

ETHICAL CONDUCT POLICY

Presbytery of San Jose

Adopted on _____

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Purpose of This Policy

This Ethical Conduct Policy states what training and background checks each role in the Presbytery of San José must complete, how often, and how to complete them.

Requirements come from two separate sources — the Book of Order and California law — and this policy distinguishes them throughout. Every requirement is cited to its authority to assist Clerks of session, session leaders, and minister members responsible for recording completion.

The Ethical Conduct Policy has three components: **The policy**; **Figure 1: Decision Tree – What Trainings Do I Need to Complete?**; and **Appendix A: Approved Training & Resources**, which lists the approved courses and instructions on how to complete each requirement.

Definitions

Boundary Training (which includes the topic of Sexual Misconduct) (G-3.0106). The training addresses healthy boundaries in ministry and the prevention of sexual misconduct, harassment, and the misuse of authority, power, and relationships. The presbytery's approach focuses on prevention through self-awareness, self-care, and intentional choices, trusting that most people seek personal wholeness and healthy relationships. The presbytery determines which courses satisfy this requirement (G-2.1002).

Child Sexual Abuse Prevention Training (CSAP) (G-3.0106) is a separate requirement where some of the content overlaps with Boundary Training. However, the training focuses on the boundaries and policies that prevent the abuse of minors (G-3.0106).

Mandated Reporter means a person who must report known or reasonably suspected abuse or neglect of a child directly to law enforcement or child protective services. California law makes clergy mandated reporters, along with the administrators, employees, and regular volunteers of organizations that serve youth (AB 506). The Book of Order gives the same duty to everyone in ordered ministry — teaching elders, ruling elders, and deacons, who must report knowledge of harm, or risk of harm, to church and civil authorities (G-4.0302). Under this policy, clerks of session and Christian educators carry the same duty.

Regular Volunteer refers to a volunteer age 18 or older who works directly with, or supervises, children for more than 16 hours in any month or 32 hours in any year (AB 506). Crossing either threshold triggers the requirements in this policy.

Live Scan is California's fingerprint-based background check. Fingerprints are taken at a certified Live Scan site and sent electronically to the California Department of Justice (DOJ) and the FBI. It is required under AB 506. A name-based or commercial online background check does not satisfy it.

Custodian of Records has two uses in this policy. In a general sense, the clerk of session is the custodian of a congregation's records — minutes, membership rolls, and training certificates — by nature of the role. For Live Scan, the Custodian of Records is the person the DOJ confirms to receive, secure, store, and destroy the criminal record information that Live Scan returns. Currently, the Rev. Dr. Neal Presa, Executive Presbyter, serves as the DOJ Custodian of Records

for the presbytery and for congregations that submit Live Scan through the presbytery. A clerk of session serves in the DOJ role only if the congregation registers with the DOJ as its own applicant agency. In either case, clerks of session complete Mandated Reporter Training and Live Scan under this policy.

Council refers to a session, the presbytery, the synod, or the General Assembly (G-3.01). G-3.0106 requirements apply to the members of a council, distinct of other roles within the presbytery. A board of deacons, a committee, and church staff are not councils.

Church staff and members applies to individuals who work with or supervise minors in the life of the congregation — church school teachers, youth leaders, childcare staff, camp and retreat volunteers, and nursery workers. This does not apply to occasional helpers who stay below the Regular Volunteer threshold of 16 hours per month/32 hours per year.

Where These Requirements Come From

Every requirement in this policy rests on one of two authorities, in addition to the recommendations of the presbytery.

The Book of Order

The Book of Order is Part II of the constitution of the Presbyterian Church (U.S.A.). It governs all of the church's councils — the General Assembly, the synods, the presbyteries, and the sessions — and those in ordered ministry: teaching elders, ruling elders, and deacons. Four provisions carry the training requirements:

Citation	What it requires	Who it reaches
G-3.0106	Each council shall adopt a sexual misconduct policy, a harassment policy, a child, youth, and adults with vulnerabilities protection policy, and an antiracism policy. Each council's policy shall include requirements for boundary training which includes the topic of sexual misconduct, and child sexual abuse prevention training for its members at least every thirty-six months.	Members of each council — the General Assembly, the synod, the presbytery, and each session
G-2.0603	A certificate of completion of boundary training, which includes the topic of sexual misconduct, and child sexual abuse prevention training, with recertification at least every thirty-six months.	Candidates for ordination as Ministers of Word and Sacrament, at the point of ordination
G-2.1002	The same certificate as part of preparation, and the presbytery determines which trainings are approved to meet these requirements.	Ruling elders being commissioned, at the point of commissioning
G-4.0302	Report to ecclesiastical and civil legal authorities knowledge of harm, or risk of harm, related to physical abuse, neglect, or sexual molestation or abuse of a minor or an adult who lacks mental capacity.	All in ordered ministry — teaching elders, ruling elders, deacons — and certified Christian educators

G-3.0106 also permits a council to delegate aspects of its tasks to such entities as it deems appropriate, provided those entities remain accountable to the council. This is the basis on which the presbytery provides training on behalf of sessions, and on which a session may request approval of an alternative curriculum.

California Law – Assembly Bill 506 (2021)

Assembly Bill 506 (2021) sets California’s child-protection requirements for organizations that serve minors, including churches. Anti-harassment training comes from a separate state law. AB 506 also allows an insurer to request proof of compliance before writing liability insurance for a youth service organization.

Citation	What it requires	Who it reaches
AB 506 (2021)	Mandated reporter status and training; Live Scan background checks; a DOJ-confirmed Custodian of Records for each organization that requests Live Scan; and child abuse prevention policies.	Clergy, and the administrators, employees, and regular volunteers of youth service organizations
Gov. Code § 12950.1	Sexual harassment and abusive conduct prevention training — two hours for supervisors, one hour for non-supervisors, every two years.	Employers with five or more employees

Requirements by Role (for a “Decision Tree”, see Figure 1 on page 7)

Role	Boundary Training (incl. Sexual Misconduct)	Child Sexual Abuse Prevention	Mandated Reporter Training	Live Scan	Anti-Harassment Training
Teaching elders & Commissioned Ruling Elders (inc. retired clergy who are parish associates or temporary pastors)	Required (G-2.0603, G-3.0106)	Required (G-2.0603, G-3.0106)	Required (AB 506)	Required (AB 506)	See circumstances
Retired teaching elders engaging in any form of ministry	Required (G-3.0106)	Required (G-3.0106)	Required if parish associate or temporary pastor (AB 506)	Required if parish associate or temporary pastor (AB 506)	See circumstances

Role	Boundary Training (incl. Sexual Misconduct)	Child Sexual Abuse Prevention	Mandated Reporter Training	Live Scan	Anti-Harassment Training
CPM Inquirers/Candidates	Required (G-2.0603, G-2.1002)	Required (G-2.0603, G-2.1002)	Not required	Not required	See circumstances
Ruling elders in active service	Required (G-3.0106)	Required (G-3.0106)	Required (G-4.0302)	Not required	See circumstances
Clerks of session (if not an active elder)	Not required	Not required	Required (G-4.0302, AB 506)	Required (AB 506)	See circumstances
Deacons	Not required	Not required	Required (G-4.0302)	Not required	See circumstances
Presbytery staff	Required	Required	Required	See circumstances	Required (Gov. Code § 12950.1)
Church employees	Not required	Not required	See circumstances	See circumstances	Required if 5+ employees (Gov. Code § 12950.1)
Parents and occasional volunteers (below threshold)	Not required	Encouraged, not required	Not required	Not required	Not required

Additional Circumstances

These attach to what a person does, not to the office they hold. They apply on top of whatever the chart above requires.

Circumstance	Adds	Authority
Age 18 or older and working with children or youth more than 16 hours in a month or 32 hours in a year	Mandated Reporter Training and Live Scan	AB 506
Supervisor, pastor, or ministry leader at an employer with five or more employees	Anti-Harassment Training — 2 hours every 2 years	Gov. Code § 12950.1

Renewal Cycle

All trainings in this policy renew every 24 months. This includes Boundary Training (which includes the topic of sexual misconduct), Child Sexual Abuse Prevention Training, Mandated Reporter Training, and Anti-Harassment Training. This aligns with California’s standing two-year renewal period for Mandated Reporter Training and Anti-Harassment Training.

Live Scan is not on a renewal cycle. Once a person is cleared, the DOJ notifies the requesting agency of any later arrests, so re-fingerprinting is not ordinarily required while the person remains in the same role with the same organization. A new submission is generally required when a person begins serving a different organization.

New officers, staff, and volunteers complete all applicable requirements within six months of election, hire, or beginning service. Newly hired employees and newly promoted supervisors complete Anti-Harassment Training within six months, as Gov. Code § 12950.1 requires.

How to Fulfill the Requirements

The presbytery determines which courses satisfy the requirements in this policy (G-2.1002). Approved courses, registration steps, and certificate instructions are listed in **Appendix A: Approved Training & Resources**. A session that wishes to use a curriculum not listed in Appendix A must seek approval from the presbytery before holding the training; contact the Stated Clerk for instructions. Save each certificate of completion when the course ends. Members of a congregation submit a copy to their clerk of session; clergy members of the presbytery submit a copy to the Stated Clerk.

Financial assistance is available from the presbytery for training costs. Please contact the presbytery office for details.

Additional Council Requirements

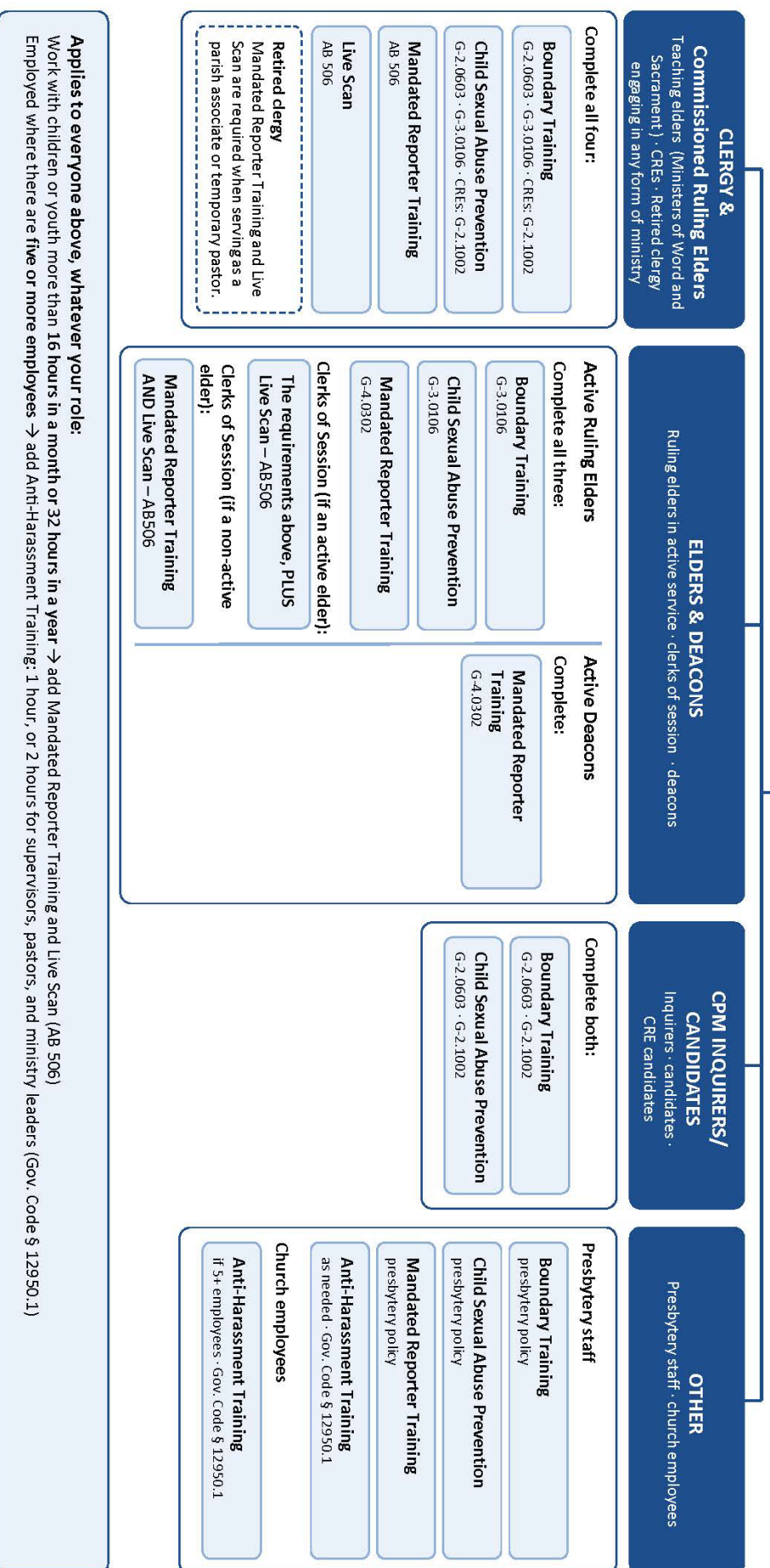
Beyond the requirements that attach to individuals, each council — the General Assembly, the synod, the presbytery and each session — must adopt and implement four policies: a sexual misconduct policy; an anti-harassment policy; a child, youth, and adults with vulnerabilities protection policy; and an antiracism policy (G-3.0106). Each council's policy must include the training requirements set out in this policy, and each council is responsible for ensuring that its own members are current on that training.

Any church or agency serving minors must also adopt child abuse prevention policies under AB 506, covering external reporting of suspected abuse, the presence of at least two adults (mandated reporters recommended) with children wherever possible, and a recommendation of providing written notice to parents about background check policies.

Sessions should track volunteer hours closely enough to know when someone crosses the 16-hour monthly or 32-hour annual threshold. A parent who helps at one event will not reach it; a parent who leads a weekly youth group will reach it quickly, and becomes a regular volunteer subject to training and Live Scan at that point.

Figure 1
What Trainings Do I Need to Complete?

Start here — what is your role?



All trainings renew every 24 months · Live Scan does not renew

Ethical Conduct Policy: Appendix A

Approved Trainings & Resources

Boundary Training (with Sexual Misconduct topic) | Child Sexual Abuse Prevention Training
Mandated Reporter Training | Live Scan | Anti-Harassment Training

The presbytery determines which courses satisfy the requirements outlined in the Ethical Conduct Policy (G-2.1002). If a session chooses to use another curriculum other than listed below, **they must seek approval from the presbytery prior to holding the training.** If you are considering the use of a curriculum not listed below, please contact the Stated Clerk for further instructions.

Financial assistance is available from the presbytery for training costs. Please contact the presbytery office for details.

Boundary Training (which includes the topic of Sexual Misconduct)

The following resources are approved by the presbytery to fulfill this requirement:

- **Clergy Ethics Course** by *Safe Gatherings* - online
 - Teaching Elders (Ministers of Word and Sacrament)
 - Commissioned Ruling Elders
 - retired pastors engaging in ministry of any capacity
- **Preventing Abuse and Exploitation in Pastoral Ministry** by *Praesidium* - online
 - Active Ruling Elders
 - Presbytery staff (non-clergy)
 - CPM inquirers/candidates
 - CRE candidates

Clergy Ethics Course (Safe Gatherings) registration

1. Visit safegatherings.com and select the green “Clergy Ethics Course” button, or go directly to safegatherings.com/learn-more/clergy-ethics.
2. Existing users log in; new users begin registration.
3. Denomination: Presbyterian · Country: United States · State: CA
4. Organization: type “Jose” and select “Presbytery of San Jose.”
5. Complete the seven-module course — about two hours, and it may be paused and resumed — then download your certificate of completion.
6. Send a copy of the certificate to the Stated Clerk

Preventing Abuse and Exploitation in Pastoral Ministry (Praesidium)

Access to this online training will be offered through the presbytery. More details will be offered.

Child Sexual Abuse Prevention Training

The following resources are approved by the presbytery for all who need to fulfill this requirement which include:

- Teaching Elders (Ministers of Word and Sacrament)
- Commissioned Ruling Elders
- Retired pastors engaging in ministry of any capacity
- Active Ruling Elders
- Presbytery staff (non-clergy)
- CPM inquirers/candidates
- CRE candidates
- **Stewards of Children** by *Darkness to Light*:
 - An in-person session led by a certified facilitator
 - Online, self-paced course
- **Abuse Prevention Training** by *Safe Gatherings* - online
- **Foundations: Preventing Abuse in Youth-Serving Organizations** by *Praesidium* – online

Stewards of Children (Darkness to Light)

1. For *in-person training*, please contact the presbytery office to ask about locations and dates that are offered within the bounds of our presbytery.
2. For *online training*: Go to d2l.org/training-catalog/stewards-of-children and select the online training option.
3. Create an account and purchase the course
4. Complete the modules. The training runs about two hours and can be paused and resumed.
5. Score 80% or higher on the embedded knowledge checks to receive the certificate.
6. Save the certificate and submit a copy to your clerk of session.

Abuse Prevention Training (Safe Gatherings) – training access info coming soon

Foundations: Preventing Abuse in Youth-Serving Organizations (Praesidium) – training access info coming soon

Mandated Reporter Training (California-approved) at MandatedReporterCA.com

This resource is approved by California and the presbytery to fulfill this requirement. There are other trainings available for Mandated Reporters, but **you are required to use the below so as to fulfill California specific requirements.**

- **Clergy Track**

- Teaching Elders (Ministers of Word and Sacrament)
- Commissioned Ruling Elders
- Retired pastors serving as parish associates or temporary pastors

- **General Track**

- Clerks of Session
- Active Ruling Elders
- Active Deacons
- Presbytery staff (non-clergy)
- Non-clergy staff who work with children and youth more than 16 hours a month, or 32 hours a year

- **Volunteer Track**

- Any volunteer in the church who works with children and youth more than 16 hours a month, or 32 hours a year

1. Go to mandatedreporterca.com and select “Training” from the top menu.
2. Choose the track that fits your role: Clergy; General; Volunteer.
3. Create a free account and complete the modules at your own pace. Each track ends with a final exam requiring 80% or higher, which may be retaken as often as needed.
4. Download and save the certificate before closing the module — the state platform does not keep organizational records.
5. Submit a copy to your clerk of session if you are a church member, or the Stated Clerk if you are a clergy member of the presbytery.

Live Scan

Live Scan is a fingerprint background check, not a training. Under AB 506 and presbytery policy, it is required of:

- Teaching Elders (Ministers of Word and Sacrament)
- Commissioned Ruling Elders
- Retired pastors serving as parish associates or temporary pastors
- Clerks of Session

Live Scan must be requested by an organization that the Department of Justice (DOJ) has authorized as an Applicant Agency, with an approved Custodian of Records who will receive the records. The Custodian of Records receives criminal record information returned from Live Scan and is responsible for its security, storage, and destruction, and serves as the organization's point of contact with the DOJ.

Churches have **two options** to fulfill this requirement:

- Complete Live Scan through the Presbytery of San Jose
 - The Executive Presbyter is authorized to serve as a Custodian of Records. The presbytery's Custodian of Records covers congregations' Live Scan submissions.
 - Individuals from churches needing to fulfill the Live Scan requirement can obtain the Originating Agency Identifier (ORI number) that is needed from the presbytery office to complete the application and Live Scan process.
- Complete Live Scan by the church becoming an applicant agency
 1. Apply to the California DOJ for authorization to become an Applicant Agency.
 2. Designate a Custodian of Records from the congregation (oftentimes the Clerk of Session) and submit that person for DOJ confirmation. This person will go through an FBI background check, as well as have their fingerprints taken via Live Scan.
 3. After approval as an applicant agency, the church will receive an ORI number.
 4. Issue each person needing a Live Scan, a Request for Live Scan Service form pre-filled with the church's ORI, and send them to any certified Live Scan site.
 5. Results return to the congregation's Custodian of Records, who records the clearance and secures or destroys the record itself.

(Note: Unlike how the training certificates from other requirements stay with the Clerk of Session or Stated Clerk, criminal record information from DOJ does not — it goes to the Custodian of Records only, and is never filed with training records.)

Anti-Harassment Training (Gov. Code § 12950.1)

This training is required of churches and agencies that employ *five or more employees*.

- **Supervisors:** two hours, every two years
- **Non-supervisors:** one hour, every two years (Gov. Code § 12950.1)

The presbytery has approved the following resources to fulfill this requirement:

- **Sexual Harassment Prevention Training** from the State – online
- **Promoting a Safe Environment: Employee Sexual Harassment** by *Praesidium* – online

Sexual Harassment Prevention Training (State of California)

1. Go to calcivilrights.ca.gov/shpt and select the appropriate course — employee or supervisor.
2. The training is individualized e-learning and cannot be watched in a group setting, per state regulation.
3. Complete the modules at your own pace and download the certificate at the end. CRD does not store certificates, so save it immediately.
4. Submit a copy to your clerk of session or church administrator.

Promoting a Safe Environment: Employee Sexual Harassment (Praesidium) – access info forthcoming

Resources

- Presbytery of San José Ethical Conduct Policy (all components):
sanjosepby.org/policies
- Safe Gatherings — Clergy Ethics Course (Boundary Training for clergy):
safegatherings.com/learn-more/clergy-ethics
- Darkness to Light — Stewards of Children (Child Sexual Abuse Prevention Training, in person and online): d2l.org/training-catalog/stewards-of-children
- California Mandated Reporter Training (free; Clergy, General, and Volunteer tracks):
mandatedreporterca.com
- California Anti-Harassment Training (free, Civil Rights Department):
calcivilrights.ca.gov/shpt
- California DOJ — applicant agency authorization and Live Scan:
oag.ca.gov/fingerprints/agencies
- California DOJ — Custodian of Records requirements and forms:
oag.ca.gov/fingerprints/custodian