

APPENDIX G

Policy on Sexual Misconduct First Presbyterian Church, Mendham, New Jersey

The First Presbyterian Church of Mendham, New Jersey is a spiritual community which takes seriously its responsibility to provide a safe and nurturing environment for children and youth who participate in our ministries. All employees and volunteers who are nurturing our children and youth in the Christian faith are living out the vows that the First Presbyterian Church of Mendham charges us with at baptism. Each employee and volunteer plays a key role in fostering spiritual development of individuals and families in our church community.

The First Presbyterian Church of Mendham fully appreciates the devoted men and women who are employed or volunteer in our church community and has great respect for the nurturing work they do here. However, the disturbing and traumatic rise of physical and sexual abuse of children, which has claimed the attention of our nation and society, has necessitated the development of this Policy. The following statements reflect the commitment of the First Presbyterian Church of Mendham to provide a safe environment for all children, youth, volunteers and employees who participate in church sponsored ministries.

The purpose of this Policy is to make clear the First Presbyterian Church of Mendham's position on sexual misconduct and to establish the procedures to be followed while working with children and youth. This Policy also sets forth the procedures to be followed in investigating and resolving instances where misconduct is alleged to have occurred.

- I. Policy and Responsibility: The word "Policy" shall refer to this Policy on Sexual Misconduct written for the First Presbyterian Church of Mendham. The First Presbyterian Church of Mendham, acting through the Session, hereby declares that all persons employed by or volunteering in our church community, not engage in sexual misconduct as defined in this Policy and by the Presbytery of Newton. Sexual misconduct is a violation of the principles set forth in Scripture and is never permissible. Charges of sexual misconduct will be treated with the seriousness they deserve and that they be dealt with swiftly and fairly. The Session, through its Personnel Committee, is responsible for administering this procedure.
- II. Definitions:
 - a. Sexual Misconduct: A comprehensive term that includes the following:
 - i. Child sexual abuse – this includes, but is not limited to, 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 person. 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. The upper age limit for child sexual abuse in the State of New Jersey is eighteen (18).
 - ii. Rape, or any sexual contact by force, threat or intimidation.
 - iii. Sexual malfeasance – the broken trust resulting from sexual misconduct (genital contact, contact with the breasts or buttocks, intercourse) involving persons in ministerial or professional positions of trust (i.e. ministers, pastoral counselors, Presbytery youth leaders and volunteers, etc.) with the persons entrusted to their care and/or supervision. This definition is not meant to cover private social relationships outside of the

congregation or outside the ministerial trust position. Clergy are well advised to take particular caution in respecting the boundaries between their counseling and social roles.

iv. Sexual harassment is defined as follows:

1. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or their continued status in a particular position.

Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals or such conduct has the purpose of effecting unreasonable interference with an individual's work performance by creating an intimidating, hostile or offensive working environment based on the declared judgment of the affected individual.

The use of language, signs or written materials in the work place that have implicit implications is not allowed.

- b. Employee: Any person employed by the church.
- c. Volunteer: Someone who volunteers their services for church programs which involve children under the age of 18 in any way.
- d. Accuser: The term used to represent the person claiming knowledge of sexual misconduct by a person covered by this Policy. The accuser may or may not be the victim of alleged sexual misconduct. A person such as a family member, friend or colleague of the victim may be the accuser whose information initiates the inquiry.
- e. Accused: The term used to represent the person against whom a claim of sexual misconduct is made.
- f. Victim: The term used to identify the person alleged to have been injured by sexual misconduct.

III. Procedure for Administration:

- a. Volunteers, Current Employees and candidates for employment, including all Active Session Members and Active Deacons must observe the following requirements. These requirements apply to employees and volunteers working with youth and children on the First Presbyterian Church of Mendham site as well as to activities at locations off-site to which we have traveled as part of a church function.

Read this Policy.

- i. Fill out the Questionnaire for Employees and Volunteers (Exhibit A) and sign the form annually, acknowledging and agreeing with the terms of the Sexual Misconduct Policy for Employees and Volunteers working with children and youth.
 - ii. Fill out the Employee and Volunteer Information Form (Exhibit B). The employee or volunteer must also provide the names of two individuals who are familiar with his/her character as it relates to working with children and/or youth. These references may be contacted.
 - iii. In advisory and instructional situations involving children or youth, employees and volunteers must observe the "two adult or two responsible persons" rule. This requires that adults are not alone with children or youth without another adult or responsible person, or in a place that would be out of view of another adult or responsible person.
- b. In emergent or unique situations it may not be practical to always have two adults or responsible persons present. Any exceptions to the "two adult or two responsible persons" rule should be brought promptly to a parent or responsible adult's attention. These situations may include:
 - i. The need for emergency medical care requiring individual transport of a child or individual first aid outside the presence of the group.
 - ii. Discipline of a child, however, this action must occur while remaining in view of other adults.
 - iii. Pastoral counseling, in which case doors to the hallways should remain open or closed doors should have glass panes that can be used to see into the office or classroom.
- c. Restroom Procedures: In the event that a child needs to use the rest room, said child (Grade 1 or above) shall choose a same sex "buddy" to accompany him/her. If the child is in a lower grade, an adult shall take the child to the rest room, waiting in the hallway at the door for the child. If the child needs assistance in the rest room, the adult shall provide the assistance necessary, first encouraging the child to handle as much of the process as he/she can. A parent or an adult responsible for the child should be notified at the end of the activity if a child was assisted in the restroom.
- d. At Overnight Events: The males and females shall be segregated during sleeping time and at other times when they are behind closed doors and not supervised by employees or volunteers. If it is

deemed necessary for adults to share sleeping accommodations with children or youth, a minimum of two adults (the same sex as the children/youth to be chaperoned) shall sleep in each area.

- e. Any person who is currently under investigation for or has been convicted of (1) criminal sexual conduct, (2) neglect of a child, or (3) physical abuse of a child will not be permitted to serve as a volunteer in any church sponsored activity or program for children or youth.
- f. Any person who receives information on any form of sexual misconduct, as defined in this Policy, is required to immediately report this to the appropriate church staff member or volunteer. These include the: Senior Pastor/ Head of Staff, Interim Director of Youth and Family Life, Clerk of Session and Chair of the Personnel Committee.
- g. Employees and volunteers serving in positions working with children or youth will be required to attend an orientation session. A staff member or designated instructor will explain the purpose of this Policy, answer any questions and collect completed forms. Parents will be told of the policy provisions at the initial meeting for each program.
- h. The rights of the people involved in reports of sexual misconduct shall be protected. In all instances, due process shall be followed, according to the laws of the State of New Jersey and the Book of Order, Rules of Discipline of the Presbyterian Church USA. Extreme confidentiality shall be maintained in protecting the rights of the people involved in a sexual misconduct complaint.
- i. The Personnel Committee will keep all records confidential and secure in accordance with the Sexual Misconduct “Care of Documents” Procedure.

Questionnaire for Employees and Volunteers - Exhibit A
First Presbyterian Church, Mendham, New Jersey
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Please answer each question in full. Your responses will be kept confidential.

1. As a church volunteer, do you agree to observe all church policies regarding work with children or youth?

Yes No

2. Have you ever been convicted, or plead guilty or no contest to any crime involving children or youth?

Yes No

3. Are you currently under investigation for any crime involving children or youth?

Yes No

4. Have you read, and do you understand and agree to abide by the church's, "Policy on Sexual Misconduct"?

Yes No

I acknowledge that I have read and understand the "Policy on Sexual Misconduct" of the church. I accept the requirements and specifically agree that if there is a report of alleged child abuse or neglect then the alleged party will be required to refrain from all activity with children and youth until it is determined whether or not any action shall be taken. I further agree that this is a proper policy for the church to require and I specifically waive liability of the church, and any person receiving an allegation of possible child abuse and/or neglect for such action. This waiver of liability does not include any complainant who may be acting in bad faith.

Signature

Date

Print Name

Witness Signature

Parent Signature

Date

Parent Name (Print)

Employee and Volunteer Information Form - Exhibit B

First Presbyterian Church, Mendham, New Jersey

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All First Presbyterian Church employees and volunteers filling any position involving the supervision or custody of minors must complete this form. It will be used by the church to help provide a safe and secure environment for the children and youth that participate in our programs and use our facilities. If more space is needed, please use the reverse side of this form and number your continuing items. Identity must be confirmed using a government issued photographic identification.

Print Full Name: _____

Address: _____

Telephone: Home _____ Work _____

1. Please list any previous experience you have working with children or youth. Include the name and location of the sponsor institution(s) or organization(s):
2. Please provide the names of two non-relatives who are familiar with your character as it relates to your capability and suitability to work with children and youth. References will be checked.

Reference 1:

Name _____ Telephone _____

Address _____

Reference 2:

Name _____ Telephone _____

Address _____

3. Are you a member of First Presbyterian Church of Mendham? Yes No
If no, how long have you attended this church? Months Years
4. Please list the name and city of other churches you have attended regularly during the past 5-years:
5. Is there any circumstance that might call into question your being entrusted with the leadership and spiritual development of the children and youth at First Presbyterian Church? No Yes (If yes, please describe:

_____ I understand that the information I have provided may be verified by contacting the persons, institutions or organizations named in this form.

Signature: _____ Date: _____

Print Name: _____

ID Checked _____ Initials: _____ Date: _____

Parent Signature

Parent Name (Print)

Date

Alleged Sexual Misconduct Response Procedures – Exhibit C

First Presbyterian Church, Mendham, New Jersey

1. Initial Reporting of Suspicious Activity
 - a. Any suspicious activity, as described in this Policy on Sexual Misconduct, brought to the attention of an employee or volunteer, must be reported immediately to an appropriate church staff member.
 - b. The appropriate person or persons to make this report to are:
 - i. The Senior Pastor, Head of Staff
 - ii. The Interim Director of Youth and Family Life
 - iii. The Clerk of Session
 - iv. Chair of the Personnel Committee
 - c. The person making the report of abuse or receiving the report of suspicious activity should then document, in writing, what, when, where, how, who was involved, the date, the time, and the circumstances under which the report was made.
 - d. The individual receiving the initial report of suspicious activity will report immediately to the Senior Pastor, Head of Staff, or other appropriate individual from 1.b above in the case where the Senior Pastor, Head of Staff is the accused.
 - e. If the person reporting the suspicious activity is not the parent or an adult responsible for the victim, then the Senior Pastor, Head of Staff (or other appropriate individual from 1.b above) will contact the parent or adult responsible for the victim as soon as possible.
 - f. The Senior Pastor, Head of Staff, (or other appropriate individual from 1.b above) will contact the accused.
2. If it is determined that there is suspicion of child abuse or neglect, all allegations of abuse or neglect seriously. All persons involved will be gentle and protective of both the victim and the-accused.
 - a. Initial Response
 - i. Contact a parent or adult responsible for the victim and explain that a “Response Team” is being convened to further investigate the allegation.
 - ii. Contact the accused and explain that a “Response Team” is being convened to further investigate the allegation.
 - iii. Insure the accused refrains from participation in all events for children and youth sponsored by the church until it is determined if further action shall be taken. (In any removal of an alleged party from any children or youth activity, care should be taken to handle this matter and any written documentation in a strictly confidential and discrete manner.)
 - b. A "Response Team" will be convened by the Senior Pastor, Head of Staff, to investigate and take further action, if necessary. The Response Team will consist of:
 - i. The Senior Pastor, Head of Staff.
 - ii. The chairperson or a designated representative of the Personnel Committee.
 - iii. Another appropriate member of Session who is not alleged to be involved.
 - iv. An adult chosen by the family of the victim, but who is not one of the parents or adults responsible for the victim.
 - v. An adult chosen by the accused, who is not the accused him/herself.
3. Initial Actions of the Response Team:
 - a. Document what, when, where, how, who was involved, and circumstances under which the report was made.

- b. With the permission of a parent or adult responsible for the victim, and if appropriate, interview the victim, document the results and file in the personnel committee files.
 - c. Interview the accused, document the results and file in the personnel committee files.
 - d. Contact local civil authorities as appropriate or required by law. These authorities might include, but would not be limited to, the Division of Youth and Family Services (DYFS) and local police, if appropriate.
 - e. Contact Newton Presbytery and seek legal counsel if not available from Newton Presbytery.
 - f. Document all efforts by any party to handle the situation.
 - g. Inform the church spokesperson, who will be the President of the Board of Trustees, or his designee, of the response team actions and positions.
4. The spokesperson must:
- a. Present a clear position statement of the church regarding child abuse
 - b. Provide copies of the policy
 - c. Be knowledgeable of established safeguards for children and youth programs
 - d. Be the only individual communicating with authorities, congregation, and the press.

Policy of Sexual Misconduct - Care of Documents – Exhibit D

1. All forms filled out by individual employees and volunteers to participate in Church sponsored activities will only be reviewed by the professional staff of the church. The professional staff is defined as the Head Pastor, Interim Director of Youth and Family Life, the Director of the Hilltop Christian Nursery School and/or the Interim Superintendent.
2. All information will be treated in a confidential manner. Except in the case of a response to a report of suspicious activity, only appropriate professional staff shall have access to the information provided by volunteers under this policy on these documents. In the case of a report of suspicious activity, the "Response Team" and appropriate legal authorities will have access to the information.
3. Documents will be kept on the premises in secure storage at all times.
4. All references may be contacted at the discretion of the professional staff. Each reference will be asked if he/she knows of any reason why the volunteer should not work with children or youth in church sponsored programs.
5. Completion of these forms specifically releases the church from any liability claim for persons reporting alleged abuse or neglect, except when the complainant acts in bad faith.
6. Records will be reviewed annually, and after a 10-year period the records will be destroyed.
7. This Policy on Child Safety can be reviewed and revised annually, or as needed, to keep it current with the New Jersey Law and its statutes and the requirements of the First Presbyterian Church of Mendham.