

POLICY ON SEXUAL HARASSMENT, ABUSE AND MISCONDUCT
Covenant Presbyterian Church,
Madison, Wisconsin

I. STATEMENT OF PURPOSE

“Love one another with mutual affection; outdo one another in showing honor.” (Romans 12:10)

“Being together in Covenant community, we have the opportunity and responsibility to build healthy and deep relationships as God’s children. We must build these relationships carefully.”

This policy aims to serve the following purposes:

1. To strengthen awareness among the staff, members and friends of Covenant Presbyterian Church of Madison that any form of sexual harassment, abuse, or misconduct is unacceptable behavior as it is a violation of scriptural principles and of our congregation’s commitment to “the way of the loving heart.” (In many cases, it is also a violation of the law!)
2. To indicate what measures the congregation will take to prevent such violations from occurring.
3. To describe what steps will be taken should such violations be reported.

II. SUMMARY OF POLICY

It is the policy of Covenant Presbyterian Church of Madison to prohibit any form of sexual harassment, abuse, or misconduct that might occur in the life of the congregation. This policy applies to staff, officers, members and participants in church programs. It is further the policy of Covenant Presbyterian Church of Madison, to take active measures to prevent the occurrence of such conduct, but also to respond quickly, fairly, and compassionately if such conduct is reported.

III. DEFINITIONS

- A. **SEXUAL HARASSMENT** includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:
- Submission to the conduct is made a condition of employment or participation;
 - Submission to or rejection of the conduct is used as the basis for a decision affecting employment or participation; or
 - The harassment has the purpose or effect of substantially interfering with work performance or participation or creates an intimidating, hostile, or offensive environment for the employee or participant.

EXAMPLES OF SEXUAL HARASSMENT under this policy include unwelcome sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; subtle pressures or requests for sexual activities; unwelcome touching; graphic comments about an individual’s body; display in the workplace of sexually suggestive objects or pictures; or sexually explicit or offensive jokes.

- B. **SEXUAL ABUSE** is the use of authority or power to take advantage, by sexual contact or sexual intercourse, of children, youth, or vulnerable adults.

- C. **SEXUAL MISCONDUCT** is sexual behavior by a staff person, officer, member, or volunteer that violates the promises made in marriage, in church membership, in ordination or employment and harms the witness of the church. Examples include adultery, participation in sex for purchase arrangements, and problematic behavior involving pornography. (Examples include but are not limited to the production and/or dissemination of pornographic materials and the production, dissemination and/or use of pornography involving minors.)

IV. PREVENTATIVE MEASURES AND RESPONSIBLE PARTIES

- A. APPROPRIATE SCREENING will be undertaken by Covenant Presbyterian Church to reduce the risk of the occurrence of sexual harassment, abuse and misconduct.
1. As a part of the hiring process, the Session Committee on Personnel will ensure that appropriate screening has occurred for all prospective employees. This screening will be conducted with the written permission of the applicant (Appendix A) and will include a provision authorizing re-screening every three years for as long as a person continues to be employed by Covenant Presbyterian Church. It will consist of at least the following:
 - a. Disclosure on the application for employment. (Appendix B)
 - b. Checking for previous convictions and/or relevant arrests that indicate any history of sexual harassment, abuse or misconduct. (This may include such checking in other states where the applicant has had significant life or work experience.)
 - c. Checking with at least two references, one of whom shall be a prior employer or supervisor.
 2. The screening of volunteers who fill ongoing roles in church programs for children and youth is mandatory and will be considered a requirement for such participation. This required screening will be conducted with the written permission of the volunteer and will include a provision authorizing re-screening every three years for as long as a person continues to serve in church programs (see Appendix C). Individuals who decline to give permission for screening cannot be considered for positions in programs working directly with children and youth.

Such screening **will** include:

*Checking for previous convictions and/or relevant arrests that indicate any history of sexual harassment, abuse or misconduct. (This may include such checking in other states where the applicant has had significant life or work experience.)

Further screening **may** also include:

* Checking with references that have known the person for at least three years or have supervised the volunteer in other settings.

* Checking with other church members acquainted with the person.

3. Completed forms related to screening or re-screening will be delivered to the called teaching elder responsible for screening, who will submit the information to an appropriate agency for review. This teaching elder will receive a report from the agency, report results to the Session Committee on Personnel (for prospective staff members) or the person responsible for prospective volunteers and take further action if required. Requests for screening must be submitted sufficiently in advance to allow for the screening to be completed before the prospective employee / volunteer begins the activities for which she or he is recruited.
4. The Session Committee on Personnel will receive a written report annually from those responsible for screening verifying that all necessary and appropriate screening has been completed.

- B. APPROPRIATE ORIENTATION AND EDUCATION will be undertaken with the Session Committee on Personnel and the Pastor Head of Staff being responsible for educating church officers, the congregation and paid staff regarding this policy and the issues it addresses. The Pastor Head of Staff and the Church Staff will also develop and implement a mandatory orientation and training process aimed at all volunteers who are required to undergo screening.

V. REPORTING

- A. ORDAINED CLERGY are subject to the discipline of the John Knox Presbytery. Concerns about clergy conduct should be addressed to the stated clerk of that body.
- B. ANYONE who feels that she or he has been the victim of sexual harassment or abuse perpetrated by a church member, staff person or participant - or any parent who believes a minor child has been victimized - is urged to share these concerns promptly, orally or in writing, with any of the following: the teaching elder(s) called to the congregation, Youth Ministries Coordinator,

Children's Ministries Coordinator, Parish Nurse, Music Coordinator, or Chairperson of the Session Committee on Personnel.

- C. ANY ADULT church member, staff, participant, or volunteer who suspects that a child, youth or vulnerable adult may be a victim of sexual abuse should discuss the situation with the Pastor Head of Staff. Under Wisconsin state law, pastors are required, in the case of minors, to report such suspicions to civil authorities, as are parish nurses. If the Pastor Head of Staff is suspected of involvement in the abuse, the matter should be discussed with the Chair of the Session Committee on Personnel.
- D. THE PCUSA Book of Order's RULES OF CHURCH DISCIPLINE (Chapter X) remind us that nothing in this policy should be interpreted as removing the right of any church member to bring a formal accusation against another church member and present it to the Clerk of Session for disciplinary action.

VI. RESPONDING

- A. WHEN A REPORT of alleged sexual harassment, abuse or misconduct is received by a church staff member or the Chairperson of the Session Committee on Personnel, that individual shall consult with the Pastor Head of Staff. (All cases of suspected abuse involving minors will be reported by the pastor to the appropriate civil authorities in accordance with Section V, paragraph C above.) If the Pastor Head of Staff is suspected of involvement in the harassment, abuse, or misconduct, the individual receiving the allegation shall consult with the chairperson of the Session Committee on Personnel who, in turn, will consult with the appropriate Presbytery official and, if required by law, the appropriate civil authorities.
- B. IF THE COMPLAINT DERIVES FROM A SELF-IDENTIFIED VICTIM (OR PARENT) WHO IS SEEKING AN END TO **HARASSING BEHAVIOR**, the Pastor Head of Staff and the staff person (if any) bringing the matter to his or her attention shall determine a course of action which aims: to hear the concerns of the alleged victim, to make an assessment as to whether those concerns are such that responsive steps are indicated, to confront the alleged perpetrator with these concerns, and to obtain a written agreement (acceptable to the alleged victim and signed by the alleged perpetrator) to secure the future safety and comfort of the alleged victim. Consequences for failing to abide by the agreement will be part of the agreement.
- C. IF THE COMPLAINT DERIVES FROM A PERSON WHO IS CONCERNED ABOUT THE **SEXUAL MISCONDUCT (OR ABUSIVE BEHAVIOR)** OF A STAFF PERSON, OFFICER, MEMBER OR VOLUNTEER, the Pastor Head of Staff and the staff person (if any) bringing the matter to his or her attention shall determine a course of action that aims: to hear the concerns of the complainant, to determine if there are adequate grounds for confronting the alleged perpetrator with the complaint, and to seek resolution of the matter in any of the following ways: 1) deciding that there are not sufficient grounds to pursue the matter; 2) confronting the alleged perpetrator and obtaining, if possible, a written agreement to cease the behavior in question; or 3) deciding that the allegations of misconduct are serious enough that an investigation such as that described in paragraphs D and E below should be initiated.
- D. IF THE REPORT reaching the Pastor Head of Staff suggests that injurious behavior has already taken place that, if true, would require that serious consequences should result for the alleged perpetrator, then the Pastor Head of Staff should:
 - 1. Consult immediately with an appropriate professional person outside the church to determine if a full investigation seems warranted.
 - 2. Counsel any alleged victim with regards to civil or legal options and with regards to the course that a church investigation would follow.

E. IF IT IS DETERMINED that an investigation should take place the Pastor Head of Staff (or, if this person is the subject of the investigation, the Chair of the Session Committee on Personnel) will take the following steps:

1. Notify both the church's legal advisor and its insurance agent immediately.
2. Secure the services of an outside party with expertise in conducting such investigations. (Both the alleged victim [if there is one] and the accused must be interviewed and afforded the opportunity to bring relevant information.)
3. Provide pastoral support to all parties involved. This should include assurances to the alleged perpetrator that he or she will be considered innocent until demonstrated otherwise.
4. Inform both the person accused of sexual harassment, abuse or misconduct and his or her accuser that they have the right to have an attorney or support person, at their own cost, present at all meetings which they are requested to attend.
5. After consulting with an appropriate outside professional and the chairperson of the Session Committee on Personnel, the Pastor Head of Staff may suspend the services of the accused, whether a paid employee or a volunteer.

The suspension of a paid employee shall normally be with pay but may also, for good reason and at the discretion of the Pastor Head of Staff, be without pay.

6. Instruct the accused that he or she must take no retaliation against his or her accuser. In fact, the accused should have no contact at all with the accuser during the entire process of investigation and resolution.
7. Maintain highest level of confidentiality concerning these proceedings.
8. Receive the written report of the investigator(s) and facilitate:
 - A. an opportunity for both the alleged victim (if there is one) and the accused to hear and to respond in writing to the report and
 - b. a meeting of Session—or a task force of active elders named by Session—to review the findings of fact contained in the report and the written responses of the parties; to interview the accused and the accuser if they have more to add than what appears in their written statements or if the Session or its task force desires to hear from them directly; and to determine if the allegations of the accuser are reliable or not.

F. IF THE ALLEGATIONS ARE FOUND RELIABLE, the Session shall take disciplinary action, which may include suspension (without pay), dismissal or removal from membership.

G. IF THE ALLEGATIONS ARE FOUND TO BE UNRELIABLE, a written record of the determination shall be made and previously suspended employees or volunteers will be reinstated.

H. EITHER PARTY, VICTIM OR ACCUSED, MAY REQUEST A REVIEW of the disciplinary action by submitting a request in writing to the Clerk of Session within ten working days of the decision. The Session will review its previous actions and make a final determination

VII. STATEMENT ON CONFIDENTIALITY

In implementing this policy, church leaders will seek to protect the privacy rights of individuals. Those responding to reports will make every effort to protect the privacy rights of victims while also respecting the right of the accused to be informed of the allegations against him or her.

Approved by the Congregation: 6-11-06
Revisions approved by Session December 15, 2015

APPENDIX A

**COMMITMENT AND CONSENT TO SCREEN FORM
(FOR APPLICANTS FOR STAFF POSITIONS)**

I, the undersigned, am applying for employment with Covenant Presbyterian Church of Madison. I understand that it is important for the well-being of the people with whom I might work that they have complete confidence in my ability to treat them with respect and compassion.

Therefore, I have carefully read the Policy on Sexual Harassment, Abuse and Misconduct of Covenant Presbyterian Church of Madison and agree that if I am chosen for the work to which I have applied, I will abide by its stipulations. Furthermore, I give permission to Covenant Presbyterian Church to conduct a check of criminal records to determine if there is anything that would indicate a previous history of sexual harassment, abuse or misconduct.

I further give permission to the Covenant Presbyterian Church to consult with any of the references I have listed or any previous employer or supervisor to determine if there is any cause for concern arising from my prior behavior in volunteer or employment settings.

Finally, I also give permission to church officials to repeat any or all of the above screening procedures every three years for as long as I continue to work for Covenant Presbyterian Church.

(Signature)

(Date)

(Print Name)

SS # _____
(Optional)

ADDITIONAL NAMES I MAY HAVE BEEN KNOWN BY:

Employment Application

Please Type or Print Clearly:

Full Name:	
Have you ever used a different name while working or attending school? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list all names below:	
Home Address:	
Telephone Number:	Best time to call:
E-mail Address:	

EMPLOYMENT DESIRED

Position applying for:	Date you can start:
Where did you hear about this opportunity?	
Days and Times available for work:	

GENERAL INFORMATION

Are you 18 or older? <input type="checkbox"/> Yes <input type="checkbox"/> No
Can you provide proof of eligibility to work in the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No
Please do not disclose sealed or expunged convictions in responding to this question. Have you ever been convicted of a criminal offense? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list all convictions, including the date and state in which the conviction occurred, on a separate sheet of paper. Failure to list all convictions may result in the rejection of your application or termination of your employment.
Do you have a valid driver's license? <input type="checkbox"/> Yes <input type="checkbox"/> No (may be required for some jobs)
List any professional designations you hold:
List any foreign languages which you can speak fluently: Read/write fluently:
Have you ever worked for Covenant Presbyterian Church before? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list dates.

EDUCATION

Name and Location of School	How Many Years Completed?	Did You Graduate?	Subjects Studied/ Degrees Received
High School			
Trade, technical, junior college			
College			
Post-graduate			

MILITARY SERVICE

Have you ever been in the armed forces? <input type="checkbox"/> No <input type="checkbox"/> Yes	Dates:
	Branch: Rank:
Are you currently in the National Guard? <input type="checkbox"/> No <input type="checkbox"/> Yes	

EMPLOYMENT HISTORY

List your most recent employment first. Attach additional pages or a resume if you need more space.

Dates of Employment	Employer	Position and Description of Responsibilities	Reason for Leaving

If currently employed, may we contact your current employer? <input type="checkbox"/> Yes <input type="checkbox"/> No
Have you ever been fired from a job or asked to resign? <input type="checkbox"/> Yes <input type="checkbox"/> No

REFERENCES

References from your current and former supervisors are preferred. Do not list relatives or friends as references.

Name	Occupation	Years Known	Phone Number

Please list any other information you feel would be useful to us in considering your application:

APPLICANT'S STATEMENT—PLEASE READ CAREFULLY BEFORE SIGNING THIS FORM

I understand that I or the employer may terminate my employment at any time, within applicable state or federal law. This application does not constitute a contract or guarantee of employment.

I understand that the employer may thoroughly investigate my work and educational history and verify all information given on this application. Any omissions or misrepresentations by me on this application may result in my rejection for the position or, if already employed, my termination. I voluntarily and knowingly release from liability any person or organization that provides information pertaining to me or my employment.

(Applicant's Signature)

(Date)

(Print Name)

Edited: 5/ 2014

APPENDIX C

**CONSENT TO SCREENING FOR VOLUNTEERS
IN CHILDREN’S MINISTRIES & YOUTH MINISTRIES**

First Name _____ **Middle Initial** _____ **Last Name** _____

Date of birth (for screening purposes) _____

1. Please list all present or previous work, either paid or volunteer, involving children and/or youth.

2. How long have you lived in the Madison area? _____
 - a. In which other states have you lived since the age of 18?

3. Please describe any church involvement over the past 3-5 years.

4. Is there any example of behavior in your background which would call into question your being entrusted with the supervision, care, or guidance of children and/or youth?

Have you ever been accused of sexual harassment, misconduct or abuse? If yes, please explain.

6. Have you ever been convicted of a felony? If yes, please explain.

7. Please provide the names and phone numbers of three references who are not related to you. If possible, at least one reference should be an active participant or member of Covenant Presbyterian Church. These references should be able to describe you in a way that is relevant to your involvement in Children’s Ministries & Youth Ministries at Covenant Presbyterian Church.

	<u>Name</u>	<u>Phone w/area code</u>
a.	_____	_____
b.	_____	_____
c.	_____	_____

(Continued on back page)

- I, the undersigned, am interested in working in one of the programs and/or ministries of Covenant Presbyterian Church. I understand that in this program I may be in a position of leadership and supervision of children and/or youth. I understand that it is important for the well-being of the people with whom I might work that they have complete confidence in my ability to treat them with respect and compassion. I also understand that it is for my own benefit that this confidence be established.
- Therefore, I have carefully read the “Policy on Sexual Harassment, Abuse and Misconduct” of Covenant Presbyterian Church and agree to abide by its stipulations.
- I also agree to take part in an educational workshop on sexual harassment/abuse conducted by Covenant Presbyterian Church, screening and training prior to or no later than the first two weeks/month of work beginning
- Furthermore, I give permission to Covenant Presbyterian Church to conduct a check of criminal records to determine if there is anything in police files which would indicate that I have a previous history of sexual harassment, abuse, or misconduct. (Unless applicant is under 18.)
- I further give permission to Covenant Presbyterian Church to consult with any of the references I have listed on the previous page or any previous employer or supervisor to determine if there is any cause for concern arising from my prior behavior in volunteer or employment settings.
- Finally, I also give permission to church officials to repeat any or all of the above screening procedures every three years for as long as I continue to work in church programs involving children and/or youth.
- I understand that any information received through the screening process will be stored in a locked filing cabinet in the church office or in an encrypted file on a password protected computer or secure server.

Applicant Name: _____ Date: _____
 (Signature)

Applicant Name: _____
 (Print Name)

Other last names I have been known by: _____, _____, _____,

To the Parent of the applicant if the applicant is under 18:

Do you have any concerns regarding your teenager working with children?

Yes _____ No _____ If yes, please explain:

Signature of the Parent of the under age 18 applicant: _____

Print name of Parent: _____ Date _____