Sexual Misconduct Policy Presbytery of Carlisle Adopted September 26, 2000 Amended June 25, 2002, Amended April 24, 2007, Amended Nov. 17, 2009

As members of the Presbyterian Church (USA) in obedience to Jesus Christ, under the authority of Scripture and guided by our confessions, we accept Christ's call to be involved responsibly in the ministry of the church, confirm that Jesus Christ is the pattern for ministry in our lives and, relying on God's grace, set forth these standards of sexual conduct.

I. Introduction

1	Our sexuality is a gift from God and when rightly expressed leads to the wholeness of life which God			
2	intends for all people. Those who serve through the offices of the Church bear particular responsibility,			
3	through example, for demonstrating the goodness of God's gift of sexuality.			
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5	Scripture states:			
6	By grace you have been saved through faith			
7	We are created in Christ Jesus for good works			
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9	As God who called you is holy,			
10	be holy yourselves in all your conduct;			
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12	Tend the flock of God that is your charge,			
13	not under compulsion but willingly,			
14	not for sordid gain but eagerly.			
15	Do not lord it over those in your charge			
16	but be examples to the flock.			
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18	you know that we who teach			
19	shall be judged with greater strictness.			

Ephesians 2:8,10; I Peter 1:15; 5:2,3; James 3:1

This is further expressed in the *The Book of Confessions:* Confession of 1967, 9.47, the *Book of Order*: W-4.9001, G-6.0106a and b and the Standards of Ethical Conduct: II.2 and II.5 as approved by the 210th General Assembly (1998) PC(USA).

The Presbytery of Carlisle affirms that all people are created by God. God values all human life and intends that everyone--children, women, and men--have worth and dignity. In all relationships, the Presbytery of Carlisle proclaims that sexual misconduct, which includes sexual abuse, sexual harassment, sexual impropriety, sexual malfeasance, adultery, fornication and the intentional use of pornography in any form exhibits spiritual brokenness, is sinful, and is never acceptable to God.

II. Statement of Purpose

The purposes of this policy are:

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- 1. to make clear the position of the Presbytery of Carlisle on sexual misconduct.
- 2. to establish the procedures to be followed in investigating and resolving instances where an alleged offense of sexual misconduct may have occurred.

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- 3. to aid in the prevention of sexual misconduct and false accusation of sexual misconduct within the Presbytery of Carlisle.
- 4. to seek justice by assuring effectiveness of the church's administrative, investigative and judicial process in determining truth, protecting the innocent, and dealing appropriately with those who are found guilty of sexual misconduct.
- 5. to promote the healing of persons and congregations where sexual misconduct has occurred.

These purposes are established because sexual misconduct is not only a violation of the principles set forth in Scripture, but also of the ministerial vocation, professional relationship and ecclesiastical responsibility and is **NEVER** permissible. While the Church is called to offer forgiveness to all persons, it is not called to overlook acts of misconduct by any person. Justice calls for assigning responsibility and corrective action. The goal should always be to restore fellowship with God and communion with the Church, even when forgiveness and reconciliation cannot be extended to include restoration to a former position or responsibilities.

III. Implementation

A. Distribution of policy

A copy of this policy shall be distributed to all ministers of the Word and Sacrament, Christian educators, churches of the presbytery, the presbytery staff, members of all presbytery committees and any person who requests a copy. The notice attached to this policy as Attachment D shall be posted in the office of the presbytery and distributed to the churches in order that church members, employees and volunteers may know of the existence and availability of this policy. It shall be distributed annually by the stated clerk to be posted in the office of the presbytery and in the churches of the presbytery. This policy shall be made available to all persons who accuse others of misconduct as well as those accused of misconduct.

B. Education

The presbytery, through its Education Committee, shall present annual educational programs to inform and to promote the prevention of sexual misconduct. All ministers of the Word and Sacrament, employees, and volunteers of the presbytery shall be urged to attend such programs. Attendance records will be kept by the stated clerk.

Safety procedures are recommended for implementation. An example of such guidelines is included in Attachment E.

C. Compliance

See sections IV, V, and VI.

D. Liability and Insurance

The presbytery has obtained and its congregations are advised to obtain liability insurance covering sexual misconduct on the part of a minister, employee, volunteer or other person acting on its behalf. Insurance against sexual misconduct should include coverage for mental anguish on the part of the victim. The presbytery and congregations should annually review with their liability insurers their programs, activities, and individuals who may be considered to hold high risk positions.

IV. Call Practices for Ministers of the Word and Sacrament

A. Pre-Employment Screening

Pre-employment screening shall include direct questions by the Credentials Sub-committee of the Committee on Ministry related to any history of sexual misconduct. (See Attachment B). Persons seeking ministerial calls shall furnish to the Credentials Sub-committee of the Committee on Ministry the information requested in the Personal Information Form (PIF) adopted by the General Assembly.

B. References

The Credentials Sub-committee of the Committee on Ministry shall ensure that references for candidates for ministry and for ministers of the Word and Sacrament who are seeking a call or a transfer into the presbytery have been contacted by the executive presbyter and the Pastor Nominating Committee. A written record of conversations/correspondence with references concerning sexual misconduct shall be kept in the file for that person.

Prior to a decision by a congregation to approve a call, the candidate must submit original documents showing the results of police and child welfare records screenings to the Committee on Ministry. Also, a report from the Credentials Sub-committee of the Committee on Ministry shall be submitted to the Committee on Ministry indicating that there has been no report of sexual misconduct by the applicant, or that there has been a report of sexual misconduct, in which case the nature of the report shall be indicated.

An applicant shall be informed of any reports of sexual misconduct and shall be given an opportunity to submit additional references or to give other evidence to correct or to respond to harmful information obtained from a reference prior to a final decision being made on the application.

C. Record Keeping

Documents related to the application process shall be maintained and filed with the stated clerk. (See Section VII).

V. Presbytery Employees

A. Pre-Employment Screening

 Pre-employment screening shall include questions by the Administration Committee related to any history of sexual misconduct and the use of Attachment C.

B. References

 Employing entities shall keep a written record of conversations/correspondence with references concerning sexual misconduct.

An applicant shall be informed of any reports of sexual misconduct and shall be given an opportunity to submit additional references or to give other evidence to correct or to respond to harmful information obtained from a reference prior to a final decision being made on the application.

C. Record Keeping

Documents related to the application process shall be maintained and filed with the stated clerk. (See Section VII).

141 VI. Volunteers

A. Pre-screening

The committees and any other entities of the presbytery utilizing volunteers, including those receiving honorariums, shall secure screening through the use of Attachment C, which shall include specific questions related to any history of sexual misconduct.

B. References

Entities of the presbytery utilizing volunteers shall keep a written record of conversations/correspondence with references concerning sexual misconduct. A volunteer shall be informed of any reports of sexual misconduct and shall be given an opportunity to submit additional references or to give other evidence to correct or to respond to harmful information obtained from a reference prior to a final decision being made to utilize the volunteer.

C. Record Keeping

Documents related to the above process shall be maintained and filed with the stated clerk. (See Section VII).

VII. Record Keeping

The presbytery shall maintain a file, accessible only to the stated clerk and the executive presbyter, for every minister of the Word and Sacrament of the presbytery, for presbytery employees, and for volunteers containing: the signature page (Attachments A and/or C, as applicable, of this policy); a copy of results of any record checks; written records for attendance at training events; a signed copy of any agreed upon narrative; summary of any alleged offenses of sexual misconduct, charges, or adjudications and the disposition thereof; any written records of conversations/correspondence between persons and references with regard to sexual misconduct; any report of the Credentials Sub-committee of the Committee on Ministry to the Committee on Ministry regarding previous sexual misconduct history, the individual's own comments, references, and other evidence. These files shall not be transferred to any other presbytery and shall remain the property of the Presbytery of Carlisle for 7 years after the departure of the person from the presbytery or the death of the individual, at which time the records shall by destroyed. Files containing any information of alleged or proven sexual misconduct shall be maintained by the Presbytery of Carlisle until the death of the individual.

 Only the executive presbyter and the stated clerk shall be authorized to give information on behalf of the Presbytery of Carlisle which includes any report or information involving any alleged offense of sexual misconduct by the person who is the subject of the reference. This reporting must be limited to information that is a matter of record (e.g. presbytery minutes or the disposition or status, if known, of any secular criminal or civil charges) or is found in the applicant's file maintained by the presbytery.

VIII. Reporting and Response Procedures

A. Reporting an alleged offense

 Any member of a church, volunteer, or a person employed or being served by the Presbyterian Church (U.S.A.) who believes that sexual misconduct has been committed by an employee, volunteer or minister of the Word and Sacrament, or who believes in good faith that there has been a violation of this policy, is encouraged to contact a person knowledgeable of presbytery procedures (such as pastor, elder, recruiter for position, or the presbytery office). A written statement of the alleged offense should be submitted to the stated clerk of presbytery.

The stated clerk shall respond to the concerns of persons who believe they are victims of sexual misconduct, but who do not choose to make a formal accusation, by offering the opportunity to meet with a support team. If the alleged victim is a minor child, the stated clerk shall immediately contact an attorney for guidance before taking any other action. Pennsylvania law requires ministers of the Word and Sacrament to report child abuse to the appropriate state or county agency, unless doing so would be a breach of a legally privileged conversation. Ministers of the Word and Sacrament are strongly encouraged to obtain legal advice in situations of suspected child abuse.

B. Response of the Presbytery

1. For written allegations of sexual misconduct, the procedures in the *Book of Order*: D-10.0000 through D-14.0502, and the Leadership Handbook shall be followed. If the alleged victim is a minor child, the stated clerk shall immediately contact an attorney for guidance before taking any other action. Pennsylvania law requires ministers of the Word and Sacrament to report child abuse to the appropriate state or county agency, unless doing so would be a breach of a legally privileged conversation. Ministers of the Word and Sacrament are strongly encouraged to obtain legal advice in situations of suspected child abuse.

2. When the stated clerk receives a written statement of an alleged offense of sexual misconduct (*Book of Order*, D-10.0101), s/he, the executive presbyter, the moderator, and the chair of the Committee on Ministry, or any three of those four in the event that one is unavailable, will appoint an Investigating Committee (IC). Upon written request of the accused or of the alleged victim, a support team will be formed. If the alleged victim or the accused is a minister member of the presbytery, the support team shall be appointed by the Committee on Ministry; if an employee, the Administration Committee; and if a volunteer or any other person, the Coordinating Council.

3. The support team for the alleged victim shall:

 a. Advise the person making the report that s/he may choose to have a personal advocate and/or legal counsel during the process.

 b. Make certain that the person making the report has a copy of the presbytery's Sexual Misconduct Policy.

c. Explain the disciplinary process of the Church to the person making the report.

 d. If the decision is to proceed with the disciplinary process, assure the person making the report that the alleged offense shall be investigated promptly with every effort to maintain confidentiality and protect the privacy of the alleged victim (*Book of Order*, D-10.0103). The IC shall proceed according to the *Book of Order*, D-10.0200.

- e. Advise the person making the report that s/he may choose to seek professional counseling.

2364. The support team for the accused shall:a. Advise the accused that s/he may cl

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- a. Advise the accused that s/he may choose to have a personal advocate and/or legal counsel present during the inquiry into the alleged misconduct.
- b. Make certain that the accused has a copy of the presbytery's Sexual Misconduct Policy.
- c. Explain the disciplinary process of the Church to the accused person.
- d. Assure the accused that the alleged offense shall be investigated promptly, with all efforts and best judgment to maintain confidentiality to protect the privacy of all persons involved in the alleged offense.
- e. Advise the accused that s/he may choose to seek professional counseling.
- f. Inform the accused that administrative leave is an option when desired by the accused during the process of investigation, subject to agreement by the accused, the particular church or employing body and the presbytery, and includes consideration of a compensation plan during such administrative leave.
- g. Encourage the accused to seek continuing pastoral care.
- 5. Session and congregational care will be the responsibility of by the Committee on Ministry (*Book of Order*, G-11.0502).

ALTHOUGH THIS POLICY APPLIES ONLY TO THE PRESBYTERY, THE PRESBYTERY RECOMMENDS THAT EACH CHURCH DEVELOP AND IMPLEMENT A SIMILAR POLICY.

Glossary

ACCUSED The person against whom an alleged offense of sexual misconduct is made.

ACCUSER The person reporting an alleged offense of sexual misconduct. The accuser may or may not have been a victim of the alleged offense.

ADVOCATE A person chosen by the accused, the accuser or the alleged victim to accompany him/her at any/all stages of this process; holds confidences, but is not legal counsel.

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

EMPLOYEE The comprehensive term used to cover individuals who are hired or called to work for the Church, a governing body, a local member church or other institutions or entities formally related to the Church or one of its constituent bodies, for salary or wages.

PERSONS This policy includes those church members, officers, ministers of the Word and COVERED Sacrament and non-member employees or volunteers, who are under the supervision of the Presbytery of Carlisle.

PORNO- Visual, audio or written material regardless of source, portraying erotic behavior that is solely intended to cause sexual excitement and objectifies and dehumanizes people.

SEXUAL

SEXUAL HARASS-

SEXUAL

IMPRO-

PRIETY

MENT

ABUSE

Any offense (i.e. contact or interaction) involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. (*Book of Order*, D- 10.0401b)

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct when submission to such conduct is explicitly or implicitly a term or condition of employment or volunteer service; when submission to or rejection of such conduct by an individual is threatened or used as the basis for employment decisions affecting such individual; or when such conduct, when repeated after a request to cease, unreasonably interferes with work performance or volunteer service by creating an intimidating, hostile, or offensive environment for employment or volunteer service. It may include, in third party situations, an individual being offended by the sexual interaction, conduct, or communications between others. Sexual harassment may include, but is not strictly limited to explicit sexual propositions; subtle pressure for sexual activity; sexual innuendo; sexually oriented verbal teasing or abuse; sexually oriented jokes, obscene gestures, language, suggestive pictures, or drawings; physical contact, such as patting, pinching, touching, or constant brushing against another's body. It does not refer to occasional compliments.

Inappropriate verbal or physical sexual conduct, other than defined below, toward those under one's supervision or for whose spiritual and physical welfare one is responsible by reason of one's position in the Church. This term includes, but is not limited to, abuse of a position of trust and exploitation or manipulation of persons who are emotionally, psychologically, physically or spiritually vulnerable.

SEXUAL MAL- FEASANCE	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 the congregation) or professional relationship (e.g. a counselor with a client, a lay employee with a church member, a presbytery executive with a committee member, clergy with clergy).
SEXUAL MIS- CONDUCT	A comprehensive term used to include sexual abuse, sexual harassment, sexual impropriety, sexual malfeasance, adultery, fornication, and intentional use of pornography.

VICTIM The person against whom sexual misconduct was directed.

VOLUNTEER Volunteers include persons elected or appointed to serve on boards, committees, and other groups.

Presbytery of Carlisle Background Disclosure

(Signature Page - Attachment A - Return to Stated Clerk)

Use of this document is an integral part of the covenantal character of the relationship between the church and its called leadership. Ministerial candidates are provided an opportunity to make a conscientious assertion about their ethical performance of ministry in and on behalf of the Presbyterian Church (U.S.A.) and are given space for relevant commentary. It is essential that the following information be reviewed and interpreted with appropriate sensitivity and responsibility. *Please underline or circle your response.*

1. I affirm that the position, power, and authority associated with a ministry authorized by the Presbyterian Church (U.S.A.) extends and participates in the ministry of Jesus Christ and is intended to be of benefit to all served by this ministry.

TRUE NOT TRUE

2A. I have never been the subject of official disciplinary review by a presbytery or other governing body of the Presbyterian Church (U.S.A.) that resulted in the following:

1.	growth program and/or counseling	TRUE	NOT TRUE
2.	censure	TRUE	NOT TRUE
3.	suspension of position	TRUE	NOT TRUE
4.	termination of position	TRUE	NOT TRUE

2B. No official disciplinary review by a presbytery or other governing body of the Presbyterian Church (U.S.A.) is pending regarding me at the present time.

TRUE NOT TRUE

3A. I have never been the subject of official disciplinary proceedings by another denomination that resulted in disciplinary action.

TRUE NOT TRUE

3B. No official disciplinary proceedings by another denomination are pending regarding me at the present time.

TRUE NOT TRUE

4A. I have never been the subject of official disciplinary proceedings by a professional association, credentialing body, or guild that resulted in disciplinary action.

TRUE NOT TRUE

4B. No official disciplinary proceedings by a professional association, credentialing body, or guild are pending regarding me at the present time.

TRUE NOT TRUE

5. No civil law suit alleging that I attempted or actually engaged in: sexual discrimination; harassment; exploitation, or misconduct; physical abuse; child abuse; or financial misconduct has ever resulted in a judgment being entered against me, settled out of court, or dismissed, because the statute of limitations had expired.

TRUE NOT TRUE

6.	With respect to my driving record, I have not had my license suspended or revoked within the last five years due to reckless driving or driving while intoxicated and/or under the influence of a controlled substance.			
		TRUE	NOT TRUE	
7.	I have never been found guilty or pled guilty or no co	ontest to crimin	nal charges.	
		TRUE	NOT TRUE	
8.	My employment has never been terminated because I attempted or actually engaged in:			
	1. sexual discrimination, harassment, exploitation,			
	or misconduct	TRUE	NOT TRUE	
	2. physical abuse	TRUE	NOT TRUE	
	3. child abuse	TRUE	NOT TRUE	
	4. financial misconduct	TRUE	NOT TRUE	
9.	9. I have never terminated my employment in order to avoid facing or to avoid being terminated because of charges of actual or attempted:			
	1. sexual discrimination, harassment, exploitation,			
	or misconduct	TRUE	NOT TRUE	
	2. physical abuse	TRUE	NOT TRUE	
	3. child abuse	TRUE	NOT TRUE	
	4. financial misconduct	TRUE	NOT TRUE	
10. I acknowledge that I have received and read a copy of the Sexual Misconduct Policy of the Presbytery of Carlisle and I agree to act in accordance with the Policy.				
		TRUE	NOT TRUE	
In my judgment, there are no facts or circumstances involving me or my past behavior that would warrant further review before my being entrusted with the responsibilities of ministry on behalf of a calling body of the Presbyterian Church (U.S.A.). Please use this space to write any commentary on your responses:				
	ecognize my responsibility to update this background d a change of status in any of the issues named above.	isclosure in a t	imely manner should there	
	a change of status in any of the issues hamed above.			
Pri	nt Name Signature _			
Da	te		04/24/07	

PRESBYTERY OF CARLISLE EMPLOYEE/VOLUNTEER INFORMATION FORM

1.	1. Name:	
2.	2. Address(es):	(For past 5 years.
	3. Telephone / Home: Use back, if needed Work:).
4.	4. Congregation of which you are currently a member:	
5.	 Are you an ordained elder or deacon, a certified Christian educator, or employence agency? NO YES specify 	oyee of a church or
6.	6. Social security #	
7.	7. Driver's license #	
	8. Names and addresses of 2 references (at least one from previous residence, if a	
	Phone Phone	
9.	 Have you ever been convicted of sexual misconduct or entered a guilty plea misconduct in a court of law, administrative procedure, or church disciplinar NO YES (if yes, please explain) 	
	The Presbytery of Carlisle has adopted a Sexual Misconduct Policy. A copy is a office or by calling (717)737-6821.	vailable in the presbytery
chi	In obedience to Jesus Christ, I accept Christ's call to be involved responsibly in church, confirm that Jesus Christ is the pattern for my life and ministry and, rely commit myself to:	
	 Treat all persons with equal respect and concern as beloved children of C Refrain from abusive, addictive, or exploitative behavior, including sexumisconduct and will seek help to overcome such behavior if it occurs. 	al harassment and
	3. Recognize the limits of my own gifts and training, and will refer persons appropriate.4. Accept the discipline of the church.	and tasks to others as
to	I certify that the above statements are true, to the best of my knowledge. I give per to contact the references named above and to receive a Criminal Record Check at Clearance through the appropriate state agencies and/or the FBI.	
	(signature)	
	Please print name	

The Presbytery of Carlisle has adopted a

Sexual Misconduct Policy

effective September 26, 2000

The policy applies to

ministers of the Word and Sacrament in the presbytery,

presbytery employees, and presbytery volunteers.

Anyone with questions or complaints regarding sexual misconduct matters should call the presbytery office at 717-737-6821.

Safety Guidelines

- 1. Develop and implement an ongoing education program for the congregations and its leaders on the realities of sexual misconduct and abuse, the risk factors and prevention.
- 2. Adopt screening procedures for all paid and unpaid workers.
- 3. Provide ongoing training for workers. Topics should include: how to recognize abuse, reporting and response procedures if abuse is suspected, safety procedures, "what if" scenarios, and behavior codes.
- 4. Supervise workers. All workers should be periodically visited during fellowship hours, church school classes, nursery, etc. High visibility of supervising staff or other leaders encourages and supports workers while enhancing security for youth, children, and adults. Ministers and workers should meet with children, youth, and adults in settings where conversations can be confidential, yet observed. Such conversations should occur at times when other adults are in the vicinity.
- 5. Nursery volunteers should be 18 or older and members of the church. Youth younger than 18 may be used as extra staffing ONLY if supervised by an adult who is not related.
- 6. Adult women should staff crib nursery.
- 7. Parents should be welcome in the nursery at any time.
- 8. Two unrelated adults should always be present in youth and child activities.
- 9. The two adult rule also applies to escorting a child to the restroom. Several children, with at least two adults should enter the restroom together.
- 10. Children should never be dropped off for church activities without leaders present. Leaders should sign in and sign out participants.
- 11. Rooms should be well lit with windows in the doors for viewing from the outside.
- 12. No worker should ever be alone with a child behind a closed door, unless they are the parent of the child, are approved by the parent ahead of time, or if it is an emergency.
- 13. Codes of appropriate behavior should be developed for leaders. This code of conduct should be clearly communicated to leaders and members.
- 14. Playful or amorous physical contact is to be avoided between leaders, workers and youth.
- 15. Extra care should be exercised when transporting youth. Driving records of drivers should be known and, whenever possible, there should be two leaders per vehicle. Leaders should inform someone in authority over them if, during the transportation of youth, there was cause to stop the vehicle.
- 16. Overnight activities and out-of-town retreats should be well chaperoned with at least two unrelated women over 19 for female attendees and at least two unrelated males over 19 for male attendees.
- 17. Every effort should be made to secure parental or guardian permission for all children and youth that attend ministry-sponsored activities that are off-site or over night. Implied permission can be assumed as parents drop off their children for on-site programs such as Sunday school classes, midweek activities, or any other function where roll sheets are used.
- 18. Advise children, youth, and adults who they can contact for advice and help.