

# Presbytery de Cristo Policy and Procedure on Sexual Misconduct

## FORWARD

Presbytery de Cristo has developed this policy in an effort to further the peace, unity and purity of the church through the prevention, remediation and, when appropriate, disciplinary action of sexual misconduct within the church. Attention has been given to setting guidelines of ethical behavior as well as providing enforcement of standards consistent with Reformed tradition and secular law. Requirements and protections guaranteed under the Form of Government and the Rules of Discipline were particularly noted in the development of this policy. This document should be helpful in assuring consistency of practice and action within the Presbytery, provide an information base for educating both ministers and laity, and serve as a model for local congregations in the development of their personnel policies.

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

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

You know that we who teach  
Shall be judged with greater strictness.  
1 Peter 1:15, 5-2; James 3:1, NRSV

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. That manner of life should be a demonstration of the Christian gospel in the Church and world. (*Book of Order* G-6.0106)

# **Presbytery de Cristo Policy and Procedure on Sexual Misconduct**

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# Policy and Procedure on Sexual Misconduct

## CHAPTER ONE

### THEOLOGICAL PREMISE

- 1.01 *Do not be conformed to this world, but be transformed by the renewing of your minds, so that you may discern what is the will of God—what is good and acceptable and perfect. (Romans 12-2)*
- 1.02 Presbytery de Cristo policy and procedures on sexual misconduct is set in the framework of what it means to be a sexual person in Christian faith and a servant in the church. Our sexuality as a dimension of our whole selves is to be offered to God. In the expression of sexual desires we are called to holiness. God values sexuality as good, blessed, and purposeful, as an expression of love and for the procreation of children. Sexuality is a gift to be celebrated. We are called to be responsible in the use of our sexuality and respect each other.
- 1.03 The centerpiece of this policy is that all people – men, women, and children—are created by God in the image of God and therefore have dignity and worth. From this belief in the sacredness of our physical beings, we understand and declare that every person has the right to sexual and bodily integrity. As human beings and especially as Christians, we are to respect one another in body, mind, and spirit. This respect maintains boundaries between individuals. Boundaries, which when linked but not crossed, create Christian community. Under the guidance of God’s spirit, such community encourages trust, openness, and compassion, as well as accountability and responsibility.
- 1.04 The gifts and requirements of church officers – deacons, elders and ministers of Word and Sacrament – have been set forth in the Book of Order G-6.0106a and b. Leadership within the Christian community, whether clergy or lay, is a sacred trust to be exercised with faithfulness and love. Sexual misconduct by Christian leaders is a violation of this trust, betraying its victim(s), damaging the abuser, and threatening the credibility of the church itself.

- 1.05 Because of the inherent power associated with positions of leadership (paid or voluntary), the responsibility for maintaining appropriate boundaries rests with those trusted as leaders. This responsibility is rooted in both Christian and, for clergy, professional ethics, and should be taken seriously. Those who are called to tend Christ's flock should conduct themselves in a manner which nurtures and protects the vulnerable. Consequently, the "good of the church" can never be served by overlooking an abuse of power and trust such as that involved in sexual misconduct.
- 1.06 Therefore, the response to an allegation of sexual misconduct must be a fair inquiry that takes the alleged violation, and all persons involved seriously. Above all else, the inquiry must seek to determine the truth, for only truth can give birth to justice. The goal of justice and compassion—the goal of this process—is the restoration of Christian community, the healing of broken boundaries and injured persons, and the rehabilitation of God's people.
- 1.07 All those who serve the Church within this Presbytery, in either a temporary or permanent relationship, including clergy, staff, church officers and volunteers, are expected to adhere to Christian ethical principles in their sexual conduct and in their exercise of authority and power. The Church and its extended ministries are to be seen as safe places in the community, places where it is known that sexual misconduct is not tolerated. This is part of our Christian witness to the community. Therefore, the leadership of any group using church premises for their activities is also subject to this policy.
- 1.08 Our commitment is to model the example of Christ and to be rooted in the love of Christ in all relationships. For any Christian to betray trust by the grave transgression of sexually abusing another, whether child or adult is to deny his or her own Christian identity, as well as to deny to the one abused the witness to the risen Christ in the world. Such betrayal will be a grave injury to the one abused and a violation of faithfulness to Christ. Because of the serious consequences of sexual abuse, the Church must make every effort to ensure that sexual abuse does not occur within its jurisdiction. When such abuse does occur, the Church must make a clear and just response.
- 1.09 **Presbytery de Cristo affirms that all forms of sexual misconduct are sinful and contrary to God's will for humanity.**

# Policy and Procedure on Sexual Misconduct

## CHAPTER TWO

### SEXUAL MISCONDUCT POLICY

- 1.01 **STATED POLICY:** It is the policy of Presbytery de Cristo of the Presbyterian Church (U.S.A.) that all ministers, commissioned lay pastors, elders, deacons, church members, non-member employees, and volunteers serving the church in any capacity are to maintain the integrity of the pastoral, professional, and volunteer relationship at all times. Sexual misconduct is not only a violation of the principles set forth in scripture, but also of these relationships and is never permissible.
- 1.02 **STATED PURPOSES:** The Presbytery adopts this policy of sexual misconduct for the use of all governing bodies and entities of the Church. Its purposes are:
- a. to set and enforce standards of ethical behavior reflected in our ordination standards and consistent with Reformed tradition as well as federal and state law. (Book of Order G-6.0106a,b)
  - b. to provide procedures for inquiry and effective response to allegations of sexual misconduct and for the protection of persons in the Church.
  - c. To serve as a guide for governing bodies under the Form of Government and the Rules of Discipline. (Book of Order G-9000 and D-3.1000)
  - d. To recommend personnel policies for the administration of employer/employee relationships within the governing bodies and entities.
  - e. To serve as a guide for prevention of sexual misconduct in the church through appropriate training and supervision of employees, education of laity and clergy, and nurture of the spiritual, emotional, and physical well-being of all God's people.
  - f. To demonstrate pastoral concern for all parties involved in allegations of sexual misconduct.
  - g. To further the peace, unity, and purity of the Church through justice and compassion.

*False accusation is a violation of trust just as sexual misconduct is a violation of trust and is to be addressed with the same seriousness and concern for all concerned.*

***The protection of children is a priority. Persons having reasonable cause to suspect sexual abuse of a child shall report it to the appropriate secular agency for immediate investigation – it is the law. This is in addition to the disciplinary process which the Church will follow as set forth in this document.***

## **Policy and Procedure on Sexual Misconduct**

### **CHAPTER THREE**

### **IMPLEMENTATION**

1.01 **AVAILABILITY OF POLICY:** The Policy and Procedure on Sexual Misconduct will be distributed within Presbytery de Cristo as follows:

- a. All minister members of the Presbytery shall be given copies of this policy and procedure and will be required to sign an acknowledgment of its receipt. (See sample Acknowledgment Form in Appendix E)
- b. Presbytery employees shall receive this document as a supplement to the employee handbook.
- c. This policy and procedure will be furnished to each Clerk of Session in the churches of the Presbytery. Each church will be responsible for internal distribution.
- d. This document shall also be available to all church members and to the public.

1.01 **JURISDICTION:** The governing body or entity responsible to handle allegations of sexual misconduct will vary according to the status of the person accused of sexual misconduct. Church members and ministers are subject to inquiry and discipline under the *Book of Order*, (D-3.0101).

a. **Ministers of Word and Sacrament and Commissioned Lay Pastors**

Presbytery de Cristo has oversight responsibility and original jurisdiction in disciplinary cases involving minister members and Commissioned Lay Pastors serving congregations (G-6.0201, G-11.0100, D-3.0101b). Preliminary and investigative procedures are covered in Chapter X of the Rules of Discipline. Therefore, the Presbytery shall handle disciplinary cases consistent with the *Book of Order*, Rules of Discipline, this policy and procedure and other appropriate guidelines.

As for ministers employed by a different presbytery or synod or General Assembly entity holding ministerial status in Presbytery de Cristo, response to allegations of sexual misconduct by such ministers will be made by the employing entity under its personnel policies. Such ministers will also be subject to the Rules of Discipline as members of a presbytery.

- b. **Church Members** – The Session has original jurisdiction in disciplinary cases involving members of the church, each having jurisdiction only over its own members, (*Book of Order* D-3.0101a). A church member who is accused of sexual misconduct away from the congregation to which he or she belongs may be prosecuted by secular authorities but may only be removed from membership by the Session.

When a church member is accused of sexual misconduct, the disciplinary or alternative forms of resolution (D-2.0103) process is the same as that described for ministers and found in Chapters X through XIII of the Rules of Discipline. The Clerk of Session will appoint an investigating committee to make an inquiry, decide whether to make charges, and prosecute. (For Investigating Committees see Chapter X of the Rules of Discipline) The Session will sit as a court and try the case. The person accused has a right to counsel, to present witnesses, and to cross-examine witnesses.

- c. **Alternative Resolution:** To meet the goals of Church Discipline the investigating committee may initiate if it deems appropriate, and with the written consent of all parties involved, alternative forms of resolution conducted by professionally trained and certified mediators and arbitrators. The purpose of this process is to achieve justice and compassion for all parties through mediation and settlement. (D-2.0203, G-9.0600, G-10.0202g)
- d. **Accused Renounces Jurisdiction:** Jurisdiction in judicial process ends when a church officer or member renounces the jurisdiction of the church (in the form of a written resignation from the church). Should the accused in a disciplinary case renounce the jurisdiction of the church, the Clerk of Session or Stated Clerk of Presbytery shall report to the governing body both the renunciation and the status of the matter at the time it was received. (D-3.0105, G-6.0500)

**1.01 PREVENTIVE ACTIONS:** Presbytery de Cristo and local congregations are responsible to take actions to reduce the potential for sexual misconduct. Careful screening of applicants, education, security, and common sense work assignments all play an important role in reducing the likelihood of offenses occurring. Good record keeping and reviewing liability insurance coverage are a must.

- a. **Applicants for employment:** Pre-employment screening includes specific questions related to previous complaints of sexual misconduct.

(1) **Ministers:** Presbytery de Cristo reviews Sexual Misconduct Information of the Presbyterian church (U.S.A.) Personal Information Form when interviewing persons seeking ministerial calls.

The Office of the Executive Presbyter is responsible for making reference checks through the Synod Executive, General Presbyter, or other authorized persons to ascertain whether those persons have any history of sexual misconduct. The Executive Presbyter reports to the Committee on Ministry either that there was no reported sexual misconduct, or that the committee should inquire into reported sexual misconduct. A written record of conversations and correspondence with references will be kept in the ministers/employees personnel file.

(2) **Employees/Volunteers:** The employing session, governing body or entity is responsible for contacting references for prospective employees or volunteers. A written record of the conversations and/or correspondence with references should be kept in the employee's personnel file. This policy and guiding principles are intended for volunteers as well as employees. Often no requirement for screening and application is applied to volunteers. It is recommended that local churches improve the screening and supervising of unpaid volunteers. If the volunteer is new or unknown to the church, some informal checking may be wise before allowing the volunteers to work in high-risk positions such as youth advisor, children's workers, lay counselors, Boy or Girl Scout leaders, or camp counselors. In positions such as these it is recommended there be a six-month delay in using volunteers who are new to the church.

Applicants shall be informed of negative comments regarding sexual misconduct and shall be given opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference check.

- b. **Outgoing references:** Any person within the Presbytery authorized to give a reference is obligated to give truthful information regarding complaints, inquiries, and administrative or disciplinary action related to sexual misconduct by the applicant.
- c. **Education:** Presbytery de Cristo has a commitment to offer, provide resources for, and to publicize educational opportunities to prevent and respond to sexual misconduct in the church. Presbytery staff, Response Coordination Team members, ministers, commissioned lay pastors, ministerial candidates, and all persons and committees working with the issue, including local congregations will be encouraged to read the resources provided and attend sexual misconduct prevention seminars. All minister members of the Presbytery are required to attend educational programs on the Sexual Misconduct Policy and Procedure. (See Appendix B)

- d. **Work and assignment decisions:** Presbytery, local churches and entities of the church should be concerned that work conditions or assignments are made with the idea of promoting safety and reducing risk. Considerations as to security of persons working alone, gender to gender assignments, multiple paid employees/volunteers working with children and youth are good examples.
- e. **Employment 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, employment questionnaires, reference responses, and documents related to this policy.

**Note:** In the case of a sexual misconduct charge involving another adult, when the accused is vindicated of the charge, or the charge has been dropped because it was found to have no substance, the Personnel File of the accused shall contain no reference to the charge. Such charge shall not become a part of any reference, by congregational or governing body personnel for future employment.

- f. **Liability Insurance:** A governing body or entity may be held liable for harm caused by sexual misconduct of a minister or employee based upon a number of legal theories such as negligent hiring and supervision. Governing bodies and entities 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 outreach programs.

Presbytery de Cristo and all churches shall obtain an endorsement to their general insurance policy specifically covering sexual abuse and molestation. Governing bodies of entities will insure their insurance policies contain sexual abuse and molestation coverage. General liability insurance may provide for legal defense expenses and judgments in civil suits brought against the organization, its officers, directors or employees. Ordinarily an insurance company has the duty to defend officers and representatives of an organization. However, insurance companies normally do not defend an “employee” or cover intentional harm.

# Policy and Procedure on Sexual Misconduct

## CHAPTER FOUR

### RESPONSE PROCEDURE

1.01 **REPORT PREPARATION:** Reports of alleged sexual misconduct are not to be taken lightly or disregarded or 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, before and after they have been submitted to appropriate authorities as outlined below

- a. Reports must be submitted in writing and be filled out as completely as possible. It must contain a clear narrative and allege facts that, if proven true, would likely result in disciplinary action. (D-10.0100) **A sample report form is found in Appendix E**
- b. **The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question the accuser or the accused.** If the accuser is hesitant to talk to “higher authorities,” the person receiving the initial report has a special responsibility to encourage willingness to speak with higher authority, lest the Church be unable to respond because no one is able to give first hand information.

4.01 **REPORT SUBMISSION:** Report of suspected sexual misconduct may occur in a variety of ways. Because a governing body or entity cannot control to whom the accuser of sexual misconduct will first speak, it is important that all church officers, employees, and persons highly visible to church members understand how reports of incidents are channeled to the proper persons. **The flow charts included in Appendix A may be used to determine proper reporting channels.**

- a. **Presbytery de Cristo:** An initial written Report of Suspected Sexual Misconduct accusing a person or persons on Presbytery de Cristo staff; a minister member or Commissioned Lay Pastor of Presbytery; or employees of other entities of the Presbytery will be submitted to the Stated Clerk or Executive Presbyter. Should the report be received by the Executive Presbyter he/she will deliver it to the Stated Clerk for action set forth in Paragraph 4.03 of this policy and procedure.

- b. Local Church: The initial written Report of Suspected Sexual Misconduct accusing a member or officer of a local church within Presbytery de Cristo shall be submitted to the Minister or Clerk Of Session. Should the report be received by the Pastor he/she will deliver it to the Clerk of Session for action set forth in Paragraph 4.03 of this policy and procedure.

4.03 **FOLLOW-ON ACTIONS:** Upon receipt of a written Report of Suspected Sexual Misconduct the Clerk of Session of a local church or the Stated Clerk of the Presbytery without undertaking further inquiry, shall:

- a. report to the governing body only that an offense has been alleged without naming the accused or the nature of the alleged offense. (D-10.0103)
- b. refer the Report of Suspected Sexual Misconduct immediately to an investigating committee of the governing body having jurisdiction over the member (D-10.0103, D-10.0200). For further guidance concerning disciplinary procedures see chapter X of the Rules of Discipline contained in the *Book of Order*.
- c. **refer any Report of Suspected Sexual Misconduct that involves children or “vulnerable adults” to secular authorities in accordance with State and local laws.** (See Appendix D for general definitions)

4.04 **RESPONSE COORDINATING TEAM (RCT):** Presbytery Council will appoint a Sexual Misconduct Response Coordinating Team (RCT). It will be comprised of no less than 3 nor more than 5 members. The RCT will perform the duties set forth below and in Appendix C of this document. It shall make its report to the Stated Clerk of Presbytery de Cristo.

- a. It is the responsibility of the RCT to respond quickly and objectively to reports of sexual misconduct. The RCT shall work with and be available to the accuser, the accused, the co-workers of the parties, and if a minister or commissioned lay pastor is named by the report, with the congregation involved. The RCT shall maintain strict confidentiality except for their written report to the Stated Clerk.
- b. The RCT will be trained to respond to allegations of sexual misconduct and to recognize and identify the issues involved in sexual misconduct, sexual harassment, and child sexual abuse. RCT members should be familiar with the legal, administrative, and disciplinary procedures of the Presbytery as well as the Presbyterian Church (U.S.A). RCT team members are exempt from being summoned as witnesses in an ecclesiastical judicial trial. Presbytery De Cristo recognizes that service on a Response Coordinating Team (RCT) constitutes “good cause” as defined in the *Book of Order* D-7.0204 and D-11.0203.
- c. The RCT should normally consist of professionals with experience or training in counseling, psychology, or legal issues relating to sexual abuse/misconduct. They may request resource persons to serve in specific situations.

- d. The RCT shall be named as a “Need to Know Group” by the Investigating Commission. (See “Appendix C)

4.05 **MEDIA RESPONSE:** In order to minimize prejudice in any allegation yet to be decided, all inquiries from the media regarding an allegation of sexual misconduct must be directed to:

- a. **Presbytery:** In cases being addressed by the Presbytery all media inquiries will be directed to the Executive Presbyter/Stated clerk of Presbytery de Cristo. The accuser, the accused, advocates for the accused or the accuser, members of the Response Coordinating Team (RCT), the church or employing entity, members of the Presbytery, or any others known to have information about the allegations shall be urged not to address questions from the media other than to refer the media to the Executive Presbyter/Stated Clerk or their designated spokesperson.
- b. **Local Church:** In cases being addressed by an investigating committee or session of a local church any media inquiries will be directed to the Minister/Moderator of Session or the Clerk of Session. All others known to have information about the allegations including the accused, accuser, or members shall be urged not to address questions from the media other than to refer media representatives to the Minister/Moderator of Session or the Clerk of Session or to their designated spokesperson.

4.06 **STATUTE OF LIMITATIONS:** The ability of a church or the Presbytery de Cristo to respond promptly and justly to sexual misconduct is related in part to the opportunity to receive allegations and to gather evidence soon after the occurrence. This policy and procedure, however, recognizes the special problems sometimes related to discovery and recognition of certain forms of sexual misconduct.

For example, child sexual abuse may not be recognized until the victim of abuse reaches the age of awareness or recognition. Awareness or recognition of child sexual abuse, along with the willingness to come forward may be delayed for many years.

The following statute of limitations are those to be used in regards to allegations of sexual misconduct by Presbytery de Cristo, churches and entities:

- a. **Sexual Abuse of Another Person:** In accordance with the Rules of Discipline and the Sexual Misconduct Policy approved by the 1991 General Assembly, Presbyterian Church (U.S.A.) there is no statute of limitations for filing charges alleging sexual abuse. (D-10.0401)
- b. **All other Sexual Misconduct allegations:** No charges shall be filed later than three years from the time of the commission of the alleged offense, nor later than one year from the date the investigating committee was formed, whichever occurs first. (D-10.0401)

## **POLICY AND PROCEDURE ON SEXUAL MISCONDUCT**

### **APPENDICES**

- A. Procedure Flow charts
- B. Education and Training
- C. RCT Responsibilities
- D. Definitions
- E. Sample Forms

# **Policy and Procedure on Sexual Misconduct**

## **APPENDIX A**

### **PROCEDURE FLOW CHARTS**

The two flow charts that follow condense and present  
The Sexual Misconduct Process for quick reference.

Flow-Chart #1 relates to local churches  
Flow-Chart #2 relates to Presbytery de Cristo







# **Policy and Procedure on Sexual Misconduct**

## **APPENDIX B**

### **EDUCATION AND TRAINING**

The Presbytery Council will assure appropriate education, training and information is made available to a broad base audience within the Presbytery. Education efforts will be different on a group by group basis. The depth of courses, seminars or briefings addressing the issues of sexual misconduct will be tailored to the duties and responsibilities of the group being trained. Congregation members may only need to be aware of the policy and procedure and its reporting procedures. Others in ministerial or leadership positions will need more in-depth information in order to carry out their functions. Members of investigating committees, judicial commissions, the response coordination team, and the committee on ministry need to be completely familiar with a broad range of topics related to the subject.

It is the purpose of education and training on Sexual Misconduct to increase the level of awareness and create an internal knowledge base that both reduces the possibility of sexual misconduct and assures confident, complete, and competent response to any reports of inappropriate behavior. There is a need to educate and train a wide variety of persons. Unfortunately education and training often happens in response to actual cases of sexual misconduct. It is intended by Presbytery de Cristo that all governing bodies, churches, and other entities be as proactive as possible in offering education so they will be able to respond out of competence rather than out of ignorance and irrationality when confronted with allegations of sexual misconduct.

The Presbytery Council in coordinating the education program envisioned herein shall call of resources within the Presbytery including the Response Coordinating Team to prepare and conduct the education program.

- A. Groups Requiring Sexual Misconduct Education and Training. Persons to be included in the education and training efforts are:
1. Presbytery de Cristo staff
  2. Investigating Committees
  3. Committee on Ministry
  4. Response Coordinating Team members

5. Ministers, Commissioned Lay Pastors, Ministerial candidates, newly ordained and new clergy to the Presbytery
  6. Church officers - Elders, Deacons, and Clerks of Session
  7. Professional and non-professional church staff
  8. Church members
- B. Responsibilities of Employing Entities. Copies of this policy and procedure will be furnished all full, part-time, temporary, and interim staff and volunteers not only of the Presbytery and churches but also of any hiring committee, commission or entity within its bounds. It is expected that an acknowledgement of the policy will be required and a copy of such acknowledgement will be retained in the person's permanent or temporary file.
- C. Education and training topics: There are many resources available for use in presenting information concerning the prevention of and response to sexual misconduct. These include videos, books and publications, training curriculums on sexual abuse and material for creating training seminars. Depending on which group is being trained (see section A above), appropriate topics listed below will be included in Sexual Misconduct briefings, education workshops and training sessions.
1. The Presbytery de Cristo Policy and Procedure on Sexual Misconduct
  2. Basic information regarding risk management. (See Paragraph 3.03)
  3. *Book of Order* disciplinary procedures
  4. Information on currently available resources concerning sexual misconduct in the church
  5. In-depth training on sexual misconduct and its ramifications for all people involved
  6. Patterns in congregations that have experienced sexual misconduct and how to help congregations heal
  7. Legal updates, and general information on civil and criminal laws concerning sexual misconduct.

# Policy and Procedure on Sexual Misconduct

## APPENDIX C

### RESPONSE COORDINATING TEAM

- A. **PURPOSE:** The purpose of the Presbytery de Cristo Response Coordinating Team (RCT) is to assure that an expeditious, professional, objective, effective, and caring response is made to charges of sexual misconduct. It shall be composed of professionals in disciplines such as counseling, psychology and legal. The CRT is to be a cadre of resource people as requested/required to the Presbytery Council and Investigative Committee. The RCT shall be the “experts” and as such should be named as a “Need to Know Group” by the Investigative Committee as to names of accused, accuser/s, witnesses, and congregations impacted by such an alarming charge. In essence, the RCT should be in a position to contact those involved to say something different to the involved persons such as, “the Presbytery has heard you and are sorry you are going through this”, and offer counseling or help. The RCT will not investigate an allegation or in any way usurp the roles of the Presbytery de Cristo officials or an Investigating Committee. The RCT will confine its activities to:
1. Coordinating a process that addresses the specific needs of the alleged victims and their families, those accused and their families, and affected congregations.
  2. Recommending advocates, if requested by the alleged victims, the accused, family members, or an involved congregation.
  3. Recommending and, if called upon by the Presbytery Council, assist in presenting the preventive education and training regarding sexual misconduct.
- B. **CONFIDENTIALITY:** Members of the RCT and any individual participating in the work of the RCT shall sign a pledge of confidentiality, copies of which shall be furnished to the chair of the RCT, and Stated Clerk of Presbytery.
- C. **FUNCTIONS:** The RCT shall have the following primary functions:
1. Receive the written report of alleged sexual misconduct from the Stated Clerk of Presbytery. The RCT will begin its work as soon as activated by the Presbytery General Council but within fourteen (14) days of written notification

2. Provide for the pastoral care of all involved parties.
3. Provide assistance to begin the healing process within a congregation.
4. Consider the need for and make recommendations to any or all parties involved to seek professional psychological counseling.
5. Recommend educational or employment practices to be implemented in a local church, governing body, or entity to prevent possible additional allegations of misconduct.
  
6. Submit a written report to the Stated Clerk of Presbytery de Cristo. The RCT shall be available to all parties to ensure continued pastoral care after its report is submitted.

**D. NON-RCT FUNCTIONS: The Response Coordinating Team is NOT intended to do the following:**

1. Advocate for or against any involved party.
2. Serve as legal counsel for any party.
3. Replace the functions of the Committee on Ministry, Presbytery Council, Investigating Committee, or the Permanent Judicial Commission.
4. Determine the guilt or innocence of the accused or accuser.
5. Enforce a specific disciplinary action.
6. Act as professional counselor for any involved party.

# Policy and Procedure on Sexual Misconduct

## APPENDIX D

### DEFINITIONS OF TERMS

1. Employee is the comprehensive term used to cover individuals who are hired or called to work for the church for salary or wages.
2. Sexual Misconduct is the comprehensive term used in this policy and procedure to include:
  - a. Child sexual misconduct 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 gratification 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. For purposes of this policy, the age of adulthood is 18 as defined by the laws of the States of Arizona and New Mexico.
  - b. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when:
    - (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution; or
    - (2) submission to or rejection of such conduct by an individual is used as the basis for status decisions affecting such individual; or
    - (3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance by creating an intimidating, hostile, or offensive environment based on the declared judgment of the affected individual.
  - c. Rape or sexual contact by force, threat, or intimidation.
  - d. Sexual Malfeasance is defined for this policy and procedure as any physical contact that has been declared unwelcome by the recipient. This includes but is not limited to the broken trust resulting from genital contact (contact with the breasts, buttocks, or pubic area) within a ministerial (e.g., clergy with a member of their congregation); professional relationship (e.g., counselor with a client);

lay employee with a church member; or presbytery executive with a committee member who is also a minister or elder). This definition is not meant to include relationships between spouses, nor is it meant to restrict church professionals from having normal mutual, social, intimate\* or marital relations.

\*(Dictionary definition used: very close association, familiarity, warm friendship)

- e. Abuse of the Counseling Relationship: Counseling for the participants needs to be open to talk about sexual matters but only within clear boundaries which avoid personal involvement. It is Abuse of the Counseling Relationship for the Counselor to permit sexual discussions to move beyond the clinical into the interpersonal realm. It is never acceptable for the counseling relationship to include a sexual relationship.
  - f. Any sexual relationship between a minister and a parishioner, client, child, student or employee is presumed to be inappropriate.
  - g. Any sexual relationship between a person dealing with those who are vulnerable and less capable of protecting themselves due to a disability is presumed to be inappropriate.
3. Statute of Limitations: The following statute of limitations are to be used in regards to allegations of sexual misconduct by Presbytery de Cristo, churches and entities:
- h. **Sexual Abuse of Another Person**: In accordance with the Rules of Discipline and the Sexual Misconduct Policy approved by the 1991 General Assembly, Presbyterian Church (U.S.A.) there is no statute of limitations for filing charges alleging sexual abuse. (D-10-0401)
  - i. **All other Sexual Misconduct allegations**: No charges shall be filed later than three years from the time of the commission of the alleged offense, nor later than one year from the date the investigating committee was formed, whichever occurs first. (D-10.0401)
3. Victim is the term used to identify the person(s) injured by sexual misconduct as defined above. A victim may include an individual, session, congregation, or family.
4. Vulnerable Adult means an individual who is 18 years of age or older who is unable to protect himself/herself from abuse, neglect or exploitation by others because of a physical or mental impairment.

# Policy and Procedure on Sexual Misconduct

## APPENDIX E

### SAMPLE FORMS

1. Acknowledgment of Receipt and Agreement to Comply  
(For Ministers, Commissioned Lay Pastors, Candidates, Staff and Church Employees)
2. **Church Volunteer Covenant for Sexual Responsibility**  
(For Church Volunteers)
3. Report of Suspected Sexual Misconduct

**PRESBYTERY DE CRISTO**  
**Policy and Procedure on Sexual Misconduct**

**ACKNOWLEDGEMENT OF RECEIPT AND AGREEMENT TO COMPLY**

I hereby acknowledge that I have received a copy of the "Presbytery de Cristo Policy and Procedure on Sexual Misconduct." Further, I either have been trained as to its content or have or will read the policy and procedure in order to understand its meaning.

I hereby agree to conduct myself in accordance with the policy and procedure.

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Note: This form is to be completed by Ministers, Commissioned Lay Pastors, Candidates, Staff and Church Employees.  
The original of this acknowledgment will be placed in the Personal File

**PRESBYTERY DE CRISTO**  
**Policy and Procedure on Sexual Misconduct**

**CHURCH VOLUNTEER**  
**COVENANT FOR SEXUAL RESPONSIBILITY**

1. As a church volunteer I agree to observe all church rules and policies while working with youth or children or adults. I understand that \_\_\_\_\_ (Name of church or church entity) prohibits sexual misconduct and sexual coercion, or sexual exploitation of children or adults while I minister in any internal or external activity related to the church.
  
2. I understand that if I engage in such behavior I will be subject to appropriate discipline that may include legal action. I agree to fully cooperate with the church. Further, I acknowledge that such discipline may result in termination of my work as a volunteer.
  
3. I acknowledge that I understand the church's policy on sexual misconduct and agree to abide by it.

Signature \_\_\_\_\_

Printed name \_\_\_\_\_

Date \_\_\_\_\_

Note: This form to be used for all unpaid volunteers, teachers, youth workers, coaches, music leaders, and so forth.

**PRESBYTERY DE CRISTO**  
**Policy and Procedure on Sexual Misconduct**

**REPORT OF SUSPECTED SEXUAL MISCONDUCT**

Date of this report \_\_\_\_\_

Reported by: Name:

\_\_\_\_\_

Role:

\_\_\_\_\_

Address:

\_\_\_\_\_

Telephone:

\_\_\_\_\_

Person(s) suspected of misconduct:

Name:

\_\_\_\_\_

Role:

\_\_\_\_\_

Address:

\_\_\_\_\_

Telephone:

\_\_\_\_\_

Other person(s) involved (victim(s):

Name:

\_\_\_\_\_

Role:

\_\_\_\_\_

Address:

\_\_\_\_\_

Telephone: \_\_\_\_\_

Describe incident(s) of suspected sexual misconduct, including date(s), time(s), location(s). Be as accurate and specific as possible.

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

Identify eyewitnesses to the incident, including names, addresses and telephone numbers where available: (Attach additional sheets if required)

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

Other information that may be helpful to the investigation:

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Signature