

Presbytery of Geneva Sexual Misconduct Policy

1.000 Statement of Policy

1.100 The purpose of this policy

- 1.101 The purpose of this policy is to provide a safe, just, compassionate, and caring environment within our Presbytery in accordance with our Biblical, confessional, and ecclesiastical heritage. This environment will be characterized by professional and personal ethical standards and free from sexual misconduct, sexual abuse, victimization, sexual harassment, or other sexualized forms of misbehavior. These standards apply to ministers, inquirers, candidates, staff, employees, officers, volunteers, retired ministers, and other persons serving in any capacity under the discipline of the Presbytery of Geneva. This policy provides guidance for creating that safe environment and describes procedures to follow should indications of misconduct become known. Through this policy we seek to demonstrate in our common life the love and justice of our Sovereign Jesus Christ.
- 1.102 This policy is binding upon all persons serving in any capacity under the authority of the Presbytery of Geneva upon beginning service.

1.200 The Policy

- 1.201 Sexual misconduct, sexual abuse, sexual harassment, victimization, or other sexualized forms of misbehavior shall not be tolerated within the Presbytery of Geneva. Every effort shall be made to prevent sexual misconduct, and there are procedures to follow should sexual misconduct or the possibility of sexual misconduct be involved. Sexual misconduct is wrong, unethical, unacceptable, and is subject to ecclesiastical and disciplinary proceedings. Sexual misconduct is grounds for employment and other sanctions, up to and including termination of employment and/or relationship to the Presbytery of Geneva.
- 1.202 Knowingly making false or misleading accusations concerning sexual misconduct is likewise a violation of this policy and is subject to ecclesiastical and disciplinary proceedings.
- 1.203 It is the policy of Geneva Presbytery to report possible sexual misconduct involving minors or persons unable to give consent immediately to law enforcement authorities, to cooperate fully with criminal investigations, and to place ministers, staff, employees, or volunteers on administrative leave (with pay and benefits where applicable) pending investigation.

2.000 Principles

- 2.100 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 to be examples of the flock.
1 Peter 1:15, 5:2 (NRSV)
- 2.200 You know that we who teach shall be judged with greater strictness. James 3:1 (NRSV)
- 2.300 We believe and proclaim that all people are created by God. God values all human life— men, women, and children— and intends that in all relationships everyone has dignity and worth. Human sexuality is an integral part of who we are as persons. However it can become the basis for oppression, where trust relationships are breached and persons are abused.

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- 2.400 Further we believe that God has shown love for all persons in Jesus Christ, and intends that all people should relate to one another with justice. We believe, therefore, that sexual misconduct is an offense against God.
- 2.500 Scripture asserts that religious leadership involves a covenant relationship that assumes trustworthy exercise of power on behalf of those in our care. Sexual misconduct becomes an abuse of that power and trust, and is therefore unjust.
- 2.600 Power in ministerial relationships is inevitably unbalanced because of the inherent authority associated with the office of ministry, both historically and culturally. In addition, those who are involved in ministry (both clergy and laypersons) have actual power because the people to whom they relate trust in the office of ministry and may be made vulnerable by their own life situations. Abuse that betrays this trust is not only a traumatic experience for the victim(s), but it also represents a tragic breakdown of the character and commitment of the abuser. This breakdown threatens not only those immediately affected but also the well-being and credibility of the church itself.

3.000 Education

3.100 Purpose

- 3.101 The most important use of this policy is to provide a healthy environment for mission and ministry in our presbytery free of the damaging effects of sexual misconduct. This policy and supporting material are best studied and used to educate persons in our presbytery ahead of time. This increases sensitivity to issues of sexual misconduct and may prevent incidents of it. Ongoing education enhances justice and wholeness among us. Widespread familiarity with these issues may help us minister to persons we know within and beyond the church to escape situations of sexual misconduct. Adherence to professional and personal standards of conduct and positive procedures serve to witness to our commitment to justice, wholeness, and faithfulness in the midst of a culture tolerant of inappropriate and damaging behavior and attitudes.

3.200 Implementation at the Presbytery level

- 3.201 The Presbytery shall provide appropriate educational and supporting material about this policy and maintain a list of resources concerning matters covered by this policy. The Presbytery shall maintain a list of persons trained in this policy and the subjects covered in it who can providing training and resource assistance.
- 3.202 The Presbytery shall provide a copy of this policy to each minister, Certified Christian Educator, Commissioned Lay Preacher, Lay Pastor, Inquirer or Candidate under care, volunteer, person serving on a Presbytery committee, or employee, upon that person's start of service within the Presbytery. Each such person shall be responsible for reviewing this policy and completing the form in addendum (section 10) attesting that he or she has received a copy of this policy, reviewed it, has had an opportunity to ask questions about it, and understands that its provisions apply to him or her. This form must be signed and returned to the Presbytery within thirty days of beginning service.
- 3.203 Inquiries from the media regarding the content of this policy or of reported or alleged sexual misconduct shall be directed to the Executive Presbyter or Stated Clerk of the Presbytery. All others affected by this policy shall avoid contact with the media, including responses to inquiries.

3.300 Congregational level

- 3.301 This policy should be shared and discussed at the congregational level for educational purposes, assisting to raise the issues surrounding sexual misconduct and helping to foster healthy, just, and appropriate relationships within the community of faith. It remains the responsibility of the Session of each congregation to determine and implement any specific policy statements and educational processes for that congregation. This policy may be used as a model and revised as appropriate for congregational policies.

4.000 Guidelines for appropriate relationships**4.100 General guidelines**

- 4.101 Living together in a community of faith means the ability to live free from unwelcomed touch, unwelcomed language, unwelcomed physical displays, and/or other forms sexual or verbal harassment or abuse. Living in faith means speaking the truth in what is unwelcomed behavior for each person's own wholeness and wellness.
- 4.102 The 210th General Assembly (1998) approved the *Standards of Ethical Conduct* for use by General Assembly entities and commended the standards to congregations, presbyteries, and synods as a model for study, approval and use. Among the principles and standards concerning many aspects of our common life, the standards speak of relationships within the church, including relationships of trust and authority, and relationships between individuals, including sexual and intimate relationships. These standards and the accompanying references examples in the integrated version provide excellent guidelines for appropriate relationships and behavior. The text of the *Standards of Ethical Conduct* is available at www.pcusa.org/oga/ethics/index.htm, and printed copies are available from the Presbytery of Geneva office.
- 4.103 It is extremely important for persons covered under this policy to be scrupulously attentive to maintaining appropriate behavior and relationships in the presence of children and youth and persons unable to give consent. Those working with them should be familiar with guidelines concerning appropriate physical contact; privacy; language; signs of physical, sexual, or emotional abuse; drug or alcohol use; at-risk behavior; and preserving a safe, just, healthy, and Christian environment. They should take care not to exhibit, in the presence of children and youth, behaviors which, while perhaps permissible between them in other contexts, may be inappropriate, troubling, or offensive to children and youth. Failure to maintain a safe and appropriate environment for children and youth in the church may result in employment, ecclesiastical, or criminal sanctions.

4.200 When a covered person in a position of trust is married

- 4.201 When a person in a position of trust covered by this policy (particularly a minister or staff person) is married, he or she is expected to honor the covenant of marriage in accordance with the constitutional standards of the PC(U.S.A). For married persons, G-6.0106b sets the standard of fidelity in marriage for ordained Elders, Deacons, and Ministers of Word and Sacrament. It is never acceptable to violate marriage vows, either one's own or another's. It is never acceptable for a person covered by this policy to violate the marriage vows of another, nor to encourage such a violation.
- 4.202 Should a professional, pastoral, employment, or fiduciary relationship appear likely to become intimate (whether or not it becomes sexual), advice of wise counsel should be sought by all parties early on in order to prevent even the appearance of conflict of interest or of sexual misconduct.

4.300 When a covered person in a position of trust is single

- 4.301 When a person in a position of trust covered by this policy (particularly a minister or staff person) is single, there are still issues and dangers involved in intimate relationships with persons in a congregation or on staff. For single persons, G-6.0106b sets the standard of chastity for ordained Elders, Deacons, and Ministers of Word and Sacrament. Intimate and sexual or potentially sexual relationship with persons where there is a pastoral, employment, or fiduciary relationship become complicated and should be strongly discouraged under this policy.
- 4.302 Despite a long tradition of congregations "playing matchmaker" for unmarried clergy, blurring the pastoral boundaries can cause great pain and conflict, and should be strongly discouraged. Simply "dating" persons in a congregation or on staff can create complications, entanglements, divided loyalties, jealousy, factions, differing levels of care and job performance, and an appearance of impropriety. Persons covered by this policy who find themselves in developing relationships should quickly seek the advice and counsel of the Executive Presbyter, members of the Committee on Ministry, knowledgeable and trained mentors or peers, spiritual directors, counselors, persons trained in this policy, or others aware of the dynamics of such relationships to discern whether

the relationship may compromise personal or professional ethics or this policy.

- 4.303 Should a professional, pastoral, employment, or fiduciary relationship become intimate (whether or not it becomes sexual), it is incumbent upon the parties to choose either the personal or professional relationship and disengage from the other. This may mean severing the personal relationship as long as the professional or pastoral relationship exists or vice versa. This may mean that the person in the position of authority or fiduciary trust resigns from that position or that the other party seeks membership in another church in order to avoid the conflict between professional and personal relationships. Advice of wise counsel should be sought by all parties early on in order to prevent even the appearance of conflict of interest or of sexual misconduct.

4.400 Prevention and risk management

- 4.401 A statement of policy is empty if not backed by sound employment and management practices, procedures, and accountability. The Presbytery and its subordinate entities shall maintain appropriate and strong procedures for overseeing compliance with this policy. Such procedures should include adequate application forms, references, and background checks on those seeking to be employed by or to serve the presbytery (including volunteers). The Presbytery shall review the requirements of this policy with applicants and shall obtain written permission to conduct background checks as part of the application process before employment, including that violation of this policy is grounds for termination of employment or of the relationship.
- 4.402 The Presbytery shall utilize best practices and due diligence in employing and supervising staff and volunteers to prevent sexual misconduct. Presbytery entities and congregations are encouraged to address issues such as privacy without secrecy, being alone with congregants, staff, youth, or children at home, at church sponsored events, or in the workplace, confidentiality, computer and internet use, dress code, language, supervision of children by more than one adult, appropriate and inappropriate forms of physical contact (good touch/bad touch) particularly with children, and other potential risks of sexual misconduct. If misconduct is suspected, the entity shall respond immediately and appropriately according to this policy.
- 4.403 The Presbytery and its entities are encouraged to utilize information, consulting, in-service education, and risk management from within the presbytery or from sources such as denominational offices, insurance companies, outside consultants, risk management experts, and the like to provide a healthy and safe environment free from sexual misconduct and to effectively implement this policy.
- 4.404 Higher standards of care are required whenever applicants will be working with children, youth, and those unable to give consent. Those working with children, youth, and those unable to give consent at Presbytery-sponsored events shall fill out the self-disclosure form granting consent for reference checks. Those who are employees of the Presbytery of Geneva and all paid and volunteer staff at Camp Whitman shall fill out the self-disclosure form, and background checks will be conducted.

4.500 Distribution of policy

- 4.501 Copies of this policy shall be given to ministers (retired, former, specialized, or serving within this presbytery's bounds), inquirers, candidates, staff, employees, officers, volunteers, or other persons serving the Presbytery in any capacity.
- 4.502 Copies shall also be given to the Clerks of Session of every congregation of this presbytery with the direction that the policy be circulated within the Session and congregation. Copies shall be made available to all persons who report or present allegations of sexual misconduct, to all persons against whom allegations have been made, and to anyone who requests it.

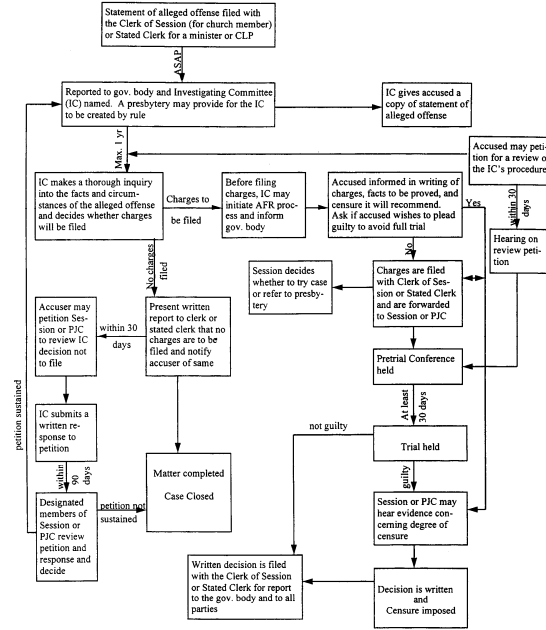
5.000 Procedures

5.100 Reporting

- 5.101 In accordance with G-6.0204, a minister of Word and Sacrament shall report to civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a child or an adult who lacks mental capacity when (1) such information is gained outside of privileged communication specifically protected by civil law; or (2) she or he reasonably believes that there is risk of future physical harm or abuse. The same provisions apply to elders in accordance with G-6.0304 and to deacons in accordance with G-6.0402.
- 5.102 Any persons who have cause to believe that conduct inappropriate under this policy has occurred should report their belief to the Executive Presbyter and/or Stated Clerk of the Presbytery of Geneva at 315-536-7753. It is not necessary to be a member of the Presbyterian Church (U.S.A.) to make such a report.
- 5.103 When there is a report, including a report based on rumor or hearsay, of sexual misconduct (as defined in section 9) within a fiduciary relationship (because it is an abuse of power) by a person covered by this policy that comes to the attention of the Executive Presbyter or Stated Clerk, then the Executive Presbyter or Stated Clerk shall request the Chairperson of the Committee on Ministry to appoint a Response Team according to section 5.310.
- 5.104 To make a formal accusation, the accusation must be in written form and signed by a member in good standing of a Presbyterian Church (U.S.A.) congregation, given to the Stated Clerk. The procedures of the Rules of Discipline shall then be initiated.
- 5.105 If a formal complaint has not been made yet a credible allegation of sexual misconduct (as defined in section 9) not within a fiduciary relationship by a person covered by this policy comes to the attention of the Executive Presbyter or Stated Clerk, then the Executive Presbyter or Stated Clerk may request the Chairperson of the Committee on Ministry to appoint a Response Team according the provisions of this policy.
- 5.200 If a formal complaint has been made**
- 5.201 If a formal complaint has been made, disciplinary proceedings in accordance with the Rules of Discipline (ROD) of the *Book of Order* will be initiated, including the formation of an Investigating Committee. This overview and chart are adapted from the *Handbook of Judicial Process* from the Association of Stated Clerks.
- 5.202 **A disciplinary case** involves a person who is a member of the Presbyterian Church (U.S.A.) who may be censured if found guilty of committing an offense. An offense is an act or omission that is contrary to the Scriptures or *The Constitution of the Presbyterian Church (U.S.A.)*.
- 5.203 **Jurisdiction:** As a general rule, a disciplinary case is initiated and tried at the place where the accused holds his/her membership. This means that church members, elders, and deacons accused of an offense would be tried by the session of the church of which they are a member. Ministers accused of an offense would usually be tried by the permanent judicial commission (PJC) of the presbytery of which they are a member. (D-3.0101a and b)
- 5.204 The exceptions to the general rule are:
1. The presbytery has jurisdiction in a disciplinary case involving commissioned lay pastors serving congregations in that presbytery even though the commissioned lay pastor is still a member of a local church. (D-3.0101b[1])
 2. A minister engaged in work within the bounds of a presbytery other than the presbytery of membership, whether or not that work is under the jurisdiction of the other presbytery, submits to the presbytery where the work is for the purpose of discipline. This does not apply to ministers serving in validated ministries “in other service of this church.” (D-3.0101b[2])
 3. A session, presbytery PJC, or synod PJC may, under certain circumstances, request the next higher governing body to try and decide a case. (D-4.0000)
- 5.205 **Accusation:** The judicial process for a disciplinary case is begun by filing a statement of alleged offense together with any supporting information with the clerk of the governing body having jurisdiction over the person being accused. The statement should give a clear narrative of the alleged offense and the alleged facts to support the accusation. (D-10.0101) See Forms 26 and 27 in Appendix A of the *Book of Order*.

- 5.206 **Investigating Committee:** The clerk will arrange for the governing body to designate an investigating committee (IC) of 3 to 5 persons to inquire into the matter and determine whether charges will be filed. (D-10.0103; D-10.0201a)
- 5.207 **Time Limits:** In non-sexual abuse cases, the investigating committee must report within one year of its formation, except that no charges can be filed later than three years after the alleged offense occurred. If the alleged offense is the sexual abuse of another person, the only time limit is the requirement that the IC report within one year of its formation. (D-10.0401)
- 5.208 **Safeguards:** The “Rules of Discipline” (ROD) contain provisions for reviewing the actions taken in determining whether or not charges are to be filed. As a safeguard to the process, both the accuser and the accused have means to ask for a review. (D-10.0204; D-10.0303)
- 5.209 **Charges:** If the final decision is not to file charges, the matter is concluded. If charges are going to be filed, there may be an opportunity to seek an alternative solution to holding a trial. (D-10.0202g, D-10.0302, D-10.0405b[4])
- 5.210 **Resolution:** The session or the PJC, according to the rules of jurisdiction, will conduct a trial, or will review and approve any alternative resolution reached by agreement among the parties. (D-11.0000, D-10.0202g[2])
- 5.211 If the accused is found not guilty, the matter is concluded. If the accused is found guilty or pleads guilty, the session or PJC will determine the degree of censure to be imposed. (D-11.0403e)
- 5.212 **Censure:** There are four degrees of censure available to the church courts: rebuke, rebuke with supervised rehabilitation, temporary exclusion from the exercise of ordained office or membership, and removal from ordained office or membership. (D-12.0000) See page III - 37 of the Handbook.
- 5.213 **Appeal:** A person found guilty of an offense may file an appeal of the decision as described in the ROD, Chapter XIII.
- 5.214 **Details of a Disciplinary Case:** ROD Chapters X, XI, XII, and XIII contain the details of the disciplinary case process.
- 5.215 **Outline and timeline of the Disciplinary Process**
All participants involved in a disciplinary case should review carefully the outline with accompanying timeline and flowchart following this overview to ensure that all matters are handled within the limits and constraints of the process.
- 5.216 **Flowchart of Disciplinary Process:**

**DISCIPLINARY PROCESS
FLOWCHART OF PROCESS**



HIP DISCIPLINARY Flowchart

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5.300 Response Team

5.310 Membership of Response Team

5.311 The Misconduct Response Team will be drawn from persons trained in this policy, familiar with the dynamics of sexual misconduct, and able to maintain confidentiality. The chairperson of the Committee on Ministry, in consultation with the Executive Presbyter, shall appoint two persons from the Committee on Ministry. No person on the response team may be related to a complainant, an accused, a victim, or a congregation involved in the situation.

5.312 The chairperson of the Committee on Ministry will report to the Committee on Ministry only that a Response Team has been appointed without naming the individuals, parties, or congregation involved.

5.320 Purpose of Response Team

5.321 The Response Team's primary role is quick response, not investigation. It shall assess a situation to determine if it fits under this Sexual Misconduct Policy and report its findings to the Committee on Ministry; it is not a judicial process. Its purpose is to offer pastoral concern to individuals and congregations on behalf of the Presbytery, to develop an initial assessment of a situation, to present this policy, to clarify procedures and options, to document that these policies and procedures have been presented, to empower individuals to appropriately utilize the steps outlined in this policy, and to witness to justice and compassion for all involved.

5.322 The work of the Response Team shall be conducted in a confidential manner (that is, on an authorized-to-know basis, in contrast to the maintenance of strict privacy). Its work shall not be investigatory in nature, nor shall it interfere with or replace the investigatory requirements of the Rules of Discipline (D-10.0200).

5.323 At the beginning of each meeting or interview, the Response Team shall inform the parties that it represents the Committee on Ministry, and, conducts its work as such, subject to the confidentiality and accountability rules of the Committee on Ministry. Matters shared with the Response Team must not be considered secret, "off the record," or somehow privileged and that the members of the Response Team retain the right to file an allegation

beginning disciplinary proceedings and may be called as witnesses. If the alleged sexual misconduct involves minors or persons unable to give consent, the Response Team will be obligated to report the allegation to the *New York State Child Abuse and Maltreatment Reporting Center* at 1-800-342-3720 and WILL file charges with the Stated Clerk of the Presbytery (see section 5.200 of this policy). The Response Team shall inform all parties of the provisions of D-11.0301-.0302: the right to remain silent, to be represented by counsel, and, if charges are later filed, to have counsel appointed if unable to secure counsel.

- 5.324 Response Team may meet with individuals and parties to assist them in understanding sexual misconduct, these policies and how to determine if misconduct may have occurred, and how to avoid at-risk behaviors or circumstances.
- 5.325 Response Team shall document their contacts, recording the types of information and procedures they have shared and with whom.
- 5.326 After describing forms of sexual misconduct as defined in this policy, the Response Team may tell the parties, “This is a definition of sexual misconduct. If anything has happened which fits this definition, then here is what you would do next.” The Team should not seek out other reporters or other information.
- 5.327 If the Response Team becomes aware of sexual misconduct of minors or those unable to give consent, the Team shall to report the allegation to the *New York State Child Abuse and Maltreatment Reporting Center* at 1-800-342-3720 and WILL file charges with the Stated Clerk of the Presbytery (see section 5.200 of this policy). If the allegations of such misconduct are against a pastor or person employed by a church or entity of the Presbytery, that person shall automatically be placed on administrative leave pending investigation according to section 5.500 of this policy.
- 5.328 The Response Team ordinarily shall make a written report to the Chairperson of the Committee on Ministry, the Executive Presbyter, and the Stated Clerk within seven to ten days of being appointed. This report shall include 1) a summary of information received and presented; 2) the status of activities to date; 3) the basic options available to the involved parties; 4) a recommended possible course(s) of action. This report shall be given to the parties involved and shall become part of the congregational and personnel files maintained by the Presbytery.
- 5.329 If a formal accusation is filed with the Stated Clerk, the Response Team shall be dismissed and the Stated Clerk will convene an Investigating Committee in accordance with D-3.0101.

5.400 Support Team

5.410 Membership of Support Team

- 5.411 The Misconduct Support Team will be drawn from a pool of persons trained in this policy, familiar with the dynamics of sexual misconduct, and able to maintain confidentiality. A list of such persons shall be maintained by the Committee on Ministry. The chairperson of the Committee on Ministry, in consultation with the Executive Presbyter, may appoint persons from the pool to be a Support Team. So far as possible, each team shall include at least one male, at least one female, at least one minister, and at least one elder. A member may be counted for more than one category. No person on the Support team may be related to a complainant, an accused, a victim, or a congregation involved in the situation.
- 5.412 Ordinarily, the Support Team will be constituted by the chairperson of the Committee on Ministry in consultation with the Executive Presbyter and will be coordinated through the Committee on Ministry.
- 5.413 If a situation arises requiring immediate attention (for instance, public revelations in the media, arrests, etc.) and the chairperson of the Committee on Ministry is unavailable, first, the Executive Presbyter, or second, the Stated Clerk may appoint the Support Team from the pool. Such emergency appointments shall be reviewed by the Committee on Ministry.

5.420 Purpose of Support Team

- 5.421 The Support Team’s primary role is of pastoral support, not judicial process. Its purpose is to offer pastoral

concern to individuals and congregations on behalf of the Presbytery, to provide an ongoing assessment of a situation, to offer information, to interpret this policy, to clarify procedures and options, to offer counsel or education to individuals and congregations on preventing misconduct, to strengthen accountability, to assist the parties in securing appropriate assistance or counseling and consulting services, and to witness to justice and compassion for all involved in the situation.

- 5.422 The work of the Support Team shall be conducted in a confidential manner (that is, on a need-to-know basis, in contrast to the maintenance of strict privacy). Its work shall not be investigatory in nature, nor shall it interfere with or replace the investigatory requirements of the Rules of Discipline (D-10.0200).
- 5.423 The Support Team may become the Presbytery's primary group working with a congregation or Session and the pastoral, support, and church-systems issues in a situation, allowing the Executive Presbyter, the Stated Clerk, and the Committee on Ministry and its chairperson to address matters pertaining to their roles without conflicts of interest or confusion of responsibilities.
- 5.424 The Support Team may meet with individuals and parties to assist them in understanding sexual misconduct, these policies and how to determine if misconduct may have occurred and how to avoid at-risk behaviors or circumstances. It may provide expertise in planning and leading informational meetings, suggest resources and referrals, interpret these policies and/or disciplinary procedures, or offer other assistance to congregations, Sessions, individuals, and other parties involved. The Support Team may work with a Session or other church body, committee, or entity to coordinate longer-term, broader, or other responses to a situation covered under this policy.
- 5.425 At the beginning of each meeting or interview, the Support Team shall inform the parties that it represents the Committee on Ministry, and, conducts its work as such, subject to the confidentiality and accountability rules of the Committee on Ministry. Matters shared with the Support Team must not be considered secret, "off the record," or somehow privileged and that the members of the Support Team retain the right to file an allegation beginning disciplinary proceedings and may be called as witnesses. If the alleged sexual misconduct involves minors or persons unable to give consent, the Support Team will be obligated to report the allegation to the *New York State Child Abuse and Maltreatment Reporting Center* at 1-800-342-3720 and WILL file charges with the Stated Clerk of the Presbytery (see section 5.200 of this policy). The Support Team shall inform all parties of the provisions of D-11.0301-.0302: the right to remain silent, to be represented by counsel, and, if charges are later filed, to have counsel appointed if unable to secure counsel.
- 5.426 The Support Team shall periodically review whether it should continue providing support in the situation or whether to refer it to other entities. It may provide follow-up or ongoing support, or it may determine that its involvement shall end. The Support Team shall regularly report to the Committee on Ministry 1) ongoing assessment of the situation; 2) status of actions to date; 3) basic options available to the involved parties; 4) any recommendations. It shall make a final summary report, possibly with recommendations, when the Support Team or the Committee on Ministry deems it appropriate to dismiss the Support Team. These reports shall be given to the parties involved and shall become part of the congregational and personnel files maintained by the Presbytery.

5.500 Administrative Leave

- 5.501 In accordance with D-10.0106, when a written statement of an alleged offense of sexual abuse towards any person under the age of eighteen, or who it is alleged lacked the mental capacity to consent, has been received against a minister of Word and Sacrament under the jurisdiction of the Presbytery, the Stated Clerk receiving the allegation shall immediately communicate the allegation to the permanent judicial commission which shall within three days designate two members to determine whether the accused shall be placed on a paid or unpaid administrative leave during the resolution of the matter. While administrative leave is in effect, a minister or other employee may not perform any pastoral, administrative, educational, or supervisory duties, and may not officiate at any functions such as Baptism, funerals, or weddings.
- 5.502 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 administrative leave or other restrictions upon the minister's service. Such administrative leave or restrictions will continue until resolution of the matter in one of

the ways prescribed in the Rules of Discipline or the leave or restrictions are altered or removed by the designated members of the commission.

- 5.503 If the designated members of the commission determine that no administrative leave or restriction is required, the investigating committee appointed to investigate the allegations shall be free at any point in its investigation to present additional evidence to the designated members supporting the imposition of administrative leave or other restrictions.
- 5.504 If the accusation involves an employee of the Presbytery, the Personnel Committee of Presbytery will immediately place the employee on administrative leave. Such leave will continue until resolution of the matter in one of the ways prescribed by the Book of Discipline.
- 5.505 If the accusation involves a volunteer in the Presbytery, the General Council of Presbytery will immediately place the volunteer on a leave of absence from serving on committees, attending meetings, and participating in Presbytery activities.
- 5.506 If the accusation involves a non-minister employee or volunteer of a local congregation, the Session will be counseled by General Council to place the employee on administrative leave or the volunteer on leave of absence. In the event the Session is unwilling or unable to act, Presbytery will form an Administrative Commission. The charge to the Administrative Commission will be to assume jurisdiction over personnel matters, including placing the individual on administrative leave/leave of absence. The charge may include other duties as specified by Presbytery.
- 5.507 There may be other circumstances when it may be wise to place a person on administrative leave or leave of absence. Such circumstances will be considered on a case-by-case basis.

5.600 Intervention

- 5.601 To foster our commitment a safe, just, compassionate, and caring environment, it may occasionally be necessary for the Presbytery through its Committee on Ministry to intervene in situations of possible sexual misconduct. Any such intervention should be made cautiously and respectfully toward all persons and governing bodies involved.

6.000 Sanctions

- 6.101 If a minister of Word and Sacrament is found guilty by a Permanent Judicial Commission, the commission has the ability to censure the individual. The degrees of church censure are rebuke, rebuke with supervised rehabilitation, temporary exclusion from exercise of ordained office or membership, and removal from ordained office or membership. In accordance with D-12.0103, in a case in which the offense is sexual abuse of another person, the rehabilitation program may include the advice that the person found guilty complete a voluntary act or acts of restitution as a form of repentance. Restitution may include: community service, symbolic restoration of what was lost by the person who was harmed, and/or contributions toward documented medical/psychological expenses incurred by the person who was harmed.
- 6.102 If a member is found guilty by a Permanent Judicial Commission, the commission has the ability to censure the individual. The degrees of church censure are rebuke, rebuke with supervised rehabilitation, temporary exclusion from exercise of ordained office or membership, and removal from ordained office or membership. In accordance with D-12.0103, in a case in which the offense is sexual abuse of another person, the rehabilitation program may include the advice that the person found guilty complete a voluntary act or acts of restitution as a form of repentance. Restitution may include: community service, symbolic restoration of what was lost by the person who was harmed, and/or contributions toward documented medical/psychological expenses incurred by the person who was harmed.
- 6.103 In addition to the ecclesiastical provisions, a person covered by this policy who have been found in violation of this policy may be subject to further civil, criminal, and employment consequences which may include suspension

or termination of employment.

- 6.104 Presbytery employees (including volunteers) who have been found in violation of this policy may be subject to further civil, criminal, and employment consequences which may include suspension or termination of employment. Volunteers found in violation shall not be able to serve as a volunteer in any capacity within the Presbytery

7.000 Disclosure

- 7.101 When information or allegations of new or recent incidents of sexual misconduct by a minister or employee of the Presbytery or a local congregation has been received sufficient to inaugurate a Response Team, a formal disciplinary process (see section 5.200 of this policy), or the notification of civil authorities, the Session or the appropriate governing body of the entity shall make plans in cooperation with the Committee on Ministry, the Executive Presbyter, the Stated Clerk, and other parties to make a prompt public disclosure of the situation to the congregation or entity. The disclosure must be handled with sensitivity and honesty and due process protections for all, including the victims and their families, accusers and their families, the accused and their families, the congregation members, and the community. It is appropriate to seek the services of experts in the field to assist in the disclosure.
- 7.102 When information or allegations of older incidents of sexual misconduct by a minister or employee of the Presbytery or a local congregation, or of a minister of this Presbytery laboring within the bounds of another presbytery, or of a member of another presbytery laboring within the bounds of Geneva Presbytery, has been received sufficient to inaugurate a Response Team, a formal disciplinary process (see section 5.200 of this policy), or the notification of civil authorities, the Committee on Ministry, the Executive Presbyter, the Stated Clerk, and other parties shall make plans for an appropriate public disclosure of the situation to congregation or entity. The disclosure must be handled with sensitivity and honesty and due process protections for all, including the victims and their families, accusers and their families, the accused and their families, the congregation members, and the community. It is appropriate to seek the services of experts in the field to assist in the disclosure.
- 7.103 As part of such public disclosure it is appropriate for a Support Team to work with the congregation or entity on an ongoing basis.

8.000 Higher Governing Body Concerns

8.100 Connectionalism

- 8.101 Because our Presbytery is connected to the entire denomination as one community in Christ, our concern for a safe, just, compassionate, and caring environment leads us to recognize our responsibility to the Presbyterian Church (U.S.A.) to uphold the Standards of Ethical Conduct and the sexual misconduct policies of the other governing bodies. This Presbytery shall not condone or shelter sexual misconduct by silence or omission in the movement of persons covered by this policy from and into the bounds of this Presbytery.

8.200 Disclosure upon Transfer

- 8.201 In the case of a minister of the Word and Sacrament, Certified Christian Educator, or a Commissioned Lay Pastor who seeks either to transfer membership to another presbytery or labor beyond the bounds of this Presbytery, the Executive Presbyter, Chairperson of COM, or designee, authorized to give a reference shall be obligated to provide complete information regarding civil, criminal, or ecclesiastical allegations, inquiries, and administrative or disciplinary action sustained or pending related to sexual misconduct and the applicant.

9.000 Definitions

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

Accuser/Victim is a term used to represent the person claiming knowledge of sexual misconduct by a person covered by this policy or a person claiming to have been abused by a person covered under this policy. The accuser/victim may or may not have been the victim of the alleged sexual misconduct. (See also Child Sexual Abuse.) A person such as a family member, friend, or colleague may be the accuser.

Administrative Commission As defined in the Book of Order (G-9.0503), an administrative commission is a body appointed by the Presbytery “to visit particular churches, governing bodies, or other organizations of the church reported to be affected with disorder, and to inquire into and settle the difficulties therein, except that no commission shall have the power to dissolve a pastoral relationship unless such power has been specifically delegated to it by the appointing body.”

Administrative Leave is an employee or pastor’s authorized and/or mandated absence from duty without loss of pay and without charge to leave.

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 congregants.

Congregant is a person, who, though not a formal member of a Presbyterian church, has participated in Presbyterian witness, mission, or ministry. This may be, for example, one who has attended worship services, sung in a church choir, received pastoral care or counseling, attended Christian Education programs, etc.

Consent Sexual Abuse of Person Unable to Give Consent includes but is not limited to, any contact or interaction between a child (under the age of eighteen) and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. Inability to give consent also includes any contact or interaction between two adults if the adult victim is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child.

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

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: sessions, presbyteries, synods, and the General Assembly. A governing body may establish entities such as day-care centers, conference centers, camps, or homes for the aged. A governing body may have both church members and nonmembers as employees.

Inquiry is the term used in the Rules of Discipline to determine whether charges should be filed based upon allegations of an offense received by a governing body. See Book of Order D-7.0200.

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 come to their attention. New York State recognizes certain professionals to hold the important role of mandated reporter of child abuse or maltreatment. The current list is at Section 413 of the New York State Social Services Law and summarized at <http://www.ocfs.state.ny.us/main/prevention/faqs.htm#mandated>.

Marriage is the covenant between a man and a woman. For the purposes of this policy, the marriage vow is considered intact until the final legal divorce decree. In other words, persons are still married if separated or legally separated; sexual relations with other persons are therefore prohibited.

Member as used in reference to a congregation pertains to all who belong to a particular congregation of the Presbyterian Church (U.S.A.) in accord with the requirements of the Book of Order, G-5.0200. As used in reference to a presbytery, the term pertains to all who belong to a particular presbytery of the Presbyterian Church (U.S.A.) in accord with the requirements of the Book of Order, G-11.0400.

Offense, as defined by the Book of Order, Rules of Discipline, D-2.0203b, a disciplinary offense “is any act or omission by a member or officer of the church that is contrary to the Scriptures or the Constitution of the Presbyterian Church (U.S.A.)” Behavior that violates this policy may be cited in a formal complaint or allegation of sexual misconduct filed with the Stated Clerk which accuses a member or officer of a disciplinary offense. If a formal disciplinary charge is filed by an Investigating Committee, a violation of the policy may only be cited as the basis of a specification of the disciplinary charge.

Persons Covered by this policy include church members, church officers, ministers, and nonmembers 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 accuser/victim is related to some form of service to or appointment 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 nonmember 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 of sexual misconduct that are sufficient enough 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 or judicial or both), (3) pastoral care for accuser/victims and their families and others, and (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 Harassment as defined for this policy is as follows: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment or their continued status in an institution;
 submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 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.

In the form of **nonphysical contact**, sexual harassment may occur as visual or verbal behavior.

Visual behavior includes such actions as: sexual exhibitionism; showing sexually explicit pictures; making sexual gestures; leering at specific body sites; or, presenting a sexually-related gift, such as lingerie. It may occur as masturbation by the perpetrator in the presence of the victim.

Verbal behavior includes such actions as: making jeering or taunting remarks that include sexual content; telling demeaning jokes based on gender; asking questions or telling stories about sexual activity and/or thoughts, including fantasies; seeking sympathy in regard to the harasser's partner's sexual inadequacies; or, offering spiritual and theological rationale to justify questionable conduct, e.g. "God has brought us together." The sexual content of the verbal behavior may be direct and explicit, or indirect, implicit, and may include innuendo. The sexual content may include references to the subject's physical appearance and/or apparel.

In the form of **physical contact**, sexual harassment may include such actions by the perpetrator as: fondling; touching; stroking; pinching; leaning or brushing against the subject's body; and, kissing. It also may include touching that originates on the buttocks, or genitals. Sexual harassment as physical contact is touching that the victim may find confusing, discomforting, or upsetting.

Sexual harassment includes any hug or other physical contact which lingers, is any way excessive, or which the recipient indicates is unwelcome.

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

Child sexual abuse, as defined above.

Sexual harassment, as defined above.

Rape or sexual contact by force, threat, or intimidation.

Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another.

Sexual Malfeasance defined as sexual conduct within a ministerial (e.g., clergy with a member of the congregation) or professional relationship (e.g., counselor with a client, lay employee with a church member, presbytery executive with a committee member who may be a layperson, a minister, or an elder). Sexual conduct includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. 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.

Sexual Abuse as found in Book of Order, D-7.1100 (see Accuser/Victim).

Staff refers to a person who is either an employee or a volunteer sanctioned to perform a function on behalf of this Presbytery or one of its entities.

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 may be the same for volunteers as for employees.

10.000 Attachments:



**Presbytery of Geneva
Box 278
Dresden, NY 14441**

SEXUAL MISCONDUCT POLICY EDUCATION

I have received a copy of the Presbytery of Geneva's Sexual Misconduct Policy. I understand that this policy applies to me in my role as employee of, minister in, and/or volunteer with the Presbytery of Geneva. I have reviewed the Sexual Misconduct Policy, have been given the opportunity to ask questions about it, and I agree to conduct myself in accordance with this policy.

Signed: _____

Print Name Here: _____

Date: _____