

Presbytery de Cristo Policy P2

Policy and Procedures on Child Protection and Sexual Misconduct Prevention

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FORWARD

Presbytery de Cristo ("the Presbytery") has developed this Policy and Procedure on Sexual Misconduct Prevention ("this policy") in an effort to further the peace, unity and purity of the church through the prevention, remediation and, when appropriate, disciplinary action responding to sexual misconduct within the church. Attention has been given to setting guidelines of ethical behavior as well as providing enforcement standards consistent with Reformed tradition and secular law. Requirements and protections guaranteed under The Form of Government and The Rules of Discipline were particularly noted in the development of this policy. This policy should be helpful in assuring consistency of practice and action within the Presbytery, provide an information base for educating both ministers and laity, and assist local congregations in the development of their personnel policies.

Distribution: Copies of this policy shall be made available to all entities and congregations of the Presbytery. This policy is intended as guidance for the Presbytery and its churches, councils, and related entities and, if properly implemented by them, for use by church members, church officers, employees and volunteers. This policy 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 is grounded in the instructions of conduct given us in Scripture:

--- as he who called you is holy, be holy yourselves in all your conduct;

---tend the flock of God that is in your charge, not under compulsion but willingly, as God would have you do ~~it~~ not for sordid gain but eagerly. Do not lord it over those in your charge, but be examples to the flock.

--- you know that we who teach will be judged with greater strictness. 1 Peter 1:15, 5:2-3; James 3:1 (NRSV)

The ethical conduct of all who minister, in the name of Jesus Christ, is of vital importance to the Church². Through these representatives is conveyed an understanding of God and the gospel's good news. "Their manner of life should be a demonstration of the Christian gospel in the church and world" (G-2.0104a).

¹ All constitutional citations are to the 2011/2013 *Book of Order*.

² Church when spelled with the initial letter capitalized refers to the Presbyterian Church (U.S.A.). Church when spelled with the initial letter in lowercase refers to local or specific churches and congregations.

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CHAPTER ONE THEOLOGICAL PREMISE

- 1.01 *Do not be conformed to this world, but be transformed by the renewing of your minds, so that you may discern what is the will of God-what is good and acceptable and perfect.* (Romans 12:2)
- 1.02 This policy is set in the framework of what it means to be a sexual person in Christian faith and a servant in the church. Our sexuality as a dimension of our whole selves is to be offered to God. In the expression of sexual desires we are called to holiness. God values sexuality as good, blessed and purposeful, as an expression of love and for the procreation of children. Sexuality is a gift to be celebrated. We are called to be responsible in the use of our sexuality and respect each other.
- 1.03 The centerpiece of this policy is that all people-men, women and children are created by God in the image of God and therefore have dignity and worth. From this belief in the sacredness of our physical beings, we understand and declare that every person has the right to sexual and bodily integrity. As human beings and especially as Christians, we are to respect one another in body, mind and spirit. This respect maintains boundaries between individuals. Boundaries, which when linked but not crossed, create Christian community. Under the guidance of God's spirit, such community encourages trust, openness and compassion as well as accountability and responsibility.
- 1.04 The gifts and requirements of individuals serving in ordered ministries-deacons, ruling elders and teaching elders (also known as ministers of the Word and Sacrament)-are set forth in G-2.0104a and b. Leadership within the Christian community, whether clergy or lay, is a sacred trust to be exercised with faithfulness and love. Sexual misconduct by Christian leaders is a violation of this trust, betraying its victim(s)³, damaging the abuser and threatening the credibility of the Church itself.
- 1.05 Because of the inherent power associated with positions of leadership (paid or voluntary), the responsibility for maintaining appropriate boundaries rests with those trusted as leaders. This responsibility is rooted in both Christian and, for clergy, professional ethics, and should be taken seriously. Those who are called to tend Christ's flock should conduct themselves in a manner that nurtures and protects the vulnerable⁴. Consequently, the "good of the church" can never be served by overlooking an abuse of power and trust such as that involved in sexual misconduct.
- 1.06 Therefore, the response to an allegation of sexual misconduct must be a fair inquiry that takes the alleged violation and all persons involved seriously. Above all else, the inquiry must seek to determine the truth, for only truth can give birth to justice. The goal of justice and compassion, the goal of this process, is the restoration of Christian community, the healing of broken boundaries and injured persons, and the rehabilitation of God's people.

³ Victim(s) is the term used to identify the person(s) allegedly injured by sexual misconduct as defined below in 2.02.

A victim may include an individual, council or other entity of the Presbytery, session, congregation or family.

⁴ Vulnerable individuals are those persons who are unable to protect themselves from abuse, neglect or exploitation by others because of a physical or mental impairment. For this policy, all persons under 18 years of age are considered vulnerable.

- 1.07 All those who serve the Church within this Presbytery, in either a temporary or permanent relationship, including all individuals serving in ordered ministries, employees⁵ staff, and volunteers⁶, are expected to adhere to Christian ethical principles in their sexual conduct and in their exercise of authority and power. The Church and its extended ministries are to be seen as safe places in the community, places where it is known that sexual misconduct is not tolerated. This is part of our Christian witness to the community. Therefore, **the leadership of any group using church premises in the Presbytery for their activities is also subject to this policy.**
- 1.08 The Presbytery's commitment is to model the example of Christ and to be rooted in the love of Christ in all relationships. For any Christian to betray trust by the grave transgression of sexually abusing another, whether child or adult, is to deny his or her own Christian identity as well as to deny to the one abused the witness to the risen Christ in the world. Such betrayal will be a grave injury to the one abused and a violation of faithfulness to Christ. Because of the serious consequences of sexual abuse, the Church must make every effort to ensure that sexual abuse does not occur within its jurisdiction. When such abuse does occur, the Church must make a clear and just response.
- 1.09 **Presbytery de Cristo affirms that all forms of sexual misconduct are sinful and contrary to God's will for humanity.**

⁵Employee is the comprehensive term used to cover individuals who are hired or called to work for the church for salary or wages.

⁶Volunteer is the term used for those who provide services and includes persons elected or appointed to serve on boards, committees, ministry teams and other groups. For purposes of this policy, volunteers are treated the same as employees.

CHAPTER TWO SEXUAL MISCONDUCT POLICY

- 2.01 STATED POLICY:** It is the policy of Presbytery de Cristo of the Presbyterian Church (U.S.A.) ["the PCUSA"] that all teaching elders, ruling elders commissioned to pastoral service, ruling elders, deacons, church members, non-member employees and volunteers serving the church in any capacity are to maintain the integrity of the pastoral, professional and volunteer relationship at all times. Sexual misconduct is not only a violation of the principles set forth in scripture, but also of these relationships. It is never permissible or acceptable for individuals serving in an ordered ministry, church members, employees or volunteers to engage in sexual misconduct.
- 2.02 DEFINITION:** *Sexual Misconduct* is the comprehensive term used in this policy to include the following:
- A. *Child Sexual Abuse*, which includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual gratification or 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. For purposes of this policy, the age of adulthood is 18 as defined by the laws of the States of Arizona and New Mexico. In the PCUSA, the sexual abuse definition of a child is anyone under the age of eighteen years.
 - B. *Sexual Abuse*: "Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of **ordered ministry** or position" (D-10.0401c).
 - C. *Sexual Harassment*, which is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when:
 - 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; and/or
 - Submission to or rejection of such conduct by an individual is used as the basis for employment status decisions affecting such individual; and/or
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive environment based on the declared judgment of the affected individual; and/or
 - 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.
 - D. *Rape or sexual contact by force, threat or intimidation.*

- E. *Sexual Conduct* that is injurious to the physical or emotional health of another, including conduct such as offensive, obsessive or suggestive language or behavior, unacceptable visual contact, and unwelcome touching or fondling.
- F. *Sexual Malfeasance*, which is defined for this policy as any physical contact that has been declared unwelcome by the recipient. This includes, but is not limited to, the broken trust resulting from genital contact (contact with the breasts, buttocks or pubic area) within a ministerial relationship (*e.g.*, clergy with a member of their congregation); professional relationship (*e.g.*, counselor with a client); lay employee with a church member; or presbytery executive with a committee member who is also a teaching or ruling elder. This definition is not meant to include relationships between spouses, nor is it meant to restrict church professionals from having normal mutual, social, intimate⁷ or marital relations.
- G. *Abuse of the Counseling Relationship*: Counseling for the participants needs to be open to talk about sexual matters but only within clear boundaries that avoid personal involvement. It is Abuse of the Counseling Relationship for the counselor to permit sexual discussions to move beyond the clinical into the interpersonal realm. It is never acceptable for the counseling relationship to include a sexual relationship.
- H. *Misuse of Technology*, which is the use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen years, it is considered child sexual abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

2.03 STATED PURPOSES: The Presbytery adopts this policy on sexual misconduct prevention for the use of all councils, *i.e.*, the presbytery and sessions, and other entities⁸ of the Church within the presbytery. The purposes of this policy are:

- A. To set and enforce standards of ethical behavior reflected in our ordination standards and consistent with Reformed tradition as well as federal and state law (G-2.0104a and b).
- B. To provide procedures for inquiry and effective response to allegations of sexual misconduct and for the protection of persons in the Church.
- C. To serve as a guide for councils of the Church under The Form of Government and The Rules of Discipline (G-3.01 and D-3.0000).
- D. To recommend personnel policies for the administration of employer/employee relationships within the councils and other entities of the Presbytery.

⁷ Intimate is defined as very close association, familiarity or warm friendship.

⁸ Entity is the term used to refer to any program or office managed by a board, committee or other body whose membership has been elected by a council.

- E. To serve as a guide for prevention of sexual misconduct in the church through appropriate training and supervision of employees, education of laity and clergy, and nurture of the spiritual, emotional and physical well-being of all God's people.
- F. To demonstrate pastoral concern for all parties involved in allegations of sexual misconduct.
- G. To further the peace, unity, and purity of the Church through justice and compassion.

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

- A. Sexual misconduct is a violation of the role of pastors, persons in ordered ministry, 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.
- B. 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 responsibility of the pastor, counselor, person in ordered ministry or supervisor to maintain the appropriate role and prohibit a sexual relationship.
- C. 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.
- D. Any sexual relationship between (1) a teaching elder or a ruling elder commissioned to pastoral service and (2) a parishioner, client, child, student or employee is presumed to be inappropriate.

2.05 CHURCH RESPONSE TO ALLEGATIONS:

In responding to allegations of sexual misconduct, members, persons in ordered ministry, and employees of the church should seek healing and ensure the protection of all persons. Where possible, the privacy of persons should be respected and confidentiality of communications should be maintained.

In responding to allegations of sexual misconduct, members, person in ordered ministry, 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, persons in ordered ministry, and employees such that if a member, a person in ordered ministry, 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, person in ordered ministry, 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*. In the case of an active non-member who is employed or volunteers with the church, the individual will be covered by the procedures of the written personnel policies of the appropriate council or entity.

If the person accused of sexual misconduct is no longer a member, person in ordered ministry 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 appropriate council may appoint an administrative committee or commission to hear the allegations of sexual misconduct. The council may also take measures to prevent future occurrences of harm through education and policy.

2.06 REPORTING REQUIREMENTS

- A. *Reporting Sexual Misconduct:* A person needing to report that a member, person in ordered ministry, employee, or volunteer of the PCUSA has committed sexual misconduct is encouraged to seek guidance from a PCUSA teaching or ruling elder regarding filing the report.

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

Presbytery: If the person who is accused of committing sexual misconduct is a teaching elder or ruling elder commissioned to pastoral service, the report of allegations should be made to the presbytery pastor or stated clerk. If the report of allegations is placed in writing, the Presbytery will respond by using the procedures set forth in The Rules of Discipline. 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 this policy or the bylaws of the Presbytery.

- B. *Receiving Reports of Sexual Misconduct.* (Also see Chapter Four of this policy.)

The allegations may come from persons who have or who do not have a formal relationship with the PCUSA and may be made to a variety of persons in ordered ministry or leaders within the PCUSA. It is the duty of these persons in ordered ministry to see that any allegation of sexual misconduct is reported appropriately, keeping in mind the mandatory reporting requirements for allegations of child sexual abuse.

The person receiving the initial report of allegations of sexual misconduct shall analyze the relationship of the person accused of sexual misconduct with the PCUSA and shall make sure that the allegations of offense are filed with the council having 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 person in ordered ministry of the PCUSA committed an offense must be acted on according to The Rules of Discipline. If a clerk of session, the presbytery pastor or stated clerk receives a report of allegations in writing from a nonmember of the PCUSA alleging another member or person in ordered ministry of the PCUSA committed sexual misconduct, the report also should be acted on according to The Rules of Discipline. 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.

- C. *Mandatory Reporting of Child Sexual Abuse.* All persons covered by this policy shall report knowledge of child sexual abuse to the employing entity, supervisor, or appropriate council 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.

The provisions of the *Book of Order* referenced below attempt to balance conflicting moral duties for persons in ordered ministry in the PCUSA.

For teaching elders and ruling elders commissioned to pastoral service, the provision strives to balance the duty to protect children from future harm with the duty to hold in confidence any information revealed to them during the exercise of pastoral care in any ministry setting as defined in G-4.0301.

For ruling elders, deacons, and certified Christian educators, the provisions strive to balance the responsibilities of those in ordered ministries to protect children from harm and any secular duty those in ordered ministry 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. The secular duties will be a function of secular law and may vary from state to state.

All teaching and ruling elders, ruling elders commissioned to pastoral service, deacons and certified Christian educators 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

Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or 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 confidential communication as defined in G-4.0301; (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse. (G-4.0302).

Reporting only to ecclesiastical authorities is never a substitute for or an alternative to reporting to civil legal authorities in those circumstances when reporting to civil legal authorities is required by law.

2.07 RESPONDING

The appropriate council or entity response will vary according to the relationship of the PCUSA with the person who is accused of sexual misconduct. Church members and those in ordered ministry 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 council or entity that employs them.

A. *Accused Covered by Book of Order*

When an allegation of offense of sexual misconduct has been received by either a clerk of session, the presbytery pastor or stated clerk, the clerk of session shall report to the session, the presbytery pastor or stated clerk shall report to the Presbytery's Leadership Team Commission, as the case may be, that an offense has been alleged and that the council shall proceed according to the procedures set forth in The Rules of Discipline. The session or the Ministry for Leadership shall then 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 victim and/or the accused.

Councils 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 civil procedures are completed.

The session of a particular church has original jurisdiction in disciplinary cases involving members, ruling elders, and deacons of that church, with each church having jurisdiction only over its own members.

The Presbytery has original jurisdiction in disciplinary cases involving its members who are teaching elders or ruling elders commissioned to pastoral service. The Presbytery may dissolve a pastoral relationship (G-3.0301a and c). However, Presbytery may only place a teaching elder 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 teaching elder member accused of child abuse should be placed on administrative leave (D-10.0106). It is recommended that the permanent judicial commission members who will conduct this risk evaluation based upon the allegations and a hearing should also take into account secular legal advice.

When a person in ordered ministry renounces jurisdiction, the clerk of session, the presbytery pastor or stated clerk shall report the renunciation at the next meeting of the appropriate council and shall record the renunciation in the minutes of the council. The status of any pending charges may be shared with the council at that time.

B. Accused Not Covered by Book of Order

When a council or entity receives an accusation of offense of sexual misconduct against a nonmember employee or volunteer, the procedural response of the council or entity will be guided by the written personnel policies of the council or entity. Usually the council or entity will have a personnel committee that will be responsible for the inquiry. If a council or entity 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 do the following:

1. Determine whether or not the allegation gives rise to a reasonable suspicion of sexual misconduct by the accused.
2. If so, gather additional information necessary to make a decision about correcting the behavior.
3. Determine any remedies, including limiting ministry, suspension or termination, as necessary and advisable under the circumstances. If the accused is a member of another denomination, that denomination shall be notified of the allegations and the response.
4. Inform the victim and the accused of the remedy.
5. In all cases, the personnel committee shall prepare a written report, which shall be included in the permanent personnel file of the accused. 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 council, employing agency, or entity.

C. Council or Entity Record Keeping

The council or entity should keep detailed records of its actions and minutes of its deliberations and its conversations with the victim, the accused, and other parties involved, correspondence, and copies of the reports received from committees or commissions. Such records will be kept confidential as far as possible. In Case #208-6, the General Assembly Permanent Judicial Commission interpreted The Rules of Discipline to say that a council or entity may share the contents of inquiry reports with other councils or entities of

the PCUSA when necessary. The clerk of the council or director of the entity will maintain the records while the inquiry is in process.

False accusation is a violation of trust just as sexual misconduct is a violation of trust and is to be addressed with the same seriousness and concern for all concerned.

The protection of children is a priority. Persons having reasonable cause to suspect sexual abuse of a child shall report it to the appropriate secular agency for immediate investigation-it is the law. This is in addition to the disciplinary process that the Church will follow as set forth in this policy.

CHAPTER THREE IMPLEMENTATION

3.01 DISTRIBUTION AND IMPLEMENTATION OF POLICY: *This policy shall be distributed within the Presbytery by the presbytery pastor/stated clerk and implemented as follows:*

- A. *All teaching elders and ruling elders commissioned to pastoral service shall be given copies of this policy and shall be required to sign the acknowledgment of its receipt. (See the "Acknowledgment of Receipt and Agreement to Comply" form in Appendix F.) The signed acknowledgment shall be retained and filed in the office of the presbytery pastor or stated clerk and a copy of the signed acknowledgment shall be provided to the clerk of session of the church where the teaching elder or commissioned ruling elder serves. The clerk of session in turn shall ensure that the signed acknowledgment is maintained in the personnel files of that church.*
- B. *Presbytery employees shall receive this policy as a supplement to the employee handbook and shall be required to sign the acknowledgment of its receipt. (See the "Acknowledgment of Receipt and Agreement to Comply" form in Appendix F.) The signed acknowledgment shall be retained and filed in the office of the presbytery pastor or stated clerk.*
- C. *This policy shall be furnished to each clerk of session in the churches of the Presbytery. Each session shall be responsible for internal distribution of this policy to employees, volunteers and members of the congregation. Each session shall adopt this policy or an alternative sexual misconduct prevention policy and shall cause to be recorded in its minutes a statement that said policy has been adopted. Subsequently and annually, each session shall cause to be recorded in its minutes a statement that this policy or an alternative sexual misconduct prevention policy continues in force at that church. It is recommended that the adopted policy be included in the church's manual of administrative operations.*

3.02 JURISDICTION: The council or entity responsible to handle allegations of sexual misconduct will vary according to the status of the person accused of sexual misconduct. Church members, teaching elders and ruling elders commissioned to pastoral service are subject to inquiry and discipline under D-3.0101.

- A. **Teaching Elders and Ruling Elders Commissioned to Pastoral Service:** The Presbytery has oversight responsibility and original jurisdiction in disciplinary cases involving teaching elders and ruling elders commissioned to pastor service (G-2.0501, G-3.0301, D-3.0101b). Preliminary and investigative procedures are covered in Chapter X of The Rules of Discipline. Therefore, the Presbytery shall handle disciplinary cases consistent with the *Book of Order*, The Rules of Discipline, this policy and other appropriate guide- lines. As for teaching elders who are members of this presbytery but who are employed by a different presbytery or synod or General Assembly entity, response to allegations of sexual misconduct by such teaching elders will be made by the employing entity under its personnel policies. Such teaching elders shall also be subject to The Rules of Discipline as members of this presbytery.
- B. **Church Members:** The session has original jurisdiction in disciplinary cases involving

members of the church, each having jurisdiction only over its own members (D-3.0101a). A church member who is accused of sexual misconduct away from the congregation to which he or she belongs may be prosecuted by secular authorities but may only be removed from membership by the session. When a church member is accused of sexual misconduct, the disciplinary or alternative forms of resolution (D-2.0103) process is the same as that described for teaching elders and found in Chapters X through XIII of The Rules of Discipline. The clerk of session shall appoint an investigating committee to make an inquiry, decide whether to make charges, and prosecute. (For Investigating Committees see Chapter X of The Rules of Discipline.) The session will sit as a court and try the case. The person accused has a right to counsel, to present witnesses, and to cross-examine witnesses.

- C. **Alternative Resolution:** To meet the goals of Church Discipline the investigating committee may initiate if it deems appropriate, and with the written consent of all parties involved, alternative forms of resolution conducted by professionally trained and certified mediators and arbitrators. The purpose of this process is to achieve justice and compassion for all parties through mediation and settlement (D-1.0103, D-2.0203, G-3.0201c).
- D. **Accused Renounces Jurisdiction:** Jurisdiction in judicial process ends when a person in ordered ministry or member renounces the jurisdiction of the Church (in the form of a written resignation from the Church). Should the accused in a disciplinary case renounce the jurisdiction of the Church, the clerk of session or presbytery pastor/stated clerk shall report to the respective council both the renunciation and the status of the matter at the time it was received (D-3.0105, G-2.0405).

3.03 PREVENTIVE ACTIONS: The Presbytery and its churches are responsible to take actions to reduce the potential for sexual misconduct. As required by G-3.0106, each council of the Presbytery shall adopt and implement a sexual misconduct policy. Careful screening of applicants, education, security, and common sense work assignments all play an important role in reducing the likelihood of offenses occurring. Good record keeping and annually reviewing liability insurance coverage are necessary.

- A. **Applicants for Employment:** Pre-employment screening includes specific questions related to previous complaints of sexual misconduct.
 - i. **Teaching Elders:** The Presbytery reviews Sexual Misconduct Information of the PCUSA Personal Information Form when interviewing persons seeking ministerial calls. The office of the presbytery pastor or stated clerk is responsible for making reference checks through the Synod Executive, General Presbyter, or other authorized persons to ascertain whether those persons have any history of sexual misconduct. The presbytery pastor or stated clerk reports to the Committee on Ministry either that there was no reported sexual misconduct, or that the committee should inquire into reported sexual misconduct. A written record of conversations and correspondence with references will be kept in the teaching elder/employee personnel file.
 - ii. **Employees Volunteers:** The employing session, council or entity is responsible for contacting references for prospective employees or volunteers. A written record of the conversations and/or correspondence with references should be kept in the employee's personnel file. This policy applies to volunteers as well as employees.

Often no requirement for screening and application is applied to volunteers. It is recommended that local churches exercise careful due diligence in screening and supervising unpaid volunteers. If the volunteer is new or unknown to the church, some informal checking may be wise before allowing the volunteers to work in high-risk positions such as youth advisor, children's workers, lay counselors, Boy or Girl Scout leaders, or camp counselors. In positions such as these it is recommended there be a six-month delay in using volunteers who are new to the church.

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

B. Background Checking

The Presbytery shall conduct a criminal background check on every employment candidate, teaching elder, commissioned ruling elder, candidate and inquirer. Written permission to conduct a background check shall be obtained from each applicant prior to executing the check. Criminal background checks shall be repeated for employees and volunteers who perpetually work with children every three years. Seasonal employees or volunteers who have been absent from work more than six months, shall have a new background check prior to resuming work.

i. Approval Procedure

When a background check indicates a potential cause for concern, a committee of three consisting of Presbytery Pastor, Stated Clerk and Chair of COM shall review the background check and agree that the applicant is eligible for service within the church.

Where a criminal record exists, consideration shall be given to:

- Seriousness of the crime;
- Statutes that may legally disqualify the person from working with minors;
- Length of time since the last offense;
- Pattern of criminal activity; and
- Activities the applicant has been involved in since the offense(s) occurred.

Conviction for the following crimes shall be considered barriers to employment or volunteer work with children:

- Violent crimes
- Sexual assault
- Sexual abuse or neglect of a child

Arrest data are not grounds for disqualification, only convictions. The status or relevance of other crimes will be considered individually.

Drug offenses or driving offenses (depending upon position requirements) shall be reviewed and may be a barrier to employment or volunteer work with children.

Following the review, each committee member shall sign and date one of two documents that becomes part of the applicant's or employee's permanent personnel file:

“We have reviewed the criminal history of Applicant X and determined, based on the information we had available at this time, the applicant would be **acceptable** for the position.”

OR

“We have reviewed the criminal history of Applicant X and determined, based on the information we had available at this time, the applicant is **not acceptable** for the position.”

- ii. Confidentiality
At all times, the privacy and security rights of individuals are to be protected with utmost care. The Stated Clerk shall assure that physical means and processes are in place to protect individual rights.
 - iii. Record Retention
Volunteer applications shall be retained in the same manner as employee applications with due regard for the safety of private information such as Social Security numbers. The individual record shall include:
 - Employee or volunteer application
 - Permission to perform a background check (and credit check as may be required for employees).
 - Results of the background check
 - Background Investigation Results form, if applicable
- C. Outgoing References: Any person within the Presbytery authorized to give a reference is obligated to give truthful information regarding complaints, inquiries, and administrative or disciplinary action related to sexual misconduct by the applicant.
- D. Education: It shall be required that the presbytery provide training regarding sexual misconduct, especially including education on specific policies, procedures and standards of conduct that create safe environments for all children, youth and adults within the ministry setting. This training will be provided at least annually at a centrally located setting as well as through online course offerings and will be required annually of all inquirers, candidates, newly ordained Teaching Elders, Teaching Elders new to the presbytery, and Commissioned Ruling Elders serving as such, as well as all Teaching Elders serving in active ministry. Entrance into presbytery membership or advancement to the next level of the ordination process will be contingent upon participation in at least one online or face-to-face training offering.

Failure to fulfill the annual requirement for training will elicit one of the following responses, as appropriate, until the training requirement is fulfilled: (a) for inquirers and candidates – denial of advancement to the next level of the ordination process; (b) for newly ordained teaching elders and teaching elders new to the presbytery – denial of approval of entrance into presbytery membership; (c) for Commissioned Ruling Elders and teaching elders serving in active ministry – in ascending order of response: report of non-compliance to one’s employing organization, report of non-compliance to the presbytery, denial of approval in changes to one’s terms of call.

- E. Work and Assignment Decisions: Presbytery, local churches and entities should be concerned that work conditions or assignments are made with the idea of promoting safety and reducing risk. Considerations as to security of persons working alone, gender-to-gender assignments, and multiple paid employees/volunteers working with children and youth are good examples.
- F. Employment Record Keeping: Accurate record keeping is an essential part of hiring and supervision practices. Every council and entity should maintain a personnel file on every employee as well as for all teaching elders and ruling elders commissioned to pastoral service. The file should contain, to the extent applicable, the application for employment, employment questionnaires, reference responses, and documents related to this policy.

Note: In the case of a sexual misconduct charge involving another adult, when the accused is vindicated of the charge, or the charge has been dropped because it was found to have no substance, the personnel file of the accused shall contain no reference to the charge. Such charge shall not become a part of any reference, by church or council personnel for future employment.

- G. Liability Insurance: A council or entity may be held liable for harm caused by the sexual misconduct of a teaching elder, ruling elder commissioned to pastoral service, employee or volunteer based upon a number of legal theories such as negligent hiring, recruitment and/or supervision. Councils and entities must take such potential liability into consideration when establishing hiring, recruitment and supervisory practices.

Councils 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 persons in ordered ministry, employees and volunteers. The standard insurance policy must be enhanced by endorsements to cover specific exposures such as camps, schools, day-care operations, shelters or outreach programs.

The Presbytery and all churches and entities shall obtain an endorsement to their general insurance policy specifically covering sexual abuse and molestation. General liability insurance may provide for legal defense expenses and judgments in civil suits brought against the organization, its officers, directors or employees. Ordinarily an insurance company has the duty to defend officers and representatives of an organization. However, insurance companies normally do not defend an "employee" or cover intentional harm.

**CHAPTER FOUR
RESPONSE PROCEDURE**

- 4.01 REPORT PREPARATION:** Reports of alleged sexual misconduct are not to be taken lightly or disregarded or allowed to circulate without concern for the integrity and reputation of the victim, the accused and the Church. Reports should be dealt with as matters of highest confidentiality, before and after they have been submitted to appropriate authorities as outlined below.
- A. Reports must be submitted in writing and be filled out as completely as possible. It must contain a clear narrative and allege facts that, if proven true, would likely result in disciplinary action (D-10.0100). The report form ("Report of Suspected Sexual Misconduct") required for the Presbytery and recommended for the individual churches of the Presbytery, is found in Appendix.
 - B. The first person to learn of an alleged incident of sexual misconduct shall not undertake an inquiry alone or question either the victim or the accused unless the incident is divulged in the process of pastoral care, counseling, or a therapy session with that person. If the victim is hesitant to talk to "higher authorities," the person receiving the initial report has a special responsibility to encourage willingness to speak with higher authority, lest the Church be unable to respond because no one is able to give first-hand information.
- 4.02 REPORT SUBMISSION:** Reports of suspected sexual misconduct may occur in a variety of ways. Because a council or other Presbytery entity cannot control to whom the victim of sexual misconduct will first speak, it is important that all those in ordered ministry, employees, and persons highly visible to church members understand how reports of incidents are channeled to the proper persons. The allegations may come from persons who have or who do not have a formal relationship with the PCUSA and may be made to a variety of persons in ordered ministry within the PCUSA. It is the duty of those in ordered ministry to see that any allegation of sexual misconduct is reported appropriately, keeping in mind the mandatory reporting requirements for allegations of child abuse (see 4.03C of this policy).
- A. Presbytery de Cristo: An initial written Report of Suspected Sexual Misconduct accusing a person or persons on Presbytery de Cristo staff; a teaching elder or ruling elder commissioned to pastoral service; or employees of other entities of the Presbytery will be submitted to the presbytery pastor/stated clerk, who shall undertake those actions set forth in Paragraphs 4.03 and 4.04 of this policy.
 - B. Local Church: The initial written Report of Suspected Sexual Misconduct accusing a member of a local church shall be submitted to the moderator or clerk of session. Should the moderator receive the report, he/she will deliver it to the clerk of session for action set forth in Paragraph 4.03 of this policy.
- 4.03 FOLLOW-ON ACTIONS:** Upon receipt of a written Report of Suspected Sexual Misconduct the clerk of session, the presbytery pastor or stated clerk without undertaking further inquiry, shall:

- A. Report to the relevant council only that an offense has been alleged without naming the accused or the nature of the alleged offense (D-10.0103).
- B. Refer the Report of Suspected Sexual Misconduct immediately to an investigating committee of the council having jurisdiction over the member (D-10.0103, D-10.0200). For further guidance concerning disciplinary procedures see Chapter X of The Rules of Discipline.
- C. Refer any Report of Suspected Sexual Misconduct that involves children or vulnerable adults to secular authorities in accordance with state and local laws.**

i. Cooperation with Investigations

The Presbytery expects and requires the cooperation of all employees in the investigation of violations of the Code of Conduct, Ministry Standards or other misconduct, including a complainant, witness, and the accused offender. We may interview these individuals privately and take oral and/or written statements from them. Any person who fails to cooperate with such an investigation or to provide complete and truthful information may be subject to disciplinary action.

ii. Notification of Parents

A minor child may be party to an incident either as an initiator or as the victim. Whether a child is initiator or victim may not be clear in all circumstances, such as a child-on-child incident. And violation of policy does not necessarily create a victim. While notification of parents of such circumstances may be warranted, utmost care in communication is required. Therefore, a teaching elder or commissioned ruling elder having knowledge of an incident which warrants communication to a parent shall first advise their immediate supervisor, who shall consult with the Presbytery Pastor, Stated Clerk or Chair of COM. While communicating with a parent, and **being mindful of the importance of timely communication**, care shall be given to assessing:

- The specific facts;
- Whether a disciplinary or termination process is required;
- Whether a child should be dismissed from a program (requiring notification of other parents/guardians);
- Whether “mandatory reporting” is a factor;
- Who shall and in what manner communicate with the parents/guardian;
- Whether the Pastor should be involved in the communication;
- Tentative remedial steps to prevent a further incident.

Notification of parents shall not be delayed when immediate medical care is required.

iii. Victim Needs

In the event of cases of reportable abuse, the policy of the Presbytery is to be responsive to the needs of victims within the constraints or obligations imposed under insurance contracts. In general, we will attend to the immediate needs of victims by providing support and pastoral care.

(Insurance Board clients only) An incident of alleged abuse that requires medical or psychological care for a victim or family shall be reported to the Insurance Board by the

Presbytery Pastor, Stated Clerk or Chair of COM. The latter shall discuss with the Insurance Board Claims Department whether the circumstances warrant initiation of Crisis Management services which may include psychological counseling. Upon approval, counseling services may be offered to a perceived victim(s), which may include family members.

iv. Responding to Media

Media publicity following an incident of abuse or exploitation may be detrimental to the reputations of individuals, the congregation and the Presbytery. Without intending ever to evade the media, contacts with media must be managed and conducted only by a person specifically designated by the Session to represent the church, the Board of Directors to represent a ministry, and Ministry for Leadership to represent the Presbytery. No other person(s) may speak on behalf of the church. Unless designated differently in a particular circumstance, the exclusive spokesperson for the church shall be the Moderator of Session or, if no Moderator is currently appointed, the Clerk of Session. Unless designated differently in a particular circumstance, the exclusive spokesperson for the Presbytery shall be the Presbytery Pastor or, if s/he is unavailable, the Stated Clerk.

Prior to speaking to media, the above designated spokesperson shall contact and consult with Legal Counsel, to obtain an understanding of appropriate statements or admissions and issues of privacy that may apply to the situation. (Insurance Board clients only.) Designated spokesperson shall give immediate consideration to securing Insurance Board media relations and crisis management resources. Considering the speed of news cycles, a prompt determination is required, erring on the side of seeking help.

4.04 RESPONSE COORDINATING TEAM: The Presbytery's Ministry for Leadership shall appoint a Sexual Misconduct Response Coordinating Team (RCT), which shall be a standing or continuing ministry team of the Presbytery. The RCT will be comprised of no less than 3 or more than 5 members. The RCT will perform the duties set forth below and in Appendix B of this policy. It shall make its report(s) to the presbytery pastor or stated clerk of Presbytery.

- A. It is the responsibility of the RCT to respond quickly and objectively to reports of sexual misconduct involving teaching elders and ruling elders commissioned to pastoral service. The RCT shall work with and be available to the victim, the accused, the co-workers of the parties, and if a teaching elder or ruling elder commissioned to pastoral service is named by the report, and if requested by the relevant session, with the church involved. The RCT shall maintain strict confidentiality except for their written report(s) to the presbytery pastor or stated clerk.
- B. The RCT will be trained to respond to allegations of sexual misconduct and to recognize and identify the issues involved in sexual misconduct, sexual harassment, and child sexual abuse. RCT members should be familiar with the legal, administrative, and disciplinary procedures of the Presbytery as well as the PCUSA. RCT team members are exempt from being summoned as witnesses in an ecclesiastical judicial trial. The Presbytery recognizes that service on a RCT constitutes "good cause" as defined in D-7.0204 and D-11.0203.

- C. The RCT should normally consist of professionals with experience or training in counseling, psychology or legal issues relating to sexual abuse/misconduct. They may request resource persons to serve in specific situations.
- D. The investigating committee shall name the RCT as a "Need to Know Group". (See Appendix B)

4.05 STATUTE OF LIMITATIONS: The ability of a church or the Presbytery to respond promptly and justly to sexual misconduct is related in part to the opportunity to receive allegations and to gather evidence soon after the occurrence. This policy, however, recognizes the special problems sometimes related to discovery and recognition of certain forms of sexual misconduct.

For example, child sexual abuse may not be recognized until the victim of abuse reaches the age of awareness or recognition. Awareness or recognition of child sexual abuse, along with the willingness to come forward, may be delayed for many years.

The following statutes of limitations are those to be used by the Presbytery, its churches and entities in regards to allegations of sexual misconduct:

- A. **Sexual Abuse⁹ of Another Person:** In accordance with The Rules of Discipline, there is no statute of limitations for filing charges alleging sexual abuse (D-10.0401b).
- B. **All Other Sexual Misconduct Allegations:** "No charges shall be filed later than five years from the time of the commission of the alleged offense, nor later than one year from the date the investigating committee was formed, whichever occurs first" (D-10.0401), except as provided at D-10.0401a.

Certified Approved
Stated Clerk
Presbytery Meeting 10/17/2015

⁹ Sexual Abuse is defined at 2.028 of this policy and at D-10.0401c.

APPENDIX A EDUCATION AND TRAINING

The Presbytery's Ministry for leadership shall ensure that appropriate education, training and information are made available to a broad base audience within the Presbytery. Education efforts will be different on a group-by-group basis. The depth of courses, seminars or briefings addressing the issues of sexual misconduct will be tailored to the duties and responsibilities of the group being trained. Church members may only need to be aware of the policy and its reporting procedures. Others in ordered ministry or leadership positions will need more in-depth information in order to carry out their functions. Members of investigating committees, judicial commissions, the response coordination team, and the committee on ministry need to be completely familiar with a broad range of topics related to the subject.

Therefore, it shall be required that the presbytery provide training regarding sexual misconduct, especially including education on specific policies, procedures and standards of conduct that create safe environments for all children, youth and adults within the ministry setting. This training will be provided at least annually at a centrally located setting as well as through online course offerings and will be required annually of all inquirers, candidates, newly ordained Teaching Elders, Teaching Elders new to the presbytery, and Commissioned Ruling Elders serving as such, as well as all Teaching Elders serving in active ministry. Entrance into presbytery membership or advancement to the next level of the ordination process will be contingent upon participation in at least one online or face-to-face training offering.

Failure to fulfill the annual requirement for training will elicit one of the following responses, as appropriate, until the training requirement is fulfilled: (a) for inquirers and candidates – denial of advancement to the next level of the ordination process; (b) for newly ordained teaching elders and teaching elders new to the presbytery – denial of approval of entrance into presbytery membership; (c) for Commissioned Ruling Elders and teaching elders serving in active ministry – in ascending order of response: report of non-compliance to one's employing organization, report of non-compliance to the presbytery, denial of approval in changes to one's terms of call.

The Presbytery's Leadership Team Commission in coordinating the education program envisioned herein shall call on resources within the Presbytery, including the RCT to prepare and conduct the education program.

Groups Requiring Sexual Misconduct Prevention Education and Training.

Persons required to participate in the education and training efforts are listed below:

- A. Presbytery staff
- B. Investigating Committees
- C. Committee on Ministry
- D. RCT members
- E. Teaching elders and ruling elders commissioned to pastoral service, ministerial candidates, newly ordained and new clergy to the Presbytery

Persons recommended to participate in the education and training efforts are listed below:

- F. Clerks of session and other church members serving in ordered ministries
- G. Professional and non-professional church staff

Persons allowed to participate in the education and training efforts are listed below:
H. local church members

APPENDIX B
RESPONSE COORDINATING TEAM

- A. **PURPOSE:** The purpose of the Presbytery's Response Coordinating Team (RCT) is to ensure that an expeditious, professional, objective, effective and caring response is made to charges of sexual misconduct. It shall be composed of professionals in disciplines such as counseling, psychology and law. The CRT is to be a cadre of resource people who are available to provide assistance and counsel to the Presbytery's Ministry for Leadership or a Presbytery investigating committee, as either group may require or request. Members of the RCT are deemed "experts" and as such should be named as a "Need to Know Group" by the investigative committee as to names of accused, victims, witnesses, and congregations impacted by such an alarming charge. In essence, the RCT should be in a position to con- tact those involved to say something different to the involved persons such as, "the Presbytery has heard you and are sorry you are going through this", and offer counseling or help. The RCT will not investigate an allegation or in any way usurp the roles of Presbytery leaders or an investigating committee. The RCT will confine its activities to:
1. Coordinating a process that addresses the specific needs of the alleged victims and their families, those accused and their families, and affected congregations.
 2. Recommending advocates, if requested by the alleged victims, the accused, family members, or an involved congregation.
 3. Recommending and, if called upon by the Presbytery's Ministry for Leadership, assist in presenting the preventive education and training regarding sexual misconduct.
- B. **CONFIDENTIALITY:** Members of the RCT and any individual participating in the work of the RCT shall sign a pledge of confidentiality, copies of which shall be furnished to the chair of the RCT, and presbytery pastor or stated clerk of Presbytery.
- C. **FUNCTIONS:** The RCT shall have the following primary functions:
1. Receive the written report of alleged sexual misconduct from the presbytery pastor or stated clerk. The RCT will begin its work as soon as activated by the Presbytery's Leadership Team Commission but within fourteen (14) days of written notification.
 2. Provide for the pastoral care of all involved parties.
 3. Provide assistance, as requested by the relevant session, to begin the healing process within a congregation.
 4. Consider the need for and make recommendations to any or all parties involved to seek professional psychological counseling.
 5. Recommend educational or employment practices to be implemented in a local church, council, or entity to prevent possible additional allegations of sexual misconduct.
 6. Submit a written report to the presbytery pastor or stated clerk. The RCT shall be available to all parties to ensure continued pastoral care after its report is submitted.
- D. **NON-RCT FUNCTIONS:** The RCT is NOT intended to do the following:
1. Advocate for or against any involved party.
 2. Serve as legal counsel for any party.

3. Replace the functions of the Commission on Ministry, Presbytery's Leadership Team Commission, investigating committee, or the Permanent Judicial Commission.
4. Determine the guilt or innocence of the accused or victim.
5. Enforce a specific disciplinary action.
6. Act as professional counselor for any involved party.

Appendix C:
SUGGESTED TEMPLATE FOR
Limited Access Agreement for Cases of Convicted Sex Offenders

_____, referred to below as “we”, “the congregation” and “clergy”;
(Your Church)

And

_____, referred to below as “you” and “your”
(Petitioner Name)

_____ is an “open and affirming congregation” and as such affirms the dignity
(Your Church)

and worth of all persons as expressed in our Welcome Statement. We are committed to being a religious community open to those who are in need of worshiping with us, especially in times of distress and serious personal troubles. However, based on your background, we have concerns about your contact with children and youth in our congregation. The following guidelines are designed to reduce the risk to both you and them of an incident or accusation. We welcome you to our congregation and our membership but your participation will be limited to ensure the safety of our children and youth and to assure that you will not be subject to future accusations.

Within these guidelines, the congregation welcomes your participation in worship services, coffee hour, meetings, adult education, and all adult social events. Do not enter the classroom wing or the lower level of the church building. You are to avoid all contact with children and youth on church property or congregation-sponsored events. This includes the following:

- Do not talk with children.
- Do not volunteer or agree to lead, chaperone or participate in events for children and youth including such things as religious education classes, stories or talks for worship, youth group events, activities during intergenerational events, driving or otherwise transporting children and/or youth.
- You will remain in the presence of a Parish Associate who knows your situation at all times. You must meet that person before coming onto church property (or before arriving at any church-sponsored event), remain with him at all times, and depart with him.
- If a child or youth in the congregation approaches you, either at church or in a community place, politely and immediately excuse yourself from the situation.
- Avoid being in the church or any church-owned building or church-rented space at any time without a Parish Associate present with you at all times.
- Do not ask for, seek access to, nor remove from the church any materials, files, directories, etc. listing members and friends of the church.
- We ask that you limit your time in coffee hour to about ten minutes.

As a part of this agreement it is understood that you will have three (3) members of this congregation, approved by the clergy, who know thoroughly your history and are willing to serve as your Parish Associates. You will be welcome on church property and at church-sponsored events but must be accompanied at all times by one of the church members named below:

(Named Church Member 1)

(Named Church Member 2)

(Named Church Member 3)

To engage your integration into the congregation and to assist you in maximizing your experience with the church it is agreed that you will meet on a bi-monthly basis with the Parish Associates and a member of the clergy together or separately to discuss matters of mutual interest and concern. These meetings will also serve as an ongoing review of the implementation of this agreement.

Implementation of this agreement is based upon a review by the clergy of the most current supporting documents as follows:

- A statement from the court as to the nature of the conviction.
- A risk assessment from a qualified therapist.
- A report from a certified treatment provider indicating that you are not at too high a risk for recidivism.

Any change in the above must be reported immediately to a member of the clergy.

REASONS FOR EXCLUDING A PERSON FROM ALL CONGREGATIONAL ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO:

- Refusal to allow the clergy to contact the treatment provider and parole officer. Refusal to go for a risk assessment with a qualified therapist.
- Report by a treatment provider that the individual is at too high a risk for recidivism. Refusal to sign a Limited Access Agreement.
- Refusal to comply with the requirements of the Limited Access Agreement.

This agreement will remain in effect until/unless:

- You fail to honor the terms of the agreement, thus nullifying it.
- It is superseded by any policies and procedures put in place by the church's SafeConduct™ Committee. The SafeConduct™ Committee in consultation with the clergy is the body responsible for providing you with guidelines, support and counsel for your participation in the life of the congregation.
- You, the clergy, and the SafeConduct™ Committee mutually agree to change the terms of this agreement.

ATTEST: I have reviewed the terms of the above limited access agreement and agree to abide by its provisions. Failure to honor its terms will result in my being denied access to church property and all church events.

Signature

Date

Petitioner Name

Address

WITNESS FOR THE CHURCH:

Signature

Date

Name

Church Official Title

YOUR CHURCH
(Address)

Appendix D
SUGGESTED TEMPLATE FOR
Code of Conduct

This Code of Conduct defines individual responsibilities as teaching elders, ruling elders, employees or volunteers to meet the expectations of (Your Church) with respect to behavior or conduct in the service of the ministries of the church, especially those which serve children and “vulnerable adults”.

General Requirements --

Each person subject to this Code shall

1. Act as a team member in fulfilling ministry objectives
2. Treat children and “vulnerable adults” (clients) with respect, and fairly without regard to race, age, gender, sexual orientation or religion
3. Practice those behaviors we regard as necessary and positive as well as to refrain from those behaviors which have been defined as prohibited.

General Prohibitions –

The following behaviors are prohibited at all times:

1. Display affection toward a child/client in privacy.
2. Use profanity or tell off-color jokes.
3. Discuss their sexual encounters with or around children or in any way involve children in their personal problems or issues.
4. Date or become romantically involved with children.
5. Use or be under the influence of alcohol or illegal drugs in the presence of children.
6. Possess sexually oriented materials, including printed or online pornography, on Church property.
7. Have secrets with clients
8. Stare at or comment on children’s bodies.
9. Engage in inappropriate or unapproved electronic communication with children.
10. Work one-on-one with children in a private setting.
11. Abuse clients in anyway including (but not limited to) the following:
 - Physical abuse: hit, spank, shake, slap, unnecessarily restrain
 - Verbal abuse: degrade, threaten, curse
 - Sexual abuse: inappropriately touch, expose oneself, or engage in sexually oriented conversations
 - Mental abuse: shame, humiliate, act cruelly
 - Neglect: withhold food, water, shelter
 - Permit children to engage in the following: Hazing, bullying, derogatory name-calling, games of Truth or Dare, ridicule or humiliation or sexual activity
12. Manipulate or exploit a “vulnerable adult” in any way.

Reporting Obligations --

Each teaching elder or statutory “mandatory reporter” shall report:

1. Concerns or complaints about other employees and volunteers, other adults, or children to a supervisor. (Appendix D – Leadership & Reporting Roster)
2. Allegations or incidents of “suspected abuse” to the designated law enforcement or child welfare authority. (Appendix D – Leadership & Reporting Roster)

Specific Interaction Standards –

This Code of Conduct defines individual responsibilities as teaching elders, leaders, employees or volunteers to meet the expectations of (Your Church) with respect to behavior or conduct in the service of the ministries of the church, especially those which serve children and “vulnerable adults”.

General Requirements --

Each person subject to this Code shall

1. Act as a team member in fulfilling ministry objectives
2. Treat children and “vulnerable adults” (clients) with respect, and fairly without regard to race, age, gender, sexual orientation or religion
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4. Date or become romantically involved with children.
5. Use or be under the influence of alcohol or illegal drugs in the presence of children.
6. Possess sexually oriented materials, including printed or online pornography, on Church property.
7. Have secrets with clients
8. Stare at or comment on children’s bodies.
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 - Verbal abuse: degrade, threaten, curse
 - Sexual abuse: inappropriately touch, expose oneself, or engage in sexually oriented conversations
 - Mental abuse: shame, humiliate, act cruelly
 - Neglect: withhold food, water, shelter

- Permit children to engage in the following: Hazing, bullying, derogatory name-calling, games of Truth or Dare, ridicule or humiliation or sexual activity
12. Manipulate or exploit a “vulnerable adult” in any way.

Reporting Obligations --

Each teaching elder or statutory “mandatory reporter” shall report:

1. Concerns or complaints about other employees and volunteers, other adults, or children to a supervisor.
2. Allegations or incidents of “suspected abuse” to the designated law enforcement or child welfare authority.

Specific Interaction Standards –

Each teaching elder, employee or volunteer worker of (Your Church) shall conduct him/herself in a manner that fosters understanding of SafeConduct™ in the context of serving children and “vulnerable adults”. The standards articulated below serve two purposes:

To protect children and “vulnerable adults” from abuse or grooming for abuse elsewhere; and To protect/prevent church staff from engaging in patterns of behavior that may be construed as abusive or predatory. While a single infraction of guidelines may not constitute abuse, a pattern of repeated violations will result in disciplinary action up to and including dismissal from ministry.

1. **Approval and Affection** – In providing approval or affection, the following guidelines apply:

<i>Appropriate Physical Interactions</i>	<i>Inappropriate Physical Interactions</i>
<ul style="list-style-type: none"> • Side hugs • Shoulder-to-shoulder or “temple” hugs • Pats on the shoulder or back • Handshakes • High-fives and hand slapping • Verbal praise • Pats on the head when culturally appropriate • Touching hands, shoulders, and arms • Arms around shoulders • Holding hands (with young children in escorting situations) <p>These may be inappropriate if unwanted by the child or the employee or volunteer.</p>	<ul style="list-style-type: none"> • Full-frontal hugs • Kisses • Showing affection in isolated area • Lap sitting • Wrestling • Piggyback rides • Tickling • Allowing a child to cling to an employee’s or volunteer’s leg • Any type of massage given by or to a child • Any form of affection that is unwanted by the child or the employee or volunteer • Compliments relating to physique or body development • Touching bottom, chest, or genital areas

2. **Verbal Interactions** – The manner of speaking with children establishes respect. The following guidelines apply:

<i>Appropriate Verbal Interactions</i>	<i>Inappropriate Verbal Interactions</i>
<ul style="list-style-type: none"> • Positive reinforcement • Appropriate jokes • Encouragement • Praise 	<ul style="list-style-type: none"> • Name-calling • Discussing sexual encounters or in any way involving children in the personal problems or issues of employees and volunteers • Secrets • Cursing • Off-color or sexual jokes • Shaming • Belittling • Derogatory remarks • Harsh language that may frighten, threaten or humiliate children • Derogatory remarks about the child or his/her family

3. **Out-of-Program (Off-Site) Contact** –

(Your Church) strongly recommends that teaching elders, employees or volunteers observe the following forms of outside contact as appropriate and inappropriate:

<i>Appropriate Outside Contact</i>	<i>Inappropriate Outside Contact</i>
<ul style="list-style-type: none"> • Taking groups of children on an outing • Attending sporting activities with groups of children • Attending functions at a child's home, with parents present 	<ul style="list-style-type: none"> • Taking one child on an outing without the parents' written permission • Visiting one child in the child's home, without a parent present • Entertaining one child in the home of a church employee or volunteer • A lone child spending the night with a church employee or volunteer

In addition, when outside contact is planned or occurs, the following steps are to be taken:

- A supervisor shall identify for employee and volunteers what types of outside contact are appropriate and inappropriate (above)
- A supervisor shall assure that the employee or volunteer has the parents' permission to engage in outside contact with the child. When time permits, parents shall execute a permission form with a waiver of liability (if permitted by state law).

4. **One-on-One Interactions** –

Because most abuse occurs when an adult is alone with a child, private one-on-one meetings with a child are prohibited unless approved in advance by (Chair, Employment Committee). When so permitted, the following guidelines shall apply:

One-on-One Interaction Guidelines

- When meeting one-on-one with a child, always do so in a public place in full view of others.
- Avoid physical affection that can be misinterpreted. Limit affection to pats on the shoulder, high fives, and handshakes.
- If meeting in a room or office, leave the door open or move to an area that can be easily observed by others passing by.
- Inform other employees and volunteers that you are alone with a child and ask them to randomly drop in. (Ask to be supervised.)
- Document and immediately report any unusual incidents, including disclosures of abuse or maltreatment, behavior problems and how they were handled, injuries, or any interactions that might be misinterpreted.

To the extent any of these guidelines may appear to be in conflict, the spirit of them is that one shall seek to be under the supervision of others while meeting privately with a child.

5. **Social Media – Electronic Communications** –

Social Networking Code of Conduct

Each teaching elder, employee or volunteer who leads using the resources of social media shall apply this Social Networking Code of Conduct:

- Prohibit comments that are, or could be construed by any observer, to be harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- Prohibit sexually oriented conversations or discussions about sexual activities.

- Prohibit private messages between employees and volunteers and children.
- Prohibit posting inappropriate pictures (for example, sexually suggestive, exploitive or voyeuristic) or inappropriate comments on pictures.
- Provide children and their parents with this Social Networking Code of Conduct.
- Encourage parents to play a role in monitoring their children's interactions with employees and volunteers.
- Continuously remind children how to interact appropriately through social networking sites.
- Deny participation by individuals who repeatedly violate the Code of Conduct.

At the institution of the use of social media, the authorized teaching elder, employee or volunteer shall present this Social Networking Code of Conduct to children (or other client group) and parents/guardians.

If offered a position as teaching elder, employee or volunteer, I affirm that application disclosures are complete and truthful. I agree to comply with all code of conduct standards described above relating to children/clients as defined above. If requested to do so, I will cooperate with any investigation of a possible violation of church policies and rules by providing complete and truthful information in an oral and/or written statements.

Signature

Date

Name

Appendix E:
SUGGESTED TEMPLATE FOR
Ministry Standards

These ministry standards are intended to provide a safe environment for children and “vulnerable adults” in a variety of circumstances. From time to time it may not be possible to fulfill the standard to the letter. Permission is granted to Ministers in leadership to waive a standard with justification. If it is found that consistent fulfillment of a standard is not practicable, the matter shall be elevated to the (Your Committee) for resolution or amendment of these standards.

Adult-Child Ratios –

For all activities an adult-child ration of (xx):1 shall be maintained, except that a ratio of (yy):1 may apply to a classroom environment with children above the age of (zz). Employees or volunteers under the age of 18 are not included in the ratio.

In all cases, an employee or volunteer under the age of 18 working with minor children shall be under the supervision of an adult over the age of 21.

Employees or volunteer leaders under the age of 21 shall not supervise or lead a youth group in which the oldest participating minor child is less than three years younger than the supervisor/leader.

Bathrooms, Locker Room and Out-of-the-Way Locations –

The following practices shall apply to supervision of bathrooms and changing areas:

1. Minimize presence of diverse child age groups at the same time.
2. No employee/volunteer shall enter with a single unrelated child unless the entry door is ajar (propped open) in a way that (s)he can be observed by others.
3. Children shall not enter alone in pairs.
4. Children shall not enter unsupervised.
5. Require children to ask permission before using bathrooms.

Employees and volunteers in leadership are to frequently and randomly check bathrooms to assure their security.

The following areas are to be locked at all times: **(Your rules)**

The following areas are to be off-limits: **(Your rules)**. Typically a place where a predator and child might find unsupervised privacy, such as an unsupervised floor, basement, balcony, or adjacent building.)

Transition and “Free” Time --

Especially during day long, off-site or overnight activities, children will periodically not be engaged in a supervised activity. Supervision shall be maintained during transition times through the use of chaperones, hall monitors and escorts to minimize the opportunity for security breach or child-on-child incidents. (Leadership titles) shall assess at what times and places additional duties are to be assigned to employees and volunteers to assure supervision of transition and free time.

Transportation of Children –

Transportation of children, whether on buses, motor coaches or private passenger vehicles, is a serious responsibility. Especially when utilizing church owned vehicles or private vehicles of employees and

volunteers, utmost care shall be taken in view of the risks associated with managing transportation. The following standards shall apply:

1. No employee or volunteer shall transport a single child that is not his/her own, except as may be required in an emergency with the approval of a supervisor. Communications shall be established to verify the whereabouts, expected arrival and change of custody of the child.
2. Any driver operating a vehicle which holds 16 passengers or more, including the driver, shall possess a valid Commercial Driver License (CDL).
3. Any person who drives on behalf of (Your Church) sponsored programs shall be previously qualified under our transportation and driver qualification procedure.
4. Adult-child ratios shall be maintained and within the safe loading limits of the vehicles being used.
5. As practicable, mixed age groups are not to sit together.
6. Employees and volunteers are not to make unauthorized or unplanned stops.
7. On each trip, a vehicle log shall be maintained which documents the departing time, arrival time, destination, mileage, names of passengers and supervising staff and volunteers and any unusual occurrences.
8. All passengers are to be seated and to use safety belts as available.
9. Employees and volunteers are to be seated on larger vehicles in a way that permits them to supervise young passengers.
10. When passengers must disembark at a rest facility or destination, care shall be taken to obtain a headcount on arrival and departure. All passengers shall be required to complete a trip on the same vehicle to assure accountability.

Off-site Activities (Day Trips) --

Off-site activities require special additional planning, taking into account the nature of the destination and exposure to the public at large. For example, attendance at a public venue, such as an amusement park, will require greater supervision than a visit to a sister church. Due to the increased risk of a child becoming lost or injured during an off-site activity, extra care shall be taken to assure adequate supervision.

The following are minimum requirements:

1. All off-site activities shall be approved in advance by **(Leadership title)**.
2. The trip leader shall provide a plan outlining transportation and supervision for the activity.
3. Parent/guardian permission shall be obtained. Permission forms are to site the destination(s) and activities in which the child might engage (e.g., climbing wall, horseback riding, soccer, baseball, etc.)
4. Parent/guardian providing permission shall indicate who will receive the child on return if other than the person signing the permission.
5. Adult-child ratios shall be increased by at least one person, which may include a person age 16 or older who is qualified to drive. One adult may supervise only one person under the age of 18 (employee or volunteer).
6. Each employee or volunteer shall be assigned to a specific group of children to supervise. Each employee or volunteer must then maintain a roll sheet listing all of the children in his or her group. Head counts and roll checks will be conducted routinely.
7. Standards for bathroom activities, transition time and transportation shall be maintained.
8. Parents/guardians shall be provided a means to make emergency contact with the trip leader.

Over-night Activities --

Camps generally have the experience and staffing to adopt different standards than these below. The assumption for the purpose of this standard is lodging at a public hotel in an unfamiliar city.

As with off-site activities, over-night activities present an even higher level or risk to children than day trips due to isolation from parents and the 24-hour supervision that is required throughout the activity.

The following standards will apply in addition to standards for off-site activities:

1. All overnight activities, whether on the church site or not, shall have prior approval of **(Leadership title)**.
2. All overnight activities include a minimum of two adult chaperones over 21 years of age.
3. All volunteers and employees under 18 years of age must be supervised at all times.
4. Parent/guardian permission shall be obtained. Permission forms are to site the destination(s) and activities in which the child might engage (.e.g., climbing wall, horseback riding, soccer, baseball, etc.)
5. The parent/guardian providing permission shall indicate who will receive the child on return if other than the person signing the permission.
6. At all times through the night an employee or volunteer must remain on duty at a location to supervise the coming and going of any child and to assure safe evacuation during an emergency and to prevent children sneaking out. (Maximum two hour watches through the night are recommended.)
7. Trip leaders or other designated adult shall conduct routine walk-throughs of high risk areas
8. For the event of a building evacuation, an outdoor rally point will be designated in advance.
9. A roster will be maintained of the room assignments for each child and adult.
10. A bed check will be conducted at a specific time known to all.
11. Adult-child ratios are to be maintained for outings away from the lodging site.
12. A daily schedule of events shall be maintained with supervisory duty assignments included.
13. Double-queen lodging is preferred at hotels, four to a room. Children in each room will be of similar age. No adult will share a bed with a child.
14. Adult rooms will be scattered among rooms occupied by children. There shall be at least one adult lodged on any floor on which children are sleeping.
15. Standards for bathroom, out-of-the-way, off limits locations and transition time shall be maintained as the site circumstances and facilities may require

APPENDIX F

FORMS

- 1 Acknowledgment of Receipt and Agreement to Comply
- 2 Church Volunteer Covenant for Sexual Responsibility
- 3 Report of Suspected Sexual Misconduct

ACKNOWLEDGMENT OF RECEIPT AND AGREEMENT TO COMPLY

I hereby acknowledge that I have received a copy of the "Presbytery de Cristo Policy and Procedure on Sexual Misconduct Prevention," dated (insert day, month, year). Further, I either have been trained as to its content or have or will read the policy in order to understand its meaning.

I hereby agree to conduct myself in accordance with the policy.

Signature _____

Printed Name _____

Date _____

Note: This form is to be completed by teaching elders, ruling elders commissioned to pastoral service, ministerial candidates, all individuals serving in ordered ministries in a particular church, and staff and church employees.

The original of this acknowledgement will be placed in the personal file of the signatory or retained in the central administrative or ministry files of the particular church.

CHURCH VOLUNTEER COVENANT FOR SEXUAL RESPONSIBILITY

1. As a church volunteer I agree to observe all church rules and policies while working with youth or children or adults. Further, I understand that _____
Name of Church
prohibits sexual misconduct and sexual coercion, or sexual exploitation of children or adults while I minister in any internal or external activity related to the church.
2. I understand that if I engage in such behavior I will be subject to appropriate discipline that may include legal action. I agree to fully cooperate with the church. Further, I acknowledge that such discipline may result in termination of my activities as a volunteer.
3. I acknowledge that I understand the church's policy on sexual misconduct and agree to abide by it.

Signature _____

Printed name _____

Date _____

Note: This form is to be used for all unpaid volunteers, teachers, youth workers, coaches, music leaders, and so forth. The signed forms are to be retained in the central administrative or ministry files of the particular church.

REPORT OF SUSPECTED SEXUAL MISCONDUCT

Date of this report _____

Reported by: Name: _____
Role: _____
Address: _____
Telephone: _____ Email: _____

Person(s) suspected of misconduct:
Name: _____ Role: _____
Address: _____ Telephone: _____
Email: _____

Other person(s) involved (victim(s)):
Name: _____ Role: _____
Address: _____ Telephone: _____
Email: _____

Describe incident(s) of suspected sexual misconduct, including date(s), time(s), and location(s). Be as accurate and specific as possible. Attach additional sheets if required.

Identify eyewitnesses to the incident, including names, addresses and telephone numbers as available: Attach additional sheets if required.

Other information that may be helpful to the investigation. Attach additional sheets if required.

Signature: _____