

Northminster

Presbyterian Church

Sexual Misconduct Prevention and

Reporting Policy

Northminster Presbyterian Church

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**Sexual Misconduct Prevention and**

**Reporting Policy**

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# NORTHMINSTER PRESBYTERIAN CHURCH

*Proclaiming God's Grace, Creating Community, Serving Our Neighbors*

#### Sexual Misconduct Prevention and

#### Reporting Policy

### Preamble

It is the policy of the Session of Northminster Presbyterian Church that all who participate in our mission and ministry have the right as persons created by God to be safe and free from harm in this church. Behavior that constitutes sexual misconduct is contrary to our commitment to serve Jesus Christ, is morally wrong, is prohibited in this church’s work and life, and shall not be tolerated. We, Northminster Presbyterian Church, consider it as one of the principal responsibilities we bear as a community of faith to ensure that our congregation is, and shall remain a place of safety. It is also our responsibility to be proactive in our recruiting and training to find people with a gift for caring for children and vulnerable adults and to protect volunteers and staff from false accusations. And last but not least, we believe in and acknowledge the power of forgiveness and redemption as a central tenet of our faith, and must strive to welcome in our community brothers and sisters who have a genuine desire to seek a new life in Jesus Christ, regardless of their background or the circumstances that have brought them to us.

We believe this policy to be founded upon the mandates of Holy Scripture and the relevant provisions of the Book of Order of the Presbyterian Church (U.S.A).

### Statement of Covenant

As a Christian community of faith committed to ministry to and with children and vulnerable adults, we pledge to conduct all our activities and ministries in a way that protects the safety and spiritual growth of all children and vulnerable adults entrusted to us. We will follow reasonable safety measures in the selection and recruitment of volunteers and staff, and we will be responsible in overseeing our programs and events and in training our staff, so that they are able and equipped to minister to children and adults in Christ’s name. We will report and respond to all suspected incidents of abuse as is required by state law and our moral conscience, and we will be prepared to minister to the families of both the abused and the perpetrator.

### Purpose of the Policy

The goals of this policy are to:

1. Safeguard from sexual misconduct members, congregants, staff, and the people we serve, especially those who are vulnerable.
2. Help create an atmosphere at Northminster Presbyterian Church where individuals are encouraged to report allegations of sexual misconduct with confidence that their assertions and privacy interest will be fairly and appropriately handled.
3. Guide our actions so that when incidents of sexual misconduct are discovered or alleged, ensuring that truth will be determined, the privacy and due process rights of those involved will be honored, and appropriate remedies will be applied.
4. Provide a framework for training in the prevention of and response to sexual misconduct to those engaged in ordained and lay ministry.
5. Establish a set of rules governing the presence on church property and the participation in church activities of known sex offenders and in so doing, safeguard from sexual misconduct members, congregants, visitors, staff, and the people we serve, especially children and vulnerable adults.

### Definition of Terms

As of the time of its adoption, this policy utilizes some terms and definitions contained in the current edition of the Presbyterian Church (U.S.A.) Book of Order, Part II of the Constitution of the Church. If the Book of Order is amended or revised after the effective date of this policy, the most recent edition of the Book of Order shall become the authoritative source for terms and definitions.

**Northminster Presbyterian Church** refers to a particular Seattle, Washington church affiliated with the Presbyterian Church (U.S.A.)

**Abuse or neglect** is as defined by the Revised Code of Washington (RCW) and in this Policy is to be interpreted as “sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, … or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.” (RCW 26.44.020). The term “abuse or neglect” also includes “sexual abuse of another person” and “child sexual abuse” as defined in this Policy.

**Child or children** refers to persons under the age of 18.

**Congregant** is a person who, though not a formal member of Northminster Presbyterian Church, has participated in the church’s worship, witness, mission, or ministry.

**Criminal background check** refers to the standard Washington State Patrol-administered check[[1]](#footnote-1) that searches for an individual’s possible criminal records.

**Leadership position:** A volunteer or paid position, whether lay or clergy, temporary or permanent, where the individual is appointed or delegated to guide church members, congregants or visitors, or to head specific church activities. Leadership positions include, but are not limited to all staff members (including church employees), elders, deacons, worship leaders, Sunday school instructors, music program leaders, committee chairs, youth activity leaders, and work project leaders.

**Member** as used in reference to the church pertains to all who belong to the church in accordance with the requirements of the Book of Order, G-10.0300.

**Outside organization** is a group not directly affiliated with the church or its ministries that uses church facilities for any purpose, whether the use is remunerated or not.

**Presbytery** whenever referenced in this Policy refers always and only to the Presbytery of Seattle.

**Reasonable suspicion** is a belief or opinion based on information or circumstances sufficient for a prudent person to take appropriate action.

**Session** as used throughout this document refers to the body of elected elders governing Northminster Presbyterian Church as prescribed by Presbyterian polity.

**Sex offender** is an individual (adult or juvenile) who has been found to have committed or has been criminally convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense. This definition in particular includes individuals criminally convicted of a sex or kidnapping offense against a minor or vulnerable adult. Washington state law (RCW 9A.44.130) requires all sex offenders to register with local authorities. The state classifies sex offenders as follows:

**Level I**: Sex offenders are classified as Level I when their risk assessments indicate a low risk of re-offense within the community at large.

**Level II**: Sex offenders are classified as Level II when their risk assessments indicate a moderate risk of re-offense within the community at large.

**Level III**: Sex offenders are classified as Level III when their risk assessments indicate a high risk of re-offense within the community at large.

**Sexual misconduct** comprises any of the following behaviors: Sexual abuse of another person, child sexual abuse, wrongful sexual relationship, and sexual harassment, as defined below.

***Sexual abuse of another person*** is a Presbyterian Church (U.S.A.) disciplinary offense that is defined by the Book of Order, D-10.0401c as any offense involving sexual conduct in relation to (1) any person under the age of 18 years, (2) a vulnerable adult, or (3) any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position.

***Child sexual abuse*** includes, but is not limited to, any inappropriate contact or interaction between an adult and a child or minor, as defined by State of Washington penal law, and when the child or minor is used for the sexual stimulation of the adult or of a third person.

***Wrongful sexual relationship*** occurs when a pastor or lay leader misuses his or her ministerial role to engage in sexual acts, sexual contact or sexualized behavior with an adult to whom he or she is ministering. Such a relationship, even when engaged in with consent, is an abuse of trust. It is especially harmful when accompanied by a demand for secrecy and/or the use of a spiritual or theological rationale to justify the sexual conduct.

***Sexual harassment*** in the context of this Policy and as defined by federal and state law, refers to “unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.” This definition applies regardless of the relative positions of authority or the gender or sexual orientation of the individuals involved.

**Staff** (or **Leader**) refers to a person who is a minister of Word and Sacrament or an employee of the church, or a recognized officer within the Presbyterian Church (U.S.A.), or an individual that is commissioned to a position designated in the Book of Order, or anyone who serves in a leadership capacity, either by appointment or by delegation, whether temporary or permanent (see also Leadership position).

**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.

**Vulnerable adults** refers to 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.

### Sexual Misconduct Prevention

##### Individuals Prohibited from Contact with Minors and Vulnerable Adults

No sex offender shall be allowed to assume any staff or leadership position or any volunteer position at Northminster Presbyterian Church that involves contact with minors or vulnerable adults. For any individual where there is no known criminal conviction, but where the sexual abuse of a minor or vulnerable adult, sexual misconduct, or violence is admitted or established, the individual who committed the established or admitted offense will be similarly restricted. Refer to Sex Offender Presence on Church Premises (Section D below) for guidelines governing the presence on church property and the participation in church activities of known sex offenders.

##### Recruiting, Screening, Hiring, and Training

As a minimum, the following standards shall be applied to the extent noted to all leadership positions and staff at Northminster Presbyterian Church:

1. **Church Employees**
2. An application form shall be used as part of the hiring procedure each time the church seeks to fill an employee position, whether remunerated or not. The application shall be completed, dated, and signed, attesting to the truthfulness of the information provided and authorizing the church to conduct reference and background checks. Reasonable efforts will be made to contact all references of a candidate before that person is hired, and a record to document the contacts will be maintained in the employee’s personnel file.
3. The church will complete a criminal background check for each person who is to be offered a position before the person is employed. Thereafter, all employees are required to undergo a criminal background check every three years.
4. As a condition of employment, every employee will receive a copy of the Northminster Presbyterian Church Sexual Misconduct Prevention and Reporting Policy (“Policy”) and will sign a receipt stating that he or she has received, read, understands, and agrees to abide by the Policy. This receipt will be retained as documentation in the employee’s personnel file.
5. All employees, including clergy, are required to complete training in sexual misconduct prevention and reporting within one hundred twenty (120) days of starting in the position, to be followed by refresher training with a minimum frequency of once every three years. The nature and content of the training will be determined by Session in coordination with Presbytery.
6. **Elders and Deacons**

According to the Book of Order, teaching and ruling elders and deacons are mandated to report to civil and ecclesiastical authorities when there is reasonable suspicion of sexual abuse of a child or vulnerable person (G-4.0302). To fulfill the role of mandated reporter, all deacons and elders are subject to the following requirements:

1. Each deacon and elder nominee will receive a copy of the Northminster Presbyterian Church Sexual Misconduct Prevention and Reporting Policy, which they will be expected to read, understand, and abide by.
2. Each deacon, elder nominee shall be subjected to a criminal background check, to be completed prior to their election, to verify that no criminal history would compromise the deacon’s or elder’s exercise of good judgment in acting as a mandated reporter or in reporting suspected sexual abuse or harassment. This requirement may be waived if a check was performed within three years prior to the most recent nomination.
3. At the beginning of each term, but no later than six (6) months after their investiture, elders and deacons will receive training on sexual abuse in ministry relationships, the nature and content of which will be determined by Session in coordination with Presbytery.
4. **Volunteers**

Before they can start to serve, all volunteers expected to work with children or vulnerable adults will be required to:

1. Demonstrate an active relationship with this church of at least six (6) months before being allowed to volunteer.
2. Complete an application listing full name, contact information, addresses for the past five years, their perceived gifts and abilities for that ministry, and references from a minimum of three individuals other than relatives who have known the applicant for three years or longer at the time of application.
3. Submit to an interview by the Pastor, Christian Education chair, or Youth Program director, at their discretion.
4. Sign a receipt stating that he or she has received, read, understands, and agrees to abide by the Northminster Presbyterian Church Sexual Misconduct Prevention and Reporting Policy (“Policy”), upon receipt and review of the Policy. This written acknowledgement will be retained as documentation in the volunteer’s file.
5. Complete a criminal background check upon application, to be renewed every three years thereafter.
6. Complete age-appropriate training and education in sexual misconduct prevention and reporting within 120 days of starting the position for volunteer appointments of six months or longer in duration. The nature, content, and frequency of the training will be determined by Session.

If the volunteer is a minor, some or all of these requirements may be waived at the discretion of the Pastor, after coordination with the parents or guardians of the minor.

All forms and reference reports shall be kept by the church as a part of the applicant’s confidential staff and volunteer files.

##### Supervision Requirements and Misconduct Prevention Practices

The following are additional requirements and guidelines intended to limit the risk of sexual misconduct:

1. **Practices Specific to Children and Vulnerable Adults**
2. Room windows. Rooms designated for use by children or vulnerable adults such as a classroom or gym, should contain a clear glass window or an opening that permits a full view of the room from the outside.
3. Majority age. Individuals working with minors on any church program shall be at least 18 years old, or under the supervision of a person age 18 or older.
4. Two-deep leadership. A minimum of two adults shall be present at all times during any activity that involves children or vulnerable adults. One of the adults shall be at least 21 years old or a staff member.
5. One-on-one contact. One-on-one contact, that is, one adult and one child or vulnerable adult, shall be permitted only in public spaces of the church or in a public setting.
6. Activity permits. Activities in which children or vulnerable adults are away from the church and potentially not under the direct supervision of their parents or guardians will require individually signed written parental consent forms including all pertinent health information for each participant. These forms will be retained for the duration of the activity by the adult designated as activity leader.
7. **Pastors, Program Directors, and Adult Volunteers Conducting One-on-One Meetings with Other Adults as Part of an Approved Ministry**
8. Room windows. The meeting room should contain a clear glass window or an opening that permits a full view of the room from the outside.
9. Avoidance of dual relationships. Ministers of Word and Sacrament, program directors, and all other church leaders who must conduct one-on-one meetings with other adults as a part of an approved ministry are urged to avoid entering into potential dating, romantic, or sexual relationships with members of the congregation, congregants, employees, or staff when such relationships entail, or could be perceived to entail, the person in ministry possessing an unequal balance of power, status, or influence on the other party. If any person within the church, whether member, congregant, employee, or other appears to initiate or invite sexual behavior in a relationship with a person in ministry, it is the responsibility of the person in ministry to maintain the appropriate behavior by observing sexual boundaries to ensure that sexual misconduct does not occur. Such behavior cannot be justified by a claim of mutual consent.
10. Time-limited counseling. Counseling sessions conducted by persons whose role is not designated as a counselor as part of their call or job description shall not exceed six sessions. If further sessions are required, a referral to a qualified, trained professional shall be provided, unless otherwise authorized by the Pastor or his/her designee.
11. **Use of Church Owned Electronic Media and Devices**

Access by employees, staff, volunteers, or others to office equipment and media (whether physical or electronic) and to digital accounts that are the property of Northminster Presbyterian Church is granted under the sole authority of the church and may be restricted or withdrawn for any reason at the discretion of the Pastor or Session. Use of any church owned devices or media to access, receive, or disseminate child pornography is a violation of federal and state law and will be reported immediately to the authorities when discovered. Use of church equipment to receive, view, display or disseminate pornography or other inappropriate material is prohibited. Violation of these rules should be reported to the Pastor or Clerk of Session and may lead to suspension of access privileges or dismissal.

##### Sex Offender Presence on Church Premises

1. **Rules and Obligations**
2. The potential for harm to church members and for church liability from negligent supervision of known sex offenders shall be minimized by implementation of this Policy and any other applicable directives imposed by Session or Presbytery. It is Session’s duty to review these requirements as it considers known sex offender participation in church activities.
3. It is the responsibility of all sex offenders to follow all rules and policies, including the Covenant of Accountability for Convicted Sex Offenders (Para. D.2) below. These rules and policies apply regardless of membership status in the church.
4. All sex offenders shall be prohibited from assuming any staff or leadership position or role, as well as any volunteer position at Northminster Presbyterian Church that involves contact with minors or vulnerable adults.
5. **Covenant of Accountability for Convicted Sex Offenders**
6. Session, in consultation with Presbytery as appropriate, will individually review each request for fellowship by a convicted sex offender and reserves the right, in its sole discretion, to grant, deny or restrict access to the church community.
7. Covenant. Any access to the church community granted to an alleged or convicted sex offender shall be conditioned upon the offender’s faithful adherence to a written covenant developed by the church and signed by the person and the Pastor or the Pastor’s designee and approved by Session. Among other things, the covenant shall provide that whenever the convicted sex offender is present in the church facilities he/she will be supervised by a designated responsible adult who is aware of the offending behaviors and of the conditions placed upon the sex offender’s participation.
8. If the convicted sex offender is on probation or other form of supervised release, he/she will provide the church with the name and contact information for his or her probation officer or supervising authority, so that the church can verify whether (1) church attendance would violate the sex offender’s probation or supervised release; or (2) the probation officer or supervising authority has placed limitations upon the sex offender’s church attendance. The contact information will be additionally provided for the purpose of establishing a safety plan to degree that is appropriate in order to provide a safe and secure environment for the church community.
9. Violations of the terms of the covenant shall be subject to immediate review by Session and may result in the revocation of the covenant, exclusion from church property, and reporting to the authorities.
10. **Notification**
11. For Level II and Level III sex offenders, and as a pre-condition to participation in church activities, Session will notify the staff and the congregation of the sex offender’s identity and general terms of the covenant. The content, specific timing, and the means of conveying this information will be decided by Session.
12. If the sex offender is classified as a risk Level I, Session will notify those members of staff and the congregation who in the judgment of Session should be aware of the sex offender’s participation in the church, in the manner deemed appropriate by Session.
13. Recipients of this information will be reminded that it is not only against church principles but also against the law to threaten, intimidate, or harass registered sex offenders. Requests for information beyond the basic information issued by Session shall be referred to the appropriate law enforcement officials.

### Reporting

Reports of observed or alleged sexual misconduct will be taken seriously. Safeguarding all potential victims and others who may be at risk shall be the church’s initial primary concern. Information shall be immediately communicated and acted upon as described below.

1. An observed or alleged occurrence of sexual misconduct shall be reported immediately to the Pastor and, if information has been learned outside the context of a confidential privileged communication with the Pastor, it shall be also communicated to the Clerk of Session. If the Pastor or Clerk of Session concludes that there is reasonable cause to believe that a child or vulnerable adult has suffered abuse or neglect, a report will be filed with the Washington State Department of Social and Health Services’ Child Protective Services (CPS) hotline within 48 hours of the initial discovery. Under Washington State law, allegations of sexual abuse of a child or adult who lacks capacity to consent are to be reported within 48 hours of learning of the allegation or discovery or apparent sexual abuse.

As of the current version of this policy, the CPS round-the-clock toll-free hotline for reporting abuse is 1-866-END-HARM (1-866-363-4276; also online, at <http://www.dshs.wa.gov/CA/safety/abuseReport.asp?2>). When contacting CPS, the following information will be requested:

* Name, address and age of the alleged victim.
* In the case of children, the name and address of the child's parent, guardian or other persons having custody of the child.
* The nature and extent of the abuse or neglect.
* Any evidence of previous incidences of abuse or neglect.
* Any other information which may be helpful in establishing the cause of the abuse or neglect and the identity of the alleged perpetrator.

When calling to make a report, this information need not be complete, but the more accurate the information provided, the better equipped law enforcement and CPS will be to assess the potential risk to the victim and act accordingly.

1. **Consistent with the Book of Order and Washington State reporting laws, if a child is deemed to be in immediate danger, the church or mandated reporter should first call law enforcement (9-1-1) and then make a report to CPS.**
2. All deacons, elders, and ministers of Word and Sacrament are considered by Northminster Presbyterian Church to be “mandated reporters” under the terms of this Policy and are required to report abuse or neglect which they have reasonable cause to believe has occurred or is at risk of occurring. Under Washington State law, such a report of abuse shall be made within 48 hours of learning of the allegation or discovery of the suspected abuse, as explained under paragraph E.1, above.
3. The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the complainant or the accused. If the complainant is hesitant to talk to "higher authorities" or designated persons, the person who has received the initial report should work to build trust that will enable the church to receive firsthand information.
4. If the reported alleged abuse is said to involve church volunteers or staff, they shall no longer be permitted to have contact with children or vulnerable adults in church ministries until the incident reported has been resolved. The degree of participation of the alleged perpetrator(s) in other church ministries not involving children or vulnerable adults while the allegation of abuse is under investigation shall be determined by Session. When sexual misconduct is alleged or apparent sexual misconduct is discovered, the purpose of intervention shall be a fair and appropriate resolution of the allegations in a manner that safeguards the rights, health, and well-being of both persons who have alleged sexual misconduct and of persons who have been accused.
5. The applicable provisions of the sexual misconduct policies of the Presbytery of Seattle and the Book of Order will be followed at all times, including notifying and consulting with the Stated Clerk of the Presbytery, the Executive Presbyter, and the chair of Committee on Ministry once an allegation of abuse is raised. Notification of Presbytery will take place as soon as possible, but no later than 72 hours of the initial report.
6. All reports will be dealt with as matters of confidentiality both before and after they have been submitted to the appropriate authorities, with disclosure only to follow careful consideration in accordance with this Policy (see Section F below).
7. The Session shall be promptly notified of the allegation and shall determine whether and when to place the church’s insurance carrier on notice of a potential claim.

### Responding

1. A quick, compassionate and unified response to an alleged incident of misconduct will be initiated following the initial allegation or report. All allegations will be taken seriously and investigated thoroughly by the appropriate governing body, usually Session or their appointees and Presbytery. All information gathered during the investigation phase will be kept confidential in accordance with the Presbyterian Church (U.S.A.) Book of Order, and Presbytery policy.
2. The Session will determine whether, when, and how the congregation should be notified of the complaint, the process the investigation will follow, the projected timeline, and the process by which anyone with relevant information should provide that information to the appropriate investigative body.
3. The Session will name a media representative upon consultation with Presbytery officials, and only that person will be authorized to make statements to representatives of the media. All requests for statements should be directed to the Pastor or Clerk of Session to be handled by the media representative.
4. Pastoral support will be made available for all persons involved in the misconduct incident with Session arranging pastoral care should the allegations be against staff.

### Outside Organizations

As guests of Northminster Presbyterian Church, outside organizations are expected to abide by the applicable terms of this policy or demonstrate that they possess and enforce sexual misconduct policies consistent with the intent and scope of this policy, subject to review by Session. Approval for the use of church facilities by outside organizations will be contingent upon their authorized representatives having read and accepted these terms.

### Administration and Recordkeeping

The Personnel Committee of Session will be responsible for the administrative elements of this policy, including maintaining this document and bringing to Session’s attention any matters related to the policy. To the extent applicable, records pertaining to this policy, including church personnel records, individual background checks, reports, and other communications will be securely stored in the church office by the Church Secretary until such time as Session considers appropriate. Care will be exercised to ensure that confidentiality is maintained.

### Policy Revisions

This document may be amended only by a two-thirds or greater vote of the Session of Northminster Presbyterian Church.

### Availability

Copies of this document shall be made available to all members of the congregation upon request to the Church Secretary or the Clerk of Session.

1. Sample request form at <http://www.wsp.wa.gov/crime/docs/misc/240430_request_for_chri_child_adult_abuse.pdf> [↑](#footnote-ref-1)