

SEXUAL MISCONDUCT POLICY

FLINT RIVER PRESBYTERY

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**FLINT RIVER PRESBYTERY
PRESBYTERIAN CHURCH (U.S.A.)
SEXUAL MISCONDUCT POLICY**

I. Policy Statement

It is the policy of Flint River Presbytery that all church members, church officers, nonmember employees, and volunteers of congregations, governing bodies and entities of the church are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture, and also of the ministerial, pastoral, employment, and professional relationship. It is never permissible or acceptable for a church member, officer, employee or volunteer to engage in sexual misconduct.

II. Standards of Conduct

As God who called you is holy,
be holy yourselves in all your conduct.
Tend the flock of God that is your charge, . . .
not under compulsion but willingly, . . .
not for sordid gain but eagerly.
not lord it over those in your charge,
but be examples to the flock.

You know that we who teach shall be judged with greater strictness.
1 Peter 1:15; 5:2; James 3:1, NRSY

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because through these representatives an understanding of God and the gospel's good news is conveyed. Their manner of life should be a demonstration of the Christian gospel in the church and in the world (*Book of Order*, G-6.0106).

The basic principles of conduct guiding this policy are as follows:

1. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. It breaks the covenant to act in the best interests of parishioners, clients, co-workers, and students.
2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relation to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, it is the pastor's, counselor's, officer's, or supervisor's responsibility to maintain the appropriate role and prohibit a sexual relationship.
3. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

DEFINITIONS

Sexual Misconduct is the comprehensive term used in this policy to include:

1. **Child sexual abuse**; including, but not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. In the PCUSA, the sexual abuse definition of a child is anyone under age 18.
2. **Sexual abuse** as defined in the Book of Order: Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of 18 years or anyone over the age of 18 without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position, (Book of Order, D-10.0401b).
3. **Sexual harassment**; 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:
 - a. 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;
 - b. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual;
 - c. 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; or
 - d. An individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.
4. **Rape** or sexual contact by force, threat, or intimidation;
5. **Sexual conduct** (such as offensive, obsessive or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) **that is injurious** to the physical or emotional health of another; and
6. **Sexual Malfeasance**; as defined by the broken trust resulting from sexual activities within a ministerial relationship or other professional relationship.

III. Response to Allegations of Sexual Misconduct

A. Principles

In responding to allegations of sexual misconduct, members, officers, and employees of the church should seek healing and assure the protection of all persons. Where possible, the privacy of persons should be respected, and confidentiality of communications should be attained.

In responding to allegations of sexual misconduct, members, officers and employees of the church should seek to uphold the dignity of all persons involved, including persons who are alleging harm, persons who are accused of sexual misconduct, and the families and communities of each.

The PCUSA has jurisdiction over its members, officers and employees such that if a member, officer or employee is alleged to have committed an offense against scripture or the PCUSA Constitution, the church has the duty to inquire into the allegations and, if the allegations are proven, to correct the behavior of the member, officer or employee and ensure the safety of others in the community. Allegations of Sexual Misconduct are always considered allegations of offense against Scripture or the PCUSA Constitution that trigger the disciplinary processes of the PCUSA set forth in the *Book of Order*.

If the person accused of Sexual Misconduct is no longer a member, officer or employee of the PCUSA, but the conduct occurred while the person was acting on behalf of the PCUSA, the church does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm. The governing body may appoint an administrative committee or commission to hear the allegations of sexual misconduct. The governing body may also take measures to prevent future occurrences of harm through education, policy, and form.

B. Reporting Requirements

1. Reporting Sexual Misconduct

Congregation: If the person who is accused of committing sexual misconduct is a member, elder, deacon, volunteer or employee of a congregation, the report of allegations should be made to either the pastor, the clerk of session or the chair of the personnel committee. If the accused is a member or officer of the church, the church will respond by using the procedures set forth in the Rules of Discipline of the Book of Order. If the accused is a nonmember employee or volunteer, the church will respond by using procedures set forth by the session of the congregation.

Presbytery: If the person who is accused of committing sexual misconduct is a minister member, the report of allegations should be made to the Stated Clerk of Flint River Presbytery. If the report of allegations is placed in writing, the Presbytery will respond by using the procedures set forth in the Rules of Discipline of the Book of Order. If the person who is accused of committing sexual misconduct is a volunteer or nonmember employee of the presbytery, the report of allegations may be made to any of the staff or volunteers of the presbytery. The Presbytery will respond by using procedures set forth by policy or bylaws of

the Presbytery.

2. Receiving Reports of Sexual Misconduct

Reports of allegations of sexual misconduct will occur in a variety of ways.

Because a governing body or entity cannot control to whom the accuser/victim of sexual misconduct will speak first, it is important that officers, employees, and persons highly visible to church members and visitors understand how reports of incidents are channeled to the proper person.

Reports of allegations of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the accuser/victim, the accused, and the church. Reports of allegations should be dealt with as matters of highest confidentiality, both before and after they have been submitted to appropriate authorities as outlined below.

The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the accuser/victim or the accused unless the incident is divulged in the process of pastoral care, counseling, or a therapy session. If the accuser/victim is hesitant to talk to "higher authorities," the person who has received the initial report has a special pastoral responsibility to build trust and willingness to speak with the accuser, lest the church be unable to respond because no one is able to give firsthand information.

The person receiving the initial report of allegations of sexual misconduct shall analyze the relationship of the person accused of sexual misconduct and shall make sure that the allegations of offense are filed with the governing body with jurisdiction over the person accused. This may be done by the person alleging harm or by any member of the PCUSA.

If the report is made orally, the person receiving the report of allegations should request that the person making the report of allegations place it in writing. A report of allegations of sexual misconduct in writing from a member of the PCUSA alleging another member or officer of the PCUSA committed an offense must be acted on according to the Rules of Discipline of the Book of Order. If a clerk or stated clerk receives a report of allegations in writing from a non-member of the PCUSA alleging another member or officer of the PCUSA committed sexual misconduct, the report also should be acted on according to the Rules of Discipline of the Book of Order. If the person who makes the report is unwilling or unable to place it in writing, any member of the PCUSA may make the written statement that will automatically trigger the Rules of Discipline of the Book of Order.

If the report of sexual misconduct is against a member, elder, deacon, or employee or volunteer of a congregation, the report should be sent to the Clerk of Session of the particular congregation. If the report of sexual misconduct is against a minister member, the report should be sent to the Stated Clerk of Flint River Presbytery.

3. Mandatory Reporting of Child Abuse

Elders and Deacons: All Elders and Deacons are required to report knowledge of child abuse

to the civil and ecclesiastical authorities according to the Book of Order. The Book of Order requires that:

G-6.0304b: An elder shall report to ecclesiastical and civil legal authorities knowledge, gained in the course of service to the church, of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of privileged communication; or (2) she or he reasonably believes that there is risk of future physical harm or abuse.

G-6.0402b: A deacon shall report to ecclesiastical and civil legal authorities knowledge, gained in the course of service to the church, of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of privileged communication; or (2) she or he reasonably believes that there is risk of future physical harm or abuse.

Ministers: All Ministers of Word and Sacrament are required to report knowledge of child abuse to the civil and ecclesiastical authorities. The Book of Order requires that:

G-6.0204b: A minister of the Word and Sacrament shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-6.0204a; or (2) she or he reasonably believes that there is risk of future physical harm or abuse.

All persons covered by this policy have an additional duty to report knowledge of child sexual abuse to the employing entity, supervisor, or governing body representative. All persons should be informed of and must comply with state and local laws regarding incidents of actual or suspected child sexual abuse. These reports should be made within a reasonable time of receiving the information.

These provisions of the *Book of Order* attempt to balance conflicting moral duties for officers of the PCUSA.

For ministers of the Word and Sacrament, the provision strives to balance the duty to protect children from future harm with the duty of a minister to hold in confidence any information revealed to them during the exercise of pastoral care.

For elders, deacons and certified Christian educators, the provisions strive to balance the duty of an officer of the church to protect children from harm and any secular duty the officer may have to hold in confidence any information revealed as a result of a secular relationship such as attorney/client, counselor/client, or physician/patient.

C. *Responding*

The appropriate governing body or entity response will vary according to the relationship of the PCUSA with the person who is accused of sexual misconduct. Church members and officers are subject to inquiry and discipline (censure and correction) under the *Book of Order*. Non church member employees and volunteers are subject to oversight and correction by the governing body

or entity that employs them.

1. *Accused Covered by Book of Order*

When an allegation of offense of sexual misconduct has been received by the clerk of session or stated clerk of the presbytery, the clerk of the governing body will report to the governing body that an offense has been alleged and that the governing body will proceed according to the procedures set forth in the Rules of Discipline of the Book of Order. The governing body should appoint an Investigating Committee to inquire into the allegations. The investigating committee must promptly begin its inquiry into the allegations. Delay may cause further harm to the accuser/victim and/or the accused.

Governing bodies and entities must cooperate with civil authorities in an investigation of child sexual abuse or other criminal sexual misconduct. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed.

The session has original jurisdiction in disciplinary cases involving members, elders and deacons of the church, each congregation having jurisdiction only over its own members.

Flint River Presbytery has original jurisdiction in disciplinary cases involving ministers of word and sacrament. While the presbytery may unilaterally dissolve the pastoral relationship between a minister of word and sacrament and a congregation when the situation imperatively demands it, a presbytery may only place a minister on administrative leave when allegations of child abuse have been received and the presbytery has followed the Book of Order procedures to conduct its risk evaluation to determine whether or not a minister member accused of child abuse should be placed on administrative leave. It is recommended that the PJC members who will conduct this risk evaluation based upon the allegations and a hearing should also take into account secular legal advice.

2. *Accused Not Covered by Book of Order*

When a governing body receives an accusation of offense of sexual misconduct against a nonmember employee or volunteer, the procedural response of the governing body or entity will be guided by the written personnel policies of the governing body or entity. Usually the governing body or entity will have a personnel committee that will be responsible for the inquiry. If a governing body does not have a personnel committee, it may appoint either a committee or administrative commission for the review of the allegation.

The committee or commission that will respond to the allegation of offense of sexual misconduct will:

- a. Determine whether or not the allegation gives rise to a reasonable suspicion of sexual misconduct by the accused.
- b. If so, gather additional information necessary to make a decision about correcting the behavior.
- c. Determine any remedies, including limiting ministry, suspension, or termination necessary and advisable under the circumstances.

- d. Inform the accuser/victim and the accused of the remedy.
- e. In all cases, the personnel committee shall prepare a written report, which shall be included in the accused's permanent personnel file. The accused shall be allowed to attach any written statements to said documents, also for permanent inclusion in the permanent file.

All procedures shall follow the guidelines set forth by the governing body, employing agency or Flint River Presbytery.

3. *Governing Body or Entity Record Keeping*

The governing body or entity should keep detailed records of its actions and minutes of its deliberations and its conversations with the accuser, the accused, and other parties involved. Such records will be kept confidential as far as possible. The governing body or entity may share the contents of the reports with other governing bodies or entities of the PCUSA when necessary. The clerk of the governing body or director of the entity will maintain the records while the inquiry is in process.

IV. Prevention and Risk Management

A. Implementation

Flint River Presbytery urges all churches and related entities to establish policies, procedures, and practices related to sexual misconduct. Governing bodies and entities are to take appropriate steps to inform members, employees, volunteers, and students of the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct.

Safe Sanctuaries provides excellent resources. We commend their materials to you. (Appendix E)

B. Liability and Insurance

A governing body or entity can be held liable for harm caused by sexual misconduct of an officer, minister or employee based on a number of legal theories. Governing bodies and entities should take such potential liability into consideration when establishing hiring and supervisory practices.

Governing bodies and entities should regularly inform their liability insurance carriers of the activities and programs they operate or sponsor and of the duties and responsibilities of officers, employees, and volunteers. The standard insurance policy should usually be enhanced by endorsements to cover specific exposures such as camps, day-care operations, shelters, or other outreach programs.

It is also recommended that governing bodies and entities obtain an endorsement to their general liability insurance policy specifically covering sexual abuse and molestation. Such coverage may provide for legal defense expenses and judgments in civil suits brought against the governing body or entity, its officers, directors, or employees.

C. Employment Practices

1. Record Keeping

Accurate record keeping is an essential part of hiring and supervision practices within the PCUSA. Every governing body and entity should maintain a personnel file on every employee, including ministers. The file should contain the application for employment, any employment questionnaires, background checks, references responses, and other documents related to this policy. (See Exhibits A, B, C, D)

2. Prescreening Applicants

Governing bodies and entities are urged to establish stringent hiring practices. If an applicant is unknown to the employer, the employer should confirm the applicant's identity by requiring photographic identification such as a driver's license. The governing body should perform a background check on all applicants that may have interaction with children and youth.

Part of pre-employment screening should include specific questions related to discovering previous complaints of sexual misconduct.

3. References

The employing governing body or entity is responsible for contacting references for prospective ministers, employees, or volunteers. A written record of conversations or correspondence with references should be kept in the minister's employee's personnel file. (See Appendix C for a sample reference form).

In dealing with ministers when transferring from one position to another in the matter of sexual misconduct clearance, Flint River Presbytery delegates responsibility for previous employer reference checks to the executive presbyter, or to the authorized persons who would report to the Commission on Ministry and Ministerial Support.

The person within the governing body or entity authorized to give a reference is obligated to give truthful information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the applicant.

If false or misleading information is given by the applicant, or relevant information is withheld, the applicant should be eliminated from consideration.

Applicants should be informed of negative comments regarding sexual misconduct and shall be given an opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference.

D. Distribution

Copies of this policy and its procedures shall be made available to all governing body and entity offices. It is intended for use by church members, church officers, employees, and volunteers. This policy and its procedures shall be made available to persons who accuse others of misconduct, including those who are or claim to be victims of sexual misconduct and their

families. This policy and its procedures will be available to those serving on investigating committees, and the Commission on Ministry and Ministerial Support.

V. Educating and Training-Awareness

Since the issue of sexual misconduct has become an ever more present reality, there is an emerging need to educate and train a wide variety of persons. Persons needing this specific education include: ministers; volunteers; officers; nonprofessional and professional staff; ministerial candidates; professionals who will be working with this issue within the denomination; members of the congregation; and governing body staff including supervisors, employees, and stated clerks.

Education for these persons and groups will be different on a group-by-group basis. A primary requirement for all persons should be common knowledge regarding professional and ministerial boundaries, the Flint River Presbytery Sexual Misconduct policy and their own specific governing body personnel policy.

The Commission on Ministry and Ministerial Support shall conduct training for inquirers, candidates, newly ordained pastors, and new pastors to the presbytery regarding sexual misconduct, especially including education on this policy.

Much of a congregation's education currently happens in response to an actual case of sexual misconduct. However, it is recommended that the congregation be as proactive in this area as possible offering education in a variety of settings. There are already numerous resource materials available that could be adapted to a congregation's setting.

Employing entities need to make sure all employees are well acquainted with, understand, and abide by their policy and procedures. Employing entities should offer additional training and resources, such as: a workshop during staff meeting; lunchtime discussion group; articles and books made available; etc.

Any professional (therapists, attorneys, advocates, mediators, arbitrators) used by a governing body should have access to experts qualified in the field of sexual misconduct if they themselves are not.

Appendix A Definitions

Accused is the term used to represent the person against whom a claim of sexual misconduct is made.

Accuser/Victim is a term used to represent the person claiming knowledge of sexual misconduct by a person covered by this policy or a person claiming to have been abused by a person covered under this policy. The accuser/victim may or may not have been the victim of the alleged sexual misconduct. A person such as a family member, friend, or colleague may be the accuser.

Church when spelled with the initial capitalized refers to the Presbyterian Church (U.S.A.). Church when spelled with the initial in lowercase refers to local churches. The word congregation is used loosely for members and participants.

Employee is used to cover all individuals who are hired or called to work for the Church for salary or wages.

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.

Governing Body is a representative body composed of elders and ministers of the Word and Sacrament: 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.

Inquiry is the term used in the Rules of Discipline to determine whether charges should be filed based upon allegations of an offense received by a governing body. See *Book of Order, D-10.0000*.

Mandated Reporter is described by some states' laws 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.

Persons Covered by this policy include church members, church officers, ministers, and nonmembers who are employees or volunteers of Flint River Presbytery.

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 accuser/victims and their families and others, and (4) pastoral care and rehabilitation for the accused and care for their families.

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.

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.

Volunteer is the term used for those who provide services for Flint River Presbytery. Volunteers include persons elected or appointed to serve on boards, committees, and other groups. For purposes of this policy, volunteers are treated the same as employees.

Appendix B

Meeting the Needs of All Involved

A. The Needs of the Accuser/Victim

The governing body should assure that adequate treatment and care are available for alleged victims of sexual misconduct and their families. Sometimes, the victim or family is so angry and alienated from the church, that offers of help may be perceived as insincere or as attempts of a cover-up. If the accuser/victim or family at first refuses, the church should continue to offer help. Above all the church should not act in a self-protective manner by ignoring the accuser/victim and their families.

The extent of the damage to the accuser/victims of sexual misconduct will vary from person to person, and is influenced by such factors as the degree or severity of abuse, the age and emotional condition of the victim, human dynamics, and the importance of one's religious faith. The governing body is to assume in all cases that the accuser/victim has been wounded by the experience.

Feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, and feelings of alienation from God, self, the religious community, and family are frequent injuries suffered by accuser/victims. It is important for the governing body to be sensitive to the victim's pain and need for healing, and to act by making appropriate pastoral care available.

The following are some of the needs of the accuser/victim:

To be heard and taken seriously. From the time that the accuser/victim is first able to indicate that sexual misconduct has occurred, that person should receive immediate attention and serious consideration from all church representatives.

To receive pastoral and therapeutic support. The accuser/victim may require spiritual and professional assistance as a result of sexual misconduct. The governing body should offer to help arrange for such support from a pastor and therapist, if the accuser/victim desires. Discussions with such people would be confidential, privileged conversations.

To be informed about church process and progress with regard to the accusation. One member of the governing body should be the church contact person for the accuser/victim. Frequently, this contact person will give the accuser/victim information as to what is happening in the church as a result of the accusation.

To receive legal advice. The governing body should suggest that the accuser/victim might benefit from independent legal advice. (Legitimate claims might be more effectively pursued and flimsy or false claims discouraged.) If requested, the response coordination team should suggest ways in which independent legal advice can be obtained.

To be assured of an advocate of one's own choosing. An accuser/victim may need continuing moral support from one individual who is present while the church process deals with the accusation. This advocate may be a relative, friend, or someone suggested by the governing body. This advocate could speak for the accuser/victim, if necessary.

To be assured that justice will be pursued. The accuser/victim needs to be told by the governing body, and shown by the processes of the church, that justice is being pursued through fact-finding, truth-telling, confrontation, and agreement that may include removal or temporary exclusion of the accused from office or adjudication of the complaint.

To receive healing and reconciliation. In addition to specific forms of restitution mentioned above, the accuser/victim needs to receive a sense of healing and reconciliation with all concerned-the self, the family,

the church and, ideally, the accused. The governing body can help bring this about using the church's processes and resources. While the above are needs of the accuser/victim, one recognizes that all of these needs may also not be met through a reasonable handling of a specific case, but may only occur over a lengthier period of time. All of these needs, however, should be taken seriously and compassionately, and the rights of the accuser/victim respected.

B. The Needs of the Accused

The governing body or entity shall offer treatment and care for the accused as well as alleged victims and families. If the accused is a minister, this is the primary responsibility of the committee on ministry (*Book of Order*, G-II.0501).

Feelings of guilt, shame, anger, mistrust, lowered self-esteem, depression, unworthiness, and feelings of alienation from God, self, the religious community, and family are often experienced by the accused. In addition, there may be fear of job loss, incarceration, and indignation if an allegation is false.

When a person is found not guilty of charges of sexual misconduct, it is important for the governing body or entity to see that the decision is disseminated as widely as possible within their power, unless doing so would further injure the person accused.

1. Personal Care

Whether the allegations about the accused are eventually found to be true or not, the accused deserves to be treated with Christian kindness and respect.

The governing body may suggest that the accused seek spiritual support or professional counseling. People in staff positions, such as presbytery executives or stated clerks, should not engage in personal counseling of the accused because of their potential involvement in disciplinary process.

2. Economic Security and Care for Family of Accused

When an allegation of sexual misconduct has been made against a minister, the economic security of the accused is directly threatened, along with reputation, career, and family relationships. Again, the committee on ministry can be of assistance.

The governing body may alert the Commission on Ministry and Ministerial Support to the possible spiritual, emotional, and financial needs of the family of the accused and recommend expert resources.

C. The Needs of a Congregation in a Context of Sexual Misconduct

The governing body, employing entity, and response coordination team should be aware of the problems a congregation or employing entity may experience following allegations of sexual misconduct by a minister, employee, or volunteer. The allegations may polarize the congregation or organization, damage morale, create serious internal problems, and even limit the trust a congregation may place in succeeding pastors. Efforts should be taken to recognize and identify the problems and heal any damage that may be done to the congregation or organization.

When there is sexual misconduct on the part of a minister, nonordained staff, or volunteer in a particular congregation, a number of needs unique to that congregation will emerge since sexual misconduct impacts congregations in different ways. Therefore, these needs will not necessarily emerge in the same sequence in each situation. Depending on the parties involved in the sexual misconduct, some of the needs may not emerge. In any event, those managing the church's response to the sexual misconduct will want to know that the following needs may emerge:

1. *Pastoral Care*

Members and staff of the congregation will need pastoral care. If it is the pastor who is involved in the sexual misconduct, care will need to be provided by another member of the ordained staff (if the church is a multiple-staff church) or by a trained interim pastor. If the pastor leaves as a result of sexual misconduct, in extreme cases a trained interim pastor or consultant in sexual misconduct may need to work with the congregation for an extended period of time.

If it is not a pastor who is involved in the sexual misconduct, then the pastor will provide the needed care for the congregation. The pastor, if not previously trained in this specialty area, will need to consult with denominational specialists who will advise him or her how to proceed and any anticipated problems.

2. *Information About the Case*

Members of the congregation will need opportunities both to receive and give information. If a case of sexual misconduct becomes a matter of public knowledge within a congregation and if a pastor has been found guilty of sexual misconduct, the interim pastor or consultant may hold appropriate meetings with individuals, small groups, or with the whole congregation. Such meetings should provide information about sexual misconduct in general, Presbyterian polity and our judicial process, and how others who may have been victimized may be heard and ministered to. If the offender is not the pastor, then the pastor may perform these functions. At such meetings, one may expect members to vent their feelings. An opportunity for this to happen should be provided. If this venting does not take place, then it may create serious problems for the future of the congregation, for future pastors, and for the governing body.' Dynamics may differ somewhat in racial ethnic churches, but no empirical studies have yet demonstrated different dynamics.

3. *Resource Persons*

In light of the above needs, the following are several resource persons whose services would be valuable to a congregation in the context of sexual misconduct: a trained interim pastor, a committee on ministry representative knowledgeable in polity and the effects of sexual misconduct in the church, a consultant or therapist with knowledge and experience in dealing with sexual misconduct, an attorney who can discuss legal aspects of a case, an insurance agent who can advise the congregation about their exposure to liability or coverage.

It is the responsibility of the governing body to establish policy and its procedures governing cases of sexual misconduct in that jurisdiction. The PCUSA policy and its procedures are intended to guide the development of governing body policy and procedures.

Appendix C

Confidential Employment Reference

1. Name of applicant: _____
2. Reference or church contacted (if a church, identify both the church and person contacted):

- Date and time of contact: _____
4. Person contacting the reference or church: _____
5. Method of contact (phone, letter, personal conversation): _____
6. Summary of conversation (summarize the reference's remarks concerning the applicant's fitness and suitability for the position, any convictions for or actions pending related to sexual misconduct, sexual harassment or child abuse):

Appendix D

Report of Suspected Sexual Misconduct

Reported by: _____

Name: _____

Title: _____

Address: _____

City, State, and Zip Code: _____

Telephone: _____

Date of Report: _____

Person suspected of misconduct:

Name: _____

Title: _____

Address: _____

City, State, and Zip Code: _____

Telephone: _____

Other person(s) involved (witness or victims):

Name: _____ Title: _____

Age: _____ Sex: _____

Address: _____

City, State, and Zip Code: _____

Telephone: _____

Report of Suspected Sexual Misconduct

Describe incident(s) of suspected sexual misconduct, including date(s), time(s), and location(s):

Identify eyewitnesses to the incident, including names, addresses, and telephone numbers, where available: _____

Exhibit B

Please complete the following certification:

I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct; (b) I have never resigned or been terminated from a position for reasons related to sexual misconduct.

Signature

Date

Note: If you are unable to make the above certification you may instead give in the space provided a description of the complaint, termination, or the outcome of the situation and any explanatory comments you care to add.

Release

The information contained in this questionnaire is accurate to the best of my knowledge and may be verified by the employing entity. I hereby authorize (Name of Employing Entity) _____ to make any and all contacts necessary to verify my prior employment history, and to inquire concerning any criminal records or any judicial proceedings involving me as a defendant. By means of this release I also authorize any previous employer and any law enforcement agencies or judicial authorities to release any and all requested relevant information to the (Name of Employing Entity) _____

I have read this release and understand fully that the information obtained may be used to deny me employment or any other type of position from the employing entity. I also agree that I wily hold harmless the employing entity or judicial authority from any and all claims, liabilities, and cause of action for the legitimate release or use of any information.

Signature _____

Witness _____

Exhibit C

These questions are designed to help the CMMS make an informed decision concerning your proposed relationship in Flint River Presbytery. Answering “yes” to any of the following questions will not necessarily disqualify you from being received.

Civil Issues

- Have you ever been convicted of, or pled guilty or “no contest” to any sexual misconduct involving a minor or adult, including but not limited to child abuse, child molestation, indecent liberties with a child, incest, adultery, sexual harassment, rape, assault, battery, murder, kidnapping, child pornography, sodomy, or sexual contact with a counselee?
Yes _____ No _____ If yes, explain fully on a separate sheet (identify when and where each accusation was made and how each accusation was resolved.)
- Have you ever been convicted of, or pled guilty or “no contest” to, any criminal offense (other than minor traffic violations)?
Yes _____ No _____ If yes, explain fully on a separate sheet (identify conviction or plea or guilty, when and where each incident occurred, and the sentence received.)
- Have you ever been found liable, or participated in an out-of-court settlement as a defendant, for any offense in a civil lawsuit?
Yes _____ No _____ If yes, explain fully on a separate sheet (identify each case, when and where each incident occurred, and the outcome.)
- Has any Church or employer at any time in the past ever been sued as a result of your conduct?
Yes _____ No _____ If yes, explain fully on a separate sheet (identify each case, when and where each lawsuit was filed, and the outcome.)

Ecclesiastical Issues

- Have you ever been asked to resign from, or been dismissed from, any ministerial position with any church or religious institution?
Yes _____ No _____ If yes, explain fully on a separate sheet (describe when and where each resignation or dismissal occurred, and the basis for each case.)
- Have you ever been subject to censure by a religious body?
Yes _____ No _____ If yes, explain fully on a separate sheet (identify each case, when and where each incident occurred, the religious body involved, and the outcome.)

Signature

Exhibit D

I hereby acknowledge that I received on _____ (date), a copy of the "Policy on Sexual Misconduct of Flint River Presbytery, Presbyterian Church (U.S.A.)" dated February 2, 2008, that I have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy.

Signature _____

Exhibit E

Sample Child and Youth Abuse Prevention Policy

Introduction

The General Conference of The United Methodist Church, in April 1996, adopted a resolution aimed at reducing the risk of child sexual abuse in the church. The adopted resolution includes the following statement:

Jesus said, .Whoever welcomes [a] child...welcomes me. (Matthew 18:5). Children are our present and our future, our hope, our teachers, our inspiration. They are full participants in the life of the church and in the realm of God.

Jesus also said, .If any of you put a stumbling block before one of these little ones...it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea. (Matthew 18:6). Our Christian faith calls us to offer both hospitality and protection to the little ones, the children. The Social Principles of The United Methodist Church state that .children must be protected from economic, physical, emotional and sexual exploitation and abuse. (§ 162C).

Tragically, churches have not always been safe places for children. Child sexual abuse, exploitation, and ritual abuse [“ritual abuse” refers to abusive acts committed as part of ceremonies or rites; ritual abusers are often related to cults, or pretend to be] occur in churches, both large and small, urban and rural. The problem cuts across all economic, cultural, and racial lines. It is real, and it appears to be increasing. Most annual conferences can cite specific incidents of child sexual abuse and exploitation within churches. Virtually every congregation has among its members adult survivors of early sexual trauma.

Such incidents are devastating to all who are involved: the child, the family, the local church and its leaders. Increasingly, churches are torn apart by the legal, emotional, and monetary consequences of litigation following allegations of abuse.

God calls us to make our churches safe places, protecting children and other vulnerable persons from sexual and ritual abuse. God calls us to create communities of faith where children and adults grow safe and strong. [From *The Book of Resolutions of The United Methodist Church-2000*, pp. 180-181. Copyright © 2000 by The United Methodist Publishing House. Used by permission.]

Thus, in covenant with all United Methodist congregations, we adopt this policy for the prevention of child and youth abuse in our church.

Purpose

Our congregation’s purpose for establishing this Child and Youth Abuse Prevention Policy and accompanying procedures is to demonstrate our absolute and unwavering commitment to the physical safety and spiritual growth of all our children and youth.

Statement of Covenant

Therefore, as a Christian community of faith and a United Methodist congregation, we pledge to conduct the ministry of the gospel in ways that assure the safety and spiritual growth of all our children and youth as well as all of the workers with children and youth. We will follow reasonable safety measures in the selection and recruitment of workers; we will implement prudent operational procedures in all programs and events; we will educate all of our workers with children and youth regarding the use of all appropriate policies and methods

(including first aid and methods of discipline); we will have a clearly defined procedure for reporting a suspected incident of abuse that conforms to the requirements of state law; and we will be prepared to respond to media inquiries if an incident occurs.

Conclusion

In all of our ministries with children and youth, this congregation is committed to demonstrating the love of Jesus Christ so that each child will be "surrounded by steadfast love,...established in the faith, and confirmed and strengthened in the way that leads to life eternal". ("Baptismal Covenant II," *United Methodist Hymnal*, p. 44).

**Safe Sanctuaries
Local Church Self Evaluation Form**

Statement	Yes	No	Unsure
We screen and check references for all paid employees, including clergy, who have any contact with children and/or youth.			
We screen all volunteer workers for any position involving work with children and / or youth.			
We train at least annually all volunteer and/or paid workers with children/youth to understand the nature of abuse and to recognize indicators of abuse.			
We train at least annually all volunteer and/or paid workers with children/youth in how to carry out our policies to prevent abuse.			
Our workers and volunteers are informed of state law requirements regarding abuse and their responsibility for reporting incidents.			
We have a clear reporting procedure for a suspected incident of abuse that follows the requirements of our state law.			
We have insurance coverage available in case a complaint of abuse occurs.			
We have a clearly defined building usage strategy as a component of our abuse prevention plan.			
We have a clearly defined response plan to be implemented in case an allegation of abuse is made against someone in our church.			
We offer at least annual education opportunities to parents of children and youth about how to recognize and reduce risks of abuse.			
We take our policies to prevent abuse seriously, and we are committed to their enforcement for the safety and security of all our children, youth and the adults who work with them.			

From: "Safe Sanctuaries: Reducing the Risk of Child Abuse in The Church" by Joy Thornberg Melton