

# **POLICY ON SEXUAL MISCONDUCT**

## **including Safe Sanctuary Policy**

### **PIONEER MEMORIAL PRESBYTERIAN CHURCH**

#### **SOLON, OHIO**

*Adopted by the Session on November 10, 2014*

Pioneer Memorial Presbyterian Church of Solon, Ohio, is a spiritual community which takes seriously its responsibility to provide a safe and nurturing environment for children, youth and vulnerable adults who participate in our ministries. All program staff and 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 disturbing and traumatic rise of physical and sexual abuse of infants, children, youth and vulnerable adults has claimed the attention of our nation and society. The following statements reflect the commitment of Pioneer Memorial Presbyterian Church to provide a safe environment for all infants, children, youth, vulnerable adults and volunteers who participate in church-sponsored ministries.

In an effort to provide a safe community for staff, volunteers, children, youth and vulnerable adults, the church requires all volunteers who work with infants, children, youth, and vulnerable adults, and all staff to respect and abide by the Policy on Sexual Misconduct adopted by the Session of this church.

The following areas will be discussed in this policy:

- Preventing misconduct through attentive hiring practices and education
- Policies related to child protection while on church property or under our care
- Procedures for responding to and reporting complaints of alleged misconduct

In all respects, these procedures will be in compliance with the *Book of Order*.

#### **TERMS AND DEFINITIONS**

1. **Congregant:** a person who, though not a formal member of Pioneer Memorial Presbyterian Church, has participated in the church's worship, witness, mission or ministry.
2. **Member:** as used in reference to the church pertains to all who belong to the church in accord with the requirements of the *Book of Order*; G-1.0402.
3. **Vulnerable adults:** persons over 60 years of age who are unable to care for themselves; certain individuals with developmental disabilities; persons over the age of 18 who have a legal guardian; and individuals receiving in-home care.

4. **Staff:** refers to a person who is a teaching elder (Minister of Word and Sacrament) or an employee of the church.
5. **Volunteer:** refers to those who have been enlisted by the church to perform services on its behalf and who receive no remuneration or monetary benefits for their services. Volunteers may either be adults (18 years old or older) or youth (under the age of 18).
6. **Criminal background check:** refers to the specific background check that searches for any criminal background. Background checks cannot be performed by a relative/spouse of the person being checked.
7. **Offense:** defined by the *Book of Order*, Rules of Discipline, D-2.0203b, is any act or omission by a member or officer of the church that is contrary to the Scriptures or the *Book of Order* of the Presbyterian Church (U.S.A.)
8. **Campus:** as used herein shall mean the property owned by the church, vehicles used in transporting children, youth and vulnerable adults to and from Church-sponsored events or any location that is used for Church-sponsored events.
9. **Sexual misconduct** is defined as including any and all of the following:
  - a. Child sexual abuse, meaning any contact or interaction between a child (18 years or younger) or vulnerable adult and an adult when the child/vulnerable adult is being used for the sexual stimulation of the adult person or of a third person, or any other conduct directed to children punishable as a sexual offense under Ohio law. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. Any legitimate child sexual abuse allegations punishable under Ohio law will be reported to the police immediately.
  - b. Sexual harassment, meaning 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 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.
  - c. Rape or sexual contact by force, threat, or intimidation.
  - d. Inappropriate sexual conduct, meaning offensive, obscene or suggestive language or behavior, unacceptable visual contact, or unwelcome touching or fondling, that is offensive or injurious to the physical or emotional health of another.
  - e. Possession pornography – Possession, on church property, or church sponsored trips, of pornographic or sexually graphic materials or accessing pornographic or sexually graphic web sites on church property or church sponsored trips, but not including materials possessed or accessed for purposes of planned, legitimate sex education courses.
  - f. Sexual malfeasance, meaning sexual conduct within a staff or ministerial 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.

- g. Misuse of technology, meaning the use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages or images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of 18, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

## **SECTION I - HIRING PRACTICES FOR STAFF**

1. **STATEMENT OF POLICY** - As part of the hiring process of all staff, the Session, through its Personnel Committee, will state in all its position descriptions that Pioneer Memorial Presbyterian Church has a policy on sexual misconduct to which all employees must comply.
2. **REVIEW OF POLICY** - Anyone wishing to be employed by Pioneer Memorial Presbyterian Church must review the Policy on Sexual Misconduct.
3. **SIGN MISCONDUCT FORM** - The Pastor, as Head of Staff, shall see to it that all new staff, before employment, receive Pioneer Memorial Presbyterian Church's Policy on Sexual Misconduct and require completion of the Sexual Misconduct Information Form, which will be kept in that employee's file, indicating that no civil, criminal, nor ecclesiastical complaint has ever been sustained or is pending against them for sexual misconduct and that they have never resigned or been terminated from a position for reasons related to sexual misconduct. Those with a history of sexual misconduct will NOT be employed. If the Pastor is being hired, either a member of Session or a person on the Personnel Committee will follow the same procedure stated in this point.
4. **CRIMINAL BACKGROUND CHECK** - Those responsible for employing staff shall conduct a criminal background check before employment with special regard to allegations of sexual misconduct.
5. **IN-SERVICE TRAINING** - All staff, including clergy, are required to complete an in-service training session regarding this policy within the first six months of employment. They are also required to participate in periodic training sessions during the course of his or her employment.

## **SECTION II - RECRUITING PRACTICES FOR VOLUNTEERS**

1. **REVIEW OF POLICY** - Anyone wishing to be volunteer at Pioneer Memorial Presbyterian Church to work directly with children, youth or vulnerable adults must review the Policy on Sexual Misconduct. In addition, the following groups of church volunteers are also subject to this policy regardless of whether they work with children, youth or vulnerable adults: Elders, Deacons, and Stephen Ministers.
2. **SIGN MISCONDUCT FORM** - The Christian Education Committee shall see that all new volunteers receive a copy of Pioneer Memorial Presbyterian Church's Policy on Sexual Misconduct prior to beginning their volunteer service and sign the Sexual Misconduct Information Form, which indicates that no civil, criminal, nor ecclesiastical

complaint has ever been sustained or is pending against them for sexual misconduct and that they have never resigned or been terminated from a position for reasons related to sexual misconduct. Those with a history of sexual misconduct will NOT be allowed to volunteer to work with children, youth or vulnerable adults

3. **CRIMINAL BACKGROUND CHECK** – The Christian Education Committee shall conduct a criminal background check on all volunteers with special regard to allegations of sexual misconduct.
4. **IN-SERVICE TRAINING** - Volunteers who work directly with children, youth or vulnerable adults are required to complete age-appropriate training and education in the prevention of sexual abuse and sexual misconduct within six months of starting the position. They are also required to periodically complete refresher training in sexual misconduct prevention during the course of their volunteer service.

### **SECTION III - POLICY GUIDELINES FOR STAFF**

1. The Policy on Sexual Misconduct shall be reviewed by the Pastor with all current staff every three years.
2. The background check will be renewed every 3 years for so long as a person staff person is employed by Pioneer Memorial Presbyterian Church.
3. Background checks will be reviewed by a member of the Pastoral Staff and the ruling elder who sits on the Personnel committee. Background checks are strictly confidential and are never released for public dissemination.
4. A background check showing an arrest for any activity of a sexual nature or convictions for any sexual assault will result in the person no longer being considered for employment.
5. Staff are required to immediately report any behavior which seems inappropriate or abusive as outlined in Section VI.

### **SECTION IV - POLICY GUIDELINES FOR VOLUNTEERS**

1. The Christian Education Committee, which is responsible for recruiting volunteers working with infants, children, and youth (i.e. nursery workers, teachers, and youth leaders), will strive to recruit leader teams rather than just one person.
2. The Christian Education Committee is also strongly encouraged to recruit those who have been members or participants in the life of Pioneer Memorial Presbyterian Church for at least six months.
3. The Christian Education Committee will review arrangements for supervision of infants, children, and youth, every three years to ensure that those arrangements comply with this Policy.
4. In emergency circumstances, the background check for Adult volunteers working with infants, children, youth and vulnerable adults may be temporarily waived at the agreement of a member of the pastoral staff, an active ruling elder serving on the

Christian Education and Discipleship team, and an active ruling elder that is not serving on the Christian Education and Discipleship team. If any of the stated decision-makers is related to or the spouse of the Adult volunteer that is being discussed, an additional ruling elder must take the place of the relative/spouse.

5. The background check will be renewed every 3 years for so long as a person volunteers with infants, children, youth or vulnerable adults in the capacity described in this section.
6. Background checks will be reviewed by a member of the Pastoral Staff and the ruling elder who sits on the Personnel committee. Background checks are strictly confidential and are never released for public dissemination.
7. A background check showing an arrest for any activity of a sexual nature or convictions for any sexual assault will result in the volunteer no longer being able to participate as a volunteer in any activities where they are responsible for or working directly with infants, children, youth or vulnerable adults.
8. Volunteers are required to immediately report any behavior which seems inappropriate or abusive as outlined in Section VI.

## **SECTION V - POLICY GUIDELINES FOR CAMPUS ACTIVITIES**

1. When transporting children and youth, the driver of the vehicle must be at least 21 years old.
2. Whenever possible there should be two adults in a transportation vehicle when children and youth are also in that vehicle.
3. When there are at least 2 adults in the vehicle, both adults should be in the front seats; when there are more than 2 adults, the adults in the back seats should be in the closest row to the front.
4. Each room set aside for children and youth on Campus shall have a door with a window in it or a half door. The top half of all doors shall remain open. When off Campus, doors without windows shall remain open when adults are in the room with infants, children or youth.
5. An individual Adult shall not be in charge of children or youth, nor may related Adults be the only Adults in charge of children or youth, however the following does not violate this policy:
  - a. On Campus and during the Sunday morning education and worship time frame, if another Adult moves around the hallways and monitors the classroom(s) by periodically looking through the door windows or half doors, or moving in and out of the classroom(s).
  - b. One-on-One mentoring or consultation between a child and Adult with the knowledge of a Church staff member and an active ruling elder serving on the Christian Education and Discipleship team.
  - c. When an emergency or other situation (i.e. bathroom break or calming a distraught child) requires one Adult to be alone with children or youth and another Adult on the same floor or in the near vicinity is notified before and after that time period.

- d. Carpooling to and from Church events with the consent of the parent or legal guardian of the child or youth.
6. Time-limited counseling, meaning counseling sessions shall not exceed six sessions between an adult and child, youth or vulnerable adult. If further sessions are required, a referral to a qualified, trained professional shall be provided, unless this restriction is waived after consultation with the Pastor and an active ruling elder serving on the Christian Education and Discipleship team.
7. Staff and volunteers are required to immediately report any behavior which seems inappropriate or abusive as outlined in Section VI.

## **SECTION VI - INITIAL REPORTING OF SUSPECTED SEXUAL MISCONDUCT**

1. Any suspected sexual misconduct must be reported immediately. (If the allegation is against an ordained pastor, the Stated Clerk of the Presbytery shall be contacted immediately and the Presbytery will then commence an investigation according to its stated policy in The Book of Order, Section G-4.0302.)
2. The appropriate person or persons to whom this report should be made are (choose one):
  - a. Pastoral staff person
  - b. Christian Education staff person
  - c. Currently serving ruling Elder for Christian Education
3. The initial person receiving the report of sexual misconduct should document details of the conversation in writing. See attached Sexual Misconduct Reporting Form for suggested information to include.
4. The person receiving the initial report of sexual misconduct will report it immediately to the Pastor, who will immediately inform the Clerk of Session, Executive Presbyter, church legal counsel, and church insurer.
5. The Pastor, along with Christian Education staff person, or Pastoral staff person, or currently serving Ruling Elder for Christian Education shall interview all appropriate persons, taking seriously all allegations, striving to be sensitive and protective of both victim and alleged abuser, 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 alleged abuser will be required to refrain from all infant, children, and youth activities until it is determined if further action shall be taken. If this occurs, 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 sexual misconduct, then further action shall be taken as described in the Section VII – Responding to Allegations of Abuse.

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, or reconciliation where appropriate.
9. In the event that the allegations are against the Pastor, then all of the Pastor's responsibilities outlined above in Section VI, Item 5 shall be handled by the Associate Pastor, or in the event there is no Associate Pastor at that time, by the Chair of the Personnel Committee.
10. Regardless of whether there is reasonable cause determined or not, at least 2 currently serving Ruling Elders must be notified of the initial investigation. When possible it should be a currently serving Ruling Elder that sits on the Personnel committee and a currently serving Ruling Elder that sits on the Christian Education and Discipleship team.

## **SECTION VII - RESPONDING TO ALLEGATIONS OF ABUSE**

If it is determined that there is reasonable belief to suspect sexual misconduct, the following steps will be taken:

1. Local law enforcement authorities will be contacted immediately regarding sexual misconduct punishable under Ohio law, 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 Book of Order in its Rules of Discipline. If necessary, the Session will appoint a Special Disciplinary Committee as referred to in the Rules of Discipline, G-4.0302.
3. A spokesperson will be appointed by the Pastor in consultation with the Clerk of Session. This person must present a clear position statement of the church regarding sexual misconduct and include policies and established safeguards. This person will have ongoing consultation with the Pastor and Clerk of Session and will be the only person communicating to the press and authorities.
4. The spokesperson, in consultation with the Pastor and Clerk of Session, will provide information to the congregation.
5. The pastoral staff will provide appropriate pastoral care and support to all involved including referring persons where appropriate.

## **PIONEER MEMORIAL PRESBYTERIAN CHURCH SEXUAL MISCONDUCT INFORMATION FORM**

**Sexual misconduct** is defined as including any and all of the following:

- Child sexual abuse, meaning any contact or interaction between a child (18 years or younger) or vulnerable adult and an adult when the child/vulnerable adult is being used for the sexual stimulation of the adult person or of a third person, or any other conduct directed to children punishable as a sexual offense under Ohio law. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. Any legitimate child sexual abuse allegations punishable under Ohio law will be reported to the police immediately.
- Sexual harassment, meaning 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 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.
- Rape or sexual contact by force, threat, or intimidation.
- Inappropriate sexual conduct, meaning offensive, obscene or suggestive language or behavior, unacceptable visual contact, or unwelcome touching or fondling, that is offensive or injurious to the physical or emotional health of another.
- Possession pornography – Possession, on church property, or church sponsored trips, of pornographic or sexually graphic materials or accessing pornographic or sexually graphic web sites on church property or church sponsored trips, but not including materials possessed or accessed for purposes of planned, legitimate sex education courses.
- Sexual malfeasance, meaning sexual conduct within a staff or ministerial 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.
- Misuse of technology, meaning the use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages or images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of 18, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

### **PERSONAL DECLARATION**

The following declaration related to sexual misconduct was mandated by the Policy on Sexual Misconduct adopted by the Session of Pioneer Memorial Presbyterian Church of Solon, Ohio.

(Please check one of the following.)

\_\_\_\_ I certify by the signature below that no criminal, civil, or ecclesiastical complaint has ever been successfully prosecuted\* or is pending\*\* against me for sexual misconduct; and that I have never resigned or been terminated from a position for reasons related to sexual misconduct.

\_\_\_\_ I am unable to make the above certification. Instead, I offer the following 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 volunteer position from Pioneer Memorial Presbyterian Church. I further certify, by signing below, that I have read the Sexual Misconduct Policy of Pioneer Memorial Presbyterian Church of Solon, Ohio, and that I will abide by it completely. I also agree that I will hold harmless Pioneer Memorial Presbyterian Church of Solon, Ohio, 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

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Printed Name

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Date

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**\*Successfully Prosecuted**

1. In a criminal court, "Successfully Prosecuted" means that there has been a guilty plea, a guilty verdict, a plea bargain, or a plea of no contest to the charges.
2. In a civil court, "Successfully Prosecuted" means that there has been a judgment against the defendant, or a settlement in which the defendant or anyone else on his or her behalf paid consideration of any kind to the plaintiff.
3. In an ecclesiastical case, "Successfully Prosecuted" 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, or a plea of no contest to the charges.

**\*\*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.).

Last modified: November 10, 2014.

**PIONEER MEMORIAL PRESBYTERIAN CHURCH  
SUSPECTED SEXUAL MISCONDUCT REPORTING FORM**

When receiving a report of suspected sexual misconduct, please complete as much information as possible. Complete information is not needed to make an initial reporting.

1. The name and address of the person making a report of sexual misconduct.
2. The name, address and age of the child, youth or vulnerable adult who is a victim of abuse, if applicable.
3. The name, address, and phone number of their parents
4. The name and address of the person accused of sexual misconduct.
5. Information about the incident(s). Be specific if possible. Include the who, what, where, when, why and how often.
6. Any other information which may be helpful.

Name of the Child, Youth or Vulnerable Adult: \_\_\_\_\_ Age: \_\_\_\_\_

Name of the Parents: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Home/Cell Phone Number(s): \_\_\_\_\_

Name of person being accused of Sexual Misconduct: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

***Description of Incident(s) of Sexual Misconduct. Please be specific. Use the reverse side of this paper for additional information if necessary.***

Person to whom this report was made: \_\_\_\_\_

I verify this report is an accurate report as described to me.

\_\_\_\_\_  
Signature Date