

38 but be examples to the flock.

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

40 1 Pet. 1:15; 5:2-3; Jas. 3:1, NRSV

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

46 The basic principles of conduct guiding this policy are as follows:

47 1. Sexual misconduct is a violation of the role of pastors, employees, volunteers,
48 counselors, supervisors, teachers, and advisors of any kind who are called upon to
49 exercise integrity, sensitivity, and caring in a trust relationship. It breaks the covenant to
50 act in the best interests of parishioners, clients, co-workers, and students.

51 2. Sexual misconduct is a misuse of authority and power that breaches Christian
52 ethical principles by misusing a trust relation to gain advantage over another for
53 personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner,
54 student, client, or employee initiates or invites sexual content in the relationship, it is the
55 pastor's, counselor's, officer's, or supervisor's responsibility to maintain the appropriate
56 role and prohibit a sexual relationship.

57 3. Sexual misconduct takes advantage of the vulnerability of persons who are less
58 powerful to act for their own welfare, including children. It is antithetical to the gospel
59 call to work as God's servant in the struggle to bring wholeness to a broken world. It
60 violates the mandate to protect the vulnerable from harm.

61 *Definitions*

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

63 1. *Child sexual abuse*; including, but is not limited to, any contact or interaction
64 between a child and an adult when the child is being used for the sexual stimulation of
65 the adult person or of a third person. The behavior may or may not involve touching.
66 Sexual behavior between a child and an adult is always considered forced whether or
67 not consented to by the child. In the Presbyterian Church (U.S.A.), the sexual abuse
68 definition of a child is anyone under age eighteen.

69 2. *Sexual abuse* as defined in the *Book of Order*: "Sexual abuse of another person is
70 any offense involving sexual conduct in relation to (1) any person under the age of
71 eighteen years or anyone over the age of eighteen years without the mental capacity
72 to consent; or (2) any person when the conduct includes force, threat, coercion,
73 intimidation, or misuse of office or position" (*Book of Order*, D-10.0401c).

74 3. *Sexual harassment*; defined for this policy is as follows: unwelcome sexual
75 advances, requests for sexual favors, and other verbal or physical conduct of a sexual
76 nature constitute sexual harassment when

- 77 a. submission to such conduct is made either explicitly or implicitly a term or
78 condition of an individual's employment, or their continued status in an institution;
- 79 b. submission to or rejection of such conduct is used as the basis for employment
80 decisions affecting such an individual;
- 81 c. such conduct has the purpose or effect of unreasonably interfering with an
82 individual's work performance by creating an intimidating, hostile, or offensive working
83 environment; or
- 84 d. an individual is subjected to unwelcome sexual jokes, unwelcome or
85 inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually
86 exploit men, women, or children.
- 87 4. *Rape* or sexual contact by force, threat, or intimidation.
- 88 5. *Sexual conduct* (such as offensive, obsessive or suggestive language or behavior,
89 unacceptable visual contact, unwelcome touching or fondling) *that is injurious* to the
90 physical or emotional health of another.
- 91 6. *Sexual Malfeasance*; as defined by the broken trust resulting from sexual activities
92 within a professional ministerial relationship that results in misuse of office or position
93 arising from the professional ministerial relationship.
- 94 7. *Misuse of technology*; use of technology that results in sexually harassing or
95 abusing another person, including texting or emailing suggestive messages and images
96 to persons with whom one has a ministerial relationship. It is never appropriate to view
97 pornography on church property. When this includes a person under the age of
98 eighteen, it is considered child abuse. There is never an expectation of personal privacy
99 when using technological equipment owned by a church or church entity or within the
100 context of ministry.

101

102 III. Church Response to Allegations of Sexual Misconduct

103 A. *Principles*

104 In responding to allegations of sexual misconduct, members, persons in ordered
105 ministry, and employees of the church should seek healing and assure the protection of
106 all persons. Where possible, the privacy of persons should be respected and
107 confidentiality of communications should be maintained.

108 In responding to allegations of sexual misconduct, members, persons in ordered
109 ministry, and employees of the church should seek to uphold the dignity of all persons
110 involved, including persons who are alleging harm, persons who are accused of sexual
111 misconduct, and the families and communities of each.

112 The Presbytery of Grand Canyon has jurisdiction over its members, persons in
113 ordered ministry, and employees such that if a member, officer, or employee is alleged
114 to have committed an offense against Scripture or the PC(USA) Constitution, the church
115 has the duty to inquire into the allegations and, if the allegations are proven, to correct
116 the behavior of the member, officer, or employee and ensure the safety of others in the

117 community. Allegations of sexual misconduct are always considered allegations of
118 offense against Scripture or the PC(USA) Constitution that trigger the disciplinary
119 processes of the PC(USA) set forth in the *Book of Order*. In the case of an active non-
120 member who is employed or volunteers with the church, the individual will be covered
121 by the procedures of the written personnel policies of the governing body or entity.

122 If the person accused of sexual misconduct is no longer a member, officer, or
123 employee of the PC(USA), but the conduct occurred while the person was acting on
124 behalf of the PC(USA), the church does not have jurisdiction to correct the behavior,
125 but it does have a duty to hear the allegations of offense and to take measures to
126 prevent future occurrences of harm. The Council may appoint an administrative
127 committee or commission to hear the allegations of sexual misconduct. The Council
128 may also take measures to prevent future occurrences of harm through education and
129 policy.

130

131 B. *Reporting Requirements*

132 1. *Reporting Sexual Misconduct*

133 A person needing to report that a member, officer, employee, or volunteer of the
134 PC(USA) has committed sexual misconduct is encouraged to seek guidance from a
135 PC(USA) teaching or ruling elder regarding filing the report.

136 Congregation: If the person who is accused of committing sexual misconduct is a
137 member, ruling elder, deacon, volunteer, or employee of a congregation, the report of
138 allegations should be made to the pastor, the clerk of session, or the chair of the
139 personnel committee. If the accused is a member or officer of the church, the church
140 will respond by using the procedures set forth in the Rules of Discipline of the *Book of*
141 *Order*. If the accused is a nonmember employee or volunteer, the church will respond
142 by using procedures set forth by the session of the congregation.

143 Presbytery: If the person who is accused of committing sexual misconduct is a
144 teaching elder member, the report of allegations should be made to the stated clerk of
145 the presbytery. If the report of allegations is placed in writing, the presbytery will
146 respond by using the procedures set forth in the Rules of Discipline of the *Book of Order*.
147 If the person who is accused of committing sexual misconduct is a volunteer or
148 nonmember employee of the presbytery, the report of allegations may be made to
149 any of the staff or volunteers of the presbytery. The presbytery will respond by using
150 procedures set forth by policy or bylaws of the presbytery.

151 2. *Receiving Reports of Sexual Misconduct*

152 Reports of allegations of sexual misconduct will occur in a variety of ways.

153 Because a Council or entity cannot control to whom the victim of sexual
154 misconduct will speak first, it is important that officers, employees, and persons highly
155 visible to church members and visitors understand how reports of incidents are
156 channeled to the proper person. The allegations may come from persons who have or
157 who do not have a formal relationship with the PC(USA) and may be made to a variety

158 of persons in ordered ministry or leaders within the PC(USA). It is the duty of these
159 persons in ordered ministry to see that any allegation of sexual misconduct is reported
160 appropriately keeping in mind the mandatory reporting requirements for allegations of
161 child abuse.

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

167 The first person to learn of an incident of sexual misconduct should not undertake an
168 inquiry alone or question either the victim or the accused unless the incident is divulged
169 in the process of pastoral care, counseling, or a therapy session. If the victim is hesitant
170 to talk to "higher authorities," the person who has received the initial report has a
171 special pastoral responsibility to build trust and willingness to speak with the accuser, lest
172 the church be unable to respond because no one is able to give firsthand information.

173 The person receiving the initial report of allegations of sexual misconduct shall
174 analyze the relationship of the person accused of sexual misconduct with the PC(USA)
175 and shall make sure that the allegations of offense are filed with the Council with
176 jurisdiction over the person accused. This may be done by the person alleging harm or
177 by any member of the PC(USA).

178 If the report is made orally, the person receiving the report of allegations shall
179 request that the person making the report of allegations place it in writing. A report of
180 allegations of sexual misconduct in writing from a member of the PC(USA) alleging
181 another member or officer of the PC(USA) committed an offense must be acted on
182 according to the Rules of Discipline of the *Book of Order*. If a clerk or stated clerk
183 receives a report of allegations in writing from a nonmember of the PC(USA) alleging
184 another member or officer of the PC(USA) committed sexual misconduct, the report
185 also should be acted on according to the Rules of Discipline of the *Book of Order*. If the
186 person who makes the report is unwilling or unable to place it in writing, any member of
187 the PC(USA) should make the written statement that will automatically trigger the Rules
188 of Discipline of the *Book of Order*.

189 3. *Mandatory Reporting of Child Abuse*

190 a. *Elders and Deacons*

191 All members engaged in ordered ministry (teaching and ruling elders, and deacons)
192 and certified Christian educators are required to report knowledge of child abuse to
193 the civil and ecclesiastical authorities according to the *Book of Order*. The *Book of*
194 *Order* requires that:

195 Any member of this church engaged in ordered ministry and any
196 certified Christian educator employed by this church or its congregations,
197 shall report to ecclesiastical and civil legal authorities knowledge of harm,
198 or the risk of harm, related to the physical abuse, neglect, and/or sexual

199 molestation or abuse of a minor or an adult who lacks mental capacity
200 when (1) such information is gained outside of a confidential
201 communication as defined in G-4.0301, (2) she or he is not bound by an
202 obligation of privileged communication under law, or (3) she or he
203 reasonably believes that there is risk of future physical harm or abuse (G-
204 4.0302).

205

206 All persons covered by this policy have an additional duty to report knowledge of
207 child sexual abuse to the employing entity, supervisor, or Council representative. All
208 persons should be informed of and must comply with state and local laws regarding
209 incidents of actual or suspected child sexual abuse. These reports should be made
210 within a reasonable time of receiving the information.

211 These provisions of the *Book of Order* attempt to balance conflicting moral duties for
212 officers of the Presbyterian Church (U.S.A.).

213 For teaching elders, the provision strives to balance the duty to protect children from
214 future harm with the duty of a minister to hold in confidence any information revealed
215 to them during the exercise of pastoral care in any ministry setting as defined in G-
216 4.0301 in the *Book of Order*.

217 For ruling elders, deacons, and certified Christian educators, the provisions strive to
218 balance the duty of an officer of the church to protect children from harm and any
219 secular duty the officer may have to hold in confidence any information revealed as a
220 result of a secular relationship such as attorney/client, counselor/client, or
221 physician/patient. The secular duties will be a function of secular law and may vary
222 from state to state.

223

224 C. *Responding*

225 The appropriate Council or entity response will vary according to the relationship of
226 the Presbytery of Grand Canyon with the person who is accused of sexual misconduct.
227 Church members and persons in ordered ministry are subject to inquiry and discipline
228 (censure and correction) under the *Book of Order*. Non church member employees
229 and volunteers are subject to oversight and correction by the Council or entity that
230 employs them.

231 1. *Accused Covered by Book of Order*

232 When an allegation of offense of sexual misconduct has been received by the clerk
233 of session or stated clerk of the presbytery, the clerk of the Council will report to the
234 Council that an offense has been alleged and that the Council will proceed according
235 to the procedures set forth in the Rules of Discipline of the *Book of Order*. The Council
236 should appoint an investigating committee to inquire into the allegations. The
237 investigating committee must promptly begin its inquiry into the allegations. Delay may
238 cause further harm to the victim and/or the accused.

239 Governing bodies and entities must cooperate with civil authorities in an
240 investigation of child sexual abuse or other criminal sexual misconduct. Church
241 disciplinary proceedings cannot interfere with a criminal investigation by civil authorities
242 and may have to be suspended until these are completed.

243 The session has original jurisdiction in disciplinary cases involving members, elders,
244 and deacons of the church, each congregation having jurisdiction only over its own
245 members.

246 A presbytery has original jurisdiction in disciplinary cases involving teaching elders. A
247 presbytery may dissolve a pastoral relationship when the Word imperatively demands it
248 (G-3.0301). However, a presbytery may only place a teaching elder on administrative
249 leave when allegations of child abuse have been received and the presbytery has
250 followed the *Book of Order* procedures to conduct its risk evaluation to determine
251 whether or not a teaching elder member accused of child abuse should be placed on
252 administrative leave (D-10.0106). It is recommended that the permanent judicial
253 commission (PJC) members who will conduct this risk evaluation based upon the
254 allegations and a hearing should also take into account secular legal advice.

255 When a member in ordered ministry renounces jurisdiction, the clerk or stated clerk
256 shall report the renunciation at the next meeting of the Council and shall record the
257 renunciation in the minutes of the Council. The status of any pending charges may be
258 shared with the Council at that time.

259
260 2. *Accused Not Covered by Book of Order*

261 When a Council or entity of the Presbytery of Grand Canyon receives an accusation
262 of offense of sexual misconduct against a nonmember employee or volunteer, the
263 procedural response of the Council or entity will be guided by the written personnel
264 policies of the Council or entity. Usually the Council or entity will have a personnel
265 committee that will be responsible for the inquiry. If a Council does not have a
266 personnel committee, it may appoint either a committee or administrative commission
267 for the review of the allegation.

268 The committee or commission that will respond to the allegation of offense of sexual
269 misconduct will do the following:

270 a. Determine whether or not the allegation gives rise to a reasonable suspicion of
271 sexual misconduct by the accused.

272 b. If so, gather additional information necessary to make a decision about
273 correcting the behavior.

274 c. Determine any remedies, including limiting ministry, suspension, or termination
275 necessary and advisable under the circumstances. If the accused is a member of
276 another denomination, that denomination will be notified of the allegations and the
277 response.

278 d. Inform the victim and the accused of the remedy.

279 e. In all cases, the personnel committee shall prepare a written report, which shall
280 be included in the accused's permanent personnel file. The accused shall be allowed
281 to attach any written statements to said documents, also for permanent inclusion in the
282 permanent file.

283 All procedures shall follow the guidelines set forth by the Council, employing
284 agency, or entity of the Presbytery of Grand Canyon.

285 3. *Council or Entity Record Keeping*

287 The Council or entity should keep detailed records of its actions and minutes of its
288 deliberations and its conversations with the accuser, the accused, and other parties
289 involved, correspondence, and copies of the reports received from committees or
290 commissions. Such records will be kept confidential as far as possible. In Case # 208-6,
291 the General Assembly Permanent Judicial Commission (GAPJC) interpreted the Rules of
292 Discipline to say that a Council or entity may share the contents of inquiry reports with
293 other governing bodies or entities of the PC(USA) when necessary. The clerk of the
294 Council or director of the entity will maintain the records while the inquiry is in process.

295

296 IV. Prevention and Risk Management

297 A. *Implementation*

298 The Presbytery urges all governing bodies and related entities including colleges,
299 universities, and theological institutions, to establish policies and procedures that make
300 it a violation of the employer's work rules to engage in sexual misconduct and that
301 encourage reporting of sexual misconduct. Governing bodies and entities are strongly
302 encouraged to take appropriate steps to inform members, employees, volunteers, and
303 students of the standards of conduct and the procedures for effective response when
304 receiving a report of sexual misconduct.

305 B. *Liability and Insurance*

306 A Council or entity can be held liable for harm caused by sexual misconduct of an
307 officer, minister, or employee based on a number of legal theories. Governing bodies
308 and entities should take such potential liability into consideration when establishing
309 hiring and supervisory practices.

310 Governing bodies and entities should regularly inform their liability insurance carriers
311 of the activities and programs they operate or sponsor and of the duties and
312 responsibilities of officers, employees, and volunteers. The standard insurance policy
313 should usually be enhanced by endorsements to cover specific exposures such as
314 camps, day-care operations, shelters, or other outreach programs.

315 It is also recommended that governing bodies and entities obtain an endorsement
316 to their general liability insurance policy specifically covering sexual abuse and
317 molestation. Such coverage may provide for legal defense expenses and judgments in
318 civil suits brought against the Council or entity, its officers, directors, or employees.

319 C. *Employment Practices*

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1. *Record Keeping*

Accurate record keeping is an essential part of hiring and supervision practices of churches, middle governing bodies, and related entities. Every Council and entity should maintain a personnel file on every employee, including ministers. The file should contain the application for employment, any employment questionnaires, background checks, references responses, and all other documents related to an employee's employment, except records that may be required, by law, to be kept in separate files.

2. *Prescreening Applicants*

Governing bodies and entities are urged to establish thorough and consistent 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. The Council should perform a background check, including a national criminal background check, on all applicants that may have interaction with children and youth.

Part of pre-employment screening should include specific questions related to discovering previous complaints of sexual misconduct. See Appendix B: Sample Exhibit E.

3. *References*

The employing Council or entity is responsible for contacting references for prospective teaching elders, employees, or volunteers. A written record of conversations or correspondence with references should be kept in the teaching elder or employee's personnel file. (See Appendix B: Sample Exhibit B for a sample reference form.)

In dealing with teaching elders transferring from one position to another, the responsibility for previous employer reference checks will be the responsibility of the Executive Presbyter or the authorized persons who would report to the Commission on Ministry or Commission on Preparation for Ministry.

The person within the Council or entity authorized to give a reference is obligated to give truthful information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the applicant.

If false or misleading information is given by the applicant, or relevant information is withheld, the applicant should 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.

361
362

V. Educating and Training—Awareness

363 Since the issue of sexual misconduct has become a present reality, there is an
364 emerging need to educate and train a wide variety of persons. Persons needing this
365 specific education include: teaching elders; volunteers; officers; nonprofessional and
366 professional staff; ministerial candidates; professionals who will be working with this issue
367 within the denomination; members of the congregation; and Presbytery staff including
368 supervisors, employees, and stated clerks.

369 Education for these persons and groups will be different on a group-by-group basis.
370 A primary requirement for all persons should be common knowledge regarding
371 professional and ministerial boundaries, the Presbytery Sexual Misconduct Policy, and
372 their own specific Council or entity policy.

373 It is further urged that the appropriate presbytery committee(s) include training for
374 inquirers, candidates, newly ordained pastors, and new pastors to their presbyteries
375 regarding sexual misconduct, especially including education on their specific policy
376 and procedures.

377 Much of a congregation's education currently happens in response to an actual
378 case of sexual misconduct. However, it is recommended that the congregation be as
379 proactive in this area as possible offering education in a variety of settings. There are
380 already numerous resource materials available that could be adapted to a congrega-
381 tion's setting.

382 Employing entities need to make sure all employees are well acquainted with,
383 understand, and abide by their policy and procedures. Employing entities should offer
384 additional training and resources, such as: a workshop during staff meeting; lunchtime
385 discussion group; articles and books made available; etc.

386 Any professional (therapists, attorneys, advocates, mediators, arbitrators) used by a
387 Council should have access to experts qualified in the field of sexual misconduct if they
388 themselves are not.

389

390 **ADDITIONAL RESOURCES**

391

392 Appendix A – Definitions

393

394 Appendix B – Employment Procedures with Forms

395

396 **Appendix A. Definitions**

397

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

400

401 *Accuser* is a term used to represent the person claiming knowledge of sexual
402 misconduct by a person covered by this policy. The accuser may or may not have

403 been the victim of the alleged sexual misconduct. A person such as a family member,
404 friend, or colleague may be the accuser.

405
406 *Church* when spelled with the initial capitalized refers to the Presbyterian Church
407 (U.S.A.). *Church* when spelled with the initial in lowercase refers to local churches. The
408 word *congregation* is used loosely for members and participants.

409
410 *Employee* is the comprehensive term used to cover individuals who are hired or called
411 to work for the Church for salary or wages.

412
413 *Entity* is the term used to refer to any program or office managed by a board,
414 committee, Leadership Team, or other body whose membership is elected by a
415 Council.

416
417 *Council* is a representative body composed of teaching and ruling elders, sessions,
418 presbyteries, synods, and the General Assembly. A Council may establish entities such
419 as day-care centers, conference centers, camps, or homes for the aged. A Council
420 may have both church members and nonmembers as employees.

421
422 *Inquiry* is the term used in the Rules of Discipline to determine whether charges should
423 be filed based upon allegations of an offense received by a Council. See *Book of*
424 *Order*, D-10.0000.

425
426 *Mandated Reporter* is described by some states' laws as a person who is required to
427 report any and all suspected incidents of child abuse, including child sexual abuse that
428 come to their attention. State laws vary from defining "all persons having knowledge"
429 as mandated reporters to specifying very limited lists of professions whose members are
430 required to report.

431
432 *Persons Covered* by this policy includes church members, church persons in ordered
433 ministry, and nonmembers who are employees or volunteers of the Presbytery of Grand
434 Canyon.

435
436 *Response* is the action taken by the Council or entity when a report of sexual
437 misconduct is received. It may include (1) inquiry into facts and circumstances, (2)
438 possible disciplinary action (administrative or judicial or both), (3) pastoral care for
439 victims and their families and others, and (4) pastoral care and rehabilitation for the
440 accused and care for their families.

441
442 *Secular Authorities* are the governmental bodies, whether city, county, state, or federal,
443 who are given the responsibility to investigate, criminally prosecute, and/or bring civil
444 charges against individuals accused of sexual crimes or offenses against adults and
445 children.

446
447 *Secular Law* is the body of municipal, state, and federal laws and is often referred to
448 collectively as civil and criminal law. Prohibited behavior addressed by this policy may
449 result in criminal and/or civil charges filed under secular law.

450
451 *Victim* is a person claiming to have been harmed and/or abused by a person covered
452 under this policy.

453
454 *Volunteer* is the term used for those who provide services for Presbytery of Grand
455 Canyon. Volunteers include persons elected or appointed to serve on boards,
456 committees, and other groups. For purposes of this policy, volunteers are to be treated
457 in the same way as employees.

458 **Appendix B.** Employment Procedures—With Forms

459
460 Each “Employing Entity” should have already established and implemented entity
461 personnel policies that include employment procedures for the search, selection, and
462 call of entity staff. The employment procedures should spell out the process to be
463 followed during the election of chief administrative officers and other staff, the
464 appointment of exempt and nonexempt staff, and the call of ministers of the Word and
465 Sacrament, chief administrative officers, and elected staff. These employment
466 procedures should also include candidate/applicant reference checks prior to
467 employment. Employing entity personnel policies should contain a clearly defined
468 grievance process, a periodic performance review process, and a section that prohibits
469 sexual misconduct (including sexual harassment). These provisions should be applicable
470 to all full-time, part-time, temporary, and interim staff. The personnel policies should also
471 provide for confidential communication channels whereby staff members can voice
472 concerns or apprehensions without fear of retribution.

473
474 Churchwide and public advertisement of vacant positions as a part of an employing
475 entity's search procedures to fill vacant positions is required of Presbytery entities and
476 related bodies and is recommended as a guideline for governing bodies by the
477 churchwide personnel policies as well as the Churchwide Plan for Equal Employment
478 and Affirmative Action. In support of this policy and its procedures on sexual
479 misconduct, all vacant positions of religious leadership forwarded to publications for
480 advertisement, distributed to units of the church, as well as posted on local bulletin
481 boards, will include the following statement: “The Presbyterian Church (U.S.A.) is an
482 equal opportunity employer. In addition the church has a strong policy opposing sexual
483 harassment or abuse. References and records will be checked during the employment
484 process.”

485
486 This statement will also be included in all information distributed through the Personnel
487 Referral Services of the Office of Vocation.

488
489 The following forms are included in this appendix: Exhibit A, Employee Questionnaire;
490 and Exhibit B, Confidential Employee References. These two forms will be used by
491 Presbytery entities and institutions, and are recommended for use by all other
492 employing units of the church. Exhibit C, a form for Implementing Policy of Sexual
493 Misconduct, is to be used by each employing entity as it distributes its sexual
494 misconduct policy to employees and others. Exhibit D, Report of Suspected Sexual

495 Misconduct, is for gathering basic information to be passed along to the appropriate
496 person or group handling sexual misconduct cases for a unit or other entity.
497 As required by acceptable personnel procedures, an employee handbook should be
498 written, published, and distributed to each employee of church employing entities. All
499 existing personnel policies and employee handbooks should be updated to include a
500 sexual misconduct policy.

501
502 It is advisable to seek legal advice as other Councils, related bodies, and entities
503 develop and publish policy and procedures on sexual misconduct using this Presbytery
504 policy as a guide.

505
506 All forms should be checked for compliance with state laws.
507

508
509

510 Sample Exhibit A

511 This is a sample employment questionnaire. In addition to the usual questions one finds
512 on an employment questionnaire, the writing team has added certifications and
513 releases that focus on past incidents of sexual misconduct. All entities are urged to
514 have this or any substitute form they design examined by their legal counsel before
515 using it.

516
517 Employment Questionnaire

518
519 Name:

520 _____
521 _____

522 Last First Middle

523 Address:

524 _____
525 _____

526 Street

527 _____
528 _____

529 City State Zip

530 Business Phone: _____

Home Phone:

531 _____

532 Have you ever been known by any other name? Yes___ No___

533 If yes, please provide other name(s):

534 _____
535 _____

536
537 Employment Record (List current and previous employers for the last five years.)

538
539 Employed by: _____

540 Address: _____

541 City, State, Zip: _____

542 Supervisor: Phone: _____
543 Supervisor's Title: _____
544 Employed from _____ (month/year) to _____ (month/year)
545 Why did you leave? _____

546
547 Employed by: _____
548 Address: _____
549 City, State, Zip: _____
550 Supervisor: Phone: _____
551 Supervisor's Title: _____
552 Employed from _____ (month/year) to _____ (month/year)
553 Why did you leave? _____

554
555 Employed by: _____
556 Address: _____
557 City, State, Zip: _____
558 Supervisor: Phone: _____
559 Supervisor's Title: _____
560 Employed from _____ (month/year) to _____ (month/year)
561 Why did you leave? _____

562
563 I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is
564 pending against me for sexual misconduct; (b) I have never resigned or been
565 terminated from a position for reasons related to sexual misconduct.

566 _____
567 _____
568 Signature Date

569
570 Note: If you are unable to make the above certification you may instead give in the
571 space provided a description of the complaint, termination, or the outcome of the
572 situation and any explanatory comments you care to add.

573
574 Employment Questionnaire (continued)

575
576 Release
577 The information contained in this questionnaire is accurate to the best of my knowledge
578 and may be verified by the employing entity. I hereby authorize (*Name of Employing*
579 *Entity*) to make any and all contacts necessary to verify my prior employment history,
580 and to inquire concerning any criminal records or any judicial proceedings involving
581 me as a defendant. By means of this release I also authorize any previous employer and
582 any law enforcement agencies or judicial authorities to release any and all requested
583 relevant information to the _____ (Name of
584 Employing Entity)

585
586 I have read this release and understand fully that the information obtained may be
587 used to deny me employment or any other type of position from the employing entity. I
588 also agree that I will hold harmless the employing entity or judicial authority from any

589 and all claims, liabilities, and cause of action for the legitimate release or use of any
590 information.

591 Signature _____

592 Witness _____

593 Witness _____

594

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604 Sample Exhibit B

605 This is a sample form that may be used to keep a record of all face-to-face or
606 telephone reference checks. Additions that have to do with sexual misconduct or child
607 abuse may be needed by the entity to justify to a court of law that they have done
608 reasonable and prudent screening before hiring a person for a position within that
609 entity.

610

611

612

613 Confidential Employment Reference

614

615 1. Name of applicant:

616 _____

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

619 _____

620 _____

621 3. Date and time of contact:

622 _____

623 4. Person contacting the reference or church:

624 _____

625 5. Method of contact (phone, letter, personal conversation):

626 _____

627 6. Summary of conversation (summarize the reference's remarks concerning the
628 applicant's fitness and suitability for the position, any convictions for or actions pending
629 related to sexual misconduct, sexual harassment or child abuse):

630 _____

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633 _____

634 Name Title

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Signature Date

Sample Exhibit C

This is a sample designed to implement the sexual misconduct policy. It is necessary that all employees acknowledge being in receipt of the sexual misconduct policy. The policy provides protection and empowerment for the employee.

Form for Implementing Policy of Sexual Misconduct Acknowledgement of Receipt

I hereby acknowledge that I received on _____ (date), a copy of the "Policy and Its Procedures on Sexual Misconduct of the Presbyterian Church (U.S.A.)" dated _____ that I have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy.

Signature _____

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

Sample Exhibit D

This exhibit provides entities with a sample Report of Suspected Sexual Misconduct. It provides space for the names, addresses, and telephone numbers of victims, the accused, possible witnesses, and others involved. It also provides space for a description of the offending behavior as well as other pertinent information. This form or a revision of it should be filed with the appropriate supervisor, office, or administrator of an entity who is required to file this with the constituting authority or its response

681 coordination team. (See section on Subsequent Reporting in this policy and its
682 procedures.)

683
684 Report of Suspected Sexual Misconduct

685 Reported by:

687 _____

688 Name

689 _____

690 _____

691 Title

692 _____

693 _____

694 Address

695 _____

696 _____

697 City, State, and Zip Code

698 _____

699 Telephone

700 _____

701 Date of Report

702 _____

703

704

705 Person suspected of misconduct:

706 Name

707 _____

708 _____

709 Title

710 _____

711 _____

712 Address

713 _____

714 City, State, and Zip Code

715 _____

716 Telephone

717 _____

718 Other person(s) involved (witness or victims):

719 Name _____ Title

720 _____

721 Age _____ Sex _____

722 Address

723 _____

724 City, State, and Zip Code

725 _____

726 Telephone

727 _____

728 Report of Suspected Sexual Misconduct

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

731 _____

732 _____

733 _____

734 _____

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

737 _____

738 _____

739 _____

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743

744 Sample Exhibit E

745

746 Employment Questions to Ask of Potential Employees

747

748 Governing bodies and entities should ask persons seeking ministerial calls or
749 employment in non-ordained positions questions such as:

750

751 1. Has a civil, criminal, or ecclesiastical complaint ever been sustained against you
752 involving sexual misconduct by you?

753

754 2. Have you ever resigned or been terminated from a position for reasons relating to
755 allegations of sexual misconduct by you?

756

757 3. If so, indicate the date, nature, and place of these allegations, and the name,
758 address, and telephone number of your employer at that time.

759

760 4. Have you been required to receive professional treatment, physical or psychological,
761 for reasons related to sexual misconduct to you?

762

763 5. If so, please give a short description of the treatment including the date, nature of
764 treatment, place, and name, address, and telephone number of the treating physician
765 or other professional.

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Appendix A

Definitions

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

Accuser is a term used to represent the person claiming knowledge of sexual misconduct by a person covered by this policy. The accuser may or may not have been the victim of the alleged sexual misconduct. A person such as a family member, friend, or colleague may be the accuser.

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

Employee is the comprehensive term used to cover individuals who are hired or called to work for the 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-10.0000.

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. State laws vary from defining "all persons having knowledge" as mandated reporters to specifying very limited lists of professions whose members are required to report.

Persons Covered by this policy includes church members, church officers, ministers, and nonmembers who are employees or volunteers of the General Assembly of the PC(USA). All other governing bodies or entities of the General Assembly are urged to create a sexual misconduct policy using the guidelines set out in this policy.

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 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.

Victim is a person claiming to have been harmed and/or abused by a person covered under this policy.

Volunteer is the term used for those who provide services for the General Assembly of the PC(USA).

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.

Appendix B

Employment Procedures—With Forms

Each “Employing Entity” should have already established and implemented entity personnel policies that include employment procedures for the search, selection, and call of entity staff. The employment procedures should spell out the process to be followed during the election of chief administrative officers and other staff, the appointment of exempt and nonexempt staff, and the call of ministers of the Word and Sacrament, chief administrative officers, and elected staff. These employment procedures should also include candidate/applicant reference checks prior to employment. Employing entity personnel policies should contain a clearly defined grievance process, a periodic performance review process, and a section that prohibits sexual misconduct (including sexual harassment). These provisions should be applicable to all full-time, part-time, temporary, and interim staff. The personnel policies should also provide for confidential communication channels whereby staff members can voice concerns or apprehensions without fear of retribution.

Churchwide and public advertisement of vacant positions as a part of an employing entity’s search procedures to fill vacant positions is required of General Assembly entities and related bodies and is recommended as a guideline for governing bodies by the churchwide personnel policies as well as the Churchwide Plan for Equal Employment and Affirmative Action. In support of this policy and its procedures on sexual misconduct, all vacant positions of religious leadership forwarded to publications for advertisement, distributed to units of the church, as well as posted on local bulletin boards, will include the following statement: “The Presbyterian Church (U.S.A.) is an equal opportunity employer. In addition the church has a strong policy opposing sexual harassment or abuse. References and records will be checked during the employment process.”

This statement will also be included in all information distributed through the Personnel Referral Services of the Office of Vocation.

The following forms are included in this appendix: Exhibit A, Employee Questionnaire; and Exhibit B, Confidential Employee References. These two forms will be used by General Assembly entities and institutions, and are recommended for use by all other employing units of the church. Exhibit C, a form for Implementing Policy of Sexual Misconduct, is to be used by each employing entity as it distributes its sexual misconduct policy to employees and others. Exhibit D, Report of Suspected Sexual Misconduct, is for gathering basic information to be passed along to the appropriate person or group handling sexual misconduct cases for a unit or other entity.

As required by acceptable personnel procedures, an employee handbook should be written, published, and distributed to each employee of church employing entities. All existing personnel policies and employee handbooks should be updated to include a sexual misconduct policy.

It is advisable to seek legal advice as other governing bodies, related bodies, and entities develop and publish policy and procedures on sexual misconduct using this General Assembly policy as a guide.

All forms should be checked for compliance with state laws.

Sample Exhibits and Forms for Implementation

Sample Exhibit A

This is a sample employment questionnaire. In addition to the usual questions one finds on an employment questionnaire, the writing team has added certifications and releases that focus on past incidents of sexual misconduct. All entities are urged to have this or any substitute form they design examined by their legal counsel before using it.

Sample Employment Questionnaire

Name:

Last First Middle

Address:

Street

City State Zip

Business Phone: _____ Home Phone: _____

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

If yes, please provide other name(s):

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

Employed by: _____
Address: _____
City, State, Zip: _____
Supervisor: Phone: _____
Supervisor's Title: _____
Employed from _____ (month/year) to _____ (month/year)
Why did you leave? _____
Employed by: _____
Address: _____
City, State, Zip: _____
Supervisor: Phone: _____
Supervisor's Title: _____
Employed from _____ (month/year) to _____ (month/year)
Why did you leave? _____
Employed by: _____
Address: _____
City, State, Zip: _____
Supervisor: Phone: _____
Supervisor's Title: _____
Employed from _____ (month/year) to _____ (month/year)
Why did you leave? _____

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.

Signature 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 the outcome of the situation and any explanatory comments you care to add.

Release

The information contained in this questionnaire is accurate to the best of my knowledge and may be verified by the employing entity. I hereby authorize (*Name of Employing Entity*) to make any and all contacts necessary to verify my prior employment history, and to inquire concerning any criminal records or any judicial proceedings involving me as a defendant. By means of this release I also authorize any previous employer and any law enforcement agencies or judicial authorities to release any and all requested relevant information to the _____ (Name of Employing Entity).

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 or judicial authority from any and all claims, liabilities, and cause of action for the legitimate release or use of any information.

Signature _____

Witness _____

Witness _____

Sample Exhibit B

This is a sample form that may be used to keep a record of all face-to-face or telephone reference checks. Additions that have to do with sexual misconduct or child abuse may be needed by the entity to justify to a court of law that they have done reasonable and prudent screening before hiring a person for a position within that entity.

Confidential Employment Reference

1. Name of applicant: _____

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

3. Date and time of contact: _____

4. Person contacting the reference or church: _____

5. Method of contact (phone, letter, personal conversation): _____

6. Summary of conversation (summarize the reference's remarks concerning the applicant's fitness and suitability for the position, any convictions for or actions pending related to sexual misconduct, sexual harassment or child abuse):

Name Title

Signature Date

Sample Exhibit C

This is a sample designed to implement the sexual misconduct policy. It is necessary that all employees acknowledge being in receipt of the sexual misconduct policy. The policy provides protection and empowerment for the employee.

Form for Implementing Policy of Sexual Misconduct Acknowledgement of Receipt

I hereby acknowledge that I received on _____ (date), a copy of the "Policy and Its Procedures on Sexual Misconduct of the Presbyterian Church (U.S.A.)" dated that I have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy.

Signature _____

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

Sample Exhibit D

This exhibit provides entities with a sample Report of Suspected Sexual Misconduct. It provides space for the names, addresses, and telephone numbers of victims, the accused, possible witnesses, and others involved. It also provides space for a description of the offending behavior as well as other pertinent information. This form or a revision of it should be filed with the appropriate supervisor, office, or administrator of an entity who is required to file this with the constituting authority or its response coordination team. (See section on Subsequent Reporting in this policy and its procedures.)

Report of Suspected Sexual Misconduct

Reported by: _____

Name _____

Title _____

Address _____

City, State, and Zip Code _____

Telephone _____

Date of Report: _____

Person suspected of misconduct:

Name _____

Title _____

Address _____

City, State, and Zip Code _____

Telephone _____

Other person(s) involved (witness or victims):

Name _____ Title _____

Age _____ Sex _____

Address _____

City, State, and Zip Code _____

Telephone _____

Report of Suspected Sexual Misconduct

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

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

Sample Exhibit E

Employment Questions to Ask of Potential Employees

Governing bodies and entities should ask persons seeking ministerial calls or employment in non-ordained positions questions such as:

1. Has a civil, criminal, or ecclesiastical complaint ever been sustained against you involving sexual misconduct by you?
2. Have you ever resigned or been terminated from a position for reasons relating to allegations of sexual misconduct by you?
3. If so, indicate the date, nature, and place of these allegations, and the name, address, and telephone number of your employer at that time.
4. Have you been required to receive professional treatment, physical or psychological, for reasons related to sexual misconduct to you?
5. If so, please give a short description of the treatment including the date, nature of treatment, place, and name, address, and telephone number of the treating physician or other professional.

A sample employment questionnaire is attached as Exhibit A for adaptation by governing bodies and entities. The questions included in this sample may be integrated into a standard employment questionnaire along with other necessary questions.

Appendix C

Meeting the Needs of All Involved

In cases of sexual misconduct there are needs that have to be met for the good of all persons, groups, and entities. To ensure that the governing body is ready to meet the variety of needs present, an independent response coordination team may be named. This team will not investigate the allegation or in any way function as an investigating committee for disciplining members or officers, but should confine itself to coordinating a process that will meet the specific needs of victims and their families (if any), the accused and family (if any), employing entities, congregations, and governing bodies:

A. *The Needs of the Victim*

The governing body, employing entity, and response coordination team should assure that adequate treatment and care are available for alleged victims of sexual misconduct and their families. Sometimes, the victim or family is so angry and alienated from the church, that offers of help may be perceived as insincere or as attempts of a cover-up. If the victim or family at first refuses, the church should continue to offer help. Above all the church should not act in a self-protective manner by ignoring the victim and their families.

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

The following are some of the needs of the victim:

1. To be heard and taken seriously. From the time that the victim is first able to indicate that sexual misconduct has occurred, that person should receive immediate attention and serious consideration from all church representatives.
 2. To receive pastoral and therapeutic support. The victim may require spiritual and professional assistance as a result of sexual misconduct. The response coordination team should offer to help arrange for such support from a pastor and therapist, if the victim desires. Discussions with such people would be confidential, privileged conversations.
 3. To be informed about church process and progress with regard to the accusation. One member of the response coordination team should be the church contact person for the victim. Frequently, this contact person will give the victim information as to what is happening in the church as a result of the accusation.
 4. To receive legal advice. The response coordination team should suggest that the victim might benefit from independent legal advice. (Legitimate claims might be more effectively pursued and flimsy or false claims discouraged.) If requested, the response coordination team should suggest ways in which independent legal advice can be obtained.
 5. To be assured of an advocate of one's own choosing. A victim may need continuing moral support from one individual who is present while the church process deals with the accusation. This advocate may be a relative, friend, or someone suggested by the response coordination team. This advocate could speak for the victim, if necessary.
- To be assured that justice will be pursued. The victim needs to be told by the response coordination team, and shown by the processes of the church, that justice is being pursued through fact-finding, truth-telling, confrontation, and agreement that may include removal or temporary exclusion of the accused from office or adjudication of the complaint.
 - To receive healing and reconciliation. In addition to specific forms of restitution mentioned above, the victim needs to receive a sense of healing and reconciliation with all concerned—the self, the family, the church and, ideally, the accused. The response coordination team can help bring this about using the church's processes and resources. While the above are needs of the victim, one recognizes that all of these needs may also not be met through a reasonable handling of a specific case, but may only occur over a lengthier period of time. All of these needs, however, should be taken seriously and compassionately, and the rights of the victim respected.

B. *The Needs of the Accused*

The governing body or entity shall offer treatment and care for the accused as well as alleged victims and families. If the accused is a minister, this is the primary responsibility of the committee on ministry (*Book of Order*, G-11.0501).

Feelings of guilt, shame, anger, mistrust, lowered self-esteem, depression, unworthiness, and feelings of alienation from God, self, the religious community, and family are often experienced by the accused. In addition, there may be fear of job loss, incarceration, and indignation if an allegation is false.

When a person is found not guilty of charges of sexual misconduct, it is important for the governing body or entity to see that the decision is disseminated as widely as possible within their power, unless doing so would further injure the person accused.

1. Personal Care

Whether the allegations about the accused are eventually found to be true or not, the accused deserves to be treated with Christian kindness and respect.

The response coordination team may suggest that the accused seek spiritual support or professional counseling. People in staff positions, such as presbytery executives or stated clerks, should not engage in personal counseling of the accused because of their potential involvement in disciplinary process.

2. Economic Security and Care for Family of Accused

When an allegation of sexual misconduct has been made against a minister, the economic security of the accused is directly threatened, along with reputation, career, and family relationships. Again, the committee on ministry can be of assistance.

The response coordination team may alert the committee on ministry to the possible spiritual, emotional, and financial needs of the family of the accused and recommend expert resources.

C. The Needs of a Congregation in a Context of Sexual Misconduct

The governing body, employing entity, and response coordination team should be aware of the problems a congregation or employing entity may experience following allegations of sexual misconduct by a minister, employee, or volunteer. The allegations may polarize the congregation or organization, damage morale, create serious internal problems, and even limit the trust a congregation may place in succeeding pastors. Efforts should be taken to recognize and identify the problems and heal any damage that may be done to the congregation or organization.

When there is sexual misconduct on the part of a minister, non-ordained staff, or volunteer in a particular congregation, a number of needs unique to that congregation will emerge since sexual misconduct impacts congregations in different ways. Therefore, these needs will not necessarily emerge in the same sequence in each situation. Depending on the parties involved in the sexual misconduct, some of the needs may not emerge. In any event, those managing the church's response to the sexual misconduct will want to know that the following needs may emerge:

1. Pastoral Care

Members and staff of the congregation will need pastoral care. If it is the pastor who is involved in the sexual misconduct, care will need to be provided by another member of the ordained staff (if the church is a multiple-staff church) or by a trained interim pastor. If the pastor leaves as a result of sexual misconduct, in extreme cases a trained interim pastor or consultant in sexual misconduct may need to work with the congregation for an extended period of time.

If it is not a pastor who is involved in the sexual misconduct, then the pastor will provide the needed care for the congregation. The pastor, if not previously trained in this specialty area, will need to consult with denominational specialists who will advise him or her how to proceed and any anticipated problems.

2. Information About the Case

Members of the congregation will need opportunities both to receive and give information. If a case of sexual misconduct becomes a matter of public knowledge within a congregation and if a pastor has been found guilty of sexual misconduct, the interim pastor or consultant may hold appropriate meetings with individuals, small groups, or with the whole congregation. Such meetings should provide information about sexual misconduct in general, Presbyterian polity and our judicial process, and how others who may have been victimized may be heard and ministered to. If the offender is not the pastor, then the pastor may perform these functions. At such meetings, one may expect members to vent their feelings. An opportunity for this to happen should be provided. If this venting does not take place, then it may create serious problems for the future of the congregation, for future pastors, and for the governing body.⁷ Dynamics may differ somewhat in racial ethnic churches, but no empirical studies have yet demonstrated different dynamics.

3. Resource Persons

In light of the above needs, the following are several resource persons whose services would be valuable to a

congregation in the context of sexual misconduct: a trained interim pastor, a committee on ministry representative knowledgeable in polity and the effects of sexual misconduct in the church, a consultant or therapist with knowledge and experience in dealing with sexual misconduct, an attorney who can discuss legal aspects of a case, an insurance agent who can advise the congregation about their exposure to liability or coverage.

It is the responsibility of the governing body to establish policy and its procedures governing cases of sexual misconduct in that jurisdiction. The PC(USA) policy and its procedures are intended to guide the development of governing body policy and procedures.