

**POLICIES ON CHILD/YOUTH PROTECTION, SEXUAL MISCONDUCT,  
AND BACKGROUND CHECKS**

**FIRST PRESBYTERIAN CHURCH OF KATONAH, NEW YORK**

Approved by the Session: 1-23-14; Amended: 12-16-14, 2-17-15, 3-17-15, 9-20-16, 11-15-16, 12-20-16, 5-15-18, 10-16-18, 9-17-19

**INTRODUCTION**

The First Presbyterian Church of Katonah, New York, (KPC) is a Christian community, which takes seriously its responsibility to provide a safe work environment for all staff and a safe and nurturing environment for the entire congregation. God calls the church and its members to justice, which requires us, among other things, to provide an environment free from fear, intimidation, and abuse. The following policies reflect the commitment of KPC to provide a safe environment for all children, youth, staff and volunteers who participate in church-sponsored ministries and programs and to exercise appropriate diligence and oversight. The existence of these policies will be communicated annually to the staff and congregation and a copy will be provided to anyone who requests it.

**POLICY ON CHILD/YOUTH PROTECTION**

The purpose of the KPC's Sunday School and Youth programs is to "Make God's Love Visible" through spiritual renewal, learning and outreach. Christian education is at the heart of our church. It is our goal to provide a happy and safe environment for all children and youth at all times. Nothing in this policy is intended to preclude youth programming related to sexuality education or other related topics.

**POLICY OVERVIEW**

It shall be the policy of KPC to provide an educational and spiritual environment that shall be free from all forms of abuse and/or misconduct, and that will safeguard the physical, mental, and emotional wellbeing of all individuals in the Christian Education program. It is expected that the entire staff shall set an example for the children and youth by acting in ways that reflect maturity, discretion, and respect for other people. Members of the church staff, paid or unpaid, are accorded trust and respect by their position; therefore, they exercise power in the lives of the students. Since the power relationship between a staff person and a student is not equal, a student is especially vulnerable to the misuse of power by an adult for their own gratification.

**Prevention is the Goal of this Policy**

Prevention is the goal of this policy; therefore, all staff shall be vigilant in protecting the physical needs of the students, as well as the emotional needs.

**Physical Contact**

Staff shall remember the normal growth and development of children. Infants and two year olds require much more physical assistance and affection than older children. All staff must realize that parents are free to observe the classrooms at any time. All staff shall take deliberate care to avoid any intentional or unintentional **physical contact** with students, which may be construed as sexual in nature. Students are individuals and may perceive physical touch in different ways. Touching can be perceived as good, bad, or confusing. It is not the perception of the student which determines good, bad, or confusing touches. Students who have a history of being abused may misunderstand sexual touching as good, when it is, according to this policy, and by law, not healthy, acceptable or appropriate.

1. Above all else, use common sense.
2. Think before you act or speak.
3. Hugs are an important part of the youngest child's experience; therefore, do them appropriately and in public.
4. Hug a student in plain view of other staff and students. Avoid all occasions which may put you alone with a solitary student.
5. Students should be met at their eye level by the staff member bending down or sitting.
6. A crying student may be held by a staff member.

### **Inappropriate Physical Contact**

1. Physical affection shall not be given when there is only one staff member present.
2. A student shall never be touched in the area between the chest and the knees by any staff member.
3. Corporal punishment shall never be given by a staff member.

### **DEFINITION OF TERMS**

1. **Child/Youth:** Any person under 18 years of age or at-risk adults 18 and older who are particularly vulnerable due to limited mental function.
2. **Sexually abusive behavior:** inappropriate touching or bodily contact, sexual acts, voyeurism, use of pornographic materials, or exhibitionism. Abuse can occur between 2 children, even if a child cooperates out of ignorance, innocence or fear.
3. **Physical abuse:** the willful hitting or inflicting injury to another person, especially as a matter of discipline, or in anger, or for personal gratification.
4. **Neglect of students:** failure to provide adequate supervision at all times, failure to provide a safe environment, failure to provide treatment for injuries or illness within a reasonable length of time.
5. **Emotional abuse:** includes verbal abuse, negative behavior, humiliation, gender discounting, sexism, ostracizing, ridicule, harassment, and profane or provocative language.

### **DEFINITIONS OF STAFF**

1. **Paid Staff:** This would include, but not be limited to, the Pastor(s), Church Administrator, Music Minister, Youth Minister, Pastoral interns, and Custodians.
2. **Unpaid Staff:** Current members of the Session and Board of Deacons, Stephen Ministers, teachers, teacher assistants 18 years of age and over, and youth leaders.

### **POLICIES FOR ANY AND ALL CHURCH OPERATED PROGRAMS AND ACTIVITIES INVOLVING CHILDREN AND YOUTH**

#### **Selection and Training of Unpaid Staff**

1. KPC shall conduct background checks and verification of social security numbers on all current and potential paid and unpaid staff, 18 and over, who work with children and youth as well as adults participating in overnight events of 48 hours or longer.
2. Any person who is known to have been convicted of, pled guilty or no contest to, or is presently under indictment for a crime against children or youth shall not be placed in a position involving access to children or youth.
3. Ordinarily, unpaid staff will have been Active Members of KPC for at least 6 months, or involved in the congregation for at least 1 year.
4. The Christian Education Committee or staff shall review these policies with the teaching staff and youth leaders in the first month of the new church school year or before summer programs begin.
5. During the training of new officers and Stephen Ministers, this policy and the *Policy on Sexual Misconduct* shall be reviewed by the Personnel Committee or designee. Once completed, the new officers and Stephen Ministers shall sign the *Acknowledgement of Receipt of Policy on Child/Youth Protection* and *Policy on Sexual Misconduct*.
6. At least annually, these policies shall be reviewed by the Personnel Committee or designee with the Session, Board of Deacons and Stephen Ministers with the review recorded in the Session minutes.
7. Teachers or others working with children and youth are required to receive training in child protection issues prior to working with children, and to renew that training once every three years. Our selected training is through the Boy Scouts of America (BSA) Internet Youth Protection Course though an equivalent program might also be acceptable.

#### **Parent Responsibilities**

1. Parents/guardians shall complete a Sunday School *Registration Form* for any child or youth who is participating in a Christian education activity.
2. Parents must advise the teacher if it is necessary for a child to leave before the scheduled end of an event.
3. Any time a child or youth leaves church property for any kind of field trip, either in an auto or other

means, the parents are required to sign a *Permission Form*.

4. Parents are responsible for all transportation of children and youth to church events off site, unless otherwise arranged by the church.
5. It is the responsibility of the parents to supervise their child at church when the children are not participating in a church related activity.

### **SUPERVISION OF CHILDREN AND YOUTH**

1. During class, teachers will not allow children through third grade to leave the classroom without an adult or classroom assistant.
2. When helping a young child in the bathroom, the bathroom doors will be open at all times.
3. In addition to the teachers and assistants assigned to each room, a floater will be available at all times to provide support as needed and to fulfill the requirements of a second adult throughout this policy.
4. Children through fifth grade will be released from Sunday School only to the child's parents, legal guardian, or person authorized on the registration form.
5. Children/Youth will not be released before the scheduled end of other events without permission. If for any reason a child must leave the program without a prior permission, a parent or authorized guardian will be contacted.
6. Except for Sunday School (see #3), every effort will be made to have two adults present for all activities involving children and youth, at least one of whom will be a minimum of five years older than those being supervised.
7. When a leader and youth are meeting one-on-one for conversation, the meeting should occur in a public place.
8. Rooms and areas used for activities for children and youths shall be made as visible as possible. Doors shall have an unobstructed viewing window. Where there is no window, the door will remain open.
9. Any electronic communication from an adult in our CE or Music programs, to a child or youth, must be copied to the parent or another adult in the program.
10. At the start of the Sunday school year, the teachers of the Middle School class and Bibles and Bagels will review our policy (p.5, under Misuse of technology) on the inappropriate use of technology on church grounds.
11. A written record of the names of those attending any CE activities (adults and children/youth) and signed permission slips of all who take part shall be kept for that school year.
12. Anyone who drives children or youth must adhere to the following:
  - a. They shall be at least 25 years of age.
  - b. They shall provide copies of their current driver's license, car registration, and proof of insurance.
  - c. They shall sign a *Driver Acknowledge Form*.
  - d. At least 2 children/youth must accompany each driver.
13. When children or youth attend overnight events, they shall be accompanied by at least two adults, both of whom are at least 21 years of age, at least five years older than those whom they are supervising, and not be related to each other unless other adults are present. The usual standard for larger groups is 1 adult for 6 children/youth. At least one leader shall be present for each gender represented on an overnight event.
14. Any injury or illness that takes place while a child or youth is participating in a Christian education activity shall be reported to the parent and if warranted, a written report (*Accident/Illness Report Form A*) will be filed with the Pastor or Clerk of Session.

### **PROCEDURES FOR REPORTING POSSIBLE ABUSE**

In accordance with G-4.0302 of the *Book of Order*, "any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably

believes that there is risk of future physical harm or abuse."

## **REPORTING AND RESPONDING TO ALLEGATIONS OF SEXUAL AND/OR PHYSICAL ABUSE OR PARENTAL NEGLECT**

Church employees, ordained officers (i.e.: Elders, Deacons), Trustees, and all volunteers working with children, are required to immediately report (within 24 hours) any situation where there is reasonable cause to suggest that a child may have been abused in any form.

1. If child abuse, sexual abuse, or maltreatment by anyone (including the Pastors or any ordained minister), is reported or suspected, the person making or receiving the complaint must report it immediately to the Clerk of Session and appropriate civil authorities (see #3 below).
2. If it is not possible for any reason to contact the Clerk (e.g. s/he is unavailable) or the Clerk is the accused, notify the Pastor. If that too is not possible, then notify the Chair and/or Vice-chair of Personnel. The Pastor must also be notified, as long as s/he is not the accused.
3. Using the *Incident Report* (Form B) as a guide, the person making or receiving the complaint along with the Clerk of Session will contact the civil authorities together by calling the New York State Child Protection Hotline (1-800-342-3720; <http://ocfs.ny.gov/main/cps>). (The clerk and complainant together should first determine whether the complainant is a mandated reporter or voluntary reporter under New York State Law. <http://www.nysmandatedreporter.org>) Depending upon their location they will make the call together on speakerphone (available in church offices) or by using an extension telephone.
4. In addition, the Clerk or other appropriate authority, i.e. Pastor(s) or Personnel Chair, will report the action to the child's parent or guardian (providing this will not put the child in jeopardy for additional abuse) as well as the Stated Clerk of the Presbytery of Hudson River.

## **CONSEQUENCES AND ADDITIONAL ACTION**

1. When a child is in immediate danger, if possible, secure the safety of the child first.
2. The accused person, whether staff or volunteer, may not participate in any activities involving children and youth, until the investigation by civil and/or ecclesiastical authorities is completed and the accused is exonerated.
3. The identity of the accuser and the accused must be kept confidential. The report or the suspected incident may only be referred to and discussed with the authorized people listed above under **REPORTING AND RESPONDING TO ALLEGATIONS OF SEXUAL AND/OR PHYSICAL ABUSE OR PARENTAL NEGLECT**.

**Phone number of Child Protective Services: (1-800-342-3720)**

## **REPORTING AND RESPONDING TO ALLEGATIONS OF EMOTIONAL ABUSE**

If there is a suspicion of this type of abuse, as defined by this policy, the following steps shall be taken:

1. The person with this suspicion shall immediately report it to either the leader of the church activity, the Pastor or the Clerk of Session. If the report goes to the leader, the leader must immediately report this information to the Pastor or Clerk of Session who, in turn, immediately contact the other.
2. If the accused is a paid member of the church staff, the Personnel Committee shall make a recommendation to the Session on how to proceed.
3. If the accused is a member of the congregation, the Pastor and the Clerk of Session shall determine how to proceed. They and the Session will be bound in its procedure by the *Rules of Discipline* contained in the *Book of Order*.
4. The Pastor and the Clerk of Session shall recommend to the Session what, if any, appropriate information needs to be provided to the congregation and who is to provide it.
5. The Pastor will provide appropriate pastoral care and support to all involved.

## **POLICY ON ADULT WITH ADULT SEXUAL MISCONDUCT**

The basic principles of conduct guiding this policy are as follows:

1. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. It breaks the covenant to act in the best interests of parishioners, clients, co-workers, and students.
2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relation to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, it is the pastor's, counselor's, officer's, or supervisor's responsibility to maintain the appropriate role and prohibit a sexual relationship.
3. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

### **DEFINITION OF SEXUAL MISCONDUCT**

"Sexual Misconduct" is defined as:

1. **Child Sexual Abuse:** Child Sexual Abuse is behavior that includes, but is not limited to: (a) any sexual contact or sexual interaction between a child (under the age of eighteen years or at-risk adults 18 and older who are particularly vulnerable due to limited mental function) and an adult; (b) any use of a child for the sexual stimulation of an adult, a third person, or the child; (c) any inappropriate or unwelcomed jokes, innuendo, visual contact, casual touch, hugs and kisses, or sexually suggestive pictures presented by an adult to a child, as deemed inappropriate by any reasonable adult. Sexual behavior between a child and an adult is always considered abuse. (see also *Policy on Child/Youth Protection*)
2. **Sexual Harassment:** 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; or (d.) an individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit persons of any gender.
3. **Rape or sexual contact by force, threat, or intimidation.**
4. **Sexual Conduct:** Sexual Conduct is conduct of a sexual nature that is offensive or injurious to the physical or emotional health of another. Examples of Sexual Conduct includes but is not limited to offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome or inappropriate touching or fondling, possession on church property of pornographic or sexually graphic materials, or accessing pornographic or sexually graphic web sites on church property.
5. **Sexual Malfeasance:** Sexual Malfeasance is defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship.
6. **Misuse of technology:** use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

## SELECTION AND TRAINING OF NON-PASTORAL STAFF, OFFICERS AND UNPAID STAFF

**Note:** All ordained pastoral staff are screened by the presbytery for any past sexual misconduct either sustained or pending and are required to abide by the presbytery's *Clergy Sexual Misconduct Policy*.

### **Paid Staff:**

1. As part of the hiring process of all paid staff, the Session, through its Personnel Committee, will state in all its position descriptions that KPC has this policy to which all employees must comply.
2. The Personnel Committee chair or designee shall conduct, before regular employment, a criminal background check with special regard to allegations of sexual misconduct and abuse.
3. The Personnel Committee or designee, shall present and review this policy and the *Policy on Child/Youth Protection* to all new paid staff upon employment and shall provide an annual review thereafter. New paid staff shall be required to sign the *Acknowledgement of Receipt of Policy on Child/Youth Protection* and *Policy on Sexual Misconduct* form (see appendix).

### **Unpaid Staff (all members of the Session, Board of Deacons and active Stephen Ministers):**

1. All unpaid staff, 18 years of age and over, shall have a background check performed.
2. During the training of new officers and Stephen Ministers, this policy and the *Policy on Child/Youth Protection* shall be reviewed by the Pastor and/or or designee. Once completed, the new officers and Stephen Ministers shall sign the *Acknowledgement of Receipt of Policy on Child/Youth Protection* and *Policy on Sexual Misconduct* form (see appendix).
3. At least annually, these policies shall be reviewed by the Pastor/Head of Staff and/or designee with all current unpaid staff with the review recorded in the Session minutes.

## INITIAL REPORTING OF SUSPICIOUS ACTIVITY

Any suspicious activity of the kind described here as sexual misconduct must be reported immediately. **If any party is a child or youth, then the *Policy on Child/Youth Protection* shall be followed. If the allegation is against a pastor, the presbytery's General Presbyter and Stated Clerk shall be contacted immediately; presbytery's policy shall govern the process from here on with pastors and not this policy. Rape or sexual assault is a crime in every state and should be reported to the civil authorities and to the Stated Clerk of the Presbytery.**

In all other cases, the following steps shall be followed.

1. The report shall be made to one or more of the following:
  - a. Pastor
  - b. Clerk of Session, unless the accused is a member of the paid staff in which case the report goes to the Personnel Committee chair
  - c. Officer (member of Session or the Board of Deacons)
2. The initial person making the report of abuse or suspicious activity shall be asked to document details in writing immediately using the *Incident Report* (Form B). If this is not possible, one of the above persons to whom the report was made shall do so.
3. The person receiving the initial report of suspicious activity shall report it immediately to the Pastor, who shall immediately inform the Clerk of Session, presbytery's Stated Clerk and, if deemed wise by two of the three aforementioned, church legal counsel.
4. The Pastor and the Clerk of Session/Personnel Committee chair (or another member of Session/Personnel Committee chosen by the Clerk/chair if the Clerk/chair and Pastor are of the same gender) shall investigate by interviewing, as soon as possible, all appropriate persons, including the accused, taking seriously all allegations, striving to be sensitive and protective of both victim and accused, and documenting what, when, where, and how, and the date, time, and circumstances under which the report was made to determine whether further action should be taken.
5. The accused shall refrain from all activities where this misconduct allegedly occurred while the investigation is pending. Care should be taken to handle this in a discreet manner, recognizing that an investigation is still being conducted.
6. If after investigating the reported circumstances, the Pastor and the Clerk of Session/Personnel Committee chair (or designee) determines that there is reasonable cause to suspect Sexual Misconduct, as defined by

this policy, further action shall be taken as described in the section entitled "Responding to Allegations of Sexual Misconduct."

7. If no reasonable cause is determined, the Pastor and the Clerk of Session/Personnel Committee chair (or designee) making this decision will have the option to recommend another appropriate action, e.g., further education on the policy or reconciliation where appropriate.
8. If anyone is not satisfied with the outcome, they have the right to appeal using the process found in the *Rules of Discipline* contained in the *Book of Order*.

## **RESPONDING TO ALLEGATIONS OF SEXUAL MISCONDUCT**

If it is determined that there is reasonable cause to suspect Sexual Misconduct as defined by this policy, the following steps shall be taken, all in accordance with the *Rules of Discipline* contained in the *Book of Order*:

1. If the accused is a paid member of the church staff, the Personnel Committee shall make a recommendation to the Session on how to proceed.
2. If the accused is a member of the congregation, the Pastor and the Clerk of Session shall make a recommendation to the Session on how to proceed.
3. The Pastor and the Clerk of Session shall recommend to the Session what, if any, appropriate information needs to be provided to the congregation and who is to provide it.
4. The Pastor will provide appropriate pastoral care and support to all involved.

## **POLICY ON BACKGROUND CHECKS**

1. Scope of this policy:
  - a. KPC will conduct criminal background checks and verification of social security numbers as part of the clearance process for all current and potential teachers or leaders in the life of the church, including but not limited, to paid staff, members of Session and the Board of Deacons, 18 years of age and over, Stephen Ministers, teachers, teaching assistants, 18 years of age and over, and volunteers involved with the youth.
  - b. The check is performed by a private intelligence firm (Intellicorp), which will access any misdemeanor and felony convictions including the nationwide sex offender registry.
2. Process:
  - a. KPC's Personnel Committee shall utilize an experienced firm (Intellicorp) to conduct these confidential checks in a timely manner.
  - b. The expense of the background checks shall be part of the Administrative budget.
  - c. This policy and its requirement shall be communicated to all potential applicants.
3. Procedure:
  - a. Each involved person will be asked to complete and sign a consent and release form to authorize a background check.
  - b. The form will go to the designee of the Personnel Committee who is authorized by the committee to conduct the background check.
  - c. The designee shall report back to the appropriate leaders whether or not a person has been cleared.
  - d. Any reviewed person who believes that the information in the report is inaccurate, misleading, false or incomplete shall have the right to dispute it with the Personnel Committee.
  - e. Should an otherwise qualified applicant be unwilling to sign a release or provide the information necessary to conduct the review, a procedure is on file and is approved by Session.
  - f. All paid staff must undergo a traditional background check, without exception.
  - g. These reports shall be kept confidential; once cleared, a record of the completed check will be logged.

# FIRST PRESBYTERIAN CHURCH

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REV. DR. JACK CABANESS, PASTOR

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Reflecting God's Love and Making it Visible

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**Acknowledgement of Receipt of  
*Policy on Child/Youth Protection*  
and  
*Policy on Sexual Misconduct***

I hereby acknowledge that I received a copy of both the ***Policy on Child/Youth Protection*** and ***Policy on Sexual Misconduct*** of the First Presbyterian Church of Katonah and that I have read and discussed the Policies, understand their meaning, and agree to conduct myself in accordance with the Policies.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please PRINT name

\_\_\_\_\_  
Date