

CONCORD PRESBYTERIAN CHURCH

ADULT PROTECTION POLICY

I. Policy

Respect for the dignity and worth of each individual is a basic tenet of Concord Presbyterian Church (Concord). It is the policy of Concord to maintain a safe and respectful environment, free from any form of sexual misconduct, abuse, or harassment for everyone including non-ordained staff and non-employees such as volunteers, church members, visitors, vendors and contractors. Ordained staff members are subject to a similar policy of the New Castle Presbytery. All reported or suspected occurrences of abuse or harassment will be promptly and thoroughly investigated with sensitivity and concern for confidentiality. Where abuse or harassment is determined to have occurred, Concord will take appropriate action to correct the conduct before it becomes severe or pervasive. Concord will comply with reporting requirements under Delaware law concerning victims who are intellectually impaired (31Del C, 3902; 3910). This Adult Protection Policy compliments Concord's Child Protection Policy. It is based on the New Castle Presbytery Policy and Procedures on Sexual Misconduct, which itself is grounded in the policy of the Presbyterian Church USA.

II. Definitions:

SEXUAL ABUSE as defined in the *Book of Order*: "Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. (*Book of Order*, D-10.0401c.)

SEXUAL HARRASSMENT is defined by the *Manual of New Castle Presbytery* (Appendix P.2000, A.5.) as follows: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in their position.
- b. Submission to or rejection of such conduct is used as the basis for employment decisions for such an individual.

- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive work environment.
- d. Any individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women or children.

Examples of sexually harassing conduct include, but are not limited to:

- Threatening adverse employment actions if sexual favors are not granted
- Promising preferential treatment in return for sexual favor
- Unwelcome physical contact
- Persistent unwelcome sexual advances or flirtations, including requests for dates or other social contacts
- Offensive remarks, including unwelcome comments about appearance, sexual activities, off-color jokes or inappropriate use of sexually explicit language
- Display in the workplace of sexually suggestive objects or pictures.
- Circulation via email, or otherwise, of sexually suggestive or offensive pictures, jokes, stories, and similar materials
- Any hostile treatment motivated by the victim's sex constitutes harassing conduct that is prohibited by this policy.

OTHER FORMS OF ABUSIVE OR HARASSING CONDUCT: Repeated offensive or derogatory remarks, hostile or abusive actions, or jokes based on race, creed, color, sex, sexual orientation, age, religion or religious affiliation, national origin, citizenship status, marital status, physical or mental disability, genetic information or any other legally protected characteristic.

TECHNOLOGY AND HARASSMENT: Any harassment through electronic media is still harassment as defined above.

III. Sexual Abuse or Harassment of or by Concord Staff or Officers:

A. Workplace Policy: Sexual misconduct, abuse or harassment by anyone with authority or in a position of trust is a misuse of authority and power that breaches Christian ethical principles. Staff members that take advantage of that authority or trust through misconduct toward anyone will be disciplined up to and including dismissal. Misconduct by officers toward anyone may result in removal from leadership positions, and Concord will take action to prevent further harassment.

- B. Voluntary Relationships: Voluntary, welcomed romantic or sexual relationships between members of Concord supervisors and their subordinates is deemed a potential conflict of interest with the appearance of compromising personal integrity and that of the church. Such relationships may also lead to exposure of the church or individuals to legal liability. Any romantic or sexual relationship between any officer, supervisor, or other agent of the organization with anyone he/she supervises directly or indirectly is therefore prohibited.
- C. Abuse or harassment of staff by non-staff: If a staff member is abused or harassed by a member of the congregation, contractor, volunteer, or visitor, Concord will take action to prevent further harassment.
- D. Misuse of Concord Technology: Sending harassing messages or images or viewing pornography is prohibited on Concord equipment or through Concord internet access. Equipment, internet, and e-mail access provided by Concord are the property of Concord and are intended for business use only. There is no presumption of privacy for the employee, officer, or congregant using Concord equipment or access. Content on Concord equipment or internet history may be reviewed by Session or its designees at any time.

IV. Duty to Report Abuse or Harassing Conduct

Concord understands that victims of abuse or harassment may be embarrassed and reluctant to report acts of harassment for any number of reasons, such as fear of being blamed, concern about retaliation, or because it is difficult to discuss such matters openly with others. Concord has a duty to protect all employees from abusive or harassing conduct in the workplace and, therefore requires employees to report any incident of abuse or harassment immediately. Any employee or officer who observes, or believes to have observed, any abusive or harassing conduct in the workplace must report that conduct to the Head of Staff, unless the Head of Staff is the person engaged in the conduct. In that case, or if there is any other reason why the employee would feel uncomfortable reporting the conduct to the Head of Staff, the report should be made to the Chair of Staff Relations and/or Clerk of Session. Similarly, volunteers, contractors, or other persons on the premises should report any incident of abuse or harassment immediately to the Head of Staff or the Chair of Staff Relations and/or Clerk of Session. Prompt reporting of inappropriate conduct enables Concord to take the corrective action necessary to stop the behavior before it becomes severe or pervasive.

In a case where the victim is intellectually impaired, Concord will comply with Delaware State Law (31Del C, 3902; 3910) by reporting the incident to Delaware Health and Human Services.

V. Investigation of a Report of Harassment

Every reported complaint of abuse or harassment will be investigated thoroughly and promptly. Concord is committed to providing appropriate attention and support to the needs of both the accuser and the accused. Two investigators will be appointed with consultation as necessary with the Sexual Misconduct Response Team of New Castle Presbytery. Typically, the investigation will include the following steps: (1) an interview of the person who lodged the complaint to obtain complete details regarding the alleged abuse or harassment; (2) interviews of anyone who is alleged to have committed the acts to respond to the claims; and (3) interviews of any persons who may have witnessed or who may have knowledge of the alleged abuse or harassment. All complaints and investigative interviews must be thoroughly documented at the time the information is received. Generally investigations and interviews shall be conducted by more than one person to provide corroboration of investigative reports. The investigating official will notify the complainant and the accused party of the results of the investigation. The investigation will be handled in as confidential a manner as possible consistent with a full, fair, and proper investigation. All persons involved in the investigation must maintain the confidentiality of information received in the investigation and divulge it only on a need to know basis.

VI. Corrective Action; Non-Retaliation

Concord will not tolerate retaliation against any person for making a good faith complaint of abuse or harassment or for cooperating in an investigation. If a person feels that he or she has been subjected to any form of retaliation, the person must report that conduct to the Head of Staff or Chair of Staff Relations and/or Clerk of Session without delay.

If harassment or retaliation is established, Concord will take corrective action. Corrective action may include: training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment, or if the perpetrator is a non-staff person, referral to counseling and/or disciplinary action ranging from verbal or written warning to termination of church membership or volunteer or contract relationship, depending on the circumstances.

VII. Policy Implementation

All Concord Officers and staff shall be required to acknowledge that they have read, understand and agree to abide by this policy. The Session shall be accountable for the administration of this policy. Session has assigned oversight of this policy to the Staff Relations Committee.

APPROVED BY SESSION:

December 2, 2015
Date

Chair of Staff Relations:

Joyce P. Johnson

Clerk of Session:

Carol K. Haas

Moderator of Session:

The Rev. Lynn Horan