

The Presbytery of Southern New England

Sexual Misconduct Policy and Procedures

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**THE PRESBYTERY OF
SOUTHERN NEW ENGLAND**

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A Note About Language

The language in this policy referring to any person has been changed from the previously “normative” and binary *she/he* language to expansive *they/them* to be fully inclusive of all people and identities.

There are a few exceptions where the binary *she/he* language remains in the text of this policy. These represent direct quotations from the *Book of Order*, which can only be changed by action of the General Assembly of the Presbyterian Church (U.S.A.) and not the Presbytery.

I. INTRODUCTION

In recent years, sexual misconduct has become a public matter, having been previously quietly dispatched or ignored in our Church, a stain on our witness and ministry and a pattern of collective sinful behavior. Presbyteries, Synods and the General Assembly of the Presbyterian Church (U.S.A.) have adopted policies for the prevention and judicial management of these cases. This document applies to the Presbytery of Southern New England, its ministers, commissioned ruling elders, those leading new worshipping communities, immigrant fellowships, committee members, candidates, inquirers, volunteers, members of the Roundtable, the moderators of any of the Presbytery's entities, employees, or any other person carrying out the programs of the Presbytery of Southern New England. This policy reiterates that sexual misconduct investigations of the Presbytery will receive the full attention of its various related constituencies and adherence to the Constitution of the Presbyterian Church (U.S.A.). At the same time, we must acknowledge the painful truth that just because we have a policy, or provide boundary training, or train teams and committees and staff of our Presbytery, that this will not, fully, eliminate misconduct. And so, we commit, alongside this policy, to the ministry of continual reformation of the Church, ourselves, and our communities, toward relationships and systems where the full personhood and dignity of all people are honored and celebrated because all people are made in the image of God, beloved, holy, and whole.

A. Theological Rationale

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

The church has grappled since its inception with the tension between judgment and grace as attributes of God's nature. Though grace predominates and forms the motivation of the church's response, judgment and discipline are expected when individual behavior affects other persons and the church body as a whole. To lightly dismiss an instance of sexual misconduct, although it may appear on the surface to be gracious, is really compounding the misconduct. Maintaining silence is unacceptable.

B. Purpose and Scope

1. Purpose

It is the purpose of this policy:

- a. to define sexual misconduct in the Presbytery of Southern New England in alignment with the Book of Order and Standards of Ethical Conduct of the Presbyterian Church (U.S.A.);

- b. to provide standards for behavior applicable to all members of the Presbytery of Southern New England: ministers, commissioned ruling elders, committee members, those leading new worshipping communities, immigrant fellowships, candidates, inquirers, volunteers, members of the Roundtable, the moderators of any of the Presbytery's entities, employees, or any other person carrying out the programs of the Presbytery of Southern New England;
- c. to provide for measures to prevent the occurrence of sexual misconduct which includes requiring boundary training and sexual abuse prevention training for all ministers, commissioned ruling elders, candidates and inquirers, those leading new worshipping communities, immigrant fellowships, and Presbytery volunteers on a regularized three-year cycle;
- d. to provide the basis for policies and training to be adopted by church Sessions dealing with church members, non-ordained employees and volunteers in accordance with the Book of Order;
- e. to have a system which provides for an expeditious, professional, confidential, and caring response in sexual misconduct situations;
- f. to serve as a companion to the Book of Order but not to supersede any of its provisions.
- g. to also apply to immigrant fellowships and new worshipping communities of the Presbytery.

2. Scope

The persons governed by this policy are all members of the Presbytery of Southern New England: ministers, commissioned ruling elders, committee members, those leading new worshipping communities, immigrant fellowships, candidates, inquirers, volunteers, members of the Presbytery Roundtable, the moderators of any of the Presbytery's entities, employees, or any other person carrying out the programs of the Presbytery of Southern New England.

- a. **Particular Churches:** This policy does not purport to regulate sexual conduct within the congregations, immigrant fellowships and/or new worshipping communities of the Presbytery of Southern New England, but it does apply to the behavior of ministers, commissioned ruling elders, those leading new worshipping communities, immigrant fellowships, and students under the care of the CPM in ministry settings. It is recommended that Sessions adopt policies and training like this one. Sessions are also required to adhere to all requirements for training and policies in the Book of Order. It is the role of the Presbytery, through the Stated Clerk, to keep local Sessions apprised of these requirements and to offer training and resourcing on policy and training on an annual basis. The Presbytery will provide, on a yearly basis, a listing of required policies and training for each congregation per the Book of Order and will track compliance on a yearly basis, through the Stated Clerk.
- b. **Child Protection:** Because of the unique issues involved in monitoring youth and child activities, this policy is not intended to serve as a full child protection policy. All churches must have a Child Protection Policy and Child Sexual Abuse policy and training in place and updated at least every three

years. When new churches are chartered, they are to be given one year from their charter date to adopt an appropriate child protection policy. It is strongly recommended that any entity creating a Child Protection Policy or updating an existing one consult with legal counsel for their state and their insurance provider for additional resources and feedback. Child Protection Policies should include the following guidelines for all paid and all volunteer personnel who work with (or will work with) any minor children including:

- A “Screening Form” and criminal background check for all paid and volunteer individuals working with children and youth.
- An interview process of all child and youth volunteers
- Implement a “two-adult” rule (Does this need to be more specific?)
- Establish a “six-months-at-your-church” rule (minimum)
- Provide for adequate personnel
- Overnight rule ... must pass screening and background checks
- Discuss suspicious behavior with church leader
- Discuss sexual misconduct with all children and youth leaders
- Considerations around electronic means of abuse and harassment

3. Other Policies and Procedures

This policy is to be interpreted and applied consistently with any and all other applicable policies of the Presbytery of Southern New England, the Presbyterian Church (U.S.A.), and state, federal, and local law. In particular, no portion of this policy is to be understood or enacted contrary to the Book of Order. The citations herein are from the 2025-2027 Book of Order and shall be understood to refer to any subsequent amendments at the time of the allegation.

II. DEFINITIONS

A. Sexual Misconduct

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

1. Child sexual abuse is any contact or interaction between a child under the age of 18 when the child is being used for sexual stimulation of adults. The behavior may or may not involve touching. Sexual behavior between an adult and a child is always considered coerced.
2. Inappropriate sexual conduct is language, visual contact, touching or other behavior judged by the person to be injurious to their physical or emotional health. It involves crossing a boundary the person was attempting to set.
3. Rape is sexual contact by force, threat, intimidation, or coercion. According to the U.S. Department of Justice, the definition is, "The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ or object of another person, without the consent of the victim."
4. Sexual malfeasance is sexual conduct within a ministerial or professional relationship (e.g., minister with a parishioner, counselor with a client, church employee with a church member, presbytery staff person with a volunteer or employee). It includes unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature, as well as consensual romantic relationships.
5. Sexual harassment is defined by the Presbytery's Anti-Harassment Policy (October 2025), which includes updated definitions of electronic harassment:
 - a. Sexual Harassment: Sexual Harassment is the behavior characterized by the making of unwelcome and/or inappropriate sexual remarks, physical advances, requests for sexual favors, and/or other verbal and/or physical conduct of a sexual nature. Sexual harassment may take many different forms including, but not limited to, verbal, nonverbal, and physical sexual harassment.
 - b. Electronic Harassment: Electronic Harassment is the use of electronic communication to harass a targeted person or group, including, but not limited to, emails, blogs, social networking websites, online games, forums, instant messaging, Zoom, and other virtual conferencing modalities, text messaging, and mobile phone pictures and videos. Harassment perpetrated through these online media have come to be known as "cyber bullying."

B. Presumed Consent

Presumed consent is the assertion that a particular act was between consenting adults. It may apply to relationships where there is no disparity of power, such as spouses or single adults functioning as peers or colleagues. Within this policy presumed consent does not apply between ministers and parishioners, supervisors and supervised, or with anyone involved with performance review, compensation, promotion or continued

employment, even though the parties claim that a consensual agreement exists. The inherent imbalance of power between the minister and the lay person undermines the validity of such consent. If a minister and lay person or supervised person wishes to pursue a consensual romantic relationship, the General Presbyter, COM chairperson(s), or Stated Clerk should be contacted for guidance. In most such circumstances, one or the other must change churches/jobs so that the professional or pastoral relationship is no longer in place.

C. Presbytery Entities Involved in Sexual Misconduct Cases

1. A Process Support person is a person who provides support and emotional and physical presence, to the alleged victim(s) and their family, the accused, family members of the accused, or the congregation involved in a sexual misconduct case. The Process Support person may also provide clarification of the investigative process of the church and the judicial process of the church to the person(s) with whom they work and are assigned by the COM. The role of a Process Support person is not to speak for the party for whom there is a support, but to inform that party of their rights within the investigative process. The Process Support person shall not give advice regarding civil remedies. When requested by the party for whom they are a Process Support person, they may accompany that person to meetings of Presbytery entities when that party is testifying. The Sexual Misconduct Response Team or the Stated Clerk can assist any person or party in an investigative situation in identifying an appropriate Process Support person.

2. The Commission on Ministry continues in its constitutional role as resource to ministers and congregations, particularly where pastoral vacancies occur. When appropriate, the Commission on Ministry is to facilitate the employment of competent temporary leadership to manage any gap pastoral needs and/or resourcing associated with the sexual misconduct case. The Commission facilitates the relations between congregations, ministers, and the Presbytery, and resolves difficulties on behalf of the Presbytery when possible and expedient.

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

4. The Sexual Misconduct Response Team is a group of teaching and ruling elders, elected by the Commission on Ministry, who are available, if requested, for preliminary pastoral consultation with:

- a. the person making the complaint,
- b. the alleged victim(s) and potential family members
- c. the accused, and/or
- d. the affected governing body (on a congregational level this would be the Session)

It has no judicial function, nor should it attempt to assume one. It may maintain contact with those involved in the situation, if requested, but must not interfere with any disciplinary case in process. This team (under the direction of COM) shall be responsible

for the required trainings of Boundary Training and Child Sexual Abuse Prevention in the Presbytery as outlined by the Book of Order, in a three-year cycle. Attendance at required training sessions shall be tracked by the Stated Clerk, alongside the COM or their designee, and reported at the next Presbytery meeting in their written report. Training is to be organized no less than 9 months in advance of the training to allow for advance notice for all who are required to attend and to give feedback to the Budget Team of the Presbytery on cost considerations. This team is available to members of the Presbytery staff in the ways that are outlined in this policy.

5. The Permanent Judicial Commission is the continuing body elected by the Presbytery to conduct trials when an investigating committee files charges. The composition of the PJC is described in D-3.0101. The duties of the PJC are enumerated in the Book of Order.

- a. The moderator of the PJC shall designate a special review committee of three persons as described in D-3.0102.
- b. When the alleged offense meets the definition of sexual abuse (D-7.0901), the Stated Clerk shall immediately communicate the allegation to this special review committee. The special committee shall determine, according to the procedure in D-7.0902, whether the accused is to be placed on administrative leave.
- c. In cases where the allegation is of sexual abuse of a person under the age of eighteen, or of a vulnerable adult, this does not supersede civil mandated reporting requirements.

6. The Investigating Committee is a group defined in the Book of Order (D-7.0501) and appointed by the designated team in the bylaws of the Presbytery. The Investigating Committee is charged under the Church Discipline with conducting a full investigation of an allegation of sexual misconduct, determining whether or not charges are to be filed, and prosecuting the case, if there is one.

7. The Stated Clerk receives the initial written disciplinary allegation and shall notify the Presbytery at its next stated meeting that a complaint has been received, and an Investigating Committee has been formed. The Stated Clerk is required to adhere to all disciplinary processes as outlined in the Book of Order. The Stated Clerk shall work collaboratively with the Commission on Ministry, Sexual Misconduct Response Team, and General Presbyter or their designee on pastoral needs for those affected, whether or not a formal disciplinary process occurs.

8. If at any time in their work, members of the Response Team, Investigating Committee, Permanent Judicial Commission and/or other responsive groups or persons related to a specific investigation or incident in the Presbytery determine that the situation they are addressing is causing the need for them to access mental health resources, they shall let the Stated Clerk and/or General Presbyter know of their needs. It is the responsibility of the Presbytery to provide appropriate resourcing to volunteers for trauma they may experience in the course of their service.

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 state law to report suspected incidents of child abuse, including child sexual abuse, which comes to their attention. As state laws vary, any person who has knowledge or suspicion of child abuse and has questions about reporting should confer with an attorney. If you are a member of the Presbytery and would like such a consultation, you may reach out to the Stated Clerk to arrange one with the Presbytery attorney.

In addition to civil law around mandated reporting, the Book of Order also provides an ecclesial definition which applies: G-4.0302 - Mandatory Reporting: 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 the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-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. The Stated Clerk of the Presbytery is always available to anyone in the Presbytery to answer questions and provide guidance related to the applicability or interpretation of the Book of Order.

Additional information can be found in Appendix A of this document, which includes an explanation of the interplay between civil and church law.

III. THE RESPONSE TEAM

A. Purpose

A Response Team shall be elected by and serve under the authority of the Commission on Ministry. It shall be reported to the Presbytery with the COM report annually. 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:

1. Ensure that an expeditious, professional, confidential, pastoral, and caring response is made by the Presbytery to charges of sexual misconduct. The Response Team, however, is not an investigatory body and shall not usurp the roles of Presbytery officials or committees, including investigating committees.

2. This team (under the direction of COM) shall be responsible for the required trainings: Boundary Training and Child Sexual Abuse Prevention. These trainings shall apply to all ministers, commissioned ruling elders, leaders of new worshipping communities and immigrant fellowships, inquirers and candidates under care of the CPM, ordained elders and other volunteers in the Presbytery as outlined by the Book of Order, in a three-year cycle.

- Attendance at required training sessions shall be tracked by the Stated Clerk and COM (or their designee) and reported at the next Presbytery meeting after training takes place in their written report.
- Training is to be organized, and notifications provided no less than 9 months in advance of the training to allow for proper notice for all who are required to attend and budgetary considerations. Honorably retired ministers are exempt unless they are engaged in any form of active ministry.
- Those who are required to attend these trainings per the Book of Order (ministers, commissioned ruling elders, leaders of new worshipping communities, and inquirers and candidates under care of the CPM) will be provided with a letter from the Stated Clerk if they do not attend and given opportunities to resolve their participation within three months with a copy to the COM or CPM. If they do not resolve their training requirements after that time, then the Stated Clerk with the chairpersons of the COM or CPM will write to their employing body notifying them of the non-participation in training and offer a final request for it to be completed within 45 days. If it is not, the consequence is either a (1) the loss of good standing for those under the jurisdiction of the COM, or (2) the loss of ability to move forward to the next step of the ordination process, to be approved to take ordination examinations, and circulate their MDP if under the care of the CPM. For those who do not follow the cycle of training who are volunteers with the Presbytery, they will be asked to step off committee/commission service until their training is completed, and a notice will go to the chairperson of the Presbytery committee/commission they are a member of and the Nominating Committee.
- If anyone who is required to take this training has received its equivalent through an alternative and professional means in the course of other employment or service, they may provide a certificate to the Stated Clerk for consideration of

completion. This includes those new to membership in the Presbytery who took training in another Presbytery before transfer, within the three-year time frame.

B. Membership

The Response Team shall be composed of PSNE teaching and ruling elders in as equal numbers as possible. who represent a range of professional expertise, including but not limited to pastoral counseling/therapy, law, parish ministry, interim ministry, conflict resolution, personnel management and training, and child advocacy. The Response Team should, to the best ability as possible, reflect the various constituencies of the Presbytery.

The Response Team should consist of 4-6 persons to allow for the possibility that more than one allegation of misconduct could be pending at any particular time. Members should agree to serve for six years in overlapping terms 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. The membership of the Response Team is appointed by the COM annually at their March meeting and then reported to the Presbytery at its next meeting in their written report.

The Response Team shall meet at least annually, during the month of April, with the Stated Clerk and/or General Presbyter, and at that meeting elect their Moderator and recording secretary. The Stated Clerk shall report these two leadership positions to the COM on an annual basis and to the Presbytery at its next meeting in their written report.

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 and Church Discipline in the Book of Order. The cost of training the Response Team shall be borne by the Presbytery. They shall receive training organized by the Stated Clerk and General Presbyter every three years during the year prior to the training for the rest of the Presbytery.

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. The Response Team will inform the Commission on Ministry and recommend changes to the policy for approval by the Presbytery as needed.

IV. PROCEDURES AND IMPLEMENTATION

A. General Principles

1. Ministers, commissioned ruling elders, elders, deacons, ministerial candidates and inquirers are subject to inquiry and discipline under the Book of Order, Church Discipline. This policy is intended to supplement the Book of Order, not replace it.
2. Employees of the Presbytery are subject to the employee policies administered by the Presbytery. If they are ordained in any capacity in the Presbyterian Church (U.S.A.) they are also subject to this policy and the Book of Order.
3. The victim, accuser, and accused each have the right to have an advocate (or process support person) present at all interviews and meetings at any stage in the process. This can be done through the process which is defined in the Book of Order or by other means. The advocate may be a colleague, friend, family member, counselor, or other person of their choosing, whose role is to be a supportive presence to the party. Criteria for the advocate and counsel in the context of disciplinary process are found in D-7.08 in the Book of Order.
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 their designee.
 - b. The Stated Clerk shall report any investigation or trial to the Presbytery as detailed in the Book of Order, including any charges filed and actions taken or recommended. The confidential records of any Investigating Committee will be held and sealed in the permanent file of the Stated Clerk.

B. Allegation

1. Any person becoming aware of an accusation of sexual misconduct or choosing to make such an accusation shall immediately inform either the General Presbyter, the Stated Clerk, or a co-chair of the Commission 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 seek assistance from the Response Team. The team may include the General Presbyter or the COM chair. If a paid staff member or paid contractor in any capacity of the Presbytery is the one who has either heard the allegation or needs to submit a letter of allegation to the Stated Clerk, they are required to consult first with the Sexual Misconduct Response Team.
2. The Response Team shall offer to meet with the person(s) making the allegation and/or the victim(s). The Response Team may assist the accuser(s) and/or

victim(s) in determining whether a formal written allegation shall be submitted to the Stated Clerk. The Response Team itself may submit such an allegation on behalf of an accuser or victim(s) if requested, but it is not required. The accuser(s) and/or victim(s) may decline to meet with the Response Team. If the offer for this support is declined, a written reminder to the accuser(s) and/or victim(s) shall be provided that the Response Team can be returned to at any point for appropriate support and resourcing.

3. The Response Team shall verify that civil authorities have been or are notified when required or appropriate.
4. If the accusation results in the filing of a written allegation, the Book of Order 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.

C. The Role of the Pastoral Response Team

1. When the Response Team is first notified of an accusation, it shall offer to coordinate pastoral care for the accuser(s)/victim(s), the accused, their families, the congregation, and all other involved parties in consultation with the General Presbyter and/or co-chairs of the COM. 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 A);
- 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.

The Victim: The Response Team shall consult with the General Presbyter and their designee, to determine what support and resources should be offered to the victim(s) and to listen to their concerns and ascertain their needs. The General Presbyter or their designee will offer to arrange for at least two persons from the Response Team to provide appropriate support depending on the situation at hand. The Response Team members' role is to help clarify options for the victim(s) so they may decide for themselves what they will choose to do. The victim(s) are always welcome to invite a support person(s) to these conversations if it is helpful for them. There is no requirement for the victim(s) to accept the offer of support of the Response Team, but it shall be offered.

The Accused: The Response Team shall consult with the General Presbyter and their designee, to determine what support and resources should be offered to the accused. The General Presbyter or their designee will offer to arrange for at least two persons from the Response Team to provide appropriate support depending on the situation at hand. The Response Team members' role is to help clarify options for the accused so they may decide for themselves what they will choose to do. The accused is always welcome to invite a support person(s) to these conversations if it is helpful for them. If the accused is placed on Administrative Leave as a result of judicial process, the General

Presbyter and/or their designee, and two members of the Response Team shall meet with the accused and their process support person (if they have one) within 7 days of the imposition of Administrative Leave to go over the boundaries and rules of Administrative Leave and answer any questions. They shall provide the accused with a written copy of the boundaries of Administrative Leave from this policy and if applicable, anything additional that has been given in writing by the PJC. The accused shall be provided with a form to sign that they have received this documentation.

The Congregation: When a congregation is involved, the Response Team, in consultation with the Commission on Ministry and the General Presbyter or their 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. The COM will work with the congregation through their Session on interim staffing and moderating resourcing if needed. If a minister serving a Congregation in the Presbytery is placed on Administrative Leave as a result of judicial process, the General Presbyter and/or their designee, and two members of the Response Team shall meet with the Session within 14 days of the imposition of Administrative Leave to go over the boundaries and rules of Administrative Leave and answer any questions. They shall provide the Session with a written copy of the boundaries of Administrative Leave from this policy and if applicable, anything additional that has been given in writing by the PJC.

Resources: The Response Team will coordinate with the General Presbyter and/or co-chairs of the COM as appropriate on additional resources specific to the varied situations which could arise.

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(s), victim(s), accused, a congregation, or witnesses. At least two members of the response team, of different genders, when possible, will be present at the meeting.

3. Members of the Response Team will make all 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. Any questions about information and confidentiality shall be brought to the attention of the Stated Clerk for advice and consultation.

4. Should the accuser(s) choose to file a written allegation to the Stated Clerk, the Response Team ceases to function, other than in a support role as requested.

5. The accuser(s)/victim(s) may invite a Response Team member to accompany them to meetings with an Investigative Committee if this is helpful to them. A Response Team member attending in a support capacity may attend the meeting but may not speak or provide information when serving in that capacity. It is the responsibility of the accuser(s)/victim(s) to notify the Stated Clerk if they are requesting this support so that they may notify the Investigating Committee. The Response Team may help appoint the accompanier if requested.

6. If no formal allegation is made, the Response Team is to continue in a supportive role with the various parties through their advocates as requested. The Response Team shall review D-7.0201(e) regarding the obligation to file a written allegation based on information they have received. In cases of alleged abuse of a child or vulnerable adult, the Response Team shall ensure that a written allegation is made to the Stated Clerk.

D. Initial Report

1. When any person believes that sexual misconduct has been committed by a minister, commissioned ruling elder, leader of a new worshipping community, committee member, candidate, inquirer, volunteer, employee, or any other person carrying out the programs of the Presbytery of Southern New England, or if such a person self-accuses, the incident can first be reported to the General Presbyter, the Stated Clerk, or the Chair(s) of the Commission on Ministry. Any of these persons receiving a report shall then notify the Response Team. Anyone can go directly to the Stated Clerk at any time.

2. Formal disciplinary process is initiated by submitting a written allegation to the Stated Clerk. According to D-7.0201(c), such a statement “shall include:

- a. A written statement of the alleged offense or offenses; and
- b. Facts which, if proved true, would likely result in censure.

When the Stated Clerk receives a written allegation, the disciplinary process begins according to the Book of Order, including the appointment of an Investigating Committee.

3. If the accuser(s)/victim(s) are not a member of the Presbyterian Church (U.S.A.), and therefore lack standing to make an allegation, the General Presbyter and/or chairpersons of the Commission on Ministry shall determine with the Response Team whether an offense may have occurred and whether a written allegation should be submitted to the Stated Clerk (D-7.0201(e)).

4. An accusation or suspicion of sexual abuse of a child or vulnerable adult shall be reported first to civil authorities and then to the General Presbyter, the Stated Clerk, and the chairpersons of the Commission on Ministry. It should be noted that reporting an allegation of child abuse to the Presbytery does not relieve the accuser(s) of their mandated reporting responsibilities under applicable state or federal law. The Presbytery attorney is available for consultation in these matters and the Presbytery Stated Clerk and/or General Presbyter can organize a legal consultation at any time with either the Presbytery legal counsel (civil) and/or PC(USA) legal counsel (ecclesiastical).

5. The General Presbyter or their designee will immediately notify the Presbytery’s insurance company and the Response Team that an allegation was received.

6. Any allegations that fall within the jurisdiction of a local Session (those related to members of the local congregation) shall be referred to the Clerk and Moderator of that Session. They shall be offered the advice and support of the Stated Clerk regarding the Book of Order to help them determine their role and how to request the assistance of the Presbytery. They shall be informed of this policy and the role of the Response Team and

offered their services. If the allegation is of sexual misconduct by a minister member or inquirer or candidate under the care of the CPM, the local church shall report the incident to the General Presbyter, Stated Clerk, or the Chair(s) of the Commission on Ministry. Minister members or inquirers or candidates under care of a CPM are governed by their presbytery of jurisdiction. This also applies to minister members and inquirers and candidates under care of other presbyteries, within the bounds of the Presbytery of Southern New England.

E. The Role of the Investigating Committee

1. The Investigating Committee is charged with conducting an inquiry to determine whether charges should be filed (D-7.0501).
2. The Investigating Committee is appointed under the provisions found in the bylaws of the Presbytery.
3. The Investigating Committee shall be trained by the Presbytery Stated Clerk and if needed, with additional input/training from the constitutional law staff of the national church office or other professional resource persons determined by the Stated Clerk. This may include trauma resources, and mental health care resources for those serving on an Investigating Committee.
4. The expenses of the Investigating Committee shall be provided from the emergency funds for judicial matters held by the Presbytery Trustees (D-7.07). The Stated Clerk will assist the Investigating Committee with the coordination of use of funds.

F. Unsupported Allegations

If the Investigating Committee determines no charges are to be filed, the General Presbyter, and/or Commission on Ministry, continues to be available in a pastoral function to the accused. The Stated Clerk is available for questions related to polity.

G. Disclosure

The Stated Clerk, General Presbytery and/or their designee will make disclosures on a case-by-case basis at the appropriate time and shall consult with PCUSA and/or civil representatives if warranted.

H. Restoration

The Presbytery will follow the restoration process in the Book of Order (D-9.02). If appropriate the Response Team can be consulted to arrange a restoration process.

I. Referrals

The Book of Order in D-7.1103 and G-2.0502 gives an Investigating Committee the opportunity to make a referral of pastoral and/or professional needs related to any party that they feel needs additional work for the good of the Church or its ministry which are uncovered in the course of their investigation and not covered by disciplinary process.

The General Presbyter and/or Stated Clerk shall provide consultation and resourcing at all stages of the referral process.

Referrals can be made at any point during the investigation by the Investigating Committee in writing through the Stated Clerk. If this happens at the conclusion of an investigation, these should be sent within 10 days of the conclusion of an investigation. Ordinarily the COM is responsible for the responses to referrals, however they can be assigned by the Investigating Committee to other parties within and/or outside of the Presbytery depending on the needs assessed by the Investigating Committee.

While the Investigating Committee is the primary party which is responsible for notifications about referrals, they may in some situations determine a need to assign that notification responsibility to another entity.

In all cases the entity receiving the referral is responsible for the development of a process to address the referral. That process can include additional notifications and include any other relevant entity. The referral response process will depend on the referral that is presented and is wholly in the purview of the receiving body.

V. ADDITIONAL RESPONSIBILITIES OF THE PRESBYTERY

A. Availability of the Policy and Compliance

1. All ministers commissioned ruling elders, inquirers and candidates under care of the CPM, leaders of new worshipping communities or immigrant fellowships, members of the Presbytery Roundtable, clerks of session and the moderators of any of the Presbytery's entities, or volunteers shall be given copies of the policy and be required to acknowledge receipt.
2. This document shall also be available on Presbytery's website at www.psne.org.
3. Presbytery employees shall receive this document and be required to acknowledge receipt.
4. All ministers, commissioned ruling elders, leaders of new worshipping communities or immigrant fellowships, committee members, inquirers and candidates under the care of the CPM, volunteers, members of the Presbytery Roundtable, the moderators of any of the Presbytery's entities, and all employees of the Presbytery of Southern New England shall be required to attend boundaries training and Child Sexual Abuse Prevention training. This training is required to be renewed every three years. All new members of the Presbytery are required to attend training no later than one year from joining the Presbytery. Persons who have taken training offered by other entities, such as another presbytery or synod, seminary or other similar institution, may submit proof of that training to satisfy this requirement to the Stated Clerk.
5. In the rare event that an activity of the Presbytery involves persons under the age of 18, the Child Protection Policy of the Presbytery shall also apply.

B. Management of the Policy

Liability and Insurance: The Presbytery, through its Board of Trustees, shall maintain liability insurance that insures for sexual misconduct coverage. Annually, the Board of Trustees will verify that each congregation, new worshipping community or immigrant fellowship in the Presbytery has certified in their minutes that they possess liability insurance. This is normally accomplished through the annual minutes review process. Any congregation, new worshipping community or immigrant fellowship not holding appropriate liability insurance shall be assisted immediately by the Presbytery Trustees or their designee in correcting the situation within 60 calendar days.

C. Screening of Applicable Persons

1. Pre-Employment Reference Checks
 - a. The Personnel Committee shall be responsible for obtaining background checks on all employees and/or contract staff. The cost of these checks is borne by the Presbytery.

b. The General Presbyter and/or the Stated Clerk are responsible for making reference checks to ascertain whether persons seeking membership in the Presbytery in any category have any history of sexual or other misconduct. The General Presbyter and/or Stated Clerk will report their findings to the Commission on Ministry, and they shall be recorded in the written minutes of the COM. The cost of these checks is borne by the Presbytery.

c. When the General Presbyter and/or Stated Clerk provide an outside reference check to another Presbytery or employing entity related to a minister member of the Presbytery, or a student under the care of the CPM, any information provided concerning complaints, inquiries, and administrative disciplinary action shall be accurate. A confidential record shall be kept between the General Presbyter and/or Stated Clerk and the chair(persons) of the COM.

2. Criminal Background Checks

a. Anyone seeking membership in any category in the Presbytery, ministerial candidates or inquirers, those leading immigrant fellowships or new worshipping communities, inquirers and candidates under care and Presbytery staff or contractors shall be required to submit to a criminal history and sexual misconduct background check, conducted by the Stated Clerk or their designee, using a national screening organization which includes an electronic signature for consent and release. The Stated Clerk shall disclose the findings of these reports to the Commission on Ministry, and those findings shall be recorded in its minutes.

b. In the rare instance that an event of the Presbytery includes children under the age of 18, the additional procedures in the Child Protection Policy of the Presbytery apply.

c. The discovery of a criminal conviction will not automatically exclude a person from entry into the Presbytery and work in its congregations or with its youth. The use the Presbytery makes of the criminal record background report will be determined on an individual case-by-case basis, and shall include, where necessary, appropriate supervision of the individual. Only the Stated Clerk or their designee shall order and review the criminal record and sexual misconduct background reports. The exception to this would be that the General Presbyter would do the background checks for the Stated Clerk's employment.

d. The Stated Clerk, and their designee, shall ensure the confidentiality and appropriate retention of criminal record and sexual misconduct background checks. The background check records will be retained for a period of six years. In the case of any background check that reveals a former conviction or other information, a copy of the background check shall be retained in the Stated Clerk's files indefinitely.

e. A person who claims that the information in the report is inaccurate, false, or incomplete shall have the right to dispute it and shall put their dispute in writing with the Stated Clerk, who shall notify the Commission on Ministry of this dispute and in consultation with them, develop an appropriate response process.

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

A Session or the Presbytery is constitutionally prohibited from granting a certificate of transfer to a member or a student under care while an allegation or charges are pending. The reasons for not granting a transfer may be communicated by the Clerk of Session or the Stated Clerk to the appropriate persons.

Should a minister, or inquirer or candidate under care, renounce the jurisdiction of the Presbyterian Church (U.S.A) under D-7.0302, during the disciplinary process, the Stated Clerk shall report to the governing body the renunciation in the way defined by G-2.0407 or G-2.0509 of the Book of Order. These actions shall end the Presbytery's disciplinary process, but not the reporting process(es) required under the Book of Order on a case-by-case basis.

In the case of a renunciation, the Commission on Ministry shall make all reasonable efforts to provide pastoral care to the accuser(s)/victim(s) and the congregation or ministry setting. Depending on the situation and needs, the COM may request the assistance of the Response Team or others in those efforts.

If a minister member or inquirer or candidate under care renounces jurisdiction during the course of an investigation governed by the Book of Order and remains in the Presbytery, and is attending one of the congregations, new worshipping communities, or an immigrant fellowship in the Presbytery, the COM shall make the leadership body of that ministry aware of the presence of that person and offer to aid them in appropriate boundaries for that person. The same shall apply if such a person is attending a ministry of one of our Formula of Agreement partners in our bounds. This notification shall be recorded in the minutes of the COM.

If the minister member or inquirer or candidate under care renounces jurisdiction during the course of an investigation governed by the Book of Order and leaves the Presbytery, and the COM or staff of the Presbytery are aware of their new location, they shall make every effort to report this in writing to the judicatory for that region in the PCUSA via the Stated Clerk. This notification shall be recorded in the minutes of the COM.

E. Disposition of Files

At the conclusion of an investigatory case, under the Rules of Discipline, the records and files of all allegations and their disposition shall be delivered to the Stated Clerk. No committee/commission or its members shall keep copies of a file. This also applies to the Response Team.

In some limited instances related to a referral after an investigatory case, a COM or CPM may maintain limited files at the direction of the Stated Clerk.

The Stated Clerk follows all records retention schedules laid out by the Presbyterian Church (U.S.A.).

APPENDIX A

MANDATORY REPORTING OF SUSPECTED CHILD ABUSE Ecclesiastical and Civil Implications and Responsibilities

The General Assembly of the Presbyterian Church (U.S.A.) maintains a website and hotline for information. Victims of sexual misconduct or abuse can call the PC(U.S.A.) Helpline at 866-607-7233 to make a report concerning abuse by anyone who is in any way affiliated with the PC(U.S.A.). This Helpline was set up by the PC(U.S.A.) with its partners the Insurance Board and Praesidium.

Councils can also call the Helpline for resources.

<https://pcusa.org/resources/legal/creating-safe-ministries>

General Principles

The Stated Clerk and General Presbyter are available for consultation related to questions around mandated reporting, including connecting you to appropriate counsel. While this consultation may be necessary, do **NOT** delay in acting if you think you may be a mandated reporter.

If you make a report as a mandated reporter via one of the procedures below for CT, RI, or MA in your role as either a minister member, certified ruling elder, elder or officer serving in a volunteer capacity in the Presbytery, inquirer or candidate, employee or contractor, or the leader of a new worshipping community or immigrant fellowship you must also submit your report to the Stated Clerk of the Presbytery for consideration of whether or not ecclesial reporting is needed depending on the situation and so that the Presbytery is notified and can then follow our reporting requirements to our insurance provider.

If your report is related to someone in a supervisory role to you, either the Stated Clerk and/or General Presbyter can be contacted for guidance, resourcing, or reporting so that there is always an internal reporting structure available.

There are two types of guidance and law related mandated reporting:

Ecclesiastical

Book of Order, G-4.0302 Mandatory Reporting

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 the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-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.

Civil

This information related to civil reporting is current as of January 2026. As our Presbytery includes ministries and members in three states, please consult the appropriate state websites linked below for updated reporting information. If someone is serving or living outside the geographic boundaries of the Presbytery and you need to make a mandated report, please consult the Stated Clerk or General Presbyter, who will help you access the appropriate state and/or international civil information in consultation with the Presbytery legal counsel.

For child abuse occurring in **Connecticut**:

Website: portal.ct.gov/DCF

Download more info:

https://portal.ct.gov/DCF/supports-for-children-and-families/child-abuse-and-neglect?language=en_US

Phone: 1-800-842-2288

Mandated Reporters include all members of the clergy and paid childcare in any public or private facility, child day care center, group day care home or family day care home licensed by the state. A verbal report must be made within 12 hours, and then in writing using this [form](#) within 48 hours, when in the course of their employment or profession, they have reasonable cause to suspect or believe that a child has been abused, neglected, or is placed in imminent risk of serious harm (CGS 17a-101a).

For child abuse occurring in **Massachusetts**:

Website: mass.gov/DCF

Download more info: mass.gov/doc/a-mandated-reporters-guide-to-child-abuse-and-neglect-reporting/download

Phone: 1-800-792-5200

Massachusetts law requires professionals whose work brings them in contact with children to notify DCF if they suspect that a child is being abused and/or neglected. However, anyone can report child abuse and neglect. The list of Mandated Reporters includes clergy members, including ordained or licensed leaders of any church or religious body, persons performing official duties on behalf of a church or religious body, or persons employed by a religious body to supervise, educate, coach, train or counsel a child on a regular basis. Mandated reporters must make an oral report immediately and follow up with a written report within 48 hours.

For child abuse occurring in **Rhode Island**:

Website: dcyf.ri.gov

Download more info: dcyf.ri.gov/sites/g/files/xkgbur416/files/documents/RDS-portal/RDSportal_MandatedReporting_ChildAbuse-andor-Neglect.pdf

Phone: 1-800-742-4453

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

APPENDIX B

THE PRESBYTERY OF SOUTHERN NEW ENGLAND POLICY ON ADMINISTRATIVE LEAVE

A. The Policy

1. Administrative Leave in cases of an allegation of sexual abuse:

The procedure and process in the Book of Order related to administrative leave during an allegation of sexual misconduct shall be followed (see D-7.0902).

B. Conduct of Minister on Administrative Leave

The minister on leave shall:

- not perform any pastoral, administrative, educational, or supervisory duties,
- not officiate at any functions such as baptisms funerals, or weddings,
- be removed from the pulpit supply list in the Presbytery,
- be excused from any volunteer service in the Presbytery during the investigatory period,
- refrain from non-church events in the community that would connect them with church members,
- remain off church property with the exception of a manse if applicable,
- have no contact with members and staff of the ministry they serve,
- be provided with a contact through the Commission on Ministry for questions and unforeseen needs which may arise.

C. Notice

If a minister serving a Congregation in the Presbytery is placed on Administrative Leave as a result of judicial process, the General Presbyter and/or their designee, and two members of the Response Team shall meet with the Session within 14 days of the imposition of Administrative Leave to go over the boundaries and rules of Administrative Leave and answer any questions. They shall provide the Session with a written copy of the boundaries of Administrative Leave from this policy and if applicable, anything additional that has been given in writing by the PJC.

D. Financial Arrangements

For those serving a congregation, immigrant fellowship or new worshipping community of the Presbytery, administrative leave pay is cash, housing and/or manse allowances, SECA, and medical, dental and vision coverage through the Board of Pensions. All other financial arrangements in terms of call and or contracts may be ceased during this period.

Ordinarily, these costs shall be borne by the congregation, immigrant fellowship or new worshipping community. In the event the ministry cannot afford to honor the accused terms of call alongside covering the costs of temporary leadership, the costs of temporary leadership may be borne in whole or in part by the Presbytery of Southern New England. The Trustees maintain an emergency contingency fund. The reasonableness of these costs and availability of funds shall be determined by the Commission on Ministry alongside the Board of Trustees.

The financial provisions of administrative leave only apply to congregations, new worshipping communities and immigrant fellowships of the Presbytery. The Presbytery does not have jurisdiction over the financial matters of any employing organization that is not within the Presbytery.

The period during which financial support is paid shall not ordinarily exceed one year. If the administrative leave is extended, or there are extenuating circumstances, the terms of call may be amended by the congregation, with the approval and/or resourcing of the Commission on Ministry or another appropriate body at the discretion of the Stated Clerk.

E. Enforcement

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

Filename: 2026 Proposed Sexual Misconduct Policy.docx
Directory: /Users/shannanvance-ocampo/Library/Containers/com.microsoft.Word/Data/Documents
Template: /Users/shannanvance-ocampo/Library/Group Containers/UBF8T346G9.Office/User Content.localized/Templates.localized/Normal.dotm
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Author: Pam Garner
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