

SALEM PRESBYTERY

**POLICY & PROCEDURES
SEXUAL MISCONDUCT PREVENTION**

Adopted July 16, 2005

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I. FOUNDATIONS

"As God who called you is holy, be holy yourselves in all your conduct." I Peter 1:15

"Not many of you should become teachers, my brothers and sisters, for you know that we who teach will be judged with greater strictness." James 3:1

"Tend the flock of God, that is your charge, not under compulsion, but willingly, not for sordid gain, but eagerly, do not lord it over those in our charge, but be examples to the flock." I Peter 5:2-3

"For the kingdom of God is not food and drink but righteousness and peace and joy in the Holy Spirit. The one who thus serves Christ is acceptable to God and has human approval. Let us then pursue what makes for peace and for mutual up building." Romans 14:17-19

"Those who are called to office in the church are to lead a life in obedience to Scripture and in conformity to the historic confessional standards of the church. Among these standards is the requirement to live either in fidelity within the covenant of marriage between a man and a woman (W-4.9001), or chastity in singleness." (G-6.0106b)

II. POLICY STATEMENT

It is the policy of the Salem Presbytery that all church members, church officers, non-member employees, and volunteers of the Presbyterian Church, and related agencies, shall maintain the integrity of ministerial, employment, and professional relationships at all times. Sexual misconduct is a violation of the principles set forth in Scripture and is never permissible.

III. PURPOSE OF THE POLICY

Salem Presbytery adopts this policy on sexual misconduct prevention for the use of all ministers, local churches and other related agencies under its jurisdiction. Its purpose is as follows:

- A. To set standards of ethical behavior consistent with Scripture and secular law, and to establish a process for the enforcement of those standards.
- B. To provide procedures for inquiry and effective response to allegations of sexual misconduct and/or harassment.
- C. To serve as a guide for the application of the powers of presbytery and session under the Form of Government and the Rules of Discipline of the Presbyterian Church (U.S.A.). See D-1.0100.
- D. To establish personnel employment practices and forms for the administration of appropriate employer/employee relationships within the presbytery and related agencies.
- E. To serve as a guide for the prevention of sexual misconduct.
- F. To demonstrate pastoral concern to all parties affected by any alleged incidence of sexual misconduct.

IV. DEFINITIONS

- A. Accountability Partner refers to a person thoroughly familiar with the ethical responsibilities of religious leaders and problems of transference likely encountered by such leaders, whose role is to help the clergy/professional layperson to be alert to possible problems in maintaining appropriate boundaries in relationships with parishioners/clients.
- B. Accused refers to the person against whom a claim of sexual misconduct is made.
- C. Accuser refers to the person whose claim of knowledge of sexual misconduct initiates an inquiry into alleged sexual misconduct.
- D. Advocate refers to the person(s) who provide ongoing support and accompaniment to the victim throughout the inquiry process and any subsequent proceedings. This may be a clergy or lay person, with special training for this task, who will have their out-of-pocket expenses covered by the presbytery.
- E. Child Sexual Abuse includes, but is not limited to:
 - 1. Any sexual contact or sexual interaction between a child (under the age of eighteen years) and an adult;
 - 2. Any use of a child for the sexual stimulation of an adult, a third person, or the child;
 - 3. Any risqué jokes, innuendo, unacceptable visual contact, unwelcome casual touch, unwelcome and inappropriate hugs and kisses, and sexually suggestive pictures between an adult and a child, as deemed inappropriate by any reasonable adult.
- F. Church, when capitalized, refers to the Presbyterian Church (U.S.A.). When non-capitalized, "church" refers to local churches.
- G. COM, when abbreviated, refers to the Committee on Ministry of the Salem Presbytery (G-II.0500).
- H. Disciplinary Process is the process undertaken pursuant to section D-10.0100ff in the Book of Order.
- I. Employee (member or non-member) is any person hired or called to work for the presbytery or any church or related organization within the jurisdiction of the presbytery for salary or wages.
- J. Investigation/Inquiry are the terms used in the Rules of Discipline to determine whether charges should be filed based upon the allegation of an offense received by the presbytery. (See Book of Order D-I 0.0200). It is the examination of information regarding alleged sexual misconduct.
- K. Investigation Committee (I.C.) as defined in D-10.0201ff, is the body charged with performing the investigation/inquiry on behalf of the presbytery.
- L. Liaison refers to the person who relates to the accused throughout the inquiry process and any subsequent proceedings, whose out-of-pocket expenses will be covered by the presbytery.

- M. Mutual Consent is NOT POSSIBLE when one person is a clergy/professional lay leader in a pastoral, counseling, employer or leadership position within the church related organization, or sponsored activity in which the other party is a parishioner, member, counselee, employee or participant; OR when one of the parties is a child.
- N. Permanent Judicial Commission (P.J.C.) the body that decides cases. See Book of Discipline.
- O. Persons Covered by this policy includes all members of the presbytery, its employees and volunteers.
- P. Professional Lay Leader is any person hired to work for the presbytery or any church or related organization within the jurisdiction of the presbytery for salary or wages in a position which could be filled by either clergy or layperson.
- Q. Reasonable Suspicion is a belief or opinion based on information or circumstances sufficient for a prudent person to take appropriate action.
- R. Religious Leader is a term used to include clergy persons, and professional as well as volunteer lay leaders.
- S. Secular Authorities are the government officials who have the responsibility to investigate, prosecute, and/or bring charges against individuals accused of sexual crimes or offenses against adults and children.
- T. Sexual Abuse is sexual misconduct in the context of a clear breach of professional trust and/or misuse of the power, stature, influence, or authority of the clerical office or other leadership position. In a professional context, mutual expressions of affection do not abrogate the abusiveness of the relationship, for true consensuality may be considered, by definition, impossible between a professional and a person in that professional's care.
- U. Sexual Harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in the presbytery, or
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual ' s work performance by creating an intimidating, hostile, or offensive working environment based on the declared judgment of the affected individual.
 4. Lack of intent to harass does not alter these definitions.

Examples of sexual harassment include, but are not limited to:

- a. *Verbal: sexual innuendoes risqué ' jokes. Sexual/Suggestive or insulting questions, comments or sounds, jokes or teasing of a sexual nature, sexual propositions or threats, continuing to make sexual advances or comments or otherwise expressing personal interest after being informed the interest is unwelcome, sexual remarks regarding clothing, body, or love life, or any type of subtle pressure for sexual activity.*

- b. *Visual: sexually suggestive or gender derogatory objects, pictures, computer software, posters, or letters; leering, whistling, or obscene or sexually suggestive gestures.*
- c. *Physical: unwanted physical contact, including touching, pinching, brushing the body, impeding or blocking movement, sexual intercourse or assault.*
- d. *Encouraging attitudes or patterns of verbal, visual, or physical conduct (may or may not be obviously directed at a particular person) which may reasonably be perceived as tending to legitimate, rationalize, or make light of unwanted sexual advances.*

V. Sexual Misconduct is a comprehensive term used in this policy to include, but is not limited to:

- 1. Child Sexual Abuse as previously defined;
- 2. Rape or sexual contact by force, threat, or intimidation;
- 3. Sexual Malfeasance - as breach of trust by a religious leader, resulting from a relationship and/or sexual contact within a ministerial or professional or leadership relationship;
- 4. Production or distribution of pornography as defined by actions or policy statements of the General Assembly, Presbyterian Church (U.S.A.),
- 5. Sexual Harassment.

The definition of sexual misconduct is not meant to include non-abusive relationships between spouses.

W. Victim is the term used to identify the person(s) who have been injured by sexual misconduct.

X. Volunteer refers to a person who provides services to the Presbytery, or a church, or related organization without financial or material remuneration. For the purposes of this policy, a volunteer is defined as one engaged in regular ongoing contact with minors in small groups (e.g., counseling situations, bus / van driver, overnight chaperones or one-on-one mentoring).

V. PRINCIPLES OF ETHICAL CONDUCT

- 1. An act of sexual misconduct is a violation of the ordination vows of clergy, and of lay persons who are appointed by the presbytery for the work of ministry. In such ministry, leaders are called upon to exercise integrity, sensitivity, and caring in a trust relationship devoted to the best interests of those to whom they minister.
- 2. Sexual misconduct is a misuse of authority and power which breaches Christian ethical principles. It is further a misuse of a trust relationship to gain advantage of another for personal pleasure or power, in an abusive, exploitative, and unjust manner. Such conduct cannot be justified by a claim of mutual consent. Even if the one being ministered to initiates or invites a sexual relationship, it is the clergy person's, or lay leader's responsibility to maintain the appropriate role and prohibit a sexual relationship.
- 3. Sexual misconduct takes advantage of the vulnerability of children and persons who are less powerful to act for their own welfare. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

VI. PREVENTION EDUCATION AND TRAINING

The presbytery will provide educational programs and training in pastoral care and disciplinary procedures aimed at preventing sexual misconduct.

The goals of this education and training will include:

- A. Recognition of the imbalance of power between religious leaders and those in their care.
- B. That religious leaders understand the necessity of maintaining appropriate boundaries as well as establishment and maintenance of professional and caring environment and demeanor; thereby ensuring the confidentiality of the parishioner/client and the protection of both parishioner/client and leader.
- C. That religious leaders be aware that frequent pastoral calling visits, frequent phone conversations, extended time together, and physical touching, hugs, and kisses may be associated with sexual advances and are HIGH RISK BEHAVIORS which may be perceived as unwelcome or an infringement on the rights of others.
- D. The importance of all clergy in having partner with whom they meet regularly, since their role invites trust and dependence and because they are often in a one-on-one setting with persons who respect and depend on them.
- E. The importance of religious leaders who counsel or provide spiritual direction to observe professional precautionary measures such as: limiting time spent with each counselee or directee, making sure that there are other people around the buildings during sessions, and observing a professional caution regarding touching of counselee/directee.
- F. The importance of religious leaders in specialized ministry who are providing counseling to be in a supervisory relationship with a licensed psychotherapist.
- G. The importance of religious leaders in specialized ministry who are providing spiritual direction to be in direction themselves as well as having a supervising spiritual director.

VII. RESPONSE PROCEDURES

Allegations of sexual misconduct are made in a variety of ways. It is important that officers, employees, and persons highly visible to church members and visitors understand how allegations of incidents are to be processed.

A. Non-Judicial Report Procedures

An accuser may for one reason or another not be able at the time to sign and file a judicial accusation (see B below). However, the concern can be registered. Registering a non-judicial concern serves two purposes:

1. If multiple concerns are received and a pattern is discerned then judicial actions may be warranted.
2. Should at some later date a judicial accusation be made against this person then registered concerns can be reviewed to form a more complete understanding of the situation.

A non-judicial concern is reported just like a judicial report (see B below) except Exhibit F is used and is kept under seal by the clerk of the appropriate jurisdiction for three years and destroyed if no further concerns or accusations are filed.

B. Judicial Report Procedures

An accuser may report alleged sexual misconduct to any of the following:

1. The moderator of the accuser's church or the accused's church;
2. The Committee on Ministry;
3. The General Presbyter;
4. The Stated Clerk of Presbytery.

The first of the above named persons to learn of alleged sexual misconduct must take the allegations seriously and confidentially. This person shall complete the Report of Suspected Sexual Misconduct (Exhibit A, this document). The report shall immediately be delivered to and called to the attention of the clerk of session of the appropriate church or the Stated Clerk of the presbytery. This should normally be done in less than five days. (Allegations against clergy are filed with the Stated Clerk of presbytery, allegations against lay persons fall to the appropriate body of jurisdiction.) Legal counsel shall be obtained by Salem Presbytery in the event that an allegation of sexual abuse is received – especially if there is some question as to whether a report to authorities must be made or if employment termination is to be considered.

NOTE: It has been determined through case law that there is no confessional protection in the Presbyterian Church (U.S.A.). Any incident of suspected sexual abuse of a minor, by a person covered by this policy, shall IMMEDIATELY be reported to Child Protective Services, local law enforcement, and/or the district attorney.

C. Presbytery Judicial Response

1. Immediately upon receipt of the Report of Suspected Sexual Misconduct, the Leadership Team of Council, which includes the Clerk and the General Presbyter, shall appoint an Investigating Committee (I.C.) as stipulated in presbytery policy and the Rules of Discipline (D-10.0201).
2. The I.C. must promptly begin its inquiry into the allegations, having received orientation by the Stated Clerk, as delay may cause further harm to all parties involved. The I.C. will conduct a thorough investigation as called for in D-1 0.0200.
3. The requirements of notice to the accused contained in the Book of Discipline are incorporated herein by reference D-10.0202a.
4. Administrative leave is a non-prejudicial action invoked when deemed necessary by the permanent judicial commission (PJC).
5. When a written Report of Suspected Sexual Misconduct has been received against a minister of Word and Sacrament, the stated clerk receiving the allegation shall immediately communicate the allegation to the permanent judicial commission (PJC) which shall designate two members to determine whether the accused shall be placed on a leave of absence during the resolution of the matter.

6. The designated members of the permanent judicial commission, after giving the accused the opportunity to be heard, shall determine whether the risk to the congregation and to potential victims of abuse, when considered in light of the nature and probable truth of the allegations, requires a leave of absence or other restrictions upon the minister's service. Such leave or restrictions will continue until resolution of the matter in one of the ways prescribed in the Rules of Discipline or is altered or removed by the designated members of the commission.
 - a. If the designated members of the commission determine that no leave or restriction is required, the investigating committee shall be free at any point in its investigation to present additional evidence to the designated members supporting the imposition of a leave or other restrictions.
 - b. Administrative leave is appropriate if there is some likelihood that a similar offense as alleged may occur during the period of investigation and/or trial; or if it appears necessary to preserve the peace and purity of the congregation, related organization, or sponsored activity. Administrative leave is preventative, not punitive.
 - c. If administrative leave is deemed appropriate, the COM shall immediately begin work with the session and congregation addressing issues of pastoral leadership and assisting in the interpretation of the process being undertaken.
 - d. If the I.C. finds the allegations to be unsupportable, the report of that finding is forwarded to the Stated Clerk who shall then report that finding to the presbytery.
 - e. If at any time during the investigation the accused admits to the allegations, the investigation shall proceed to its conclusion, the charges shall be filed with the Permanent Judicial Commission (PJC) along with the signed statement of the accused, and a settlement of consequences may be mediated. (See Addendum A for resolution suggestions.)
 - f. If the accused does not concur with the allegations, charges may be filed with the PJC and the judicial process is to continue, per D-1 0.0400ff.

The degrees of censure are listed in D-12.0100, and the terms of restoration in D-12.0200. The PJC is encouraged to consult with other governing bodies for sentencing appropriate to the offense.

D. Presbytery Pastoral Response

Feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, and feelings of alienation from God, self, the religious community, and family, are injuries frequently suffered by those impacted by sexual misconduct (these include among others: the victim(s), the accused, the accuser, the families and co-workers, the congregation, other employing entities, and the presbytery). It is important for the presbytery to be sensitive to the pain of all those involved, and their need for healing, and to act by making appropriate pastoral care available.

1. Victim and Family
The presbytery will offer to provide pastoral care to the victims of sexual misconduct and their families through an advocate. If the victim or family at first refuses care, the presbytery should continue to offer this assistance throughout the process. Above all, the presbytery will NOT act in a self-protective manner by ignoring the victims and their families.
2. Congregation (or employing entity)
The COM, recognizing that allegations may polarize the congregation, damage morale, and create serious internal conflicts, may need to meet with the session to inform them of the allegations toward a religious leader related to that congregation. After a briefing on the judicial process, the COM may assist the session in planning their care for the congregation through this time.
3. Accused and Family
The presbytery will offer to provide pastoral care for the accused as well as his/her family through a liaison. If the accused is a minister, this is the responsibility of the COM (G-11.0502 I.). Any representative of the presbytery is not to make any presumption of guilt or innocence, and must be aware that the accused is wounded by the experience. When charges against the accused are not sustained, it is vital that the presbytery publicize this fact as widely and quickly as is appropriate.

VIII. STATUTE OF LIMITATIONS

Allegation of sexual misconduct should be made to the proper officers of the presbytery as promptly as possible. However, there is no time limit on the filing of charges in cases of sexual misconduct (D-IO.O401). Child sexual abuse may not be recognized until the victim of abuse reaches adulthood. A person victimized when an adult may not recognize the abuse or be willing to come forward with an allegation for many years.

IX. EMPLOYMENT PRACTICES

All governing bodies are to comply with Title VII of the Civil Rights Act to ensure fair employment practices.

A. General Practices Concerning Minors

1. Volunteer workers are not to be considered for any position involving contact with children or youth until they have been involved with the organization for at least six months.
2. A minimum of two adults should be present in each classroom, vehicle, or other enclosed area, for all activities involving children or youth.
3. Premises monitors shall patrol the facility when children's and youth activities are scheduled in order to monitor classrooms, hallways, and other areas of the building."

B. Record Keeping

Accurate record keeping is an essential part of responsible hiring and supervisory practice. Every session and presbytery shall maintain a personnel file on every employee, including ministers. The file shall contain the application for employment, employment questionnaire (Exhibit B), reference responses (Exhibit C), and other documents related to this policy or required by law.

C. Pre-employment Screening of Applicants and Volunteers

1. The employing entity, through its session, governing board, personnel committee, or PNC, as appropriate, is responsible for conducting references and criminal background checks for all prospective employees, including clergy, regularly scheduled volunteers, and volunteers in high risk positions such as workers with youth and children, lay counselors, boy or girl scout leaders, and camp counselors.
 - a. Criminal Background Checks
 - i. A national criminal background check shall be performed for all prospective employees.
 - ii. A statewide criminal background search shall be performed for all prospective volunteers for positions involving minors (see above). At a minimum these searches shall be conducted for each state the volunteer has lived during the last seven (7) years.
 - iii. All issues of an adverse nature appearing in the candidate's criminal history shall be carefully considered in rendering decisions regarding employment or volunteer status.
 - b. Reference checks should be of an institutional nature (i.e., former employers or other organizations at which the individual has worked or volunteered) as opposed to friends or relatives. The person serving as reference should have known the individual for some length of time. At least two independent references shall be contacted as a part of the screening process for every applicant before they are permitted to work with minors.
2. Pre-employment screening of applicants and volunteers shall include the completion of the certification found in Section 1 of Exhibit B which states:

I certify that: (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct; (b) no criminal convictions, guilty or "no contest" pleas have been sustained or are pending against me to any criminal conduct (beyond sexual misconduct) (c) I have never resigned or been terminated from a position for reasons related to sexual misconduct; or (d) I have never been required to receive professional treatment for reasons related to sexual misconduct on my part. (e) I am not aware of any personal traits or tendencies that could pose a threat to children or youth. (f) I have never been accused of or participated in sexual misconduct.

If the applicant is unable to certify to the above, applicant may instead provide a description of the relevant complaint, resignation, transfer, termination, or course of treatment giving dates, names, addresses, and telephone numbers of employers and/or physicians, the outcome of the situation, and any explanatory comments the applicant wishes to make.

Anyone who may pose a threat to minors, including an individual currently employed or working with children or youth shall be prohibited from working with minors.

3. The presbytery, through the General Presbyter, is also responsible for including questions regarding sexual harassment and other sexual misconduct when making clearance checks of applicants for ordained positions; and for reporting to COM and the appropriate PNC any information received as to those specific subjects, including a report that there is no reported difficulty.

4. Applicants shall be given opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference.
5. If false or misleading information regarding sexual harassment or other sexual misconduct has been given by the applicant or relevant information withheld, the applicant shall be eliminated from consideration.
6. If a response to a reference check reveals information of sexual harassment or other sexual misconduct, COM shall be notified immediately, and the applicant shall not be called or hired without the specific written approval of COM.
7. In response to reference requests, the General Presbyter and/or other persons authorized by the presbytery (either directly or through COM) to give references, must give truthful information regarding allegations and administrative or disciplinary action related to sexual misconduct of the applicant. The response, however, must be limited to information contained within the written summary prepared by the PJC or governing body.

D. Screening of existing employees and volunteers

Existing employees shall be screened annually with a brief worker information questionnaire. Page two of Exhibit B shall serve as the questionnaire.

X. COMPLIANCE AND DISTRIBUTION

All continuing members of the presbytery, its employees, and volunteers in high risk positions, e.g. youth ministry, camp counselors, etc. shall be required to sign a statement (Exhibit D) acknowledging that they have received a copy of this document and that they agree to conduct themselves in accordance with the policy contained herein. It will also be distributed to the sessions of all churches in the presbytery and made available to their church members upon request. Furthermore, a summary statement of the policy and other significant portions of this document (Exhibit E) shall be posted in all church entities.

XI. REFERENCES

All references to the Book of Order are from the 2003-2004 edition.

Exhibit A
Report of Suspected Sexual Misconduct
Page 1 of 2

Reported by _____

Name and title _____

Address _____

City, State, Zip _____

Telephone _____ Date of Report _____

Person suspected of misconduct _____

Name and title _____

Address _____

City, State, Zip _____ Telephone _____

Other person(s) involved (victims) _____

Name and title _____

Age and Gender _____

Address _____

City, State, Zip Code _____ Telephone _____

Witness (es) _____

Name and title _____

Age and Gender _____

Address _____

City, State, Zip _____ Telephone _____

Exhibit A
Report of Suspected Sexual Misconduct
Page 2 of 2

Describe incident(s) of suspected sexual misconduct with as much detail as you are able, including date(s), time(s), and location(s):

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

Other information which may be helpful:

Exhibit B
Employment Questionnaire
Page 1 of 2

First Name _____ Middle _____ Last _____

Address _____ City _____ State _____ Zip _____

Business phone _____ Home phone _____

Have you ever been known by any other name? _____ Yes _____ No

If yes, please provide other name _____

Employment Record: (List current and previous employers for the last five years)

Employed by _____

Address _____

City, State, Zip _____

Your supervisor and title _____

Phone _____

Employed from (Month/Year) _____ to (Month/Year) _____

Why did you leave? _____

Employed by _____

Address _____

City, State, Zip _____

Your supervisor and title _____

Phone _____

Employed from (Month/Year) _____ to (Month/Year) _____

Why did you leave? _____

**Exhibit B
Employment Questionnaire
Page 2 of 2**

Please complete the following certification:

I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct; (b) no criminal convictions, guilty or “no contest” pleas have been sustained or is pending against me to any criminal conduct (beyond sexual misconduct) (c) I have never resigned or been terminated from a position for reasons related to sexual misconduct; or (d) I have never been required to receive professional treatment for reasons related to sexual misconduct on my part. (e) I have never been accused of or participated in sexual misconduct (f) I am not aware of any personal traits or tendencies that could pose a threat to children or youth.

The information I have provided on this questionnaire is accurate to the best of my knowledge and may be verified by the Salem Presbytery to make any and all contacts necessary to verify my prior employment history, medical information, and to inquire concerning any prior arrest or criminal records or any judicial proceedings involving me as a defendant.

Signature _____ Date _____

NOTE: If you are unable to make the above certifications, you may instead give, in the space provided, a description of the complaint, termination, or course of treatment you have been involved in, giving dates, names, and addresses of employers or physicians, the outcome of the situation, and any explanatory comments you care to add.

If the above certification cannot be made because of sustained or pending charges related to sexual misconduct, termination for reasons related to sexual misconduct, or civil or criminal charges, the following waiver must be signed, witnessed, and notarized:

Release

The information I have provided on this questionnaire is accurate to the best of my knowledge and may be verified by the Salem Presbytery to make any and all contacts necessary to verify my prior employment history, medical information, and to inquire concerning any prior arrest or criminal records or any judicial proceedings involving me as a defendant. By means of this release, I also authorize any previous employer, any physician who has treated me (specifically including any psychiatrist, mental health professional, or psychologist possessing information as to prior mental or emotional illnesses or drug or alcohol abuse), and any law enforcement agencies or judicial authorities to release any and all requested information to the Salem Presbytery.

I have read this release and understand fully that the information obtained may be used to deny me employment or any other type of position in the Salem Presbytery. I also agree that I will hold harmless the Salem Presbytery, as well as any prior employer, psychologist, psychiatrist, mental health professional, physician, law enforcement authority, or judicial authority from any and all claims, liabilities, and cause of action for the release or the use of any information.

Signature _____ Date _____

Exhibit C
Employment Reference

If the information in this report alleges sexual misconduct as defined in the *Policy and Procedures Sexual Misconduct Prevention of the Salem Presbytery*. A copy of this employment reference in its entirety will be given to the accused.

1. Name of applicant _____

2. Reference or church contacted (if a church, identify both the church and person contacted):

3. Date and time of contact _____

4. Method of contact (telephone, letter, personal conversation) _____

5. Summary of conversation (summarize the reference ' s remarks concerning the applicant ' s fitness and suitability for the position, any allegations of sexual misconduct or child sexual abuse):

Name of person making this reference contact _____

Signature _____ Date _____

Exhibit D
Acknowledgement of Receipt

Policy and Procedures Sexual Misconduct Prevention Salem Presbytery

I hereby acknowledge that I received on _____ (date) a copy of Policy and Procedures, Sexual Misconduct Prevention for the Salem Presbytery, dated *April 27, 2004*, and that I have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy.

Name (Please Print) _____

Signature _____ Date _____

A similar acknowledgment will be signed at such times as amendments or revisions to the policy are made and distributed.

This is a summary. Additional provisions to be noted and followed are included in the Salem Presbytery Sexual Misconduct Prevention Policy.

Information Regarding Policy and Procedures Sexual Misconduct Prevention

In recognition of the public and spiritual trust given to the Presbyterian Church (U.S.A.), the Salem Presbytery has adopted a policy to set and enforce standards of ethical sexual behavior by clergy and lay leaders consistent with Scripture and secular law, and to provide procedures for inquiry and effective response to allegations of sexual misconduct. Copies of the entire policy and procedure document may be obtained from your pastor, clerk of session, or the presbytery office.

THIS POLICY IS BASED UPON SCRIPTURE

As God who called you is holy, be holy yourselves in all your conduct. I Peter 1: 15

Not many of you should become teachers, my brothers and sisters, for you know that we who teach will be judged with greater strictness. James 3: 1

“For the kingdom of God is not food and drink but righteousness and peace and joy in the Holy Spirit. The one who thus serves Christ is acceptable to God and has human approval. Let us then pursue what makes for peace and for mutual up building.” Romans 14:17-19

POLICY STATEMENT

It is the policy of the Salem Presbytery that all church members, church officers, non-member employees, and volunteers of the Presbyterian Church, and related agencies, shall maintain the integrity of ministerial, employment, and professional relationships at all times. Sexual misconduct is a violation of the principles set forth in Scripture and is never permissible

CONSONANT WITH SCRIPTURE, THE UNDERLYING ETHICAL PRINCIPLES OF THIS POLICY ARE:

1. The act of sexual misconduct is a violation of the ordination vows of clergy, elders and deacons and a breach of trust for all who are placed in leadership positions in the church.
2. Sexual misconduct is a misuse of authority and power which breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal pleasure or power in an abusive, exploitative and unjust manner. Even if the one being ministered to initiates or invites a sexual relationship, it is the clergy person's or lay leader's responsibility to maintain the appropriate role and prohibit a sexual relationship.
3. Sexual misconduct takes advantage of the vulnerability of children and persons who are less powerful to act for their own welfare. It is antithetical to the gospel call, to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

THE POLICY DEFINES SEXUAL MISCONDUCT AS:

1. Sexual abuse of children (under the age of 18 years).
2. Rape or sexual contact by force, threat, or intimidation.
3. Sexual malfeasance - a breach of trust by a clergy/lay leader resulting from sexual contact within a ministerial or professional relationship.
4. Production or distribution of pornography.
5. Sexual harassment.

PRESBYTERY WILL SEEK TO PREVENT AND TO RESPOND TO MISCONDUCT BY:

1. Providing educational programs and training in pastoral and disciplinary procedures aimed at preventing sexual misconduct.
2. Immediately investigating all allegations of sexual misconduct.
3. Providing advocates to victims and liaisons to those accused.
4. A working with congregations to heal pains and conflicts within the congregation resulting from such misconduct.
5. Taking disciplinary action against the accused if the investigation reveals that the misconduct did, in fact, occur.

YOU CAN HELP TO ENSURE THE EFFECTIVENESS OF THIS POLICY BY:

1. Monitoring your own conduct toward others.
2. Promptly informing any person or persons involved that they should stop engaging in conduct offensive or objectionable to you or to others.
3. Bringing the matter to the attention of your pastor, supervisor (if you are a church employee), member of personnel committee, elder, chairperson of presbytery Committee on Ministry, or the General Presbyter.

YOU MAY CONTACT THE COMMITTEE ON MINISTRY FOR THE YEAR 2003-2004

Name of Moderator _____ Phone _____

YOUR GENERAL PRESBYTER IS:

Name _____ Phone _____

Exhibit F
Non-Judicial Report of Suspected Sexual Misconduct
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Date of Report _____

Person suspected of misconduct (Name and Title)

Address _____

City, State, Zip Code _____

Telephone _____

Other person(s) involved (victims) _____

Name and Title _____

Age and Gender _____

Address _____

City, State, Zip Code _____

Telephone _____

Witness (es) _____

Name and Title _____

Age and Gender _____

Address _____

City, State, Zip Code _____

Telephone _____

Describe incident(s) of suspected sexual misconduct with as much detail as you are able, including date(s), time(s), and location(s):

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

Other information which may be helpful including if you can, why you are not seeking to file a judicial report at this time.

Appendix A
Mediation & Resolution Suggestions
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Alternatives to Judicial Process:

Non-judicial dispute resolution processes are widely and successfully used in private conflicts as well as in civil and criminal cases. (See, for example, Section 18.03, Personnel Policies of the General Assembly, PCUSA.) Religious bodies have served as valuable allies in the development of these alternatives, providing both incentive and resources for dispute resolution programs.

When allegations of sexual misconduct in the church are made, it may sometimes be appropriate to resolve the matter without recourse to judicial process under the Book of Order. If such alternatives are pursued, however, it is essential that the matter be handled with full regard for the interests and rights of all affected parties.

Alternatives to judicial process may include:

1. Arbitration. In the arbitration process, all parties to a conflict agree to submit the dispute to an independent person or panel to determine the best resolution. In a sexual misconduct case, the arbitrator should be someone with extensive experience in non-judicial arbitration who is also familiar with Presbyterian polity. All affected parties should have the opportunity to present their case to the arbitrator, and the arbitrator's decision may be final (binding) or subject to appeal to a higher authority (non-binding) such as a disciplinary committee.
2. Negotiation. In the negotiation process, advocates for the parties to a conflict are responsible for working out a solution which effectively resolves all issues and which protects the interests of all parties. In some cases, an individual may successfully represent his or her own interests rather than having an advocate, but this is rarely advisable. Again, for a negotiated settlement to be successful all parties affected by the dispute should be represented in the negotiation and all issues should be resolved.
3. Mediation. In the mediation process, the parties to a conflict are enabled through the assistance of a mediator to work out their own agreement for resolving the dispute. Mediation differs from both arbitration and negotiation in that the power to make the final decisions is retained by the parties themselves. The successful outcome of a mediation is a function (among other things) of the willingness and ability of the parties to reach agreement and the creativity of the mediator in helping to shape that agreement in the interests of all concerned. A critical role of the mediator is the establishment and maintenance of a power balance between the parties during the mediation process.
4. Dismissal of Charges or Allegations. While not technically a dispute resolution process, dismissing or dropping the charges may sometimes be a way to resolve an allegation. This may happen because the charges are determined to be false or insignificant, or because the costs (financial or otherwise) of pursuing the charges are too high. For a dismissal, to be all parties must agree to it and all significant disputes should be set aside. Dismissal without this will very likely lead to continuing conflict and further damage to the parties and the church.

These processes (except for final dismissal) are not mutually exclusive, and the failure of one process may lead to another. (For example, if mediation fails, the persons may decide to try negotiation by their advocates; if that fails, private arbitration could follow.) All the methods have strengths and weaknesses, depending on the nature of the conflict and the persons involved. In every method, the assistance of skilled professionals and adherence to professional standards are critical. The protection of confidentiality, common agreement regarding the admissibility or inadmissibility of evidence obtained in the process, and guarantees of the due process rights of all persons are essential.

Appendix A
Mediation & Resolution Suggestions
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In the context of sexual misconduct in the church, the use of an alternative process may be in the best interest of the parties and the church. The success of the process, however, will be dependent upon many significant factors, including the degree and kind of injury suffered; the willingness of all parties to work to heal or remedy that injury; the resources available to assist the processes of healing; the expertise of the arbitrators' mediators, or other persons involved in facilitating the process; and the quality, of the resolutions agreed upon. Informal or secret agreements which do not address all issues or meet the concerns of all parties are not in the best interest of the church.