

Presbytery of Arkansas
Proposed Background Check Policy
Presented for a First Reading
June 5, 2010

RATIONALE: For the safety of all persons of the Presbytery of Arkansas, the presbytery will require uniform background checks on each new and existing member of presbytery as well as those seeking employment by the Presbytery.

BACKGROUND CHECK POLICY

Polity and Goal

G-11.0103n states that the Presbytery is given the authority and responsibility to ordain and receive ministers; to designate ministers to forms of ministry recognized as appropriate by the Presbytery (G11.0103p); to receive under its care persons preparing for professional service in the church, and to commission them when appropriate (G-11.0103q). The presbytery shall determine who shall be its continuing members (G-11.0403). Therefore, the Presbytery of Arkansas establishes the following background check policy to help in determining the qualifications of those making application to it for professional service in this Presbytery.

Items Included in Background Checks

The presbytery currently uses IntelliCorp for this process. Their background checks will normally include:

1. National (federal) and State Criminal File Search and sexual offender registry search
2. Local Criminal Database Search

Self-Reporting - It is a requirement of the Presbytery that in the event of an arrest for a felony, it shall be the duty of the member of the Presbytery of Arkansas or applicant for membership in the Presbytery of Arkansas to make known such action to the General Presbyter of the Presbytery of Arkansas.

Persons New to the Presbytery or Those Called to Serve with a Congregation of Presbytery of Arkansas

1. For every Clergy person beginning work with a particular congregation in the Presbytery of Arkansas, a national, state and local criminal and sexual offender registry list background check will be required. Additionally, an acknowledgment of the requirement to report any arrest for a felony shall be signed and returned along with the release form granting permission to do the background checks.
2. For every Parish Associate, Interim Pastor, Temporary Supply or Stated Supply, inquirer at the time of moving to candidacy, Lay Pastor before commissioning, clergy person seeking inclusion in the pulpit supply list, and every minister from another denomination seeking to enter into an ongoing relationship and beginning work with a particular congregation in the Presbytery of Arkansas, a national, state, local criminal and sexual offender registry list background check will be required. Additionally, a self-reporting questionnaire shall be

completed and signed along with the release form granting permission to do the background checks.

3. Required criminal background checks must be completed and evaluated before a person can be invited to meet face to face with the Pastor Nominating Committee.

Existing Members of Presbytery

1. All active members of the Presbytery of Arkansas who relate in any way to a particular congregation in a leadership role will be required to sign an acknowledgment of the requirement to report any felony arrest and submit to a background check (including national, state, local and the sexual offender registry list). This includes pastors, parish associates, pulpit supplies, interims, commissioned lay pastors, those in validated ministries and members-at-large, if they have any leadership responsibility in a particular congregation at the time this policy becomes effective. Clergypersons will have three months from the date of approval of this policy to complete the release form to authorize the background checks.

2. Nonactive retired clergy and active retired clergy who have no leadership role in a particular congregation shall not be subject to these requirements.

3. Failure to comply with this policy may result in the dissolution of the pastoral or other relationship for which the Presbytery of Arkansas has oversight.

Presbytery Staff

1. For all persons working as paid staff of the Presbytery of Arkansas, a national, state and local criminal and sexual offender registry list background check and a completed and signed acknowledgment of the requirement to report any arrest for a felony will be required. The General Presbyter will be responsible for evaluating the records.

Process and Procedure:

All individuals seeking membership in the Presbytery of Arkansas or currently serving in the above mentioned capacities within the Presbytery of Arkansas will be given a written copy of this policy and release form to authorize the Presbytery to perform background checks. A form stipulating the requirement to report any arrest for a felony to the General Presbyter will also be distributed. Signed release forms shall be sent to the General Presbyter. Release forms shall be retained in a separate locked file in the Presbytery office. Background checks will not be performed until the release form has been signed and returned to the Presbytery office. Two weeks should be allowed to perform, receive and evaluate results of background checks.

A signed acknowledgment of the requirement to report any arrest for a felony will be required of all seeking membership in the Presbytery of Arkansas as well as, current pastors, CLPs, interim pastors, temporary supplies, stated supplies, parish associates, those in validated ministries and members-at-large.

Reading and evaluating the required records will be the responsibility of the General Presbyter or in the absence of the GP, the Stated Clerk or if both are absent, the records may be read and evaluated by the moderator of the Committee on Ministry.

Maintenance of Files and Positive Outcome:

If the background checks reveal no criminal convictions or charges pending regarding abuse, molestation or fraud, the applicant, PNC or session, and COM will be notified of the clear status. In the case of Presbytery staff, the Personnel Subcommittee will be notified.

The report will be kept in the locked file at the Presbytery office and will be made available only to the person for whom the check was made or to someone who has a signed release from the person whose record is requested. Clear reports will be destroyed within one year.

Response to Checks which Reveal Charges Pending or Criminal Convictions:

In the event that a background check discloses abuse, molestation or fraud, the General Presbyter will communicate the results to the applicant and request the applicant confirm or deny the accuracy of the report. If confirmed, the applicant may elect to withdraw his or her name from consideration and it shall be reported by the General Presbyter that the person has elected to withdraw from consideration. If the offenses are confirmed and the applicant wishes to continue the process of being considered, the results will be referred to the COM (if a clergyperson), CPM (if a candidate for ministry) or Presbytery Personnel Subcommittee (if a potential or current employee) and a recommendation on the advisability of admitting the individual to Presbytery or other role shall be made. The decision will be reported to the individual and the appropriate entity.

If the decision is to deny the individual admission to the Presbytery or other role, the Moderator of the deciding body shall send the applicant, in addition to notice of an adverse decision, a copy of the report on which the adverse decision was made. Any individual denied admission or placement in a position or notified of an unclear report may request a hearing by the full COM, CPM or Presbytery Personnel Subcommittee.

Any background checks which reveal conviction or charges pending related to abuse, molestation or fraud will be maintained in a locked file in the Presbytery office for a period of five years at which time, the documents may be destroyed.

General:

1. Costs associated with the criminal background checks are currently \$9.95 for national, state, and county criminal and sexual offender registry listing. These costs shall be borne as follows:

- *by the church or agency where the individual is currently serving
- *by the non-member individual seeking to be included in the pulpit supply list;
- *by the PNC or Session of a congregation wishing to call a minister or contract an interim, a lay pastor or a stated or temporary supply who is not a member of the Presbytery of Arkansas;
- *by the presbytery through its Committee on Preparation for Ministry (CPM) for inquirers under care of Presbytery who are moving to candidacy;
- *by the presbytery through its Personnel Subcommittee for staff of the Presbytery itself;
- *by the presbytery through its Committee on Ministry for any active or honorably retired clergyperson seeking membership in the Presbytery who is not being called to a permanent or temporary relationship with one of the congregations of the Presbytery.

The responsible party will be notified by the Presbytery financial administrator of the amount of the cost of the background check.

Presbytery assistance will be available to those for whom cost may be an undue burden.

2. Records may be transferred from governing body to governing body as required, but only with signed permission from the individual whose record is requested.

Disqualifiers:

Any arrest which results in a conviction or plea of no contest and which involves any level of sexual molestation, abuse or fraud.

The following wording may be included in the COM's page in the Manual of Operations or in the Standing Rules as the third paragraph under Section 1.2 Membership:

No Individual shall be received into membership in the Presbytery of Arkansas 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 received and the results reviewed by the General Presbyter or Stated Clerk. Failure to authorize this check will be treated as withdrawal of the application. Both the company making the background 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.