

MUSKINGUM VALLEY PRESBYTERY

POLICY AND PROCEDURES
ON SEXUAL MISCONDUCT

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PRESBYTERY OF MUSKINGUM VALLEY

POLICY AND PROCEDURES ON SEXUAL MISCONDUCT

I. INTRODUCTION

As God who called you is holy,
be holy yourselves in all your conduct.

Tend the flock of God that is your charge,
not under compulsion but willingly,
not for sordid gain but eagerly,
not to lord it over those in your charge
but be examples to the flock.

You know that we who teach
shall be judged with greater strictness.

I Peter 1:15, 5:2; James 3:1

Consistent with the expressed views of the Presbyterian Church (USA), the Presbytery of Muskingum Valley concurs that there should be no form of sexual harassment, intimidation, or abuse by or affecting any church employee, volunteer, member, or user of services, of whatever age.

The Presbytery of Muskingum Valley states its recognition that sexual misconduct (including sexual harassment, intimidation or abuse) is a grievous offense against persons, in view of scripture, the spirit of the Church and against professional ethics. The Presbytery declares its intention to deal clearly and fairly with any instance of sexual misconduct when alleged to have been perpetrated by any employee or volunteer of Presbytery, ministers on its membership roles, or to have been experienced by any person while carrying out professional or volunteer duties for Presbytery or its related ministries. This includes children and youth participating in educational or recreational activities sponsored by the Presbytery or its related ministries.

II. POLICY AND PROCEDURE ON SEXUAL MISCONDUCT

A. Policy Statement

It is the policy of the Presbytery of Muskingum Valley that all church members, church officers, nonmember employees, and volunteers of governing bodies and entities of the Church are to maintain the integrity of the ministerial, employment, and professional relationship at all times.

Sexual misconduct is not only a violation of the principles set forth in Scripture, but also, of the ministerial employment and professional relationship and is **never** permissible

B. Purpose

This policy applies to the members, employees, officers, and volunteers of the Presbytery of Muskingum Valley and is commended to the Sessions within the Presbytery for their consideration and adoption. The purpose is as follows:

1. To set and enforce standards of ethical behavior consistent with Scripture and secular law.
2. To provide procedures for inquiry and effective response to allegations of the breach of duty of emotional, spiritual and physical care and protection of other persons which lies on all who represent the Church in any way.
3. To serve as a guide for the application of powers for governing bodies under the Form of Government and the Rules of Discipline. See Book of Order D-2.0101 - D-2.101b.
4. To recommend personnel policies for the administration of employer/employee relationships within the governing body and entities.
5. To serve as a guide for prevention of sexual misconduct.
6. To serve as a model policy for possible adoption by related entities such as sessions, camps, and church related agencies.
7. To demonstrate pastoral concern of the aggrieved person(s) as well as those accused of sexual abuse.
8. To serve the peace and purity of the Church.

III. DEFINITIONS

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

Accuser is the term used to represent the person claiming knowledge of sexual misconduct by a person covered by this policy. The accuser may or may not be the aggrieved person of alleged sexual misconduct. A person such as a family member, friend or colleague of the aggrieved person may be the accuser whose information initiates an inquiry.

Aggrieved Person is the term used to identify the person alleged to have been injured by sexual misconduct as defined in this policy.

Administrative Leave is a term used to define the act of taking leave by personal choice or at the request of the Session in consultation with the Committee on Ministry; or by the

appropriate employing entity, which results in stepping down from a position of leadership during a period of investigation and/or trial.

Advocate is a person assigned to the accused, accuser and/or victim of alleged misconduct, who is to help the person to whom he/she is assigned understand the process set out in this policy. In addition, the advocate will attempt to enable the person to whom they have been assigned (whether accused, accuser, or victim of alleged misconduct) to effectively present evidence and tell her/his story.

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

Employee is the comprehensive term used to cover individuals who are hired or called to work for the Governing Body or its entities.

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

Governing Body is a representative body composed of elders and ministers of the Word and Sacrament; these are sessions, presbyteries, synods, and the General Assembly. A governing body may establish entities such as a day care center, conference center, camp, or home for the aged. A governing body may have both church members and non-members as employees.

High Risk Occupation is that which calls for a person to work in close contact with those who are vulnerable and less capable of protecting themselves, such as, with children, elderly persons, those who are wholly or partially incapacitated, or counseling clients having emotional or personal problems.

Inquiry is the term used in the Rules of Discipline to make a thorough investigation into the facts and circumstances of an alleged offense. (Book of Order D-10.0202b)

Investigating Committee is appointed by the governing body having jurisdiction over the member to determine whether charges should be filed. It shall have no more than five but no less than three members and may include members from other governing bodies, if appropriate, in accordance with D-10.0201. The names chosen shall ordinarily come from a trained group of “resource persons.” When Presbytery needs to respond expeditiously, the Stated Clerk and Moderator of Presbytery are empowered to appoint the required number of person and report said action at the next Stated Meeting of Presbytery. (Book of Order D-10.0201b)

Investigating Committee Resource Person is a person of skill and training who has expressed a willingness to serve on a Sexual Misconduct Investigating Committee if called upon as long as there is no conflict of interest surrounding the issue central to the complaint.

Mandated Reporter is described by some states' laws as a person who is required to report any and all suspected incidents of child abuse, including child sexual abuse that comes to their attention. State laws vary from defining "all persons having knowledge" as mandated reporters to specifying very limited lists of professions whose members are required to report. (Refer to Ohio Code 2151.421 (A) (1))

Persons Covered by this policy include church members, church officers, minister, and non-members who are employees or volunteers under the supervision of governing bodies or entities, including those who are accused of sexual misconduct under circumstances in which (1) access to the victim is related to some form of service to or appointed by governing bodies or entities of the Church, or (2) sexual misconduct in a non-Church related setting raises questions for the Church of character and effectiveness. For example, this policy covers a non-member adult who sexually abuses a non-member teenager while "helping out" on a church-sponsored camping trip.

Reasonable Suspicion is a subjective criterion that refers to a belief or opinion based on facts or circumstances that are sufficient for a prudent person to want to inquire further, to take protective action, or report to authorities. State child abuse reporting laws may include wording that indicates what degree of suspicion or knowledge gives rise to the duty to report.

Response is the action taken by the governing body or entity when a report of sexual misconduct is received. It may include:

1. Inquiry into facts and circumstances
2. Possible disciplinary action (administrative/judicial or both)
3. Pastoral care for aggrieved persons, their families, and others
4. Pastoral care and rehabilitation for the accused and care for their families

Secular Authorities are the governmental bodies, whether city, county, state, or federal, who are given the responsibility to investigate, criminally prosecute, and/or bring civil charges against individuals accused of sexual crimes or offenses against adults and children.

Secular Law is the body of municipal, state, and federal laws and is often referred to collectively as civil and criminal law. Prohibited behavior addressed by this policy may result in criminal and/or civil charges filed under secular law.

Sexual Abuse of another person is any offense involving sexual conduct in relation to any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. (Book of Order D-10.0401b)

Sexual Harassment as defined for this policy is as follows:

1. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in the organization.
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment.

Sexual Malfeasance as defined for this policy is as follows: The misuse of office or position which includes the broken trust resulting from genital contact (contact with breasts, buttocks, or pubic area) within a ministerial (e.g. clergy with a member of their congregation) or professional relationship (e.g. counselor with a client, lay employee with a church member, presbytery executive with a committee member).

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

1. Sexual abuse as defined above
2. Sexual harassment as defined above
3. Sexual malfeasance as defined above

This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from having normal mutual, social, intimate, or marital relationships. Adultery and fornication are never appropriate behaviors.

Volunteer is the term used for those who provide services for governing bodies and entities of the Church and receive no benefits or remuneration. Volunteers include persons elected or appointed to serve on boards, committees, and other groups. For purposes of this policy volunteers are treated the same as employees. Liabilities of the governing body or entity are the same for volunteers as for employees.

IV. STANDARDS OF CONDUCT

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

A. Principles of Conduct

The basic principles guiding this policy are as follows:

1. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisers of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. It breaks the covenant, which is to act in the best interests of parishioners, clients, co-workers, and students.
2. Sexual misconduct is a misuse of authority and power which breaches Christian ethical principles by misusing a trust relation to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, it is the pastor's, counselor's, officer's or supervisor's responsibility to maintain the appropriate role and prohibit a sexual relationship.
3. Sexual misconduct takes advantage of the vulnerability of 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.

B. Victims and Families

The Presbytery, Session, and/or entity will seek to ensure treatment and care to the alleged victims of sexual misconduct and their families. It has sometimes been the case that the victim or family is so angry and alienated from the church that offers of help have been perceived as insincere or attempts at a cover-up. If the victim or family at first refuses, the church should continue to offer help. Above all, the church should not act in a self-protective manner by ignoring the victims and their families.

The extent of harm experienced by aggrieved persons of sexual misconduct will vary from person to person, being influenced by such factors as the degree or severity of abuse, age and emotional condition, personality, and the effect on faith. The Presbytery, Session, entity and advocate are to assume in all cases that the aggrieved person has been wounded by the experience.

Feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, and feelings of alienation from God, self, the religious community and family are frequent

injuries suffered by victims. It is important for all persons involved to be sensitive to the aggrieved person's pain and the need for healing, making appropriate care available.

C. Congregations or Employing Entity

The governing body and employing entity should be aware of the problems a congregation or employing entity may experience resulting from allegations of sexual misconduct by a minister, employee, or volunteer. The allegations may polarize the congregation or organization, damage morale, and create serious internal problems. Efforts should be taken to recognize and identify the problems and heal the damage done to the congregation or organization.

D. The Accused

The Presbytery, Session or entity shall assume that the accused has been wounded by the experience and shall offer treatment and care for the accused as well as the aggrieved person(s) and their families. If the accused is a minister, this is the responsibility of the Committee on Ministry (G-11.0501a). It is important that representatives of the governing body or other entities do not make a presumption of guilt or overreact to lurid charges.

When a person is acquitted of charges, it is important for the governing body or entity to see that the acquittal is publicized as widely as possible, in a reasonable manner, when requested to do so by the accused.

E. The Non-Aggrieved Accuser

In many cases the non-aggrieved accuser is the parent, guardian, or other advocate for a child who has been the aggrieved person of sexual misconduct. Because of the child's minority status an adult is requested to file the action on behalf of the child.

In cases where the aggrieved is an adult, the non-aggrieved accuser shall observe the following guidelines:

1. For their own protection, the non-aggrieved accuser should have something in writing from the aggrieved person detailing the allegations.
2. The non-aggrieved accuser should be reasonably certain that the aggrieved person is willing to come forward to testify if an action is filed.
3. Some objective evidence of the sexual misconduct should be available to substantiate the allegations (e.g. medical test results, motel receipts, proof of repeated telephone calls, etc.) Otherwise the aggrieved person and/or the non-

aggrieved accuser could be subject to a suit for filing a false allegation which may damage a person's reputation and diminish his/her ability to obtain future employment.

V. RISK MANAGEMENT

A. Implementation

Presbytery urges all Sessions and related entities to establish policies, procedures, and practices related to sexual misconduct. Governing bodies and entities are to take appropriate steps to inform members, employees, volunteers, and students of the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct. Governing bodies and entities are reminded of their duty to cooperate with secular authorities in the investigation and prosecution of law violations.

In part, the structures and procedures for responding to allegations of sexual misconduct are mandated by the Book of Order, such as the roles of the Committee on Ministry and the Investigation Committee. (see G-11.0502 and D-10.0201) When child sexual abuse or other misconduct that violates criminal laws is alleged, the secular authorities will immediately take control of the investigation and disposition of charges against the accused. Governing bodies and entities must cooperate with secular authorities in any secular investigation of sexual misconduct. The governing body or entity has a duty to make its inquiry and enforce disciplinary procedures, if warranted, when it can be done without interfering with the secular authority or in cases when civil authorities have dropped action in the case.

Response to complaints of sexual misconduct in the course of employment will be governed by the Presbytery, Session, or entity's existing personnel policy. The same allegations may also result in charges filed against a church member or minister under the Rules of Discipline, and may lead to temporary or permanent removal from membership or office.

Implementation of this policy will require Presbytery to adopt educational programs to prevent sexual misconduct and to provide training in pastoral and disciplinary procedures.

B. Liability and Insurance

Governing bodies and entities are encouraged to obtain an adequate endorsement to their general liability insurance policy specifically covering sexual abuse and molestation, and should regularly inform their liability insurance carriers of the activities and programs they operate or sponsor and of the duties and responsibilities of officers, employees, and volunteers. Standard insurance policies must be enhanced by endorsements to cover specific exposures such as camps, day-care operations, shelters, or other outreach programs. Such coverage may provide for legal defense expenses and judgements in civil suits brought against the organization, its officers, directors, or employees.

C. Employment Practices

1. Record Keeping

The Presbytery shall maintain a personnel file containing reference responses, and other documents related to this policy on every employee and minister of the Presbytery.

2. Pre-screening Applicants

Pre-employment screening shall include specific questions related to discovering previous complaints of sexual misconduct. Persons seeking ministerial calls or employment in non-ordained positions shall respond to the following:

- a. Has a civil or criminal or ecclesiastical complaint ever been filed against you, alleging sexual misconduct, for which you have been found guilty?
- b. Have you been required to receive professional treatment, physical or psychological, for reasons related to sexual misconduct by you?
- c. If so, please give a short description of the treatment including the date, nature of treatment, name, address and phone number of the treating physician or other professional.

3. References

The employing governing body or entity is responsible for contacting references for prospective ministers, employees, or volunteers. A written record of conversations or correspondence with references should be kept in a minister's/employee's personnel file.

The Presbytery shall assume responsibility for previous employer reference checks for ministers through the office of the Executive Presbyter, who shall report to the Committee on Ministry either that there was no reported sexual misconduct, or that the committee should inquire into reported sexual misconduct.

Applicants shall be informed of negative comments about sexual conduct or misconduct and shall be given an opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference. If false or misleading information is given or relevant information is withheld, the applicant will be eliminated from consideration.

The Executive Presbyter and Chairperson of the Committee on Ministry are authorized to respond to sexual misconduct inquiries directed to the Presbytery concerning Presbytery members and employees. They shall provide information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the individual involved. The response, however, must be limited to information that is a matter of public record (e.g. Presbytery minutes) or in the individual's own personnel file which is maintained by the Presbytery.

D. Distribution

Copies of this policy shall be distributed to all ministers, Presbytery employees, Clerks of Session, and entity offices and shall be available to all members. It is intended for use by church members, church officers, employees, and volunteers. The policy shall be made available to persons who accuse others of misconduct, including those who are or claim to be aggrieved persons of sexual misconduct and their families. The policy will be available to those serving on the Investigating Committee, Committee on Ministry, Permanent Judicial Commission and Advocates.

Upon receipt of this policy, ministers and Presbytery employees must sign a written acknowledgment of receipt. This acknowledgment shall be kept in the person's personnel file.

E. Volunteers

While these guidelines are intended for employees, they are applicable for volunteers. It is strongly encouraged that Section C of Risk Management be followed before placing a person in a high-risk position such as youth advisor, children's worker, lay counselor, boy or girl scout leader or camp counselor.

VI. RESPONSE PROCEDURES

A. Reporting

1. Receiving Initial Reports

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

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

The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the accuser or the accused. If the accuser is hesitant to talk to "higher authorities," the person who has received the initial report has a special pastoral responsibility to build trust and be willing to speak with the accuser, lest the Church be unable to respond because no one is able to give firsthand information.

B. Mandated Reporting

The person receiving the initial report of alleged sexual misconduct is considered a mandated reporter within the Church and shall report the incident to either the Executive Presbyter and/or the Committee on Ministry chairperson. When any employee of Presbytery is accused, a report shall be made to the Executive Presbyter and/or the Presbytery Personnel Section Chair. Reporting to secular authorities will be done as required by local or state law.

Within the Church, all persons covered by this policy have a duty to report suspected child sexual abuse to the employing entity, supervisor, or governing body representative. All persons should be informed of and must comply with state and local laws regarding incidents of actual or suspected child sexual abuse. The supervisor, church officer, or administrator who receives the subsequent report is required to immediately file a written report with the appropriate constituting authority.

It may be that the accused has more power in the organization than the accuser. In that case, the person who receives the initial report of sexual misconduct must find the appropriate person within the governing body or entity to make the subsequent report. Those who regularly function in governing bodies or entities should understand the organizational reporting structure. If the accused is in a high-level position, the subsequent report should be given to the person of higher level in the same body or the next more inclusive governing body.

C. Response

1. For Verbal Complaint

When a report of alleged sexual misconduct is made in verbal form the person contacted shall hear the complaint and thereupon consult with persons applicable to the situation.

When the report involves a Minister of Word and Sacrament, the consultation shall take place with the Presbytery Executive and the Chair of the Committee on Ministry.

When the report involves an employee of the Presbytery other than a minister, the consultation shall take place with the Presbytery Executive and the Presbytery Personnel Section Chair. Following consultation, at least two persons shall meet with the accuser to hear their complaint and explain available options, which include any of the following or their combination, for resolution:

- a. The person who feels victimized may request that a meeting between the accused, accuser and the contact person be held to discuss the matter and seek resolution.
- b. The person who feels victimized may elect to file a formal complaint in writing,

detailing the nature of the accusation, to the Stated Clerk of the Presbytery.

- c. The person who feels victimized may choose to notify secular authorities. If this results in a police investigation, filing of criminal charges, civil lawsuit, or inquiry by any governmental agency, all efforts by the Church to seek resolution of the complaint will cease until the secular authorities complete their work.

2. For Written Complaint

When a report of alleged sexual misconduct is made in writing it will be sent immediately to the Stated Clerk of Presbytery who will proceed to establish an Investigating Committee (D-10.0103).

D. Procedure for Investigating Committee Dealing With Sexual Misconduct

1. Composition

In compliance with the Book of Order D-10.0201a an Investigating Committee shall consist of not less than 3 or more than 5 persons. Those chosen may come from a group of persons known as the Investigation Committee Resource Persons, who have expressed a willingness to be trained and serve on the Investigating Committee dealing with Sexual Misconduct. (D-10.0201b)

2. Appointment

When a written complaint dealing with Sexual Misconduct has been received requiring the formation of an Investigating Committee and the Presbytery needs to respond expeditiously, the Stated Clerk and Moderator of Presbytery shall be empowered to appoint the required number of persons from the pool of Resource persons. Appointment shall ordinarily be made within thirty (30) days of receiving the written complaint. This action shall be reported at the next Stated Meeting of Presbytery.

3. Function

- a. Receive the written report of sexual misconduct from Stated Clerk.
- b. Since time is important, the Investigating Committee shall begin its inquiry of the allegations as soon as possible. Delays should be avoided whenever and wherever possible in this process.
- c. Confirm that civil authorities have been notified, if applicable.
- d. Gather as much information as possible regarding details of the allegations made by all parties involved.
- e. Inform the accused and accuser that an Investigation Committee has received allegations of sexual misconduct and is beginning an investigation.
- f. Investigating Committee shall confirm that pastoral care is available to all parties: accused, accuser and or aggrieved person of alleged sexual misconduct.

4. The Stated Clerk shall act in accordance with the Book of Order D-7.000-D-7.0700.
5. Investigating Committee Resource Persons
The Presbytery, through the normal nominating process, will maintain a group of persons numbering 9-12, who shall be composed of ministers and elders, female and male in numbers as nearly equal as possible.

Thought should be given to include persons with psychological counseling and legal/trial background. They should be trained to recognize the issues involved in sexual misconduct, sexual harassment, and child sexual abuse.

After initial training, the Resource Persons should meet no less than twice a year to familiarize themselves with this policy, the procedures of the governing body or entity and continue its professional training.
6. The Investigating Committee shall begin its work within thirty (30) days of its appointment and conclude its inquiry as soon as possible.
7. After the Investigating Committee has reached a conclusion, representatives of the Committee on Ministry shall meet with the affected governing body or entity and communicate the results of the Investigating Committee report. The Committee on Ministry shall follow the same procedure after the report of the Permanent Judicial Commission. The Committee on Ministry shall aid the governing body or entity in developing appropriate communications with the congregation or body involved.

E. Administrative Leave

1. During preliminary investigation either the accused, accuser or the responsible entity may request Administrative Leave in consultation with the Committee on Ministry. In the case of presbytery staff consultation will be with the Personnel Section.
2. If after inquiry, charges are to be filed, terms of Administrative Leave shall be negotiated with the accused and the responsible entity by the Committee on Ministry or the Personnel Section. Administrative Leave will continue until the matter is resolved.

F. Media Contact

Any inquiries from the media regarding an incident of sexual misconduct must be directed to a designated official of the governing body or entity involved. Questions from the media shall not be addressed by any member of the Investigating Committee.

G. Record Keeping

The governing body or entity should keep detailed records of its actions and minutes of its deliberations and its conversations with the accuser, the accused, and other parties involved. Copies of reports received from the Investigating Committee, correspondence and copies of the reports received from committees or commissions should also be kept. Such records will be kept confidential. The clerk of the governing body or director of entity will maintain the records while the inquiry is in process. After the case has been resolved, a brief summary report will be prepared and placed in the accused's permanent personnel file.

ATTACHMENT A

PRESBYTERY OF MUSKINGUM VALLEY POLICY AND PROCEDURES ON SEXUAL MISCONDUCT

INTRODUCTION

This policy regarding sexual misconduct by persons in positions of religious leadership has been written out of an awareness that the Presbyterian Church (U.S.A.) has been given a public and spiritual trust. In writing this policy we are concerned with offering guidelines that will assure appropriate intervention to alleged incidence of misconduct, care for all involved, and provide information to help prevent future instances of abuse. We are also aware that in addition to the needs of survivors and alleged offenders, congregations and those in employment settings are also affected. Our concern is for a policy that will assist in healing, justice, and restoration.

The necessity for a denominational policy on sexual misconduct by those in positions of religious leadership is painfully apparent. The incidence of reported cases is sobering. Some presbyteries have multiple cases pending. Statistical evidence suggests between 10 and 23 percent of clergy nationwide have engaged in sexualized behavior of sexual contact with parishioners, clients, employees, etc., within a professional relationship. The toll of suffering such behavior exacts is staggering. The legal consequences for the denomination are enormous. We are facing a crisis terrible in its proportions and implications. We recognize that a primary concern for us in responding appropriately to sexual misconduct by religious leaders is recognizing and believing that such behavior happens. In a context of trust it is hard to recognize abusive behavior because we do not expect to see it. In fact, as in families where incest occurs, we may find that we have chosen not to see. When that occurs we, too, are complicit. Now that our consciousness is raised, we are responsible for appropriate intervention and prevention.

The purpose of a policy on sexual misconduct is not to police religious leaders but to offer guidance in behavior that is appropriate and to suggest procedures or accountability when allegations of misconduct are made as well as to assure appropriate care for all involved.

Again and again Scripture asserts that religious leadership is a covenantal relationship that presumes the trustworthy exercise of power in behalf of those in our care. The role of ministry involves shared expectations that ministers will use their skills and authority for the wholeness and well-being of others.

Because religious leadership is a covenantal relationship, sexual misconduct is a tragic betrayal of trust and an abuse of power. All who enter professional relationships with religious leaders trust themselves to one whom they expect will provide for their care, safety, and justice. Pastoral oversight is a privilege and a trust. This is especially the case for those who are vulnerable and need protection and safe-keeping. Such persons entrust religious leaders with representative and symbolic power in light of the office of ministry and the God in whose name leaders dare to speak, preach, pray, and bless.

Power in ministerial relationships is inevitably unbalanced because of the power associated with the office of ministry as well as the actual power that leaders have in relationships and especially in contexts in which persons trust that their vulnerability will be

honored. The mutual consent necessary for an appropriate sexual relationship is not possible in a context in which power is inherently unequal. Persons in religious leadership, like all others in helping professions who have access to people in their most vulnerable moments, are always responsible for keeping appropriate boundaries and assuring the safety of those in their trust. helping professions who have access to people in their most vulnerable moments, are always responsible for keeping appropriate boundaries and assuring the safety of those in their trust.

A betrayal of this trust by the abuse of power is more than a personal tragedy for the offender. Their access to the victim was through their office as a representative of God's love and care. The betrayal is, then, an abuse of a persons' spiritual well-being as well as their sexual self. While Scripture often links the appropriate exercise of power and ministry, we live in a culture that is uncomfortable with acknowledging the reality of power. We hope this policy will help those in religious leadership to acknowledge the responsibility accompanying the exercise of power with which they are entrusted. We are far more likely to abuse such power when we fail to acknowledge it.

In this policy we have understood sexual misconduct to be sexualized contact in ministerial, professional, or employment relationships. It may range from covert and subtle harassment to quite overt use of force against children, adolescents, or other adults. The consequences of such misconduct are far-reaching and terrible for all involved. In light of this, we realize this policy must offer pastoral responses informed by the words of Jeremiah that recognize this wound cannot be "healed lightly by saying, 'Peace, peace' when there is no peace." (Jer.6:14) Rather we understand that compassion has to be joined with truth telling. Justice and confrontation are necessary. The goals of such a policy are for healing and transformation that will require repentance.

We also recognize that pastoral responses must be systemic in scope. We cannot help restore wholeness to this denomination or to particular congregations or agencies by only responding to one person or group in a complex system. For these reasons this policy recognizes that offenders, survivors, and the larger congregational or employment setting all require attention for healing and restoration that is just.

Our principle criterion in determining our response to the question of whether a statute of limitations ought to be in place in this policy for survivors of child sexual abuse and adult survivors of sexual misconduct was whether such limitations would serve the church. We determined that a statute of limitation for either group would not serve the church. Whether we are dealing with children, adult survivors of child sexual abuse, or persons abused sexually as adults, the consequences of that abuse work against a timely report of the abuse. For that reason, we have sought a policy that honors the experience of those who are victimized and gives every opportunity for justice in their behalf, safety for others, and intervention and treatment for offenders.

In writing this policy we were keenly aware that child sexual abuse and many instances of sexual misconduct with adults represent forms of compulsive behavior. Offenders will continue in such behavior unless and until they are confronted and receive treatment. Typically such persons will minimize, rationalize, and deny their inappropriate behavior. Apart from intervention these offenders will not recover control of their actions.

Sexual abuse with adults or children represents the most severe level of self-alienation and therefore of spiritual alienation. This policy helps us to respond pastorally to alleged offenders because it puts in place a mechanism for confronting the self-destructive behavior of those who are offenders. Healing will require breaking their denial. Only then can the restorative process of repentance begin. Pastorally, intervention represents a significant opportunity to restore spiritual as well as emotional healing for offenders though this is, admittedly, a long-term process. The quick, informed presence of the response teams is intended to assure that those who are innocent of the allegations receive informed and sensitive care. The process proposed will not leave unresolved charges to haunt one forever. This policy also includes an effort to help assess the seriousness of the offense and therefore help shape an appropriate restorative response for the offender.

This policy helps us respond pastorally to the adult victim who has survived sexual misconduct. These survivors have experienced the profound betrayal not only of one whom they trusted--often at a moment of vulnerability--but also one whose power includes the symbolic power of a representative of God and the church. These survivors are often deeply ashamed, fearful of the offender, and fearful of the blame, and rejection they anticipate from the congregation or church agency in which they work. They feel isolated. These emotions may inhibit reporting for a number of years or forever. Moreover, there is a painful overlap between survivors of child sexual abuse and those abused as adults. In this case of re-victimization, disclosure and recovery are all the more difficult. However, some survivors will eventually recognize and name their abuse, seek help, and find the courage and support to break the silence, shame, guilt, and fear imposed. At this point the survivor may choose to call her or his abuser to account. It is impossible to predict whether and when this will occur in the life of a survivor. This policy assures that there will be a quick, informed, and skilled response to the survivor's choice to risk breaking the secrecy that has kept them in bondage and perpetuated the abuse. This policy also assures that emotional and spiritual guidance will be found and made available as quickly as possible.

Too often adult victims have found that their worst fears of rejection have become realized in their congregation or employing entity. This policy puts in place a visible sign that the institution that has been complicit in the survivor's victimization will act positively to advocate for her or his healing and for justice. The policy also puts in place more clear and quickly accessible information so that survivors can know where to turn at the point they decide to act. In this way the policy may help to prevent or lessen the congregation's or employing entity's predictable response of blaming the victim because of quick action to discern the facts and through preventative education.

This policy also helps to assure the church's pastoral response to survivors of child and adolescent sexual abuse by religious leaders. These are the most vulnerable victims. For them, betrayal of trust comes before they have developed an adequate sense of self or an adult sexuality. Their spirituality is also seriously affected by abuse of the symbolic power of a religious leader.

This policy makes a significant advance pastorally and for justice in that it recognizes most children will not break the secret of abuse while a child. Many will repress the abuse until later experiences or developmental factors allow recall. Others may not forget, but may need the

security of adult status to dare to speak. For this reason this policy drops the three-year statute of limitations that has effectively prevented a survivor from bringing his or her accusation. This represents a significant advance for the church because it will help reduce the number of repeated offenses that now occur with perpetrators moving from congregation to congregation.

In this policy, abuse is named as wrong. In this way the policy helps to break the destructive cycle of denial and self-hatred that traps survivors in their shame, fear, and danger. The spiritual alienation that usually results from the sexual abuse of children and adolescents is doubly difficult when the perpetrator is a religious leader. This policy intends to provide quick, informed, and caring responses to assure survivors due process and empowers them in the same context where their own power and identity was previously denied.

Congregations and employing entities also need to receive pastoral responses when an incident of sexual misconduct occurs within them. This policy provides a means to conform the denial that predictably occurs in these contexts. Just as incest in a family means members are complicit if only in not seeing and not believing, so in congregations and employing entities important questions need to be pursued and processing of experience needs to occur. This policy names and describes sexual misconduct in ways that will help reduce vulnerability to being exploited in this way. Systemically, it is clear that if the experience of exploitation and the grief and anger that arises from it are not worked through, the congregation or entity continues to suffer and may, in fact, be re-victimized because its denial is not confronted.

The integrity of the denomination and its ministry is at stake in the way we respond to the reality of sexual misconduct by those we entrust with religious leadership. This wound in the body of Christ cannot be healed lightly, but healing can occur when accompanied by our commitment to join informed compassion with a process that seeks justice and restoration.

Endnotes

For example, G. Lloyd Redgier. Ministry and Sexuality: Cases, Counseling and Care. (Minneapolis: Augsburg/Fortress Press, 1990), 2; and How Common is Pastoral Indiscretion Leadership 9, (Winder 1988): pgs. 12-13.

Fortune, Marie. Is Nothing Sacred? When Sex Invades the Pastoral Relationship (San Francisco: Harper & Row, 1989), pgs. 103-105, describes the way the metaphor of family for congregational life may render parishioners more vulnerable to irresponsible religious leaders whom they trust as if they were parents. Like families in which incest occurs, other members of the congregation fail to see the abuse, protect the offender when allegations are made, and often blame the victim(s).

Lebacqz, Karen. Professional Ethics: Power and Paradox (Nashville: Abingdon Press, 1985), pgs. 109-123, does a careful analysis of the imbalance inherent in the professional power of persons like religious leaders. She notes that symbolic and representative (institutional power create an imbalance in helping relationships. Pamela Cooper-White, Soul-Stealing: Power Relations in Pastoral Sexual Abuse, *The Christian Century* (February 20, 1991): pgs. 196-199, focuses on the consequences of the balance of power as the key factor in clergy sexual misconduct.

See Peter Rutter, Sex in the Forbidden Zone: When Men in Power--Therapists, Doctors, Clergy, Teachers, and Others--Betray Women's Trust (Los Angeles: Jeremy P. Tarcher, Inc., 1989); Marie Fortune, Is Nothing Sacred?; Patrick Carnes, Out of the Shadows: Understanding Sexual Addiction (Minneapolis: CompCare Publishers, 1983); Anne L. Horton, et al. eds., The Incest Perpetrator (Newbury Park, CA: Sage Publications, 1990); and David Finkelhor, Child Sexual Abuse (New York: The Free Press, 1984).

Summit, Roland, Beyond Belief: The Reluctant Discovery of Incest, in *Sexual Assault and Abuse*, eds. Mary D. Pellauer, Barbara Chester, and Jane Boyajian (San Francisco: Harper & Row, 1987) pgs. 172-197.

ATTACHMENT B

ADDENDUM TO
EMPLOYMENT QUESTIONNAIRE

Why did you leave your last call or employment?

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, or (b) I have never been required to receive professional treatment for reasons related to sexual misconduct on my part.

Signed

Date

NOTE: If you are unable to make the above certification you may instead give in the space provided a description of the complaint, termination, or 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.

Release

The information I have provided on this questionnaire is accurate to the best of my knowledge and may be verified by the employing entity. I hereby authorize The Presbytery of Muskingum Valley 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 Presbytery of Muskingum Valley. I have read this release and understand fully that the information obtained may be used to deny

me employment or any other type of position from the Employing Entity. I also agree that I will hold harmless the employing entity, 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

Witness

Witness

ATTACHMENT C

C O N F I D E N T I A L

Employment Reference

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. Person contacting the reference or church _____
5. Method of contact (telephone, letter, personal conversation) _____
6. 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 _____

Signature _____

Date _____

ATTACHMENT D

FORM FOR IMPLEMENTING POLICY OF SEXUAL MISCONDUCT

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge that I received a copy of the “Policy and Procedure on Sexual Misconduct” of the Presbytery of Muskingum Valley dated 11/97, and have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy.

Signature

Date

(A similar acknowledgment should be signed at the time amendments to the policy are made and distributed.)

ATTACHMENT E

REPORT OF SUSPECTED SEXUAL MISCONDUCT

Date of Report: _____

Reported by: _____
Name and Title

Street Address

City State Zip

Telephone

Person Suspected of Misconduct:

Name and Title

Street Address

City State Zip

Telephone

Other Person(s) Involved (Witnesses or victims):

Name Age Sex

Address

Telephone

(continued)

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

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

Other information which may be helpful to the investigation: