

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 (see Section V). 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:

A) Definition of Sexual Misconduct: Sexual misconduct in the ministerial relationship is an abuse of authority and power, breaching Christian ethical principles by misusing a trust relationship to gain advantage over another for personal gratification in an exploitative and unjust manner. It is the comprehensive term used in this policy to include: sexual abuse of children or adults, rape or sexual assault, sexual harassment, and viewing, storing, or transmitting pornographic material for any purpose on church property and/or with church-owned devices such as, but not limited, to computers and cellular telephones. Categories of sexual misconduct are:

1) Sexual abuse: Sexual abuse occurs whenever a person in a position of trust or authority engages in a sexual act or sexual contact with another person to whom they owe a professional responsibility. Such abuse shall include, but not be limited to, the following:

- Sexual acts or sexual contact with a minor.
- Sexual acts or sexual contact involving inducement, threat, coercion, force, violence, or intimidation of another person.
- Sexual acts or contact between a pastoral leader and any person

with whom the pastoral leader has a professional relationship. This includes consensual physical relationships. Sexual relationships even when consensual are not acceptable, whether or not pastoral care is involved. The inherent imbalance of power between a pastoral leader and a person who is not ordained undermines the validity of such consent.

- Sexual acts or sexual contact with another person who is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act or sexual contact.
- Sexual acts or sexual contact arising from the administration to another person of a drug or intoxicant which impairs the ability of that person to appraise or control the nature of the conduct.
- Suggesting or compelling another person to view pornography in any form.

2) Child sexual abuse. Child sexual abuse includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Child sexual abuse between an adult and a child is always considered forced whether or not consented to by the child. Child sexual abuse is a crime in all states and any suspicion of such abuse must be reported to civil authorities and to the Stated Clerk of the Presbytery (the Stated Clerk). Anyone who knows or has reason to suspect that child abuse has occurred or is occurring has an obligation to report such knowledge or suspicion under the laws of Maryland and Delaware. Pastoral leaders are mandatory reporters in both states.

3) Rape or sexual assault. Rape or sexual assault is a crime in every state and should be reported to civil authorities and to the Stated Clerk.

4) Sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually offensive nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or their continued status in an institution in either a professional or volunteer capacity;
- submission to or rejection of such conduct by an individual is the basis for employment decisions affecting that individual; or

- such conduct has the purpose or effect of unreasonably interfering with an individual's work or volunteer performance by creating an intimidating, hostile, or offensive working environment. Sexual harassment may consist of a single intense or severe act or multiple persistent or persuasive acts.

Sexual harassment may include, but is not limited to:

- sexually oriented jokes or humor
- sexually demeaning comments
- verbal suggestions of sexual involvement or sexual activity
- questions or comments about sexual behavior
- unwelcome or inappropriate physical contact
- graphic or degrading comments about an individual's physical appearance
- express or implied sexual advances or propositions
- display of sexually suggestive objects or pictures
- repeated requests for social engagements after an individual refuses

B) Harassment

Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history) according to the Equal Employment Opportunity Commission. Harassment may also include the experience of being bullied or intimidated.

C) Financial misconduct

Financial misconduct includes any activity related to improper use of funds or property, pursuit of improper financial gain, or other activities such as fraud, embezzlement, theft, or forgery.

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 they supervise 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 they 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 should 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

raging 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:

Date

Chair of Staff Relations:

Clerk of Session:

Moderator of Session:

I have read and understand Concord Presbyterian Church's Adult Protection Policy and pledge to uphold the policies of Concord Presbyterian Church to the best of my ability.

Date: _____

Signature: _____

Printed Name: _____

Address: _____