

The Presbytery of Giddings-Lovejoy gives sincere thanks to the Presbytery of Southern New England for the majority of this Sexual Misconduct Policy

I. INTRODUCTION

We believe that Scripture and our faith in Jesus Christ call us to standards of responsible conduct in all of life, including sexual behavior. Human sexuality is an integral part of who we are as persons. However, it can become the basis for oppression, where trust relationships are breached and persons are abused. Sexual misconduct is a violation not only of the principles set forth in Scripture, but also of the ministerial employment and professional relationship, and as such is never permissible.

A. Theological Rationale

Under the grace of God and the Lordship of Jesus Christ, the church and its people are called to behave responsibly in a connectional system that is clear in its expectations and uniform in its discipline. Biblical standards for the sanctity of marriage and for ethical behavior are based on a combination of love, justice and the equitable distribution of power. Sexual behavior is one aspect of human interaction that must be conducted justly without exploitation. Our faith, under Christ, leads us to decry any interactions where people are treated without love and justice.

The church has grappled since its inception with the tension between judgment and grace as attributes of God's nature. Though grace predominates and forms the motivation of the church's response, judgment and discipline are expected when individual behavior affects other persons and the church body as a whole. To lightly dismiss an instance of sexual misconduct, although it may appear on the surface to be gracious, is really compounding the misconduct. Maintaining silence is unacceptable. In the words of Paul: "My friends, if anyone is detected in a transgression, you who have received the Spirit should restore such a one in a spirit of gentleness...So then, whenever we have an opportunity, let us work for the good of all, and especially for those of the family of faith." (Galatians 6:1a, 10)

B. Purpose and Scope

1. Purpose

It is the purpose of this policy:

- a. To define behaviors which constitute sexual misconduct in the Presbytery of Giddings-Lovejoy.
- b. To provide procedural standards applicable to all members, employees and other participants in the work and ministry of the Presbytery of Giddings-Lovejoy.
- c. To provide for measures to prevent the occurrence of sexual misconduct.
- d. To provide a model for policies to be adopted by church sessions dealing with church members, non-ordained employees and volunteers.
- e. To define a system that provides for a timely, just and caring response to all parties in sexual misconduct situations.
- f. To serve as a complement to the *Book of Order*.

2. Scope

The persons governed by this policy are all members of the Presbytery of Giddings-Lovejoy: ministers, commissioned lay pastors, committee members, candidates, inquirers, Presbytery volunteers, members of the Presbytery Council, the moderators of

any of the Presbytery's entities, employees, or other persons carrying out the programs of the Presbytery of Giddings-Lovejoy.

- a. **Particular Churches:** This policy does not address sexual misconduct within the particular churches of the Presbytery of Giddings-Lovejoy, but it does regulate the behavior of employees or members of the Presbytery in church settings. It is recommended that Sessions adopt policies similar to this one, so that they are prepared to deal with instances of sexual misconduct by individuals under their jurisdiction.
 - b. **Child Protection:** Because of the unique issues involved in monitoring youth and child activities, this policy is not intended to serve as a full child protection policy. All churches should have a Child Protection Policy in place and regularly updated. Child Protection Policies should include a code of conduct for all paid and all volunteer personnel who work with (or will work with) any minor children. See guidelines for developing a policy in Appendix A.
3. **Other Policies and Procedures**
This policy is to be interpreted and applied consistently with any and all other applicable policies of the Presbytery of Giddings-Lovejoy, the Presbyterian Church (U.S.A.), and state, federal, and local law.

II. DEFINITIONS

- A. *Accused* is the person against whom a claim of sexual misconduct is being made.
- B. *Accuser* is the person claiming knowledge of sexual misconduct by a person covered by this policy. The accuser may or may not be the victim or target of alleged sexual misconduct. A person such as a family member, friend or colleague of the victim may be the accuser whose information initiates an inquiry.
- C. *Advocate* is a person trained by the Sexual Misconduct Response Coordination Team (hereafter Response Team) in the issues of sexual misconduct. Advocates are to provide support and emotional and physical presence to the alleged victim(s) and their family, to the accused and their family, and/or to the congregation involved in a sexual misconduct case. An advocate also provides clarification of the investigative and judicial process of the church to the person(s) with whom he/she is assigned.
- D. *Child Sexual Abuse* includes, but is not limited to, any contact or interaction between a child and another person when the child is being used for the sexual stimulation of that person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is never consensual and is always considered forced or coercive.
- E. *Church* refers to a congregation or particular church of the Presbyterian Church (U.S.A.).
- F. *Employee* is the comprehensive term used to cover individuals who are hired or called to work for the church for salary or wages.
- G. *Entity* is the term used to refer to any program or office managed by a board, committee, council, or other body whose membership is elected by a governing body.
- H. *Governing Body* is a representative body composed of elders and Ministers of the Word and Sacrament; these are sessions, presbyteries, synods, and the General Assembly. A governing

body may establish entities such as day care centers, conference centers, camps, or homes for the aged. A governing body may have both church members and nonmembers as employees.

- I. *High Risk Occupation* is one which calls for a person to work in close contact with those who are vulnerable and less capable of protecting themselves, with children, elderly persons, those who are wholly or partially incapacitated, or counseling clients having emotional or personal problems.
- J. *Investigating Committee* is the committee formed by the Presbytery to determine whether charges should be filed based upon allegations of an offense received by the governing body. See *Book of Order* D-10.0201.
- K. *Mandated Reporter* is described by the laws of Missouri and Illinois as a person who is required to report any and all suspected incidents of child abuse, including child sexual abuse, that come to their attention. See Appendix B.
- L. *Reasonable Suspicion* is a subjective criterion that refers to a belief or opinion based on facts or circumstances that are sufficient for a prudent person to want to inquire further, to take protective action, or report to authorities.
- M. *Response* is the action taken by the governing body or entity when a report of sexual misconduct is received. It may include (1) inquiry into facts and circumstances, (2) possible disciplinary action (administrative or judicial or both), (3) pastoral care for victims and their families and others, (4) pastoral care and rehabilitation for the accused and care for their families, and (5) support for the affected congregation as appropriate.
- N. *Secular Authorities* are the governmental bodies, whether city, county, state, or federal, who are given the responsibility to investigate, criminally prosecute, and/or bring civil charges against individuals accused of sexual crimes or offenses against adults and children.
- O. *Secular Law* is the body of municipal, state, and federal laws and is often referred to collectively as civil and criminal law. Prohibited behavior addressed by this policy may result in criminal and/or civil charges filed under secular law.
- P. *Sexual Harassment* as defined for this policy is as follows: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution;
 - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment based on the declared judgment of the affected individual.
- Q. *Sexual Malfeasance* is defined as sexual conduct within a ministerial (e.g. a pastor with a member of his or her congregation) or professional relationship (e.g. counselor with a client, lay employee with a church member, presbytery executive with a committee member who may be a lay person, a minister, or an elder). Sexual conduct includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. Sexual Malfeasance is inappropriate activity. It does not include relationships between

spouses, nor is it meant to restrict church professionals from having normal mutual, social, intimate or marital relationships outside of their relationships with parishioners and their subordinate staff.

- R. *Sexual Misconduct* is the comprehensive term used in this policy to include:
1. Child sexual abuse as defined above;
 2. Sexual harassment as defined above;
 3. Sexual malfeasance as defined above;
 4. Rape or sexual contact by force, threat, or intimidation;
 5. Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another.
 6. Single party conduct, where no other party is involved, such as use of computers, reproduction machinery or other office equipment belonging to a governing body.
 7. Inappropriate use of the Internet to communicate with another to commit sexually abusive activity, including but not limited to the activities listed above.
- S. *Sexual Misconduct Response Coordination Team*, or Response Team as used in this Sexual Misconduct Policy, is that body constituted by the Presbytery of Giddings-Lovejoy to facilitate the process of responding to allegations of sexual misconduct by a person covered by this policy. The structure and function of the Response Team are detailed in this Sexual Misconduct Policy.
- T. *Victim* is the term used to identify the person alleged to have been injured by sexual misconduct.
- U. *Volunteer* is the term used for those who provide services for governing bodies and entities of the church and receive no benefits or remuneration. Volunteers include persons elected or appointed to serve on boards, committees, and other groups.

III. THE RESPONSE TEAM

A. Purpose:

1. To maintain and provide guidelines for prevention of and response to sexual misconduct.
2. To ensure that a timely, confidential and caring response is made by the Presbytery to reports of sexual misconduct. The Response Team is not an investigatory body and will not usurp the roles of Presbytery officials or committees, including investigating committees.
3. To provide or arrange for a program of continuing education for leaders and employees of the Presbytery and its congregations, as outlined in Training Section III.C.

B. Accountability and Membership

The Response Team shall be appointed or re-appointed yearly by and serve under the authority of the Committee on Ministry. Appointments shall be reported to the Presbytery with the COM report at the February stated meeting.

The Team shall be comprised of ministers and lay persons who bring a variety of competencies, experiences, and expertise to the work of the team. Backgrounds in pastoral

care, counseling, interim ministry, conflict resolution, law, child advocacy, and women's issues would be helpful. The Response Team should reflect the racial/ethnic and gender constituency of the Presbytery. There shall be six members arranged into three classes; one member shall be designated as chairperson.

Advisory professionals in the areas of counseling, law and insurance may be named as consultants to assist in the response at the invitation of the team.

C. Training

The Response Team members will receive training in dealing with sexual and ethical misconduct, with specific attention to the dynamics that are unique to the ministerial role as well as to affected congregations.

In addition, the Response Team is responsible for providing or arranging for training workshops on issues of sexual misconduct. All minister members, commissioned lay pastors, and Presbytery staff are required to attend the training within 18 months of entering the Presbytery, and at least every five years thereafter. Honorably Retired ministers are exempt unless they are working with a congregation in some capacity, including occasional supply. All individuals listed on the occasional supply list are required to attend the training.

D. Annual Review

The Response Team shall annually review and evaluate this policy and recommend changes to the Committee on Ministry for approval by the Presbytery as needed. The Response Team shall provide the Committee an annual report, regardless of whether changes are recommended.

E. Resources

1. The Committee on Ministry shall maintain a list of available pastors trained in responding to congregations where abuse has occurred.
2. The Response Team shall recommend resources for assistance to such congregations for purchase by the Resource Center.
3. The Committee on Ministry shall include in its budget funds to support the work of the Sexual Misconduct Team.

IV. PROCEDURES AND IMPLEMENTATION

A. General Principles

1. Ministers, commissioned lay pastors, elders, deacons, ministerial candidates and inquirers are subject to inquiry and discipline under the *Book of Order*, Rules of Discipline. This policy is intended to supplement the Rules of Discipline, not to replace them.
2. Employees and volunteer staff working for the Presbytery are subject to the personnel policies administered by the Presbytery. For employees or volunteer staff who are members of Presbytery, both personnel policy provisions and disciplinary process shall apply.
3. The victim, accuser and accused each have the right to have an advocate (i.e., a colleague, friend, family member, counselor, or other person of their choosing) and an

attorney or counsel present at all interviews and meetings. The role of the advocate is to be a supportive presence to the party. The advocate may be provided by the Response Team if desired by the affected person. Please note that criteria for the attorney or counsel during the trial phase are set forth in the Rules of Discipline. (D-11.031)

4. Provision of information
 - a. All requests for information relating to a pending case by anyone outside the disciplinary process or the Response Team shall be referred to the Executive Presbyter or his or her designee.
 - b. A final report of any proceeding under the Rules of Discipline, including any charges, files and actions taken shall be made by the Stated Clerk to the Presbytery. A copy of the report will be filed in the permanent personnel file of the accused.

B. Initial Report

1. When a person believes that sexual misconduct has been committed by a minister, commissioned lay pastor, committee member, candidate, inquirer, volunteer or any other person carrying out the programs of the Presbytery of Giddings-Lovejoy, or if such a person self-accuses, the incident shall first be reported to the Executive Presbyter, the Associate Executive, the Stated Clerk, or the Moderator of the Committee on Ministry, who shall then notify the Chairperson of the Response Team.
2. Reports of sexual misconduct involving children shall be made first to civil authorities and then to the Executive Presbyter, the Associate Executive, the Stated Clerk, or the Moderator of the Committee on Ministry, who will immediately notify the Response Team that an allegation has been received. It should be noted that reporting an allegation of child abuse to the Presbytery does not relieve the accuser of her or his mandated reporting responsibilities under state law. A summary of state law concerning mandated reporters appears in Appendix B.
3. Disciplinary proceedings under the Rules of Discipline are initiated by submitting a written "Statement of Alleged Sexual Misconduct Offense" (Appendix C) to the Stated Clerk. Such a statement "shall give a clear narrative and allege facts, that, if proven true, would likely result in disciplinary action." (D-10.0101). At any point when an accuser submits such a written allegation to the Stated Clerk, the disciplinary proceedings under the Rules of Discipline apply and an Investigating Committee will be appointed.
4. If the accuser/victim is not willing or ready to file a written allegation with the Stated Clerk, or if the victim is a child or is not a member of the Presbyterian Church (U.S.A.), the Executive Presbyter, Stated Clerk, Chairperson of the Response Team and Staff to the Response Team shall proceed to determine whether an offense may have occurred and whether a written allegation should be submitted (D-10.0102b). Appropriate response and support will be offered to the accuser/victim.
5. When the Stated Clerk receives a written statement of an alleged offense of sexual misconduct against a staff member of the Presbytery of Giddings-Lovejoy or a member of Presbytery serving a church or other entity, in addition to initiating the procedures required by the Rules of Discipline, the Stated Clerk shall initiate a consultation by the appropriate committee (Committee on Ministry or Personnel Committee) with the accuser, the accused and the involved session or board of oversight to determine whether

the circumstances would be aided by the person accused being advised to take administrative leave (Appendices D and D-1). If the person accused refuses and it is deemed imperative, the Presbytery, through its Committee on Ministry or Personnel Committee may proceed under G-11-0502j, G-11.0103o or under the personnel policy to remove the person. All persons placed on administrative leave are presumed innocent until proven guilty. The Committee on Ministry or other body may also request that an administrative commission be appointed to deal with the discord caused by the alleged misconduct.

6. When the Stated Clerk receives a written statement of an alleged offense of sexual abuse toward any person under the age of eighteen, or who it is alleged lacks the mental capacity to consent, against a Minister of the Word and Sacrament, the Stated Clerk shall communicate the allegation to the moderator of the permanent judicial commission, who shall follow the procedure in D-10.0106 to determine whether the accused shall be placed on paid administrative leave during the resolution of the matter.
7. The Executive Presbyter or his or her designee will also immediately notify the Presbytery's insurance company that a report of sexual misconduct has been received.
8. Any reports received by the Presbytery that fall within the jurisdiction of a local session will be referred to the Clerk and/or Moderator of that session. If the report is of sexual misconduct by a minister member, the local church should report the incident to the Executive Presbyter, the Associate Executive, the Stated Clerk, or the Moderator of the Committee on Ministry, since minister members are governed by their presbytery of jurisdiction.

C. The Role of the Response Team

1. When the Response Team is first notified of an accusation, it shall coordinate pastoral care for the accuser/victim(s), the accused, their families, the congregation and all other involved parties. At no time will there be only one person in possession of knowledge of any matters pertaining to a case.
2. The Response Team's responsibilities are to:
 - a. Notify the affected parties of the Response Team's role and distribute copies of this policy.
 - b. Confirm that civil authorities have been notified, when appropriate.
 - c. Assess the needs of the affected parties, congregations, entities, agencies and governing bodies, including the needs for advocates and/or an attorney or counsel.
 - 1) The Accuser/Victim(s): At least two persons named by the Response Team will meet with the accuser/victim(s) and their family to listen to their concerns and ascertain their needs. The Response Team members' role is to help clarify options for the accuser/victim(s) so they may decide for themselves what they will choose to do, as well as to make available to the accuser/victim a list of counseling resources.
 - 2) The Accused: The Response Team shall consult with the Executive Presbyter and her or his designee to determine what support and resources should be offered to the accused. The Executive Presbyter and his or her designee will offer at least

two persons from the Response Team to arrange support, as well as make available to the accused a list of counseling resources, if requested.

- 3) **The Congregation:** When a congregation is involved, the Response Team in consultation with the Committee on Ministry and the Executive Presbyter and her or his designee shall determine if it would be helpful to offer the congregation support and services. When appropriate, members of the Response Team may be called upon to meet with the session to advise the congregation regarding the kind of support and resources that are available and to help the session plan a response to the situation.
- 4) **Resources:** The Response Team will identify the resources available for professional counseling. If the victim and/or the accused do not have insurance and are unable to assume the costs of counseling, the Presbytery shall accept responsibility for payment of reasonable counseling fees, ordinarily up to a maximum of one year.

At least two persons, one of whom is a member of the Response Team, will be present when meeting with the accuser, victim, accused, or witnesses. Such consultations shall always include at least one person who is of the same gender as the subject of the conversation.

3. Members of the Response Team will make reasonable efforts to guard the privacy of persons involved. Material information will be made available only to authorized persons on a need-to-know basis. Breaches of confidentiality are subject to disciplinary process.
4. Should the process enter the investigative phase (D-10.0201), the role of the Response Team is limited to providing appropriate referrals.
5. Should the accuser refuse to file a written allegation to the Stated Clerk, the Response Team is to continue in a supportive role with the various parties through their advocates.

D. The Role of the Investigating Committee

1. The Investigating Committee is charged under the Rules of Discipline with conducting an inquiry to determine whether charges should be filed (D-10.0201).
2. The Investigating Committee is appointed by the Moderator from the Investigating Committee pool of at least 12 persons named by the Executive Committee of the Mission Council (Presbytery of Giddings-Lovejoy *Manual of Operations* 4.174).
3. The Investigating Committee will provide the accused with a copy of the statement of the alleged offense (D-10.0202a).
4. If the Investigating Committee determines that sufficient grounds exist to bring the allegations to trial, and that they can reasonably be proved (D-10.0202g), the Investigating Committee will prosecute the case before the Presbytery Permanent Judicial Commission.
5. After the investigation is complete, the Investigating Committee, if appropriate, will initiate alternative forms of dispute resolution (D-10.0202h), or proceed to the filing of charges (D-10.0302) and the prosecution of the case (D-10.0402).

E. Appeal Process

If the defense in a case alleges that grounds exist for an appeal (D-13.0106), any level of censure invoked by the Presbytery shall remain in force.

F. Unsupported Allegations

If the accused is acquitted of charges or if the Investigating Committee determines that the allegations are unsupported by evidence, the Executive Presbyter and his or her designee will consult with the accused to decide how best to repair any damage that may have been done to the reputation of the accused. If an allegation is found to have been submitted maliciously or without grounds, the accuser may be named and disciplinary action may be initiated. The Investigating Committee and the Response Team should encourage the accused to file a request for vindication under D-9.000.

V. ADDITIONAL RESPONSIBILITIES OF THE PRESBYTERY

A. Availability of the Policy and Compliance

1. All ministers, commissioned lay pastors, ministerial candidates, inquirers, and students in the commissioned lay pastor training program of the Presbytery of Giddings-Lovejoy shall be given copies of the policy and be required to sign a Receipt and Acknowledgment of Sexual Misconduct Policy, Appendix E. Such a signature constitutes an agreement by the signatory to abide by the policy and be governed by its terms.
2. This document shall also be available on request to all church members and to the public by means of Presbytery's website at www.glpby.org.
3. Presbytery employees shall receive this document as a supplement to the Personnel Policy Manual and shall be required to sign Appendix E.
4. All ministers, commissioned lay pastors, ministerial candidates, inquirers, lay pastors in training, and all employees of the Presbytery Giddings-Lovejoy shall be required to attend a seminar offered through the Presbytery on the issues of sexual misconduct. Sexual misconduct training must be renewed every five years. All new minister members are required to attend a seminar within 18 months of employment. Persons who have taken training offered by other entities, such as another presbytery or synod, seminary or other institution, may submit proof of that training for review by the Response Team.
5. Individuals supervising or chaperoning overnight youth events sponsored by the Presbytery, and Mound Ridge staff members, must receive training prior to Presbytery of Giddings-Lovejoy sponsored functions. The Response Team or its designee will provide appropriate training for these youth advisors/staff/volunteers prior to such youth events.

B. Management of the Policy

1. Liability and insurance: The Presbytery shall maintain sexual misconduct liability insurance for its programs and activities. Through its statistical report process, the Presbytery through Mission Council shall verify that its member churches are also carrying sexual misconduct liability insurance.
2. Record Keeping: The Presbytery of Giddings-Lovejoy shall include in every employee's personnel file either an application for employment or a PIF, any employment

questionnaires, reference responses, and other documents related to this policy, including Appendix E.

The Committee on Preparation for Ministry shall maintain a file on each candidate under care to document attendance at one training session, or equivalent, prior to approval for ordination. The Commissioned Lay Pastor Oversight Committee shall maintain such records for students in the training program.

The Stated Clerk shall keep on file records of the background checks required by the presbytery's policy for pastors called to serve congregations within the bounds of the Presbytery of Giddings-Lovejoy.

C. Screening of Applicable Persons

1. Pre-Employment Reference Checks

- a. Pre-employment screening includes, but is not limited to, specific questions related to previous complaints of misconduct. The Committee on Ministry is responsible for reviewing the Sexual Misconduct Information page of the Presbyterian Church (U.S.A.) Personal Information Form (PIF) when interviewing persons seeking ministerial calls. The Personnel and Office Management Committee is responsible for obtaining background checks on all employees and/or contract staff working within Presbytery offices.
- b. The Executive Presbyter, Associate Executive Presbyter for Leadership, and/ or the Stated Clerk are responsible for making reference checks to ascertain whether persons seeking ministerial calls have any history of sexual or other misconduct. The Executive Presbyter, Associate Executive, and/or Stated Clerk will report findings to the Committee on Ministry. A written record of conversations and correspondence with references will be kept in a secure file accessible only to the Executive Presbyter, Associate Executive, and the Stated Clerk.
- c. Within the connectional polity of the P.C.(U.S.A) it is the obligation of the presbytery to provide accurate information when responding to a reference check from another presbytery. When the Executive Presbyter, Associate Executive Presbyter for Leadership, and/or Stated Clerk provide a reference, any information provided concerning complaints or disciplinary actions shall be accurate.

2. Criminal Background Checks

- a. According to the Background Check policy adopted by the Presbytery of Giddings-Lovejoy on February 9, 2008, pre-employment screening for prospective minister members and Presbytery staff shall also include a mandatory criminal history and sexual misconduct background check conducted by the Stated Clerk or his or her designee, using a national screening organization. The Committee on Preparation for Ministry shall seek criminal history and sexual misconduct background checks for candidates and inquirers in accordance with procedures established by the policy adopted for prospective minister members, and shall maintain records noting the completion of the background check.

- b. Those securing leadership for youth programs or events as referenced in V.A.5 shall be responsible for securing background checks for those individuals through the national screening organization utilized by the Presbytery.
- c. All persons subject to a background check shall be required to sign a written consent and release form authorizing the criminal record background check. The Committee on Ministry will provide all prospective minister members with a written disclosure that a criminal record and sexual misconduct background report will be requested. The failure of a prospective minister member (or lay person) to volunteer important information regarding his or her criminal history shall prevent that person from consideration for employment in any capacity, or will constitute grounds for termination.
- d. With regard to background checks relevant to pastoral calls or employment by the Presbytery, the discovery of a criminal conviction will not automatically exclude a person from entry into the Presbytery and work in its congregations or with its youth. The use the Presbytery makes of the criminal record background report will be determined on a case-by-case basis and shall include, where judged necessary, appropriate supervision of the individual. The Stated Clerk will review the criminal record and sexual misconduct background reports, and will consult with other executive staff about appropriate communication of the results. The exceptions to this would be that the Executive Presbyter would do the background checks for the Stated Clerk's employment, and the Director of Mound Ridge is responsible for implementing background checks for applicants for employment with Mound Ridge. The Stated Clerk and his or her designee shall ensure the confidentiality and appropriate retention of criminal records and sexual misconduct background checks.
- e. A person who claims that the information in the report is inaccurate, false, or incomplete shall have the right to dispute it.

D. Requests for Transfer, Release, or Renunciation of Jurisdiction

A Session or the Presbytery is constitutionally prohibited from granting a certificate of transfer to a member while an inquiry or charges are pending (D-10.0105). The reasons for not granting a transfer may be communicated by the Clerk of Session or the Stated Clerk to the appropriate persons. Should a minister renounce the jurisdiction of the Presbyterian Church (U.S.A) under G-6.0701, the Stated Clerk shall report to the governing body both the renunciation and the status of the matter at that time, including the name of the accused, the date and fact of renunciation during an investigation or trial, and the charges filed, if any. These actions shall end the Presbytery's disciplinary process. In the case of a renunciation, the Committee on Ministry shall make all reasonable efforts to provide pastoral care and justice to the accuser/victim and the congregation.

E. Disposition of Files

At the conclusion of a case, the records and files of all allegations and their disposition shall be delivered to the Stated Clerk as the designated custodian of all files concerning the case. No committee or its members shall keep copies of a file.

APPENDIX A

CONSIDERATIONS FOR DEVELOPING A POLICY FOR THE PROTECTION OF CHILDREN AND YOUTH

In keeping with the promises made by the congregation in baptism to nurture children in the faith and to model the Christian life, churches are encouraged to develop a code of conduct for staff and volunteers as part of their commitment to creating safe and welcoming environments for children and youth, and for those who minister to them. Policies are to be developed under the auspices of, approved by, and implemented by the Session.

These areas should be addressed within the policy:

- Signature page, affirming a code of conduct congruent with the policy, to be signed by every individual having contact with children or youth
- Definitions, including persons and types of abuse addressed by the policy
- Safeguards put into place by the policy, including
 - processes for screening and selecting staff and volunteers working with children and youth
 - education or training requirements and plans for mentoring leaders
 - protocols for supervising ministries involving children and youth
 - guidelines for conduct
- Protocols guiding response to problems
- Process for making decisions when incidents occur which put children at risk, in violation of covenants made under this policy

It may be helpful to consider appendices that offer

- Guidelines for appropriate demonstration or expression of affection or care within children's or youth ministries/examples of inappropriate attention
- Forms for reporting concerns
- Guidelines and phone numbers for reporting child abuse in Missouri or Illinois (see Appendix B)
- Release forms to secure background checks
- Relevant *Book of Order* references
- Plans for workshops for congregational use, for training of staff and volunteers

Resources for policy development

- PC(USA) website <http://www.pcusa.org/sexualmisconduct/resources.htm>
- Presbytery Resource Center
- Presbytery staff

APPENDIX B

MANDATORY REPORTING OF SUSPECTED CHILD ABUSE

For child abuse occurring in Missouri, contact 1-800-392-3738 (if calling from outside Missouri, contact 573-751-3448) <http://www.dss.mo.gov/cd/rptcan.htm>

All clergy persons, church school officials, and all child care workers are Mandated Reporters. If a mandated reporter has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person must immediately report or cause a report to be made to the Department of Social Services (DSS). Mandated reporters must report abuse inflicted by a person responsible for the child's care, custody and control as well as abuse inflicted by any other person. Mandated reporters may also report their suspicions of abuse or neglect to law enforcement or juvenile authorities. If the victim is a resident of another state or was injured as a result of an act occurring in another state, the reporter may report to the child protection agency of that state rather than to DSS. A report, however, may be made to both states. Failure to report is a class A misdemeanor. (210.115 RSMo.)

For child abuse occurring in Illinois, contact 1-800-25-ABUSE (if calling from outside Illinois, contact 217-524-2606) http://www.state.il.us/dcfs/faq/faq_faq_can.shtml

All clergy persons, church school officials, and all child care workers are Mandated Reporters. Call the child abuse hotline as soon as possible. Then you must send written confirmation to the appropriate Department of Children and Family Services (DCFS) field office within 48 hours. The Department will provide a form to use when sending this confirmation. If you suspect a child's death may have been caused by abuse or neglect, you must also call your county's coroner or medical examiner.

APPENDIX C
STATEMENT OF ALLEGED SEXUAL MISCONDUCT OFFENSE

Date of Report: _____ Date Received by Stated Clerk: _____

1. ACCUSER INFORMATION (please print)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: ____ / ____ - _____

Church Membership: _____

Ordination: Elder _____ Deacon _____ Minister _____ Other _____

Currently serving: Yes: _____ No: _____

2. ALLEGED VICTIM INFORMATION (if different from accuser) (please print)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: ____ / ____ - _____

Church Membership: _____

Ordination: Elder _____ Deacon _____ Minister _____ Other _____

Currently serving: Yes: _____ No: _____

3. ACCUSED INFORMATION (please print)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: ____ / ____ - _____

Church Membership: _____

Ordination: Elder _____ Deacon _____ Minister _____ Other _____

Presbytery Staff _____ Presbytery Volunteer _____

4. ALLEGATION

Being as specific as possible, please list incident(s) of sexual misconduct, including date(s), time(s), and location(s). If more space is needed, please staple additional comments to this form.

5. POSSIBLE WITNESSES

Please list the name, address, and phone number of persons who may have information related to or pertinent to this accusation.

6. OTHER INFORMATION

Please identify any additional information that may be helpful to the investigation.

Prepared by:

APPENDIX D
THE PRESBYTERY OF GIDDINGS-LOVEJOY
POLICY ON ADMINISTRATIVE LEAVE (Pastors)

A. The Policy

Under appropriate circumstances, members of the Presbytery who are being investigated for professional misconduct may be temporarily removed from their pastoral positions. The conditions in which administrative leave is appropriate include, but are not limited to, situations where:

1. the facts described in a statement of alleged offense, or where the Investigating Committee in the course of its investigation uncovers allegations which, if true, pose a significant present risk of sexual abuse, as defined in the Presbytery of Giddings-Lovejoy's Sexual Misconduct Policy, particularly to children or those unable to consent because of physical or mental disability;
2. the facts described in a statement of alleged offense, or where the Investigating Committee, in the course of its investigation uncovers allegations which, if true, pose a present risk of serious physical, emotional, or financial harm, particularly to children or those unable to consent because of physical or mental disability;
3. relations between the pastor and the congregation or entity he or she serves have become severely conflicted in the course of the disciplinary process.

B. Application

When the Stated Clerk of the Presbytery receives a written statement of an alleged offense, in addition to initiating the procedures required by the Rules of Discipline, the Stated Clerk shall initiate a consultation through the Committee on Ministry with the accuser, the accused and the involved session or board of oversight to determine whether the circumstances would be aided by the person accused being advised to take administrative leave. All persons placed on administrative leave are presumed innocent until proven guilty.

C. Term

The duration of administrative leave will be set by the Committee on Ministry and will depend upon the time needed for the investigative and judicial process. The investigation will proceed to conclusion with all deliberate speed, mindful of the financial obligations of those involved.

D. Conduct of Pastor on Administrative Leave

The pastor on leave shall:

1. not initiate or sustain contact with any member of the church staff or any member of the congregation (other than family members) except under the following circumstances:
 - a. one member of the staff may be designated, by prior mutual agreement, to deliver personal mail or other personal effects to the pastor on administrative leave;
 - b. when contact has been authorized by the Stated Clerk for the purpose of preparing a defense.

All other contact with the congregation shall be through the moderator appointed by the Committee on Ministry and/or through his or her designee. Even in non-church events such as scouting, school, or sports programs, the pastor shall not use social contact with church members to garner support for his or her case;

2. remain out of all church buildings and off church grounds (excluding a manse and/or a school on the church property when the pastor is in the role of a parent of a child enrolled in the school) throughout the duration of administrative leave;
3. not conduct worship services, weddings, funerals, administer the sacraments or engage in any form of pastoral leadership in the congregation which the pastor serves, or in funeral homes, wedding chapels, or in any other congregation in the Presbytery or any other Presbytery. Provisions may be made with the Stated Clerk, Executive Presbyter, or the Committee on Ministry in those cases where the individual's pastoral care is requested by his or her own family;
4. not attend Session meetings or meetings of any other board or committee of the congregation.

E. Financial Arrangements

1. Because a pastor on administrative leave is presumed innocent, he or she will continue to receive full salary, housing allowance, and medical and pension benefits as defined by his or her terms of call. However, expense allowances, including educational benefits, shall not be paid. The period during which financial support is paid shall be set by the Committee on Ministry and shall not ordinarily exceed one year. If the administrative leave is extended, the terms of call may be amended by the congregation, with the approval of the Committee on Ministry and the Presbytery.
2. Ordinarily, these costs shall be borne by the pastor's congregation. In the event the congregation cannot afford to honor the accused pastor's terms of call and pay for interim leadership, the costs of interim leadership may be borne in whole or in part by the Presbytery of Giddings-Lovejoy. The reasonableness of these costs shall be determined by the Committee on Ministry.

F. Enforcement:

Any violations of the terms of a person's administrative leave shall be reported to the Stated Clerk of the Presbytery, and may themselves become the subject of disciplinary proceedings.

APPENDIX D-1
PRESBYTERY OF GIDDINGS-LOVEJOY
ADMINISTRATIVE LEAVE FINANCIAL TERMS OF AGREEMENT

Date: _____

During the period of administrative leave, from _____ to _____, the Session and congregation of _____ Church agree to continue to pay _____ according to the current terms of call, not including expense allowances and/or educational benefits.

If the administrative leave is extended beyond the aforementioned date, the congregation has a right to amend the terms of call, with the approval of the Committee on Ministry and the Presbytery Assembly. Any amendment of the terms of call must be negotiated by the Committee on Ministry and the Session, in consultation with the pastor, and put before the congregation for approval.

(COM Representative) (Date)

(Pastor) (Date)

(Clerk of Session) (Date)

(Stated Clerk) (Date)

APPENDIX E
RECEIPT AND ACKNOWLEDGMENT OF
SEXUAL MISCONDUCT POLICY

1. Have you been provided and have you read a copy of the Presbytery of Giddings-Lovejoy's Sexual Misconduct Policy?

Response: _____

2. Do you affirm and certify that:

- (a) no civil, criminal, or ecclesiastical complaint has ever been sustained or is pending against you for sexual misconduct?

Response: _____

- (b) you have never resigned or been terminated from a position for reasons related to sexual misconduct?

Response: _____

- (c) you have never been required to receive professional treatment for reasons related to sexual misconduct by you?

Response: _____

I agree to abide by the standards of the Presbytery of Giddings-Lovejoy's Sexual Misconduct Policy as long as I remain a pastor, commissioned lay pastor, ministerial candidate or inquirer, employee, volunteer, or work in a position carrying out the programs of the Presbytery of Giddings-Lovejoy.

Name: _____

Signature: _____ Date: _____

Received by: _____ Date: _____