. The accuser may, however, choose initially to bring the accusation to the Personnel Committee of Northminster. In that case, the following procedure will be followed:

1. An alleged victim, or someone acting on his or her behalf, brings an allegation, written or verbal, of sexual misconduct to a member of the Personnel Committee. If written, the allegation should come in the form of a simple signed statement. If verbal, the person should be strongly encouraged to put the allegation in writing.

2. If the alleged victim is a minor, the parents, child protective services, legal counsel, Northminster's insurance agent, and Presbytery officials will be notified.

a. Michigan Department of Human Service Child/Adult Abuse Hotline:
855-444-3911

b. Presbytery Office of Detroit: 313-345-6550

c. Guide One Insurance Agent: Rick Gosselin: 800-688-3714

III. Procedure to File an Allegation Against an Employee of Northminster, Other Than a Pastor

A. When an alleged victim, or someone acting on his or her behalf, brings an allegation of sexual misconduct against an employee, the allegation shall be reported to the Pastor, who will immediately convey such information to the Clerk of Session and the Chair of the Personnel Committee. They will then be formed into a Response Team.

1. If the alleged victim is a child or youth, the appropriate church and civil legal authorities will be notified.

2. The leader of the Response Team will consult Northminster's or Presbytery's legal counsel.

B. If the employee is a member of Northminster any church judicial proceedings arising from the allegations shall follow the procedures outlined in Chapters X and XI of the Book of Order.

C. The Response Team shall meet to investigate the allegations. During the period of investigation, the Response Team may consider suspension with pay for the accused. The Response Team may consult legal counsel and the Clerk and the Chair of Personnel shall act as liaisons to the alleged victim and the accused, respectively, to keep them informed of progress of the investigation.

D. No later than 15 days from the date the initial allegation was received, the Response Team shall submit a written report to the Personnel Committee.

1. If the allegation against the employee is found to be without merit, the Response Team should place a letter in the employee's file.

a. The letter should state that an accusation was made but that it was found to be without merit. Complete details of the investigation and its findings should be included.

b. Notification of the decision will be given in writing by certified mail to the accuser/victim (and/or the parent or legal guardian of a minor) and to the accused.

2. If the allegation against the employee is found to be with merit, the Response Team shall write a report that includes the following:

a. Names of parties involved

b. Allegations made by accuser

- c. Response made by accused
- d. Findings and conclusions
- e. Recommendations for action

E. When the Personnel Committee receives the report from the Response Team, then the Personnel Committee shall, within 10 days:

1. Gather any additional information necessary to make a decision.
2. Determine the appropriate action and report it to Session.
3. The report shall include:
 - a. All information from the Response Team's report
 - b. Additional findings and conclusions
 - c. Action taken by the Personnel Committee

F. The Personnel Committee shall file the report in the employee's personnel file.

G. Notification of the decision will be given in writing by certified mail to the accuser/victim (and/or the parent or legal guardian of a minor) and to the accused.

H. In any discussions with the parties, it should be made clear that any statements made by the parties may be used in any church or judicial proceeding to the extent permitted by church or civil law.

I. Either the accuser/victim (and/or the parent or legal guardian of a minor) or the accused shall have the right to appeal any decision or action taken by the Personnel Committee by writing to the Clerk of Session within 30 days of receipt of the decision and sending it by certified mail, requesting a review and reconsideration by Session. The decision of the Session shall be final.

IV. Procedure to File an Allegation Against a Member of Northminster

A. When an alleged victim, or someone acting on his or her behalf, brings an allegation, written or verbal, of sexual misconduct against a member, the allegation shall be reported to the Pastor, the Clerk of Session, a member of Session, or a member of the Personnel Committee. If written, the allegations shall come in the form of a simple signed statement. If verbal, the person should be strongly encouraged to put the allegation in writing. The person receiving the allegation should then immediately pass the statement to the Clerk of Session and the Pastor.

- B. If the alleged victim is a minor, child protective services, legal counsel, and Presbytery officials will be notified by the Pastor.
- C. The Clerk of Session shall follow the procedures outlined in Chapter X, Disciplinary Cases of the Book of Order [D.-10.0000].
- D. Within five days Session shall appoint an Investigating Committee comprised of three to five active members of Northminster who are not currently serving on Session.
- E. This Investigating Committee will look into the allegations of sexual misconduct by a member of Northminster. No later than 15 days from when the Investigating Committee is formed, it shall report findings to the Session. The report shall include:
1. Names of parties involved
 2. Allegations made by accuser
 3. Response made by accused
 4. Findings and conclusions
 5. Recommendations for action
- F. Session shall make its decision no later than 30 days from when it receives the report from the Investigating Committee. Session will inform the accused and the accuser/victim (and/or the parent or legal guardian of a minor) of its decision in writing sent by certified mail.
- G. If the Session finds that there is merit to the allegation(s) and the accused wishes to appeal the decision, then Chapter XIII in the Book of Order [D.-13.000] shall be used as a guide for the appeal process.

V. Procedure to File an Allegation Against a Person (Congregant) Who is Not a Member of Northminster Presbyterian Church

- A. Upon receipt of a report of sexual misconduct, or when an alleged victim, or someone acting on his or her behalf, brings an allegation of sexual misconduct against a person (congregant) who is not a member of Northminster the information will be conveyed immediately to the Pastor.
- B. If the alleged victim is a minor, the parents, child protective services and legal counsel will be notified by the Pastor.
- C. If the allegation is against a minor whose family is not associated with Northminster, then the parent/guardian shall be immediately contacted.

D. The Pastor will bring the matter to the attention of Session who will determine the course of action to be taken. Notification of the decision of Session will be given in writing by certified mail to the accuser/victim (and/or the parent or legal guardian of a minor) and to the accused.

E. If the Session finds there is merit to the allegation(s) and the accused wishes to appeal the decision, then Chapter XIII in the Book of Order [D.-13.000] shall be used as a guide for the appeal process.

VI. Session's Role in Restoration and Healing Following Allegations of Sexual Misconduct

A. Upon completion of the investigation, if the allegation is found to be without merit, Session shall:

1. Stop the investigation.
2. Report compassionately to all of the parties affected and to the congregation.
3. Make every effort to exonerate the accused.
4. Ensure pastoral care for the accused and for the accuser and their families.

B. Procedure to follow if the allegation is found to be with merit. Session shall

1. Ensure pastoral care for the victim(s) and/or the accuser(s) and their families.
2. Ensure pastoral care for the congregation.
3. Restore the integrity and credibility of the church's ministry which includes the congregation, Session, the church staff, and the Pastor.
4. Appropriately discipline the offender, considering the nature, severity, and frequency of the misconduct and take other appropriate steps to prevent the sexual misconduct from continuing or recurring.

VII. Child Protection Policy:

General Purpose Statement

Northminster Presbyterian Church ("Northminster") seeks to provide a safe and secure environment for the children who participate in our programs and activities. By implementing the below practices, our goal is to protect the children of Northminster from incidents of misconduct or inappropriate behavior while also protecting our staff and volunteers (workers) from false accusations. Northminster is not responsible for the care of the children or the actions of those in the care of children at the Discovery Corner Academy, as they are strictly lessees at the church.

Definitions

For purposes of this policy, the terms “child” or “children” include all persons under the age of eighteen (18) years. The term “worker” includes both paid and volunteer persons who work with children.

Selection of Workers

All persons who desire to work with the children participating in our programs and activities will be screened. This screening includes the following:

a) Six Month Rule

No volunteer worker involved with Sunday School, the nursery, or youth program will be considered for any position involving contact with minors until she/he has been involved with Northminster for a minimum of six (6) months. This time of interaction between our leadership and the applicant allows for better evaluation and suitability of the applicant for working with children.

b) Written Application

All paid workers seeking to work with children must complete and sign a written application in a form to be supplied by us. The application will request basic information from the applicant and will inquire into previous experience with children, previous church affiliation, reference and employment information, as well as disclosure of any previous criminal convictions. The application form will be maintained in confidence on file at the church.

c) Personal Interview

Upon completion of the application, a face-to-face interview may be scheduled with the applicant to discuss his/her suitability for the position.

d) Reference Checks

Before a paid worker is permitted to work with children, at least two of the applicants' references will be checked. These references should be of an institutional nature as opposed to personal or family references, preferably from organizations where the applicant has worked with children in the past. Documentation of the reference checks will be maintained in confidence on file at Northminster.

e) Criminal Background Check

- A national criminal background check is required for all paid and volunteer workers (regardless of position) involved in Sunday School, the nursery or youth program.
- Before a background check is run, prospective paid and volunteer workers will be asked to sign an authorization form allowing

Northminster to run the check. If an individual declines to sign the authorization form, s/he will be unable to work with children.

What constitutes a disqualifying offense that will keep an individual from working with children will be determined by the Northminster Personnel Committee on a case-by-case basis in light of all the surrounding circumstances. Generally, convictions for an offense involving children and/or for offenses involving violence, dishonesty, illegal substances, indecency and any conduct contrary to our mission will preclude someone from being permitted to work with children. Failure to disclose a criminal conviction on the application form will also be a disqualifying event.

The background check authorization form and results will be maintained in confidence on file at Northminster.

Two Adult Rule

It is our goal that a minimum of two unrelated 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, doors to the classroom should remain open, unless there is a window beside the door.

Responding to Allegations of Child Abuse

For purposes of this policy, “child abuse” is any action (or lack of action) that endangers or harms a child’s physical, psychological or emotional health and development. Child abuse occurs in different ways and includes the following:

- **Physical abuse** – any physical injury to a child that is not accidental, such as beating, shaking, burns, and biting.
- **Emotional abuse** – emotional injury when the child is not nurtured or provided with love and security, such as an environment of constant criticism, belittling and persistent teasing.
- **Sexual abuse** – any sexual activity between a child and an adult or between a child and another child at least four years older than the victim, including activities such as fondling, exhibitionism, intercourse, incest, and pornography.
- **Neglect** – depriving a child of his or her essential needs, such as adequate food, water, shelter, and medical care.

In the event that an individual involved in the care of children at Northminster becomes aware of suspected abuse or neglect of a child under his/her care, this should be reported immediately to the

Northminster pastor for further action including reporting to authorities as may be mandated by state law.

In the event that an incident of abuse or neglect is alleged to have occurred at Northminster or during sponsored programs or activities, the following procedure shall be followed:

1. The parent or guardian of the child will be notified.
2. The worker alleged to be the perpetrator of the abuse or misconduct will immediately be placed on leave from working with children pending an investigation and instructed to remain away from the premises during the investigation.
3. Civil authorities will be notified, and Northminster will comply with the state's requirements regarding mandatory reporting of abuse as the law then exists. Northminster will fully cooperate with the investigation of the incident by civil authorities.
4. Northminster's insurance company will be notified, and will complete an incident report. Any documents received relating to the incident and/or allegations will immediately be forwarded to the insurance company.
5. In case of media attention, we will seek the advice of legal counsel before responding to media inquiries or releasing information to the congregation. All representatives of the church shall refrain from speaking to the media.
6. A pastoral visit will be arranged for those who desire it.
7. Any person who is not found innocent of the alleged abuse or misconduct will be removed from their position working with children or youth.

Other Child Protection Guidelines:

Open Door Policy-- Classroom doors should remain open unless there is a window in the door or a side window beside it. Doors should never be locked while persons are inside the room.

Teenage Workers--We recognize that there may be times when it is necessary or desirable for babysitters (paid or volunteer) who are themselves under age 18 to assist in caring for children during programs or activities. The following guidelines apply to teenage workers:

- Must be at least age 14
- Must be screened as specified above.

Appendix A

Northminster Presbyterian Church Sexual Misconduct and Child Protection Policy Acknowledgement Form For Session, Board of Deacons, and Volunteers

I hereby acknowledge that on (date) _____
____ I received and read the "Sexual Misconduct and Child Protection Policy"
____ I understand their meaning; and
____ I agree to conduct myself in accordance with the policy.
____ I understand that a copy of the full policy, procedures, and guidelines will
be provided upon my request or on the website.

Name (printed): _____

Signature _____

Position: _____

Date: _____

Appendix B

Northminster Presbyterian Church Sexual Misconduct Child Protection Policy Acknowledgment Form For Employees

I hereby acknowledge that on (date) _____

_____ I received and read the "Sexual Misconduct and Child Protection Policy" of Northminster Presbyterian Church.

_____ I understand its meaning; and I agree to conduct myself in accordance with the policy.

_____ I also certify by the signature below that no civil, criminal, or ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct.

_____ I have never resigned or been terminated from a paid or volunteer position for reasons related to sexual misconduct.

_____ I understand that Northminster Presbyterian Church intends to take appropriate action to protect the children and youth who participate in its programs.

_____ I understand that a copy of the full policy, procedures, and guidelines will be provided upon my request or on the website.

_____ I will notify the Pastor or Chair of Personnel within 5 days of any convictions or formal charges of sexual misconduct which occur subsequent to the initial signing of this form.

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 with Northminster Presbyterian Church. I also agree that I will hold harmless Northminster Presbyterian Church or judicial authority from any and all claims, liabilities, and causes of action for the legitimate release or use of any information.

Name (printed): _____

Signature _____

Position _____

Date: _____

This form shall be maintained in a file by the Church Financial Assistant.