



# Presbytery of Genesee Valley

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## BACKGROUND CHECK POLICY

*Approved 7/25/23*

The Committee on Ministry is charged with the responsibility of supporting congregations in their search for effective leadership. Given the pressures that apply to persons in caring professions, the sensitive and often litigious nature of our culture, and anecdotal frequency of reported breaches of acceptable professional and civic conduct, the Committee on Ministry recognizes the wisdom and necessity of requiring background checks on all pastoral leaders for installed or temporary service in our Presbytery.

This policy reflects the Committee on Ministry's commitment to making an informed decision and reflects the Presbytery's commitment to exercise appropriate diligence and oversight in evaluating the fitness and readiness of those seeking ordination or for pastoral service in the churches of this Presbytery.

The background check policy shall apply to all pastoral leaders:

- All Candidates coming under care
- Ministers of Word and Sacrament seeking to become minister members of this Presbytery
- Ministers of Word and Sacrament from other denominations requesting permission to labor within its bounds including pastor, co-pastor, designated pastor
- Temporary pastoral positions including temporary supply, stated supply, pulpit supply, commissioned pastor, certified Christian Educator, and Moderators
- Validated Ministers and At Large members engaged in non-parish specialized ministries or honorably retired who wish to be present in congregations as occasional supply preachers
- Minister members of the Presbytery who receive a new call to a church within the Presbytery will be required to have a background check completed if one hasn't been conducted in the previous three years

The background check will be conducted as part of the examination and clearance process. The completion of the background check will take place prior to an Inquirer's entry into Candidacy or service as a minister member for installed or temporary service in this Presbytery. To this end, the Presbytery of Genesee Valley will contract with an outside agency to conduct background checks on all individuals in order to meet the standards of the Committee on Ministry and this policy. The local congregation will ordinarily pay for the background check for incoming pastoral leaders. For all background checks, should the cost of the background check cause a financial hardship, please contact your COM/COM liaison for assistance. The Background Check is a Confidence Multi-State Criminal and National Sex Offender Database Search.

Candidates coming under care or as potential individuals for pastoral service will be asked to sign a request form authorizing the background check to be conducted. This request form will include provision of the prospective candidate's name, other names by which the prospective candidate has been known (e.g., maiden name or other names), social security number, current and previous addresses. Failure to grant consent to conducting the background check or to provide the necessary identifying information will be considered grounds for denying clearance for coming under care or service in this Presbytery.

The results of the background check will be sent to the Operations Manager of the Presbytery. Ordinarily only the Operations Manager and Stated Clerk will see the contents of the report. The Stated Clerk will consult with the COM Leadership Team and will inform them on the completion of the background check and its results; and together they will determine the appropriate action on how to proceed. If the Stated Clerk and the COM Leadership Team agree that information in the report of the background check might negatively impact the decision to advance the applicant to candidacy or service in the Presbytery, then the full COM will be advised on the information concerning the background check and it will determine on a case-by-case basis whether the individual should be advanced to candidacy or pastoral service within the Presbytery. In such a case the individual will be supplied a copy of the report and will be given the opportunity to dispute or explain the circumstances identified in the report.

The full COM when reviewing negative information identified in a background check will not automatically preclude advancement to candidacy or service within the Presbytery. COM shall consider such factors as: the nature and seriousness of the matter; the relationship of the matter to the purpose of the church; the age of the applicant at the time of the event, the time elapsed since the occurrence, any mitigating circumstances, identification of a pattern of negative behavior versus an isolated incident, the severity of harm to individuals affected, evidence of sincere repentance from inappropriate behavior, and any other information relevant to identified offenses that would affect the individual's ability to serve in the Church. The full COM will take the necessary vote on whether to advance the applicant or not for service in this Presbytery.

The COM Liaison shall inform the Pastor Nominating Committee or the Session for temporary pastoral leadership that a background check must be conducted for any individual being seriously considered for its pastoral position. This background check will take place before the final face-to-face interview by the PNC or the Session. The PNC or Session and COM Liaison shall inform the minister or candidate of the necessity of the background check and provide them a copy of the request form so that the background check can be conducted. Only when the Committee on Ministry perceives no compromising issue in the Background Check can the PNC or Session proceed to the final face-to-face interview.

The report of the background check will be maintained in the minister's confidential and secured file held by the Presbytery indefinitely. The reports will be kept confidential according to the Presbytery's established policy on confidentiality.

## **Clarifying Questions**

### **1.) To whom does the policy apply?**

The policy applies to all Ministers of Word and Sacrament seeking to become minister members of this presbytery, candidates coming under care of the Presbytery of Genesee Valley or another presbytery who are seeking to be ordained by this Presbytery and all individuals for temporary service within the Presbytery including Pulpit Supply and Moderators.

### **2.) Why was the policy adopted?**

This policy helps Pastoral Nominating Committees, Sessions, and the Committee on Ministry to make informed decisions about prospective minister members and pastoral leaders. It also seeks to mitigate the risk of lawsuits based on a claim of inadequate pre-employment screening. Its ultimate goal is to protect our congregations.

### **3.) Who actually conducts the background check?**

Presbytery has contracted with an investigative firm to perform the background check on all persons. Presently that service is provided by Praesidium.

### **4.) How will the background check happen?**

The background check will be conducted as part of the person's preparation for the final examination or clearance interview. This will take place prior to any final face-to-face or electronic interview

for the pastoral position and before any call is extended by the Pastoral Nominating Committee or Covenant Agreement is made with the Session.

5.) **Who will initiate the background check?**

The COM liaison and the PNC or Session will request that a background check be conducted. The COM liaison will see that a request form is sent to the person who must sign it and have it returned to the Presbytery's Operations Manager as soon as possible. The Operations Manager will then request the background check from the appropriate investigative firm. This process is followed for all persons for installed or temporary pastoral service or specialized ministries and candidates coming under care.

6.) **What happens to the information that is gathered?**

The Operations Manager and the Stated Clerk will review the report and confer with the COM Leadership Team. The COM Leadership Team will notify the parties involved on the process going forward. The reports are kept in an electronic secured file with the Presbytery indefinitely.

7.) **Are all criminal convictions considered equally important?**

No. Convictions related to auto-related offenses such as speeding are clearly not as significant as a conviction for DWI, embezzlement, or any type of abuse. At the same time the Presbytery is free to make a judgment about the person's non-voluntarily disclosing of this information.

8.) **Who bears the cost?**

The cost of the background check will ordinarily be paid by the local congregation for incoming pastoral leaders. For all background checks, should the cost of the background check cause a financial hardship, please contact your COM/COM liaison for assistance.

9.) **What about the person's privacy rights?**

The minister or candidate has no right to privacy concerning the Presbytery's gathering of publicly available information related to criminal convictions. The Presbytery's right to know this information is related to its oversight of those seeking membership and for its role in protecting Pastoral Nominating Committees and congregations under its jurisdiction. The person does have a right to be assured that the process is confidential—only those who need to know get to know—and that alleged incorrect information can be challenged with the investigative firm.

10.) **What happens if the person declines to cooperate with this policy?**

The person will be denied from consideration of service in this Presbytery.