

PRESBYTERY OF LAKE ERIE
BACKGROUND CHECK POLICY
Adopted June 25, 2019

PREAMBLE

In calling women and men to perform the ministry of the Word and Sacrament 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 demonstration of the Christian gospel in the church and in the world." [G-2.0104]. 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.

To the Presbytery is given the authority and responsibility to ordain and receive ministers [G-3.0307]; to designate ministers to forms of ministry recognized as appropriate by the Presbytery [G-3.0306]; to receive under its care persons preparing for professional service in the church, and to commission them when appropriate [G-3.0307]. Presbyteries shall determine who shall be their continuing members [G-3.0306].

To this end, and in accordance with the laws of the Commonwealth of Pennsylvania, the Presbytery of Lake Erie ("Presbytery"), at its Stated Meeting of April 30, 2019 approves the following Background Check Policy ("Policy"), to assist it in determining the qualifications of those making application to it for professional service and/or serving in this Presbytery in order that the mission of the church, both local and universal, may be strengthened and made more effective.

POLICY BASICS

**Covered
Individuals**

This Policy applies to incumbent and prospective clergy, commissioned/commissionable pastors, commissioned ruling elders, honorably retired teaching elders, inquirers, pulpit or temporary supply positions, youth pastors, certified Christian educators and employees of the Presbytery, currently serving or seeking to serve in ongoing relationships with congregations of the Presbytery. To the extent applicable, this Policy also applies to any other individual 18 years of age or older serving in any Presbytery sponsored program or activity involving children or youth under the age of 18 (e.g. Triennium). "Presbytery sponsored program" shall not include a worship service. For purposes of this Policy, "service" includes any full-time or part-time, paid or unpaid position and internship, and shall include temporary supply and interim positions, including positions as certified Christian Educators and youth ministers.

**Required
Clearances**

- Required background checks will include:
1. Pennsylvania State Police Criminal History Record
 2. Pennsylvania Child Abuse History Clearance
 3. FBI Federal Criminal History Record (fingerprint-based background check)
 4. Any additional background checks mandated by future changes in federal, state or local law
 5. At the discretion of the General Presbyter, a Lexis/Nexis background may be conducted by the General Presbyter.

Frequency Current Pennsylvania law requires clearances to be renewed every five (5) years. The Presbytery reserves the right to require clearances to be updated more frequently. In the event the five (5) year requirement is changed by statute, then this definition shall comport with such updated requirement without further action by the Presbytery.

PROCESS

Timing of Background Checks

1. Background checks will be performed and/or current clearances will be required upon application for membership in the Presbytery; at the time a request is made to be placed on the pulpit supply list; at the time of commissioning for commissioned pastors; at the time of application to move from inquirer to candidacy status for persons preparing for ministry under the care of the Presbytery; at the time of request by a minister member of another Presbytery or denomination to be approved for a continuing relationship with one of the congregations of the Presbytery.

2. Background checks will be performed and/or current clearances must be made available to the General Presbyter for candidates of particular interest being considered by congregational Pastoral Nominating Committees prior to an in-person meeting with the Pastoral Nominating Committee or to a neutral pulpit.

3. Background checks will be performed and/or current clearances will be required after a conditional offer of employment is extended to an individual for a position on Presbytery staff other than for the position of General Presbyter in which case background checks may be performed at an earlier point in the application and hiring process.

Individuals with Current Clearances

1. Individuals with current required clearances issued in connection with the individual's previous position within the Commonwealth of Pennsylvania may not be required to obtain new clearances at the discretion of the General Presbyter.

2. Current background clearances issued by other jurisdictions and which are not specific to the Commonwealth of Pennsylvania (State Police and Child Abuse) shall not be accepted in lieu of Pennsylvania required clearances. A current FBI Criminal History Record shall be acceptable regardless of the jurisdiction within which it was obtained.

Release Form(s) All individuals required by this Policy to have clearances obtained, reviewed and/or retained by the Presbytery will be given a written copy of this Policy and a release form(s) authorizing the Presbytery to perform, review and/or retain background checks according to the steps listed in this Policy. See attached release forms.

Records on File All records obtained pursuant to this Policy will be retained in a separate locked file in the Presbytery office. Files will be accessible to the General Presbyter and/or Stated Clerk and will be made available to Chairpersons of Committee on Ministry, Committee on Preparation for Ministry or Presbytery Personnel Committee as needed.

Failure to Authorize Background checks and clearances will not be performed or accepted until the signed release form has been received by the General Presbyter. Failure to authorize performance or receipt of background checks will be treated as withdrawal of application or candidacy.

Performance of Check Individuals who are required to undergo background checks will be responsible for obtaining and presenting all required clearances.

Fees Costs associated with the performance of the required background checks will be

borne by the individual required to undergo the background check, unless otherwise agreed with the entity requiring the background check. Costs of Lexis/Nexis checks normally will be borne by the Presbytery.

EVALUATION OF REPORTS

Automatic Disqualification

If any report identifies any of the following offenses or behaviors, the General Presbyter shall report to the requesting party, the Committee on Ministry or Presbytery Personnel Committee and to the individual that the General Presbyter must deny the individual the status or position requested.

1. Any of the behaviors listed in the Sexual Misconduct Policy of the Presbytery;
2. Physical sexual conduct with a child;
3. Child pornography;
4. Any offense identified as disqualifying under Pennsylvania's Child Protective Services Law or other applicable statute; or
5. Any other offense deemed by the General Presbyter to be so grave and sufficiently recent as to disqualify the individual for admission to membership in the Presbytery or placement in one of its congregations.

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

Clear Report

If the background checks reveal no disqualifying or potentially disqualifying information, the requesting party shall be so notified in writing, and the report will be retained in the locked file designated for that purpose in the Presbytery offices. In the case of individuals for Presbytery staff positions, the Personnel Committee will be so notified.

Unclear Reports

In the event that one or more of the background check reports is incomplete or unclear, the reviewer will communicate the results to the individual and request the individual to confirm, deny or otherwise clarify the report. If the individual contests the accuracy of the report, the party requesting the background check shall request the individual to authorize a further background check.

1. If the offense or behavior reported and confirmed is not grounds for automatic exclusion, the results will be submitted to the moderator of the Committee on Ministry for consideration, except for those reports dealing with individuals for staff positions, which will be referred to the Personnel Committee, and those reports dealing with individuals moving from Inquirer to Candidate, which will be referred to the Committee on Preparation for Ministry.
2. The reviewer will make recommendations to the Committee on Ministry on the advisability of admitting the individual to the Presbytery or desired role, based on factors including but not limited to 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.
3. In the case of an individual being considered by a congregational Pastor Nominating Committee, 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 desired role, the chairperson of the deciding body shall send the individual

notice of the adverse decision and a copy of the report on which the adverse decision was made.

4. Confidentiality of information will be maintained as far as possible. Each recipient of background clearance information shall be provided with a copy of this policy and directed to observe its confidentiality provision.

Advisory Role

If the Personnel Committee, Committee on Ministry or Committee on Preparation for Ministry advises that the reported offense or behavior is not sufficient to disqualify the individual from consideration for admission or placement, the applicable committee shall:

1. Counsel the individual and requesting party about the report and its potential impact on the life and ministry of the individual, congregation and Presbytery, and place its report on file in the locked file designated for that purpose in the Presbytery offices.
2. If the referral is to the Personnel Committee, it shall proceed in like manner.

Hearings

An individual who has been denied admission or placement in a position or on a roll 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 individual requesting the hearing.

1. When an individual requests a hearing, the individual 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.
2. Any participant in a hearing may, but is not required to, be represented by legal counsel or other advocate.
3. After receiving testimony and other evidence presented by all participants in the hearing, the Committee on Ministry shall render its decision, which shall be final.
4. If the individual is admitted to Presbytery or placed in a position within the Presbytery, the reports and evidence presented at the hearing will be placed on file in the locked file designated for that purpose in the Presbytery offices.
5. 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, Committee on Preparation for Ministry or Personnel Committee.
6. All hearings should comply with the Book or Order to the extent applicable.

Retention of Reports

1. If an individual is denied admission or withdraws his or her application, the report shall be retained on file in the locked file for that purpose in the Presbytery offices for five years following notice that the individual was non-selected and then be destroyed.
2. In the case of a Pastoral Nominating Committee or session seeking background reports for 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 five years following notice that the candidate or individual was non-selected and then be destroyed. Similarly if an offer of a contract is not extended to an individual for any other reason, the background check report on the individual shall be retained on file in the

locked file for that purpose in the Presbytery offices for five years following notice that the candidate or individual was non-selected and then be destroyed.

3. Once an individual becomes a member of Presbytery, is granted a status, or is hired for a position within the Presbytery, his/her record will be kept on file permanently in the locked file for that purpose in the Presbytery offices.

Not Sufficient

Satisfactory completion of background checks is a necessary, but not sufficient, step for admission to membership in the Presbytery, placement on its rolls or into a position of leadership in its congregations, or hiring as a Presbytery staff person. Satisfactory completion of background checks does not guarantee that admission will be granted, placement made, or contracts offered.

**Renewal of
Background
Checks
Renewal
Procedure**

Background checks shall be updated as required by the laws of the Commonwealth of Pennsylvania for those dealing with children (currently every five years), or more frequently as may be required by the requesting party.

The Office of the General Presbyter shall review its records on an annual basis to determine checks that will need to be renewed in the upcoming year. By the first of December of the year preceding the renewal date, notice will be provided to every individual whose clearances must be renewed in the following year. It will be the responsibility of the individual to complete appropriate background checks and submit renewed clearances in a timely fashion.

**Failure to
Comply with
Renewal**

Failure to authorize an original or renewal background check will result in the following:

IF ON THE PRESBYTERY'S PULPIT SUPPLY LIST, two 30-day reminders, with the risk of removal from said list if such requirements are not met;

IF A MEMBER OF THE PRESBYTERY'S STAFF, two 30-day reminders, with the risk of suspension without pay until such requirements are met;

IF A COMMISSIONED LAY PASTOR, a meeting with the employing session within thirty (30) days following notification of the session by certified mail of the delinquency [unless the requirements are met within that thirty (30) days]. If still out of compliance there may be further action taken.

IF AN INTERIM OR TEMPORARY SUPPLY SERVING IN LAKE ERIE PRESBYTERY, a meeting with the employing session(s) within thirty (30) days following notification of the session(s) by certified mail of the delinquency [unless the requirements are met within that thirty (30) days]. If still out of compliance there may be further action taken.

IF A CALLED AND INSTALLED PASTOR SERVING IN LAKE ERIE PRESBYTERY, a meeting with the session(s) of the church(es) being served within thirty (30) days following notification of the session(s) by certified mail of the delinquency [unless the requirements are met within that thirty (30) days]. If still out of compliance there will be further action taken.

Fees

Renewal fees are the responsibility of the individual or the employing organization as may be agreed upon by the parties.

Results

Renewal results shall be reviewed by the appropriate authority and dealt with in accord with the provisions for **Evaluation of Reports** set forth above for initial reviews. Where a new hire would not be hired under those provisions, an incumbent hire will be put on notice, and possibly suspended or have his/her authority restricted, until an appropriate action under those provisions occurs. Under certain circumstances, termination may occur. No temporary status will be granted until final disposition of the findings is made by the Committee on Ministry or Personnel Committee.

**PRESBYTERY OF LAKE ERIE
BACKGROUND INVESTIGATION CONSENT FORM**

I, _____
(subject individual's complete name)

hereby authorize The Presbytery of Lake Erie and/or its agents to make an independent investigation of my background, references, character, past employment, education, criminal, or police records, including those maintained by both public and private organizations and all public records for the purpose of confirming the information contained on my Application or Personal Information Form and/or obtaining other information, which may be material to my qualifications for employment now, and if applicable, during the tenure of my employment with

(name of church(es) or other organization)

I release The Presbytery of Lake Erie and/or its agents and any person or entity, which provides information pursuant to this authorization, from any and all liabilities, claims, or lawsuits in regards to the information obtained from any and all of the above referenced sources used.
The following is my true and complete legal name, and all information is true and correct to the best of my knowledge.

Full Printed Name (first, middle, last, suffix)

Maiden Name and/or all other names used

Date of Birth Social Security # Driver's License # State of License

(Please continue and complete reverse side of page)

Present Street Address (No P.O. Box)

City & State _____ County _____ Zip _____

Years _____

Former street addresses since age 21 (you may use additional sheets of paper as necessary)

Former Street Address _____

City & State _____ County _____ Zip _____
Years _____

Former Street Address _____

City & State _____ County _____ Zip _____

Years _____

Former Street Address _____

City & State _____ County _____ Zip _____

Years _____

Former Street Address _____

City & State _____ County _____ Zip _____

Years _____

(Please use additional sheets of paper as necessary)

Please list any currently pending criminal or sexual abuse charges against you:

Charge Jurisdiction

Charge Jurisdiction

Subject Individual's Signature Date Signed

This form is to be returned to the Presbytery office: Telephone (814) 868-4891 ext. 7
Fax (814) 866-0856