

Genesis Conference
Risk Management Task Force
Policy on Sexual Misconduct Toward Children and Adults

Introduction

Welcome to the Genesis Conference's Risk Management Task Force Sexual Misconduct Prevention Policy. This policy has been created to provide resources to our local churches to assist them in establishing and performing effective Sexual Misconduct Prevention processes and policies. We have established this resource because the awareness of and prevalence of sexual misconduct issues in our culture has risen to new heights and so too have the stakes.

We desire that our churches and affiliated ministries be safe havens for all people who are drawn to them. This includes our children, teens and adults. The Genesis Conference requires that all of our churches and affiliated ministries establish effective sexual misconduct prevention policies and processes to ensure these safeguards. Toward this end, we are mandating that all churches demonstrate compliance with this policy. Resource materials to support the process are attached via clickable hyperlinks.

Background Information

There are currently two policy documents available that will help in the creation of your sexual misconduct prevention policy. In 1993, the Genesee Conference Board of Administration adopted a sexual misconduct prevention policy based on the denominational policy, to serve as a guideline for our churches in helping them to set up their own policies. This was a voluntary initiative and only a few of our churches set up such policies. As the risk management task force tackled this issue, and eventually created the 2008 policy, they came to realize that all of our churches must establish some form of sexual misconduct prevention process. Thus, in 2007, we drafted an updated policy complete with screening tools for conference personnel. **We are now requiring all of our churches to draft a sexual misconduct prevention policy and process, that includes at a minimum, the material found in the addendums to the Genesis Conference Policy on Sexual Misconduct Toward Children and Adults.**

We recommend that you refer to the 1993 and 2007 policies as starting points to setup a policy within your church. We recognize that while the 1993 policy is comprehensive, it is also a bit cumbersome, and so we expect that your policy will be tailored to fit the needs and capabilities of your congregation. For instance, you may find that many of the interview processes outlined in the 1993 policy may be easier accomplished through the screening process tools outlined in this policy. **At a very minimum, we are asking each church to review and setup their own policy to include the mandated screening process.**

Sexual Offenders in your church

It is highly likely that you will encounter convicted sexual offenders attending your church. Convicted sexual offenders are required to self-disclose, but don't always. We encourage our churches to find ways to minister redemptively to convicted sexual offenders. However, the presence

of convicted sexual offenders in your church can create very challenging and difficult situations. Please review the attached materials as you tailor your response. Quoting Christianity Today, “Not all sex offenses are the same...” Your church may find it necessary to be creative in ministering in this setting. The first priority is safeguarding our children and youth. Ministering to sexual offenders and involving them in volunteer ministry is complex and difficult. The appendix to this policy manual contains information from Church Law Today and Christianity Today. They provide useful guidelines and recommendations for safeguarding children and youth as well as ministering to sexual offenders. Church Law Today’s article “Sexual Offenders in the Church” is an excellent resource which provides additional information for dealing with and ministering to Sexual Offenders. Christianity Today’s “Integrating Sex Offenders at Church” provides some practical tips and guidelines for this crucial topic.

Genesis Conference Policy on Sexual Misconduct Toward Children and Adults

Core Values

Sexual misconduct is contrary to the principles and values which we hold as Free Methodists. Therefore, beyond any provision of law, sexual misconduct by personnel of the Genesis Conference of the Free Methodist Church of North America is totally inappropriate and unacceptable.

Definitions

Sexual misconduct is here defined as any sexual conduct which is civilly unlawful, e.g., sexual abuse, sexual exploitation, sexual harassment, and forced touching.

The word “conference” is meant to include all entities operating under the Superintendent of Genesis Conference, incorporated as conference, churches, camps, and schools.

“**Conference personnel**” means all those whose source of compensation is a conference entity, **and** those whose volunteer services are formally accepted by a conference entity.

Reporting Requirements

New York State Law provides reporting requirements for child abuse whether sexual abuse, physical non-accidental injury, or neglect. Conference personnel must comply with those legal requirements.

(In addition, conference personnel who have actual knowledge, or reasonable cause to suspect, that a child or an adult has been subject to sexual misconduct by conference personnel, must make an immediate report to the office of the Superintendent.)

Investigation and Response

Each reported incident will be investigated with a high level of confidentiality, as well as concern and care for alleged victims, alleged perpetrators, and others affected.

If there is reason to believe that the report may be true, pending the outcome of the internal and any external investigation, the alleged perpetrator, if compensated by the conference, will be placed on administrative leave; if a volunteer, services to the conference will be suspended. At the same time, there will be immediate outreach to alleged victims and others affected.

Personnel of the conference who admit to, do not contest, or are found guilty of sexual misconduct shall be subject to appropriate administrative or disciplinary action up to and including termination of employment and/or volunteer ministry duties.

Communication

Within the confines of respect for privacy, authorized conference representatives will deal as openly as possible with members of the community involved. Any media contact or inquiries will be addressed only by the Superintendent or his delegate.

False Accusation

In the case of false accusations or unsubstantiated claims, both civil and Free Methodist law provide penalties for defamation of character in which individuals become victims of calumny and detraction.

Screening Process

We recommend as a minimum, that all volunteers and staff, and volunteer/staff applicants be screened using the following Tier 1 and Tier 2 screening processes. They are free and provided access to sex offender registry database on both a national and state-wide basis. Tier 1 (family watch dog) provides basic level 2 and 3 screening. Tier 2 (State Attorney General Fax Line) provides Level 1, 2 and 3 offender screening.

Tier 1 – Level 2, 3 Internet Screening from public source databases. Family Watch Dog provides a basic free screening resource that provides a screening for any name, and/or state that you are interested in. It will provide a list of all individuals with the name that you supply. If you specify state, it will return a list of all individuals in the state with that name. Below is the process for performing the screening on www.familywatchdog.us

- I. Family Watchdog site. Open up an internet browser and type www.familywatchdog.us Locate the “Find Offenders” pain in the center of the webpage. Type in the last name, first name and select the state of the volunteer being screened. If there is a record in the sex offender registry database, the website will return a list of the possible “hits.”
- II. Click on the hyperlink provide in the listing to see a more expanded webpage including further information including picture, description, offense and a map of the person’s home address. Confirm that this is your volunteer.
- III. Document your search by printing the details of the search and then attaching to the volunteer applicant’s application and place in the volunteer’s file.
- IV. If there is no hit, or if the hit is a false positive, then indicate so, along with date of screening, on the volunteer’s application and place in the volunteer’s file.

Tier 2 – Level 1 State Attorney General Sex Offender Registry. The New York State Sex Offender Registry can be accessed by a fax line system. This system provides access to information on Level 1 offenders (not available over public internet sources). Place form 6 on your church letterhead and complete with the following information.

- I. On your church letterhead, place the following information:
 - a. Church name
 - b. Contact person’s name (requesting the screening)
 - c. Return phone # and fax # (must be a secured fax machine, not available for public use at the church or fax facility you are using).
 - d. List of all volunteers/staff to be screened, including the following information:
 - i. Complete name
 - ii. Date of birth
 - iii. Street address
 - iv. ss# (preferred), or driver license #

- II. Fax the list to 518-485-5805. The NYS Attorney General’s office will respond within a few days with annotations to your list. If there are “hits” on your list, the NYS AG’s office will indicate the level and nature of the offense. You can then call the NYS AG’s office at the number they supply to follow-up on any “hits” for further information.

Tier 3 – Lexis-Nexis - (\$6.50 per screening). This option is the most comprehensive option available. Request that the volunteer / potential paid staff complete form 5 and email to the NER Administrator at randy@nerfmc.com or fax to 585-486-3497.

Application

This policy applies to all conference personnel.

Forms

- Form 1: Report of Suspected Sexual Misconduct by Conference Personnel
- Form 2: Applicant’s Declaration and Acknowledgment of Policies
(for all Conference Employees and Volunteers)
- Form 3: Letter to Current Volunteers
- Form 4: General Policies About Information and Abuse
- Form 5: Volunteer Background Check – Disclosure and Authorization
- Form 6: New York Attorney General Sex Offender Registry Fax Form (yet to be finalized)

Appendix

- Appendix A: [Summary Guide for Mandated Reporters](#)
- Appendix B: [Summary of Your Rights Under the Fair Credit Reporting Act](#)
- Appendix C: Church Law & Tax Report: “Sex Offenders in the Church” *(see web page resources)*
- Appendix D: ChristianityToday.Com “Integrating Sex Offenders At Church” *(see web page resources)*

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(For Internal Use Only)

REPORT OF SUSPECTED SEXUAL MISCONDUCT
BY CONFERENCE PERSONNEL

Date of Report: _____

Reported by: Name / Title _____

Address _____

City/State/Zip _____

Telephone Number _____

Person Suspected of Misconduct: Name / Title _____

Address _____

City/State/Zip _____

Telephone Number _____

Alleged Victim: Name _____

Age _____ Sex _____

Address _____

City/State/Zip _____

Telephone Number _____

Genesis Conference
Free Methodist Church of North America

**APPLICANT'S DECLARATION AND ACKNOWLEDGMENT OF POLICIES
(FOR ALL GENESIS CONFERENCE EMPLOYEES AND VOLUNTEERS)**

1. I hereby declare under penalty of perjury, the following:
 - a. That I have never been convicted of crimes involving sexual misconduct, violence, or felonious drug use;
 - b. That I understand that my employment or volunteer service with the Genesis Conference is contingent upon the veracity of this declaration.

2. I acknowledge that I have received a copy of the *Policy on Sexual Misconduct of the Genesis Conference*, and that I have read and understood it, and agree to conduct myself in accordance with the policy.

3. I acknowledge that I have received a copy of the *General Policies About Information and Abuse (Form 4)*, and that I have read and understood it, and agree to conduct myself in accordance with the policy.

4. I acknowledge that I have completed a *Disclosure and Authorization* form authorizing the Genesis Conference to screen my background as a condition of employment or volunteer service.

5. I have read the *Summary Guide for Mandated Reporters* published by the New York State Office of Children and Family Services, and I understand the indicators of physical abuse, sexual abuse and maltreatment. I agree to promptly report suspected child abuse whenever I have reasonable cause for such suspicion, no matter who I suspect has caused the abuse. I will report my suspicions only to a Pastor or an Assistant Pastor..

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct and that if called to testify I would so state and competently testify thereto.

Executed on (_____) at (_____), New York
(Date) (City)

Full Name (print): x _____ x

Signature: x _____ x

Letter to Current Volunteer

Dear _____,

As part of our effort to maintain a safe environment to ensure the safety of all who work, worship, or participate in activities here at _____.

You are being asked to authorize a Volunteer Background Check.

This background check is merely for the purpose of establishing that you do not have a criminal record that would indicate you pose a threat to others. Please be assured that all information received through this process will be treated confidentially and accessed only by authorized personnel as permitted by applicable law and regulation.

Generally the background check will include:

- National Criminal File
- Sex Offender Registry Database

Along with this letter is the Volunteer Background Check Disclosure and Authorization form, which you have asked to complete and sign. Also attached is a copy of the Summary of Your Rights Under the Fair Credit Reporting Act.

Thank you for your cooperation.

**GENESIS CONFERENCE
OF THE FREE METHODIST CHURCH OF NORTH AMERICA**

To: All current and prospective professional staff, employees, volunteers, and agents

Re: General Policies about Information and Abuse

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The Conference needs professional staff, employees, volunteers, and agents. We much appreciate your desire to contribute.

We try to assign appropriate tasks to the people best suited to fill the needs of the Conference at any given time. We try to protect staff, employees, volunteers, agents, members, and visitors from exposure to certain risks. To accomplish those goals, we need to gather information about you.

We have certain policies in effect that you must be aware of and comply with. A brief description of some of those policies is printed below.

**General Policy Regarding Personal Information Gathering**

We will ask you to tell us about and to authorize us to obtain information about your criminal record. This may include checking federal, state, and local criminal records, and checking registries relating to sex offenses, domestic abuse, and child abuse.

Depending on the tasks that you may be involved in, we may ask you to authorize us to check your credit history, past or present employment records, or other records that could have some bearing on our decision to assign certain types of tasks to you.

**General Policy Regarding Abuse**

We will not tolerate any form of abuse by or against persons in our care or employ. This includes but is not limited to physical abuse, sexual abuse, child abuse or neglect, child exploitation, elder abuse, or any other abusive actions that violate the laws of the land or the civil rights of people.

**Policy Regarding Mandatory Reporting of Abuse**

We require current and prospective staff and volunteers and agents to report instances of suspected violence, sexual abuse, or other abuse that endangers the health or well being of persons in our employ or in our care. Those reports may give rise to criminal charges being brought against the responsible parties.

**General Policy Regarding Privacy**

The information that you disclose to us, or that we gather, will only be shared with Conference personnel who have a duty of confidentiality. The information will only be used for Conference purposes, except as set forth in our Policy Regarding Mandatory Reporting of Abuse.

**Definitions:** The following are reportable conditions:

- Physical abuse
- Sexual abuse
- Child exploitation, child pornography, and child prostitution
- Neglect
- Extreme corporal punishment resulting in injury
- Willful cruelty or unjustifiable punishment

**Who Reports:** The following individuals are legally mandated reporters:

- Child care custodians (“...certified pupil personnel employee of any public or private school; and administrators and employees of public or private youth centers, youth recreation programs, and youth organizations who have been trained in the duties imposed by this article...”)
- Health practitioners
- Commercial film or photographic print processors in specified instances
- Child Protective Agencies

**When to Report:** A telephone report must be made immediately when the reporter observes a child in his/her professional capacity or within the scope of his/her employment and has knowledge of, or has reasonable suspicion that the child has been abused. A written report, on a standard form, must be sent within 36 hours after the telephone report has been made.

**To Whom Do You Report:** In New York, reports should be called in to the ?????.

**Individual Responsibility:** Any individual who is named in the reporting law must report abuse. If the individual conferences with a superior and a decision is made that the superior file the report, one report is sufficient. However, if the superior disagrees, the individual with the original suspicion must report.

**Anonymous Reporting:** Mandated reporters are required to give their names. Non-mandated reporters may report anonymously. Child protective agencies are required to keep the mandated reporter’s names confidential, unless a court orders the information disclosed.

**Immunity:** Any legally mandated reporter has immunity when making a report. (In the event a civil suit is filed against a non-mandated reporter, reimbursement for fees incurred in the suit will not be borne by any entity of Genesis Conference.)

**Liability:** Legally mandated reporters can be criminally liable for failing to report suspected abuse. The penalty for this misdemeanor is up to six month in county jail, a fine of not more than \$1,000 or both. Mandated reporters can also be civilly liable for failure to report.

**Notification Regarding Abuse:** You are not legally required to notify the parents that you are making a report; however, it is often beneficial to let the parents know you are reporting for benefit of a future relationship.



