

## **POLICY ON SEXUAL MISCONDUCT**

### **A. POLICY**

It is the policy of Shepherd Church of the Nazarene (herein after referred to as The Church) that all ministers (ordained elders or deacons and licensed ministers, hereinafter referred to as Ministers) church professionals, church officers, employees and volunteer workers of The Church are to maintain integrity of ministerial, employment, professional and denominational relationships at all times. Sexual contact, sexualized behavior or communications with another person (other than an individual's spouse) while in volunteer service, ministerial, employment, professional, or denominational relationship, whether or not such contact or behavior is consensual, is never permitted.

### **B. PURPOSE**

The purpose of this policy is to:

- make explicit The Church's opposition to oppressive or degrading environments in employment and other church relationships,
- provide for procedures to be followed in the placement of all who serve in the work of, or function in behalf of, The Church as employees or as volunteers,
- provide for procedures to be followed in the supervision of all who serve in the work of, or function in behalf of, The Church as employees or as volunteers,
- provide for procedures to be followed by all who serve in the work of, or function in behalf of, The Church as employees or as volunteers,
- provide a due process for the determination of facts in cases of allegations of violation of the policy and to provide for the imposition of appropriate remedies in cases of violation,
- provide a means for prevention of sexual misconduct within the Church through awareness education and/or training.

Within the denominational context, it makes explicit the preference of The Church, when circumstances permit, to provide or arrange for pastoral care of persons who may be affected by either a violation or an allegation of violation of the policy.

### **C. DEFINITIONS**

Sexual misconduct is a breach of Christian ethical principles by the misuse of trust, authority, or power to gain advantage over another in an abusive, exploitative, or unjust manner.

As such, sexual misconduct may include, but is not necessarily limited to:

- 1) A personal sexual relationship, which is sexual conduct or sexualized behavior with another person, consensual or not, while in service for the Church, whether volunteer, ministerial, employed, or denominational.
- 2) Sexual conduct which is injurious to the physical or emotional health of another.
- 3) Sexual conduct which is inappropriate at any time for a representative of The Church, such as adultery; use of pornography, offensive, obscene, or suggestive language or material; seductive behavior; or inappropriate/unwelcome physical contact.
- 4) Sexual harassment, which includes sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature in which:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's volunteer service, employment or church-relationship status
- submission to or rejection of such conduct by an individual affects decisions regarding volunteer service, employment or church-relationship status
- such conduct has the purpose or effect of unreasonably interfering with an individual's performance by creating an intimidating, hostile, or offensive working or church-relationship environment
- is in any other way coercive.

5) Violation of the criminal laws of any state in which the conduct occurred, including rape or sexual contact by force, threat, or intimidation, or any other sexual crime including any contact or interaction between a minor and an adult where the minor is being exploited for sexual gratification- whether the behavior does or does not involve touching. Note that such sexual behavior between a minor and an adult is always considered forced whether or not consented to by the minor.

#### **D. APPLICATION**

This policy applies to all persons who serve in the work of, or function on behalf of, The Church, including all Ministers, church professionals, church officers, church employees and church volunteer workers

1) Ministers or church professionals (whether they are in pastoral, counseling, or other such relationships) will have no personal sexual relationship, either public or private with anyone with whom the individual has professional relationship. It is the responsibility of any person who serves in the work of, or functions on behalf of, The Church, to maintain appropriate sexual boundaries and limitations to ensure that sexual misconduct does not occur.

2) Ministers, church professionals, church officers, church employees and church volunteer workers who are candidates for any position for work with minors in Church-sponsored activities will be certified by the following. This process may also be applied to other groups of workers as deemed appropriate by the Church Board and/or pastoral staff.

- A National Criminal Check and Driving Record will be run at least every three years (see Appendix A).
  - Background checks that include but are not limited to the following offenses will not be permitted to work with minors:
    - Relating to criminal homicide
    - Relating to aggravated assault
    - Relating to kidnapping
    - Relating to unlawful restraint
    - Relating to rape
    - Relating to gross sexual imposition
    - Relating to statutory rape
    - Relating to involuntary deviate sexual intercourse
    - Relating to indecent assault
    - Relating to indecent exposure
    - Relating to concealing death of a child
    - Relating to endangering welfare of children
    - Relating to dealing in infant children
    - Relating to prostitution and related offenses
    - Relating to obscene and other sexual material

- Relating to corruption of minors
- Relating to sexual abuse of children
  - Driving Record must meet standard set by the church's automobile insurance carrier to transport children/youth and/or operate church vehicles.
- A pre-service interview as requested with the Minister or his/her designee responsible for the intended area of service (see Appendix A).
- A list of supplemental references as requested (see Appendix A).
- A training program as prepared by the Church (see paragraph E.3.c.).

## **E. PROCEDURES (see Figures 1 and 2)**

### **1) Roles:**

- a. Pastoral Staff: When any individual presents an allegation of sexual misconduct to The Church, the pastoral staff will provide forms to be completed (See Appendix A), which will serve as the Written Summary for initiating an SMP Response Team investigation. Pastoral Staff will also be responsible for the confidential submission and receipt of all Screening Reports.
- b. Senior Pastor: Upon receipt of a Written Summary, the senior pastor will assemble the SMP Response Team, and assure compliance with the procedures detailed in Figure 1. In addition, absent the designation of a duly appointed Attorney, the senior pastor will serve as the Church liaison to the judicial process, and respond to media inquiries. (It is to be understood that only the senior pastor, or an attorney acting in behalf of, and representing The Church, will be so designated.) The senior pastor will also review all Screening Reports. Should the Screening Report on any individual be found to be positive, that individual will be removed from service and the process as outlined in Figure 2 will be put into action.
- c. SMP Response Team: The SMP Response Team will be comprised of the senior pastor, the pastor responsible for the ministry involved and two laypersons approved by the Board for a multi-year term. Upon receipt of any and all allegations of sexual misconduct, the SMP Response Team will be assembled, review the Written Summary, and complete all obligations as required in Figure 1.

### **2) Certification Process for Work with Minors: Should any civil, criminal or denominational complaint and/or judgment regarding sexual misconduct be identified during the screening process outlined above:**

- a. The Church will require the individual in question to refrain from any activity involving any work with minors within the Church.
- b. The Church may make any additional inquiries as may be judged prudent and necessary to further assess the suitability of the candidate for service in, or on behalf of, The Church, should the individual in question desire to continue to pursue certification to work with minors within the Church.

### **3) Guidelines for Work with Minors: During the time of service in the work of, or in behalf of, The Church, all individuals, whether volunteer or paid employee, are subject to the following:**

- a. No person will be permitted to work with youth or children until they have undergone the approval process as outlined above and any additional steps that may be required by the responsible Minister.
- b. At no time will any individual be alone with, or in the sole custody of, an individual minor (unless the minor is their own child) without the consent of that minor's parent or guardian. In addition, provision will be made to monitor the premises (class rooms, halls etc.) when children or youth activities are being held.

c. Each person will be expected to participate in appropriate training for awareness of the problems of sexual misconduct and an awareness of dealing with the evidence of sexual abuse or other sexual misconduct. Such training will include instruction about this policy, and information relating to procedures to be followed under this policy. A copy of the latest revision of this policy will be made available to all persons who are placed in a position as volunteer or employee of The Church, for work with, and supervision of, minors.

d. Directors of children and youth activities sponsored by The Church, auxiliaries of The Church, or by any entity operating within and/or under the authority of The Church, will give immediate and appropriate feedback to any person serving in a position of supervision or custody of minors, who displays behavior that gives the appearance of violating the provisions of this policy.

#### 4) Reported Occurrences:

a. There will be no time limitation for The Church to take appropriate action in cases in which sexual abuse is alleged. No negative response will be given to, nor negative action taken against, any person who reasonably and responsibly reports conduct in violation of this policy. As required by relevant statute, all alleged incidents will be reported to local authorities.

b. Any person who has reasonable belief that sexual misconduct, as outlined in this policy, has occurred, is required to make report thereof in a prompt and timely manner to the senior pastor of The Church, or as outlined in Figure 1. Upon receipt of report of sexual misconduct, the senior pastor will activate the Incident Response Team as outlined in Figure 1. The senior pastor need not be personally persuaded of the truth of the allegations nor need to see all of the supporting evidence available before instituting procedures. (Note: If the alleged violation is attributed to the senior pastor, then the report should be made to the Secretary of the Church Board who will aid that individual in reporting the incident to the district superintendent, or assistant district superintendent, of the Central Ohio District. In this instance, district superintendent or assistant district superintendent will be substituted for all subsequent references in this policy to senior pastor). Failure to provide notification of reasonable belief of violation of this policy is itself a violation of this policy.

c. When report of an alleged violation of The Church's policy on sexual misconduct is received, the incident response team will promptly initiate procedures for dealing with the allegations as outlined in this Policy on Sexual Misconduct, the *Manual* Section VI and the *Judicial Manual of the Church of the Nazarene*. Should the incident response team find that the obligation for legal reporting is unclear in a particular case, they may, with the approval of the Church Board, seek legal advice concerning statutory reporting requirements. Legal advice may also be sought in regard to termination of employment or service if such termination is deemed warranted.

d. The senior pastor will take immediate action to insure an appropriate, compassionate and helpful response to the alleged victim(s).

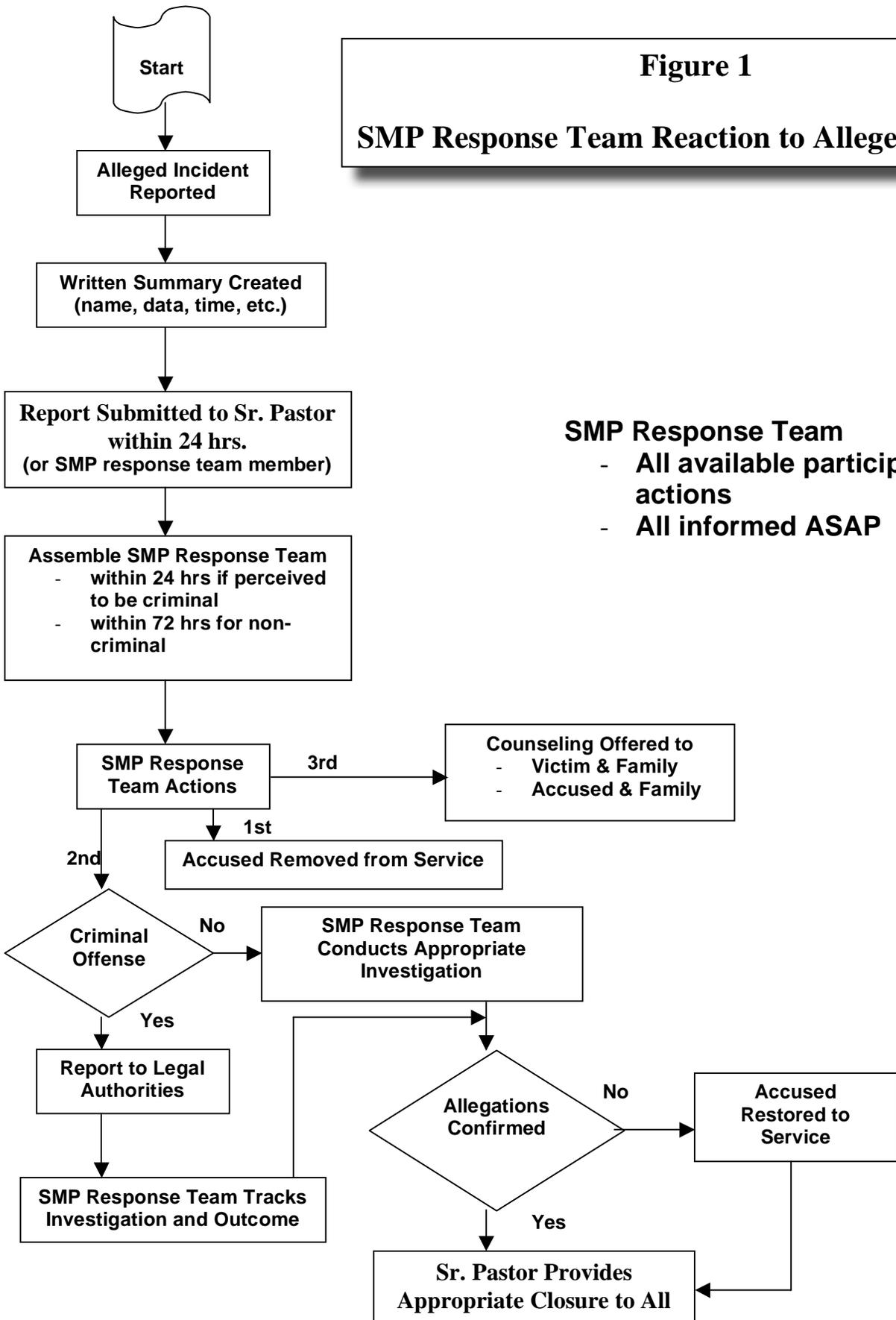
e. Should the accused acknowledge the substantial truth of the allegations or should there be circumstances which might make such actions prudent, any of the penalties or disciplines, along with the procedure for restoration, when appropriate, which are outlined in the *Manual* Section VI and the *Judicial Manual of the Church of the Nazarene* may be assessed and placed in operation.

f. In order that appropriate confidentiality be maintained and that the procedures of The Church not be compromised, any person with knowledge of an allegation will not propagate rumor by further repetition of hearsay, allegation, or suspicions.

g. The goal of The Church with regard to accusations of violations of its policy and procedure on sexual misconduct is to ensure that an effective, caring and expeditious response is made to all persons, institutions and entities which may be affected by either an actual or alleged violation of this policy. In all cases, all persons will be treated with respect, and personal integrity will be presumed, and every effort made to maintain confidentiality of all parties involved, regardless of outcome.

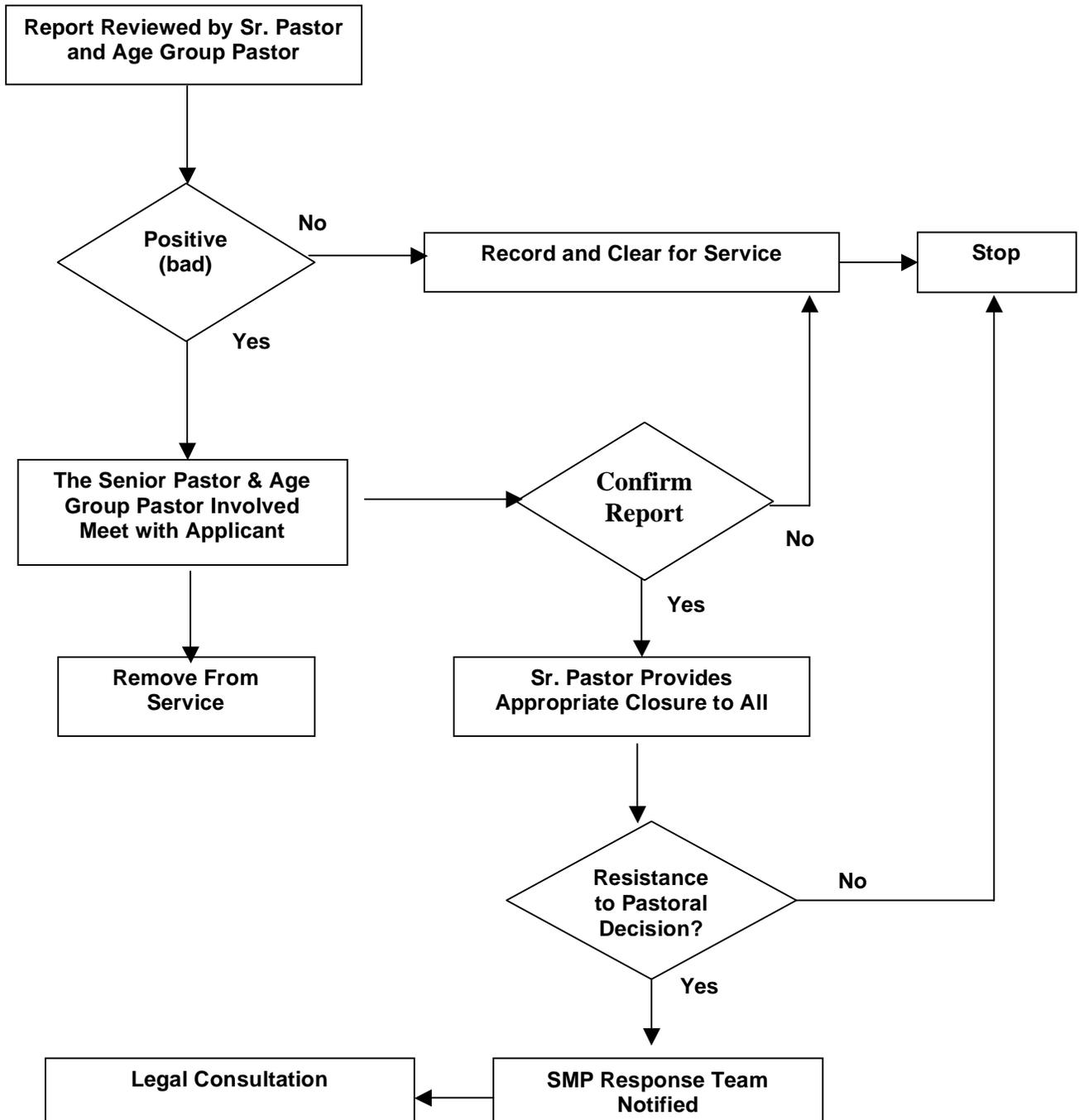
5) Records: All paper records and supporting documents related to this policy and its application to any individual will be maintained in a locked file cabinet in the Senior Pastor's office. Locally maintained electronic files will be secured. Only the Senior Pastor, Age Group Pastors and the incident response team will have access to the records and supporting documents.

**Figure 1**  
**SMP Response Team Reaction to Alleged Incident**



- SMP Response Team**
- All available participate in actions
  - All informed ASAP

**Figure 2**  
**Screening Report Review Process**



## Appendix A

- Disclosure of Policy & Procedure
- Background Check Release Form
- Pre-Service Interview Form
- References Form
- References Interview Form
- Incident Written Summary Form

Appendix A

## **DISCLOSURE of Policy and Procedure**

In connection with my application for volunteer service with children and/or youth ministries of Shepherd Church of the Nazarene, I understand that a background check will be conducted to determine if I am a registered sex offender or have any other criminal background that would preclude me for consideration for such position. I further understand that such reports may contain public record information concerning my driving and criminal background record from federal, state and other agencies that maintain such records.

This authorization will remain on file and will serve as ongoing authorization for procurement of these reports at any time during the period of my volunteer service, unless otherwise terminated by me in writing.



## Background Check Release

This release is to be filled out by all volunteers and staff working with minors. Its purpose is to better enable the church to provide a secure environment for those minors who participate in our ministries and utilize our facilities. As a church, we believe in God's redemptive, forgiving and healing work in our lives. We also believe that there is a place of service for everyone in the church. Should you feel, as you begin to fill out this form, that there is a reason you would not qualify, please consider a ministry other than those where you would work directly with minors.

All forms and background checks are kept in a locked file cabinet and will be kept confidential. Acceptance into volunteer positions at Shepherd is at the discretion of pastoral leadership.

National criminal background and driving record checks will be rerun on a regular basis. By signing this form, you are authorizing Shepherd to complete the background check process now and again in the future.

I have read and fully understand Shepherd's Sexual Misconduct Policy. I especially understand section D and Appendix A that describe the background check policy and process.

Print Name (First, Middle, Last): \_\_\_\_\_

Maiden Name or Previous Name: \_\_\_\_\_

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

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_ State Issued: \_\_\_\_\_

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

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

*If you have lived out of state within the past 5 years, please submit your previous out-of-state address.*

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

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

Home Phone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_

**APPENDIX A**

**Suggested Pre-Service Interview Format**

Name of church you attend and/or of which you are a member. \_\_\_\_\_

List the name and address of other churches you have attended regularly in the past five years.

\_\_\_\_\_  
\_\_\_\_\_

List all previous church work involving youth or children (church name and address, type of work performed, dates). \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

List all previous non-church work involving youth or children (organization's name and address, type of work performed, dates). \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

List any gifts, callings, training, education, or other factors that have prepared you for youth or children work.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Personal references (not former employers or relatives)

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_



APPENDIX A

**OPTIONAL QUESTIONNAIRE FOR PERSONAL INTERVIEW OF REFERENCES**

1. How long have you known the applicant? \_\_\_\_\_

2. What is your relationship to the applicant? \_\_\_\_\_

3. Have you ever worked with the applicant in a volunteer or other capacity? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please describe. \_\_\_\_\_

4. What strengths would the applicant bring to this position? \_\_\_\_\_

5. What difficulties might the applicant have fulfilling these duties? \_\_\_\_\_

6. Please describe situations where you have observed the applicant interacting with children or youth?  
\_\_\_\_\_  
\_\_\_\_\_

7. Would you be willing to place your son or daughter or any other child or youth for whom you are responsible under the applicant's supervision?  
\_\_\_\_\_

8. Would you consider this applicant a positive role model for children and youth?  
\_\_\_\_\_

9. Is the applicant dependable? \_\_\_\_\_

10. Do you know of any reason why this person should not be considered for this position? \_\_\_\_\_

Thank you for your assistance.

