

First United Presbyterian Church
Sexual Misconduct Prevention Policy

October 9, 2012

We believe and proclaim that all people are created by God. God values all human life and intends that everyone—men, women and children—have worth and dignity in all relationships.

We further believe in justice for all persons. Sexual misconduct is an abuse of power and trust, therefore, unjust. Scripture asserts that religious leadership involves a covenant relationship that presumes the trustworthy exercise of power on behalf of those in our care. A betrayal of this trust is more than just a personal tragedy for the victim. It reflects a tragic breakdown in the character of the abuser that seriously threatens not only those immediately affected but the well-being of the church itself.

For too long, incidents of sexual misconduct have been glossed over, rationalized, or subverted for "the good of the Church." First United Presbyterian Church [hereafter "First United" or "FUPC"] here proclaims that, the "good of the Church" can never be served by overlooking an abuse of power and trust, that sexual misconduct is wrong. We further declare that charges of misconduct must be dealt with promptly, fairly, and with compassion for both the alleged injured party and the alleged perpetrator.

The purpose of this policy is to make clear First United's position on sexual misconduct and abuse, and to establish the procedures to be followed in investigating and resolving instances where misconduct is alleged to have occurred. The Presbytery of Albany's "Sexual Misconduct and Abuse - Policy and Procedures" paper has formed the template for this document.

I. The Policy Statement

Sexual misconduct, defined as including sexual harassment and abuse, whether of a child or adult, is a violation of the principles set forth in Scripture and is never permissible. In determining its own witness to the world and its services to humanity, the Church of Jesus Christ is bound by the gospel mandate to "announce good news to the poor, to proclaim release for prisoners and recovery of sight to the blind, to let the broken victims go free, to proclaim the year of the Lord's favor." Thus it sounds the note of liberation, reconciliation and healing, and calls all persons to the more abundant life of Christ. All persons must be afforded equal respect under the gospel. This policy applies to all clergy of First United and all staff (paid or unpaid), officers, members of the congregation, and visitors. This policy recognizes that victims of sexual misconduct may include church members and their children, church employees, pastors, and other persons regardless of church membership or association. It is the policy of this church that charges of sexual misconduct be treated with the seriousness they deserve and be dealt with promptly and fairly for the benefit of all parties concerned. In keeping with American law and tradition, the presumption of innocence regarding the accused must be respected.

II. Definition of Terms

A. Sexual harassment is a form of sex discrimination and is defined as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

- a) touching or grabbing a sexual part of a member's, visitor's or employee's body;
- b) touching or grabbing any part of a member's, visitor's or employee's body after that person has indicated, or it is known, that such physical contact is unwelcome;
- c) exposing personal body parts;
- d) displaying or transmitting (including through electronic media) sexually suggestive pictures, objects, cartoons, posters, etc.;
- e) writing sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- f) referring to or calling a person's a name with sexual connotations if it is known or should be known that the person does not welcome such behavior;
- g) telling sexually suggestive jokes or using sexually vulgar or explicit language;
- h) making derogatory or provoking remarks about or relating to any individual's sex or sexual orientation;
- i) harassing acts or behavior directed against a person on the basis of his/her sex or sexual orientation.

In addition, retaliation of any kind against a person for having filed or supported a complaint of sexual harassment (i.e. ostracizing the person, pressuring the person to drop or not support the complaint, etc.) is also against the law and a violation of this policy.

B. Sexual Abuse is any offense involving sexual conduct in relation to:

1. Any person under the age of eighteen years or anyone over the age of eighteen years without mental capacity to consent {D-10.0401b. (1)} or
2. Any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position {D-10.0401b. (2)}.

Examples of sexual abuse include any and all of the following behavior:

- a) punishing or threatening to punish a person for rejecting sexual attention, requests, and/or demands;
- b) coercing, or attempting to coerce, a person into a sexual and/or dating relationship;
- c) using spiritual or appointed authority to coerce or the attempt to coerce, persuade or mislead a person to enter into sexual behavior;
- d) basing employment, promotion, pay increases, or training opportunities on a person's acceptance or rejection of sexual advances;
- e) utilizing a position of trust to engage in sexual contact, with or without consent, involving a person who is subject to the implicit trust relationship which the position conveys (e.g., pastors, pastoral counselors, youth leaders, church school teachers, child care workers, etc.);
- f) any sexual contact by force, threat, or physical intimidation, including but not limited to

rape or attempted rape.

C. Child Sexual Abuse includes any and all of the following behaviors, whether carried out on- or off-duty:

1. Any inappropriate sexual interaction between an adult and a child, whether verbal or physical;
2. any sexual contact by force, threat, or physical intimidation, including but not limited to rape or attempted rape;
3. any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or a third party.

III. Procedures for the Session

The Session of First United is responsible for providing a sexual misconduct-free work, worship, and gathering environment for its staff (paid or unpaid), members, and visitors, and for providing policies and procedures to enforce the investigation and prosecution of allegations of sexual harassment and abuse on the part of its congregation. It shall be the responsibility of the Session to:

1. Inform all employees and volunteers, especially those who work with children or youth, of First United's Sexual Misconduct Policy and provide them with a copy;
2. inform all members of First United of this Policy;
3. appoint two Contact Persons in the congregation, a woman and a man, to whom an allegedly injured party may go as an alternative to calling the Pastor. It shall be the Contact Persons' chief responsibility to explain the policy to the reporter, and to inform the Pastor/Session/General Presbyter;
4. recognize the importance of and maintain confidentiality regarding both the accuser and the accused. It shall be the Contact Person's responsibility to ascertain what is appropriate confidentiality in discussion with the Pastor and advise the reporter accordingly. It may be appropriate at some point for the Session to inform the congregation of the situation and the parties involved. This should be done in consultation with the General Presbyter;
5. file a copy of the Sexual Misconduct Prevention Policy with the Stated Clerk of the Presbytery;
6. Session will review the Sexual Misconduct Prevention Policy every three years.

IV. Reporting Procedures

Reports of alleged sexual misconduct may occur in a variety of ways. Because First United cannot control to whom the accuser of sexual misconduct will first speak, it is important that all church leaders and employees understand how reports of incidents are to be channeled to the proper person. Reports of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the accuser, the accused, and of the Church. Reports should be dealt with as matters of highest confidentiality both before and after they have been submitted to appropriate authorities.

All persons covered by this policy have a particular duty to report suspected sexual abuse and shall report the incident to civil or criminal authorities as required by local or state law. All persons will be educated on and must comply with state and local laws regarding incidents of actual or suspected

sexual abuse.

The importance of properly reporting allegations of sexual misconduct cannot be overemphasized. Attempts to resolve accusations informally at the lowest organizational level, while understandable, can often result in inappropriate responses, which may make matters worse. Accordingly, the following reporting procedures are to be followed:

1. A victim of sexual misconduct may be a church member, church employee, a visitor, or the pastor herself or himself. The injured party is encouraged to contact one of the following if she/he has been or is being subjected to any form of sexual misconduct:
 - a) the appointed male/female Contact Persons;
 - b) in the event that the alleged offender is the pastor, the Contact Person appointed by the Session should inform the Session who will inform the General Presbyter;
 - c) should the alleged offender be a member of the congregation, a visitor, or a church staff member other than the pastor, the pastor as head of staff should be informed;
 - d) the General Presbyter.
2. Allegations received from a third party, but as yet unsubstantiated by the presumed injured party, are to receive a prompt inquiry. The accused shall be informed of the allegations.
3. A formal accusation by an alleged injured party will initiate a disciplinary case, which will be handled as stipulated by the Rules of Discipline D-10.000 and following:
 - a) reprisals as a result of reporting allegations are forbidden and, should such occur, could lead to disciplinary process; and
 - b) the reporting of false allegations as a vindictive act is also subject to disciplinary process if the person reporting is subject to Presbyterian discipline.

V. Staffing Policies

1. The definition of Staff includes all FUPC paid employees and all volunteers working with children/youth within the programs of the church, whether on or off site.
2. Paid staff will be screened through the New York State Sex Offense Registry prior to hiring.
3. Volunteers will be recruited by the Faith Education Committee and approved by Session. All new volunteers will have had involvement at FUPC for at least three months before being recruited. Exceptions will be reviewed by Session.
4. All Summer Music Day Camp staff will be recruited by the Music Day Camp Director and all screening and training policies herein apply to that program.
5. Screening Process: All who work with children and youth, both paid and volunteer, will complete a personal information/application form that will be submitted for review by the Faith Education Committee. All Staff will receive a copy of the Sexual Misconduct Prevention Policy and sign a form indicating receipt and knowledge of the Policy, and will also sign a statement agreeing to abide by its terms.
6. Training: The Personnel and Faith Education Committees will partner in providing annual Sexual Misconduct Prevention training to all staff. Each staff person will be required to attend the training once every three years.
7. To avoid isolation of children with adults one of the following three must be adhered to:
 - a) at least two staff members, one of whom will be an adult, must be present in a room whenever children are present;

- b) the door must have an unobstructed window;
 - c) the door must be left open. These requirements will be monitored and logged by the Personnel Committee. All Staff should be alert to the concerns for child safety when traveling with or when alone with a child/youth and must use vigilance in assuring each child's/youth's safety.
8. At the beginning of each program year a mandatory blanket permission form will be signed by the Parents/Guardians of each child/youth in order for that child/youth to participate in any FUPC-involved activities on- or off-site.
 9. Responsibility for record keeping will lie with the Personnel Committee.

VI. Outside Organizations

1. Organizations, individuals, and institutions that are not church-related or governed by the church body and that use the church building are expected to:
 - a) adhere to this policy, or
 - b) provide to the church a copy of their own policy which is at least as thorough as this one and made a part of their Memorandum of Understanding and attached thereto. Any allegations expressly brought to the church's attention will be investigated by FUPC. The Church's decision whether to allow the organization to continue using the building shall be at the Session's discretion and shall be final. Any reasonable requests by FUPC to organizations using the building shall be followed or their rights terminated, at FUPC's discretion, until such time as those requests are complied with.

First United Presbyterian Church, Troy, NY
Staff Application and
Personal Information Form

Name: _____

Full Address: _____

Business Phone: _____

Home Phone: _____

Please complete the following certification:

I certify that:

- a) no civil, criminal, and/or ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct;
- b) I have never resigned or been terminated from a position because of any sexual misconduct on my part; or
- c) I have never been required to receive professional treatment for reasons related to sexual misconduct on my part.

Signature: _____ Date: _____

NOTE: If you are unable to make the above certifications, you may instead attach to this questionnaire a description of any complaint, termination, or course of treatment in which you have been involved, giving names and addresses of employers or physicians, the outcome of the situation and any explanatory comments you care to add.

First United Presbyterian Church
ACKNOWLEDGEMENT OF RECEIPT

I hereby acknowledge that I received on _____ (date) a copy of the Sexual Misconduct Prevention Policy, First United Presbyterian Church, Troy, NY dated _____, that I have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy.

Signature: _____ Date: _____

First United Presbyterian Church, Troy, NY

Annual Permission Slip for Child/Youth
Participation In Programming

(Please complete one form for each individual.)

Child's/Youth's Full Name: _____

Parent's/Guardian's Name: _____

Address: _____

Phone Numbers: Home: _____ Business: _____

I hereby give permission for my child/youth to participate in all First United events, on and off site, under the leadership and care of the responsible adults supervising the events and activities, and providing any necessary transportation.

I have read the Sexual Misconduct Prevention Policy and am comfortable that First United and the responsible adults are vigilant in their care of my child/youth while participating in its activities.

I understand that there may be additional Covenants of Conduct to be completed for particular events.

Signature: _____ Date: _____

Parent or Guardian

First United Presbyterian Church
Acknowledgement of Receipt
By Organizations Utilizing FUPC

On behalf of _____ (organization),
I, _____ (name) hereby acknowledge that I received on
_____ (date) a copy of the Sexual Misconduct Prevention Policy,
First United Presbyterian Church, Troy, NY dated _____, that I
have read the policy, understand its meaning, and agree that
_____ (organization)
will conduct itself in accordance with the policy.

Signature/Title: _____ Date: _____

First United Presbyterian Church
Acknowledgement of Receipt
By Organizations with Continuing Long-Term Association

On behalf of _____ (organization),
I, _____ (name) hereby acknowledge that I received on
_____ (date) a copy of the Sexual Misconduct Prevention Policy,
First United Presbyterian Church, Troy, NY dated _____, that I have
read the policy, understand its meaning, and agree that
_____ (organization)
will conduct itself in accordance with the policy, and inform its employees and
volunteers of such policy.

Signature: _____ Date: _____