

**Policies Regarding Sexual Misconduct/Harassment and
for the Protection of Vulnerable Persons**

First Presbyterian Church

Charlottesville, Virginia

Amended, Restated, and Adopted September, 2020

I. Introduction

First Presbyterian Church believes that, as caring shepherds, we are called by God in all aspects of our church life to view one another as parts of the Body of Christ and members one of another. We are to nurture, protect, and empower all persons through faith and trust and we are to provide a safe haven for everyone in our care. Sexual misconduct/harassment is a violation of Scriptural principles and a violation of the trust inherent in ministerial, employment and professional relationships. Sexual misconduct/harassment directed towards anyone is never permissible. In addition to forbidding and preventing sexual misconduct, regardless of to whom it is directed, First Presbyterian Church (hereinafter “FPC”) is committed as well to reducing the risk of other kinds of abuse that may be directed towards potentially vulnerable persons.

Based upon these beliefs and convictions, the Session of First Presbyterian Church adopts these policies, which supersede and replace all previously adopted policies addressing sexual misconduct and the protection of vulnerable persons. These policies are in addition to such other policies and practices that FPC may utilize to maintain a workplace free of wrongful or harmful behavior and that the First Presbyterian Church Preschool (hereafter, “Preschool”) may utilize to protect and care for the Preschool’s children and staff. These policies do not limit the authority of FPC’s Session, Personnel Committee, pastors or Pastor/Head of Staff to take such actions as are permissible under the *Book of Order* and/or secular law to maintain a program and workplace free of harmful and/or prohibited behavior.

A. Statement of Purpose

FPC’s aim, goal and prayer is to have not just a local church but a world where no one engages in either sexual misconduct/harassment of any person or the abuse, physical or otherwise, of any vulnerable person.

In seeking to provide to all persons a place and environment that is free of sexual misconduct/harassment, the purpose of these policies is to:

- (1) promote the understanding of what sexual misconduct/harassment is and what FPC expects of those covered by these policies,
- (2) prevent the occurrence of sexual misconduct/harassment and to assure a prompt and reasoned response should it be alleged,
- (3) establish standards of ethical behavior reflective of the biblical witness and consonant with secular law, and
- (4) establish procedures for the enforcement of these policies.

Additionally, in seeking to nurture, care for and protect the more vulnerable persons in our church – namely, our children, older persons, and persons with disabilities – these policies intend to protect them not only from sexual misconduct and/or harassment, but also from other abusive conduct as defined below. Children, older persons, and persons with disabilities are collectively referred to herein as “protected groups” and/or “vulnerable persons.” The Session may in the future identify other vulnerable persons and it is the intent of these policies to cover those persons as well.

Furthermore, these policies intend to help minimize the risks to volunteers who make our ministries possible, while also providing respect and affording due process to persons who are accused of improper conduct.

B. Definitions

As used herein, “FPC” means and refers to First Presbyterian Church, Charlottesville, Virginia. The terms “child,” “children,” and “youth” refer to persons under eighteen (18) years of age. The term “older person(s)” refers to any person 60 years of age or older. The term “persons with disabilities” refers to any person who is impaired by reason of mental illness, cognitive impairment, physical illness or disability, or by other causes, to the extent that the person lacks sufficient understanding or capacity to make, communicate, or carry out responsible decisions concerning his or her well-being. The term “pastor” means and refer to both installed and covenant pastors. “Pastor/Head of Staff” means and refers only to the Pastor/Head of Staff.

Abusive conduct and/or abuse of a person means and includes:

- Physical abuse, including any unwanted touching, any physical contact intended to coerce or do harm, any hitting or touching in anger; and
- Emotional or verbal abuse, including insults, name calling, belittling remarks, unfavorable comparisons with others, shaming, deliberately causing fear, or using speech to hurt; and

- Spiritual abuse, including using the biblical witness or church authority inappropriately to coerce, control, or shame.

Sexual misconduct includes sexual abuse, sexual harassment, rape, or sexual contact by force, threat, or intimidation. It also includes sexual malfeasance. Certain of these terms are more completely defined below.

Sexual abuse means any unlawful contact or interaction between two or more persons where one is using another for his or her sexual stimulation or pleasure. Prohibited behavior does not necessarily require touching. Sexual activity between a child and an adult will always be considered as forced because the child is deemed not legally capable of consenting.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, the individual's pastoral relationship, or the individuals' participation in church-sponsored programs or activities, or their achieving or continuing a given status in an organization; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or volunteer performance; an individual's pastoral, or other church-sponsored program experience; or creating an intimidating, hostile, or offensive working, pastoral, or other church-sponsored program environment.

Examples of sexual harassment include pressure for sexual activity; uninvited physical contact, including touching, pats, squeezes, repeated brushing against, the impeding or blocking of one's movement, or similar behavior whether or not intended to be playful; disparaging remarks about one's gender; lewd or sexually suggestive verbal comments; sexual suggestions disguised as humor; requests for sexual favors accompanied by implied or overt threats; dissemination or display of sexually offensive materials, including pictures, drawings, or cartoons; the use of pornographic materials; and unwelcome communications, notes, phone calls, text messages, instant messages, e-mail, social media posts, messages, or other communicative activity of a sexual nature.

Sexual Malfeasance means genital contact (contact with the breasts, buttocks, or pubic area).

Rape means penetration of the vagina or anus by animate or inanimate object without the consent of the victim.

Vulnerable person(s) and **Protected Groups** mean and refer to children, older persons, and persons with disabilities collectively.

C. Scope and Persons Covered

These policies apply to all situations in which FPC has jurisdiction or control over at least one of the individuals involved in an allegation of wrongdoing. They apply to conduct on FPC property, including every outside or guest organization during its use of FPC's facilities, and to conduct incident to FPC's responsibilities and activities wherever they may occur. Accordingly, these policies cover FPC's members, officers, pastors, Stephen Ministers, employees, other individuals hired or called to work for FPC or its Preschool who are paid for their services, all volunteers involved in an activity sponsored by or affiliated with FPC, and all outside or guest organizations during their use of FPC's facilities. For the protection of those persons in our care, everyone who works directly with vulnerable persons, whether paid or volunteer, at any FPC sponsored or co-sponsored activity is subject to the provisions of these policies.

II. Standard Practices

Acknowledgement and Consent: All staff members, all church officers, and all volunteers who serve in a leadership and/or supervisory role will be required to read the *First Presbyterian Church Policies Regarding Sexual Misconduct/Harassment and for the Protection of Vulnerable Persons* and sign a statement indicating that they have read and that they understand these policies, that they have never been convicted of abuse or neglect of a person or for a crime involving sexual misconduct, and that they agree to abide by these policies. See Appendix A. Anyone required to sign this statement who fails or refuses to sign this statement will not be employed or allowed to serve.

Background Screening: All staff members and prospective staff members, all officers and all adult volunteers who serve in a leadership and/or supervisory role with any of FPC's protected groups will be required to sign the authorization form that allows FPC to request and secure background checks. See Appendix B. Background checks may include a Virginia and a national criminal background check, a check for any history of child abuse and/or neglect actions in Virginia or another state, the sex offenders' database in Virginia and in other states, and a Social Security number verification. FPC may request a DMV check for anyone who may drive a motor vehicle owned by FPC and a credit check for anyone who handles finances for or financial records of FPC. In addition, depending

on the position the volunteer or prospective staff member seeks, finger printing and a physician's medical examination and certification may be required.

Exclusion from employment and/or volunteer service: Anyone who is subject to the background checks listed in the preceding paragraph who has been convicted of either the abuse of a person or sexual misconduct and/or anyone who is required by these policies to complete the forms associated with these policies who refuses to complete the forms required by these policies will not be employed or allowed to work with any persons within any of FPC's protected groups.

Six Month Rule: Unless the person is specifically approved in writing by the Pastor/Head of Staff, FPC will not accept any leader of a church ministry for or with vulnerable persons until and unless such person is a FPC church member and has had continuous active involvement at FPC for at least six (6) months.

Non-Church Sponsored Groups: Leaders of other groups which include vulnerable persons who seek to use any of the church's facilities will be required to read these policies and to sign the Acknowledgment Form. See Appendix C. Agreement to comply with these policies will be a pre-condition for the use of FPC's facilities.

Church Spokesperson: The Pastor/Head of Staff shall be the spokesperson for FPC with respect to these policies and shall serve as a representative of FPC to the community and media should the need arise for a spokesperson. If an allegation involves the Pastor/ Head of Staff, then the Session shall designate a spokesperson for FPC. Staff and volunteers shall be advised that all communications about any incidents relating to these policies should come only from the designated spokesperson.

A. Standard Practices for Those Who Work with Children and Youth

In addition to the standard practices set forth above, FPC activities and programs involving children and youth will be subject to the following:

1. Background Checks: Background checks (as listed above) will be secured on all employees and on all volunteers who are seeking to work with children and youth in a leadership or supervisory role. The information gained from background checks will be used to determine eligibility to work with children and youth.

Active substance abuse or a past conviction for the abuse of a person and/or sexual misconduct (as defined above) will automatically disqualify an individual from employment in any position that involves working with children or youth. Any candidate for employment who has a pending proceeding that includes an allegation of the abuse

or neglect of a person will not be employed by FPC without the express written approval of the Personnel Committee.

Active substance abuse, a conviction for the abuse of a person or for sexual misconduct (as defined above), or a pending proceeding that includes an allegation of the abuse or neglect of a person will automatically disqualify an individual from volunteer service in a leadership or supervisory role with children or youth. Any volunteer who is denied the opportunity to serve with children or youth will be informed of the reason for the disqualification and how to access information relevant to the decision.

2. Open Classrooms: The physical setting should be made safe. Classroom doors should have windows. If an office door has no window, the door should be left open during counseling sessions or private meetings unless confidentiality and/or the need for privacy clearly exists. Church staff, a parent, or other volunteer church worker may enter any classroom or childcare room at any time and without notice. It should be possible to visually observe the interiors of classrooms from the hallway.

3. Two Adult Rule: Unless a pastor makes a specific, express exception in a particular circumstance, two unrelated individuals shall be designated to lead and supervise any and all FPC activities for children or youth and the individuals shall be at least five years older than the children or youth.

With a pastor's approval, two related adults may co-teach a class for children or youth if the class is held on the church property and if another class or program activity is occurring nearby.

With a pastor's approval, an adult and his or her child who is 14 years of age or older may co-teach a class for children if the class is held on the church property and if another class or program activity is occurring nearby.

For off-premises trips, at least two unrelated adults shall accompany the group.

For any overnight activity that includes children, whether on or off church property, at least two unrelated adults shall be present at all times. In addition, each child's parent or guardian must give written permission for each child's presence and participation in any overnight stay.

Other community groups of youth who meet or stay overnight at FPC shall have two or more unrelated adults present for the entire gathering. The outside group is responsible for selecting and providing the adults.

If a class mentor, staff member, or volunteer leader needs to meet one-on-one with a child, the meeting must occur within sight of an adult unrelated to the mentor, staff member or volunteer leader.

4. Classroom Discipline: No physical discipline, verbal abuse, or ridicule is to be used at any time.

5. Training: All volunteers who work with the children and youth in a leadership and/or supervisory role and all staff members will be required to participate in training regarding the provisions of these policies. These training sessions will be offered by the church, conducted by the church staff, and held at various times throughout the church year.

B. Standard Practices for Stephen Ministers

The Stephen Ministers of FPC are subject to these policies.

1. Background Checks: Background checks (as set forth above) will be done on all Stephen Ministers.

Active substance abuse, a conviction for the abuse of a person or sexual misconduct (as defined above), or a pending proceeding that includes an allegation of the abuse or neglect of a person will automatically disqualify an individual from volunteer service as a Stephen Minister. Any volunteer who is denied the opportunity to serve as a Stephen Minister will be informed of the reason for the disqualification and how to access information relevant to the decision.

2. Training: All Stephen Ministers will be required to participate in training regarding the provisions of these policies.

III. Procedures for Addressing Alleged Violations

A. Guiding Principles

The Church and its congregations are charged with the care, nurture, and spiritual well-being of those persons who come to us. This is a sacred trust and is based implicitly and explicitly on the biblical witness, the oaths taken by our officers, and the great themes of the Reformed tradition. Sexual misconduct or the abuse of a person is a violation of the role of pastors, educators, employees, volunteers, counselors, supervisors, teachers, and advisors called to exercise integrity, sensitivity, and caring in a trust relationship. Sexual misconduct or the abuse of a person is a misuse of authority and power that

breaches Christian ethical principles by misusing a trust relation to gain advantage over another for personal pleasure or advantage in an abusive, exploitative, and unjust manner. Sexual misconduct and/or the abuse of a person as defined herein takes advantage of the vulnerability of others, especially those who are less powerful and therefore unable to act for their own welfare. Sexual misconduct and/or the abuse of a person is antithetical to the Gospel's call to work as God's servant in the struggle to bring wholeness to a broken world. Sexual misconduct and/or the abuse of a person violates the mandate to protect the vulnerable from harm. Such wrongful conduct may also constitute a violation of secular law.

FPC intends and desires that its response to every allegation of a violation of these policies be guided and shaped by the principles of church discipline articulated in the *Book of Order*.

“Church discipline is the church’s exercise of an authority given by Christ, both in the direction of guidance control, and nurture of its members and in the direction of constructive criticism of offenders. The church’s disciplinary process exists not as a substitute for the secular judicial system, but to do what the secular judicial system cannot do. The purpose of discipline is to honor God by making clear the significance of membership in the body of Christ; to preserve the purity of the church by nourishing the individual within the life of the believing community; to achieve justice and compassion for all participants involved; to correct or restrain wrongdoing in order to bring members to repentance and restoration; to uphold the dignity of those who have been harmed by disciplinary offenses; to restore the unity of the church by removing the causes of discord and division; and to secure the just, speedy, and economical determination of proceedings” (D-1.1.0101).

All allegations of a violation of these policies shall be taken seriously. Every allegation shall be received, investigated, and acted upon in accordance with these policies.

B. Reporting Violations of Policy

In order to promote an environment free of the harmful acts described in these policies, the staff, employees, teachers, parents, officers, and volunteers of FPC have an individual responsibility to immediately report any questionable circumstance, observation, act, omission, or situation thought to be in violation of these policies. The person who reports an occurrence in violation of these policies will be asked to – and he/she should – complete an Incident Report Form. See Appendix D.

Reports of possible violations should be made to the Pastor/Head of Staff. Should an incident involve the behavior of the Pastor/Head of Staff, the report should be made to the Associate Pastor. If the reported incident suggests that a violation of criminal law may have occurred, then the Pastor/Head of Staff (or the Associate Pastor if the report pertains to the Pastor/Head of Staff) shall ensure that the incident is also reported to state law enforcement. If the Clerk of the Session receives a report suggesting that a pastor may have engaged in sexual misconduct or harassment, then he or she shall immediately report the incident to the Stated Clerk of the Presbytery of the James. If the Clerk of the Session receives a report suggesting that a pastor may have violated these policies in some respect other than sexual misconduct or harassment, then he or she shall determine whether the alleged incident is of such a nature that a report should be made to the Stated Clerk of the Presbytery of the James and, if so, he or she shall do so and thereafter take such steps as are set forth in the *Book of Order*.

C. Special Reporting Requirements for Suspected Child Abuse or Neglect

Virginia law requires teachers and others employed in a public or private school, kindergarten, or nursery school, when acting in their professional roles, to immediately report suspected incidences of child abuse or neglect that may have occurred either within or outside of the school setting. Reports are to be made to the local Department of Social Services or to the Child Abuse and Neglect Hotline. See Va. Code section 63.2-1509A. In lieu of a report to Social Services, the law provides that the staff member may immediately notify the person in charge of the school or his/her designee who is then to promptly make a report to Social Services.

D. Responding to an Allegation

Upon receiving a report of an incident falling within these policies, the Pastor/Head of Staff shall promptly advise the accused of the allegation, including the identity of the alleged victim. If the alleged wrongful act involves a child or a person who has a known legal guardian, the Pastor/Head of Staff shall promptly tell the child's parent(s) (or the legal guardian) about the alleged incident, including the identity of the person accused of the wrongful conduct. In light of FPC's obligation to protect both the alleged victim and any person accused of wrongdoing, without any implication that a wrongful act occurred or that the accused person committed any wrongful act, the Pastor/Head of Staff may, in his or her sole discretion, suspend the person who has been accused from working at FPC either as a staff member or as a volunteer pending investigation of the alleged incident. As soon as practicable, the Pastor/Head of Staff shall appoint a

Response Team of three to five persons, all of whom must be members of FPC. The Response Team shall promptly investigate the allegation. Should the allegation pertain to the Pastor/Head of Staff, the Associate Pastor shall assume the Pastor/Head of Staff's role and responsibilities as set forth herein.

The Response Team's investigation may involve and include inquiry into the facts and circumstances, interviews with the alleged victim and the accused, interviews with any and all witnesses to the alleged incident, and such other steps as the Response Team deems appropriate. Following what the Response Team deems to be a full investigation, the Response Team – in consultation with the Pastor/Head of Staff – shall decide on the steps or interventions to be taken in response to and as a consequence of the incident. If the investigation pertains to the Pastor/Head of Staff, the Response Team shall decide its recommended responses in consultation with the chairperson of the Personnel Committee. The response may include, among other things, removing the alleged offender from his/her voluntary position, exoneration, and/or pastoral care for the accused, alleged victims, any witnesses, and/or their families. If the alleged offender is an employee or staff member at FPC, then the Response Team's response is to be submitted as a recommendation to the Personnel Committee that will then make the final decision regarding a response to the allegation.

At any time during its investigation the Response Team may require that the alleged offender be suspended from his or her voluntary position. If the alleged offender is a FPC staff member, then the Response Team may recommend to the Personnel Committee that the staff member be suspended from his or her employment pending the full investigation. In addition, if at any time the Response Team comes to believe that a previously unreported act may constitute a violation of civil or criminal law, then the Response Team shall report that possible violation to state law enforcement.

Everyone involved in the process of addressing allegations of wrongful conduct under these policies – the Pastor/Head of Staff, the Associate Pastor, the clerk of the Session, the members of the Response Team, the alleged victim, and any and all witnesses – should strive to maintain a high level of confidentiality during the course of the investigation and response.

E. Provision for Appeal

Should any person who is involved in or who is the subject of an investigation pursuant to these policies feel that he or she has been treated unfairly in the process, or should

any person think that the response to the incident adopted by the Response Team (and/or the Personnel Committee) was unreasonable, inadequate, and/or without sufficient basis, then he or she may request that FPC's Session (1) hear in person his or her complaint and (2) review the Response Team's (and/or Personnel Committee's) processes and conclusions. Should such a request be made, the Session shall hear the complaint and review the Response Team's (and/or Personnel Committee's) processes and conclusions. The Session's decision in these regards shall be final.

IV. Understanding and Acknowledging the Policies

The Session shall ensure that all persons subject to these policies have access to them and an opportunity to become familiar with them. The Session shall provide for periodic education regarding these policies as it deems necessary.

Within 90 days following the Session's adoption of these amended and re-stated policies, all current FPC employees -- including Preschool staff members, pastors, officers, Stephen Ministers -- and all volunteers who lead church-sponsored activities, chaperon children's and youth events, or serve as youth advisors shall acknowledge in writing they have read and understand these policies by signing the Acknowledgment (Appendix A).

All incoming pastors, officers, Stephen Ministers, employees, and volunteers who lead church-sponsored activities, chaperon children's and youth events, or serve as youth advisors shall be required to acknowledge in writing they have read and understand these policies by signing the Acknowledgment (Appendix A).

Signed Acknowledgements shall be kept in the personnel file of the signer, if one exists, or if not, collectively with other Acknowledgments.

V. Approval, Ratification, and Monitoring of these Policies

These policies shall be reviewed by the Personnel Committee when deemed necessary, but no less often than annually. The review shall include an assessment of the effectiveness of the policies' implementation in all applicable programs and activities of FPC. A written report of the results of this annual review shall be presented to the Session.

Under Presbyterian polity, these policies must be approved by and may be amended by the Session. These policies become effective upon Session's approval.

Appendix A

Acknowledgement of and Consent to the Policies Regarding Sexual Misconduct/Harassment and for the Protection of Vulnerable Persons

First Presbyterian Church, Charlottesville, Virginia

Purpose

The *First Presbyterian Church Policies Regarding Sexual Misconduct/Harassment and for the Protection of Vulnerable Persons* was adopted by First Presbyterian Church to demonstrate our absolute and unwavering commitment to the physical safety and to the spiritual and emotional growth of all who come within First Presbyterian's care, and especially our children, older persons, and persons with disabilities. These policies require that, before working with such persons, all paid employees and all volunteers who serve in leadership or supervisory roles will be required to verify in writing that they have been educated regarding these policies, that they understand them, and that they agree to be bound by them.

Statement

I, the undersigned, represent that I have read and that I understand the *First Presbyterian Church Policies Regarding Sexual Misconduct/Harassment and for the Protection of Vulnerable Persons*. I hereby agree to be bound by these policies.

I swear or affirm that I am not abusing alcohol or illicit drugs and that I have never been convicted of child or adult abuse. No civil, criminal or ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct or for child or adult abuse. I have never resigned or been terminated from a position for reasons related to sexual misconduct or for child or adult abuse. I will voluntarily and without requiring further inquiry disclose to First Presbyterian Church any general information, criminal convictions, prior church affiliation and prior volunteer or paid work with vulnerable persons that might reasonably bring into question my suitability to volunteer or to work with vulnerable persons as part of any ministry or activity sponsored by First Presbyterian Church.

I understand that my consent, self-disclosure, and compliance are being relied upon by First Presbyterian Church in permitting me to serve at First Presbyterian Church.

Signature

Witness Signature

Name (please print)

Witness Name (please print)

Date

Date

Appendix B

Background Check Authorization First Presbyterian Church

1. In connection with my service through First Presbyterian Church, I, the undersigned, authorize the church to secure background information about me. I understand that these reports may include my driving history, including any traffic citations, a social security number verification, present and former addresses, a Virginia and a national criminal background check, a check of any claims for either child abuse or neglect in Virginia or any other state, the sex offenders' database in Virginia and/or other states, and a credit check if I am to handle finances for or financial records of FPC. I also understand that if the position I seek requires it, that I must have my fingerprints taken and I must pass a physical examination conducted by a qualified physician.
2. I hereby release the First Presbyterian Church and its employees and agents and all persons, agencies and entities providing information or reports about me from any and all liability arising out of the requests for and/or release of any of the above mentioned information or reports.
3. I understand that I am entitled to a complete copy of any background report of which I am the subject upon my request to First Presbyterian Church, if such request is made within a reasonable time from the date it was produced. I also understand that I may receive a written summary of my rights under the Fair Credit Reporting Act.

Please print your full name

Please print other names you have used

Current Home Address	City	State	Zip	Dates
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Former Home Address	City	State	Zip	Dates
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Social Security Number _____ Date of Birth _____

Phone Number _____ Gender _____

Email Address _____

Driver's License Number _____ State Issuing License _____

Signature

Date

Appendix C
Acknowledgement Form for
Guest Organizations Using First Presbyterian Church Facilities

I acknowledge that I have received a copy of the *First Presbyterian Church Policies Regarding Sexual Misconduct/Harassment and for the Protection of Vulnerable Persons*.

I understand and agree that:

All leaders of children, older persons, and/or persons with disabilities involved with the activity to be held at First Presbyterian Church's facilities will be informed of and about these policies prior to the activity.

The organization I represent is and will be responsible for investigating and taking appropriate disciplinary actions should any violation of these policies occur during my organization's use of First Presbyterian Church's facilities.

I will ensure that a pastor at First Presbyterian Church is notified immediately if any conduct occurred during my organization's use of the facilities that may have violated these policies.

Representative's Signature

Date

Representative's Name *(please print)*

Representative's Title *(please print)*

Organization Name *(please print)*

**Appendix D
Incident Report Form**

**Policies Regarding Sexual Misconduct/Harassment and
for the Protection of Vulnerable Persons
First Presbyterian Church**

Name of Victim _____ Age _____

Reason for report _____

Date of incident _____ Time _____ Activity _____ Title _____

Quote the victim's first words verbatim:

Briefly describe victim's behavior/appearance:

Briefly describe what happened:

What action was taken:

Has the incident been resolved? YES NO

Explain: _____

Witnesses: _____

Name: _____

Report submitted to: _____

Reporter's Signature

Date

Name of Reporter (*printed*)