

ATTACHMENT G-3
ABUSE PREVENTION POLICY & PROCEDURES

I. Mission Statement

God calls St. Mark Presbyterian Church to transform lives in Jesus Christ. Relying upon the Holy Spirit, we create a caring community through worship that inspires, learning that leads to responsible living and service that meets the needs of others. We commit ourselves to Christ's Great Commission "... to make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything that I have commanded" (Matthew 28:19-20). Rejoicing in our faith, we invite everyone to share in Christ's ministry of hope.

II. Abuse Prevention Policy Statement & Purpose

With our mission statement in mind, we at St. Mark Presbyterian Church believe that Scripture and faith in Jesus Christ call us to standards of responsible conduct in all of life. Abuse is a violation of principles set forth in Scripture, and destroys trust and respect that is necessary in all working relationships. In certain circumstances it is illegal. In any case it is never permissible.

This Abuse Prevention Policy incorporates by reference The St. Mark Sexual Misconduct Policy and Procedures adopted on April 20, 1998 for all St. Mark Church employees. Human sexuality is an integral part of whom we are as persons. However, it can become the basis for oppression, where trust relationships are breached and persons are abused.

Any report of alleged abuse will be promptly investigated and resolved following the procedures outlined below.

When carefully and effectively administered, this policy will reduce significantly the risk of abuse to everyone within the St. Mark community and will better protect our volunteer leaders, staff, and Church against possible allegations. We have developed guidelines and procedures which, when implemented, will provide a healthy and safe environment at St. Mark Church programs and activities, where people of all ages and all abilities can come together for worship, study, fellowship, and service - all in Christ's name.

III Abuse Prevention Policy Administration

A. Applicability

This Policy and these procedures will apply to Pastors, employees, and St. Mark leaders (e.g., Deacons, Elders, committee chairs, Sunday School teachers, caregivers, and Youth advisors), and to external organizations who use Church facilities. All those to whom this policy applies are expected to read, understand, and abide by all criteria and standards specified by this policy, and to sign an Acknowledgment Form indicating the above. Moreover, each such person, before undertaking to serve in any such capacity and each applicant for employment, at the time of such application shall complete, and shall submit to one of the pastors, Missouri Department of Health and Senior Services Family Care Safety Registry's *Worker Registration* form or any successor state form. Additionally, for each such person the head pastor in cooperation with the Office Manager will submit at

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the time of submitting the *Worker Registration* form and not less often than every three years a Missouri Department of Health and Senior Services Family Care Safety Registry's *Employer Background Screening Request form*. Each person submitting such form understands that the purpose of both forms is to allow a thorough background check of each such applicant.

B. Staff & Volunteer Background Check Process

Effective no later than September 30, 2005, the following is the process for obtaining, reviewing and filing a Background Screening on an employee or volunteer:

1. All forms for Staff and Volunteer shall be obtained by the Office Manager and submitted to the appropriate governmental agency office, along with the appropriate fee.
2. The responses to the forms submitted from the applicable government agencies are to be sent directly to the Head Pastor for review and disposition.
3. Once administered the forms are to be filed in the Head Pastor's locked file for employees and volunteers to protect the confidentiality of all completed forms.

C. Incident Reporting and Resolution

1. Reporting

The initial disclosure of abuse/neglect, including failure to supervise, may be subtle. Any suggestion of abuse, sexual abuse, sexual harassment, or neglect should be investigated immediately. All allegations should be investigated in as confidential manner as possible.

A person need only to observe or to hear enough substance to suspect that there may be a problem. If you are the first person to hear an allegation, you should promptly report verbally to the staff person in charge of the area or activity where the abuse allegedly took place. In the event that the staff person is the suspected perpetrator of an abuse/neglect, the report should be made to the immediate supervisor of that staff person.

2. Additional Resources

If necessary, this communication can also be made to the following individuals:

- A. a Pastor,
- B. the Chair of the Personnel Committee, or
- C. the Clerk of Session.

The individuals filling these positions can be obtained in the Church Director or by calling the Church Office.

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3. Resolution

A finding of a violation of the St. Mark Abuse Prevention Policy, resulting from any investigation process, will result in one or more forms of corrective action.

Some examples of appropriate correction action include counseling, training, transfer, suspension with counseling, and/or removal from office or volunteer position.

Any form of retaliation against an individual for filing a bona fide complaint under this policy or for assisting in a complain investigation is expressly prohibited. An individual violating this anti-retaliation provision will be subject to appropriate disciplinary action, up to and including removal from office or volunteer position.

IV. Training

Training regarding this policy and these procedures is required for all St. Mark employees, leaders, teachers, youth advisors, and caregivers. Training opportunities will be conducted periodically in this sensitive area.

I. Definitions

For this policy, the following definitions will apply.

Abuse means any physical injury, sexual abuse, sexual harassment, or emotional abuse inflicted on a child, youth, or adult, other than by accidental means, by those responsible for that person's care, custody, and control.

Adult means a person at least eighteen years of age.

Child or Youth refers to any person, regardless of physical or mental condition, under eighteen years of age.

Church means St. Mark Presbyterian Church.

Investigation means the collection of physical and verbal evidence to determine if an individual has been abused or neglected.

Leader means anyone directly responsible for supervising and overseeing a specific function, event, or activity, including but not limited to Elders, Deacons, committee chairs, youth advisors, teachers, and caregivers (such as Stephen Ministers and Parish Visitors).

Neglect means failure to provide the proper or necessary environment and support necessary for a child's or youth's well being by those responsible for the care, custody, and control of that individual.

Parent or Guardian means any parent, stepparent, foster parent, grandparent or appointed guardian who has the general responsibility for the health, education, or welfare of a child or youth.

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Report is the communication of an allegation of abuse, harassment, or neglect to the Church Staff person responsible for the activity, or that person's immediate supervisor.

Sexual abuse of another person is any offense involving sexual conduct in relation to:

1. Any person under the age of eighteen years or any one over the age of eighteen years without mental capacity to consent, or
2. Any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's status or involvement in the life of the Church;
2. Submission to or rejection of such conduct by an individual is used as the basis for leadership decisions affecting such individual; or
3. Such conduct creates an intimidating, hostile, or offensive working environment.

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ST. MARK SEXUAL MISCONDUCT POLICY AND PROCEDURES (as of 4/20/98)

At St. Mark Presbyterian Church we believe that Scripture and our faith in Jesus Christ calls us to standards of responsible conduct in all of life, including sexual behavior. Human sexuality is an integral part of who we are as persons. However, it can become the basis for oppression, where trust relationships are breached and persons are abused. Sexual misconduct is a violation not only of the principles set forth in Scripture, but also of the ministerial employment and professional relationship, and as such is never permissible.

Purposes of Policy

1. To prevent and eliminate sexual misconduct within St Mark Presbyterian Church.
2. To safeguard the Church's members and staff from abuse through any form of sexual misconduct.
3. To seek justice by assuring effectiveness of the Church's administrative, investigative, and judicial process in determining truth, protecting the innocent, and dealing appropriately with those who victimize others.
4. To promote proper healing of all persons and congregations where sexual misconduct has occurred.

Definition

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 mental capacity to consent, or
2. Any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position (D-10.0401a)

Sexual harassment is defined as follows: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in the Church;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. 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 based on the declared judgment of the affected individual.

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Sexual misconduct is the comprehensive term used in this policy to include:

1. Child sexual abuse,
2. Sexual harassment,
3. Rape or sexual contact by force, threat, or intimidation,
4. Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another, or
5. Sexual malfeasance.

Sexual malfeasance is defined as sexual conduct within a ministerial (e.g. clergy with a member of the congregation) or professional relationship (e.g. counselor with a client, lay employee with a Church member, presbytery executive with a committee member who may be a lay person, a minister, or an elder). Sexual conduct includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of sexual nature.

Prevention

1. All ministers and employees of St. Mark Presbyterian Church are required to sign a written acknowledgment indicating that they have received a copy of this Sexual Misconduct Policy. (See Attachments G-1) Such acknowledgment will be kept in the person's personnel file.
2. It is the policy of St. Mark Presbyterian Church that all employees other than ministers complete the Employment Application. (Appendix E)
3. The Personnel Committee is responsible for contacting references for prospective employees. (See Attachment G-2)
4. St. Mark Presbyterian Church, all its committees and other entities will adhere to this policy, including its standards, procedures, and practices.
5. This policy shall be distributed to all ministers, employees, and chairpersons of committees of St. Mark Presbyterian Church. The policy shall be made available to all persons who accuse others of misconduct as well as those accused of misconduct.

Receiving Initial Reports and Subsequent Reporting

Reports of sexual misconduct will occur in a variety of ways. Because St. Mark cannot control to whom the accuser of sexual misconduct will speak first, it is important that officers, employees, and persons highly visible to Church members and visitors understand how reports of incidents are channeled to the proper person.

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Reports of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the accuser, the accused, and of St. Mark. Reports 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 accuser or the accused. If the accuser 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 St. Mark be unable to respond because no one is able to give firsthand information.

The person receiving the initial report of sexual misconduct from the accuser shall immediately inform one of the Pastors, the Director of the Claymont Preschool at St. Mark, the Director of Youth, the Christian Education Coordinator, or the Personnel Committee Chairperson.

Tasks Necessary to Resolve the Problem

The person who is notified of an alleged instance of sexual misconduct, if not the Personnel Committee Chairperson, shall immediately notify the Chairperson of the allegation. The chairperson shall immediately:

1. Determine whether a problem exists, on the basis of the facts alleged and of which he or she has knowledge (but without the investigation);
2. Obtain outside (not a member of the St. Mark Congregation) legal counsel and initiate further investigation by a Response Team Committee, if warranted.
3. Required reporting: i) notify the insurance carrier; ii) insure that the provisions of Section 210.115 of the Missouri Revised Statutes have been complied with.
4. Contact with the accuser and/or alleged victims and family: i) meeting their needs (i.e., counseling, advocacy); ii) interviews in relation to the investigation.
5. Contact with the accused and family: i) meeting his/her needs (i.e., counseling, advocacy); ii) interviews in relation to the investigation.
6. Contact with the Session and congregation (if congregation is involved), based on need-to-know decisions, in order to help the Session and congregation survive.
7. Contact with the Presbytery (if the individual involves a Pastor then the Presbytery should assume responsibility for resolving the matter; however, unless both parties are Pastors in which case the entire situation is a Presbytery matter, the Chair of the Personnel Committee shall communicate with the presbytery to ensure that the matter is resolved to the satisfaction of the Session regarding the St. Mark party allegedly involved in the incident with the applicable Pastor.
8. Contact with others affected.

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9. The Chair of the Personnel Committee on the recommendation of the St. Mark retained legal counsel and/or Response Team present to the Session an assessment of the alleged incident together with recommended action for the Session's consideration.
10. Once the Session has approved a course of action, the Chair of the Personnel Committee should oversee the implementation of the Session agreed upon action.

Response

With the guidance of the references below, a timely response will be made.

References

1. A Policy and Procedures on Sexual Misconduct, Presbytery of Giddings-Lovejoy, @ dated January 24, 1998. This document will be used to provide guidance to St. Mark in responding to allegations of sexual misconduct. This policy and procedures document is available for review upon request to the St. Mark Church office.
2. The National Child Protection Act of 1993. This law addresses the issue of abuse and molestation in child care institutions, including Churches. The responsibility for establishing a safe place for children is established by law as a duty with clearly defined standards.
3. Section 210.115 of the Missouri Revised Statutes. This law specifies State of Missouri reporting requirements in cases of alleged child abuse.

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St. Mark Presbyterian Church

Substance Abuse Policy and Procedures

We at St. Mark Presbyterian Church (SMPC) believe that Scripture and faith in Jesus Christ call us to standards of responsible conduct in all of life. Illegal use of drugs and excessive or inappropriate use of alcohol can destroy trust and respect that is necessary in all working relationships, both within and outside of the church environment.

This policy applies to all employees of SMPC. *In addition, all church officers and those in volunteer positions should be familiar with and comply with this policy.* It is the policy of the church to respect an employee's right of privacy. The church also recognizes that alcohol and drug addiction are treatable illnesses. The treatment of such illnesses, however, greatly depends on the willingness of the affected individual to undergo treatment. Because the church is committed to the health and safety of its employees and others who are on church premises, it is the policy of SMPC to promote a drug free workplace and to preclude church employees from reporting to work under the influence of or impaired by alcohol. This drug and alcohol substance abuse policy and the testing program described below were developed to promote both policy goals.

PROHIBITED CONDUCT: This policy (a) restricts certain items and substances from being brought on or being present on church property, including its parking areas and vehicles and (b) prohibits St. Mark's employees from reporting to work, working, or being present on church property, regardless of whether on duty, from having detectable levels or identifiable trace quantities of certain drugs and other substances. While the church recognizes that certain employees are required to engage in business-related activities away from church premises and that in certain situations alcohol may be present, in these situations, St. Mark's expects its employees to adhere to the highest standards of professionalism and refrain from excessive or inappropriate use of alcohol while engaged in such off premises business-related activities. Illegal drugs are always prohibited whether the employee is conducting church-related activities on or off church property. It is the intent of St. Mark's to encourage and assist employees in treatment and rehabilitation where appropriate. Notwithstanding the foregoing, any SMPC employee who violates this policy will be subject to disciplinary action, up to and including discharge.

In order to achieve the stated policy goals, SMPC prohibits the following conduct:

- The use, possession, sale, transfer or storage of an illegal drug or drug paraphernalia is prohibited on church property or while on church business. Further, no employee may work while under the influence of any drugs or substances that will affect his or her safety, work ability, alertness, coordination or judgment or the safety of others on the job.
- The use, possession, sale, transfer or storage of alcoholic beverages on church property is prohibited except when part of an event sanctioned by SMPC. No employee may work while under the influence of or impaired by alcohol. The use or possession on church property of alcoholic beverages of any type, by persons under the legal drinking age is expressly prohibited.

Use of *prescription drugs* is not prohibited, subject to the following conditions:

- (a) The drugs have been prescribed by an authorized medical practitioner for current use (within the past 12 months) for the person in possession of the drugs.
- (b) SMPC reserves the right to consult with a medical doctor to determine if a drug or medication (prescription or non-prescription) produces hazardous or non-safe effects and may restrict the use of any such drug or medication accordingly on church property. The church also reserves the right to require an employee to undergo a fitness for duty medical examination by a physician, of the church's choosing at the church's expense and to restrict or alter the individual's work activity or presence at the work site.
- (c) An employee who is taking prescribed controlled drugs or over-the-counter drugs that may adversely affect his or her job performance should notify his or her supervisor of the fact. SMPC may place the employee on a temporary leave of absence if it is in the best interest of the employee, co-workers or the church.

DRUG TESTING

(a) **Post-Offer/Pre-Employment Drug Screening:** All applicants for employment or reemployment will be informed in writing of this SMPC Substance

Abuse Policy and Procedures and will be required to undergo a drug screen test if he or she is offered employment prior to starting work. The applicant will be requested to sign an “informed consent” form for such substance abuse testing. This form will include a notice that the test results will be provided to SMPC.

Any applicant that fails to consent to a substance abuse test or has a confirmed positive drug test will not be considered for employment at SMPC and will have the job offer immediately withdrawn.

Applicant screening tests will be performed in accordance with approved laboratory procedures. SMPC will preserve the confidentiality of the test results.

(b) **Post-Accident Drug Testing for Reasonable Cause**: SMPC will require substance abuse testing, including breath alcohol testing, after there has been an accident on church property or in pursuit of church business under any of the following circumstances:

- The employee is responsible for or involved in an accident where there is no reasonable explanation as to the cause. “Accident” means any incident involving property damage, physical injury or near miss.
- The employee is involved in a second accident in a twelve-month period if the accidents required outside medical treatment and appear to have been caused by negligence or carelessness.

Following the accident, the employee will be required to sign an “informed consent” form for substance abuse testing. This form will include a notice that the test results will be provided to SMPC. Failure to sign the form and submit to substance abuse testing will be deemed an act of insubordination, subjecting the employee to discharge.

An employee who is found to have a confirmed positive test result for drugs or alcohol will be referred to a qualified counseling and treatment program. The cost and expense of such referral will be the sole responsibility of the employee, subject to such benefits as may be provided by the church’s health insurance program.

An employee who accepts referral to and participates in a qualified counseling and treatment program will be given a medical leave of absence. Following successful treatment and rehabilitation, the employee will be restored to his or her former position. Rehabilitation will be offered only once during the

employee's term of employment. Such employee will be re-tested at periodic intervals for a period of one year. If a confirmed positive test result is obtained during any such re-test, such result will indicate the employee's lack of interest in rehabilitation, and the employee will be subject to immediate discharge. An employee who volunteers for treatment and rehabilitation (versus referral by the church) is *not* subject to this re-testing provision.

An employee who fails to complete a treatment program successfully, or who refuses to participate in such program, will be subject to immediate discharge for cause. An employee who volunteers for treatment and rehabilitation (versus referral by the church) is not subject to this provision.

(c) **Situational or "For Cause" Testing:** SMPC may perform situational or suspect testing of an employee where there is reasonable cause to believe that the employee is engaged in substance abuse. Such screening is not meant to single out any employee. SMPC recognizes that specific manifestations of drug and alcohol use vary with the individual and the substance involved and will perform situational testing based on observable facts. Such screening will be based on objective manifestations of performance or impairment, including but not limited to the following:

- The employee exhibits sharp behavioral changes or appears intoxicated, confused or uncoordinated.
- The employee evidences marked personality changes or shows obvious irrational behavior.
- When there is a reasonable basis to believe that the employee may be under the influence of, or impaired by, alcohol or drugs.

(d) **Laboratory and Notification Procedures:** When a test is to be performed, the laboratory or medical center will exercise the care necessary to assure accurate results and to maintain proper "chain of custody" of the samples taken. The authorized laboratory will be testing for at least the following substances: amphetamine, marijuana, cocaine, opiates (including prescription narcotics such as oxycodone, hydrocodone and codeine) and phencyclidine (PCP). SMPC may also, at its sole discretion, authorize tests for additional substances such as methadone (e.g., Dolophine), barbiturates (e.g., Seconal), benzodiazepine (e.g., Valium, Xanax), methaqualone (e.g., Quaalude, Sopor), propoxyphene (e.g., Darvon, Darvocet) and oxycodone (e.g., OxyContin, Percocet). In addition, each sample will be measured for specific gravity, pH and creatinine for evidence of

tampering. Any sample outside of acceptable limits will require a re-test under observed conditions.

Any employee receiving a confirmed positive test result will be notified directly by the appropriate testing facility staff person. The employee has the right to consult with personnel at the testing facility for technical information regarding prescription and nonprescription drugs and may challenge the results of the test at his or her own expense. If the challenge is successful, the employee will be reimbursed for reasonable costs associated with the challenge. If the employee's challenge is unsatisfactory, the positive test results will be reported to SMPC.

All positive test results will be confirmed by a different laboratory procedure, specifically identifying the substance in question, to eliminate the risk of false positive results. No final disciplinary action will be taken until the positive results of a confirmation test have been established. At the employee's request, a "split sample" will be provided to the employee for independent testing at the sole expense of the employee.

All employees are expected to cooperate with any investigation regarding this policy. Failure to cooperate, providing false information or omitting information may subject any employee to disciplinary action up to and including termination of employment. SMPC may, at its discretion, take into custody any illegal, unauthorized, or prohibited items or substances and may turn them over to the proper law enforcement agencies.

This policy, like other church policies, is subject to change without notice.

St. Mark Presbyterian Church

STAFF AND VOLUNTEER ACKNOWLEDGMENT OF RECEIPT
OF
SEXUAL MISCONDUCT AND SUBSTANCE ABUSE POLICIES AND PROCEDURES

I hereby acknowledge that I have received a copy of the following documents from St. Mark Presbyterian Church:

- (1) Sexual Misconduct Policy and Procedures
- (2) Excerpt from St. Mark Presbyterian Church Personnel Policy titled "Sexual Misconduct and Abuse"
- (3) Substance Abuse Policy and Procedures

By my signature below, I confirm that I have read the aforementioned documents, that I understand the contents of the documents and this acknowledgment, and that I agree to conduct myself in a manner consistent with the policies and procedures contained in the documents.

I agree that a reproduced or facsimile copy of this acknowledgment has the same force and effect as the original.

Signature

Printed Name

Date

Received by:

Date