

APPENDIX 42
CRIMINAL BACKGROUND CHECK
POLICY
August 4, 2015

I Timothy 3:1-10. The saying is sure: whoever aspires to the office of overseer desires a noble task. Now an overseer must be above reproach, married only once, temperate, sensible, respectable, hospitable, an apt teacher, not a drunkard, not violent but gentle, not quarrelsome, and not a lover of money. He (She) must manage his own household well, keeping his children submissive and respectful in every way—for if someone does not know how to manage his own household, how can he take care of God’s church? He must not be a recent convert, or he may be puffed up with conceit and fall into the condemnation of the devil. Moreover, he must be well thought of by outsiders, so that he may not fall into disgrace and the snare of the devil.

Deacons likewise must be serious, not double-tongued, not indulging in much wine, not greedy for money. They must hold fast to the mystery of the faith with a clear conscience. And let them first be tested”

In testing the work of our colleagues in ministry through these background check policies we seek to live into the spirit of Paul's admonitions to Timothy so well put in chapter 3 of First Timothy. We do this knowing that all fall short of God's intended glory and that our journey of faith and repentance is life-long. We also seek the very best methods available to protect the young and weak among our numbers.

Preamble

In calling women and men to perform ordered ministry and committing to them a variety of work to do, the church through the Presbytery calls them to the responsibilities and offices of ministry. Those called to exercise special functions in the church are expected, in addition to possessing the necessary gifts and abilities for the tasks, to be persons of strong faith and dedicated discipleship, who love Jesus Christ as Savior and Lord. “Their manner of life should be a demonstration of the Christian gospel in the church and in the world.” [G-2.0104a.] The Book of Order mandates that those who are called to office in the church are to lead a life in obedience to Scripture and in conformity to the historic confessional standards of the church.

The Presbytery has the responsibility and power to . . . ordain, receive, dismiss, install, remove and discipline its members who are teaching elders [G-3.0301b] ; to designate teaching elders to forms of ministry recognized as appropriate by the Presbytery [G-2.050a(3)]; to receive under its care persons preparing for professional service in the church [G-2.0601], and to commission them when appropriate [G-2.1001]. Presbyteries shall determine who shall be their continuing members [G-2.0502 and G-2.0503].

To this end, the Presbytery of Huntingdon, at its Special Meeting of August 4, 2015, approves the following background check policy, to assist it in determining the qualifications of those making application to it for professional service in this Presbytery in order that the mission of the church, both local and universal, may be strengthened and made more effective. See mission statement of the Presbytery of Huntingdon.

B1.100 Who	Prior to admission to Presbytery or to professional service in the Presbytery of Huntingdon, all employees of the Presbytery of Huntingdon, all clergy entering Presbytery, all ruling elders entering the certified lay preacher program upon application for admission to the program, commissionable lay pastors before commissioning, inquirers, and ministers from other presbyteries or denominations seeking placement on
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the Approved Pulpit Supply list, must consent to, and have, background checks performed. In addition, all persons in such professional service in the Presbytery of Huntingdon shall consent to, and have, background checks performed as prescribed by the statutes of the Commonwealth of Pennsylvania, or as deemed necessary by the Committee on Ministry. As an entity of the Presbytery of Huntingdon and its sister presbyteries Carlisle and Northumberland, Camp Krislund and its subsidiary programs shall also have a policy of background checks, conforming with the Criminal Background Check Policy of the Presbytery of Huntingdon and its sister presbyteries who directly support Camp Krislund.

- B1.200 Such background checks will normally include:
- a. Pennsylvania State Criminal Record check
 - b. Pennsylvania State Child Abuse History Clearance
 - c. Federal Criminal Record History with fingerprints.
 - d. For those supervised by another denomination wishing to work within the bounds of the Presbytery of Huntingdon there shall also be a check with their supervising judicatory to assure there are no current or ongoing issues of violations covered by these policies)
 - e. For those entering the bounds of the Presbytery of Huntingdon from other presbyteries of the Presbyterian Church USA as Approved Pulpit Supply, there shall be a similar check with the judicatory of membership.)
 - f. Theological degree verification
- B-2.000 **Process**
- B-2.100 Timing of Checks
- a. Background checks will be performed upon application for membership in the Presbytery of Huntingdon for teaching elders; at the time of commissioning for commissioned ruling elders; at the time of application to come under care as an inquirer for persons preparing for ministry under the care of the Presbytery of Huntingdon; at the time of request by a minister member of another presbytery or denomination to be placed on the Approved Pulpit Supply list or to be considered for contractual relationship with a congregation of this presbytery; upon application for admission to the certified lay preacher program for persons seeking to become certified lay preachers.
 - b. Background checks will be performed at the time of interview for applicants for positions on presbytery staff.
 - c. Background checks must be repeated in accordance with Pennsylvania statutes, currently every five years.
- B-2.200 All individuals seeking membership in the Presbytery of Huntingdon or to exercise ministerial or candidacy roles in the Presbytery will be given a copy of this policy, which may be electronic, and a release form to authorize the Presbytery to perform background checks both prior to and subsequent to entry into membership or role, according to the steps listed in this policy. *See attached release form.*
- B-2.220 Completed release forms shall be sent to the General Presbyter. Release forms shall be retained in a separate locked file in the Presbytery office.

- B-2.230 Background checks will not be performed until the release form has been received by the office of the General Presbyter. However, no individual shall be received into membership in the Presbytery of Huntingdon or placed in any leadership or ministerial position or on any approved roll or hired for any presbytery staff position covered by this policy until the background checks have been performed and the results reviewed by the appropriate authority.
- a. Failure to authorize performance of background checks will be treated as withdrawal of the application.
 - b. Both the individual performing the check and the appropriate authority reviewing the results shall acknowledge in writing his/her awareness of the confidentiality of the information obtained through this policy.
- B-2.300 The presbytery will use the services of any organization approved by the Pennsylvania State Police or one or more of the following organizations or other similar organizations, as it deems appropriate, to perform the background checks: GuideOne, Choice Point, Lexis-Nexis, Church Mutual.
- B-2.350 When done by the Presbytery, the representative(s) authorized to perform the checks are:
- a. The General Presbyter
 - b. In the absence of the General Presbyter, checks may be performed by the Stated Clerk.
 - c. If both the General Presbyter and the Stated Clerk are absent, the checks may be performed by the chairperson of the Committee on Ministry.
- B-2.360 When approved by the Committee on Ministry, individuals may submit copies of current certificates or results of background checks in fulfillment of the obligation if the background checks are less than twelve months old.
- B-2.400 Costs associated with the performance of the required background checks will be normally borne by the individual.
- B-3.000 Evaluation of Reports**
- B-3.100 If the background checks reveal no criminal offenses, sexual misconduct, or child abuse violations, the applicant individual, pastoral nominating committee or session, and Committee on Ministry will be notified of the clear status, and the report will be retained in the locked file designated for that purpose in the Presbytery offices. In the case of applicants for Presbytery staff positions, the Personnel Committee will be so notified.
- B-3.200 In the event that one or more of the background check reports are not clear, the person authorized by the presbytery, normally the General Presbyter, will communicate the results to the applicant and request the applicant individual to confirm or deny the accuracy of the report. During the consideration of unclear reports, the presbytery may consult legal or knowledgeable counsel in interpreting the results.
- B-3.250 If the individual denies the accuracy of the report, the person authorized by the presbytery, normally the General Presbyter, shall request the applicant to authorize a further background check.
- a. If the applicant refuses to submit to further checks, the presbytery shall proceed as if the individual had withdrawn his or her application or resigned his or her status in the presbytery.

- b. If the applicant agrees to further checks, the person authorized by the presbytery, normally the General Presbyter, shall arrange for the more extensive background checks to be performed. If the applicant is then cleared, the person performing the check authorized by the presbytery, normally the General Presbyter, shall notify the applicant individual, pastoral nominating committee or session, and Committee on Ministry that the individual has received a clear report, and the report will be retained in the locked file designated for that purpose in the presbytery offices. In the case of applicants for presbytery staff positions, the Personnel Committee will be so notified.

B-3.350 If the offenses or behaviors reported and confirmed include any of the following, the General Presbyter shall report to the pastoral nominating committee or session, the Committee on Ministry or Personnel Committee, and to the applicant that the General Presbyter must deny the applicant the status or position requested.

- a. Any of the behaviors listed SC-3 of the Sexual Conduct Policy of the Presbytery of Huntingdon
- b. Physical sexual conduct with a child
- c. Child pornography
- d. Any other offenses deemed by the General Presbyter to be so grave and sufficiently recent as to disqualify the individual for admission to membership in the Presbytery of Huntingdon or placement in one of its congregations.

If the applicant is so denied, the General Presbyter shall send the applicant, in addition to notice of the adverse decision, a copy of the report on which the adverse decision was made.

B-3.400 Unclear Reports

- a. If the offenses or behaviors reported and confirmed are not on the automatic exclusion list, the results will be submitted to the SubCommittee on Ministry to Congregations for its consideration, except for those reports dealing with applicants for staff positions, which will be referred to the Personnel Committee, and those reports dealing with applicants for moving from Inquirer to Candidate, which will be referred to the SubCommittee on Preparation for Ministry.
- b. The reviewing committee will make recommendations to the Committee on Ministry on the advisability of admitting the individual to presbytery or role or retention of the individual in a role, based on the likelihood of repetition of the undesirable offenses or behaviors, and the impact on the mission and life of the congregation and presbytery or particular ministry or role involved. If the referral is to the Personnel Committee, it shall make its decision on the same criteria.
- c. The decision will be reported to the individual and the pastoral nominating committee or session, if any. If the decision is to deny the individual admission to the presbytery or role, the chairperson of the deciding body shall send the applicant, in addition to notice of the adverse decision, a copy of the report on which the adverse decision was made.
- d. Confidentiality of information will be maintained as far as possible. Each member of one of the above committees shall be provided with a copy of this policy and directed to observe its confidentiality provisions.

B-3.500 If the SubCommittee on Ministry to Congregations or SubCommittee on Preparation for Ministry advises the Committee on Ministry that the reported offenses or behaviors are not sufficient to disqualify the individual from consideration for admission to membership in Presbytery, or placement in the requested position or on the desired roll, or retention in the position or role, the Committee on Ministry shall

- a. Counsel the individual and pastoral nominating committee or session, if any, about the report and its potential impact on the life and ministry of the individual, congregation and presbytery;
- b. Place its report on file in the locked file designated for that purpose in the presbytery offices;
- c. If the referral is to the Personnel Committee, it shall proceed in like manner.

B-3.600 An individual who has been denied admission or placement in a position or on a roll or retention in the same may request a hearing by the full Committee on Ministry, which shall receive a copy of all materials considered by the reviewing body in making its decision and any evidence in mitigation submitted by the requesting individual.

- a. When an individual requests a hearing after having been denied access, the applicant will be asked to sign a release acknowledging that the hearing will expand the number of persons who will be privy to the information in the reports.
- b. The Committee on Ministry, after receiving the evidence and testimony of the reviewing body and the individual, shall make its decision, which recommendation will be final.
- c. If the individual is admitted to presbytery or placed in a position within the presbytery, the reports and evidence regarding the individual will be placed on file in the locked file designated for that purpose in the presbytery offices.

B-3.700 No calls may be extended, no admission granted, no contracts approved, no placements on rolls or to positions shall be made, or temporary relationships authorized until final disposition is made by the Committee on Ministry or Personnel Committee. Failure to comply with Pennsylvania law requiring renewed background checks may result in termination of call or contract and exclusion from the pulpit until the background checks have been completed and the results affirmed as qualifying the individual for service in the Presbytery of Huntingdon.

B-5.000 Once a background check has been performed upon an individual, that check is considered sufficient for the duration of current state requirements of their membership in the Presbytery of Huntingdon or one of its congregations, or employment status in the presbytery. If the individual continues in membership or role in the presbytery beyond the duration of current state requirements, subsequent background checks will be required.

B-5.100 If a subsequent report on an individual in membership or in a role in the Presbytery of Huntingdon reveals any of the automatic disqualifiers, listed in B-3.350, the person authorized by the Presbytery to perform and receive reports, normally the General Presbyter, shall first follow the procedures in B-3.200 and B-3.250 to notify the individual, confirm or refute the report, and offer the individual due process. If the behavior or offense is confirmed, the Committee on Ministry shall be notified and may take steps under the Book of Order (Form of Government and Rules of Discipline), as appropriate to terminate the call, contract, or role, and initiate action, as necessary, under the Rules of Discipline. If the results reveal criminal or child abuse behaviors that are not automatic disqualifies, as listed in B-3.350, the person authorized by the Presbytery shall follow the procedures in B-3.400. The decision shall be reported to the individual, the Committee on Ministry, and the session, if any. The Committee on Ministry shall take actions as it determines the ministry under the Word requires, following the provisions of the Book of Order.

B-6.000

Destruction of reports

- a. If an individual is denied admission or withdraws his or her application for admission or placement on a roll or in a position within the Presbytery, the report on that individual shall be retained on file in the locked file for that purpose in the presbytery offices for three years following notice that the candidate or applicant was non-selected and then be destroyed.
- b. In the case of a pastoral nominating committee or session seeking reports on multiple candidates, when a call or contract has been approved by presbytery and accepted by a candidate, the reports on other candidates for the position shall be retained on file in the locked file for that purpose in the presbytery offices for three years following notice that the candidate or applicant was non-selected and then be destroyed. Similarly, if an offer of a contract is not extended to an applicant for any other reason, the background check report on that applicant shall be retained on file in the locked file for that purpose in the presbytery offices for three years following notice that the candidate or applicant was non-selected and then be destroyed.
- c. Once an individual becomes a member of presbytery, is granted a status, or is hired for a position within the presbytery, their record will be kept on file permanently in the locked file for that purpose in the presbytery offices.

B-7.000

Clearance of background checks is a necessary, but not sufficient, step for admission to membership in the Presbytery of Huntingdon, placement on its rolls or into a position of leadership in its congregations, or hiring as a staff person. Clearance of background checks does not guarantee that admission will be granted, placement made, or contracts offered, nor does it guarantee retention of membership, of placement on rolls in the Presbytery of Huntingdon, or of renewal of position in its congregations or employment as a staff person.