

# Lewinsville

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## Presbyterian Church

### SEXUAL MISCONDUCT & CHILD PROTECTION POLICY STATEMENT

The Lewinsville Presbyterian Church (Church), in an effort to further the peace, unity and purity of the Church through the prevention of sexual misconduct within the Church, has developed the following Sexual Misconduct & Child Protection Policy Statement (Policy Statement). In preparing this document, attention was given to setting and providing for enforcement of standards of ethical behavior consistent with the Reformed tradition and secular law. This Policy Statement is modeled after and consistent with the *National Capital Presbytery, Presbyterian Church (U.S.A.), Clergy and Certified Christian Educators Sexual Misconduct Policy and samples of Child Protection Policy Statement/Covenant recommended by the National Capital Presbytery.*

#### **A. Sexual Misconduct Policy**

Clergy, paid employees (full-time, part-time and contract), and volunteers working for the Church shall not engage in any kind of sexual misconduct, including but not limited to, sexual abuse, rape or sexual assault, sexual exploitation, or sexual harassment of children or adults. Placement of known sexual offenders in Church positions is prohibited. Sexual misconduct is a corrupt and unjust use of authority and power breaching Christian ethical principles by misusing a trust relationship to gain advantage over another for personal gratification in an abusive and exploitative manner. Sexual misconduct is never permissible. It is a violation of the principles set forth in Scripture, as well as of ministerial, pastoral, employment and professional relationships. Sexual misconduct shall be grounds for dismissal of an employee and removal from an elected or appointed position for a volunteer.

#### **B. Purpose of Policy Statement**

The purpose of this Policy Statement is to define sexual misconduct and other terms used therein, to describe the procedures for preventing known sexual offenders from being placed in Church positions, to list standards of conduct, to detail the responsibilities and roles in implementing the Policy and to establish procedures for reporting and investigating incidents of sexual misconduct. While all sexual misconduct is forbidden, the Church and its members are especially committed to and place a high priority on the safety, welfare and protection of all children and youth participating in activities and programs of the Church.

## C. Definitions

1. Child, children or youth - for purposes of this Policy Statement these terms mean those persons who are less than 18 years of age.
2. Sexual Misconduct - a comprehensive term used in this Policy Statement to include: sexual abuse, rape or sexual assault, sexual exploitation and/or sexual harassment of children or adults. It also includes viewing, storing or transmitting pornographic material for any purpose on Church property and/or with Church-owned devices, such as, but not limited to, computers or cellular telephones and inappropriate sexualized behavior. Such behavior is not limited to physical contact, but may also include gestures, spoken words or written contact.
3. Sexual Abuse - occurs whenever a person in a position of trust engages in a sexual act, has sexual contact or creates a sexual environment with another person, child or adult, or ignores a request to cease sexualized behavior by any person to whom he or she owes a professional responsibility. Such sexual abuse shall include, but not be limited to, the following:

### Sexual Acts or Sexual Contact:

- a. Between Clergy, paid employees (full-time, part-time and contract) or volunteers working for the Church and adults or children with whom they have a professional or Church-related relationship. This includes consensual physical relationships. Sexual relationships even when consensual are not acceptable regardless of whether pastoral care is involved. The inherent imbalance of power between the Clergy, paid employees or volunteers working for the Church and the layperson undermines the validity of such consent.
- b. Involving inducement, threat, coercion, force, violence or intimidation of another person.
- c. With another person, child or adult, who is physically or mentally incapable of appraising the nature of the conduct or physically or mentally incapable of declining participation in, or communicating unwillingness to engage in, that sexual act or sexual contact.
- d. Arising from the administration to another person of a drug or intoxicant that substantially impairs the ability of that person to apprise or control the nature of the conduct.

### Examples of Sexual Abuse:

- a. Sexual intercourse,
- b. Sexual touch and repeated "accidental touch" of sexual areas of the body,
- c. Tickling and playful aggression that seems uncomfortable to the recipient,
- d. A prolonged hug when a brief hug is customary behavior,
- e. Kissing on the lips when a kiss on the cheek would be appropriate,
- f. Pressing up against the body when hugging, and
- g. Verbal behavior, in person or by technological means, meant to sexualize a relationship, such as innuendo or sexual talk, suggestive comments, including tales

of one's exploits or experience, questions about the intimate details of other's relationships or looking for sympathy about his or her partner's sexual inadequacies.

4. Sexual Abuse of a Child - consists of any sexual contact between an adult and a child. Sexual abuse of a child includes, but is not limited to, any contact or interaction between a child and an adult in which the child is being used for sexual stimulation of an adult person(s) or third party. Such behavior may or may not involve touching and is always considered forced, whether or not consented to by the child. Sexual abuse of a child also includes accessing, promoting, or pandering of child pornography on Church property and/or with Church-owned devices such as computers or cellular telephones.

Child sexual abuse is a crime in all states and must be reported to civil authorities. Anyone who knows or has a reason to suspect that child sexual abuse has occurred or is occurring generally may be a mandated reporter. (See Section H.)

5. Rape or Sexual Assault – is a crime in all states and must be reported to civil authorities and to appropriate Church and National Capital Presbytery (Presbytery) officials.
6. Sexual Exploitation - a term defining offenses in which an adult victimized a person, often a child, for advancement, sexual gratification, or profit, including but not limited to, prostituting a child and/or trafficking in child pornography. It is often designed to break down the child's inhibitions and may include, but is not limited to one or more of the following:
  - a. sexually oriented jokes or humor;
  - b. sexually demeaning comments;
  - c. verbal suggestions of sexual involvement or sexual activity;
  - d. questions or comments about sexual behavior;
  - e. unwelcome or inappropriate physical contact;
  - f. graphic or degrading sexually oriented comments about an individual's physical appearance;
  - g. express or implied sexual advances or propositions;
  - h. display of sexually suggestive objects, pictures or videos;
  - i. obscene phone calls;
  - j. sexual grooming via an online chat room; and
  - k. repeated requests for social engagements after an individual refuses.
7. Sexual Harassment – a term often used to describe unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexually offensive nature. Both children and adults may be subjected to sexual harassment. Sexual harassment occurs in a work environment when:
  - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or continued status within the Church;
  - b. submission to or rejection of such conduct by an individual is the basis for an employment decision affecting that individual; or,

- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating intimidating, hostile, or offensive employment conditions.

Sexual harassment can consist of a single intense or severe act or multiple persistent or persuasive acts. It may include, but is not limited to, those acts listed in Section 6, Sexual Exploitation above.

8. *Mandated Reporter* – is a person who is required by law to report any and all suspected incidents of child abuse, including child sexual abuse, that come to their attention. (See Section H.)

#### **D. Application of Policy**

This Policy is applicable to all Clergy, all employees of the Church and to all volunteers working for the Church, whether members or non-members, who are serving in elected or appointed positions in Church organizations or participating in Church activities and programs.

#### **E. Recruitment and Selection of Employees and Volunteers and Required Procedures**

1. As a condition of employment and prior to any offer of employment, any person called and employed by the Church, including all Clergy and prospective paid employees (full-time, part-time and contract) will be subject as a part of the job application procedure to pre-employment screening, including specific questions related to previous complaints of sexual misconduct as such term is defined by this Policy Statement as well as being required to state whether he/she has ever been convicted of a crime involving sexual misconduct or resigned or been terminated from employment for sexual misconduct, and will be required to undergo a background check into his/her arrest and Department of Motor Vehicles records every five years. Permission will also be sought from prospective employees to ask references specifically whether the person has ever been convicted of a crime involving sexual misconduct as defined by this Policy Statement. Current employees who have not already been screened will have a comprehensive review.
2. All Clergy and paid employees (full-time, part-time and contract) will be required to sign a statement that they have received a copy of this Policy Statement and agree to comply with its provisions.
3. All volunteers working for the Church and having positions that involve interaction with children or youth shall be required to sign a statement that they have received a copy of this Policy Statement, agree to comply with its provisions and state that they have never resigned or been terminated from any position for reasons related to sexual misconduct as that term is defined in this Policy Statement.
4. Any agreement with a private contractor for supervision of the Sunday morning nursery program or other program involving children or youth will provide for comparable

sexual misconduct prevention policies, including background checks and screenings as well as the requirement that all such contract employees must work in pairs when supervising children or youth.

5. No person shall be permitted to be a volunteer in a Church program or activity involving children or youth until such person has been affiliated with the Church congregation for at least six months. Volunteers who are involved in programs or activities conducted away from the Church or in one-to-one relationships with children or youth will be subject to the same background checks and screenings as detailed for employees in Paragraph E. 1 above.

#### **F. Standards of Conduct**

1. Clergy, employees, volunteer adults and youth helpers working for the Church will not touch or interact with children or youth in any way that is intended to be sexually stimulating, emotionally demeaning, or exploitative.
2. All adults and youth helpers working with children or youth are also tasked with guarding the physical and emotional safety of those in their care and to be aware of signs indicating neglect of the child's well-being.
3. Care must be taken that adults do not act in a sexually stimulating way during any Church activity.
4. Common expressions of affection (hugs), affirmation (pat on the back), support (prayer) or physical care taking (diapers, first aid etc.) are appropriate in the community of caring Christians. Care must be taken that physical expressions of affection are not excessive or imposed upon another individual.
5. Persons who are present with children in all Church programs or activities should work in pairs, whenever possible, including the Church School and Nursery.
6. A Church School Teacher may work alone when there is visual access to the class room (open door or door with window).
7. Children and youth should be transported in groups. An unaccompanied adult should not drive a single child in a Church-sponsored activity without permission, preferably in writing, from the child's parent or guardian.
8. All overnight activities must have a minimum of two adults present; for mixed youth overnights there must be both a male and female adult present. Parental permission in writing is required for all overnights. On those occasions when one-on-one counseling is appropriate, the adult should notify another adult where he/she and the youth will be. Also see Youth Off-Site Event Policy.

9. Church School Teachers, Youth Advisers, Nursery Workers and other persons working with children shall discipline with kindness and with the goal of helping children develop a sense of responsibility and self-control. Corporal punishment of any kind within the Church is unacceptable. Corporal punishment includes, but is not limited to slapping, spanking, pinching and/or shaking. Punitive techniques that cause physical pain such as assuming an uncomfortable position are not appropriate. Physical restraint of children should be used only when someone's safety is at risk. Derogatory remarks or comments that humiliate or frighten the child shall not be used. Appropriate discipline establishes clear expectations, provides rewards and incentives for acceptable behavior. Appropriate discipline uses verbal disapproval, loss of privileges, and redirection to teach children acceptable behavior.

## **G. Implementation of the Policy and Required Procedures**

### **1. Availability of Policy**

- a. A copy of this Policy Statement shall be provided to all Clergy and paid employees (full-time, part-time and contract) of the Church and to all volunteers working for the Church who have positions that involve interaction with children or youth.
- b. A copy of this Policy Statement shall be available to all members of the Church congregation and to the public.
- c. Written information about this Policy Statement shall be posted in the Church building.
- d. Written information about this Policy Statement shall be sent to the Church congregation and mentioned in all New Member Orientation Classes.

### **2. Liability and Insurance**

The Church shall obtain at least every other year from its insurance agent confirmation that its liability insurance policy covers sexual misconduct liability for its programs and activities.

### **3. Record Keeping**

- a. The Church will include in every Clergy and every paid employee's (full-time and part-time) personnel file, the application for employment, any employment questionnaires, reference responses and other documents, including the executed pre-employment screening application, authorization for background investigation and acknowledgment of receipt of a copy of this Policy Statement.
- b. The Church shall maintain a Volunteer Records file to contain the executed volunteer screening application, authorization for background investigation and acknowledgment of receipt of a copy of this Policy Statement for each volunteer working for the Church.

### **4. Education**

- a. In accordance with Presbytery guidelines, all employees of the Church who have supervisory responsibilities or who are involved in programs for children and youth shall be required to attend a seminar on the issues of sexual misconduct arranged by the Head of Staff.
- b. Communication and explanation of this Policy Statement shall be included annually in all training and orientation programs for volunteers working for the Church.
- c. The Church has a commitment to offer, provide resources for and publicize educational opportunities to prevent sexual misconduct in the Church.

5. Responsibilities

- a. The Head of Staff shall be responsible for assuring that all full-time and part-time employees of the Church are educated with regard to this Policy.
- b. The Church Administrator shall be responsible for assuring that provisions of this Policy Statement related to pre-employment and prospective volunteer screenings and background checks are carried out as well as the record keeping requirements detailed in G3a&b above.
- c. The Church Administrator shall be responsible for distribution of copies of this Policy Statement to all paid employees (full-time and part-time), providing sufficient copies of this Policy Statement to any Church Contractor to give to each contract employee who works at the Church, and for obtaining from such contract employee the required acknowledgment of receipt and compliance statement.
- d. The applicable Clergy and/or staff employee shall be responsible for distributing copies of this Policy Statement to volunteers working in their program areas, for obtaining the required executed prospective volunteer screening application, for obtaining authorization for background investigation and acknowledgment of receipt of a copy of this Policy Statement, for providing the executed documents to the Church Administrator and for assuring that the education process required in Section G4b above occurs for the volunteers working in his or her areas of responsibility.
- e. The Church Administrator shall be responsible for confirming at least every other year that the Church's liability insurance policy covers sexual misconduct liability for its programs and activities.

**H. Response to Allegations of Sexual Misconduct: Reporting and Investigating**

1. The reporting and investigation of an alleged violation of this Policy, whether suspected or actual, need to be dealt with immediately, effectively, and with great discretion.
2. The first person to learn of an incident of sexual misconduct (either a person witnessing or told about the incident, or the victim) in violation of this Policy involving a Church activity should immediately report such incident verbally to the Church employee supervising the activity, who should immediately inform the Head of Staff.
3. The Head of Staff shall immediately take necessary actions to conduct an investigation of the reported incident or allegation; seek such professional advice, as he/she deems

necessary; and report without delay any credible incident to proper civil authorities and the Presbytery. The Head of Staff shall also inform the Clerk of Session and the Chair of the Personnel Committee.

4. All suspected incidents of child sexual abuse are required to be reported to civil authorities and to the Presbytery. This requirement applies to all persons ordained in the Presbyterian Church (USA) (Deacons, Elders and Ministers of Word and Sacrament). Virginia law requires that allegations of abuse or neglect of children be reported immediately to proper civil authorities.
5. If the Head of Staff is involved in the incident, the supervising Church employee should report such incident immediately to the Church Administrator, who shall inform the Clerk of Session and the Chair of the Personnel Committee. The Clerk of Session in turn shall immediately advise the Presbytery and request guidance on the procedure to be followed in processing the allegation and obtaining a Moderator for the Session. The Church Administrator shall also contact the Church's liability insurance company.
6. Known or suspected sexual misconduct by Clergy shall be reported and investigated according to the guidelines in the *National Capital Presbytery, Presbyterian Church (U.S.A.), Clergy and Certified Christian Educators Sexual Misconduct Policy*.
7. All persons involved in the reporting of the incident of sexual misconduct and/or the investigation thereof shall hold all information received in confidence, subject to the disclosures as are required under Presbytery procedures or by the law.
8. The congregation will be informed of any founded complaints.

*Approved by the Personnel Committee on May 1, 2019*

*Approved by Session June 15, 2019*

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