

# **PRESBYTERY OF GENESEE VALLEY**

Presbyterian Church (U.S.A.)

## **POLICY ON SEXUAL MISCONDUCT**

Adopted: 10/25/94. Revised: 05/26/98, 11/27/01, 5/27/10, 11/26/13, 7/28/20

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## I. Preamble

### A. Purpose

1. The sixfold purpose of this policy is:

- a. To safeguard members, congregants, and staff of the churches of the Presbytery of Genesee Valley, members and staff of Presbytery, and the people we serve, especially those who are vulnerable, against any form of sexual misconduct, particularly the disciplinary offense of sexual abuse, within the Presbytery of Genesee Valley.
- b. To prevent sexual misconduct by creating an atmosphere in our Presbytery where acts of silence, ignorance, and minimization regarding sexual misconduct are overcome by acts of understanding, respect, care, and justice.
- c. To obtain justice in cases that involve reports, complaints, or written allegations of sexual misconduct and/or sexual abuse within our Presbytery.
- d. To promote healing for all persons, congregations, or entities in cases involving sexual misconduct and/or sexual abuse.
- e. To ensure the effectiveness of our Presbytery's administrative and judicial processes in cases of sexual misconduct and/or sexual abuse so that the truth shall be determined, due process rights shall be honored, wrongdoing shall cease, those who were victimized and those who are innocent shall be vindicated, and those who victimized others shall be held accountable for their actions.
- f. To teach Presbytery standards of ministry for lay persons, those ordained to office, and those commissioned and certified to serve in relation to sexual misconduct in order to fulfill our individual and collective responsibility to preserve the integrity of those standards and our ministry.

### B. Application

1. This policy applies to the Presbytery of Genesee Valley as a governing body of the Presbyterian Church (U.S.A.). All members, staff, employees, volunteers, Inquirers and Candidates for ministry of Word and Sacrament, ministers of Word and Sacrament, Certified Christian Educators, Commissioned Lay Pastors, entities, agencies, committees, and affiliates are subject to the jurisdiction, control and/or supervision of Presbytery in the performance of their duties and services to Presbytery, and are expected to adhere to this policy and its standards and procedures in order that we fulfill our inherent moral responsibilities as a community of people of faith. The policy contains requirements that particularly affect the responsibilities of the following positions and committees of Presbytery: Stated Clerk, head of Presbytery staff, Committee on Ministry, Committee on Preparation for Ministry, and Personnel Committee.
2. In recognition of the polity of the Presbyterian Church (U.S.A.) by which a Session is responsible for mission and governance of a particular church, and recognizing that individual

churches are responsible for the selection and supervision of officers, staff, and volunteers, Presbytery of Genesee Valley recommends and urges each Session of its member churches to adopt a sexual misconduct policy applicable to that church and its mission and ministry.

a. Presbytery especially recommends that each Session of its member churches incorporate into its sexual misconduct policy the essential features of Attachment C, Safe Sanctuaries: Protecting Children in Our Congregations.

3. Original jurisdiction for all disciplinary offenses, including sexual misconduct, is defined in the *Book of Order*, Rules of Discipline, D-3.0000 and D-4.0000.

### **C. Primary sources**

1. This policy contains components that derive directly from the following primary sources: Scriptures; *Book of Order*; *Book of Confessions*; New York State Social Services Law; and, *Personnel Policies and Practices for the Presbytery of Genesee Valley*. Revision of these sources may affect components that are incorporated into this policy, and reference should be made to the current provisions of those sources as amended or revised. It is intended that any inconsistencies between this policy, those sources, and revisions of and amendments to them, be interpreted so that the purposes of this policy are best achieved.

## **II. Conceptual Framework: Biblical and Confessional**

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

*Tend the flock of God that is your charge, not under compulsion but willingly, not for sordid gain but eagerly.*

*Do not lord it over those in your charge but be examples to the flock...*

*And all of you must clothe yourselves with humility... in your dealings with one another, for God opposes the proud, but gives grace to the humble...*

*Discipline yourselves, keep alert.*

*You know that we who teach shall be judged with greater strictness.*

I Peter 1:14; 5:2; 5:5b; James 3:1 (New Revised Standard Version)

The conceptual framework of this policy is based on the Scriptures and the Church's *Book of Confessions*. We are taught in the Scriptures and the confessions of the Church, and we believe and proclaim, that all people are created by God, that God values all human life, and that God intends that everyone -- men, women, and children -- shall share worth and dignity in all relationships.

We further believe in justice for all persons. Sexual misconduct in the Church is an abuse of power and trust, and is therefore unjust and sinful. Power in ministerial relationships is inevitably unbalanced because of the inherent authority associated with the offices and roles of ministry, both historically and culturally. In addition, those who engage in ministry, both clergy and lay persons, exercise actual power because the people to whom they relate repose trust in the offices and roles of ministry, and because those people served in ministry may be made vulnerable by their own life situations. Scripture and the Church's confessions demonstrate that religious leadership is authentically expressed in a covenant relationship that requires the trustworthy exercise of power on behalf of those for whom we care (see Attachment A). A betrayal of this fiduciary trust is more than a personal tragedy for the victim.

It reflects a tragic breakdown in the character of the abuser. Betrayal of trust seriously harms not only those immediately affected, but associate victims as well, like the family of victims. It also harms the well-being of the Church [see Presbytery *Policy on Ethical Standards of Behavior for Clergy and Commissioned Lay Pastors*, “Conduct,” points (1) and (2), adopted 03/28/06].

For too long, and in too many contexts, incidents of sexual misconduct have been ignored or rationalized, and the disposition of complaints subverted. The Presbytery of Genesee Valley here proclaims that sexual misconduct in all its forms is wrong, that the Church can never be served by overlooking an abuse of power and trust, and that allegations of misconduct must be responded to swiftly and fairly, and with compassion for both the accused and the accuser/victim. This Presbytery’s standard of practice for ministry, whether as a spiritual vocation or as a professional calling, is that sexual misconduct within the context of a ministerial relationship constitutes sexual malfeasance, and is wrongful, unethical, and a sin. Acknowledging the responsibility of a Session for the mission and government of a particular congregation, the Presbytery encourages its churches to practice the same standard of ministry.

In determining its own witness to the world and its services to humanity, the Church of Jesus Christ is bound by the gospel mandate to:

*announce good news to the poor, to proclaim release for prisoners,  
and recovery of sight for the blind, to let the broken victims go free,  
to proclaim the year of the Lord’s favor.*

Luke 4:18 (New Revised Standard Version)

Thus, the Church sounds the note of liberation and healing, and calls all persons to the more abundant life of Christ. For those who commit sexual misconduct, this abundant life requires confession, repentance, and spiritual and behavioral transformation.

All employees, volunteers, staff, Certified Christian Educators, Commissioned Lay Pastors, ministers of Word and Sacrament, and lay persons in our Presbytery, and the churches and entities of Presbytery, are entitled to an environment free of sexual harassment, sexual malfeasance, and sexual abuse (cross-reference: Section 10.5, “Other Employment Policies,” lines 342-346, *Personnel Policies and Practices for the Presbytery of Genesee Valley*). The ethical conduct of all who minister in the name of Jesus Christ is of vital importance in the Church because these representatives convey to others an understanding of God and the Gospel message.

### **III. Principles**

Two primary principles guide this policy and are vital to our efforts to prevent and respond to sexual misconduct. Those principles are:

#### **A. Principle of veracity, or truth**

1. Truth is an end in itself, and an expression of the respect we owe to others based on our Presbyterian covenants of trust and mutual obligation.
2. Truth is a means to prevent foreseeable harm to others, especially those who are vulnerable and rely on the Church’s care and guidance.

3. Truth is a basis for the duty of the individual to act by disclosing or reporting, whether as a complainant, a witness, or the recipient of information pertaining to wrongdoing, and so avoid the collusion of silence that prevents wrongdoing from being restrained or corrected.
4. Truth is a basis for the duty of Presbytery to inquire and determine in regard to reports or complaints of wrongdoing, and, as circumstances require, to investigate and prosecute allegations of wrongdoing.

**B. Principle of fidelity, or faithfulness**

1. Faithfulness is honored as an end in itself, and also as an expression of the respect we owe to others based on the fiduciary relationships of trust and confidence that we establish in the Presbyterian Church (U.S.A.) in the name of Jesus Christ.
2. Faithfulness is a basis to prevent violations of fiduciary relationships within the Church, its mission, and its ministry.
3. Faithfulness is a basis for our obligation to protect the rights of others, especially those who are vulnerable and rely on the Church's care and guidance.
4. Faithfulness is a basis for the duty of the individual and Presbytery to utilize the standard disciplinary process of the Church.

**IV. Terms and Definitions**

At the time of its adoption and subsequent revision by the Presbytery, this policy utilizes terms and definitions contained in the current edition of the Church's *Book of Order* and *Book of Confessions*. If either part of the Church constitution is revised after the effective date of this policy, the most recent edition of the Church constitution shall be the authoritative source for terms and definitions.

01. **Church** when capitalized refers to the Presbyterian Church (U.S.A.) In lower case format, **church** refers to a local congregation.
02. **congregant** is a person who, though not a formal member of a Presbyterian church, has participated in Presbyterian witness, mission, or ministry. This may be, for example, one who has attended worship services, sung in a church choir, received pastoral care or counseling, attended Christian Education programs, etc.
03. **employee** is a comprehensive term that refers to individuals who are hired or called by the Presbytery to work for salary or wages.
04. **entity of service** refers to any Presbytery board, committee, council, or other body, the membership of which is elected or appointed by this Presbytery, or any program or office accountable to Presbytery.

05. **fiduciary relationship** derives from the Latin, *fiducia*, trust. Describes a relationship founded on trust or confidence in which one partner holds something in trust for the other, e.g., a trustee who is designated by role to act and function in the best interests of another, including not committing harm against the one who entrusts her/his self and interests to the fiduciary. The fiduciary accepts an affirmative obligation on behalf of the other. In the Church, all ministry is a gift from Jesus Christ and is given to all who belong, whether as ordained, or commissioned, or lay members. In the context of a ministerial relationship, the fiduciary is one, who by reason of her/his position or responsibilities, is acting in a capacity of authority, trust, or power. A fiduciary in the Church is expected to act with right motives and with personal attributes of character and integrity consistent with the position, office, or role. Because a fiduciary relationship is based on authority, trust, and power, it renders sexual misconduct inappropriate and wrong.
06. **member** as used in reference to a presbytery, pertains to all who belong to a particular presbytery of the Presbyterian Church (U.S.A.) per *Book of Order*, G-11.0400.
07. **offense** as defined by the *Book of Order*, Rules of Discipline, D-2.0203b., a disciplinary offense “is any act or omission by a member or officer of the church that is contrary to the Scriptures or the Constitution of the Presbyterian Church (U.S.A.)” Behavior that violates this policy may be cited in a formal complaint or allegation of sexual misconduct filed with the Stated Clerk which accuses a member or officer of a disciplinary offense. If a formal disciplinary charge is filed by an Investigating Committee, a violation of the *Presbytery Policy on Sexual Misconduct* may only be cited as the basis of a specification of the disciplinary charge.
08. **sexual abuse of another person** is a Church disciplinary offense that is defined by the *Book of Order*, Rules of Discipline, D-10.0401 c(1) and (2). This includes such actions as: rape; sexual conduct in relation to a minor; sexual conduct in relation to an adult who lacks the mental capacity to exercise informed consent (this could include incapacity due to a mental disease or defect, temporary incapacity due to the influence of a narcotic or intoxicating substance, or impaired capacity due to psychological, emotional, or spiritual vulnerability, e.g. due to grief resulting from a significant loss); use of force, threat, coercion, or intimidation (whether express or implied); misuse of an office or position by committing acts of sexual misconduct.
- A. **child sexual abuse** includes, but is not limited to, any inappropriate contact or interaction between a child, as defined by New York State penal law, and an adult when the child is used for the sexual stimulation of the adult or a third person. This contact or interaction between a child and an adult is always considered forced, whether or not it was consented to by the child.
09. **sexual harassment** refers to unwelcome and offensive, obscene, or suggestive sexual advances, or requests or demands for sexual favors. As a consequence, the victim may feel intimidated or violated. The context in which the action(s) occurs is an important factor. Repetitions of action(s) over time demonstrate the perpetrator’s intentionality. Sexual harassment may occur as non-physical contact or physical contact. (The term derives from Title VII of the federal Civil Rights Act of 1964; the law is enforced by the U.S. Equal Employment Opportunity Commission.)

- A. As non-physical contact, sexual harassment may occur as visual or verbal behavior.
    - 1. Visual behavior includes such actions as: sexual exhibitionism; showing sexually explicit pictures; making sexual gestures; leering at specific body sites; or, presenting a sexually-related gift, such as lingerie. It may occur as masturbation by the perpetrator in the presence of the victim.
    - 2. Verbal behavior includes such actions as: making jeering or taunting remarks that include sexual content; telling demeaning jokes based on gender; asking questions or telling stories about sexual activity and/or thoughts, including fantasies; seeking sympathy in regard to the harasser's partner's sexual inadequacies; or, offering spiritual and theological rationale to justify questionable conduct, e.g. "God has brought us together." The sexual content of the verbal behavior may be direct and explicit, or indirect, implicit, and may include innuendo. The sexual content may include references to the subject's physical appearance and/or apparel.
  
  - B. As physical contact, sexual harassment may include such actions by the perpetrator as: fondling; touching; stroking; pinching; leaning or brushing against the subject's body; and, kissing. It also may include touching that originates on the outside of the victim's clothes in order to establish contact with the subject's breasts, buttocks, or genitals. Sexual harassment as physical contact is touching that the victim may find confusing, discomforting, or upsetting. Harassment is differentiated from touching that results in vaginal or anal insertion, or oral/genital contact, such as sexual intercourse.
  
  - C. Whether the action is non-physical or physical, this behavior is especially pernicious when preceded or accompanied by any of the following: necessity of the victim's submission as an explicit or implicit condition of her/his continuing role relationship or employment status; necessity of the victim's submission as a basis for decisions affecting the individual's continuing role or employment status; the purpose or effect of interfering with the individual's role or work performance by creating an intimidating, hostile, or offensive environment, particularly one that is contrary to the Church's norms and morals.
10. **sexual malfeasance** refers to sexual misconduct committed by one while functioning in relationship to the victim in the context of a ministerial or professional role.
- A. In the context of a professional role relationship, it may occur as a sexual relationship by: a minister of Word and Sacrament with a church member or a congregant; a pastoral counselor in private practice with a client; a pastor with a music director; a youth group leader with a member of the group; a lay employee with a church member; a presbytery head of staff with a presbytery committee member who may be a lay person, an elder, or a minister of Word and Sacrament; a presbytery head of staff with a presbytery staff member; a campus minister with a student.
  
  - B. This is especially deleterious to the victim when accompanied by the imposition of secrecy regarding the relationship, and/or the use of spiritual and theological rationale to justify the sexual conduct.

11. **sexual misconduct** is a comprehensive term that has been formally used throughout the Presbyterian Church (U.S.A.) since 1993 to refer collectively to all forms of wrongful behavior related to sexuality (see, for example, the sexual misconduct policy approved by the 205th General Assembly, 1993).
12. **staff** refers to a person who is either an employee or a volunteer sanctioned to perform a function on behalf of this Presbytery or one of its entities.
13. **volunteer** refers to those who provide services for the Presbytery or its entities and receive no remuneration or monetary benefits. Volunteers include persons elected or appointed to serve on boards, committees, and other groups.

## **V. Preventive and Risk Management Procedures**

The following procedures are measures to prevent and eliminate any form of sexual misconduct within the Presbytery.

### **A. Distribution**

1. This policy shall be distributed to all of the following: Inquirers and Candidates for ministry of Word and Sacrament who are enrolled in Presbytery; ministers of Word and Sacrament who are members of the Presbytery, or who have permission to labor within its bounds; Certified Christian Educators; Commissioned Lay Pastors of Presbytery; all employees, and entities of Presbytery; and, all clerks of sessions of congregations.
2. It is the responsibility of those identified in V. A. 1. above to communicate this policy to, and implement this policy with, volunteers who provide services for the Presbytery or its entities.
3. This policy shall be made available to all persons who report or present allegations of sexual misconduct, and to all persons against whom allegations are filed.

### **B. Signed acknowledgment of receipt**

1. Each Inquirer and Candidate for ministry of Word and Sacrament, minister of Word and Sacrament, Certified Christian Educator, Commissioned Lay Pastor, and employee of Presbytery and its entities is required to sign a written acknowledgment indicating that she/he has received, read, understands, and agrees to conduct her/him self in accordance with this Policy (see Attachment F). This signed acknowledgment shall be kept in the person's personnel file.

### **C. Disclosure by those seeking to serve within, or establish membership in, the Presbytery**

1. All ministers of Word and Sacrament seeking calls to a Church governing body within the Presbytery are required to complete the Personnel Information Form, or its current successor form, as distributed by the Call Referral Services office of the Church, including Part IV, Sexual Misconduct Information, or its successor form.

2. In the case of a minister of Word and Sacrament who seeks either membership or permission to labor within the bounds of Presbytery and who is not called to a Church governing body within Presbytery, the minister is required to complete the Minister/Employee/Staff Certification (see Attachment F). If the applicant provides false or misleading information, or withholds relevant information, the applicant may be denied approval. If discovered after application, this could be grounds for disciplinary measures.
3. All persons other than ministers of Word and Sacrament who seek to serve the Presbytery as employees and staff are required to complete the Minister/Employee/Staff Certification (see Attachment F). If the applicant provides false or misleading information, or withholds relevant information, the applicant may be denied approval. If discovered after application, this could be grounds for disciplinary measures.

**D. Responsibility to confirm**

1. The governing body or entity of employment or oversight is responsible for contacting references for prospective ministers of Word and Sacrament, Commissioned Lay Pastors, or employees who seek to serve the governing body or entity. Presbytery's Committee on Ministry is responsible for contacting references for ministers of Word and Sacrament, Certified Christian Educators, and Commissioned Lay Pastors. Presbytery's Personnel Committee is responsible for employees of Presbytery.
2. If a reference(s) provides negative information regarding the applicant and sexual misconduct, the applicant shall be informed and given opportunity to submit a response to the information and/or submit additional references.

**E. Mandatory education**

1. Presbytery requires that the following persons shall complete a Presbytery-sponsored training workshop regarding sexual misconduct in fiduciary relationships: all ministers of Word and Sacrament who are members of Presbytery, all Certified Christian Educators and Commissioned Lay Pastors of Presbytery, and, all employees of Presbytery. The workshop will be conducted annually for those persons in the previous categories who are new to Presbytery in that calendar year or new since the last workshop.
  - a. The workshop will be conducted by the Committee on Ministry.
  - b. Names of those who have not completed the training workshop will be noted in the Committee on Ministry report to Presbytery at the first stated meeting of the calendar year, and the Committee on Ministry will initiate appropriate action to secure compliance with this requirement.
  - c. The annual workshop is open to persons from congregations and entities of the Presbytery for whom this Presbytery policy does not apply but may benefit by participation, e.g. an elder or a youth worker.

2. Presbytery assigns to Committee on Preparation for Ministry the responsibility to ensure that Inquirers and Candidates for the Ministry of Word and Sacrament who are enrolled with this Presbytery receive training in regard to sexual misconduct in fiduciary relationships.
3. Presbytery assigns to its particular entities of service the responsibility to ensure that Presbytery volunteers receive training in regard to sexual misconduct in fiduciary relationships.

**F. Disclosure in relation to those seeking to transfer membership from, or labor beyond the bounds of, this Presbytery**

1. In the case of a minister of Word and Sacrament, Certified Christian Educator, or a Commissioned Lay Pastor who seeks either to transfer membership to another presbytery or labor beyond the bounds of this Presbytery, the Presbytery head of staff, or designee authorized to give a reference, shall be obligated to provide complete information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct and the applicant. Disclosure related to sexual misconduct must be limited to governing body records and written documents in the applicant's personnel file as maintained by Presbytery.

**VI. Intervention Procedures**

The following procedures direct the response of Presbytery upon receipt of either a report or a written allegation of sexual misconduct.

**A. Receipt of a written allegation or accusation of sexual misconduct**

1. In accordance with the substantive and procedural requirements of D-10.0100 through D-10.0104, Rules of Discipline, *Book of Order*, a written allegation or accusation of sexual misconduct shall initiate the disciplinary proceedings of the Church.
  - a. A person under jurisdiction of any governing body (i.e., session, presbytery, synod, or General Assembly) of the Presbyterian Church (U.S.A.) may submit a written allegation or accusation of sexual misconduct. The person may: 1.) make an accusation against a person covered by this policy; or, 2.) forward information received from any source that an offense may have been committed by a person covered this policy; or, 3.) make a self-accusation (D-10.0102, Rules of Discipline, *Book of Order*).
  - b. A person not under jurisdiction of any governing body who is aware of sexual misconduct by a person covered by this policy is encouraged to present information about the misconduct to Presbytery. Information may be submitted to: 1.) Stated Clerk, member of the Committee on Ministry, and/or head of Presbytery staff; or, 2.) any person under the jurisdiction of any governing body, or the governing body itself.

2. In accordance with the substantive and procedural requirements of D-10.0100 through D-10.0104, Rules of Discipline, *Book of Order*, the Stated Clerk of Presbytery shall, upon receipt of a written allegation or accusation of sexual misconduct, report to Presbytery and refer the statement immediately to an investigating committee, in accordance with D-10.0201 through D-10.0202, Rules of Discipline, *Book of Order*.
3. Forms that may be used to present an allegation(s) or accusation(s) of sexual misconduct are contained in the *Book of Order*, Appendix, Forms No. 26, 27, and 28, pp. A-14 and A-15. While not a formal part of the Church's constitution and therefore not required, these forms are sufficient and acceptable for use in this Presbytery.
4. In the instance of any submission of written information involving a minor as defined by New York State law (see Attachment B), the individual under jurisdiction of Presbytery who receives the report shall promptly inform the head of Presbytery staff, Stated Clerk, chair of the Committee on Ministry, and Presbytery attorney. Disclosure to, and consultation with, civil authorities is the primary action to be achieved (cross-reference: VI. Intervention Procedures, F. Civil authorities and obligation to cooperate and report, this policy, and Attachment C, Safe Sanctuaries: Protecting Children in Our Congregations, this policy).

**B. Receipt of a report of sexual misconduct**

1. Upon receipt of a report of sexual misconduct within a fiduciary relationship, including a report from an informant(s) based on rumor or hearsay, Presbytery's Committee on Ministry shall initiate prompt action in accordance with its role and responsibilities, *Book of Order*, G-11.0500, especially G-11.0502.
2. The action initiated by the Committee on Ministry shall be conducted in a confidential manner (that is, on a need-to-know basis, in contrast to the maintenance of strict privacy). The action initiated shall not be investigatory in nature, nor shall it interfere with the investigatory requirements of the Rules of Discipline, *Book of Order*, D-10.0200. The action shall express an intercessory role that is undertaken to accomplish three functions: information, initial assessment, and accountability.
  - a. The information function consists of communicating to the informant(s) five items: 1.) the limited nature and scope, and the required three functions, of this action by the Committee on Ministry; 2.) *Policy on Sexual Misconduct* of the Presbytery; 3.) Rules of Discipline, *Book of Order*, as the authoritative source describing rights and responsibilities in disciplinary proceedings in the Presbyterian Church (U.S.A.); 4.) names, titles, and telephone numbers of Presbytery agents who are in significant administrative roles, including the chairperson of the Committee on Ministry, Stated Clerk, and head of Presbytery staff; and, 5.) basic options available to the involved parties.
  - b. The initial assessment function consists of making a preliminary evaluation of five factors: 1.) willingness of the informant(s) to present a report of the behavior to an agent(s) of Presbytery; 2.) reliability of the informant(s); 3.) nature of the behavior that is reported to be sexual misconduct; 4.) identity of parties involved in, or significantly affected by, this event; and, 5.) possible violations that may be subject to action by the Church or by civil authorities.

c. The accountability function consists of a written report, to be included in the permanent records of the Committee on Ministry, consisting of three items: 1.) status of actions to date in regard to the informational and initial assessment functions above; 2.) basic options available to involved parties; and, 3.) recommended course of action(s), including any actions that may be required. The written report shall be given to the parties involved and shall become part of the personnel files maintained by Presbytery.

**C. False accusation**

1. False accusations that are intentionally made constitute unacceptable conduct and may be subject to ecclesiastical discipline.

**D. Separation practices**

1. In cases of sexual misconduct, the possibilities exist for temporary separation (for example, suspension) and/or permanent separation (for example, resignation, dismissal, or dissolution) between the individual suspected and the entity of service or supervising entity of Presbytery.

a. In the case of an employee of Presbytery, whether exempt or non-exempt, the applicable portions of *Personnel Policies and Practices for the Presbytery of Genesee Valley* shall direct Presbytery's response. (cross-reference "Separation Practices," lines 568-671; "Preliminary Complaint Procedure," lines 720-735; and "Formal Grievance Procedures," lines 737-765).

b. Committee on Ministry may consult, or be consulted by, the involved parties to ascertain whether the circumstances would be aided by the individual suspected being advised to take administrative leave.

c. In accordance with the provisions of G-11.0103o. and G-9.0505b(2), *Book of Order*, Presbytery retains its responsibility and power to proceed to dissolve a pastoral relationship.

d. "It is the policy of the Presbytery of Genesee Valley to require the imposition of automatic administrative leave in all instances involving a minister of Word and Sacrament when a written statement of an alleged offense of 'sexual abuse of another person,' as defined by D-10.0401c, Rules of Discipline, *Book of Order*, has been submitted against the minister and formally filed with the stated clerk of the Presbytery."

1. Introduction, 1a. Scope: *Policy on Automatic Administrative Leave in Cases of the Accusation of 'Sexual Abuse of Another Person'*. Adopted by Presbytery, 12/02/08 stated meeting.

**E. Ecclesiastical process consultation role**

1. An agent of Presbytery who serves as Presbytery staff or an officer, especially the Stated Clerk and head of Presbytery staff, shall not engage in personal counseling of one who is under suspicion of sexual misconduct due to the requirement that these agents function in their roles as impartial participants who are to ensure due process for all in administrative or disciplinary proceedings. Consistent with this consultation role, agents of Presbytery shall supply information about ecclesiastical process to one who is under suspicion of sexual misconduct.

**F. Civil authorities and obligation to cooperate and report**

1. Each person to whom this policy applies shall cooperate with civil authorities in a civil investigation of sexual abuse or other criminal sexual misconduct allegations. Presbytery disciplinary proceedings shall not interfere with a criminal investigation by civil authorities. (cross-reference: *Personnel Policies and Practices for the Presbytery of Genesee Valley*, "Governmental Investigations," lines 313-325).
2. Each person to whom this policy applies shall follow child abuse and neglect reporting obligations as mandated by New York State Social Services Law, Article 6, Title 6, Sections 412, 413, 415, 419, and 420 (see Attachment B, this policy).
  - a. While ministers of Word and Sacrament are not designated as mandated reporters by New York State (see Attachment B, Section 413), Presbytery recognizes that there are moral and ethical reasons for ministers and others under jurisdiction of Presbytery to report child abuse to designated authorities, and acknowledges those reasons may be weighed against confidentiality principles applicable to the circumstances under which the person became aware of the behavior.
  - b. In the instance of events regarding child sexual abuse that are beyond the New York State statutes of limitations, any person under jurisdiction of Presbytery shall promptly inform the head of Presbytery staff, Stated Clerk, chair of the Committee on Ministry, and the Presbytery attorney. Disclosure to, and consultation with, civil authorities is the primary action to be achieved (cross-reference: VI. Intervention Procedures, A. Receipt of a written allegation of sexual misconduct, 4., this policy, and Attachment C, Safe Sanctuaries: Protecting Children in Our Congregations, this policy).
3. Ministers of Word and Sacrament, elders, deacons, Commissioned Lay Pastors, and Certified Christian educators of Presbytery are expected to comply with Church-mandated abuse reporting provisions in the *Book of Order* applicable to their office or role: G-6.0204b (minister of Word and Sacrament), G-6.0304b (elder and Commissioned Lay Pastor), G-6.0402b (deacon), and G-14.0732 (Certified Christian educator).

## **G. Media contact**

1. Inquiries from the media regarding reported or alleged sexual misconduct shall be directed to the head of Presbytery staff or Stated Clerk, Presbytery of Genesee Valley, (585) 242-0080. All others affected by this policy shall refer media inquiries to those designated above.
2. The following principles shall guide media contact: be available and cooperate to the extent possible; be truthful to the extent possible; protect the ability and rights of the agent responsible, whether ecclesiastical or civil authorities, to conduct its investigation or trial; protect the privacy of the identified victim(s); protect the person accused's rights to a presumption of innocence and a fair judicial process.

## **H. Disclosure**

1. The practice of Presbytery shall be to disclose to an affected congregation the basic facts regarding commission of sexual misconduct, or other related matters. Consideration of how a disclosure is accomplished shall: honor a primary commitment to the truth; recognize concerns for privacy and confidentiality; respect formal ecclesiastical and/or secular investigations; be consistent with standards for risk management.
2. The model for disclosing to a congregation is a critical incident stress debriefing (see Attachment D, Congregational Disclosure, this policy).
3. The process of a session making a decision to disclose to its congregation should involve a representative(s) from Presbytery's Committee on Ministry. The process of designing a congregational disclosure should also involve a representative(s) from the Committee on Ministry. While leadership of the disclosure is the primary responsibility of a session, it should be shared with representation from the Presbytery. In these deliberations, it is highly preferable to utilize a resource person(s) who is trained and experienced in the critical incident stress debriefing model (see Attachment D, Congregational Disclosure, this policy).

## Attachment A.

### Ministry as Fiduciary Trust, Fiduciary Power, and Fiduciary Responsibility: Resources for a Conceptual Framework.

*Note:* Scriptures and confessions are a basis for the conceptual framework of this policy. Utilization of these sources is in conformity with the spirit and intent of that expressed in the constitutional questions for ordination and commissioning, *Book of Order*, G-14.0000.

- Doing harm to those who are vulnerable betrays ministry as a fiduciary responsibility and trust.  
Scriptures: Leviticus 19:14; Malachi 2:7-9; Matthew 18:6.
- Ministry as a fiduciary responsibility entails the use of one's position and authority, or fiduciary power, to serve others.  
Scriptures: Isaiah 40:10-11; Mark 10:42-45; Matthew 20:25-26; Luke 4:16-21; Luke 12:48; Luke 22:26; John 13:1-16; Ephesians 4:11-15; James 3:1.  
Confessions: Second Helvetic Confession, paragraphs 5.163-5.164; Larger Catechism, paragraphs 7.239-7.240.
- Doing harm to those who are vulnerable and for whom one is entrusted to care betrays ministry as a fiduciary trust and responsibility, and is a misuse of fiduciary power.  
Scriptures: Jeremiah 23:1-4; Ezekiel 34:1-16; Zechariah 11:15-17.  
Confessions: Larger Catechism, paragraph 7.261; Confession of 1967, paragraph 9.47d.
- Ministry as a fiduciary trust and responsibility by God's people entails caring for those who are vulnerable.  
Scriptures: Deuteronomy 10:17-18; Deuteronomy 26:12-13.
- Misusing one's power for one's own purposes at the expense of another is a betrayal of fiduciary power, trust, and responsibility in ministry.  
Scriptures: Judges 11:29-40; 2 Samuel 11-12.
- Ministry is a fiduciary trust from God and the church exercised by those in positions of authority, or fiduciary power, for the benefit of others who are their fiduciary responsibility.  
Scriptures: I Timothy 3; Titus 1:5-9; I Peter 5:1-3.
- Using one's spiritual position and authority in ministry to do harm is a misuse of fiduciary power that betrays fiduciary trust and responsibility.  
Confessions: Larger Catechism, paragraph 7.223.

Sources: *New Oxford Annotated Bible, New Revised Standard Version; Book of Confessions.*

## **Attachment B.**

### **New York State Social Services Law, Article 6, Title 6**

#### **Section 412. Definitions** (Abstract Section)

##### **1. Definition of Child Abuse** [see New York State Family Court Act, Section 1012(e)]

An “abused child” is a child less than eighteen years of age whose parent or other person legally responsible for his care:

- (1) inflicts or allows to be inflicted upon the child serious physical injury, or
- (2) creates or allows to be created a substantial risk of physical injury, or
- (3) commits or allows to be committed against the child a sexual offense as defined in the penal law.

##### **2. Definition of Child Maltreatment** [see New York State Family Court Act, Section 1012(f)]

A “maltreated child” is a child under eighteen years of age who has had serious physical injury inflicted upon him by other than accidental means.

A “maltreated child” is also a child under eighteen years of age whose physical, mental or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care:

- (1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
- (2) in providing the child with proper supervision or guardianship; or
- (3) by unreasonable inflicting, or allowing to be inflicted, harm or a substantial risk thereof, including the infliction of excessive corporal punishment; or
- (4) by using a drug or drugs; or
- (5) by using alcoholic beverages to the extent that he loses self-control of his actions; or
- (6) by any other acts of a similarly serious nature requiring the aid of the Family Court.

[Retrieved 12/21/09 from the World Wide Web site of the New York State Legislature:  
<http://public.leginfo.state.ny.us/menugetf.cgi>]

*This attachment continues on the next page.*

## **Attachment B., *continued***

### **New York State Social Services Law, Article 6, Title 6**

#### **Section 413**

The following persons and officials are required to report or cause a report to be made... when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or the person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions, or circumstances which, if correct, would render the child an abused or neglected child:

any physician; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official; social services worker; day care center worker; provider of family or group family day care; employee or volunteer in a residential care facility defined (in this chapter) or any other child care or foster care worker; mental health professional; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney or other law enforcement official...

#### **Section 415. Reporting Procedure** (Abstract Section)

Reports of suspected child abuse or maltreatment shall be made immediately by telephone (New York State Child Abuse and Maltreatment Register – 1 (800) 342-3720) and in writing within 48 hours after such oral report. ...written reports shall be made to the appropriate local child protective services on this form (Report of Suspected Child Abuse and Maltreatment, DSS-2221-A).

#### **Section 419. Immunity from Liability** (Abstract Section)

Any person, official, or institution participating in good faith in the making of a report, the taking of photographs, or the removal or keeping of a child pursuant to this title shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions. For the purpose of any proceeding, civil or criminal, the good faith of any person required to report cases of child abuse or maltreatment shall be presumed.

#### **Section 420. Penalties for Failure to Report** (Abstract Section)

1. Any person, official or institution required by this title to report a case of suspected child abuse or maltreatment who willfully fails to do so shall be guilty of a class A misdemeanor.
2. Any person, official or institution required by this title to report a case of suspected child abuse or maltreatment who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.

## Attachment C.

### Safe Sanctuaries: Protecting Children in Our Congregations

*“The Sacraments of Baptism and the Lord’s Supper are God’s acts of sealing the promises of faith within the community of faith as the congregation worships... The congregation shall... voice its support of those baptized, [and] express its willingness to take responsibility for the nurture of those baptized.”*

W-3.3601 & 3.3603(f)(g), Directory for Worship, *Book of Order*

#### 1. Prevalence and Scope of Child Sexual Abuse

The prevalence of sexual abuse in the U.S. is startling and disturbing. The National Center on Child Abuse reports that 1 of every 5 girls, and 1 of 8 boys experiences some form of sexual abuse by age 12. <sup>(1)</sup> Studies estimate that 1 of 3 girls and 1 of 7 boys is affected before age 18. <sup>(2)</sup> The incidence of abuse peaks at age 8-to-12. Children of all social, economic, and ethnic strata are susceptible. <sup>(1, 3, 4)</sup>

#### 2. Congregations at Risk

There are several reasons why the risk is high that child sexual abuse can occur in a congregation: churches are built on trusting relationships, and rely on members and staff to act responsibly; churches do not screen volunteers who work with children and youth; churches provide opportunities for close contact with children. <sup>(2, 4)</sup> Studies show that in 65-85% of sex abuse cases, the offender is known to the child. <sup>(1)</sup> These risk factors are not abstract speculations, and the congregations of our Presbytery are not immune.

#### 3. Components of a Session Prevention Plan to Reduce the Risk of Child Sexual Abuse

Prevention is promoted by acts of awareness and education combined with an environment of openness and safety. The following components are intentional parts of an interlocking plan of action. Each part reinforces the others. <sup>(1, 2, 3, 4)</sup>

- A. Study the problems, learn the facts of child abuse, and research what has been effective with other congregations. Consult qualified experts and authoritative literature. Understand the consequences of sexual abuse to children and their families, and congregations as associate victims. Learn the behavioral and physical indicators of sexual abuse.
- B. Adopt a sexual misconduct policy and procedures applicable to members, staff (employed and volunteer), and programs of the congregation. Include the core convictions and values that guide the policy. Involve parents in the formulation and educate the congregation. Consult the church’s insurance carrier. Practice responsible stewardship and understand the church’s liability as a not-for-profit corporation under New York State corporate law.
- C. Implement screening procedures for staff (employed and volunteer) who are directly involved in the care and teaching of children and youth, or who have unsupervised access. Procedures should focus on: application form; interview; authorized reference check; authorized criminal background check. Adopt an “Unacceptable Risk Rule” -- a person should not be permitted to

work with or near minors, either in the role of an employee or volunteer, if, on the basis of all known facts, access would expose children and youth to an unacceptable risk of harm. <sup>(5)</sup> Adopt a “Balance of Protection Rule.” While acknowledging the need to balance, on one hand, the interests and rights of children who are in the congregation or participate in church programs, and on the other hand, the interests and rights of a person reported to be at risk for committing child sexual abuse, the Session shall honor the balance that most strongly favors protection of children. <sup>(5)</sup>

- D. Put into effect supervisory guidelines for safe practices. Examples include: adopt a ‘two-deep rule’ that children and youth are always supervised by at least two or more unrelated adults; develop transportation guidelines; require that activities be conducted in an open area or room, and not in a private office; write a standard of conduct for adult/child relationships; install windows in classrooms and doors, and make it the practice to keep doors open; monitor an adult who spends considerable private time with the same child or children apart from church activities.
- E. Educate church leaders, staff, parents, children, teachers, and volunteers. Require child and youth workers to be trained.
- F. Commit to take seriously all allegations or discovery of incidents of sexual abuse by responding promptly, firmly, fairly, openly, and according to the applicable laws of New York State and the sexual misconduct policy of the Presbytery.
- G. Review periodically and evaluate the effectiveness of these components and the church’s degree of compliance.

#### **4. Plan for Responding to Allegations of Child Sexual Abuse <sup>(2, 4)</sup>**

- A. Take seriously each allegation or discovery of child sexual abuse in order to protect both the right of the minor to be free of harm and the right of the person accused to a fair determination of innocence or guilt. Safety of the child is always the church’s primary concern.
- B. The first reporting obligation is to comply with New York State Social Services Law, Section 415 (see Attachment B, this policy). Both the New York State Child Abuse and Maltreatment Register and the New York State Police Bureau of Criminal Investigation are staffed by trained and knowledgeable professionals.
- C. Notify the following: parent(s) or legal guardian(s) of the child(ren) involved; pastor(s) of the church; Session; head of Presbytery staff; chairperson of the Committee on Ministry; Presbytery attorney; the church’s liability insurance carrier.
- D. Commit to cooperate fully with any investigation by law enforcement officials or child protective services. Tell the truth and document actions taken.
- E. Convene a special meeting of Session and ensure that outside resource people are present, including: head of Presbytery staff; representatives from the Committee on Ministry; knowledgeable experts from outside the staff, Session, and congregation in order to avoid dual relationships and gain a more objective perspective.

- F. Convene a congregational meeting in order to: tell the truth to the extent possible, provide honest and forthright information, and reassure people of the continuation of ministry while justice and healing are being pursued. (There are effective models of disclosure of sexual violations to a congregation, and there are experienced leaders available to implement these models. A responsible and wise Session will rely on these proven models and leaders to guide it during this crisis phase.)

### **References Cited**

- (1) Church Mutual Insurance Company. (no date). "Safety Tips on a Sensitive Subject: Child Sexual Abuse." [http://www.churchmutual.com/admin/store/downloads/Sen\\_Sub.pdf](http://www.churchmutual.com/admin/store/downloads/Sen_Sub.pdf) [Retrieved 11/21/09]
- (2) Melton, Joy Thornburg. (1998). *Safe Sanctuaries: Reducing the Risk of Child Abuse in the Church*. Nashville, TN: Discipleship Resources. [available at Presbytery of Genesee Valley Resource Center]
- (3) Evangelical Lutheran Church in America. (no date). "Developing a Parish Prevention Program." <http://www2.elca.org/init/safehaven/packet/developing.html> [Retrieved 11/21/09]
- (4) Hammar, Richard R., Klipowicz, Steven W. & Cobble, Jr. James F. (1993). *Reducing the Risk of Child Sexual Abuse in Your Church: A Complete and Practical Guidebook for Prevention and Risk Reduction*. Matthews, NC: *Church Law and Tax Report*. [part of a kit available at Presbytery of Genesee Valley Resource Center]
- (5) Parkinson, Patrick. (1997; 2003). *Child Sexual Abuse and the Churches: Understanding the Issues*, 2<sup>nd</sup> edition. Sydney South, NSW, Australia: Aquila Press.

## **Attachment D.**

### **Congregational Disclosure**

#### **1. Design**

Our Presbytery endorses applying the critical incident stress debriefing model to disclose the basic facts of sexual misconduct and other related matters to an affected congregation. The intent is to implement a design that:

- A. creates a formal, structured, and directed group process for disclosing sensitive and potentially disturbing factual information to a congregation;
- B. presents opportunity for individuals to express their reactions to the facts;
- C. identifies implications and consequences of event(s);
- D. elicits resources of faith to assist the congregation;
- E. permits leadership of the congregation, with support from representatives of Presbytery, to function in a responsible and constructive manner.

#### **2. Components**

Core components of congregational disclosure include: opening prayer; context; background to event(s); report of known facts; rationale and convictions of Session; questions and answers in relation to reported facts; discussion of reactions and emotions; spiritual reflection; future steps by leadership; concluding prayer. Important factors to be considered in how disclosure is accomplished include:

- A. honoring a primary commitment to the truth;
- B. recognizing concerns for privacy and confidentiality;
- C. respecting formal ecclesiastical and/or secular investigations;
- D. being consistent with standards for risk management.

#### **3. Leadership**

The decision-making process by a session to disclose to a congregation should involve a representative(s) from Presbytery's Committee on Ministry. The process of designing a congregational disclosure should also involve a representative(s) from the Committee on Ministry. While leadership of the disclosure is the primary responsibility of a session, it should be shared with representation from Presbytery. In these deliberations, it is highly preferable to utilize a resource person(s) who is trained and experienced in the critical incident stress debriefing model.

*This attachment continues on the next page.*

## Resources

### **Critical Incident Stress Debriefing Model**

- Clark, Marcie & Friedman, Diane. (1992). "Pulling together: Building a community debriefing team." *Journal of Psychosocial Nursing*, 30(7, July):27-32.
- Mitchell, Jeffrey T. (1983). "When disaster strikes: The critical incident stress debriefing process." *Journal of Emergency Medical Services*, 8:36-39.
- Mitchell, Jeffrey T. & Bray, Grady P. (1990). *Emergency Services Stress: Guidelines for Preserving the Health and Careers of Emergency Services Personnel*. Englewood Cliffs, NJ: Brady.
- Parry, Glenys. (1990). *Coping with Crisis*. Leicester, England: British Psychological Society.
- Shelton, Ray & Kelley, Jack. (1995). Chapter 6, "Critical Incident Stress" in *EMS Stress: An Emergency Responder's Handbook for Living Well*. Carlsbad, CA: Jems Communications (Mosby-Yearbook, Inc.), pp. 131-160.

### **Application of the Critical Incident Stress Debriefing Model to Congregations**

- Episcopal Diocese of Virginia. (no date). "Trauma Debriefing"  
[http://www.diosova.org/transition/2008\\_adult\\_safe\\_church\\_handbook.pdf](http://www.diosova.org/transition/2008_adult_safe_church_handbook.pdf) (Appendix H)
- Evinger, James S. (2001; revised 2009). *Disclosing Sexual Boundary Violations to a Congregation: Manual of Best Practices Assessment and Intervention*. Prepared for the Committee on Ministry, Presbytery of Genesee Valley.
- Knudsen, Chilton. (1991). "Trauma debriefing: A congregational model." *Conciliation Quarterly Newsletter*, 10(2, Spring):12-13. [Published by Mennonite Central Committee.]

## Attachment E.

### Procedure for Notification and Record Retention Following Renunciation of Jurisdiction

*(The original version was approved 11/12/07 by Council of the Presbytery of Genesee Valley, and reported to Presbytery, 11/27/07 stated meeting.)*

#### A. Purpose

This procedure guides Investigating or Prosecuting Committees and Stated Clerks regarding notification of individuals and entities following renunciation of jurisdiction by persons accused of (Investigating Committee phase), or charged with (Prosecuting Committee phase), an offense of sexual misconduct in disciplinary proceedings of the Presbytery. The procedure also guides disposition and retention of case material and records following renunciation.

#### B. Rationale

Procedural and practical matters in post-renunciation circumstances require timely action. This procedure assigns responsibility and creates accountability for actions on behalf of persons and entities affected by cases involving sexual misconduct (e.g., breach of trust, sense of betrayal, feelings of exploitation, and concern for others at potential risk).

This procedure is based on four factors:

- 1.) The *Book of Order* does not specify who performs notifications following termination of disciplinary proceedings due to renunciation. Presbytery is best served by procedure that assigns responsibility to, and guides the actions of, Investigating or Prosecuting Committees and Stated Clerks.
- 2.) After a person renounces, the Church's jurisdiction terminates. However, Presbytery's ministry is best served by a procedure that treats all affected individuals and entities as entitled to basic information and facts.
- 3.) The outcome of a case of sexual misconduct, in which the person accused or charged is a minister of Word and Sacrament, directly and/or indirectly affects entities, e.g., PC(U.S.A.) congregations where the minister served, non-PC(U.S.A.) entities where the minister was employed or volunteered, etc. Presbytery is best served by a procedure that recognizes these interests in obtaining basic information and facts in a timely manner. This honors a need for closure, and increases their ability to act, e.g., a newly-identified victim comes forward to the church post-renunciation.
- 4.) The *Book of Order* does not specify disposition and retention of case material and records after renunciation of jurisdiction in disciplinary proceedings. Presbytery is best served by procedure that guides Investigating or Prosecuting Committees and Stated Clerks.

### **C. Circumstances applicable to implementation of this procedure**

The necessity for implementation is occasioned by the status of disciplinary proceedings – renunciation terminates a disciplinary case. This procedure is implemented upon a renunciation of jurisdiction, per *Book of Order*, G-6.0701, G-6.0703, and D-3.0106.

### **D. Responsibilities**

#### **1. Stated Clerk**

The Stated Clerk bears a primary responsibility to notify *formal entities*. (As a *Book of Order*-designated party to disciplinary proceedings, the Investigating or Prosecuting Committee bears the primary responsibility to notify *persons* who participated in its work, particularly those who were witnesses. The Stated Clerk's role precludes knowledge of the extent of interactions by a Committee and all persons with whom it communicated.)

- a. The Stated Clerk, upon the receipt of a valid statement of renunciation of jurisdiction by the person charged or accused, shall promptly transmit the original copy of this statement to the Moderator of the Permanent Judicial Committee and a copy of the statement to the chair of the Investigating or Prosecuting Committee. The Stated Clerk's notification shall include the effective date of renunciation.
- b. The Stated Clerk shall report the individual's renunciation to the Presbytery (*Book of Order*, D-3.0106).
- c. The Stated Clerk shall obtain from the Investigating or Prosecuting Committee all its case records and material, and shall retain them in a secure file at the Presbytery office.
- d. The Stated Clerk shall discuss with the Investigating or Prosecuting Committee which individuals and/or entities shall be notified of the status of the person accused or charged, and the status of the disciplinary proceedings, including whether there are plans to pursue a pastoral inquiry, per G-9.0503a(7), who will perform the notification, and how the notification will be performed, e.g., formal letter, etc.

#### **2. Investigating or Prosecuting Committee**

The Investigating or Prosecuting Committee bears the primary responsibility to notify *persons* who participated in its work, particularly those who were witnesses. (The Stated Clerk bears the primary responsibility to notify *entities*. The Stated Clerk's role precludes knowledge of the extent of interactions by a Committee and all persons with whom it communicated.)

- a. The chair of the Committee shall promptly notify Committee members of the accused or charged person's action and the effective date, upon receipt from the Stated Clerk of a copy of the statement of renunciation.
- b. The Committee shall discuss with the Stated Clerk which persons and/or entities shall be notified regarding the renunciation, effective date, status of the person in the PC(U.S.A.), and

implications for the disciplinary proceedings. Categories to be notified include, but are not limited to:

- 1.) Accuser of record.
  - 2.) Advocate for an accuser of record, per D-10.0203a and D-10.0203b.
  - 3.) Self-identified victim(s) who participated in the proceedings in a formal role, e.g., functioned as a witness.
  - 4.) Other individuals who participated in the work of the Investigating Committee or Prosecuting Committee.
  - 5.) Any congregation with which the person accused or charged had a role as a pastor in the last 20 years, any entity for which the person worked in the last 20 years, and/or any entity affiliated with the PC(U.S.A.) for which the person had a role as a volunteer in the last 20 years.
  - 6.) Any individual or entity identified by the Committee based on the criteria of risk prevention and/or fiduciary responsibility.
- c. The Committee and the Stated Clerk shall ensure that individuals and entities identified in 2b. above are notified in a timely manner.
- 1.) The Stated Clerk as the secretary of the Presbytery as a corporation shall notify:
    - a governing body affiliated with the PC(U.S.A.),
    - a governing body affiliated with a non-PC(U.S.A.) denomination,
    - an incorporated agency or institution, and
    - other relevant legal entities.
  - 2.) The Committee shall notify persons who participated in the disciplinary proceedings based on 2b. above.
- d. Notification shall include:
- a copy of the person's statement of renunciation,
  - effective date of renunciation,
  - charge(s), if filed with the Presbytery's Permanent Judicial Commission,
  - post-renunciation status in the PC(U.S.A.) of the person accused,
  - status of the disciplinary proceedings,
  - disposition and retention of case material and records, and
  - designated contact person regarding questions.
- e. Communication shall be formal and consistent with the nature of PC(U.S.A.) judicial proceedings.
- f. Disposition and retention of case material and records shall include:
- Committee audio- or videotape(s) and/or transcripts of witness interviews,

- working notes of Committee members,
  - minutes of Committee meetings,
  - Committee members' email and other digital or electronic communications,
  - governing body minutes submitted as evidence to the Committee,
  - correspondence submitted as evidence to the Committee,
  - material submitted as evidence to the Committee,
  - material from a minister's personnel file utilized by the Committee, and
  - any other Committee work product.
- g. Disposition and retention of case material and records shall include the criteria listed below:
- 1.) Preserving a formal set of records and material for any future ecclesiastical, civil, or criminal proceedings involving the person who renounced jurisdiction and/or the Presbytery.
  - 2.) Honoring confidentiality as a means of respecting the vulnerability of individuals who participated in the proceedings.
  - 3.) Making Presbytery records accessible to support informed decisions about the Church's mission and ministry.
  - 4.) Advisory material from PC(U.S.A.) Office of Constitutional Services and/or Association of Stated Clerks.

**Attachment F.**

**Minister / Employee / Staff Certification**

**To be completed by:**

- 1.) A minister of Word and Sacrament who seeks either membership or permission to labor within the bounds of Presbytery and is not called to a Church governing body within the Presbytery, e.g. a chaplain or a retired minister.
- 2.) All persons other than ministers who seek to serve Presbytery as employees or staff.
- 3.) All candidates for all positions who are cleared by COM through the clearance interview process.

I certify that (a) no ecclesiastical, civil, and/or criminal complaint of sexual misconduct has ever been sustained or is pending against me; (b) I have never resigned or been terminated or suspended from employment or a volunteer position for reasons related to sexual misconduct; and, (c) I have never been required to receive professional treatment for reasons related to sexual misconduct on my part, and (d) there are no possible complaints of sexual misconduct or sexual boundary violations which involve me and have yet to be submitted.

\_\_\_\_\_  
**Signed** \_\_\_\_\_  
**Date**

NOTE: If you are unable to make the above certification, you may provide a description of the complaint, circumstances of termination, and/or course of professional treatment, giving dates, names, and addresses of employers and/or volunteer supervisors, churches served, and treating professionals, outcome of the situation, and any explanatory comments you care to add. If you provide false or misleading information, or withhold relevant information, you may be removed from consideration.

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

**Release**

The information I have provided is accurate to the best of my knowledge and may be verified by the employing or supervising entity. I hereby authorize the Presbytery of Genesee Valley head of staff or designee (Name), \_\_\_\_\_, to make any and all contacts necessary to verify my prior employment and volunteer history, and to inquire concerning any ecclesiastical records, criminal records, or any judicial proceedings involving me as a defendant. By means of this release, I also authorize any previous employer, volunteer supervisor, and any ecclesiastical or law enforcement agencies or judicial authorities to release any and all requested relevant information to the Presbytery head of staff or designee named above. 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 or supervising entity. I also agree that I will hold harmless the employing or supervising entity and Presbytery head of staff or designee from any and all claims, liabilities, and cause of action for the legitimate release or use of any information.

\_\_\_\_\_  
**Signature** \_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**Date** \_\_\_\_\_  
**Witness**

*Back of Attachment F.*

**Attachment G.**

**Acknowledgment of Receipt**

I hereby acknowledge that on **(date)** \_\_\_\_\_, I received a copy of the *Policy on Sexual Misconduct* of the Presbytery of Genesee Valley, Presbyterian Church (U.S.A.); that I have read the policy; that I understand its meaning; and that I agree to conduct myself in accordance with the policy. I understand that this acknowledgment shall be retained in my personnel file.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Relationship to Presbytery:**Inquirer for ministry of Word and Sacrament  
Candidate for ministry of Word and Sacrament  
minister of Word and Sacrament  
Certified Christian Educator  
Commissioned Lay Pastor  
employee (specify work site):

\_\_\_\_\_  
**Date**

*This Attachment **must be signed** and returned by all Clergy, Inquirers, Candidates, Certified Christian Educators, Commissioned Lay Pastors, and Presbytery Staff of this Presbytery.*

*Please complete, sign, and return to:*  
*Presbytery of Genesee Valley*  
*1049 Wegman Road*  
*Rochester NY 14624*

*Please retain a copy of this page for your records.*