



THE PRESBYTERY OF SOUTHERN NEW ENGLAND

Sexual Misconduct
Policy and Procedures
September 12, 2018

Presbyterian Church (U.S.A.)

The Presbytery of Southern New England

Sexual Misconduct Policy and Procedures

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1 *The Presbytery of Southern New England gives sincere thanks to the Presbytery of Detroit*
2 *for the majority of this Sexual Misconduct Policy and Procedures manual. We didn't*
3 *reinvent the wheel, we just adapted it to fit the spokes of Southern New England.*

4 I. INTRODUCTION

5 In recent years, sexual misconduct has become a public matter, having been previously quietly
6 dispatched or ignored. Presbyteries, Synods and the General Assembly of the Presbyterian Church
7 (U.S.A.) have adopted policies for the prevention and judicial management of these cases. This
8 document applies to the Presbytery of Southern New England-its ministers, committee members,
9 related agencies, and staff. This policy reiterates that sexual misconduct will not be tolerated.

10 A. Theological Rationale

11 Under the grace of God and the Lordship of Jesus Christ, the church and its people are called to
12 behave responsibly in a connectional system that is clear in its expectations and uniform in its
13 discipline. Biblical standards for the sanctity of marriage and for ethical behavior are based on a
14 combination of love, justice and the equitable distribution of power. Sexual behavior is one
15 aspect of human interaction that must be conducted justly without exploitation. Our faith,
16 under Christ, leads us to decry any interactions where people are treated without love and
17 justice.
18

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20 The church has grappled since its inception with the tension between judgment and grace as
21 attributes of God's nature. Though grace predominates and forms the motivation of the
22 church's response, judgment and discipline are expected when individual behavior affects other
23 persons and the church body as a whole. To lightly dismiss an instance of sexual misconduct,
24 although it may appear on the surface to be gracious, is really compounding the misconduct.
25 Maintaining silence is unacceptable. In the words of Paul: "All things are lawful but not all
26 things build up. Do not seek your own advantage, but that of the other." (I Corinthians, 10:23-
27 24)
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29 B. Purpose and Scope

30 1. Purpose

31 It is the purpose of this policy:

- 32 a. to define sexual misconduct in the Presbytery of Southern New England;
- 33 b. to provide standards for behavior applicable to all members of the Presbytery of
34 Southern New England: ministers, commissioned lay pastors, committee
35 members, candidates, inquirers, volunteers, members of the Presbytery Council,
36 the moderators of any of the Presbytery's entities, employees, or any other
37 person carrying out the programs of the Presbytery of Southern New England;
- 38 c. to provide for measures to prevent the occurrence of sexual misconduct;
- 39 d. to provide the basis for policies to be adopted by church Sessions dealing with
40 church members, non-ordained employees and volunteers;
- 41 e. to have a system which provides for an expeditious, professional, confidential,
42 and caring response in sexual misconduct situations;
- 43 f. to serve as a companion to the Book of Order but not to supersede any of its
44 provisions.
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50 2. Scope

51 The persons governed by this policy are all members of the Presbytery of Southern New
52 England: ministers, commissioned lay pastors, committee members, candidates, inquirers,
53 volunteers, members of the Presbytery Council, the moderators of any of the Presbytery's
54 entities, employees, or any other person carrying out the programs of the Presbytery of
55 Southern New England.

56 a. **Particular Churches:** This policy does not purport to regulate sexual conduct within
57 the particular churches of the Presbytery of Southern New England, but it does regulate
58 clergy behavior in church settings. It is recommended that Sessions adopt policies
59 similar to this one.

60 b. **Child Protection:** Because of the unique issues involved in monitoring youth and child
61 activities, this policy is not intended to serve as a full child protection policy. All
62 churches must have a Child Protection Policy in place and updated at least every five
63 years. When new churches are chartered, they are to be given one year from their charter
64 date to adopt an appropriate child protection policy. Child Protection Policies (see
65 example in Appendix G) should include the following guidelines for all paid and all
66 volunteer personnel who work with (or will work with) any minor children including:

- 67 • A “Screening Form” for all paid and volunteer children and youth workers
- 68 • An interview process of all child and youth volunteers
- 69 • Implement a “two-adult” rule
- 70 • Establish a “six-months-at-your-church” rule (minimum)
- 71 • Provide for adequate personnel
- 72 • Overnight rule ... must pass screening and background checks
- 73 • Discuss suspicious behavior with church leader
- 74 • Discuss sexual misconduct with all children and youth leaders
- 75 • An annual acknowledgement of the Child Protection Policy (see example on page
76 26)

77
78 3. Other Policies and Procedures

79 This policy is to be interpreted and applied consistently with any and all other applicable
80 policies of the Presbytery of Southern New England, the Presbyterian Church (U.S.A.), and
81 state, federal, and local law.

82 **II. DEFINITIONS**

83 **A. Sexual Misconduct**

84 Sexual misconduct is the comprehensive term used in this policy to cover the following:

85
86 1. **Child sexual abuse** is any contact or interaction between a child under the age of 18 when
87 the child is being used for sexual stimulation of adults. The behavior may or may not involve
88 touching. Sexual behavior between an adult and a child is always considered coerced whether or
89 not consensual.

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91 2. **Inappropriate sexual conduct** is language, visual contact, touching or other behavior judged
92 by the person to be injurious to his or her physical or emotional health. It involves crossing a
93 boundary the person was attempting to set.

94
95 3. **Rape** is sexual contact by force, threat, intimidation, or coercion. According to the U.S.
96 Department of Justice, the definition is, “The penetration, no matter how slight, of the vagina

97 or anus with any body part or object, or oral penetration by a sex organ of another person,
98 without the consent of the victim.”
99

100
101 4. **Sexual malfeasance** is sexual conduct within a ministerial or professional relationship (e.g.,
102 minister with a parishioner, counselor with a client, church employee with a church member,
103 Presbytery staff person with a volunteer or employee). It includes unwelcome sexual advances,
104 requests for sexual favors or conduct of a sexual nature, as well as consensual romantic
105 relationships (see Section II.B, below).
106

107 5. **Sexual harassment** is an unwelcome sexual advance, verbal or physical contact, or display of
108 sexually related material when:

- 109
- 110 a. the affected party has previously rejected those advances;
 - 111 b. submission is explicitly or implicitly made a condition of future employment, service or
112 care;
 - 113 c. such conduct affects morale or performance of the individual or others involved in the
114 situation; or
 - 115 d. persons in the work setting claim to find the material sexually offensive.
116

117 6. **Single party conduct** is that where no other party is involved, such as use of computers,
118 reproduction machinery or other office equipment belonging to a governing body.
119

120 7. **Inappropriate use of the Internet** to communicate with another to commit sexually abusive
121 activity, including but not limited to the activities listed above.
122

123 B. Presumed Consent

124 Presumed consent is the assertion that a particular act was between consenting adults. It may
125 apply to relationships where there is no disparity of power, such as spouses or single adults
126 functioning as peers or colleagues. Within this policy presumed consent does not apply between
127 ministers and parishioners, supervisors and supervised, or with anyone involved with
128 performance review, compensation, promotion or continued employment, even though the
129 parties claim that a consensual agreement exists. The inherent imbalance of power between the
130 minister and the lay person undermines the validity of such consent. If a minister and lay person
131 or supervised person wish to pursue a consensual romantic relationship, one or the other must
132 change churches/jobs so that the professional relationship is no longer in place.

133 C. Presbytery Entities Involved in Sexual Misconduct Cases

134 1. A **Process Support person** is a person who provides support and emotional and physical
135 presence, to the alleged victim(s) and their family, the accused, family members of the accused,
136 or the congregation involved in a sexual misconduct case. The **Process Support person** may
137 also provide clarification of the investigative process of the church and the judicial process of
138 the church to the person(s) with whom he or she works and is assigned by the COM. The role
139 of a **Process Support person** is not to speak for the party for whom he or she is a support, but
140 to inform that party of his or her rights within the investigative process. The **Process Support**
141 **person** shall not give advice regarding civil remedies. When requested by the party for whom
142 he/she is a **Process Support person**, he/she may accompany that person to meetings of
143 Presbytery entities when that party is testifying.
144

145 2. **Committee on Ministry** continues in its constitutional role as resource to ministers and
146 congregations, particularly where pastoral vacancies occur. When appropriate, the Committee

147 on Ministry is to facilitate the employment of interim leadership competent to manage any
148 conflict associated with the sexual misconduct case. The Committee facilitates the relations
149 between congregations, ministers, and the Presbytery, and resolves difficulties on behalf of the
150 Presbytery when possible and expedient.

151
152 3. The **initial reporting** may come through to the General Presbyter, the Stated Clerk, or the
153 Committee on Ministry chairperson(s), and each must ensure that the proper steps are taken to
154 bring the process to issue.

155
156 4. The **Response Team** is a group of clergy and laity (composition defined in Article III. B)
157 who will act as advocates assigned by the Committee on Ministry to work with (1) the person
158 making the complaint, (2) the accused, and (3) the affected governing body (on a congregational
159 level this would be the Session) to make a preliminary intervention with affected parties. (See
160 subsection IV C 2. page 9 for the composition of the Response Team that meets with those
161 affected.) It has no judicial function, nor should it attempt to assume one. It may maintain
162 contact with those involved in the situation, but must assure the parties that it is not interfering
163 with the disciplinary case in process should there be one. This team (under the direction of
164 COM) shall be responsible for the training of ministers and lay persons in the Presbytery in
165 matters related to sexual misconduct, and shall take steps toward its prevention. Attendance at
166 sexual misconduct training sessions will be tracked by COM (or their designee) and reported at
167 the next Presbytery meeting after training takes place.

168
169 5. The **Permanent Judicial Commission** is the continuing body elected by the Presbytery to
170 conduct trials when an investigating committee files charges. The commission's structure and
171 duties are described in D-5.0000 in the Book of Order.

- 172 a. When the alleged offense is sexual abuse of a person under the age of eighteen, or a person
173 alleged to lack the mental capacity to consent, the Stated Clerk will immediately
174 communicate it to the moderator of the PJC prior to the usual steps in establishing an
175 investigating committee. (D-10.0106) This does not replace reporting to the authorities
176 listed on page 18 which remains mandatory as well.
- 177 b. Within three days of receiving such an allegation, the PJC moderator shall designate two
178 members of the PJC or two former members of the PJC whose terms have expired within
179 the past six years to determine whether the accused shall be placed on a paid administrative
180 leave during the resolution of the matter.
- 181 c. The designated representatives of the PJC, after giving the accused the opportunity to be
182 heard, shall determine whether the risk to the congregation and to potential victims of
183 abuse, when considered in light of the nature and probable truth of the allegations, requires
184 administrative leave or other restrictions upon the accused's service.
185

186 6. The **Investigating Committee** is a group appointed by the General Presbyter, in
187 consultation with the Stated Clerk, whenever a written Statement of Alleged Sexual Misconduct
188 Offense (Appendix D) is received by the Stated Clerk (D-10.0103). The Investigating
189 Committee is charged under the Rules of Discipline with conducting a full investigation of an
190 allegation of sexual misconduct, determining whether or not charges are to be filed, and
191 prosecuting the case, if there is one.

- 192 a. When the alleged offense is sexual abuse of a person under the age of eighteen, or a
193 person alleged to lack the mental capacity to consent, the two representatives of the
194 PJC may be requested at any time during the investigation by the IC to impose,
195 modify, or remove the administrative leave or restrictions during the course of the
196 investigation. Such a request may come from either the IC or the accused. (D-
197 10.0106)

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7. The **Stated Clerk** receives the initial complaint (Statement of Alleged Sexual Misconduct Offense) and notifies the Presbytery at its next stated meeting that a complaint has been received. The Stated Clerk consults with the General Presbyter and the Committee on Ministry on whether the complaint warrants an administrative leave. The Stated Clerk refers recommendations from the Investigating Committee to the Permanent Judicial Commission.

- a. Within three days of receiving the alleged offense of sexual abuse of a person under the age of eighteen, or a person alleged to lack the mental capacity to consent such an allegation, the PJC moderator shall designate two members of the PJC or two former members of the PJC whose terms have expired within the past six years to determine whether the accused shall be placed on a paid administrative leave during the resolution of the matter.

D. Additional Definitions

- 1. The **Accused** is the person against whom a claim of sexual misconduct is being made.
- 2. An **Accuser/Victim** is the person claiming knowledge of sexual misconduct by a person covered by this policy or a person claiming to have been the subject of sexual misconduct by a person covered under this policy. The accuser may or may not have been the victim of the alleged sexual misconduct.

3. Employees/Volunteers/Contracted Staff

- a. An **Employee** of the Presbytery of Southern New England has been hired by the Presbytery and/or its entities to perform specific duties for the Presbytery of Southern New England or its entities. The employee receives salary/remuneration from the Presbytery for work performed.
- b. A **Volunteer** is a person who provides services for the Presbytery and/or its entities and receives no benefit or remuneration. Volunteers include persons elected or appointed to serve on boards, committees, task forces, and other groups. For purposes of this policy, volunteers are treated the same as employees.
- c. A **Contracted Staff** person is one who provides services for the Presbytery and/or its entities and receives remuneration. For purposes of this policy, contracted staff are treated the same as employees.

4. A **Mandated Reporter** is a person required by the laws of Connecticut, Massachusetts, and Rhode Island (and other states) to report suspected incidents of child abuse, including child sexual abuse, which comes to their attention. As state laws vary, any person who knows or suspects child abuse and has questions about reporting should confer with an attorney. Mandated Reporters are required to file reports immediately in Massachusetts, within 12 hours in Connecticut, and within 24 hours in Rhode Island. (See Appendix C and letter following.)

III. THE RESPONSE TEAM

A. Purpose

Every January a Response Team shall be appointed or re-appointed by and serve under the authority of the Committee on Ministry and shall be reported to the Presbytery with the COM report at Presbytery's next stated meeting. Doing this annually reinforces and reminds commissioners of the policy and the availability of the Response Team. The purpose of the Response Team is to:

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1. Ensure that an expeditious, professional, confidential, and caring response is made by the Presbytery to charges of sexual misconduct. The Response Team, however, is not an investigatory body and will not usurp the roles of Presbytery officials or committees, including investigating committees.
2. Lead an annual program of continuing education for staff, clergy, volunteers, and congregations within the Presbytery, as outlined in the Training Section, item C below.

B. Membership

The Response Team shall be comprised of Presbyterian clergy and lay persons who represent a range of professional expertise, including but not limited to pastoral counseling/therapy, law, clergy serving in a parish, interim ministry, conflict resolution, personnel management and training, and child advocacy. The Response Team should reflect the racial/ethnic and gender constituency of the Presbytery, and shall be composed of an equal number of clergy and laity (or as close thereto as possible).

The Response Team should consist of six to eight persons to allow for the possibility that more than one allegation of misconduct will be pending at any particular time. Members should agree to serve for six years in order to build experience and expertise within the group. No person who has served a six-year term shall be re-appointed until one full year has elapsed.

C. Training

The Response Team members will receive training in dealing with sexual and ethical misconduct, with specific attention to the dynamics that are unique to the ministerial role. The cost of training the Response Team shall be borne by the Presbytery.

In addition, the Response Team is responsible for conducting seminars on the issues of sexual misconduct. This training is to be given annually providing those new to our Presbytery adequate training. Training certificates will be good for 3 years before requiring a refresher course. Honorably retired ministers are exempt unless they have a call.

D. Annual Review

Since this policy cannot detail all the procedures needed by the Response Team in addressing different kinds of cases, the Response Team shall annually evaluate this policy and recommend changes to the Committee on Ministry for approval by the Presbytery as needed. The Response Team shall provide Presbytery through the Committee on Ministry an annual report of this evaluation at its May meeting, regardless of whether changes are recommended.

E. Resources

1. The Committee on Ministry shall maintain a list of interim or supply pastors trained in responding to congregations where abuse has occurred and other resources for assisting such congregations.
2. The Presbytery shall develop a fund from which the expenses of administering this policy may be drawn.

IV. PROCEDURES AND IMPLEMENTATION

A. General Principles

1. Ministers, commissioned lay pastors, elders, deacons, ministerial candidates and inquirers are subject to inquiry and discipline under the Book of Order, Rules of Discipline. This policy is intended to supplement the Rules of Discipline, not replace them.

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2. Employees of the Presbytery are subject to the employee policies administered by the Presbytery.
3. The victim, accuser, and accused each have the right to have a **Process Support person** (i.e. a colleague, friend, family member, counselor, or other person of their choosing) and an attorney/counsel present at all interviews and meetings. The role of the **Process Support person** is to be a supportive presence to the party. The **Process Support person** may be appointed by the Response Team if desired by the affected person. Criteria for the attorney/counsel are set in the Rules of Discipline, as follows:
 - a. In proceedings under the Rules of Discipline, any person who serves as an attorney/counsel must be a member of the Presbyterian Church (U.S.A.).
 - b. In the event the accused is unable to secure counsel, the Permanent Judicial Commission shall appoint counsel. Reasonable expenses for defense shall be authorized and reimbursed by the Presbytery (D-11.0302).
 - c. Should the accuser or the accused retain legal counsel, the Presbytery shall also retain legal counsel.
4. Provision of Information
 - a. All requests for information by anyone outside the disciplinary process or the Response Team shall be referred to the General Presbyter and his or her designee.
 - b. A final report of any proceeding under the Rules of Discipline, including any charges filed and actions taken shall be made by the Stated Clerk to the Presbytery. A copy of the report will be filed in the permanent personnel file of the accused.

B. Allegation

1. Any person becoming aware of an allegation of sexual misconduct or choosing to make such an allegation shall immediately inform either the General Presbyter, the Stated Clerk, or a co-chair of the Committee on Ministry. If one of these individuals is the alleged offender, one of the others shall be notified. Within twenty-four hours of receiving the allegation, the General Presbyter or the COM chair shall select up to three persons from the Trained Pool to serve as a Response Team. The team may include the General Presbyter or the COM chair.
2. The Response Team shall meet with the person making the allegation and/or the victim. The Response Team shall assist the alleger and/or victim in determining whether a formal written accusation shall be submitted to the Stated Clerk. The Response Team itself may submit such an accusation.
3. The Response Team shall assure that civil authorities have been or are notified when required or appropriate.
4. If the allegation results in the filing of a **written accusation**, the Rules of Discipline shall govern the process from that point forward. The Response Team shall continue to provide pastoral care to the accuser, and/or victim, and the accused at the initiative of the parties involved.

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C. The Role of the Pastoral Response Team

1. When the Response Team is first notified of an accusation, it shall coordinate pastoral care for the accuser/victim(s), the accused, their families, the congregation, and all other involved parties. The Response Team’s responsibilities are to:

- a. notify the affected parties of the Response Team’s role;
- b. confirm that civil authorities have been notified, when appropriate (Appendix C);
- c. assess the needs of the affected parties, congregations, entities, agencies, and governing bodies, including the need for advocates and/or an attorney or counsel.

1) The Accuser/Victim(s): **At least two persons** from the Response Team will meet with the accuser/victim(s) and their family to listen to their concerns and ascertain their needs. The Response Team members’ role is to help clarify options for the accuser/victim(s) so they may decide for themselves what they will choose to do, as well as make available to the accuser/victim a list of counseling resources.

2) The Accused: The Response Team shall consult with the General Presbyter and his or her designee, to determine what support and resources should be offered to the accused. The General Presbyter or his or her designee will offer to arrange for at least two persons from the Response Team to provide support, as well as make available to the accused a list of counseling resources, if requested.

3) The Congregation: When a congregation is involved, the Response Team, in consultation with the Committee on Ministry and the General Presbyter or his/or her designee, shall determine if it would be helpful to offer the congregation support and services. When appropriate, members of the Response Team may be called upon to meet with the Session to advise the congregation on the kind of support and resources that are available and to help the Session plan a response to the situation.

4) Resources: The Response Team will identify the resources available for professional counseling. If the victim and/or the accused do not have insurance and are unable to assume the costs of pastoral counseling, the Presbytery may accept responsibility for payment of counseling fees, for a reasonable time, up to a maximum of one year.

2. At no time will there be only one person in possession of knowledge of any matters pertaining to a case. **At least two members** of the Response Team will be present when meeting with the accuser, victim, accused, or witnesses. Such consultations shall always include at least one person who is of the same gender as the person being interviewed.

3. Members of the Response Team will make reasonable efforts to guard the privacy of persons involved. Material information will be made available only to authorized persons on a need-to-know basis.

4. Should the accuser choose to file a complaint as defined in this policy, the Response Team ceases to function in the case, other than to listen and counsel on the initiative of the parties involved.

5. Should the accuser refuse to file a complaint, the Response Team is to continue in a supportive role with the various parties through their advocates.

393 **D. Initial Report**

394 1. When a person believes that sexual misconduct has been committed by a minister,
395 commissioned lay pastor, committee member, candidate, inquirer, volunteer, employee, or any
396 other person carrying out the programs of the Presbytery of Southern New England, or if such
397 a person self-accuses, the incident shall first be reported to the General Presbyter, the Stated
398 Clerk, or the Chair(s) of the Committee on Ministry, who shall then notify the Response Team.
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400 2. Disciplinary proceedings under the Rules of Discipline are initiated by submitting a written
401 “Statement of Alleged Sexual Misconduct Offense” (Appendix D) to the Stated Clerk. Such a
402 statement “shall give a clear narrative and allege facts, that, if proven true, would likely result in
403 disciplinary action.” (D-10.0101). At any point when an accuser submits a written allegation to
404 the Stated Clerk, the disciplinary proceedings under the Rules of Discipline apply and a
405 Investigating Committee will be appointed.
406

407 3. If the accuser/victim is not willing or ready to file a written allegation with the Stated Clerk,
408 or if the victim is a child or is not a member of the Presbyterian Church (USA), the General
409 Presbyter and the Stated Clerk shall proceed to determine whether an offense may have
410 occurred and whether a written allegation should be submitted. (D-10.0102b).
411

412 4. When the Stated Clerk of the Presbytery receives a written statement of an alleged offense of
413 sexual misconduct, in addition to initiating the procedures required by the Rules of Discipline,
414 the Stated Clerk shall consult with the General Presbyter and the Chair of the Committee on
415 Ministry. If it is their unanimous judgment that the complaint warrants administrative leave, the
416 Stated Clerk will notify the minister and the Session that the minister is to be placed on
417 administrative leave, as provided in the Presbytery Policy on Administrative Leave (see
418 Appendix E). All persons placed on administrative leave are presumed innocent until proven
419 guilty.
420

421 5. Sexual misconduct involving children shall be reported first to civil authorities and then to the
422 General Presbyter, the Stated Clerk, or the Chair of the Committee on Ministry. It should be
423 noted that reporting an allegation of child abuse to the Presbytery does not relieve the accuser
424 of his or her mandated reporting responsibilities under state law.
425

426 6. The General Presbyter or his/her designee will immediately notify the Presbytery’s insurance
427 company and the Response Team that an allegation was received.
428

429 7. Any allegations that fall within the jurisdiction of a local Session will be referred to the Clerk
430 of that Session and the minister of the church. If the allegation is of sexual misconduct by a
431 minister member, the local church should report the incident to the General Presbyter, Stated
432 Clerk, or the Chair(s) of the Committee on Ministry, as minister members are governed by their
433 presbytery of jurisdiction.
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435 **E. The Role of the Investigating Committee**

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437 1. The Investigating Committee is charged, under the Rules of Discipline, with conducting an
438 inquiry to determine whether charges should be filed (D-10.0201).
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440 2. The Investigating Committee is appointed by the General Presbyter in consultation with the
441 Stated Clerk.
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443 3. The Investigating Committee will provide the accused with a copy of the statement of the
444 alleged offense (D-10.0202a).

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446 4. The Investigating Committee will determine whether sufficient grounds exist to bring the
447 complaint to trial. If the committee determines that grounds exist, and they can reasonably be
448 proved (D-10.0202g), the Investigating Committee will prosecute the case before the Presbytery
449 Permanent Judicial Commission.

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451 5. After the investigation is complete, the Investigating Committee, if appropriate, will initiate
452 alternative forms of dispute resolution (D-10.0202h), or proceed to the filing of charges (D-
453 10.0302) and the prosecution of the case (D-10.0402).

454 455 **F. Appeal Process**

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

459 **G. Unsupported Allegations**

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

468 469 **H. Disclosure**

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471 Except in unusual circumstances, the Presbytery will disclose sexual misconduct by ministers as
472 noted in the guidelines listed below. Although disclosure can increase the short term pain
473 caused by ministerial sexual misconduct, experience has demonstrated that disclosure speeds
474 the healing of the primary and secondary victims of the misconduct, empowers unknown
475 victims to come forward and seek help, protects others from being victimized by the same
476 minister, and demonstrates the commitment of the Church to deal openly and honestly with the
477 problem.

478 Decisions regarding who will make disclosure, to whom and when, will vary from case to case.
479 In general, the Presbytery will abide by the following guidelines:

480 1. Disclosure of sexual misconduct by ministers will be made to the leadership of the
481 minister's congregation, to the members of the minister's present congregation, to
482 presbyteries where the minister was previously a member, and to other ministers within the
483 Presbytery. In some situations, wider disclosure to previous congregations, to the entire
484 Presbytery, or even to the news media, may be made as well.

485 2. Typically, disclosure will be made when:

- 486 a) the minister admits to committing sexual misconduct;
487 b) the minister resigns his or her call or from the jurisdiction of the PCUSA after
488 being accused of sexual misconduct;
489 c) the minister is placed on leave of absence or temporarily suspended in response
490 to an allegation of sexual misconduct;

- 491 d) the minister is suspended or removed from the roster as a result of formal
492 disciplinary actions; or
493 e) secular legal proceedings (civil or criminal) are initiated against the minister.

494 3. The Presbytery intends to work closely with the session regarding appropriate disclosure
495 to the members of the congregation. Disclosure to the members will usually be made by
496 one or more members of the session or by the General Presbyter.

497 4. To protect the privacy of those harmed by the misconduct, only the following will be
498 disclosed:

- 499 a) the fact that the minister has been accused of, admitted to, resigned, or been
500 found guilty of committing sexual misconduct;
501 b) the gender of the complainant
502 c) whether the complainant was an adult or a minor at the time of the
503 misconduct; and
504 d) whether the complainant was a member of the minister's congregation or a
505 person to whom the minister was providing pastoral care.

506 Disclosure should never include the name of the complainant or facts from which she or
507 he could readily be identified. If the minister has denied the allegations, that fact will also
508 be disclosed.

509 5. Persons who believe that they have been harmed (directly or indirectly) by the minister
510 will be invited to contact a member of the session, the Presbytery officers, or others who
511 have agreed to be available to those persons.

512

513 **I. Restoration**

514

515 1. Anyone who has been removed from the exercise of ordained office due to sexual misconduct
516 may apply for restoration to the ordained office of Minister of the Word and Sacrament. A
517 minister desiring restoration can apply to the governing body that imposed the censure by
518 submitting a written request for restoration to the Stated Clerk (D-12.0201).

519 2. The General Presbyter, the Stated Clerk and the Moderator of the COM shall select three
520 persons from the Response Team Pool to serve as a Restoration Team to consider the minister's
521 request and make a recommendation. The members shall be persons who were not involved with
522 the investigation, prosecution or response coordination for the case. The members shall not be
523 personally interested in the case, related by blood or marriage to any party, or have been active for
524 or against any party. The committee shall give written notice of the minister's application for
525 restoration to ordained office to the victim(s) and session/agency affected by the misconduct. All
526 the parties that were affected by the misconduct shall be given an opportunity to be heard. The
527 committee will make a recommendation to the COM.

528 3. Any consideration of restoration must be based on state-of-the-art knowledge of the
529 rehabilitation potential of abusive clergy. The conditions listed below are only minimums when
530 considering an application for restoration from a clergy person who has been found guilty of
531 sexual misconduct, as defined by this policy: Psychological evaluation should define the
532 "likelihood of future violations based on current and past history".

- 533 a) Unequivocal acknowledgment of responsibility for harm done to victims
534 b) A letter of apology to the victim(s)
535 c) Genuine remorse for harm done

- 536 d) Repentance, demonstrated by a fundamental change in behavior and understanding,
537 which occurs with appropriate therapy (determined by state-of-the-art or first-hand
538 knowledge)
- 539 e) Offering of restitution to the victim(s)
- 540 f) Psychological testing that assesses the minister’s concept of and ability to deal with power
- 541 g) Positive evaluation of participation in an appropriate rehabilitation plan acceptable to the
542 COM
- 543 h) Granting permission to the Restoration Team to speak with the petitioner’s spouse
544 and/or other significant persons

545 4. The Church must hold in tension its responsibility to forgive a truly repentant and rehabilitated
546 abuser and its responsibility to protect the vulnerable. The question that the Presbytery must
547 answer in considering a request for restoration to ordained ministry is: ***“Can you assure the***
548 ***church that this person will not again violate the boundaries of the ministerial relationship***
549 ***through sexual abuse?”*** If this question cannot be answered in the affirmative, the minister
550 should not be placed in a position of trust again, because the risk to the church is so great. The
551 minister seeking restoration has a high hurdle to clear. Ordained ministry is a privilege not a right.
552 When one is ordained, one is responding to a call by God, affirmed by our faith community, to
553 function in a public role of leadership. As long as we function responsibly, maintaining the
554 integrity of the pastoral relationship, we retain the privilege of serving in a role of ministerial
555 leadership. The potential legal liability for allowing a known abuser to resume ministry to others
556 is enormous, should he or she abuse again.

557 5. The Restoration Team will inform the minister seeking restoration in writing of its decision
558 and the content of its recommendation to Presbytery.

559

560 V. ADDITIONAL RESPONSIBILITIES OF THE PRESBYTERY

561

562 A. Availability of the Policy and Compliance

563

564 1. All ministers, commissioned lay pastors, ministerial candidates and inquirers, members of the
565 Presbytery Council, and the moderators of any of the Presbytery’s entities, shall be given copies
566 of the policy and be required to sign a Receipt and Acknowledgment of Sexual Misconduct
567 Policy and Procedures, Appendix F. Such a signature constitutes an agreement by the signatory
568 to abide by the policy and be governed by its terms.

569

570 2. This document shall also be available on request to all church members and to the public by
571 means of Presbytery’s website at www.psne.org.

572

573 3. Presbytery employees shall receive this document as a supplement to the Personnel Policy
574 Manual and shall be required to sign Appendix F as well.

575

576 4. All ministers, commissioned lay pastors, committee members, ministerial candidates and
577 inquirers, volunteers, members of the Presbytery Council, the moderators of any of the
578 Presbytery’s entities, and all employees of the Presbytery of Southern New England shall be
579 required to attend a seminar offered by the Presbytery on the issues of sexual misconduct.
580 Sexual misconduct training must be renewed every three years. All new clergy are required to
581 attend a seminar no later than one year after employment begins. Persons who have taken
582 training offered by other entities, such as another presbytery or synod, seminary or other similar
583 institution, may submit proof of that training to satisfy this requirement. Youth overnight
584 advisors/volunteers must receive training prior to spending the night with minors at Presbytery

585 of Southern New England sponsored functions. The Response Team or its designee will train all
586 youth advisors/volunteers regarding this policy prior to overnight youth events.
587

588

589

B. Management of the Policy

590

591 1. Liability and insurance: The Presbytery, through its Board of Trustees, shall maintain liability
592 insurance that insures for sexual misconduct coverage for its programs and activities. Annually,
593 the Board of Trustees will check with PSNE's churches to be certain they also are carrying
594 sexual misconduct liability insurance.
595

596

597 2. Record Keeping: The Presbytery of Southern New England will include in every employee's
598 personnel file, including ministers, either an application for employment or a PIF if applicable,
599 any employment questionnaires, reference responses, and other documents related to this
600 policy, including Appendix F, the signed receipt acknowledging their having read and received
601 the sexual misconduct policy.

602

C. Screening of Applicable Persons

603

1. Pre-Employment Reference Checks

604

605

606 a. Pre-employment screening includes, but is not limited to, specific questions related to
607 previous complaints of misconduct. The Committee on Ministry is responsible for
608 reviewing the *Sexual Misconduct Information* page of the Presbyterian Church (U.S.A.) Personal
609 Information Form (PIF) when interviewing persons seeking ministerial calls. The Personnel
610 Committee will be responsible for obtaining background checks on all employees and/or
611 contract staff working within our offices.
612

613

614 b. The General Presbyter and/or the Stated Clerk are responsible for making reference
615 checks to ascertain whether persons seeking ministerial calls have any history of sexual or
616 other misconduct. The General Presbyter and/or Stated Clerk will report their findings to
617 the Committee on Ministry. A written record of conversations and correspondence with
618 references will be kept in the minister's/employee's file.

619

620 c. When the General Presbyter and/or Stated Clerk provide a reference, any information
621 provided concerning complaints, inquiries, and administrative disciplinary action shall be
622 accurate.
623

624

2. Criminal Background Checks

625

626 a. Pre-employment screening for prospective clergy, ministerial candidates or inquirers, and
627 Presbytery staff shall also include a mandatory criminal history and sexual misconduct
628 background check, conducted by the Stated Clerk or his or her designee, using a national
629 screening organization.

630

631 b. The Stated Clerk will conduct background checks for any persons who may be spending
632 the night with minors at any Presbytery of Southern New England sponsored functions
633 using a national screening organization as in Section V.C.2.a above.

634

635 c. All persons for whom a background check is to be done shall be required to sign a written
consent and release form authorizing the criminal record background check. The

636 Committee on Ministry will provide all prospective clergy with a written disclosure that a
637 criminal record and sexual misconduct background report will be requested. The failure of a
638 prospective clergy person (or any other prospective lay person) to volunteer important
639 information regarding his or her criminal history shall prevent that person from
640 consideration or employment in any capacity, or will be grounds for termination.

641
642 d. The discovery of a criminal conviction will not automatically exclude a person from entry
643 into the Presbytery and work in its congregations or with its youth. The use the Presbytery
644 makes of the criminal record background report will be determined on an individual case-
645 by-case basis, and shall include, where necessary, appropriate supervision of the individual.
646 Only the Stated Clerk or his or her designee shall order and review the criminal record and
647 sexual misconduct background reports. The exception to this would be that the General
648 Presbyter would do the background checks for the Stated Clerk's employment. The Stated
649 Clerk, and his or her designee, shall ensure the confidentiality and appropriate retention of
650 criminal record and sexual misconduct background checks.

651
652 e. A person who claims that the information in the report is inaccurate, false, or incomplete
653 shall have the right to dispute it.

654
655 **D. Requests for Transfer, Release, or Renunciation of Jurisdiction**

656
657 A Session or the Presbytery is constitutionally prohibited from granting a certificate of transfer
658 to a member while an inquiry or charges are pending (D-10.0105). The reasons for not granting
659 a transfer may be communicated by the Clerk of Session or the Stated Clerk to the appropriate
660 persons. Should a minister renounce the jurisdiction of the Presbyterian Church (U.S.A) under
661 G-6.0501, the Stated Clerk shall report to the governing body both the renunciation and the
662 status of the matter at that time, including the name of the accused, the date and fact of
663 renunciation during an investigation or trial, and the charges filed, if any. These actions shall end
664 the Presbytery's disciplinary process. In the case of a renunciation, the Committee on Ministry
665 shall make all reasonable efforts to provide pastoral care and justice to the accuser/victim and
666 the congregation.

667
668
669 **E. Disposition of Files**

670
671 At the conclusion of a case, the records and files of all allegations and their disposition shall be
672 delivered to the Stated Clerk as the designated custodian of all files concerning the case. No
673 committee or its members shall keep copies of a file.

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APPENDIX A

PROCESS IN DISCIPLINARY PROCEEDINGS

The Presbytery of Southern New England takes seriously all allegations of misconduct which may come to its attention. Such allegations will be dealt with according to the procedures contained in the Rules of Discipline. To help familiarize members of the Presbytery Assembly and its churches with these procedures, we call attention to the following facets of the disciplinary process.

A. Initiating or Exploring the Filing of a Statement of Alleged Offense

Anyone who believes that she or he has been a victim of professional misconduct by a member of the Presbytery or one of its employees or volunteers is advised to contact the General Presbyter, the Stated Clerk, the Moderator of the Committee on Ministry, or the Moderator of the Response Team, in person or in writing.

The official who has been contacted will provide information regarding the appropriate procedure for pursuing the matter. The official will not attempt to judge the legitimacy of the allegation or seek to resolve the matter. If the allegation involves any of the above individuals, or any other official of the Presbytery, that person is barred from participating in proceedings relative to the matter.

B. Filing a Written Allegation of Offense

1. An individual who wishes to proceed with the formal disciplinary process is advised to file a signed, written statement of allegation with the Stated Clerk of the Presbytery or, if the accused is an elder or deacon, with the Clerk of the accused's Session. The statement of allegation (Appendix D) should state briefly the nature of the offense, the name of the accused, and provide relevant and supporting information. It need not contain full details or evidentiary material. The accuser is expected to be prepared to attest personally to the allegation in the course of the investigation and disciplinary process.

Note: The procedures which follow describe only the process followed in the Presbytery of Southern New England. Disciplinary procedures in a local church will be similar to those described here. For specific details about the disciplinary process in a church, see chapter 10 of the Rules of Discipline.

2. Upon receipt of a written statement of alleged offense, the General Presbyter, in consultation with the Stated Clerk, will appoint an investigating committee. The Presbytery is informed by the Stated Clerk at its next meeting, without naming any of the individuals involved or the nature of the alleged offense.

3. Members of the investigating committee will be elder and minister members of the Presbytery. They will receive special orientation by the Stated Clerk or his or her designee and training in matters of process and sensitivity and are chosen to represent both particular skills and disciplines and the broader spectrum of the Presbytery's membership.

4. Upon receipt of a written statement of allegation, any need for an administrative leave will be reviewed as provided for in the Sexual Misconduct Policy of the Presbytery. The Committee on Ministry, with concurrence of the Session, shall assist in finding Temporary Supply and shall appoint an Interim Pastor for the duration of the administrative leave.

729 **C. The Initial Investigation**

- 730
- 731 1. The Investigating Committee will inform the parties of the options and procedures open to
- 732 them in the disciplinary process. The committee will respect both the rights of the accused and
- 733 the alleged victim(s), and will provide the accused with a copy of the statement of the alleged
- 734 offense. The committee will determine whether the accused’s Session or other responsible entity
- 735 should be informed at this time.
- 736
- 737 2. Both the accuser/victim and the accused have the right to be represented by counsel in the
- 738 course of the investigation and any subsequent trial. Under the Rules of Discipline, such counsel
- 739 does not need to be licensed attorneys. They must, however, be members of the Presbyterian
- 740 Church (U.S.A.). In the event the accused is unable to secure counsel, the Permanent Judicial
- 741 Commission shall appoint counsel. Reasonable expenses for defense shall be authorized and
- 742 reimbursed by the Presbytery.
- 743
- 744 3. If the Investigating Committee determines that there is probable cause to believe that a
- 745 chargeable offense has been committed, and that it can be reasonably proved, the committee,
- 746 under the powers assigned to it in the Rules of Discipline, may elect to file charges against the
- 747 accused and proceed to prosecute the case before the Permanent Judicial Commission; or, with
- 748 the agreement of both the accuser/victim and the accused, initiate the process of alternative
- 749 resolution as provided in the Rules of Discipline.

750

751 **D. Full Judicial Process**

- 752
- 753 1. If formal charges are filed, the case will be tried before the Permanent Judicial Commission.
- 754 In the event the accused is found guilty, the Commission determines the degree of censure as
- 755 guided by the Rules of Discipline and reports its findings to the Presbytery Assembly.
- 756
- 757 2. In the event the accused is found innocent or the charges are not proven, the General
- 758 Presbyter or his or her designee will consult with the accused to decide how best to proceed to
- 759 repair any damage that may have been done to his or her reputation. Follow up with the accuser
- 760 will be done as deemed necessary and appropriate at the time.
- 761

762 **E. Renunciation of Jurisdiction**

763 Should a minister renounce the jurisdiction of the Presbyterian Church (U.S.A.) while

764 disciplinary proceedings are pending, the Stated Clerk shall report to the Presbytery

765 both the renunciation and the status of the matter at that time, including the name of the

766 accused, the date and fact of renunciation during an investigation or trial, and the charges filed,

767 if any. These actions end the Presbytery’s disciplinary process.

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774 **APPENDIX B**

775 **PROCESS FLOW IN SEXUAL MISCONDUCT SITUATIONS**

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778 Refer to Section IV – *Procedures and Implementation* and to Appendix A – *Process in Disciplinary*

779 *Proceedings* for a more in-depth description of the process.

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Any person becoming aware of an **allegation** of sexual misconduct or choosing to make such an allegation shall immediately inform either the General Presbyter or the chair of the Committee on Ministry. Within twenty-four hours of receiving the allegation, the General Presbyter or the COM chair shall select up to three persons from the Response Team Pool to make the initial response.

The Response Team shall meet with the person making the **allegation** and/or the victim. The Response Team shall assist the alleger and/or victim in determining whether a formal written accusation shall be submitted to the Stated Clerk. The Response Team itself may submit such an accusation.

If the allegation results in the filing of a **written accusation**, the Rules of Discipline shall govern the process from that point forward. The Response Team shall continue to provide pastoral care to the accuser and/or victim, and the accused on the initiative of the parties involved.

Minister	Staff Person/Employee	Minor
When the accused is a member of Presbytery, accuser / victim notifies General Presbyter, Stated Clerk, or Chair of COM.	When the accused is a Presbytery staff person or employee, accuser / victim notifies the General Presbyter or the Stated Clerk.	When the accuser is a minor, accuser/victim notifies the civil authorities having jurisdiction are notified, as well as the Stated Clerk.

Stated Clerk	Minor
A written statement of complaint is filed with the Stated Clerk who notifies the Presbytery that a complaint has been received.	When a written statement of an alleged offense of sexual abuse toward any person under the age of eighteen, or who it is alleged lacked the mental capacity to consent, has been received against a minister of the Word and Sacrament, the Stated Clerk receiving the allegation shall immediately communicate the allegation to the Permanent Judicial Commission (PJC).

PJC
The moderator of the PJC shall within three days designate two members to determine whether the accused shall be placed on a paid administrative leave.

Civil Authority
The Civil authority having jurisdiction is immediately notified, and the case is turned over to that governmental entity.

Investigating Committee	Response Team
--------------------------------	----------------------

GO to next page

(From prior page)

Investigating Committee	Response Team
When a complaint is lodged that does not involve a minor, it is referred to an Investigating Committee (D-10.0103) appointed by the General Presbyter in consultation with the Stated Clerk for	The Response Team meets with the party making a complaint, determines which parties might need a Process Support person, assigns advocates for the accuser, accused, church Session,

this particular case. The committee is to determine whether sufficient grounds exist to bring the complaint to a trial. If it is determined that grounds exist, and they can be reasonably proved, the committee shall prosecute the case before the Presbytery Permanent Judicial Commission. If they do not so conclude, the process stops at this point.

congregation, families, and others as needed. The Response Team listens and counsels on the initiative of parties involved, but assumes no role in judicial process. When the Investigating Committee and/or judicial process stops, the Response Team is to continue in a supportive role with various parties through their advocates for resolution and/or reconciliation among the parties.

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Permanent Judicial Commission

Following the work of the Investigating Committee or a civil authority, the case shall be referred to the Permanent Judicial Commission which shall conduct an ecclesiastical trial to determine whether an appropriate level of censure should be enforced (D-12.0102ff). In such a trial, the Investigating Committee prosecutes the case and the defendant is to seek counsel from within the membership of the Presbyterian Church (U.S.A.). In the absence of an appeal, the decision of the Permanent Judicial Commission settles the matter.

Appeal to the Permanent Judicial Commission of the Synod

Should the defense in a case allege that grounds exist for an appeal (D-13.0106), it shall be made to the Permanent Judicial Commission of the Synod. During the appeal process, any level of censure invoked by the Presbytery shall remain in force.

Request for Vindication

Should the Investigating Committee conclude that grounds for filing charges do not exist and that the complaint was frivolous or defamatory to the person accused, it would be appropriate for the Presbytery to take remedial action to defend that person's reputation. The Response Team and the Investigating Committee should encourage the accused to file a 'request for vindication' under D-9.0000.

Request for Restoration

Any consideration of restoration must be based on state-of-the-art knowledge of the rehabilitation potential of abusive clergy. The conditions listed are only **minimums** when considering an application for restoration from a clergy person who has been found guilty of sexual misconduct, as defined by this policy. Psychological evaluation should define the "likelihood of future violations based on current and past history".

Throughout the process described above, from accusation to resolution, the Committee on Ministry shall ensure that the congregation involved receives appropriate care, including the appointment of interim pastoral leadership trained in the management of sexual misconduct cases. Should a pastor be placed on administrative leave, this interim appointment, in consultation with the church Session, should be made with dispatch.

848 **APPENDIX C**

849 **MANDATORY REPORTING OF SUSPECTED CHILD ABUSE**

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851

852 **For child abuse occurring in Connecticut, contact 1-800-842-2288**

853 All clergy persons, church school officials, and all child care workers are Mandated
854 Reporters and they are required to report within 12 hours, when in the course of their
855 employment or profession, they have reasonable cause to suspect or believe that a child
856 has been abused, neglected, or is placed in imminent risk of serious harm (CGS 17a-
857 101a)

858 **For child abuse occurring in Massachusetts, contact 1-800-792-5200**

859 All clergy persons, church school officials, and all child care workers are Mandated
860 Reporters of child abuse and neglect; however, anyone can report child abuse and
861 neglect. Possible child abuse or neglect must first be reported immediately by filing an
862 oral report with the Department of Social Services (DSS).

863 **For child abuse occurring in Rhode Island, contact 1-800-742-4453**

864 ALL persons in Rhode Island are required by law (RIGL 40-11-3) to report within 24
865 hours known or suspected cases of child abuse and/or neglect to the Department of
866 Children, Youth, and Families within 24 hours of becoming aware of such
867 abuse/neglect.

APPENDIX D

STATEMENT OF ALLEGED SEXUAL MISCONDUCT OFFENSE

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

1. ACCUSER INFORMATION (please print)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____/_____-_____

Church Membership: _____

Ordination: Elder _____ Deacon _____ Minister _____ Other _____

Currently serving: Yes: _____ No: _____

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

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____/_____-_____

Church Membership: _____

Ordination: Elder _____ Deacon _____ Minister _____ Other _____

Currently serving: Yes: _____ No: _____

3. ACCUSED INFORMATION (please print)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____/_____-_____

Church Membership: _____

Position: Elder _____ Deacon _____ Minister _____ Other _____

Presbytery Staff _____ Presbytery Volunteer _____

902 **4. ALLEGATION**

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

906 _____
907 _____
908 _____
909 _____
910 _____
911 _____
912 _____
913 _____
914 _____
915 _____
916 _____

917 **5. POSSIBLE WITNESSES**

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

920 _____
921 _____
922 _____
923 _____
924 _____
925 _____
926 _____
927 _____

928 **6. OTHER INFORMATION**

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

930 _____
931 _____
932 _____
933 _____
934 _____
935 _____
936 _____

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Prepared by:

947
948 **APPENDIX E**

949 **THE PRESBYTERY OF SOUTHERN NEW ENGLAND**
950 **POLICY ON ADMINISTRATIVE LEAVE**

951 **A. The Policy**

952 **1. Administrative Leave – Involving a Child or Children Under Age of Eighteen**

953 a. When a written statement of an alleged offense of sexual abuse toward any person
954 under the age of eighteen, or who it is alleged lacked the mental capacity to consent, has
955 been received against a minister of the Word and Sacrament, the stated clerk receiving
956 the allegation shall immediately communicate the allegation to the permanent judicial
957 commission. The moderator of the permanent judicial commission shall within three
958 days designate two members, who may be from the roster of former members of the
959 permanent judicial commission, to determine whether the accused shall be placed on a
960 paid administrative leave during the resolution of the matter. The cost of such shall be
961 borne by the employing entity whenever possible or be shared by the presbytery as
962 necessary. While administrative leave is in effect, the minister or other employee may
963 not perform any pastoral, administrative, educational, or supervisory duties, and may not
964 officiate at any functions such as Baptisms funerals, or weddings.

965 b. The designated members of the permanent judicial commission, after giving the
966 accused the opportunity to be heard, shall determine whether the risk to the
967 congregation and to potential victims of abuse, when considered in light of the nature
968 and probable truth of the allegations, requires administrative leave or other restrictions
969 upon the minister's service. Such administrative leave or restrictions will continue until
970 resolution of the matter in one of the ways prescribed in the Rules of Discipline or the
971 leave or restrictions are altered or removed by the designated members of the
972 commission.

973 c. If the designated members of the commission determine that no administrative leave
974 or restriction is required, the investigating committee appointed to investigate the
975 allegations shall be free at any point in its investigation to present additional evidence to
976 the designated members supporting the imposition of administrative leave or other
977 restrictions.

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981
982 **2. Administrative Leave – Involving Adults**

983 a. Under appropriate circumstances, Ministers of Word and Sacrament who are being
984 investigated for professional misconduct should be temporarily removed from their
985 ministerial positions. Under no circumstances will administrative leave be required when
986 there is no concurrent disciplinary proceeding in process under the Rules of Discipline.
987 The conditions in which administrative leave is appropriate include, but are not limited
988 to, situations where:

- 989
990
991
992 1). the facts described in a statement of alleged offense, or where the Investigating
993 Committee in the course of its investigation uncovers allegations which, if true, pose
994 a significant present risk of sexual abuse, as defined in the Presbytery of Southern
995 New England's Sexual Misconduct Policy, particularly to children or those unable to
996 consent because of physical or mental disability;
997

998 2). the facts described in a statement of alleged offense, or where the Investigating
999 Committee, in the course of its investigation uncovers allegations which, if true,
1000 pose a present risk of serious physical, emotional, or financial harm, particularly to
1001 children or those unable to consent because of physical or mental disability;

1002
1003 3). relations between the minister and the congregation or entity he or she serves
1004 have become severely conflicted in the course of the disciplinary process.
1005

1006 **B. Application**

1007
1008 When the Stated Clerk of the Presbytery receives a written statement of an alleged offense, in
1009 addition to initiating the procedures required by the Rules of Discipline, the Stated Clerk shall
1010 consult with the General Presbyter and the chair of the Committee on Ministry. If it is their
1011 unanimous judgment that the complaint warrants administrative leave, the Stated Clerk will
1012 notify the minister and the local Session that the minister is placed on administrative leave. All
1013 persons placed on administrative leave are presumed innocent until proven guilty.

1014 **C. Term**

1015
1016 The duration of administrative leave will be set by the Committee on Ministry and will depend
1017 upon the time needed for the investigative and judicial process. The investigation will proceed
1018 to conclusion with all deliberate speed, mindful of the financial obligations of those involved.
1019

1020 **D. Conduct of Minister on Administrative Leave**

1021
1022 The minister on leave shall:

1023
1024 1. not initiate or sustain contact with any member of the church staff or any member of
1025 the congregation (other than family members) except under the following circumstances:

- 1026
1027 a. one member of the staff may be designated, by prior mutual agreement, to
1028 deliver personal mail or other personal effects to the minister on
1029 administrative leave;
1030 b. when contact has been authorized by the Stated Clerk for the purpose of
1031 preparing a defense.

1032
1033 All other contact with the congregation shall be through the moderator
1034 appointed by the Committee on Ministry and/or through his or her designee.
1035 Even in non-church events such as scouting, school, or sports programs, the
1036 minister shall not use social contact with church members to garner support
1037 for his or her case;
1038

1039 2. remain out of all church buildings and off church grounds (excluding a manse and/or a
1040 school on the church property when the minister is in the role of a parent of a child
1041 enrolled in the school) throughout the duration of administrative leave;

1042
1043 3. not conduct worship services, weddings, funerals, administer the sacraments or engage
1044 in any form of pastoral leadership in the congregation which the minister serves, or in
1045 funeral homes, wedding chapels, or in any other congregation in the Presbytery or any
1046 other Presbytery. Provisions may be made with the Stated Clerk, General Presbyter, or the
1047 Committee on Ministry in those cases where the minister's pastoral care is requested by his
1048 or her own family;

1049
1050 4. not attend Session meetings or meetings of any other board or committee of the
1051 congregation.
1052

1053 **E. Financial Arrangements**

1054
1055 1. Because a minister on administrative leave is presumed innocent, he or she will continue to
1056 receive full salary, housing allowance, and medical and pension benefits as defined by his or
1057 her terms of call. However, expense allowances, including educational benefits, shall not be
1058 paid. The period during which financial support is paid shall be set by the Committee on
1059 Ministry and shall not ordinarily exceed one year. If the administrative leave is extended, the
1060 terms of call may be amended by the congregation, with the approval of the Committee on
1061 Ministry and the Presbytery.

1062
1063 2. Ordinarily, these costs shall be borne by the minister's congregation. In the event the
1064 congregation cannot afford to honor the accused minister's terms of call and pay for interim
1065 leadership, the costs of interim leadership may be borne in whole or in part by the Presbytery
1066 of Southern New England. The reasonableness of these costs shall be determined by the
1067 Committee on Ministry.

1068 **F. Enforcement:**

1069 Any violations of the terms of a person's administrative leave shall be reported to the Stated
1070 Clerk of the Presbytery, and may themselves become the subject of disciplinary proceedings.

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PRESBYTERY OF SOUTHERN NEW ENGLAND
ADMINISTRATIVE LEAVE
FINANCIAL TERMS OF AGREEMENT

Date: _____

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

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

(COM Representative) (Date)

(Minister) (Date)

(Clerk of Session) (Date)

(Stated Clerk) (Date)

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APPENDIX F
RECEIPT AND ACKNOWLEDGMENT OF
SEXUAL MISCONDUCT POLICY AND PROCEDURES

I have received the Presbytery of Southern New England's Sexual Misconduct Policy and Procedures dated _____ and acknowledge its contents.

Printed Name: _____

Date: _____

Position(s): _____

I agree to abide by the standards of the Presbytery of Southern New England's Sexual Misconduct Policy and Procedures as long as I remain a minister, commissioned lay pastor, ministerial candidate or inquirer, employee, volunteer, or work in a position carrying out the programs of the Presbytery of Southern New England.

Signature: _____

Date: _____

sample

**APPENDIX G
A POLICY TO REDUCE THE RISK OF CHILD SEXUAL ABUSE
AT XXXX XXXXXX CHURCH**

We, as parents, members and leaders of XXXX XXXXXXXX Church, are concerned about the risk of child sexual abuse. In an attempt to deter any incident of such abuse, the church has instituted a series of practices and procedures. It is our intent that all persons serving in volunteer or paid positions that involve working with children or youth of the church review and sign the following policy prior to undertaking their responsibilities.

1. No convicted sex offender shall serve in a volunteer or paid position that involves continuing contact with and responsibility for minors in the church school, programs or ministries of XXXX Presbyterian Church.
2. Dating is forbidden between any adult worker and minor.
3. Efforts should be made to avoid situations in which an adult worker is alone with a minor.
4. Classroom doors without windows in them must remain open when minors and adults are inside the classroom.
5. Adults must use discretion in dealing with all minors, especially regarding physical contact. Innocent behavior can be misinterpreted. Overt displays of affection should only be made in public settings.
6. Any verbal or nonverbal sexual behavior by an adult toward a minor is inappropriate.
7. Sexual gestures or overtures by a minor toward an adult should be reported to the Pastor immediately.
8. Sexual gestures or overtures by a minor toward the Pastor should be reported to a designated member of the Personnel Committee.
9. All adult workers are to hold one another accountable by offering and accepting feedback concerning questionable behavior that could lead to a violation of one of the practices stated within this policy.
10. All adult workers are required to report suspected or known violations of one of these stated practices and procedures to the pastor or a designated member of the Personnel Committee. All allegations must also be made in writing.
11. Should you learn that any part of this policy has been violated, or that any adult worker has previously been involved in an activity involving child sexual abuse, you are required to make a confidential disclosure to one or more of the following persons: the Pastor, a Ruling Elder, or a designated member of the Personnel Committee. Such a disclosure should not be made to one of these persons if he/she is the accused. When the allegation is against a pastor, a confidential disclosure must also be made to the Committee on Ministry of the Presbytery of Southern New England.
12. Clergy, paid child-care staff and paid church school staff are designated “Mandatory Reporters” in the State of Connecticut. Mandatory Reporters are required by law to make a report to the Department of Children and Families regarding any child under the age of 18 who has been sexually abused or exploited by a person responsible for that child’s care, health and welfare. Mandatory Reporters are required by law to make a report to the Department of Children and Families regarding any child under the age of 13 with a venereal disease.

I have read, understand and will support the above policy:

Signature Date