

CRIMINAL BACKGROUND CHECKS
Presbytery of Geneva Criminal Background Check Policy
Committee on Ministry Criminal Background Check Procedures

Presbytery of Geneva Criminal Background Check Policy for Pastoral Leaders

The Presbytery of Geneva shall require a national criminal background check on all candidates for installed and covenanted pastoral positions to provide increased protection for churches and their members from those who have a history of criminal behavior. The policies help pastoral search committees and the Committee on Ministry (COM) make informed decisions about prospective pastors.

Persons who will undergo criminal background checks

The Presbytery of Geneva, through the Committee on Ministry, requires a criminal background check for the following persons before a call is issued or employment begins:

1. All individuals under the care of the Presbytery who move from Inquirer stage to Candidate for Ministry;
2. All teaching elders new to the Presbytery who are to be called to an installed pastoral position or begin a new covenanted pastoral position (interim/transitional or temporary pastor) regardless of the length of the term;
3. All commissioned ruling elders of the Presbytery, prior to initial commissioning;
4. All persons, regardless of denomination, who receive a new call or appointment to an installed pastoral position or begin a new covenanted pastoral position (interim/transitional or temporary pastor or CRE) regardless of the length of the term;
5. All teaching elders requesting membership in the presbytery but not being called to an installed or covenanted position.

Ministers and CREs who are renewing a covenant with the same congregation are not required to have a background check as a condition for that renewal, unless otherwise determined by COM.

Persons who only serve congregations as pulpit supply are not required to have a background check.

COM may, in its sole discretion, waive the requirement for a criminal background check on behalf of the Presbytery if a person in a pastoral position moves from one congregation in the Presbytery to another congregation in the Presbytery and the Presbytery has a satisfactory criminal background check on file dated within four years of the approval by COM of the call or covenant.

Approved by Presbytery on January 27, 2024

COM Criminal Background Check Procedures

Initiating the criminal background check

During a search for an installed or transitional pastor, the search committee will request a criminal background check by contacting the Presbytery Office Administrator at the same time they are requesting a Committee on Ministry (COM) clearance interview and a Presbytery Leader to Leader check.

For persons serving individual churches or other bodies in situations that require a criminal background check, the relevant session or body will initiate the process by contacting the Presbytery Office Administrator.

The cost of the background check ordinarily will be borne by the employing or receiving body (e.g., church, presbytery). Should the cost of a background check cause a financial hardship, contact the COM for assistance.

TransUnion is the commercial online criminal background check service utilized by the Presbytery of Geneva. TransUnion will contact the individual directly to obtain written permission, name, social security number, current and previous addresses, and other names by which the person has been known. Failure to grant consent to the background check or to provide the necessary identifying information will be considered grounds for denying clearance for service in this presbytery.

Unless otherwise requested by the search committee, church, or other body, TransUnion will conduct a Basic Background Check. The Basic Background Check is the level of check required by the Presbytery of Geneva. This includes:

- Instant State and County Check
- Federal Watch Lists
- National Sex Offender Registry
- National Most Wanted

Other levels of criminal background checks that include identity reports and credit checks are also available from TransUnion, and may be requested.

Reviewing results of the criminal background check

The Stated Clerk will receive the results of the background check, as will the individual. The Stated Clerk will review the report and if it contains no negative information the Stated Clerk will convey the results to the COM and the search committee, church or other body requesting the search.

If the search includes any negative information, the Stated Clerk will inform the Presbytery Leader who will then contact the individual to discuss the matter before giving the results to the requesting body or COM. If the Presbytery Leader is satisfied by the individual's explanation, the Presbytery Leader will advise the COM and relevant body that the process can go forward.

In the absence of a Presbytery Leader, the Stated Clerk will carry out the responsibilities of the Presbytery Leader in this process.

Not all criminal convictions are considered equally important. For example a conviction related to auto-related offenses such as speeding is clearly not as significant as a conviction for embezzlement or a violent crime. At the same time, the presbytery is free to make a judgment about any convictions not voluntarily disclosed by the individual.

If not satisfied by the individual's explanation, the Presbytery Leader will refer the concern to the chair(s) of the COM. A group consisting of the Stated Clerk, the Presbytery Leader, and the chair(s) of COM will discuss the concern and decide on next steps. If the group decides the process can go forward, a COM chair will contact the search committee or other relevant body. If the concern is not resolved, the COM chair will contact the individual to explain that their application cannot go forward and request that the individual withdraw their application. The individual may appeal to the full COM. The COM will then be given the report and meet with the individual.

The Presbytery Leader will file a report in the ministry member's file in the presbytery if any restrictions were set for the individual.

The search committee, church, or other body requesting the background check will be told if the person is cleared or not cleared to move forward with or without restrictions, not the negative information in the report.

If a background check is returned with negative information pertaining to an individual currently serving the Presbytery of Geneva in any capacity, the COM will determine a plan of action. Such actions may include, but not be limited to counseling, application of the Presbytery of Geneva's Sexual Misconduct Policy, Child, Youth, and Vulnerable Adults Protection Policy, Workplace Sexual Harassment Policy, initiating a process to terminate any pastoral relationships, and/or referring the case to the Permanent Judicial Commission.

Confidentiality and Record Keeping

The individual 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 related to those seeking membership, and the presbytery's role in protecting search committees and congregations is the controlling consideration. 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.

Once received, background check reports are confidential. All reports will be filed by the Stated Clerk in the individual's file securely maintained by the Presbytery of Geneva. The information will be retained for the longer of 20 years or the length of the individual's association with the Presbytery. The individual may have access to the information in their file.

Adopted by COM November 7, 2023