

**PRESBYTERY OF LAKE ERIE CRIMINAL
BACKGROUND CHECK POLICY**

Approved February 20, 2010

New Book of Order reference updates

February 15, 2013

PREAMBLE

In calling women and men to perform the ministry of the Word and Sacrament and committing to them a variety of work to do, the church through the Presbytery calls them to the responsibilities and offices of ministry. Those called to exercise special functions in the church are expected, in addition to possessing the necessary gifts and abilities for the tasks, to be persons of strong faith and dedicated discipleship, who love Jesus Christ as Savior and Lord. “Their manner of life should be demonstration of the Christian gospel in the church and in the world.” [G-2.0301]. The *Book of Order* mandates that those who are called to office in the church are to lead a life in obedience to Scripture and in conformity to the historic confessional standards of the church.

To the Presbytery is given the authority and responsibility to ordain and receive ministers [G-3.0307]; to designate ministers to forms of ministry recognized as appropriate by the Presbytery [G-3.0306]; to receive under its care persons preparing for professional service in the church, and to commission them when appropriate [G-3.0307]. Presbyteries shall determine who shall be their continuing members [G-3.0306].

To this end, the Presbytery of Lake Erie, at its Stated Meeting of [date] approves the following background check policy, to assist it in determining the qualifications of those making application to it for professional service in this Presbytery in order that the mission of the church, both local and universal, may be strengthened and made more effective.

Who Prior to admission to Presbytery or to professional service in the Presbytery of Lake Erie, including all employees of the Presbytery of Lake Erie, all clergy entering Presbytery, commissionable lay pastors before commissioning, inquirers at time of moving to candidacy, and ministers from other denominations seeking to enter into ongoing relationships with congregations of the Presbytery of Lake Erie must consent to, and have background checks performed. **All clergy, commissioned lay pastors and staff who are presently serving the Presbytery at the initiation of this policy.**

Searches Such background checks will normally include:

1. National Criminal File Search
2. State Sexual Offender Search
3. State Criminal Database Search (for persons who have not resided outside of Pennsylvania)
4. Theological degree verification

Extent of Checks For persons not currently residents in the state of Pennsylvania, national background checks will be made for the period since the individual turned twenty-one years of age. For persons currently residents in the state of Pennsylvania, background checks may be limited to the state of Pennsylvania for the period since the individual turned twenty-one years of age, if the General Presbyter deems that is sufficient.

PROCESS

Timing of Background Checks

1. Background checks will be performed upon application for membership in the Presbytery of Lake Erie for ministers who will not become called and installed pastors; at the time of commissioning for commissioned lay pastors; at the time of application to move from inquirer to candidacy status for persons preparing for ministry under the care of the Presbytery of Lake Erie; at the time of request by a minister member of another Presbytery or denomination to be approved for a continuing relationship with one of the congregations of the Presbytery;
2. Background checks will be performed upon candidates of particular interest being considered by congregational Pastoral Nominating Committees prior to an invitation to meet with the Pastoral Nominating Committee or to a neutral pulpit.
3. Background checks will be performed at the time of interview for applicants for positions on Presbytery staff.

Release Form(s) All individuals seeking membership in the Presbytery of Lake Erie or to exercise ministerial or candidacy roles in the Presbytery will be given a written copy of this policy and a release form(s) to authorize the Presbytery to perform background checks according to the steps listed in this policy. See attached release forms.

Records on File All records relating to this Criminal Background Check will be retained in a separate locked file in the Presbytery office. Files will be accessible to the General Presbyter and/or Stated Clerk and will be made available to Chairpersons of Committee on Ministry, Committee of Preparation for Ministry or Presbytery Personnel Committee, as needed.

Failure to Authorize Background checks will not be performed until the release form has been received by the General Presbytery. However, no individual shall be received into membership in the Presbytery of Lake Erie or placed in any leadership or ministerial position or on any approved roll or hired for any Presbytery staff position until the background checks have been performed and the results reviewed by the appropriate authority.

1. Failure to authorize performance of background checks will be treated as withdrawal of the application.
2. Both the individual performing the check and the appropriate authority reviewing the results shall acknowledge in writing his/her awareness of the confidentiality of the information obtained through this policy.

Performance of Check The Presbytery will use the services of one or more of the following organizations or other similar organizations, as it deems appropriate, to perform the background checks: ChoicePoint, Pennsylvania State Police.

Authorized Individuals The Presbytery representative(s) authorized to perform the checks are:

- a. The General Presbyter.
- b. In the absence of the General Presbyter, checks may be performed by the Stated Clerk.
- c. If both the General Presbyter and the Stated Clerk are absent, the checks may be performed by the chairperson of the Committee on Ministry.

Fees Costs associated with the performance of the required background checks will be borne by:

1. Pastoral Nominating Committee or session of a congregation wishing to call a minister, or contract with an interim, a commissionable lay pastor or a stated supply who is not a member of the Presbytery of Lake Erie
2. Committee of Preparation for Ministry for inquirers moving to candidacy
3. Personnel Committee of the Presbytery of Lake Erie for staff of the Presbytery itself
4. Committee on Ministry for any individual seeking membership in the Presbytery of Lake Erie who will not be called to a permanent or temporary relationship with one of the congregations of the Presbytery.

Billing Upon completion of the background check process, the responsible party will be billed by the Presbytery treasurer. Reception into membership in Presbytery, commissioning as a commissioned lay pastor, approval of an ongoing contractual relationship, move from inquirer to candidate, or hiring as Presbytery staff will not be complete until fees are paid. Fees will vary upon the number and types of background checks required.

EVALUATION OF REPORTS

Clear Report If the background checks reveal no criminal offense, sexual misconduct, or credential deficiency the applicant individual, pastoral nominating committee or session, and Committee on Ministry will be notified of the clear status, and the report will be retained in the locked file designated for that purpose in the Presbytery offices. In the case of applicants for Presbytery staff positions, the Personnel Committee will be so notified.

Unclear Reports In the event that one or more of the background check reports are not clear, the person performing the check will communicate the results to the applicant and request the applicant individual to confirm or deny the accuracy of the report.

Further Investigations If the individual denies the accuracy of the report, the person performing the check shall request the applicant to authorize a further background check including the submission of fingerprints.

- a. If the applicant refuses to submit to the fingerprint background check, the Presbytery shall proceed as if the individual had withdrawn his or her application.
- b. If the applicant agrees to a fingerprint check, the person performing the check shall arrange for the more extensive background check to be performed. If the applicant is then cleared, the person performing the check shall notify the applicant individual, pastoral nominating committee or session, and Committee on Ministry that the individual has received a clear report, and the report will be retained in the locked file designated for that purpose in the Presbytery offices. In the case of applicants for Presbytery staff positions, the Personnel Committee will be so notified.

Automatic Disqualification

If the offenses or behaviors reported and confirmed include any of the following, the General Presbyter shall report to the pastoral nominating committee or session, the Committee on Ministry or Personnel Committee, and to the applicant that the General Presbyter must deny the applicant the status or position requested.

- a. Any of the behaviors listed in the Sexual Conduct Policy of the Presbytery of Lake Erie
- b. Physical sexual conduct with a child
- c. Child pornography
- d. Any other offenses deemed by the General Presbyter to be so grave and sufficiently recent as to disqualify the individual for admission to membership in the Presbytery of Lake Erie or placement in one of its congregations

If the applicant is so denied, the General Presbyter shall send the applicant, in addition to notice of the adverse decision, a copy of the report on which the adverse decision was made.

Reports Requiring Decisions

Unclear Reports

- a. If the offenses or behaviors reported and confirmed are not on the automatic exclusion list, the results will be submitted to the Subcommittee on Care to Congregations for its consideration, except for those reports dealing with applicants for staff positions, which will be referred to the Personnel Committee, and those reports dealing with applicants for moving from Inquirer to Candidate, which will be referred to the Committee on Preparation for Ministry.
- b. The reviewing committee will make recommendations to the Committee on Ministry on the advisability of admitting the individual to Presbytery or role, based on the likelihood of repetition of the undesirable offenses or behaviors, and the impact on the mission and life of the congregation and Presbytery or particular ministry or role involved. If the referral is to the Personnel Committee, it shall make its decision on the same criteria.
- c. The decision will be reported to the individual and the pastoral nominating committee or session, if any. If the decision is to deny the individual admission to the Presbytery or role, the chairperson of the deciding body, shall send the applicant, in addition to notice of the adverse decision, a copy of the report on which the adverse decision was made.
- d. Confidentiality of information will be maintained as far as possible. Each member of one of the above committees shall be provided with a copy of this policy and directed to observe its confidentiality provision.

Advisory Role If the Subcommittee on Care to Congregations or Committee on Preparation for Ministry advises the Committee on Ministry that the reported offenses or behaviors are not sufficient to disqualify the individual from consideration for admission to membership in Presbytery, or placement in the requested position or on the desired roll, the Committee on Ministry shall

- a. counsel the individual and pastoral nominating committee or session, if any, about the report and its potential impact on the life and ministry of the individual, congregation and Presbytery
- b. place its report on file in the locked file designated for that purpose in the Presbytery offices
- c. if the referral is to the Personnel Committee, it shall proceed in like manner.

Hearings An individual who has been denied admission or placement in a position or on a roll may request a hearing by the full Committee on Ministry, which shall receive a copy of all materials considered by the reviewing body in making its decision and any evidence in mitigation submitted by the requesting individual.

- a. When an individual requests a hearing after having been denied access, the applicant will be asked to sign a release acknowledging that the hearing will expand the number of persons who will be privy to the information in the reports.
- b. The Committee on Ministry, after receiving the evidence and testimony of the reviewing body, the individual, and witnesses called by both sides, shall make its decision, which shall be final.
- c. If the individual is admitted to Presbytery or placed in a position within the Presbytery, the reports and evidence regarding the individual will be placed on file in the locked file designated for that purpose in the Presbytery offices.

No Temporary Status No calls may be extended, no admission granted, no contracts approved, no placements on rolls or to positions shall be made, or temporary relationships authorized until final disposition is made by the Committee on Ministry or Personnel Committee.

Validity Once a background check has been performed upon an individual, that check is considered sufficient for the duration of his/her membership in the Presbytery of Lake Erie or one of its congregations, or employment status of the Presbytery.

Destruction of Reports

- a. If an individual is denied admission or withdraws his or her application for admission or placement on a roll or in a position within the Presbytery, the report on that individual shall be retained on file in the locked file for that purpose in the Presbytery offices for three years following notice that the candidate or applicant was non-selected and then be destroyed.
- b. In the case of a pastoral nominating committee or session seeking reports on multiple candidates, when a call or contract has been approved by Presbytery and accepted by a candidate, the reports on other candidates for the position shall be retained on file in the locked file for that purpose in the Presbytery offices for three years following notice that the candidate or applicants was non-selected and then be destroyed. Similarly if an offer of a contract is not extended to an applicant for any other reason, the background check report on the applicant shall be retained on file in the locked file for that purpose in the Presbytery offices for three years following notice that the candidate or applicant was non-selected and then be destroyed.
- c. Once an individual becomes a member of Presbytery, is granted a status, or is hired for a position within the Presbytery, his/her record will be kept on file permanently in the locked file for that purpose in the Presbytery offices.

Not Sufficient

Clearance of background checks is a necessary, but not sufficient, step for admission to membership in the Presbytery of Lake Erie, placement on its rolls or into a position of leadership in its congregations, or hiring as a staff person. Clearance of background checks does not guarantee that admission will be granted, placement made, or contracts offered.

