

APPENDIX A
FIRST CONGREGATIONAL CHURCH OF SAN JOSE
SAFE CHURCH POLICY CONCERNING ABUSE PREVENTION

Policy Prohibiting Assault, Exploitation and Harassment

First Congregational Church of San Jose (FCCSJ) is committed to creating and maintaining programs, facilities, and a community in which all people can work and worship in an atmosphere free from all forms of discrimination, harassment, exploitation or intimidation. All forms of abuse, assault, sexual exploitation, and harassment (whether sexual or non-sexual) are prohibited at FCCSJ. All ministers and program directors, staff, as well as volunteers, must adhere to the Safe Church Policy at all times.

Definitions

Authorized Minister: a person who holds ordained ministerial standing or has been commissioned or licensed by an Association of the United Church of Christ or region of the Christian Church (Disciples of Christ).

Child: any person under 18 years of age.

Lay Program Directors: any non-ordained staff member who is responsible for planning, and/or overseeing any programming. This includes, but is not limited to, programming related to church school, music, youth group, and nursery care.

Lay Program Staff: any non-ordained staff member who reports to a Lay Program Director or Authorized Minister and is responsible for implementing any programming. This includes, but is not limited to, programming related to church school, music, youth group, and nursery care.

Non-Sexual Harassment: harassment on the basis of race, color, sex (including pregnancy, childbirth, and related medical conditions), marital status, national origin, citizenship, religion, age, ancestry, mental or physical disability, sexual orientation, gender identity, medical condition, genetic information, political activities or affiliations, military or veteran status, status as a victim of domestic violence (including assault or stalking), or any other characteristic protected by law constitutes discrimination and is therefore prohibited by all Authorized Ministers, Lay Program Directors, Lay Program Staff, Other Staff, and Volunteers. (See Employee Handbook, Section 3.5.2.)

Sexual Assault and Exploitation: for the purposes of this document, sexual assault and exploitation shall be defined by the following two sections of the California Penal Code: Part 4, Title 1, Chapter 2, Article 2.5 Child Abuse and Neglect Reporting Act and Part 1, Title 8, Chapter 9, Assault and Battery. This definition of prohibited actions and behavior applies to all Authorized Ministers, Lay Program Directors, Staff, and Volunteers.

Sexual Harassment: repeated or coercive sexual advances toward another person contrary to that person's wishes. It includes behavior directed at another person with the intent of intimidating, humiliating, or embarrassing the other person, or subjecting the person to public discrimination. (See Employee Handbook, Section 3.5.1.)

Volunteer: any person who volunteers as part of the church's programs. This includes ongoing program volunteers (e.g. church school teachers, nursery assistants, office volunteers, etc.) and anyone who occasionally participates in on-site or off-site activities (e.g. service trip chaperones, teen night volunteers, etc.).

Requirements for Commencing and Continuing Ministry with Children and Vulnerable Populations

- Prior to beginning their duties, all Authorized Ministers, Lay Program Directors, Lay Program Staff, and Volunteers will submit a disclosure form similar to the sample attached hereto as Exhibit A or Exhibit B.
- Prior to beginning their duties, all Authorized Ministers, Lay Program Directors, Lay Program Staff, and Volunteers will be personally interviewed to assess the suitability of their character and qualifications for the position they seek.
- Authorized Ministers, Lay Program Directors, Lay Program Staff, and Volunteers will attend all boundary workshops required by the Northern California/Nevada Conference or comparable workshops offered at First Congregational Church of San Jose.

Additional Requirements for Children's Ministry

First Congregational Church of San Jose is committed to providing a safe and healthy environment in which young people can learn about and experience God's love. Authorized Ministers, Lay Program Directors, Lay Program Staff, and Volunteers working with children must follow these guidelines, in addition to the general requirements for ministry to the Church.

- Each volunteer who works with children will complete and submit a disclosure document similar to the sample attached hereto as Exhibit A.
- Prior to beginning their duties, all Authorized Ministers, Lay Program Directors, Lay Program Staff, and Volunteers will undergo a criminal background check and registered sex offender review; this will be repeated every other year.
- Prior to beginning their duties, all Authorized Ministers, Lay Program Directors, and Lay Program Staff will be fingerprinted; this will be repeated every other year.
- All Authorized Ministers, Lay Program Directors, Lay Program Staff, and Volunteers who work with children will receive an orientation regarding safe church policy and procedures before being permitted to work with children.
- Two adults with a connection to the church must always be in plain view, both on- and off-campus, when interacting with any child on behalf of the Church.
 - To ensure that children are always fully supervised, a parent or guardian (or adult designated by the parent or guardian) must come to the Sunday school classroom to collect children (5th grade and younger) or to the nursery within 15 minutes of the end of service.

- The First Congregational Church of San Jose must comply with state mandates and make a report to appropriate authorities, including but not limited to the County Dept. of Child Protective Services, if at any time an Authorized Minister, Lay Program Director, or Lay Program Staff has reasonable cause to believe that a minor may be an abused or neglected child. An Authorized Minister or the Moderator must also be immediately informed if any person believes that child abuse or neglect has occurred, is occurring, or that there exists a substantial risk that it may occur.

Procedures for Handling Complaints

The Pastoral Relations Committee (PRC), or a PRC-designated consortium, is responsible for managing and mediating all grievances and complaints. Filing a complaint under this policy follows the established procedures of the Church for dealing with a complaint as set forth in the Church's Employee Handbook. (See Section 5.5.)

Several approaches may be taken in addressing incidents of alleged assault, exploitation, or harassment:

1. The complainant can attempt to resolve the matter directly with the respondent, the individual accused of assault, exploitation, or harassment.
2. The complainant can report the incident to an Authorized Minister, in an effort to resolve the matter.
3. If the resolution of the complaint does not seem wise, appropriate, possible, or does not succeed, an Authorized Minister may request that the PRC, or its designated consortium, institute formal proceedings which shall include the following steps:
 - (a) The PRC shall create a written record of all complaints, evidence, proceedings, investigations, and recommendations, which will be shared with the Senior Minister and/or the Moderator (if the Senior Minister is one of the parties involved). These written records will be kept in a confidential electronic file housed on the church's server.
 - (b) The PRC shall advise the Senior Minister and/or the Moderator of the receipt of all complaints and shall keep them apprised of ongoing steps and actions taken. All allegations will be treated with confidentiality, in keeping with section 5.6 "Confidentiality and the Grievance Process" of this handbook. If either the Senior Minister or Moderator is the subject of the complaint, this notice requirement shall not apply.

Apart from any disposition of the matter by the church, all allegations of behavior which call into question the fitness for ministry of any Authorized Minister will promptly be forwarded to the Church & Ministry Committee of the Northern California / Nevada Conference of the United Church of Christ.

- (c) The PRC shall gather statements or other information from the individuals involved in the alleged assault, exploitation, or harassment and from others who may have pertinent information, such as qualified professional consultants, and present such information to the Moderator or Vice Moderator (if the Moderator is one of the parties involved).

- (d) The PRC shall make determinations and take actions appropriate to resolve the matter. The PRC may seek the advice of legal counsel or others to advise it in performing this function.

Appropriate actions may include:

- Finding that assault, exploitation, or harassment has occurred, and that the appropriate body of the church is called upon to take action accordingly; such action may include one or more of the following:
 - i. A formal reprimand, with defined expectations for changed behavior;
 - ii. Recommending or requiring psychological or psychiatric assessment, counseling and/or treatment;
 - iii. Probationary standing, with the terms of the probation clearly defined;
 - iv. Dismissal from employment or volunteer position.
 - v. Dismissal from affiliation or membership in the church.
 - Finding that assault, exploitation, or harassment did not occur.
4. The person(s) toward whom the inappropriate behavior is directed need not be the complainant. Moreover, neither consent nor acquiescence will excuse or exonerate inappropriate behavior. At any time, the Church may initiate or proceed with the formal complaint process.
 5. In determining whether alleged conduct constitutes assault, harassment, or exploitation, consideration shall be given to the record of the alleged incident(s) as a whole and to the totality of the circumstances, including the context in which the alleged incident(s) occurred.
 6. Any person bringing an assault, harassment, or exploitation complaint (or assisting in investigating such a complaint) will not be adversely affected in terms and conditions of employment or church membership or affiliation, or be otherwise discriminated against or discharged.
 7. If the complainant or respondent is not satisfied that the procedures of this policy were followed, they have the right to appeal the procedure to the Moderator (or Vice-Moderator, if the Moderator is one of the parties involved). If the Moderator or Vice-Moderator determines that the procedures of this policy were not followed, it will refer the matter back to the PRC to complete the processing of the complaint in accordance with these procedures. The decision made by the PRC regarding whether the allegations of assault, exploitation or harassment have occurred will be final.

Exhibit A

First Congregational Church of San Jose (FCCSJ) Volunteer Application and Disclosure Form

All Volunteer Applicants must complete Section I and Section III. Volunteer Applicants who will work with children and/or youth must complete all three Sections I, II, and III.

Section I.

Name: Last	First	Middle
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Address	City/State	Zip code
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Telephone	Email
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References: References should be able to address your abilities in the area of volunteer work for which you are applying.

Name 1

Address	City /State	Zip code
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Telephone	Email
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Name 2

Address	City/State	Zip code
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Telephone	Email
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Name 3

Address	City/State	Zip code
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Telephone	Email
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I have been a member of this church since _____

I have been a friend of this church since _____

Is there any fact or circumstance involving you or your background that would call into question your being entrusted with the responsibilities of the position for which you are applying?

Yes No

If yes, please provide a brief explanation.

I have never been convicted of, nor pled guilty or no contest to, a crime. (Exclude convictions that have been sealed, expunged or legally eradicated, misdemeanor convictions for which probation was completed and the case was dismissed, or offenses about which inquiry is not permissible in this State.) True Not True

If not true, please briefly describe the nature of the crime(s), the date and place of conviction and the legal disposition of the case. FCCSJ will not deny a position to any applicant solely because the person has been convicted of a crime. FCCSJ, however, may consider the nature, date and circumstances of the offense, as well as whether the offense is relevant to the duties of the position applied for.

Section II.

No civil lawsuit alleging actual or attempted sexual discrimination, harassment, exploitation, or misconduct; physical abuse; child abuse; or financial misconduct has ever resulted in a judgment being entered against me, been settled out of court, or been dismissed because the statute of limitations has expired.

True Not True

If not true, give a short explanation of the lawsuit. (Please indicate the date, nature, and place of the incident leading to the lawsuit; where the lawsuit was filed; and the precise disposition of the lawsuit.)

Section II. continued

I have never been terminated from my employment, or service in a volunteer position or had my employment, professional credentials, or authorization to hold a volunteer position terminated for reasons relating to allegations that I participated in or attempted to engage in acts of sexual discrimination, harassment, exploitation, or misconduct; physical abuse; child abuse; or financial misconduct.

True Not True

If not true, give a short explanation. (Please indicate the date of termination; name, address, and telephone number of employer or volunteer supervisor; and nature of the incident(s) leading to your termination.)

Do you have a valid drivers' license?

Yes

No

With respect to my driving record, I have not had my license suspended or revoked within the last five years due to reckless driving or driving while intoxicated and/or under the influence of a controlled substance.

True

Not True

Section III.

The covenants between persons seeking volunteer positions at FCCSJ require honesty, integrity, and truthfulness for the health of FCCSJ. To that end, I attest that the information set forth in this application is true and complete. I understand that any misrepresentation or omission may be grounds for rejection of consideration for, or termination of, the position I am seeking to fill. I acknowledge that it is my duty in a timely fashion to amend the responses and information I have provided if I come to know that the response or information was incorrect when given or, though accurate when given, the response or information is no longer accurate.

Beginning such relationships with an open exchange of relevant information builds the foundation for a continuing and healthy covenant between volunteers and the church they seek to serve. To that end, I authorize FCCSJ and/or its agents to make inquiries regarding my character and qualifications, including all statements I have set forth above. I also authorize all entities, persons, former employers, supervisors, courts, law enforcement, and other public agencies to respond to inquiries concerning me, to supply verification of the statements I have made, and to comment on and state opinions regarding my background, character, and qualifications. To encourage such persons and entities to speak openly and responsibly, I hereby release them from all liability arising from their responses, comments, and statements.

The FCCSJ volunteer recruitment process involves the sharing of information regarding applicants with those persons in a position to recruit, secure, and supervise both the position I am seeking to fill and program I am seeking to participate in. To that end, I authorize FCCSJ and its agents to circulate, distribute, and otherwise share information gathered in connection with this application to such persons for these purposes. I understand that FCCSJ will share with me information it has gathered about me, if I request it to do so.

I acknowledge my receipt and understanding of the FCCSJ Safe Church Policy.

Print Name and Sign **Date**

For Applicant under age 18, Parent or Guardian should print name & sign **Date**