

POLICY ON ETHICS AND CONDUCT

GUILFORD PARK PRESBYTERIAN CHURCH

GREENSBORO, NORTH CAROLINA

Approved by the Session: 9-17-06

Guilford Park Presbyterian Church, Greensboro, North Carolina, is a Christian community which takes seriously its responsibility to provide a safe work environment for all staff and a safe and nurturing environment for children and youth who participate in our ministries. God calls the church and its members to justice, which requires us, among other things, to provide an environment free from fear, intimidation, and abuse. All program staff and those volunteers who are in leadership roles in these ministries are living out the vows we take in baptism to nurture our infants, children, and youth in the Christian faith. All play a key role in fostering spiritual development of individuals and families in our church community. The following statements reflect the commitment of Guilford Park Presbyterian Church to provide a safe environment for all staff and all infants, children, youth, and volunteers who participate in church-sponsored ministries. Nothing in this policy is intended to preclude youth programming related to sexuality education or other related topics.

In an effort to provide a safe community for staff, volunteers, children, and youth, the church requires all volunteers who work with infants, children, and youth and all staff to commit themselves to the Policy on Sexual Misconduct adopted by the Session of this church. In doing so, all volunteers who work with infants, children, and youth and all staff are asked to review Guilford Park Presbyterian Church's *Policy on Ethics and Conduct* and sign the Sexual Misconduct Information Form (see appendix). In addition, a criminal background check will be completed for all paid staff; those working directly with children shall not begin employment until the check is completed while others may not become permanent staff until the check is completed.

In accordance with chapter 6 of the Form of Government of the *Book of Order*, officers (elders, deacons, and ministers of the Word and Sacrament) of the Presbyterian Church (U.S.A.) "shall report to ecclesiastical and civil legal authorities knowledge, gained in the course of service to the church, of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation of abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of privileged communication; or (2) she or he reasonably believes that there is a risk of future physical harm or abuse."

DEFINITION OF SEXUAL MISCONDUCT:

"Sexual Misconduct" is defined as

1. **Child Sexual Abuse:** Child Sexual Abuse is behavior that includes, but is not limited to: (a) any sexual contact or sexual interaction between a child (under the age of eighteen years) and an adult; (b) any use of a child for the sexual stimulation of an adult, a third person, or the child; (c) any inappropriate or unwelcomed jokes, innuendo, visual contact, casual touch, hugs and kisses, or sexually suggestive pictures presented by an adult to a child, as deemed inappropriate by any reasonable adult. Sexual behavior between a child and an adult is always considered abuse whether or not consented to by the child.
2. **Sexual Harassment:** Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: a.) Submission to such conduct is made either explicitly or implicitly a term or a 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 used as the basis for employment decisions affecting such individual; or 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.

3. **Rape or sexual contact by force, threat, or intimidation.**
4. **Sexual Conduct:** Sexual Conduct is conduct of a sexual nature that is offensive or injurious to the physical or emotional health of another. Examples of Sexual Conduct includes but is not limited to offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome or inappropriate touching or fondling, possession on church property of pornographic or sexually graphic materials, or accessing pornographic or sexually graphic web sites on church property.
5. **Sexual Malfeasance:** Sexual Malfeasance is defined as sexual conduct within a ministerial or professional relation. Sexual conduct includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from having normal, mutual, social, intimate, or marital relationships.

SELECTION AND TRAINING OF NON-PASTORAL STAFF AND VOLUNTEERS:

Note: All pastoral staff are screened by the presbytery for any past sexual misconduct either sustained or pending and are required to abide by the presbytery's Policy & Procedures Sexual Misconduct Prevention.

1. As part of the hiring process of all paid staff, the Session, through its Personnel Committee and its Preschool Subcommittee, will state in all its position descriptions that Guilford Park Presbyterian Church has a Policy on Ethics and Conduct to which all employees must comply.
2. The Personnel Committee or the Preschool Subcommittee shall conduct, before regular employment, a criminal background check with special regard to allegations of sexual misconduct. This criminal background check shall be at the expense of a prospective employee, but if hired, said employee will be reimbursed.
3. The Pastor, as Head of Staff, or the Preschool Director shall see to it that all new paid staff, before employment, receive Guilford Park Presbyterian Church's *Policy on Ethics and Conduct* and require completion of the Sexual Misconduct Information Form (see appendix), which will be kept in the employee's file, indicating that no civil, criminal, nor ecclesiastical complaint has ever been sustained or is pending against him/her for sexual misconduct and that he/she has never resigned or been terminated from a position for reasons related to sexual misconduct. Those with a history of sexual misconduct shall **NOT** be employed.
4. At least annually, the *Policy on Ethics and Conduct* shall be reviewed by the Head of Staff with all current paid church staff and by the Preschool Director with all current preschool staff.
5. The committee with responsibilities for children and youth ministries of the church shall review the *Policy on Ethics and Conduct* with all church teachers, youth leaders, and volunteers working with infants, children and youth at the start of their responsibilities and annually. Whenever persons are recruited to work with infants, children and youth, their names shall be reported in writing to this committee before they begin their responsibilities. All church volunteers working with infants, children, or youth shall sign the Sexual Misconduct Information Form prior to beginning their volunteer service; those whose Sexual Misconduct Information Form indicate a history of Sexual Misconduct shall **NOT** be allowed to work with infants, children, or youth.
6. The training of new officers shall include this document and appropriate Book of Order sections.

SUPERVISION OF STAFF AND VOLUNTEERS:

1. To the extent practical, an adult will never be alone or behind a closed door with a child/youth.
2. To the extent practical, activities involving infant, children, and youth shall be staffed by at least two adults who are active participants, for at least the past six months, in the life of the congregation.
3. Children/youth who attend overnight church or church-sponsored events shall be monitored appropriately.
4. All staff and volunteers who attend a church sponsored activity for children or youth shall refrain from the use and consumption of alcohol or controlled substances during the activity.
5. Those with leadership responsibilities over activities for children and youth shall abide by the additional policies established by the committee with responsibilities for children and youth ministries.
6. Staff and volunteers are required to report any behavior which seems inappropriate or abusive (see below).

INITIAL REPORTING OF SUSPICIOUS ACTIVITY:

1. Any suspicious activity must be reported immediately. If the allegation is against a Minister of the Word and Sacrament, the presbytery's General Presbyter and/or the Stated Clerk shall be contacted immediately. In all other cases, the following steps shall be followed.
2. The report shall be made to one or more of the following:
 - * Pastor or Associate Pastor
 - * Director of Christian Education for Children and Youth or Preschool Director
 - * Volunteers who may have oversight responsibilities
3. The initial person making the report of abuse or suspicious activity shall be asked to document details in writing immediately using the Incident Report Form (see appendix). If this is not possible, one of the above persons to whom the report was made shall do so.
4. The person receiving the initial report of suspicious activity shall report it immediately to the Pastor, who shall immediately inform the Clerk of Session, presbytery's General Presbyter, church legal counsel, and the parent/s if the allegations involve a child under the age of 18. A parent shall be present at any interview of such child and the Pastor shall keep the parent/s informed as to the status of the investigation throughout the entire process.
5. The Pastor, or his/her designee, shall interview, as soon as possible, all appropriate persons, taking seriously all allegations, striving to be sensitive and protective of both victim and accused, and documenting what, when, where, and how, and the date, time, and circumstances under which the report was made to determine whether further action should be taken.
6. The accused shall refrain from all infant, children, and youth activities, while the investigation is pending. Care should be taken to handle this in a discreet manner, recognizing that an investigation is still being conducted.
7. After investigating the reported circumstances, if the appropriate person receiving the report and the Pastor determine that there is reasonable cause to suspect (a) Child Abuse, as defined by North Carolina law, then further action shall be taken as described in the section entitled "Responding to Allegations of Child Sexual Abuse" or (b) Sexual Misconduct, as defined by this policy, then further action shall be taken as described in the section entitled "Responding to Allegations of Sexual Misconduct."
8. If no reasonable cause is determined, persons making this decision have the option to recommend another appropriate action, e.g., further investigation, a review of process in that program, further education, continued restriction from activities involving children and youth, or reconciliation where appropriate.

RESPONDING TO ALLEGATIONS OF CHILD ABUSE:

If it is determined that there is reasonable cause to suspect Child Abuse, as defined by North Carolina law, the following steps shall be taken:

1. Local law enforcement authorities shall be contacted immediately as required by law (see appendix), and a copy of all documentation will be provided them. These authorities shall be afforded complete cooperation by the church's staff and members.
2. The church will be bound in its procedure by the Rules of Discipline contained in the *Book of Order*. If necessary, the Session will appoint a Special Disciplinary Committee as referred to in the Rules of Discipline.
3. A spokesperson shall be appointed by the Pastor in consultation with the Clerk of Session. This person shall have ongoing consultation with the Pastor and Clerk of Session and will be the only person communicating on behalf of the church to the press and authorities. This person must present a clear position statement of the church regarding child abuse and include policies and established safeguards.
4. In consultation with the Pastor and Clerk of Session, the spokesperson will provide appropriate information to the congregation.
5. The pastoral staff will provide appropriate pastoral care and support to all involved.

RESPONDING TO ALLEGATIONS OF SEXUAL MISCONDUCT:

If it is determined that there is reasonable cause to suspect Sexual Misconduct, as defined by this policy, the following steps shall be taken:

1. If the accused is a paid member of the church or preschool staff, the Personnel Committee will determine how to proceed. If the Sexual Misconduct involves a child under the age of 18, the employee shall be suspended immediately pending review and final action by the Personnel Committee.
2. If the accused is a member of the congregation, the pastoral staff and the Clerk of Session shall determine how to proceed. If the Sexual Misconduct involves a child under the age of 18, the accused shall be permanently barred from any teaching, advisory, or leadership role with children or youth. The church will be bound in its procedure by the Rules of Discipline contained in the *Book of Order*. If necessary, the Session will appoint a Special Disciplinary Committee as referred to in the Rules of Discipline. The pastoral staff and the Clerk of Session shall determine what, if any, appropriate information needs to be provided to the congregation and who is to provide it.
3. The pastoral staff will provide appropriate pastoral care and support to all involved.

North Carolina Child Abuse Reporting Law

Duty to report abuse, neglect, dependency, or death due to maltreatment.

Any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 7B-101, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the department of social services in the county where the juvenile resides or is found. The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making it including the name, and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number. Refusal of the person making the report to give a name shall not preclude the department's assessment of the alleged abuse, neglect, dependency, or death as a result of maltreatment.

The Guilford County's Department of Social Services Child Protective Services Division may be reached at 1-800-378-5315, 24 hours per day.

Incident Report Form

Reason for Report: _____

Date and Time of Incident: _____

Name of Reporter: _____ Class: _____

Title: _____

Name and of Child(ren): _____

Briefly describe what happened: _____

What action did you take? _____

Has the incident been resolved? yes no Explain: _____

Were there any witnesses? yes no

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Names: _____

Signatures (if possible): _____

Report submitted to: _____

SEXUAL MISCONDUCT INFORMATION FORM

(Approved by Session: 9-17-06)

The following definition of sexual misconduct is taken from the Policy of Ethics and Conduct of Guilford Park Presbyterian Church, Greensboro, North Carolina:

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2. **Sexual Harassment:** Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: a.) Submission to such conduct is made either explicitly or implicitly a term or a 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 used as the basis for employment decisions affecting such individual; or 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.
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The following certification related to sexual misconduct was mandated by the *Policy on Ethics and Conduct* adopted by the Session of Guilford Park Presbyterian Church of Greensboro, North Carolina. (Please check one of the following.)

_____ I certify by the signature below that no civil, criminal, or ecclesiastical complaint has ever been sustained* or is pending** against me for sexual misconduct as defined above; and that I have never resigned or been terminated from a position for reasons related to such sexual misconduct.

_____ I am unable to make the above certification. Instead, I offer the following attached description of the complaint, termination, or the outcome of the situation with explanatory comments.

I fully understand that the information obtained may be used to deny me employment or any other type of position from the employing entity. I further certify, by signing below, that I have read the Policy of Ethics and Conduct of Guilford Park Presbyterian Church of Greensboro, North Carolina, and that I will abide by it completely. I also agree that I will hold harmless Guilford Park Presbyterian Church of Greensboro, North Carolina, from any and all claims, liabilities, and causes of action for the legitimate release of information related to sexual misconduct or for my actions that may cause a civil or criminal suit.

Signature _____ Print Name _____ Date _____

***Sustained**

1. In a criminal court, "sustained" means that there has been a guilty plea, a guilty verdict or a plea bargain.
2. In a civil court, "sustained" means that there has been a judgment against the defendant.
3. In an ecclesiastical case, "sustained" means that there has been a guilty plea and censure imposed, or finding of guilty with censure imposed, by a permanent judicial commission in the Presbyterian Church (U.S.A.) or an equivalent body of another church.

****Pending**

1. In a criminal court, "pending" means a criminal charge before a grand jury, in the process of being prosecuted, or in which there is not yet a verdict.
2. In a civil court, "pending" means a case in which there has not been a decision or judgment.
3. In an ecclesiastical case, "pending" means an accusation is being investigated by a special disciplinary committee or charges have been filed but have not yet been decided by a permanent judicial commission; or an accusation or charges are in an equivalent state or process in another church other than the Presbyterian Church (U.S.A.).