

New Covenant Fellowship

Policy
Sexual Misconduct

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POLICY STATEMENT

It is the policy of New Covenant Fellowship (NCF) that all staff, member and non- member volunteers, and all other persons who work with children or youth through NCF maintain the integrity of ministerial, employment and professional relationships at all times. Sexual abuse, in any form, is a violation of the principles set forth in Scripture, and also of the standards of ministerial, employment and professional relationships. Such abuse in any form under any circumstances will not be tolerated and will result in loss of employment and other penalties as prescribed by law.

The Session of New Covenant Fellowship, Mechanicsburg, Pennsylvania, adopts this policy for the following purposes:

- 1. To set and enforce standards of ethical behavior consistent with Scripture;*
- 2. To define procedures by which volunteers working with children, youth, and endangered adults are recruited and supervised;*
- 3. To provide procedures for inquiry and effective response to allegations of abuse of children, youth, or endangered adults;*
- 4. To demonstrate pastoral concern for victims and those accused of such abuse;*
- 5. To serve as a guide and to reinforce the church's commitment to prevention of such abuse and sexual misconduct;*
- 6. To further the peace, unity and purity of the church; and,*
- 7. To protect children and youth from physical and sexual abuse and ensure NCF does not knowingly hire or retain worker(s) whose conduct has or may violate its sexual misconduct policy.*

SCRIPTURAL MANDATES FOR THIS POLICY

*As the Lord who has called you is holy, be holy yourselves in all your conduct.
I Peter 1:15*

I exhort the elders among you to tend the flock of God that is in your charge, exercising the over-sight, not under compulsion but willingly, as God would have you do it-not for sordid gain, but eagerly. Do not lord it over those in your charge, but be examples to the flock. I Peter 5:2-3

For you know that we who teach will be judged with greater strictness. James 3:1

PART I – PRESENTATION OF THE POLICY

A. DEFINITIONS OF SEXUAL MISCONDUCT

The following definitions apply to terms set forth in this policy to the exclusion of any other descriptions or meanings the terms may have outside the context of this document:

1. *Sexual abuse* is any contact, communication, activity, relation or interaction between a minor and an adult when the minor is being used for the sexual stimulation or gratification of the adult or of a third person. The behavior may or may not involve physical contact. Sexual behavior between a minor and an adult is deemed to be the result of force, threat or intimidation whether or not consented to by the minor, and is deemed to harm the physical, mental, emotional or spiritual health or well-being of the minor. Allegations of sexual abuse will be reported to the police immediately.
2. *Sexual harassment* is 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 a condition of an individual's employment or their continued status in an institution; b.) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 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.
3. *Sexual misbehavior* is conduct exhibited by obscene or suggestive verbal or non-verbal language or actions, unacceptable visual contact, unwelcome touching or fondling, possession on church property of pornographic or sexually graphic materials, accessing pornographic or sexually graphic web sites on church property that is offensive or injurious to the physical or emotional health of another.
4. *Sexual malfeasance* is improper sexual conduct that occurs within a ministerial or professional relationship. Sexual malfeasance includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from engaging with other consenting adults in mutual, social, intimate, or marital relationships within biblical limits.
5. "*Minor*" as used in this policy is any person below age eighteen. "*Child*" is any person age ten or under. "*Youth*" is any person at least eleven but not eighteen years old.

6. "*Worker*" is any person who has been screened by appropriate authorities and found to be acceptable, and has received training to be a paid or volunteer service provider for children or youth for any activity sponsored or organized by NCF. "*Adult Worker*" is a worker who is age eighteen or older. "*Youth Worker*" is a Worker who is at least eleven but not eighteen years old. Parental permission is required before any person can be accepted as a Youth Worker.
7. "*Child or youth activity*" includes but is not limited to any activity for or attended by children or youth sponsored or organized by NCF, wherever it may occur. By way of examples, this policy shall apply to all NCF Sunday school classes and activities, nursery sessions, and all youth groups and activities, including field or mission trips conducted off church premises.

B. GENERAL GUIDELINES

The following guidelines apply to staff and volunteers who work with children, youth, the elderly and/or disabled participants of NCF programs and activities:

1. *Six Month Rule:* All volunteers must be a member or regular attendee of NCF for at least six months prior to working with children and/or youth.
2. *Prerequisites:*
 - a) No person may become a Worker, whether adult or youth, and whether on a paid or volunteer basis, until the person has completed an application form, provided references and consented to a background check by an agency selected by NCF.
 - b) Applications, personal references and any background check obtained will be reviewed and approved as part of the NCF staffing process.
 - c) All Workers must provide a written acknowledgment of receipt of a copy of this policy and an agreement to be bound by the terms set forth herein.
 - d) All adult volunteers or paid staff that work with children and/or youth must have their applications reviewed by a designated NCF official with responsibility to determine suitability for that work.
3. *One-on-one segregated contact.*
 - a) One-on-one segregated contact between any Worker and child (that is not their parent) is not permitted.
 - b) One-on-one segregated contact between any Worker and youth requires advance approval by a parent of the youth and the Youth Pastor or the elder with oversight responsibilities for youth programs. Any one-on-one segregated contact approved (e.g., lunch) should occur in a public setting. Cross gender one-on-one segregated contact is not permitted.
 - c) Workers should take great care to honor the spirit of this policy, particularly

the scriptural warrant for it and the principles it provides, with social and other electronic media, which can tend towards creating a form of one-on-one segregated conduct.

4. *Two-deep leadership.*

- a) For children's programs, two adult Workers or one adult Worker and a parent of a participant, one of whom must be 21 years of age or older, must be present during all activities. If two adults from the same family work together, another unrelated adult Worker should be in the area at all times. A youth Worker may be substituted for one of the two required adult Workers so long as at least one trained adult Worker is also present. This rule may be modified under special circumstances for particular events and with written permission of the parents of children involved in the event and the Chairman of the Children's Ministry Leadership Team.
- b) For youth programs, two adult Workers or one adult Worker and a parent of a participant, one of whom must be 21 years of age or older, should be present during all activities. A youth Worker may be substituted for one of the two required adult Workers so long as at least one trained adult Worker is also present. This rule may be modified under special circumstances for particular events and with written permission of the parents of children involved in the event.
- c) NCF staff or officers will regularly monitor activities involving children and/or youth.

5. The following are exceptions to the Two-deep leadership rule:

- a) A pastor providing confidential counseling services may meet in private with a child or youth. If any such counseling extends beyond a single session, the pastor shall obtain written permission from the parent or guardian of the child or youth. The counseling is subject to the provisions related to one-on-one segregated conduct above.
- b) If necessary, a regularly scheduled Sunday school class may be conducted by one Worker, provided the room where the class is held has an unobstructed window or other opening that permits those outside the room to see inside or provided that the door to the room remains open during the class. However, it is preferred that two Workers conduct such classes.
- c) In the youth ministry, specific activities may occur with one adult Worker and a group of youth. In all cases, any exception to the two-deep leadership rule for a specific youth activity must be approved in advance by the Youth Pastor or the elder having oversight for youth programs.

6. *Overnight Activities:* A minimum of two adult Workers must be present at any overnight activity. If the children and/or youth are both male and female, there must be at least one male and one female Worker. No adult may share sleeping quarters (e.g., a tent) with a single minor, unless that minor is his or her child. If these conditions cannot be met, the activity must be canceled.
7. *Transportation of Children and/or Youth:* It is the policy of NCF to have the parents of children and/or youth transport them to church and church activities. When circumstances dictate that one or more children and/or youth are to be transported by adult Workers, authorization from parents of the children and/or youth must be obtained. Two or more Workers should be engaged in transporting children and/or youth. Any exceptions require the approval of the appropriate staff or elder.
8. *Youth supervising other minors:* Youth are not permitted to supervise children and/or other youth without the presence of an adult NCF Worker.
9. *Emergencies:* It is understood that in very rare cases, an emergency may arise, in which case a normally required parental or other permission may not be obtained. After the Worker handles the emergency, but within 24 hours, the appropriate staff or elder should be notified in writing (preferably e-mail).

C. POLICY APPLICABILITY

This policy shall apply to all children or youth activities sponsored or organized by NCF, regardless of where such activities take place. When NCF premises are made available to other organizations or groups, those organizations or groups must agree in writing to be bound by this policy with regard to all activities held primarily for children and youth.

D. PARENTAL PARTICIPATION AND PERMISSION

1. Parents of children and youth participating in an activity sponsored or organized by NCF are welcome to attend with their sons and daughters.
2. Discretionary parental attendance shall be in addition to and not in place of NCF Workers.
3. Parental permission may be required before children or youth participate in certain activities of NCF (including but not limited to those taking place off church premises), and the church reserves the right to exclude any child or youth where the required written parental permission has not been received.

E. WORKER SELECTION

1. No individual that has been charged with child or youth abuse or neglect may become or continue as a Worker until such time as the charge has been adjudicated. No individual who has been convicted of a felony shall be permitted to become or continue as a Worker.

2. Any person that has been charged with a misdemeanor other than minor traffic violations may also be barred from being a Worker, in the sole discretion of NCF. In addition, any individual who uses illegal drugs or abuses alcohol shall not become or continue as a Worker.
3. The Ministry Assistant shall maintain all Worker applications, results of background and personnel checks and related information in confidential, secured files. NCF's Senior Pastor, the elder(s) with oversight for children and youth programs, and other church officers authorized by them shall have access to these files. Access to these files may be granted by the Senior Pastor to others only in the context of an audit, a legal or insurance investigation, or in similar need-to-know circumstances.

F. WORKER TRAINING AND SUPERVISION

1. All Workers engaged in activities with children or youth that are sponsored or organized by NCF shall attend at least one training session on the prevention and reporting of child/youth abuse within the first year of service and at least once each five years thereafter. Failure to participate in the initial training session and any subsequent training may result in the Worker being barred from further participation in activities with or service to children and/or youth.
2. All paid staff of NCF shall attend at least one training session on the prevention and reporting of sexual misconduct at least once each calendar year. Additional training may be required or recommended by the Session of NCF from time to time. Failure to participate in the initial training session and subsequently required training may be subject to dismissal.

G. PROHIBITED ACTIVITIES

1. No NCF staff member, volunteer, agent, representative, or Worker, shall engage in child/youth sexual abuse, sexual harassment, sexual misbehavior, or sexual malfeasance as defined herein.
2. No child or youth may consent to sexual abuse, sexual harassment, sexual misbehavior or sexual malfeasance by an adult.

H. REPORTING AND RESPONDING TO SUSPECTED ABUSE

1. Any Worker who has reason to suspect that a Minor is a victim of child abuse is required to report the suspected abuse to the Pastor or the elder(s) with oversight for children and youth programs.
2. Under the law, child abuse includes a non-accidental, serious, physical or mental injury, sexual abuse (including rape, molestation, and indecent exposure), sexual exploitation, and serious neglect.
3. The person receiving the report shall report the suspected abuse immediately, or cause an immediate report to be made, by phoning the Department of Public Welfare's ChildLine number (1-800-932-0313). The person receiving the report shall notify the Worker when the report to ChildLine was made. If a person who has reason to suspect child abuse does not receive confirmation from the person receiving the report that the report to ChildLine has been made, that person shall make a report to ChildLine.
4. Within 48 hours, the person receiving the report shall submit a written report of the suspected abuse to the Department of Public Welfare, or cause the written report to be submitted.
5. In addition to the duty to report suspected abuse to the Pastor or the elder(s) with oversight for children and youth programs, any Worker may also report suspected abuse directly by phoning the ChildLine at 1-800-932-0313.
6. Failure by any Worker to report suspected child abuse as soon as possible to the Pastor or the elder(s) with oversight for children and youth programs will result in discipline up to and including termination. Additionally, Pennsylvania law provides that if a person who is required by law to report suspected child abuse fails to do so, the person may be charged and/or convicted of a misdemeanor of the third degree.
7. If the person receiving the report is not the Pastor, and the Pastor is not the accused, the Pastor shall be promptly notified, and thereafter the Pastor shall notify an attorney.
8. The parent or guardian of any child or youth reported to have been sexually abused, shall be promptly notified unless that person is the accused.
9. If any Worker learns that a report has been made to a law enforcement agency or child protective agency or similar agency concerning sexual abuse that involves an NCF Worker or that occurs during an NCF church activity, the Worker shall promptly notify the Pastor. These reports shall then be forwarded to an attorney and NCF's session.
10. Other reports or notices (such as to insurance companies) may be made as required and in consultation with an attorney.

11. All reporting requirements set forth in this policy are in addition to those required by civil or criminal law. Nothing in this policy shall be interpreted or construed to require any person ordained by NCF or the Presbyterian Church in America to breach a confidence or violate any provision of the NCF bylaws or the Westminster Confession of Faith.
12. Anyone accused of violating this policy or any person accused of child or youth sexual abuse shall be informed of the accusation by the Pastor and/or the elder(s) having oversight for children and youth programs and/or NCF's attorney. A Worker accused of sexual misconduct may be suspended (with or without pay) from any further activity with children, youth or endangered adults until such time as the matter is resolved to the satisfaction of NCF. Should the accused be a paid employee or staff member of NCF, NCF's personnel policies shall apply. If the accused is not a Worker, but attends NCF, the person may be asked to refrain from attending or participating in any activity with children or youth until the matter is resolved to the satisfaction of the church. If the accused is a teaching elder in the Presbyterian Church in America, its Sexual Misconduct Policy shall apply.
13. Pending the outcome of any investigation into allegations of sexual misconduct, all steps shall be taken to protect those who are potentially vulnerable from contact with the accused until the matter is resolved. Under no circumstances shall any Worker question any person who is believed to be the victim of abuse or neglect about the incident.

APPENDICES

I. WORKER APPLICATION FORM

Name _____

Address _____

Soc. Sec. # _____ Date of Birth _____

Telephone _____ E-Mail _____

NCF attendee since _____ NCF Member (Yes/No) _____

Prior experience working with children/youth (Yes/No) _____

If yes, where? _____

References (Please provide the name, address and telephone number of two unrelated adults that know you well)

(1) _____

(2) _____

Signed _____

Reviewed/accepted by _____

Date _____ Title _____

II. SEXUAL MISCONDUCT INFORMATION FORM

Pursuant to the Sexual Misconduct Policy of New Covenant Fellowship, certain information is requested from you regarding any incidents that may be covered by the Policy. The following definitions are taken from the Policy and apply to your responses:

Child sexual abuse is any contact, communication, activity, relation or interaction between a child and an adult when the child is being used for the sexual stimulation or gratification of the adult or of a third person. The behavior may or may not involve physical contact. Sexual behavior between a child and an adult is deemed to be the result of force, threat or intimidation whether or not consented to by the child. Child sexual abuse is deemed to harm and threaten the physical, mental, emotional or spiritual health or wellbeing of the child, youth or endangered adult. Allegations of child sexual abuse will be reported to the police immediately.

Sexual harassment is 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 a condition of an individual's employment or their continued status in an institution; b.) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 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.

Sexual misbehavior is conduct exhibited by obscene or suggestive verbal or non-verbal language or behavior, unacceptable visual contact, unwelcome touching or fondling, possession on church property of pornographic or sexually graphic materials, accessing pornographic or sexually graphic web sites on church property that is offensive or injurious to the physical or emotional health of another.

Sexual malfeasance is improper sexual conduct within a ministerial or professional relation. Sexual malfeasance includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from engaging with other consenting adults in mutual, social, intimate, or marital relationships.

Please check the applicable following statements:

_____ I certify by the signature below that no civil, criminal, or ecclesiastical complaint has been sustained* or is pending** against me for child sexual abuse, sexual harassment, sexual misbehavior or sexual malfeasance and that I have never resigned or been terminated from a position for reasons related to sexual misconduct.

_____ I am unable to make the above certification. I offer, instead, the following description of the complaint, termination, or the outcome of the situation with explanatory comments.

_____ I consent to allow NCF to undertake a background check and/or criminal check as necessary and warranted by the Policy

I fully understand that the information obtained may be used to deny me employment or any other type of position with New Covenant Fellowship. I further certify, by signing below, that I have read the Sexual Misconduct Policy of New Covenant Fellowship and that I will abide by it completely. I also agree to hold harmless NCF, from any and all claims, liabilities, and causes of action for the legitimate release of information related to sexual misconduct or for my actions that may cause a civil or criminal suit.

Signature

Printed Name

Date

***Sustained**

In a criminal court, "sustained" means that there has been a guilty plea, a nolo contendere plea, a guilty verdict or a plea bargain.

In a civil court, "sustained" means that there has been a judgment against you as a defendant.

In an ecclesiastical case, "sustained" means that there has been a guilty plea and censure imposed, or finding of guilty with censure imposed, by a permanent judicial commission or any court of the Presbyterian Church in America or an equivalent body of another church.

****Pending**

In a criminal court, "pending" means a criminal charge before a grand jury, or one that is in the process of being prosecuted, or in which there is not yet a verdict.

In a civil court, "pending" means a case in which there has not been a decision or judgment.

In an ecclesiastical case, "pending" means a special disciplinary committee is investigating an accusation or charges have been filed but have not yet been decided by a permanent judicial commission or any court of the Presbyterian Church in America; or an accusation or charges are in an equivalent state or process in another church other than the Presbyterian Church in America.

III. Acknowledgment of Receipt Form

I hereby acknowledge that I received on _____(date), a copy of the 2016 Policy on Sexual Misconduct of NCF and that I have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy.

Signature _____

Date _____

IV. Sexual Misconduct Allegation Form

I. Person Reporting (Accuser)

Name: _____
Address: _____
Phone: _____

II. Person Alleged of Sexual Misconduct (Accused)

Name: _____
Address: _____
Phone: _____

III. Victim(s) of Misconduct (if same as accuser, write Accuser below)

Name: _____	Name: _____
Address: _____	Address: _____
Phone: _____	Phone: _____

IV. Other Persons Involved (Witnesses, Other Victims):

Name: _____	Name: _____
Address: _____	Address: _____
Phone: _____	Phone: _____
Relationship to incident: _____	Relationship to incident: _____

V. Description of alleged Sexual Misconduct- please be as specific as possible (dates, places, behavior) (attach additional pages if necessary)

VI. Attach other Information that may be helpful in fact-finding about the incident.

VII. Person Completing this Form

Name: _____
Address: _____
Phone: _____

V. REFERENCES

- 1.Reducing the Risk II, Making Your Church Safe from Child Sexual Abuse, Christian Ministry Resources, 2003
- 2.It Should Never Happen Here - A Guide for Minimizing the Risk of Child Abuse in Ministry, Ernest J. Zarra III, Baker Books, 1997
- 3.A Guide for Churches, Preventing Child Abuse, Beth Swagman, CRC Publications, 1997
- 4.http://www.synatlantic.org/presb_resource/office_training/Sexual%20Misconduct%20Policy-New%20Hope.pdf
5. The Book of Church Order.