

**SEXUAL MISCONDUCT AND CHILD PROTECTION  
POLICY AND PROCEDURES  
For First Presbyterian Church  
Presbyterian Preschool and Day School  
El Campo, Texas**

**I. Policy Statement**

It is the policy of First Presbyterian Church (“FPC”), including Presbyterian Preschool and Day School, that all staff, adult members, and adult non-member volunteers are to maintain the integrity of the ministerial, professional, leadership relationship at all times. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture, and of the ministerial, pastoral, employment, and professional relationship. It is never permissible or acceptable for a minister, teacher, director, employee, member, or nonmember volunteer to engage in sexual misconduct. It is the goal of this policy to set forth the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct.

Our congregation affirms that all people are a gift from God, and children, teens, and those with developmental disabilities depend upon adults for safety and security. We take seriously our baptismal covenant to nurture all people committed to our care.

First Presbyterian Church including Presbyterian Preschool and Day School and its members and friends acknowledge the gift and privilege of ministry to children and strive to model the love and grace of God and provide safety and security for all to whom they are entrusted.

The goals of this policy are to:

- Provide all with a safe environment for working, learning, nurture, and care,
- Protect volunteers and all staff from false allegations of abuse,
- Establish procedures to lower legal risk to the church including Presbyterian Preschool and Day School.

**Distribution and Awareness**

This policy aligns with the policy of the General Assembly of the PC (USA).

**Within this policy and the policies of the PC(USA), the term “child” is anyone under the age of eighteen or anyone over the age of 18 without the mental capacity to consent.**

Copies of this policy and its procedures shall be given to all employees and to each volunteer who has contact with the children of the church (including Presbyterian Preschool and Day School). They must sign and return a copy of the attached Signature Page.

Copies will be made available to all congregation members, parents of children enrolled in Presbyterian Preschool and Day School, non-member parents or volunteers, and guests, for their guidance. Copies shall also be made available to persons who accuse others of misconduct, including those who are or claim to be victims of sexual misconduct and their families.

The most recent version of the policy will be posted in areas that are readily visible and accessible to the congregation; will be available upon request, from the church or preschool office; and will be posted on the church and preschool website. The congregation will be reminded at least annually of the existence of this policy, and its intentions, together with the need to be aware for the safeguard of all participating in the ministries of this congregation.

## **II. Standards of Conduct**

The ethical conduct of all who serve in the name of Jesus Christ is of vital importance to FPC because through those representatives an understanding of God and the gospel's good news is conveyed. The basic principles of conduct guiding this policy are as follows:

1. Sexual misconduct is not acceptable. It is a violation of the role of ministers, employees, counselors, teachers and leadership of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. It breaks the covenant to act in the best interests of the persons being supervised or counseled.
2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the person being supervised or counseled initiates or invites sexual content in the relationship, it is the responsibility of the person providing supervision or counseling to maintain the appropriate role and prohibit any sexual relationship, contact, conduct or harassment.
3. Sexual misconduct takes advantage of the vulnerability of persons, including children, teens, and those with developmental disabilities, who are less powerful and unable to act for their own welfare.
4. Sexual misconduct may include, but is not limited to child sexual abuse, sexual abuse, sexual harassment, rape or sexual contact by force, sexual malfeasance, and misuse of technology. See definitions below.
4. Sexual conduct between a minister of Word and Sacrament, commissioned ruling elder or Certified Christian Educator and a congregation member or counselee is only permissible in the context of their marriage.

***Sexual Misconduct*** is the comprehensive term used in this policy to include: sexual advances or sexual activity of any kind between an adult or child and another child or an adult under the leadership/supervision of the first adult. It may include, but is not limited to child sexual abuse, sexual abuse, sexual harassment, rape or sexual contact by force, sexual malfeasance, and misuse of technology. See definitions below.

*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 include touching. Sexual

behavior between a child and an adult is always considered forced whether or not it is consented to by the child. In the Presbyterian Church (USA), a child is anyone under the age of eighteen or anyone over the age of 18 without the mental capacity to consent.

*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). It is any type of sexual contact (including unwelcome touching or fondling) that is harmful to a child’s physical, mental, or emotional welfare and when there is inequity in age, understanding, size or power.

*Sexual Harassment* - as defined for this policy: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature 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 an institution;
- b. submission to or rejection of such conduct is used as the basis for employment decisions affecting 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 working environment; or
- d. an individual is subjected to unwelcome sexual jokes, offensive, obsessive, or suggestive language or behavior, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children or that is injurious to the physical or emotional health of another.

*Rape* – the unlawful compelling of a person through physical force or duress to have sexual intercourse.

*Sexual Malfeasance* – defined as the broken trust resulting from sexual activities within a professional ministerial relationship.

*Misuse of Technology* – includes the use of technology, whether owned by the church which includes Presbyterian Preschool and Day School or by the individual, to communicate harassing or abusive messages and images to persons with whom one has a ministerial or supervisory/leadership relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment (including Wi Fi), whether on church premises or during off-site activities.

### **III. FPC's Response to Allegations of Sexual Misconduct**

#### **(A) Principles**

In responding to allegations of sexual misconduct, staff, members, and non-member volunteers of FPC including Presbyterian Preschool and Day School should seek healing and assure the protection of all persons. Where possible, the privacy of persons should be respected, and confidentiality of communications should be maintained.

In responding to allegations of sexual misconduct, staff, members, and non-member volunteers of FPC including Presbyterian Preschool and Day School should seek to uphold the dignity of all persons involved, including persons who are alleging harm, persons who are accused of sexual misconduct, and the families and communities of each.

FPC including Presbyterian Preschool and Day School has jurisdiction over its members and staff such that if a staff member, church member, or non-member volunteer is alleged to have committed an offense against this policy, FPC has the duty to inquire into the allegations and, if the allegations are proven, to correct the behavior of the member or employee and ensure the safety of others in the community.

If the person accused of sexual misconduct is not or is no longer a member, member or employee of FPC including Presbyterian Preschool and Day School, but the conduct occurred while the person was acting on behalf of FPC or Presbyterian Preschool and Day School), FPC and Presbyterian Preschool and Day School does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm (e.g. through education and policy).

#### **(B) Reporting Requirements**

Failure to report an incident of sexual misconduct will be treated by Session and the Preschool and Day School director as grounds for termination (of an employee), or suspension or prohibition (of a volunteer) of participation in activities involving children.

##### **(1) Reporting Sexual Misconduct**

A person needing to report that a minister of Word and Sacrament, church member, staff person, or nonmember volunteer of FPC (including Presbyterian Preschool and Day School) has committed sexual misconduct is encouraged to seek guidance as detailed below. Reports of allegations should be made to the minister, the clerk of Session, or Presbyterian Preschool director.

*Minister of Word and Sacrament:* If the person accused of committing sexual misconduct is the minister, the report of allegations should be made to the clerk of Session who will then contact the Stated Clerk of the presbytery and request guidance on the procedure to be followed in processing the allegation and in obtaining a moderator for the Session.

*Church Congregation Members:* If the accused is a member of FPC, the report should be made to the minister or the clerk of Session. FPC will respond according to the procedures set forth in this document (and the Rules of Discipline of the *Book of Order*, if applicable).

*Preschool Director:* If the person accused of committing sexual misconduct is the Preschool director, the report of allegations should be made to the minister. The minister will respond according to the procedures set forth in this document.

*Preschool and Day School Employees:* If the accused is an employee, the report should be made to the Preschool Director. The director as an employee of FPC will respond by using procedures set forth in this document by the Session of the congregation.

*Nonmember of Church Congregation (Employee or Volunteer):* If the person accused of committing sexual misconduct is a nonmember employee or a nonmember volunteer of FPC, the report should be made to the minister or the clerk of Session. FPC will respond by using procedures set forth in this document by the Session of the congregation.

### **When children are involved**

Any concerns or suspicions regarding inappropriate conduct or relationships between (i) a church (including Presbyterian Preschool and Day School) staff member or volunteer (member or non-member) and a child or (ii) a child and another child, should be reported immediately to the leader of the activity or program involved and the minister or Preschool and Day School director (or the clerk of Session). Anyone who witnesses an incident, or receives a report from a child is asked to follow the steps 1-8 outlined below:

1. Personally secure the safety of the child. Do not leave the child alone, in order to report the incident.
2. Do not confront the alleged or accused violator.
3. Report the incident immediately to the leader of the event/activity and the minister or Preschool and Day School director (or the clerk of Session).
4. The leader of the event/activity and the minister shall immediately contact the parents of the victim.
5. Complete an Abuse Incident Report Form and send it to the minister or the director of the Preschool and Day School, and the clerk of Session.
6. In the case of allegations against a minister, the clerk of Session shall notify the Stated Clerk of the Presbytery.

### **(2) Responding to Reports of Sexual Misconduct**

Because FPC including Presbyterian Preschool and Day School cannot control to whom the victim of sexual misconduct will speak first, it is important that everyone understands how reports of incidents are channeled to the proper person. The allegations may come from persons who have or do not have a formal relationship with FPC including Presbyterian Preschool and Day School and may be made to a variety of leaders. It is the duty of anyone receiving such a report to see that any allegation of

sexual misconduct is reported appropriately keeping in mind the mandatory reporting requirements for allegations of child abuse.

Reports of allegations of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the victim, the accused, and FPC including Presbyterian Preschool and Day School. Reports of allegations should be dealt with as matters of highest confidentiality, both before and after they have been submitted to appropriate authorities as outlined below.

The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the victim or the accused unless the incident is divulged in the process of pastoral care, counseling, or a therapy Session. If the victim is hesitant to talk to “higher authorities,” the person who has received the initial report has a special pastoral responsibility to build trust and willingness to speak with the accuser, lest FPC including Presbyterian Preschool and Day School be unable to respond because no one is able to give firsthand information.

The person receiving the initial report of allegations of sexual misconduct shall note the relationship of the person accused of sexual misconduct with FPC/Presbyterian Preschool and Day School (member, employee, non-member volunteer etc.) and shall make sure that the allegations are reported to the minister, preschool director, or clerk of Session.

If the report is made orally, the person receiving the report of allegations should request that the person making the report of allegations place it in writing. A report of allegations of sexual misconduct in writing from a member of FPC alleging another member of FPC committed an offense must be acted on according to the Rules of Discipline of the *Book of Order*. If the clerk of Session receives a report of allegations in writing from a nonmember of FPC alleging a member or employee of FPC committed sexual misconduct, the report also should be acted upon according to the Rules of Discipline of the *Book of Order*. If the person who makes the report is unwilling or unable to place it in writing, any member of FPC may make the written statement that automatically will trigger the Rules of Discipline of the *Book of Order*.

All allegations of sexual misconduct within the program of Presbyterian Preschool and Day School must be reported and handled within the policies and procedures of the Texas Department of Family and Protective Services which licenses the program.

### **(3) Mandatory Reporting of Child Abuse**

All Ministers of Word and Sacrament and ruling elders are required to report knowledge of child abuse to the civil and ecclesiastical authorities according to the *Book of Order*. The *Book of Order* (G-4.0302) requires that:

“Any member of this church engaged in ordered ministry (ministers, elders, deacons) and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities, knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1)

such information is gained outside of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future harm or abuse.”

All persons covered by this policy have a duty to report concerns or suspicions of sexual child abuse to the minister, Preschool director, or clerk of Session of FPC. An Abuse Incident Report Form must be completed and given it to the minister, Preschool director, or clerk of Session. The minister, director, or clerk of Session will be responsible for checking that the adult reporting the incident has contacted law enforcement authorities as required by law. All persons should be informed of and must comply with state and local laws regarding incidents of actual or suspected child sexual abuse. These reports should be made to the appropriate authorities (police, sheriff etc.) within forty-eight (48) hours of receiving the information.

These provisions of the *Book of Order* attempt to balance conflicting moral duties for the leadership of FPC – between the duty to protect children from future harm and the duty to hold in confidence any information revealed during the exercise of pastoral care or as a result of a secular relationship such as counselor/client. The secular duties will be a function of secular law, subject to the law as stated in the state of Texas.

### **(C) Responding**

The appropriate response within FPC including Presbyterian Preschool and Day School) will vary according to the relationship with the person who is accused of sexual misconduct. Ministers of Word and Sacrament (ministers) and FPC members are subject to inquiry and discipline (censure and correction) under the *Book of Order*. Non-FPC members (employees or volunteers) are subject to oversight and correction by this policy of FPC. The minister (or a representative of Mission Presbytery, if the accused is the minister) shall guide the Session through discussions of the necessary actions. Designated member(s) of the Session will be responsible for all communications on behalf of the Church (including Presbyterian Preschool and Day School), including those with the victim’s family, civil authorities (e.g. police, Child Protective Services), the Presbytery, the Church’s insurance company, and the media. If necessary, the Session shall have access to an attorney, and to counselors for both the alleged victim and the alleged abuser. The Session will ensure that pastoral needs are addressed, and will notify the accused and the accuser that they have the right to retain their own counsel. The church’s counsel would represent the church (including Presbyterian Preschool and Day School), but not individual interests. Any employee or volunteer who is accused of sexual misconduct will be suspended automatically from further participation in any church or Presbyterian Preschool and Day School activity for children. The suspension will continue until a response to the report has been formulated by the Session.

#### **(1) Accused is the Minister or a Church Member of FPC**

When an allegation of offense of sexual misconduct against a minister or member of FPC has been received by the minister or clerk of Session, the clerk of Session will report to the Stated Clerk of Mission Presbytery that an offense has been alleged

and that FPC will proceed according to the procedures set forth in the Rules of Discipline of the *Book of Order*.

The Session has original jurisdiction in disciplinary cases involving members, ruling elders and deacons of FPC. Session shall appoint an investigating committee to inquire into the allegations. The investigating committee must begin promptly its inquiry into the allegations. Delay may cause further harm to the victim and/or the accused. The investigating committee shall:

- (a) Determining whether or not the allegation gives rise to a reasonable suspicion of sexual misconduct by the accused.
- (b) If so, gathering information necessary to make a decision about correcting the behavior.
- (c) Determining any remedies, including limited ministry, suspension, or termination necessary and advisable under the circumstances.
- (d) Informing the victim and the accused of the remedy.
- (e) In all cases, preparing a written report that shall be included in the accused permanent personnel file, and allowing the accused to attach any written statements to said documents, also for permanent inclusion in the permanent file.

Session will cooperate with civil authorities in an investigation of child sexual abuse or other criminal sexual misconduct. FPC's disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed.

If an ordained FPC elder renounces jurisdiction, the clerk of Session shall report the renunciation at the next meeting of the Session and shall record the renunciation in the minutes of the meeting. The status of any pending charges may be shared with the Session at that time.

A presbytery has original jurisdiction in disciplinary cases involving ministers of Word and Sacrament. A presbytery may dissolve a pastoral relationship if, after consultation with the minister of Word and Sacrament, the Session, and the congregation, it finds the church's mission under the Word imperatively demands it (G-2.0904). However, a presbytery may place a minister of Word and Sacrament (minister) on administrative leave only when allegations of child abuse have been received and the presbytery has followed the *Book of Order* procedures to conduct its risk evaluation to determine whether or not the accused minister of Word and Sacrament should be placed on administrative leave (D-10.0106). It is recommended that the permanent judicial commission (PJC) members will conduct this risk evaluation based upon the allegations and a hearing should also take into account secular legal advice.

(2) Accused is a Non-member (staff or volunteer)

When the minister or clerk of Session receives an accusation of offense of sexual misconduct against a nonmember employee or volunteer, the procedural response will be guided by this policy. A written report that shall be included in the accused

permanent personnel file, and the accused shall be allowed to attach any written statements to said documents, also for permanent inclusion in the permanent file.

### (3) Record Keeping

The Session is responsible for ensuring that the proper written documentation of the allegations and proceedings is maintained.

If a staff member is involved, the Personnel Committee of the church or the director of the Preschool shall keep records of its actions and deliberations; and its conversations with the accuser, the accused, and other parties involved. Copies of correspondence and the reports received from committees or commissions shall be kept by the clerk of Session. Such records will be kept confidential as far as possible. The clerk of Session shall maintain records while the enquiry is in process.

### **(D) Consequences**

1. Any employee, member, or non-member volunteer who is accused of child sexual misconduct will be suspended automatically from further participation in any church (including Presbyterian Preschool and Day School) activity for children. The suspension will continue until a response to the report has been formulated by the Session.
2. The response will be based upon such evidence as the Session deems appropriate. The evidence may include the results of any investigation (by the church or by law enforcement agencies, or by child protection agencies), or the filing, prosecution, or outcome of any criminal charges or other legal proceedings.
3. The Session may, at its discretion, delay its response pending the outcome of any investigation or proceeding involving the alleged violation.
4. Upon review, if a majority of the Session believes from the evidence that the accused person has committed sexual misconduct, such person shall be prohibited from future participation in all Church (including Presbyterian Preschool and Day School) activities for children, either permanently or for such a length of time and in such a manner as the Session shall determine at its discretion. If the accused person continues to participate in worship, fellowship, mission, etc. of the church congregation, Session will visually supervise the person.
5. If the person is an employee, such conduct may also result in termination of employment.
6. If the Session determines that the allegations are false, the minister will determine the appropriate response.

## **IV. Educating and Training Awareness**

Any professional therapists, advocates, attorneys, mediators and arbitrators used by FPC (including Presbyterian Preschool and Day School) in the course of dealing with a sexual misconduct case should have access to experts qualified in the field of sexual misconduct if they themselves are not.

### **Meeting the Needs of All Involved in a Sexual Misconduct Allegation**

In cases of sexual misconduct there are needs that have to be met for the good of all persons, groups, and entities. The Session should coordinate a process that will meet the specific needs of victims and their families (if any), the accused and family (if any),

employing entities, and the congregation.

### **(A) *The Needs of the Victim***

The Session should ensure that adequate treatment and care are available for alleged victims of sexual misconduct and their families. Even if offers of help are perceived as insincere or as attempts of a cover-up, the Session should continue to offer help. In all cases the Session should assume that the victim has been emotionally wounded to some degree by the experience. Feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness; and of alienation from God, the faith community, and family, can be experienced by victims. Responses by Session should be sensitive to these, and recognize the need for healing and pastoral care.

- Victims need to be heard and taken seriously.
- They should receive immediate attention and serious consideration from all Church (including Presbyterian Preschool and Day School) representatives.
- They should receive pastoral support and offers of therapeutic/professional help. (Discussions with such people would be confidential, privileged conversations)
- A member of Session should be the church (including Presbyterian Preschool and Day School) contact person for the victim, and they would keep the victim informed as to progress with regard to the accusation.
- The Session should suggest that the victim might benefit from independent legal Advice. (Legitimate claims might be more effectively pursued and flimsy or false claims discouraged.)
- Victims should be assured of an advocate of their own choosing (for continuing moral support). This advocate may be a relative, friend, or someone suggested by Session. The advocate would speak for the victim, if necessary.
- Victims should be assured that justice would be pursued by the Session and the processes of the church (e.g. fact-finding, truth-telling, confrontation, and agreement that may include removal or temporary exclusion of the accused from office, etc.).
- Victims should receive a sense of healing and reconciliation with all concerned – self, family, church (including Presbyterian Preschool and Day School) and, ideally, the accused. Session can help bring this about using the processes and resources.

It should be recognized that all of these needs might only occur over a length of time beyond the handling of the specific case. All should be taken seriously and compassionately, and the rights of the victim respected.

### **(B) *The Needs of the Accused***

The Session shall offer treatment and care for the accused as well as the alleged victim(s) and their families. If the accused is a minister, this is the primary responsibility of presbytery's Committee on Ministry. Feelings of guilt, shame, anger, mistrust, lowered self-esteem, depression, unworthiness; and feelings of alienation from God, self, the faith community, and family are often experienced by the accused. In addition, there may be fear of job loss and incarceration, and indignation if an allegation is false.

When a person is found not guilty of charges of sexual misconduct, it is important for the Session to see that the decision is disseminated as widely as possible within their power, unless doing so would further injure the person accused.

Whether the allegations about the accused are eventually found to be true or not, the accused deserves to be treated with Christian kindness and respect. The Session may suggest that the accused seek spiritual support or professional counseling.

### ***(C) The Needs of a Congregation***

The allegations may polarize the congregation, damage morale, create serious internal problems, and even limit the trust a congregation may place in succeeding ministers. Efforts should be taken to recognize and identify the problems and heal any damage that may be done to the congregation. Those managing the church's (including Presbyterian Preschool and Day School) response should be aware that the following needs might emerge:

#### *(1) Pastoral Care*

Members and staff will need pastoral care. If it is the minister who is involved in the allegation, care will need to be provided by another member of the ordained staff (if applicable) or by a trained interim minister. If it is not the minister who is involved in the allegation of sexual misconduct, then the minister will care for the congregation (consulting with denominational specialists if necessary).

#### *(2) Information About the Case*

Members of the congregation and/or families in Presbyterian Preschool and Day School will need opportunities both to receive and give information. If a case of sexual misconduct becomes a matter of public knowledge and if the minister has been found guilty of sexual misconduct, the interim minister or consultant may hold appropriate meetings with individuals, small groups, or with the whole congregation. Such meetings should provide information about sexual misconduct in general, Presbyterian polity and our judicial process, and how others who may have been victimized may be heard and ministered to. If the offender is not the minister, then the minister may perform these duties. At such meetings, one may expect members to vent their feelings. An opportunity for this to happen should be provided. If the venting does not take place, then it may create serious problems for the future of the congregation, for future ministers, and for the Session.

#### *(3) Resource Persons*

The following are resource persons whose services would be valuable to a congregation in the context of sexual misconduct:

- A trained interim minister
- A Committee on Ministry representative knowledgeable in polity and the effects of sexual misconduct in the church
- A consultant or therapist with knowledge and experience in dealing with sexual misconduct
- An attorney who can discuss legal aspects of a case

- An insurance agent who can advise the congregation about coverage or their exposure to liability

## **V. Ministry Safeguards**

Children's Ministry refers to Church (including Presbyterian Preschool and Day School) activities on and off the church property that involved persons age 18 or younger.

**All First Presbyterian Church (including Presbyterian Preschool and Day School) volunteers and staff members, who work with the children in the congregation, must comply with this policy and its procedures.**

### **Approval and Screening of Volunteers and Staff.**

- Ordinarily, all volunteers who work with children in church programming must have had a minimum of six months of active involvement as members of First Presbyterian Church. Exceptions may be made at the discretion of the Session or a body authorized by the Session. In such cases a newer member would be paired with an established longer term volunteer.
- Persons under the age of 18 who help with children must do so under the supervision of an adult twenty-one years of age or older.
- All employees of Presbyterian Preschool and Day School must complete the training and background checks required by the Texas Department of Family and Protective Services for child-care centers.
- Ministers of Word and Sacrament called and installed in the church must complete Presbytery required background checks.
- All volunteers and employees who work with the children, must read and sign a copy of this Sexual Misconduct and Child Protection Policy.
- All volunteers must complete a Volunteer Application Form. In addition, volunteers who accompany children on overnight activities for the church or Presbyterian Preschool and Day School must give written consent for a background check.
- The elder of the Christian Education Committee will be responsible for gathering the Volunteer Information Forms, and maintaining an up-to-date list of approved volunteers that will be available to Session upon request.
- All volunteers will be requested to review their applications and statements on an annual basis.
- Volunteers who drive children should be at least twenty-one years old. Younger drivers (e.g. senior high students) must have written permission from the parents of their passengers.
- Drivers must show a valid driver's license, and proof of car insurance.
- Drivers must transport children in groups. Ordinarily there should be a minimum of two adults present in each vehicle, but if only one adult is present there must be a minimum of two children.
- Session, at this time, feels that it is appropriate to exclude non-overnight and non-driver volunteers (church members or nonmembers, and all volunteers with Presbyterian Preschool and Day School) from background checks. For these volunteers, the focus will be on other safeguards such as the two-adult rule, and the visibility rule (see "Supervision").

### **Disqualifying Offenses**

- Any conviction of assault, kidnapping, abuse, neglect, possession or promotion of child pornography, indecency with a child, or any other kind of sexual offense
- Any felony conviction
- Any misdemeanor involving moral turpitude (theft, fraud, lying, etc.)
- Conviction of any misdemeanor involving use of alcohol or drugs within the past year or 2 in the last 3 years

### **Disqualifying Driving Offenses**

- Any DWI arrest in past year or 2 DWI convictions in last 3 years
- More than 2 convictions (moving violations) during the last 2 years
- More than 2 moving accidents within the last 18 months
- Any accident in the past 3 years caused by the applicant, that resulted in loss of life

### **Other Prohibited Acts**

The following acts are prohibited during any organized activity for children.

- The infliction of physically abusive behavior or bodily injury, to a child.
- The physical neglect of a child, including failure to provide adequate supervision in relation to organized activities. Adequate supervision means the type of supervision that a responsible person would provide in the same or similar circumstances.
- The causing of mental or emotional injury to a child.
- The possession of illegal drugs, or being under the influence of any illegal drugs.
- The consumption of, or being under the influence of, alcohol while participating in any activity for children.
- The carrying of any kind of weapon.

### **Confidentiality**

- Our Session believes that the safety of our children outweighs the invasion of personal privacy inherent in this process.
- All personal information voluntarily disclosed, all results of background history checks, and the refusal of any person to make such disclosures, will be considered confidential.
- Ordinarily this information will be accessed only by the minister, the Christian Education Committee elder, and the office manager.
- All confidential information will be stored in a secure place in the Church or Presbyterian Preschool and Day School office.

### **Supervision**

- Any adult assigned to lead activities involving children must be twenty-one years of age or older, and at least five years older than the oldest participant. An exception will be made if a second, older, (and approved) adult is present.
- For overnight activities, there must be a male assigned to provide leadership if boys are present, and a female if girls are present.
- All volunteers who work with children in Presbyterian Preschool and Day School will not be left alone with children and will be supervised at all times by preschool staff.
- Presbyterian Preschool and Day School staff will follow all Texas Department of Family Protective Services Minimum Standards for Child-Care Centers including child

to teacher ratios and staff education about sexual harassment and abuse identification and prevention.

- Church programs or activities outside of Presbyterian Preschool and Day School involving children must, whenever possible, have at least two adult leaders present (“the two-adult rule”), and additional adults present if there are more than ten children. Teens must never be left in charge of, or alone with, other teens or younger children.
- All interactions of children with leaders, volunteers, and employees whether church programming or Presbyterian Preschool and Day School must be conducted in ways that promote visibility by others, and that remove opportunities for secrecy and isolation (“the visibility rule”). Thus, leaders, volunteers and employees should avoid, to the greatest extent possible, any situation in which they would be alone, and out of sight of others, with a child. When working alone with children is unavoidable, the classroom window blinds and door must remain open to maintain visibility.
- No exceptions to the two-adult rule will be made for overnight activities or for activities occurring away from the church property.
- When dropping off their children, parents must confirm that adult supervision is present.
- Supervision must be maintained until all children have been released to their parent(s), legal guardian or other pre-arranged designated adult.
- Once the children have been released to parents (or other designated adults), supervision is no longer the responsibility of the activity leader(s).
- All church employees outside of Presbyterian Preschool and Day School who have any interactions with children in their employment are required to complete a child protection training course. The particular course will be determined by the minister, Personnel Committee, and Christian Education committee.

### **Guest Sign-in/ Registration**

- All using the FPC nursery (for children ages birth to approx. three years old) are asked to sign in and out their children.
- All children (including guests) participating in any program of FPC including Presbyterian Preschool and Day School without parents present, must have a completed and up-to-date registration form on file with the class teacher/leader/preschool office.

### **First Aid and CPR**

- Volunteers and employees who interact with those under 18 years of age are encouraged to obtain training in first aid and CPR.

### **Safety Reviews**

- In order to ensure the safety of all persons on the FPC premises (and especially the children) semi-annual checks of the facilities and grounds will be carried out by members of the Buildings and Grounds Committee together with the moderator of the Christian Education Committee and/or the Preschool director. Any safety hazard (e.g. missing electric socket covers, tripping hazards, defective electrical wiring) should be corrected as quickly as possible.
- Safety hazards noted by any member of the congregation or preschool parent or staff should be reported immediately to a member of the Session, for prompt referral to the Buildings and Grounds Committee.

### **Communication Regarding Church Programming Activities**

- Prior to any planned activity for children, leaders must distribute information about the event to the children, and parents, in a timely manner. This information should include the names of all activity leaders and volunteers, and the drivers who may provide transportation.

### **Parental Permission for Church (including Presbyterian Preschool and Day School) Programs**

- The following documents must be obtained annually, from the parent(s) or guardian(s) of each participating child:
  - A Participation Registration and Release Form (church) or state of Texas Admission Form for child-care centers (Preschool and Day School)
  - A Medical Release, with a copy of the medical insurance card
  - Discipline and Guidance Policy (Presbyterian Preschool and Day School only)
  - FPC Publicity Release (optional) or Presbyterian Preschool Media Release
  - Sunscreen/Insect Repellent Permission Slip (Presbyterian Preschool and Day School only)
  - Preschool Field Trip Form (for all Presbyterian Preschool Off-Site Activities)
- These releases will be reviewed for accuracy on a regular basis (and updated as necessary), and especially before a child participates in an overnight activity or any activity occurring outside the church property.
- Originals of the signed releases will be kept in a secured location in the Church or Presbyterian Preschool and Day School office, and copies will be given to the activity leaders (to be carried at all activities).

### **Mandatory Reporting of Child Abuse**

All ministerial staff, non-ministerial staff, and volunteers are also required to report knowledge or suspicion of physical child abuse or neglect (in addition to sexual misconduct).

Any concerns about suspected child abuse or neglect should be reported immediately to the minister or Preschool and Day School Director (or clerk of Session), who shall then contact the local authorities, as required by law. In Wharton County a report is made to Child Protective Services at

### **Possible Signs of Physical Abuse**

- Frequent injuries such as bruises, cuts, black eyes, or burns, especially when a child cannot adequately explain the cause.
- Frequent complaints of pain without obvious injury.
- Burns or bruises in an unusual pattern that may indicate a human bite, cigarette burns, or the use of an instrument on the face, arms, legs or palms.
- Lack of reaction to pain.
- Fear of going home or seeing a parent.
- Injuries that appear after the child has not been seen for several days.

- Unseasonable clothes that may hide injuries to the arms or legs.
- Reluctance about sitting down.
- Evidence of poor self-concept.
- Complaints of beatings or other harsh treatments.
- Chronic runaway.

### **Possible Signs of Sexual Abuse**

- Physical signs of sexually transmitted disease.
- Evidence of injury to the genital area.
- Pregnancy in a young girl.
- Difficulty in sitting or walking.
- Extreme fear of being left alone with members of the opposite sex.
- Exhibits sexually suggestive or promiscuous behavior.
- Knowledgeable about sexual relations.
- Reports sexual assault.
- Complaints of pain or itching in the genital area.
- Unusual odors from the genital area.
- Drawings or writings with strong, often bizarre, sexual theme.
- Suicide attempts.
- Regressed clingy behavior.
- Poor peer relationships.
- Declining grades.
- Abrupt change in behavior.

### **Possible Signs of Emotional Abuse**

- Speech disorders.
- Habit disorders.
- Conduct disorders.
- Developmental lags.
- Delinquent behavior.
- Overly adaptive behavior.
- Substance abuse.

### **Possible Signs of Neglect**

- Obvious malnutrition.
- Dirty hair and body / offensive body odor.
- Habitually dressed in torn and dirty clothes.
- Obvious fatigue and listlessness.
- Unattended for long periods of time.
- In need of glasses, dental care, and other medical attention.
- Begs for, or steals, food.
- Abnormally short or underweight for age.

## **VI Policy Implementation, Compliance and Awareness Minister/Session Responsibilities**

- Implementing the policy.
- Reviewing (and amending as necessary) the policy at least every two years.

- Regularly reminding the congregation of the existence and purpose of the policy (especially supervision responsibilities).
- Authorizing committees and ministries to adopt and implement additional procedures (consistent with these guidelines) as may be necessary to accomplish the purpose of this plan.
- Posting this policy on the church website.
- Arranging with the Christian Education committee and Personnel committee, appropriate child protection training for staff who interact with children in their employment.

### **Preschool Director Responsibilities**

- Implementing the policy.
- Reviewing the policy at least every two years and providing feedback to the church Session.
- Ensuring all minimum standards of child-care centers of the Texas Department of Family and Protective Services are met, including standards regarding child protection.
- Posting a copy of this policy in the Preschool and on the Preschool website.
- Collecting annually, from each participating child, the following releases and forms:
  - A State of Texas Admission Form for child-care centers
  - A Medical Release, with a copy of the medical insurance card
  - Discipline and Guidance Policy
  - Presbyterian Preschool Media Release
  - Sunscreen/Insect Repellent Permission Slip
  - Preschool Field Trip Form (for all Presbyterian Preschool Off-Site Activities)
- Arranging background checks and appropriate training of staff as determined by this policy and the Texas Department of Family and Protective Services standards for child-care centers.
- Providing Presbyterian Preschool and Day School families a copy of this policy annually.
- Conducting regularly safety checks of the FPC facilities that the Preschool and Day School use.

### **CE Committee Responsibilities**

- Posting a copy of the reviewed policy in the Family Life Center.
- Collecting annually, from each participating child, the following releases and forms:
  - A Participation Registration and Release Form
  - A Permission Slip and Medical/Emergency Release, with a copy of the medical insurance card for each and every off-site or overnight activity
- Collecting annually (for approval or review), from each volunteer activity leader or driver, a Volunteer Information Form.
- Arranging with the church secretary background checks of overnight chaperones and drivers, as needed.
- Giving signed originals of above-mentioned releases and forms to the church secretary, for secured storage.
- Giving copies of the signed releases and forms to the program leaders, as needed.

- Conducting (together with the Buildings and Grounds Committee) semi-annual safety checks of the FPC facilities.
- Arranging with the Christian Education committee and Personnel committee, appropriate child protection training for staff who interact with children in their employment.
- **A copy of this policy will be given to:**
  - each Church and Presbyterian Preschool and Day School family unit with children
  - each volunteer leader, teacher, helper, and employee who has contact with the children of the Church (including Presbyterian Preschool and Day School)
  - new member families and, upon request, to guests
  - Each staff member and any contract employees who may have contact (intentional or unintentional) with children on the church property.

Adopted by Session March 2019

**First Presbyterian Church, El Campo, Texas  
Volunteer Information Form**

*Must be completed by all volunteer leaders for children's activities, and all volunteers who drive children on behalf of the church. A "child" is any under age of 18 or those over the age of 18 but unable to consent.*

**Part 1 General**

Full Name: \_\_\_\_\_ Name you go by: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Tel Number: \_\_\_\_\_ Mobile Tel Number: \_\_\_\_\_

Names of social media accounts (Facebook, Twitter etc.):  
\_\_\_\_\_

Employer: \_\_\_\_\_

Are you a member of First Presbyterian Church? \_\_\_\_\_ Yes \_\_\_\_\_ No

Have you been active in the life of this church for more than six continuous months? \_\_\_\_ Yes \_\_\_\_ No

**Part II Confidential Information**

*Because of the nature of ministering to children, this part of the Volunteer Information Form asks you to answer questions that are intended to protect the children, the volunteers, and the church. Because answers to these questions are personal and sensitive, access to this part of the application will be limited to the minister, elder of the Christian Education committee, and church secretary.*

Have you ever been arrested? If yes, please explain. \_\_\_\_\_ Yes \_\_\_\_\_ No

Have you ever been convicted of, plead guilty to, or are you currently charged with assault, kidnapping, abuse, neglect, possession or promotion of child pornography, indecency with a child, or sexual offense of any kind? If yes, please explain. \_\_\_\_\_ Yes \_\_\_\_\_ No

Are you now, or have you in the past ever been subject to the reporting or registration requirements of the Sex Offender Registration Program? \_\_\_\_\_ Yes \_\_\_\_\_ No

Have you ever been reported to a social service agency, law enforcement agency, child abuse registry or similar organization regarding child abuse or neglect? If "Yes", please describe: \_\_\_\_\_ Yes \_\_\_\_\_ No

Other than that above, is there any fact or circumstance involving you or your background that would affect your ability to supervise, guide, or care for children? If yes, please explain. \_\_\_\_\_ Yes \_\_\_\_\_ No

The information obtained in this application is within my personal knowledge and is true and correct. And I have received, read, and understand the Sexual Misconduct and Child Protection Policy of First Presbyterian Church, El Campo, Texas.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please print your name: \_\_\_\_\_

### For Those Driving Children (Under age 18) To and From Activities

Texas Driver's License Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Has your driver's license ever been suspended or revoked? \_\_\_\_ Yes \_\_\_\_ No

Do you carry at least the minimum required level of personal automobile insurance? \_\_\_\_ Yes \_\_\_\_ No

Insurance Company: \_\_\_\_\_ Policy #: \_\_\_\_\_

Copy of insurance card provided: \_\_\_\_ (Y/N)

Do you agree to require seat belt usage at all times? \_\_\_\_ Yes \_\_\_\_ No

### Part III Consent to Perform Background Checks For Overnight Activity Leaders and Chaperones

***The Church is required by law to obtain the following authorization before requesting criminal background and driving record history checks:***

By my signature below, I authorize First Presbyterian Church or its agent to conduct a criminal background check. I acknowledge that I have the right to review and challenge any negative information that would adversely affect a decision to let me chaperone and/ or drive children at First Presbyterian. Upon request, I will be provided with the name, address, and telephone number of the reporting agency.

I understand that these background checks require my Social Security Number.

My Social Security Number is \_\_\_\_\_

I have had background checks run in the past (through employers, citizenship application etc.). For more information please contact :

Name: \_\_\_\_\_

At: \_\_\_\_\_

Tel #: \_\_\_\_\_

*The information given on this form will be treated as confidential, and the form will be kept in a locked location in the office of First Presbyterian Church, El Campo, Texas.*

The information obtained in this application is within my personal knowledge and is true and correct. And I have received, read, and understand the Sexual Misconduct and Child Protection Policy of First Presbyterian Church, El Campo, Texas.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please print your name: \_\_\_\_\_

**First Presbyterian Church, El Campo  
Participation Registration and Release Form  
For all under age 18**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Zip: \_\_\_\_\_

Tel # (Home) \_\_\_\_\_ (Cell) \_\_\_\_\_

E-mail: \_\_\_\_\_

School Year: \_\_\_\_\_ (e.g. 2019-20)

Birthday: (mm/dd/yy) \_\_\_\_\_ Grade level: \_\_\_\_\_

Siblings: (Names/ages) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Allergies or other health issues: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Tel # where parents can be reached during Sunday School (if they are not staying in the building):

\_\_\_\_\_

**First Presbyterian Church, El Campo, Texas**  
**Participant Permission Slip and Medical/Emergency Release**  
**For Activities Away from Church Property and/or Overnight**

Name of Child Participating: \_\_\_\_\_

Parent(s) or Guardian(s): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Tel #: \_\_\_\_\_ Other Phone #(s): \_\_\_\_\_

Age of Participant: \_\_\_\_\_ Birth Date: \_\_\_\_\_ Grade: \_\_\_\_\_

**Functions and Activities:**

It is my understanding that participation in the programs, recreational activities, and other activities of First Presbyterian is a privilege. Prior to my child's participation in such activities, I acknowledge that there are certain risks associated with the activities, including, by way of example, physical injury due to activity-related accidents, physical injury due to transportation-related accidents, illness, or even death. In addition, I acknowledge that there may be other risks inherent in these activities of which I may not be presently aware.

**Release of Liability:**

By signing this Participation Release, I expressly warrant that the child named above, or I if I am a participant, is capable of withstanding both the physical and mental demands of the activities discussed above. I also expressly assume all risks of the child or me participating in the activities, whether such risks are known or unknown to me at the time. I further release First Presbyterian Church, Presbyterian Preschool and Day School and its ministers, leaders, employees, volunteers, and agents from any claim that my child may have or I may have against them as a result of injury, or illness incurred during the course of participation in these activities. This release of liability shall include (without limitation) any claims of negligence or breach of warranty. This release of liability is also intended to cover all claims that members of the child's family or my family or estate, heirs, representatives, or assigns may have against First Presbyterian Church or its members, leaders, employees, volunteers, or agents.

**Indemnification:**

I further agree to indemnify and hold harmless First Presbyterian Church and its ministers, leaders, employees, volunteers, or agents from any and all claims arising from my participation in its activities and programs, or as a result of injury or illness of my child or me during such activities.

*I represent that I am the parent/guardian of the child named above, who is under 18 years of age and a participant in activities for children at First Presbyterian Church. I have read the above Participation Release and am fully familiar with the contents thereof.*

I have received, read, and understand a copy of the Sexual Misconduct and Child Protection Policy and Procedures of First Presbyterian Church. \_\_\_\_\_ (Initials)

*I agree to inform First Presbyterian Church if I am involved in a child custody dispute over any of my children currently attending First Presbyterian Church \_\_\_\_\_ (Initials)*

Parent /Guardian Signature: \_\_\_\_\_

Date: \_\_\_\_\_

This Participation Release shall remain in effect for one year from the date of signing.

**MEDICAL / EMERGENCY RELEASE**

Family Physician: \_\_\_\_\_

Physician's Phone: \_\_\_\_\_

Health Insurance Company: \_\_\_\_\_

Phone: \_\_\_\_\_

Policy/Group #: \_\_\_\_\_

ID #: \_\_\_\_\_

Does your child have any type of medical, physical, or mental condition that staff/volunteers should be aware of to provide adequate care? If so, please explain:

Condition: \_\_\_\_\_

Medication(s) Being Taken: \_\_\_\_\_

Does your child have any allergies? If so, please explain:

Allergic to: \_\_\_\_\_

How Reacts: \_\_\_\_\_

Medication or Treatment: \_\_\_\_\_

Name of two (2) relatives or friends authorized to act on your behalf in case you cannot be reached:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Relationship: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Relationship: \_\_\_\_\_

**First Aid and Emergency Medical Treatment:**

I recognize that there may be occasions where the child named above, or I if I am a participant, may be in need of first aid or medical treatment as the result of an accident, illness, or other health condition or injury. I hereby give permission for agents of First Presbyterian Church (including Presbyterian Preschool and Day School) and/or Presbyterian Preschool and Day School to seek and secure any needed medical attention or treatment for the child named above, or me if I am a participant, including hospitalization, if in the agent's opinion such need arises. In doing so I agree to pay all fees and costs that arise from this action to obtain treatment. I give permission for attending physician(s) and other medical personnel to administer any needed medical treatment, including surgery, and again I agree to pay for the medical treatment.

*I also agree to notify agents of First Presbyterian Church (including Presbyterian Preschool and Day School) and/or Presbyterian Preschool and Day School if there are any changes in the above information.* \_\_\_\_\_ (Initials)

I have attached a copy of the front and back of my medical insurance card.

Parent /Guardian Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**First Presbyterian Church, El Campo, Texas  
Sexual Misconduct or Abuse Incident Report Form**

(Deliver immediately to the Minister and/or Director of Presbyterian Preschool and Day School or Clerk of Session)

Date of incident: \_\_\_\_\_ Time of incident: \_\_\_\_\_

Place: \_\_\_\_\_

Name(s) of Child(ren): \_\_\_\_\_

Ages: \_\_\_\_\_

Child's parent or other person(s) responsible for the child's care:  
\_\_\_\_\_

Name(s) of person(s) suspected of doing a prohibited act (as described in the protection policy):  
Relationship of the accused to the child:  
\_\_\_\_\_

Describe what happened (attach extra page as needed):  
What was the child's demeanor and appearance?  
What, if anything, did the child say about the incident?  
What immediate action was taken?  
Were there any witnesses? Does anyone else have relevant information?  
(Give names and telephone numbers)

Printed name of person reporting: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone : \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_

Report submitted to: \_\_\_\_\_

**Reporter's signature:**  
\_\_\_\_\_