



**SEXUAL MISCONDUCT POLICY**

**OF**

**THE PRESBYTERY OF GLACIER**

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**GUIDELINES TO SUPPORT  
THE SEXUAL MISCONDUCT POLICY**  
PRESBYTERY OF GLACIER  
PRESBYTERIAN CHURCH (USA)

**SUMMARY AND PURPOSE OF THESE GUIDELINES**

The Presbytery of Glacier recognizes the importance of prevention in dealing with the high risk challenges which exist and can arise on the issues surrounding sexual misconduct. This document is intended to be a supplement to following documents adopted by the Presbytery of Glacier:

(1) Sexual Misconduct Policy; and (2), Code of Ethics for Clergy and Other Church Professionals (Section D, Ethical Issues of Particular Concern, Subsection 6). Web download available at <http://www.pcusa.org/ministers/>. This guideline, along with the aforementioned, will provide the clergy, church professionals, church leadership and staff, educational, awareness and referral materials.

**FOUNDATION**

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

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

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

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

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

**EDUCATION AND TRAINING**

The presbytery will provide, on a schedule to be determined by the Committee on Ministry at least every other year, educational programs and training in pastoral care and disciplinary procedures aimed at preventing sexual misconduct.

The goals of this education and training will include:

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

## **PREVENTIVE ACTIONS**

- 1. Adults should always teach / minister to children or to other adults in teams. This is protection for the children / adults of opposite gender and protection against false accusation against adult teachers / ministers.
- 2. When adult teams are teaching / ministering to children or to other adults, the door to the room should be open. Consideration may be given to the installation of interior windows for observation which provide non-intrusive oversight into a classroom.
- 3. It is recommended that head of staff of churches regularly discuss those involved in high risk areas, with the importance of awareness for the purposes of preventing sexual misconduct. Settings such as regularly scheduled staff meetings and teacher training may be appropriate venues for this discussion.

## **SCREENING OF APPLICANTS AND VOLUNTEERS**

- 1. The employing or commissioning entity, through its session, governing board, personnel committee, or PNC, as appropriate, is responsible for conducting administrative type, professional reference and background checks on any past sexual misconduct for all prospective individuals working and dealing in areas deemed sensitive to concerns with respect to sexual misconduct, including regularly scheduled volunteers, and volunteers in high risk positions such as workers with youth and children, lay counselors, boy or girl scout

leaders, and camp counselors. Reported sexual misconduct, or high risk concerns provided by professional references are grounds for dismissing the individual from further consideration.

2. The presbytery, through the General Presbyter, is responsible for including questions regarding sexual harassment and other sexual misconduct when making clearance checks and background checks of applicants for ordained positions; and for reporting to COM and the appropriate PNC summary information received as to those specific subjects, including a report that there is no reported difficulty.
3. False or misleading information provided by the person being screened should eliminate this individual from further consideration, unless the individual can provide overwhelming credible evidence to the contrary.

### **SCREENING OF NEW EMPLOYEES AND VOLUNTEERS**

Employees and volunteers being considered for church positions of high risk shall be made aware, and provided a copy of the Sexual Misconduct Policy and Code of Ethics for Clergy and Other Church Professionals, and asked to complete any and all forms within.

### **COMPLIANCE AND DISTRIBUTION**

All continuing members of the presbytery, its employees, and volunteers in high risk positions, e.g. youth ministry, camp counselors, etc. shall be required to sign a statement acknowledging that they have received a copy of this document and Sexual Misconduct Policy and Code of Ethics for Clergy and Other Church Professionals and that they agree to conduct themselves in accordance with its content. It will also be distributed to the sessions of all churches in the presbytery and made available to their church members upon request.

It is recommended that a summary statement of the policy and other significant portions of this document be posted in all church entities.

*Adopted 24 September 2009*  
*Adopted 31 October 2009*

*Committee on Ministry*  
*Presbytery of Glacier*

**SEXUAL MISCONDUCT  
PRESBYTERY OF GLACIER  
PRESBYTERIAN CHURCH (USA)**

I. PREFACE

A. Policy Statement

It is the policy of the Presbytery of Glacier that all church members, church officers, non-member employees, and volunteers of governing bodies and entities of the Church are to maintain the integrity of the ministerial, employer/employee, and professional relationship at all times. Sexual misconduct is not only a violation of the principles set forth in Scriptures, but also, of the ministerial employment and professional relationship and is never permissible.

II. PURPOSE OF POLICY

The Presbytery of Glacier adopts this policy on sexual misconduct for the use of Presbytery and its entities. Its purpose is as follows:

- A. To serve the peace and purity of the church;
- B. To set and enforce standards of ethical behavior consistent with Scripture, the Presbyterian Church (USA), and secular law;
- C. 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;
- D. To serve as a guide for the application of powers for governing bodies under the Form of Government and the Rules of Discipline, as contained in the *Book of Order* (see D-1.0100);
- E. To recommend personnel policies for the administration of employer/employee relationships within the presbytery, local churches, and related entities;
- F. To serve as a guide for prevention of sexual misconduct;
- G. To protect those who are wrongly accused; and
- H. To demonstrate pastoral concern for the alleged victims of as well as those accused of sexual abuse.

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

victim of alleged sexual misconduct. A person such as a family member, friend or colleague of the alleged victim may be the accuser whose information initiates an inquiry.

CHILD SEXUAL ABUSE includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. 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. The upper age limit for child sexual abuse, according to Montana State Law, is 16 years of age.

CHURCH when spelled with the initial in lowercase refers to a local church within the Presbytery of Glacier. 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 Presbytery or 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 or appointed by a governing body.

GOVERNING BODY is a representative body composed of elders and ministers of the Word and Sacrament; these are sessions and the presbytery. A governing body may establish entities such as day care center, conference center, camps, retreats, or homes 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, 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 determine whether charges should be filed based upon allegations of an offense received by a governing body (see *Book of Order* D-10.0202).

INVESTIGATION is the term generally used by police, secular prosecutors, and child protective services when responding to allegations of an offense.

MANDATED REPORTING is described by Montana State Law as a person who is required to report any and all suspected incidents of child abuse, including child sexual abuse that come to his/her attention. Within the presbytery, 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 must comply with Montana State Law regarding incidents of actual or suspected child sexual abuse and should be informed of their statutory obligations.

**PERSONS COVERED** by this policy include: persons for whom the Presbytery or church could be held legally responsible or liable, including but not limited to church members, church officers, ministers, 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 alleged victim is related to some form of service to or appointment by governing bodies or entities of the presbytery or church, or, (2) sexual misconduct in a non-church related setting raises questions for the presbytery 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 or retreat.

**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.

**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 alleged victims and their families and others, and (4) pastoral care and rehabilitation for the perpetrators and care for their families. It will continue until no further action is warranted by the governing body or entity.

**SECULAR AUTHORITIES** are the governmental bodies, whether city, county, state, or federal who are given the responsibility to investigate, criminally prosecute, and/or bring criminal charges against individuals accused of sexual crimes or offenses against adults and children. The structure and identity of such secular authorities will vary from jurisdiction to jurisdiction but basic responsibilities to detect, deal with, and prosecute such crimes and offenses will follow generally recognized patterns.

**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 charges or civil suits 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: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s initial or continued status in an institution; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, or offensive working environment based on the declared judgment of the affected individual.

**SEXUAL MALFEASANCE** is defined for this policy as follows: 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, presbytery executive with a committee member who is often a minister or elder). This definition is not meant to restrict church professionals from having normal, mutual, social, intimate, or marital relationships. Adultery and fornication are never appropriate behaviors.

SEXUAL MISCONDUCT is the comprehensive term used in this policy to include: (1) child sexual abuse as defined above, (2) sexual harassment as defined above, and (3) sexual intercourse without consent, sexual assault, or incest.

VICTIM is the term used to identify the person alleged to have been injured by sexual misconduct as defined above.

VOLUNTEER is the term used for those who provide services for governing bodies and entities of the presbytery or 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 advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. Sexual misconduct breaks the covenant to act in the best interest of parishioners, clients, co-workers, and students.
2. 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.
3. 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, exploitive, 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.

#### B. Alleged Victims and Families

The governing body, entity, and response team will offer treatment and care to the alleged victims of sexual misconduct and their families. It has sometimes been the case that the alleged 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 alleged 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 alleged victims and their families.

Although the extent of the damage to the alleged victims of sexual misconduct will vary from person to person, being influenced by such factors as the degree or severity of abuse, the age and emotional condition of the alleged victim, personality dynamics, and the importance of the religious faith, the governing body, entity, and response team are to assume in all cases that the alleged victim 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 alleged victims. It is important for the response team to be sensitive to the alleged victim's pain and need for healing, and to act by making appropriate pastoral care available.

#### C. Congregation or Employing Entity

The governing body, employing entity, and response team 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 governing body, entity or response team shall offer treatment and care for the accused as well as alleged victims and families. If the accused is a minister, this is the responsibility of the Committee on Ministry (G-11.0501). Persons accused of rape or other sexual offenses do not inspire sympathy. When criminal charges are filed, some accused cannot get bail and are sometimes forced to spend extended periods of time in prison while awaiting trial. While there, they have been known to have been abused by guards or other prisoners. There is evidence that men accused of rape find it more difficult to obtain a lawyer than people accused of other crimes. News media often give much attention to the arrest and opening of the trial, while

little or nothing is said when the accused is acquitted. Many false accusations are filed in cases of sexual harassment, child molestation, and sexual misconduct. For these and other reasons it is important that representatives of the governing body or other entities do not make a presumption of guilt or over-react to lurid charges.

When a person is acquitted of charges, the governing body or entity shall see that the acquittal is publicized as widely as possible within its power to do so when requested to do so by the accused. There are also ethical standards of conduct expected of all members of the church of Jesus Christ. Their life together should be a demonstration of God's love and the Gospel of Jesus Christ. Therefore, prayerful and deliberate efforts shall be made before an actual charge is filed in order to avoid accusing a person falsely and thereby jeopardizing the person's reputation and career in the Church. All the resources of the Church will be used to protect the reputation and career of persons who are falsely accused. Persons making false charges may be liable to civil suits by the accused and/or the Presbytery, church or governing entity.

#### E. The Non-victim Accuser

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

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

1. For their own protection, the non-victim accuser should have something in writing from the alleged victim detailing the charges;
2. The non-victim accuser should be certain that the alleged victim is willing to come forward to testify if an action is filed; and
3. Some objective evidence of the sexual misconduct should be available to substantiate the charges (e.g. medical test results, motel receipts, proof of repeated telephone calls, etc.) otherwise the alleged victim and/or the non-victim accuser could be subject to a suit for filing a false charge which may damage a person's reputation and diminish his/her ability to obtain future employment. For this reason it is not wise for staff of any governing body or entity to be the accuser unless that person is also the alleged victim.

## V. RISK MANAGEMENT

### A. Implementation

The presbytery urges churches to establish policies, procedures, and practices related to sexual misconduct. Churches 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. Sessions are reminded of their duty to cooperate with secular authorities in the investigation and prosecution of violations of law.

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 special disciplinary committee (see G-11.0502 and D-10.-0202). 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 governing body's 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 of office. Implementation of the presbytery-wide policy will require governing bodies and their entities to adopt educational programs to prevent sexual misconduct, and to provide training in pastoral and disciplinary procedures.

## B. Liability and Insurance

The presbytery or church can be held liable for harm caused by sexual misconduct of a minister or employee based on a number of legal theories such as negligent hiring and supervision. The presbytery and churches must take such potential liability into consideration when establishing hiring and supervisory practices.

Governing bodies and entities 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. The standard insurance policy must be enhanced by endorsements to cover specific exposures such as camps, day-care operations, shelters, or other outreach programs.

Governing bodies and entities shall obtain an endorsement to their general liability insurance policy specifically covering sexual abuse and molestation. Such coverage may provide for legal defense expenses and judgments in civil suits brought against the organization, its officers, directors, or employees.

## C. Employment Practices

1. Record keeping: Accurate record keeping is an essential part of hiring and supervision practices. Every governing body and entity should maintain a

personnel file on every employee including ministers. The file should contain the application for employment, and employment questionnaires, reference responses and other documents related to this policy, including any substantiated charges made and the resolution thereof.

2. Pre-screening applicants: Governing bodies and entities are urged to establish stringent hiring practices. If an applicant is unknown to the employer, the employer should confirm the applicant's identity by requiring photographic identification such as a driver's license.

Part of pre-employment screening should include specific questions related to discovering previous complaints of sexual misconduct. Governing bodies and entities should ask persons seeking ministerial calls or employment in non-ordained positions questions such as: (a) Has a civil or criminal or ecclesiastical complaint ever been filed against you alleging sexual misconduct by you? (b) Have you ever resigned or been terminated from a position for reasons relating to allegations of sexual misconduct by you? (c) If so, indicate the date, nature and place of these allegations, and the name, address, and a phone number of your employer at the time. (d) Have you been required to receive professional treatment, physical or psychological, for reasons related to sexual misconduct by you? and (e) If so, please give a short description of the treatment including the date, nature of treatment, place and name, address and phone number of the treating physician or other professional and a release to check records of treatment.

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 the minister's/employee's personnel file.

In dealing with ministers when transferring from one position to another in the matter of sexual misconduct clearance, the governing body could assume responsibility for previous employer reference checks through synod/presbytery executive, or other authorized persons who would report to the Committee on Ministry either that there had been no reported sexual misconduct, or that the committee should inquire into reported sexual misconduct.

The person within the governing body or entity authorized to give a reference is obligated to give truthful and complete information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the applicant. The response, however, must be limited to information contained within the written summary prepared as part of the response team or governing body report. The response, however, must be limited to information that is a matter of public record (e.g. presbytery minutes) or in the applicant's own personnel file which is maintained by the governing body or other entity.

If false or misleading information is given or relevant information is withheld, the applicant will be eliminated from consideration.

Applicants should be informed of negative comments regarding sexual 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.

#### D. Distribution

Copies of this policy shall be distributed to all governing body and entity offices and shall be distributed to all employees and volunteers, and be available to all church 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 victims of sexual misconduct and their families. The policy will be available to those serving on special disciplinary committees, committees on ministry, and response teams.

Upon receipt of this policy, personnel in high-risk occupations must sign a written acknowledgement of receipt. This acknowledgement shall be kept in the person's personnel file.

#### E. Volunteers

While these guidelines are intended for volunteers, no requirement for screening and application is usually applied. The increase of litigation requires that local churches do a better job of screening and supervising unpaid volunteers. If the volunteer is new or unknown to the church, some informal checking may be wise before allowing him/her to work in high-risk positions such as youth advisor, children's worker, lay counselor, boy or girl scout leader, or camp counselors.

## VI. RESPONSE PROCEDURES

The following procedures are intended primarily for use by the presbytery. Sessions within the presbytery may consider adopting similar procedures for use in sexual misconduct cases.

### A. Reporting

1. Receiving initial reports: Reports of sexual misconduct will occur in a variety of ways. Because the 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 “high authorities”, the person who has received the initial report has a special pastoral responsibility to build trust and willingness to speak with the accuser, lest the church be unable to respond because no one is able to give firsthand information.

2. Subsequent reporting: The person receiving the initial report of sexual misconduct from the accuser shall immediately inform a high level supervisor, church officer or administrator of the same entity or next highest governing body. The person receiving the initial report is considered a mandated reporter and shall report the incident to civil or criminal authorities when required by local or state law.

Within the presbytery, 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 constituting authority of the presbytery’s Sexual Misconduct Team.

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 a person of higher level in the same body or the next higher governing body.

## B. Sexual Misconduct Response Team

The sexual misconduct response team (hereinafter referred to as response team) is a group of people organized at presbytery level to act as a facilitator to quickly and objectively respond to reports of sexual misconduct. The response team will initiate contact with and be available to the accuser, the accused, the alleged victim (if not the same person as the accuser), the families involved, the congregation, co-workers of the parties involved, and the governing body or entity.

The response team reports to the officers or appropriate committee of the governing body or entity (i.e. Committee on Ministry or Personnel Committee).

The response team shall be a standing committee, elected by presbytery from church and/or presbytery members (in so far as possible), and be composed of more than five members and should include a trained psychological counselor, a trained legal professional, a trained insurance professional, an ordained minister, and at least two others. If possible the team should include equal numbers of male and female members. The legal professional may not also be counsel for the presbytery or other church entity in any given complaint of sexual misconduct.

The presbytery shall specify a chairperson for the team. That person shall convene the team when a situation of sexual misconduct is reported. The response team may choose an appropriate person from their number to serve in the absence of the chairperson when such a person has not been named by the governing body.

The team must be trained by the presbytery to respond to allegations of sexual misconduct and to identify and recognize the issues involved in sexual misconduct, sexual harassment, and child sexual abuse. Team members must be familiar with the legal, administrative, and disciplinary procedures of the governing body and entity.

When called to service, the team must make every effort to determine as soon as possible whether or not the allegation of sexual misconduct, sexual harassment or child sexual abuse is made truthfully and sincerely, or from carelessness, misperception, or maliciousness.

Team members should commit to serve for a period of no less than three years to ensure a professional level of experience, skill and continuity. After initial training, the team should meet enough to familiarize itself with this policy, the procedure of the governing body and entity, and to continue its professional training.

1. Function of the team: The response team will serve the following primary functions: (a) receive the written report of sexual misconduct from the church supervisor, officer or administrator, or any other person who may have the report; (b) since time is important, the response team 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 law enforcement authorities have been notified if applicable; (d) gather as much information as possible regarding details of the allegations made by all parties involved; (e) if, and only if, the investigation warrants, prepare a written report of the case for submission to the officer or appropriate committee of the governing body or director of the entity giving no less than the following: (1) names of the parties involved, (2) governing body membership of the parties involved, (3) allegations made by the accuser, (4) response made by the accused, (5) findings and conclusions, and (6) suggested further actions to be taken by the governing body or entity.

If reasonable cause and evidence has not been produced and the response team determines that no sexual misconduct happened, then the matter must be terminated and all records sealed.

If however: (f) the accused has admitted to the misconduct as charged, so advise the accuser; (g) if there has been no admission, advise the accuser of the need for the person who has been harmed to file a written accusation of the alleged misconduct with the appropriate officer of the governing body or entity (i.e. the Stated Clerk); (h) assure adherence to this policy by all parties involved; (i) be available to the parties involved to hear their concerns throughout the inquiry and disciplinary process; and (j) work within the established procedures for discipline in the Church's *Book of Order*.

In addition to its primary functions, during or as a result of its initial inquiry, the response team may: (a) advise all parties involved including the governing body or entity to obtain legal counsel; (b) advise all parties to contact their insurance carriers; (c) advise all parties involved to seek professional psychological counseling; (d) advise all parties involved that the alleged victim, accuser and/or the accused may choose to have an advocate accompany them throughout the inquiry process; (e) recommend educational or employment practices to be implemented at the local level to prevent further instances of sexual misconduct; (f) recommend actions to be taken to begin the healing process within the congregation, the governing body, or the entity; and/or (g) recommend actions for the pastoral care of the accuser, the alleged victim, the accused, and the families of all parties involved.

The response team shall not do the following: (a) advocate for any party involved; (b) act as legal counsel for any party involved; (c) replace the functions of the Committee on Ministry, counsel, or special disciplinary committee; (d) determine guilt or innocence of the accused; and (e) enforce a specific remedy or disciplinary action.

2. Initial response team inquiry: NOTE – If the accuser claims child sexual abuse, the response team is advised not to interview the child (or children) due to the possible secondary trauma caused by the interview itself. Secular authorities should be notified immediately by the response team, if a report has not been filed already. The response team should be guided in its actions by the recommendations of the secular authorities. If the response team needs a consultant to advise it concerning the effects and complications involving a child alleged victim, it should contact an expert in child sexual abuse. The response team should make the secular authorities aware that it wishes, insofar as the law allows, to be kept informed of the developments in the case to allow appropriate disciplinary measures within the Church to be taken against the accused.

Upon receiving written notice of sexual misconduct, the response team members will immediately confer to coordinate the initial inquiry process. The response

team must do the following: (a) immediately notify the accused in writing of the accusations and advise the accused to have no further contact of any sort with the accuser, the alleged victim, or the alleged victim's family; (b) immediately notify the accuser/alleged victim that the team has received the report, that the accused has been notified to have no further contact with the accuser, request that the accuser/alleged victim report to the team all attempts at such contacts, and what steps the response team will be taking to investigate the report; (c) file a report with secular authorities if required by state or local law and none has been previously filed; (d) a minimum of two representatives of the response team will meet with the accuser and/or alleged victim to hear the accusations first hand – these team members should be skilled in pastoral care and counseling; (e) a minimum of two representatives of the response team will meet with the accused to receive a response to the allegations; (f) in consultation with the Committee on Ministry, the response team should assess and recommend resources for the following: (1) need for psychological evaluation or counseling of the alleged victim or accused; (2) need for parties involved to obtain legal counsel and inform insurance carriers; (3) personal and pastoral needs of the accuser/alleged victim and the accused – since the response team is not expected to pass judgment on the guilt or innocence of the accused, it shall avoid such language in its findings and conclusions; (4) pastoral needs of the congregation or employing entity; (5) accuser's/alleged victim's need for reconciliation with the congregation or employing entity; and (6) the accused's need for reconciliation with the congregation or employing entity.

If it should be determined during the initial inquiry that professional counseling is needed for the alleged victim, the response team may refer the alleged victim to a professional counselor trained to deal with issues of sexual misconduct. The response team should maintain a referral list of counselors and counseling centers sensitive to sexual misconduct issues and issues of faith and spiritual needs.

The response team and thus the governing body or entity must be sensitive to the alleged victim's financial ability to pay for psychological counseling. The response team may refer the alleged victim to an agency which sets fees based upon client's ability to pay. Although the church is not legally obligated to pay for the alleged victim's counseling, it should be considered a pastoral obligation.

3. Report to the governing body or entity: The response team shall have no more than 30 days from the date it first received a report of sexual misconduct to inquire and submit a report to the officers or appropriate committee of the governing body or entity. Both the accuser and the accused will receive a copy of the report. The report shall include: (a) name and address of the parties involved; (b) a summary of the allegations; (c) a summary of the facts as stated by the parties involved; (d) a summary of the response team's actions to date; (e) the remedy sought by the accuser/alleged victim; (f) the response teams findings and conclusions; and (g) the response team's suggestions for further actions to be taken by the governing body or entity.

4. Leave of absence: The response team's suggestions may include, at any time before a special administrative committee is established, an administrative leave for the alleged victim and/or the accused.
5. Continued availability of the response team: After the response team has submitted its report to the governing body or entity, the response team is still available to all parties for continued pastoral care, to assure adherence to this policy, and to follow up on suggestions given to the governing body or entity,
6. Media contact: Any inquiry from the media regarding an incident of sexual misconduct must be directed to a designated official of the governing body or entity involved (i.e. the Stated Clerk). Questions from the media shall not be addressed by any member of the response team. If criminal action is being taken, there needs to be some coordination between prosecuting authorities so that adverse publicity does not prejudice a fair trial.
7. Response team record keeping: The response team will keep all records confidential. The response team should keep detailed records of its actions and minutes of its deliberations and its conversations with the accuser, accused, and other parties involved, copies of the initial report, tape recordings made with the consent of the persons from whom statements are taken, correspondence, and copies of reports to the governing body or entity. The response team will maintain the records until the governing body or entity has determined disciplinary action and the action has been agreed to by the accuser/alleged victim and the accused.

After all parties have resolved the case, the response team's records will be forwarded to the Stated Clerk or designated personnel official of the governing body or entity where they will be marked "confidential" and securely stored. The response team shall keep no separate records of confidential material that has been turned over to the governing body as a result of its work.

#### C. Presbytery or Entity Response

Presbytery or entity response will vary according to the status of the accused. Church members and ministers are subject to inquiry and discipline under the *Book of Order* D-3.0101. The pastoral relationship of ministers serving congregations is subject to oversight by the presbytery, G-14.0610, G-14.0611, G-14.0612, G-14.0613.

Ministers employed by a Synod or General Assembly entity hold ministerial standing in presbyteries. Response to allegations of sexual misconduct by such ministers will be made by the entity under the personnel policies. Such ministers will also be subject to the Rules of Discipline as a member of presbytery.

1. Accused covered by *Book of Order*: Upon receipt of the report filed by the response team, the Stated Clerk shall report to the presbytery that an offense has been alleged. If the response team reports that sufficient information is available to give rise to reasonable suspicion of sexual misconduct by the accused, a special disciplinary committee shall immediately be appointed (*Book of Order* D-10.0201).

The appointment shall be made by the Stated Clerk, Moderator of Presbytery, and Moderator of Ministry Council.

In order to call a special disciplinary committee, the Stated Clerk need not be personally persuaded of the truth of the allegation nor need the Stated Clerk see all the supporting evidence available to the response team or the special disciplinary committee. The Stated Clerk must be provided enough information to cause a reasonable person to conclude that an inquiry is needed to either censure the accused or clear the accused of the allegations.

The special disciplinary committee must promptly begin its inquiry into the allegations. Delay may cause further harm to the accuser or the accused. More information will be provided by the response team's report which will help to speed the process. However, the special disciplinary committee must itself conduct a thorough inquiry (D-10.0201).

Governing bodies and entities must cooperate with civil authorities in an investigation of child sexual abuse or other criminal sexual conduct. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed. Responses to media inquiries will have to be coordinated with or cleared by civil authorities in such cases.

The session has original jurisdiction in disciplinary cases involving members of the church, each having jurisdiction only over its own members (D-3.0101). A church member who is accused of sexual misconduct away from the congregation to which the member belongs may be prosecuted by secular authorities but may only be removed from membership by the session of the congregation to which the member belongs.

When a church member is accused of sexual misconduct, the disciplinary process is the same as that described for ministers found in chapter ten of the Rules of Discipline. A special disciplinary committee must make an inquiry, decide whether to make charges, and prosecute. The session will sit as a court and try the case (D-11.0100). The person accused has a right to counsel, to present witnesses, and to cross-examine witnesses. If at any point in the proceedings the accused presents a letter of resignation from the church, the jurisdiction of the session ends. The session records that the case was closed and the special disciplinary committee dissolved (D-3.0106 and D-11.0600).

2. Accused not covered by *Book of Order*: Upon receipt of the report filed by the response team, the director of the entity should immediately submit the report to the Personnel Committee of the organization. A session or presbytery which ordinarily functions without a Personnel Committee may appoint an administrative commission for the function described in this section. The Personnel Committee will refer to and be guided by the written personnel policies of the governing body or entity which shall include the following: (a) determine whether or not the response team's report gives rise to a reasonable suspicion of sexual misconduct by the accused; (b) if so, determine and gather additional information necessary to make a determination; (c) determine any remedies, including disciplinary action, necessary and advisable under the circumstances; (d) inform the accuser/alleged victim and the accused of the remedy; and (e) in all cases, the Personnel Committee shall prepare a written report which shall be included in the accused's permanent personnel file.

Either the accuser/alleged victim or the accused shall have the right to appeal the Personnel Committee's decision through standard guidelines and procedures of the entity,

3. Governing body or entity 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 response team, correspondence and copies of the reports received from committees or commissions. Such records will be kept confidential. The clerk of the governing body or director of the entity will maintain the records while the inquiry is in process.

After the case has been resolved, the special disciplinary committee will prepare a brief summary report. A copy will be included in the accused's permanent personnel file and a copy of the report will be given to the accuser and the accused.

4. Statute of limitations: The ability of governing bodies and entities to respond promptly and justly to sexual misconduct is related in part to the opportunity to receive allegations and gather evidence soon after the occurrence. However, this policy recognizes the special problems related to discovery and recognition of various forms of sexual misconduct. Child sexual abuse may not be recognized until the alleged victim of abuse reaches adulthood. Recognition of abuse and willingness to come forward by an adult alleged victim may also be delayed for many years (*Book of Order* D-10.0401b).



Exhibit A  
Employment Questionnaire  
-2-

Please complete the following Certification and Release:

I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct; (b) I have never resigned or been terminated from a position for reasons related to sexual misconduct; or (c) 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 Presbytery of Glacier and/or its authorized agent 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 of 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 illness or substance abuse), and any law enforcement agencies or judicial authorities to release any and all requested information to the Presbytery of Glacier and/or its authorized agent.

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 of the use of any information.

Witnesses:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**EXHIBIT B**  
**CONFIDENTIAL**  
Employment Reference

Name of Applicant: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

Date and time of contact: \_\_\_\_\_

Person contacting the reference or church: \_\_\_\_\_

Method of contact (telephone, letter, personal conversation: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**EXHIBIT C**  
**ACKNOWLEDGEMENT OF RECEIPT**

I hereby acknowledge that I received on \_\_\_\_\_ (date), a copy of the Policy of the Presbytery of Glacier revised and dated 15 June 2009, that I have read the Policy, understand its meaning, and agree to conduct myself in accordance with the Policy.

\_\_\_\_\_  
Signature

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

**EXHIBIT D**  
**REPORT OF SUSPECTED SEXUAL MISCONDUCT**

Reported by: \_\_\_\_\_  
*Name and Title*

\_\_\_\_\_

*Address*

\_\_\_\_\_

*City, State, Zip Code*

\_\_\_\_\_

*Telephone*

Report Date: \_\_\_\_\_

Person suspected of misconduct: \_\_\_\_\_

\_\_\_\_\_

*Name and Title*

\_\_\_\_\_

*Address*

\_\_\_\_\_

*City, State, Zip Code*

\_\_\_\_\_

*Telephone*

Other person(s) involved (witnesses or victims): \_\_\_\_\_

\_\_\_\_\_

*Name and Title*

\_\_\_\_\_

*Address*

\_\_\_\_\_

*City, State, Zip Code*

\_\_\_\_\_

*Telephone*

\_\_\_\_\_

*Name and Title*

\_\_\_\_\_

*Address*

\_\_\_\_\_

*City, State, Zip Code*

\_\_\_\_\_

*Telephone*

\_\_\_\_\_

*Name and Title*

\_\_\_\_\_

*Address*

\_\_\_\_\_

*City, State, Zip Code*

\_\_\_\_\_

*Telephone*

Exhibit D  
REPORT OF SUSPECTED SEXUAL MISCONDUCT  
-2-

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

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

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Other information which may be helpful to the investigation:

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Sample of a letter to be sent by the Stated Clerk to a minister who has been named in a written allegation received by the Stated Clerk. The letter is not to be sent until the Stated Clerk has submitted the allegation to the Committee on Ministry of the Presbytery of Glacier and the Stated Clerk has been advised by that Committee to place the minister on administrative leave.

**EXHIBIT E**

Dear \_\_\_\_\_

It is the policy of the Presbytery of Glacier that accusations of sexual misconduct be dealt with as judiciously as possible. When an allegation is filed, the Stated Clerk is directed to inform the accused and the Committee on Ministry that an allegation has been received.

THIS IS A NOTICE THAT AN ALLEGATION AGAINST YOU CLAIMING

\_\_\_\_\_

HAS BEEN FILED WITH THE OFFICE OF THE STATED CLERK.

In accordance with Presbytery policy and the recommendation of the Committee on Ministry, you are hereby placed on Administrative Leave without prejudice, with pay, from your office as \_\_\_\_\_. This leave takes effect upon your receipt of this notice. Your cooperation in this matter is expected. The allegation will be investigated by a Special Inquiry Committee appointed by the Committee on Ministry and composed of the following persons: \_\_\_\_\_. They will be in contact with you.

Obviously, this is a personal, professional, and spiritual crisis for you and the congregation that you serve. Your willingness to live by the spirit and the letter of the ethical standards presented in the conditions for administrative leave (see attached document) may well lead to a prompt resolution of this matter.

Presbytery of Glacier

Stated Clerk

Exhibit E

-2-

CONDITIONS OF ADMINISTRATIVE LEAVE WHEN AN ALLEGATION OF SEXUAL MISCONDUCT HAS BEEN FILED WITH THE STATED CLERK OF THE PRESBYTERY:

1. You are to make NO CONTACT in person, by phone, by letter or messenger under any circumstances with the person who has filed allegations with the Stated Clerk or with the alleged victim named in the allegations. THIS IS ABSOLUTELY NECESSARY, if you wish to resolve this matter in your best interest professionally. Violation of this standard may be used against you. Violation of this standard may well lead to filing of charges by the Special Disciplinary Committee.
2. You are to have no contact in person, by phone, by letter or messenger under any circumstances with the members and staff of the church. The synod executive, or a neutral person whom Committee on Ministry chooses, is available to mentor a pastor through the issue causing need for administrative leave.
3. If the person making allegations against you resides in your home, you shall IMMEDIATELY SEEK ASSISTANCE FROM THE COMMITTEE ON MINISTRY before entering your house. As stated in Number one above, you are to refrain from contact with the accuser. With the Committee on Ministry representative present, you may enter your home to remove personal items. YOU SHALL THEN SEEK other living arrangements. It may be in your best interest to find living accommodations out of town. You shall notify the Presbytery Office, Stated Clerk, and Committee on Ministry moderator of your mailing address and phone at all times until the matter is resolved.
4. During this investigation period, it is crucial that you maintain the highest ethical and Christian standards as you work with the Special Disciplinary Committee, Presbytery Executive, and Presbytery Staff. These persons are directed by the Presbytery to work with you in this serious matter.
5. You may wish to seek pastoral assistance wherein you may explore the implications of this situation. This person could also serve as your counsel while the Special Disciplinary Committee is conducting its investigation. This person should be known to the Presbytery Executive and Stated Clerk so that potential conflict of interest on the part of your counsel may be avoided.
6. You may wish to discuss with the Stated Clerk the implications and your options since the Stated Clerk works with all parties to facilitate the process.

*Policy Adopted by Glacier Presbytery*

*1992*

*Revised by Committee on Ministry*

*28 May 2009*

*Revised Policy Adopted by Glacier Presbytery*

*15 Jun 2009*

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