

COLLEGE AVENUE UNITED CHURCH OF CHRIST

SAFE CONDUCT COVENANT

Statement of Intent

Our church community believes that God's grace and compassion ensures the dignity and worth of all persons. The worship of God must be allowed to take place in and through relationships and in environments characterized by love, respect, openness, trust, intimacy, and support for one another.

Emotional and physical intimidation constitute forms of sexual harassment. The use or attempted use of another person for sexual gratification against that person's dignity and spiritual well-being constitutes sexual abuse. Both sexual harassment and sexual abuse are violations of the faith shared by the congregation, breaches of God's peace, and counter to the Spirit of God.

So that all may worship God in freedom and in truth, this church community commits itself to promoting, creating and sustaining environments in which members and participants in our congregation's life are free from any form of sexual misconduct.

Authorization for Policies

The Church Council of College Avenue United Church of Christ has the authority and responsibility to be the governing body of the church, to set policies, and to formulate and implement programs which will reflect the goals of the congregation, subject to review by the congregation, (see Article 8, Sec. 3)

Policy on Sexual Misconduct

The safety of church members and visitors is a fundamental concern of the church. This Policy on Sexual Misconduct is addressed to, and covers, all church employees except clergy, and all leaders, teachers, volunteers, members, and participants. It is intended to protect all victims. Those covered by this policy shall be familiar with it, and bound to refrain from sexual misconduct as defined by it. It is also intended that the Church Council, the minister, the staff, and the members of the congregation are responsible for assuring compliance with this policy.

Consistent with Bylaw amendments adopted previously by the congregation, all matters relating to complaints or charges of sexual misconduct involving, or in any way related to, clergy, shall be handled independently and in accordance with the provisions of the denominational policy set forth in the Manual on Ministry Supplement and Appendices (see Appendix to Bylaws).

Allegations of sexual misconduct will be treated with sensitivity, compassion and attentive pastoral concern, and will be investigated and dealt with in accordance with the guidelines set forth in this Policy.

Definitions

Accused: The person against whom a complaint of sexual misconduct is made.

Complainant: A person who claims knowledge of sexual misconduct and communicates that knowledge to church representatives, including the Sanctuary Committee, in accordance with the procedure for receiving a complaint of sexual misconduct set forth below.

Victim: A person affected by alleged sexual misconduct.

Complaint: A written request for inquiry into an alleged incident of sexual misconduct made in accordance with the procedure for receiving a complaint of sexual misconduct set forth below.

Sexual misconduct: Conduct that involves inappropriate, non-consensual sexual contact or invasion of sexual boundaries, including any of a range of verbal or physical behaviors exemplified by, but not limited to: unwelcome advances, remarks, requests for favors, touching, jokes, innuendo, leering or gestures, suggestive or explicit invitation or demand for sexual activity, or verbal or physical assault or intimidation of the kind that may be taken by the recipient as an effort to coerce sexual activity.

Response: The process, under authority of the Church Council to be followed upon receipt of a complaint of sexual misconduct, used to investigate and determine:

- The nature of the complaint
- The identity of the person(s) involved in connection with a complaint
- Information which tends to support or refute the validity of the complaint
- The need to make further report of the matters alleged in a complaint to ecclesiastical or secular authorities
- Appropriate action to be taken by Church Council following its receipt, review and consideration of findings and recommendations from the Sanctuary Committee

Process for Dealing with Complaints of Sexual Misconduct

A. Procedure for Receiving a Complaint of Sexual Misconduct

A complaint of sexual misconduct may come to the attention of any member of the congregation, any staff person, the minister or any member of the Church Council. However, to initiate an official inquiry into a complaint, a written request for the commencement of an inquiry must be given either to the minister or to a member of the Executive Committee of the Church Council. The written request shall include the nature of the complaint, the name of the accused, the name(s) of the complainant(s), the name(s) of the victim(s), and the date of the report. Such written complaints shall be submitted in a timely fashion, within at least seven (7) days of the date an initial report is made verbally. Starting with receipt of a verbal or written complaint, a log shall be kept of all events, meetings, contacts and communications relating to the complaint. This information shall be shared with the Sanctuary Committee (SC). The SC shall continue such record keeping as is related to the complaint. The person making the accusation shall be offered immediate and supportive pastoral

care. Following the receipt of an initial verbal report or complaint about alleged sexual misconduct, the minister may, at his/her discretion, intervene and mediate in any manner deemed helpful or reasonable under the circumstances.

The Church Council shall meet in regular or special session, as necessary, to activate the Sanctuary Committee within ten (10) days of receipt of a written complaint by the minister or a member of the Executive Committee.

B. Discipline for the Sanctuary Committee

Confidentiality shall be maintained for all testimony, correspondence and records presented to and considered by the Sanctuary Committee. Confidentiality ensures that victims will not become re-victimized by rumor and that the rights of the accused are also protected. At the end of an inquiry process, the Church Council shall have the responsibility of determining whether, or under what special conditions, the materials gathered and reviewed by the SC shall be maintained or stored.

The rights of all persons involved shall be respected during the inquiry process. For those who have been victimized, special attention shall be paid to the provision of pastoral care. As various elements of the reconciling process are designed, the needs of the victim(s), the accused, their families, and the entire congregation must be considered.

While the inquiry process described by this Policy shall be set and administered by the Church Council, it shall not replace denominational polity or processes concerning clergy discipline, or criminal or civil investigations conducted by outside legal authorities. Particular care would be required in cases where minors may be involved.

The Sanctuary Committee shall proceed to commence and complete its work with all due haste, and shall thereafter provide a timely report of its findings and recommendations to the Church Council.

C. Procedure for Sanctuary Committee Deliberations

The Sanctuary Committee conducts an investigation, not a trial. The SC is charged with gathering and considering all information it deems necessary or helpful for a full, thorough and impartial investigation of the complaint. (The minister, who is part of the Sanctuary Committee, does not participate in the information gathering part of the investigation, so as to be available for pastoral care of the parties involved. A member of the Church Council is to replace the minister in the investigative process. The Council member must not be a church officer.) Cross-examination of witnesses who may appear before the SC shall not be permitted. Direct confrontation between the victim(s), complainant(s) and the accused shall not be the practice of the SC. Proposed findings of the SC, as well as information gathered by it pertaining to the complaint, may (without direct attribution) be discussed with the accused as part of the Committee's process of forming recommendations to make to the Church Council.

The Sanctuary Committee shall refer its findings and recommendations for a reconciliation process to the Church Council. Recommendations for a reconciliation process should include any recommended disciplinary measures for the accused, as well as recommended measures relating to the healing process for the victim(s), the families involved, and the congregation as a whole.

The investigation may be suspended when the case is determined to be a matter which must be referred to Northern California Nevada Conference/United Church of Christ (NCNC/UCC), law enforcement, Child or Adult Protective Services or will be handled by the criminal or civil courts. In this event, however, the Sanctuary Committee may continue its non-investigative tasks of developing recommendations for reconciliation, ensuring pastoral care, and reporting to the Church Council.

The Sanctuary Committee shall proceed with all due haste, keeping a log of all events, meetings, contacts, and so forth, which are related in any way to the complaint. The SC will provide regular reports of its progress to the Church Council.

The Sanctuary Committee shall appear before the Church Council to present findings and recommendations. At their election, the victim and the accused shall each have a separate opportunity to appear before the Church Council to comment on the findings and recommendations presented by the SC. It shall be the responsibility of the Church Council to accept, reject or modify (in whole or in part) the findings and recommendations presented by the Sanctuary Committee. The Church Council shall have the ultimate responsibility for weighing and determining the overall credibility of the evidence presented in favor of and in opposition to the complaint, and shall be responsible for determining, adopting and monitoring any reconciliation measures, including disciplinary measures, deemed appropriate under all of the circumstances.

D. Response to the Findings and Recommendations of the Sanctuary Committee

The Church Council may, as one of its options, find the complaint not sustained or supportable, and may therefore conclude the inquiry process with no further action other than what may be deemed necessary or appropriate under the circumstances.

If the Church Council determines that the complaint is supportable and sustains all or any part of it, any of a number of reconciliation measures may be adopted. Such measures may include: opportunities for acknowledgment of the violation, rehabilitation, repentance, restitution, treatment or counseling, in addition, the following measures of discipline may be adopted along with other appropriate elements of a reconciliation process:

- Censure of the accused
- Removal of the accused from active ministry and leadership positions, whether official or unofficial, including officer positions and committee memberships
- Adoption of conditions to be placed on the accused's continued membership or relationship with the congregation, which shall be formalized in writing by the Church Council with an explanation of how and by whom compliance with the conditions will be monitored and the circumstances under which, if the conditions are not met, membership may be terminated
- Removal of the accused from membership in or association with the congregation

Ministerial Ethics

1. Definition: Any sexual contact by clergy persons with parishioners/clients in a professional relationship is totally inappropriate and a breach of professional ethics, because it constitutes misuse of power, stature, influence and authority of the clerical office.
2. Response: As updated by the "NCNC/UCC Guidelines for Persons with Standing, Motion IX" adopted in June 1994, allegation of any violation of professional ethics that may have any validity, or that may be multiple in nature, must be addressed at once. To initiate response, complaints may be addressed, verbally or in writing, to any member of the Church Council who then will immediately inform the Moderator. Within 48 hours of receipt of a written complaint, the Church Council shall *meet in regular or special session* to activate the Sanctuary Committee. If the complaint is received in writing, the Moderator, after consultation with the Pastoral Relations Committee and the ST, will contact the NCNC/UCC office or the Ethics Committee of the Conference to seek its support and assistance in investigating and adjudicating this matter; it is expected that the NCNC/UCC will immediately initiate an investigation. If the complaint is not put into writing, the ST will request that the complaint be written and a formal response initiated. If proven invalid, the ST will work to vindicate the accused and clarify any rumor.
3. Leave of Absence: Following consultation with the NCNC/UCC office, the Church Council may call for and enforce an immediate leave of absence of the Pastor/Pastoral Counselor without prejudice (and with continued pay) pending resolution of such complaints. This can be done in conjunction with, or independent of, related NCNC/UCC action.
4. Pastoral Care: One of the Church's first concerns is for the emotional support, welfare and protection of the complainants and immediate prevention of further possible harm to others. Equally important is the need for the accused Pastor/Pastoral Counselor to have an opportunity for a fair review process. If complaints of clergy misconduct are substantiated, the Pastor/Pastoral Counselor needs opportunities for repentance, treatment, rehabilitation and support.
5. Communication: Any implementation of these policies and procedures will be communicated with maximum candor and caring to the whole congregation on a continuing basis.
6. Compliance: The NCNC/UCC policy and procedures governing these matters will be followed in carrying out the Church's responsibilities until the investigation is completed and the case is closed by the NCNC/UCC.
7. Recovery: The church will publicize and comply with the NCNC/UCC decision, in its effort to move toward healthy, revitalized ministry.

Child Abuse, Elder Abuse, and Dependent Adult Abuse

1. "Vulnerable Persons":

California law requires certain individuals to report suspected abuse if they have knowledge of or observe a vulnerable person who they know or reasonably suspect has been a victim of abuse. Vulnerable persons included in the abuse reporting requirements are:

Children ages 18 and under

Adults ages 65 and over

Any adult between 18 and 65 who is dependent on another for care (due to physical, emotional or intellectual limitations).

2. Mandated Reporters:

a) Child Abuse: Individuals mandated (Penal Code 11165) to report suspected child abuse include ministers, teachers and directors of religious instruction, lay and professional counselors, administrators of day or overnight camps, and school or child care facility staff. Church employees and volunteers working with youth will, prior to commencing their assignment, sign a statement signifying their knowledge of the reporting requirements and their willingness to comply with them. More details are available in the state manual, *CA Child Abuse Prevention Handbook*, in the church office.

b) Elder and Dependent Adult Abuse: Individuals mandated (Penal Code 368) to report suspected elder or dependent adult abuse include lay and professional counselors and anyone working with an adult day care program or elder care institution. Again clergy are not mandated reporters, but they are morally mandated by the faith to protect the vulnerable and therefore to report abuse to the secular authorities. Church employees and volunteers working with seniors or dependent adults will, prior to commencing their assignment, sign a statement signifying their knowledge of the reporting requirements and their willingness to comply with them.

3. Reporting:

The known or suspected abuse shall be reported to a protection agency or the local police immediately, or as soon as practically possible, by telephone. A written report thereof shall be submitted within 36 hours of receiving the information concerning the incident. The protection agency for children is Child Protective Services and the agency for adults is Aging and Adult Services. The reporter must maintain careful records of every contact with authorities and any other persons involved in the alleged incident.

4. Cooperation and Pastoral Care:

Once the individual has reported the suspected abuse to authorities, he or she will contact the Moderator, who will activate the Sanctuary Committee. The SC will coordinate the church's response by (a) ensuring the church's cooperation with legal authorities, (b) providing regular reporting to the Church Council of the progress of

the authorities and actions of the SC, (c) recommending temporary restriction on the behavior of the alleged offender [see #5 and #6 below], and (d) ensuring that pastoral care is provided for all those in the congregation affected by the alleged abusive behavior, including the suspected offender and family.

5. Suspension from Activity:

If the alleged offender is a member of the church staff, whether paid or unpaid, she or he will be suspended from all activities with children, youth and/or vulnerable adults for the duration of the investigation.

6. Guidelines for Future Church Involvement:

To assure the safety and comfort of those who were abused, as well as the spiritual growth of the offender, the Sanctuary Committee will outline behavioral guidelines, disciplinary actions, and a reconciliation process for the offender. The guidelines, aimed at reducing the temptation to re-offend, might specify limitations on the offender's church activities to restrict any contact with children, require an "escort" when on church grounds, or restrict the times during which the offender may come to church. Consequences for *not* following reconciliation guidelines must be detailed in increasing levels of severity, culminating in dismissal from the congregation if the offender shows no progress toward remorse, cooperation and reconciliation.