

PRESBYTERY of LAKE HURON SEXUAL MISCONDUCT; CHILD PROTECTION & HARASSMENT POLICY

The following policy and procedures are implemented by the Presbytery of Lake Huron (hereafter “Presbytery”) and can serve as a model for Sessions within the Presbytery for a congregation’s policy.

If the alleged misconduct involves a child, the Presbytery Child Protection Policy shall apply in addition to this and any other under civil authority.

I. Policy

"As God who called you is holy, tend the flock of God that is your charge,
Be holy yourselves in all your conduct, not under compulsion but willingly,
Not for sordid gain but eagerly.
Do not lord it over those in your charge but be examples to the flock.
You know that we who teach shall be judged with greater strictness."
I Peter 1:15; 5:2-3

The conduct of all members of the Presbytery, employees and volunteers, is of vital importance. They all minister in the name of Jesus Christ. Church members entrust their leaders, both clergy and laity, with real and symbolic power in these offices which represent God in whose name they speak, preach, pray, and bless. In principles set forth in Scripture, religious leadership is a covenantal relationship that presumes the trustworthy exercise of this power on behalf of those in their care.

Therefore, sexual misconduct is a betrayal of trust and an unwarranted misuse of power on the part of people in leadership in the church. It is wrong and never permissible. And since religious leaders are always in positions of power, because they are in these symbolic roles which convey an aura of sanctity and authority, the mutual consent necessary for an appropriate sexual relationship is impossible. Moreover, religious leaders are always responsible for keeping boundaries and protecting the safety of those in their trust. We recognize the Book of Order places no statute of limitations on allegations of sexual misconduct (Rules of Discipline, Section D-7.1501b).

The Presbytery of Lake Huron through its congregations and members strongly rejects any and all behaviors of sexual misconduct. Potential complaints should be submitted to the appropriate ecclesiastical body (Session or Presbytery). No retaliation against anyone who files a complaint will be tolerated. If the event of a complaint, the procedures provided in the most recent version of the Book of Order (PCUSA) will be followed.

II. Definition of Sexual Misconduct

Sexual Misconduct is Sexual Harassment, Sexual Abuse, and/or Sexual Misconduct committed by a Presbytery staff person, Teaching Elder (Minister of the Word and Sacrament), or other church leader.

“Harassment” means unwelcome advances, requests for favors, and other verbal or physical conduct or communication based on religion, race, color, national origin, age, sex, sexual

orientation, height, weight, marital status, partisan considerations, disability, or genetic information under any of the following conditions:

- a. Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, to obtain employment.
- b. Submission to or rejection of the conduct or communication by a person is used as a factor in decisions affecting the person's employment.
- c. The conduct or communication has a purpose or effect of substantially interfering with the person's employment or creating an intimidating, hostile, or offensive employment environment.

"Sexual Abuse" includes:

- a. Acts regarded as unlawful such as child sexual abuse, rape, sexual battery, and the like;
- b. sexual conduct with any person under the age of eighteen, or with any person without the mental capacity to consent; or
- c. Sexual conduct accompanied by intimidation, force, threat, or coercion.

"Sexual Misconduct" includes sexual conduct resulting from the misuse of office or position:

- a. conduct arising from a ministerial or professional relationship, such as conduct between Presbytery staff members, a clergy or commissioned pastor and staff or congregation member; counselor and client, or youth leader and participant.

III. Procedures

Reporting Incidents of Sexual Misconduct

A. General Principles

- a. *Church Officers need to know procedures.* Reports of sexual misconduct may occur in a variety of ways. Because a governing body or unit cannot control to whom the accuser of sexual misconduct will speak first, it is important that officers, employees, and persons highly visible to Presbytery and/or church members and visitors understand how reports of incidents shall be channeled to the proper person.
- b. *Confidentiality is essential.* Reports of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the individuals involved and of the Presbytery and/or congregation. Reports should be dealt with the *highest confidentiality* both before and after they have been submitted to appropriate authorities.
- c. *Hearsay and rumor.* Hearsay and rumor are detrimental to the accuser, the accused, and the alleged victim, and thus to the potential for a fair and just resolution.

B. Receiving a Report

- a. A person who receives initial information from an accuser about alleged sexual misconduct becomes morally obligated to immediately inform an appropriate officer in that church body or the next higher body. He or she should not undertake an inquiry alone or question either the accuser or the accused about the alleged offense. Allegations

- shall be prepared in writing to the Stated Clerk. If the allegations involve the Stated Clerk, they should be directed to the Moderator of Commission on Ministry and Ministry Preparation (COMMP). In all other circumstances, when the Moderator of Presbytery or the COMMP Moderator is notified of an alleged misconduct, they shall immediately notify the Stated Clerk.
- b. When the allegations of misconduct involve a Presbytery staff person (whether ordained or not), the Presbytery Council has the right and ability to place the staff person on administrative leave for the duration of the investigation and/or during any trial proceedings. In no way should the administrative leave be construed as a finding or even a likelihood of guilt.

IV. Distribution of this Policy

This policy will be distributed as follows:

- A. To Inquirers and Candidates for the Ministry of the Word and Sacrament (Teaching Elder) enrolled in the Presbytery, and to Certified Christian Educators, by the COMMP;
- B. To Ministers of the Word and Sacrament (Teaching Elder) and to Commissioned Lay Pastors by the COMMP;
- C. To all employees of the Presbytery by the Personnel Committee; and
- D. To all persons supervising volunteers by body overseeing the activity of those volunteers.
- E. To all persons reporting alleged sexual misconduct, to all alleged victims, and to all persons against whom allegations are made.
- F. To all clerks of session as a model for congregational Sexual Misconduct Policies.

Presbytery of Lake Huron

Child and Vulnerable Person Protection Policy and Procedures

The following policy and procedures will be implemented by the Presbytery of Lake Huron (hereafter “Presbytery”) and may serve as a model for Sessions within the Presbytery for a congregation’s policy.

I. General Purpose Statement

The Presbytery seeks to provide a safe and secure environment for the children and vulnerable persons who participate in our programs and activities. By implementing the below practices, our goal is to protect the children and vulnerable persons of the Presbytery from incidents of misconduct or inappropriate behavior while also protecting our staff and volunteers (workers) from false accusations.

II. Definitions

For purposes of this policy,

- A. The terms “child” or “children” include all persons under the age of eighteen (18) years. The term “youth” refers specifically to middle and high school age children.
- B. The term “volunteer” means anyone involved in a day care or school, in overnight activities involving minors, in counseling of minors, or in one-on-one mentoring of minors.
- C. The term “worker” includes both paid and unpaid persons who work with children.
- D. The term “vulnerable person” is an adult that is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or advanced age.

III. Selection of Workers

All persons who desire to work with the children or vulnerable persons participating in our programs and activities will provide the following:

- A. **Written Application:** All persons seeking to work with children or vulnerable persons must complete and sign a written application in a form to be supplied by the presbytery. The application will request basic information from the applicant and will inquire into previous experience with children or vulnerable persons, reference information, as well as disclosure of any previous criminal convictions. The application form will be maintained in confidence on file at the Presbytery.
- B. **Background Check:** A national criminal background check is required for all employees (regardless of position) and volunteers as defined above.

Before a background check is run, prospective workers will be asked to sign an authorization form allowing the presbytery to run the check. If an individual declines to sign the authorization form, s/he will be unable to work with children or vulnerable persons.

A disqualifying offense that will keep an individual from working with children or vulnerable person will be determined by the Stated Clerk and/or the chair of the Commission on Ministry and Ministry Preparation on a case-by-case basis in light of all the surrounding circumstances. Generally, convictions for an offense involving children/vulnerable persons 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/vulnerable persons. 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 in the Stated Clerk's files at the Presbytery office.

IV. Responding to Allegations of Child or Vulnerable Person Abuse

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

- **Physical abuse** – any physical injury to a child/vulnerable person that is not accidental, such as beating, shaking, burns, and biting.
- **Emotional abuse** – emotional injury when the child/vulnerable person 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/vulnerable person 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/vulnerable person of his or her essential needs, such as adequate food, water, shelter, and medical care.

A. Trust, Confidentiality, and Mandatory Reporting – G.4.0301 and 4.0302

"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." (*Book of Order* G-4.0302)

Childcare workers may have the opportunity to become aware of abuse or neglect of the children under our care. In the event that an individual involved in the care of children becomes aware of suspected abuse or neglect of a child under his/her care, this should be reported immediately for further action, including reporting to authorities as may be mandated

*By state law when an incident of abuse or neglect is alleged to have occurred during a Presbytery sponsored program or activity, the following procedures shall be followed:

- a. The parent or guardian of the child/vulnerable person will be notified.

- b. In the case of a member of presbytery, the Stated Clerk shall be notified in writing.
- c. The worker alleged to be the perpetrator of the abuse or misconduct will immediately be placed on leave from working with children/vulnerable persons, pending an investigation, and instructed to remain away from the premises during the investigation.
- d. Civil authorities will be notified, and the Presbytery will comply with the state's requirements regarding mandatory reporting of abuse as the law then exists. The Presbytery will fully cooperate with the investigation of the incident by civil authorities.
- e. Our insurance company will be notified, and an incident report completed. Any documents received relating to the incident and/or allegations will immediately be forwarded to the insurance company.
- f. The spokesperson for the Presbytery shall be the Stated Clerk (unless the Presbytery Council designates a different spokesperson) to the media concerning incidents of abuse or neglect. If the Stated Clerk is alleged to be involved, a different spokesperson shall be appointed. The Presbytery will seek the advice of legal counsel before responding to media inquiries or releasing information to the congregation. All other representatives of the church should refrain from speaking to the media.
- g. A pastoral visit will be arranged for those who desire it.
- h. Any person for whom charged of alleged abuse or misconduct are substantiated will be removed from their position working with children/vulnerable persons.

V. Two Adult Rule

It is our goal that a minimum of two unrelated adult workers will be in attendance at all times when children/vulnerable persons are being supervised during programs and activities. Some youth/vulnerable person classes may have only one adult teacher in attendance during the class session; in these instances, doors to the classroom should remain open and there should be no fewer than three students with the adult teacher. The Presbytery does not allow minors/vulnerable person to be alone with one adult whether on site or in any sponsored activity unless in a counseling situation.

VI. Open Door Policy

All room 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.

VII. Sick Child Policy

It is our desire to provide a healthy and safe environment for all of the children/vulnerable persons of the Presbytery. Parents/guardians are encouraged to be considerate of other attendees when deciding whether to place a child/vulnerable person under the Presbytery's care. In

general, attendees with the following symptoms should NOT be dropped off: Fever, diarrhea, or vomiting within the last 48 hours;

- Green or yellow runny nose;
- Eye or skin infections; and/or
- Other symptoms of communicable or infectious disease.

Children/vulnerable persons who are observed by our workers to be ill will be separated from other attendees and the parent or guardian will be contacted to request that the child/vulnerable person be picked up for the day.

VIII. Medications Policy

Any minor or vulnerable adult who needs to take medication (*or have emergency medication available) during a Presbytery event shall have a parent/guardian approved medical plan filled out prior to the event. The plan will designate an event leader who understands and executes the plan in order to uphold the health and safety of the individual.

- In addition, any prescription medications must be in the original container with legible instructions and pertinent information and carried and administered by the assigned leader.
 - Only an approved leader may administer Controlled substances. These medications must be stored and secured at all times.
 - Persons that demonstrate knowledge of their condition and their non-Controlled medications may self-administer with the written approval of their parent/guardian and under the watch of a leader.
 - No prescription may be shared with anyone other than the person for whom the prescription was written.
- Non-prescription (OTC) medications may be administered for first aid as provided in the submitted medical plan.

IX. Discipline Policy

It is the policy of the Presbytery not to administer corporal punishment, even if parents/guardians have suggested or given permission for it. There should be no spanking, grabbing, hitting, or other physical discipline of children or vulnerable persons.

X. Restroom Guidelines

Children five years of age and younger should use a classroom bathroom if one is available. If a classroom bathroom is not available, workers should escort a group of children to the hallway bathroom.

All children/vulnerable persons should always go to the restroom in a group. An adult should never take a child to the bathroom alone. The workers should check the bathroom first to make

sure that it is empty, and then allow the children/vulnerable persons to enter. The workers should then remain outside the bathroom door and escort the children back to the classroom. If a child/vulnerable person is taking longer than seems necessary, the worker should open the bathroom door and call the name. If a child/vulnerable person requires assistance, the worker(s) should prop open the bathroom door, and leave the stall door open as they assist the child/vulnerable person.

XI. Accidental Injury

In the event that a child/vulnerable person is injured while under our care, the following steps should be followed:

- A. For minor injuries, scrapes, and bruises, workers will provide First Aid (Band-Aids, etc.) as appropriate and will notify the parent or guardian of the injury at the time the child/vulnerable person is picked up from our care.
- B. For injuries requiring medical treatment beyond simple First Aid, the parent/ guardian will immediately be summoned in addition to the worker's supervisor. If warranted by circumstances, an ambulance will be called.
- C. Once appropriate medical attention has been provided, an incident report will be completed in the case of injuries requiring treatment by a medical professional.

XII. Training

The Presbytery will provide training on this child protection policy to all new childcare workers and will strive to provide opportunities for additional training classes or events on an annual basis. All workers are strongly encouraged to attend these training events.

XIII. Distribution of this policy

This policy will be distributed as follows:

- A. To Inquirers and Candidates for the Ministry of the Word and sacrament enrolled in the Presbytery, and to Certified Christian Educators, by the Committee on Ministry and Ministry Preparation.
- B. To Ministers of the Word and Sacrament and to Commissioned Lay Pastors by the COMMP;
- C. To all employees of the Presbytery; and
- D. To all persons supervising volunteers by the committee overseeing the activity of those volunteers.
- E. This policy will be distributed to all clerks of session as a suggested model for congregational Sexual Misconduct Policies.