

Appendix K.

**POLICY ON AUTOMATIC ADMINISTRATIVE LEAVE**

**PRESBYTERY OF GENESEE VALLEY**

**COMMITTEE ON MINISTRY**

**Policy on Automatic Administrative Leave in Cases  
of the accusation of “Sexual abuse of another Person”**

**Table of Contents**

- 1. Introduction**
- 2. Activating Automatic Administrative Leave**
- 3. Jurisdiction**
- 4. Notifications**
- 5. Selecting Members to the Automatic Administrative Leave Panel**
- 6. Convening the Implementation Conference to Impose Leave**
- 7. Notice of the Implementation Conference to Impose Leave**
- 8. Implementation Conference to Impose Leave**
- 9. Order to Impose Automatic Administrative Leave**
- 10. Communicating and Retaining the Record of the Implementation Conference to Impose Automatic Administrative Leave**
- 11. Substitute Services Conference on Terms of Paid Administrative Leave and Substitute Services**
- 12. Order Regarding Paid Administrative Leave and Substitute Services**
- 13. Communicating and Retaining the Record of the Substitute Services Conference on Terms of Paid Administrative Leave and Substitute Services**
- 14. Monitoring Compliance with Orders of the Panel**
- 15. Dismissal of the Panel**

**Appendices**

- A-1. Application of Automatic Administrative Leave**
- A-2. *Book of Order* definition of “sexual abuse of another person”**
- A-3. *Book of Order* reference to administrative leave**
- A-4. Forms**

## 1. **Introduction**

“The Church of Jesus Christ is the provisional demonstration of what God intends for all humanity. The Church is called to be a sign in and for the world of the new reality which God has made available to people in Jesus Christ.”

*Book of Order*, Chapter III, The Church and Its Mission, G-3.0200

**1a. Scope.** 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* (Appendix A-2), has been submitted against the minister and formally filed with the stated clerk of the Presbytery. This Policy applies to all ministers of Word and Sacrament who are members of the Presbytery or whose status, role and/or function is subject to approval by the Presbytery, per D-10.0106, Rules of Discipline, *Book of Order*, (Appendix A-3).

**1b. Purpose.** Automatic administration leave shall not be construed as action based on an adjudication of evidence, a presumption or determination of guilt, or the imposition of a censure as defined by the Rules of Discipline. Automatic administrative leave is a means to serve the Presbytery’s affirmative responsibilities to:

***Protect those who are vulnerable***

- reduce the possibility of harm to vulnerable people who may be at risk;

***Protect due process for those accused***

- ensure the accused person’s presumption of innocence and due process rights within the formal judicial proceedings as governed by the Rules of Discipline;
- establish a uniform procedure to be applied in a timely manner and with consistency apart from undue influence, arbitrary interpretation, partiality, or lack of precedent;

***Protect integrity of ecclesiastical proceedings***

- preserve the impartiality, fairness, and integrity of the judicial proceedings within the Presbytery;
- reduce the possibility of rumors, non-factual assertions, and extra-judicative endeavors while encouraging utilization of the Church’s existing judicial structure which is evidence-based and offers due process rights;
- allow an effective response to a potentially highly-conflicted situation which is intensified by a Permanent Judicial Commission’s lack of resources to conduct on short notice a thorough and competent risk assessment;

***Preserve our mission and ministry***

- retain the primacy of a focus on the abiding mission and ministry of the church of Jesus Christ and the effective witness of our congregations when a protracted or divisive conflict affecting a congregation would divert its attention and impair its abilities (see responsibility and power of a presbytery, G-11.0103 b.);

- implement a reasonable and responsible risk management strategy to meet the Presbytery's fiduciary responsibilities as a governing body and as a not-for-profit corporate entity.

**1c. Fiduciary and Organizational Responsibility.** The Presbytery of Genesee Valley bears fiduciary and organizational responsibility for ministry through individuals, ministers of Word and Sacrament, and organizations, congregations, and other entities. As noted in Section 1.a. Scope above, 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, regardless of the kind of organization where that individual might be employed. This requirement extends from the Presbytery's fiduciary responsibility for individual members. When automatic administrative leave is imposed, Presbytery will not assume responsibility for payment of an individual's salary during the period of leave, unless there is a direct employee/employer relationship between the Presbytery and the individual. Individuals on leave may be paid according to the policies of their employer. The Presbytery of Genesee Valley also has fiduciary and organizational responsibility for organizations -- congregations and other entities. In instances where automatic administrative leave imposed on an individual leaves a Presbytery of Genesee Valley entity, e.g. a congregation, without adequate pastoral or ministerial services, the provision of substitute services will be negotiated at the conference on the terms of paid administrative leave and substitute services (see Section 11 of this Policy). The Presbytery's concern is that the ministry and functioning of the entity continue during the period of administrative leave. Further clarification of these guidelines as they apply to administrative leave are contained in a supplemental document, Application of Automatic Administrative Leave, Appendix A-1.

**1d. Tasks.** Automatic administrative leave shall be imposed by an Administrative Leave Panel that is appointed by the Permanent Judicial Commission of the Presbytery. The Panel shall accomplish the following essential tasks: 1.) notify parties and convene the Implementation Conference at which automatic administrative leave is imposed; 2.) issue the order to impose automatic administrative leave; 3.) convene and moderate a subsequent Substitute Services Conference convened to determine the terms of paid leave and substitute services; 4). issue the order regarding such terms and services; and, 5). monitor compliance with its orders.

**2. Activating Automatic Administrative Leave** The threshold requirements for activating automatic administrative leave are:

**2a.** A written statement of an alleged offense that, if proven, would constitute *sexual abuse of another person*, per D-10.0401c. (Appendix A-2), is submitted to the stated clerk of the Presbytery of Genesee Valley.

**2b.** The offense is alleged to have been committed against a person(s) under the age of eighteen-years-old or a person(s) who is alleged to have lacked the mental capacity to consent; or any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position.

- 2c. The person accused is a minister of Word and Sacrament, and subject to the jurisdiction of the Presbytery of Genesee Valley, per D-3.0101.
3. **Jurisdiction** Determination that a minister of Word and Sacrament is subject to the jurisdiction of the Presbytery of Genesee Valley is derived in one of four ways:
- 3a. All minister members of the Presbytery of Genesee Valley, including retired ministers, are subject to its jurisdiction, whether an individual is laboring within its bounds, or not.
- 3b. If the minister is a member of the Presbytery of Genesee Valley and laboring within the bounds of another presbytery, the minister remains under the primary jurisdiction of the Presbytery of Genesee Valley, and is required to submit to the jurisdiction of the Presbytery for the purposes of a disciplinary case, per D-3.0101b.(2). (See also Section 4b., Notifications)
- 3c. If the minister is a member of another presbytery and laboring within the bounds of the Presbytery of Genesee Valley, the minister remains under the primary jurisdiction of the presbytery of membership, and is also required to submit to the jurisdiction of the Presbytery of Genesee Valley for the purposes of a disciplinary case, per D-3.0101b.(2). (See also Section 4c., Notifications.)
- 3d. This policy regarding administrative leave shall apply to ministers of other denominations who serve congregations or entities of the Presbytery of Genesee Valley. (See also Section 4d., Notifications.)
4. **Notifications** Upon receipt of a written statement that meets the threshold requirements of this Policy, Section 2, it is the duty of the stated clerk of the Presbytery of Genesee Valley to transmit the allegation within 24-hours.
- 4a. **Notification of Presbytery of Genesee Valley and the accuser of record.** For the applicable category of ecclesiastical membership of the person accused, i.e. Sections 4b.-4d. of this Policy, the stated clerk of the Presbytery of Genesee Valley shall within 24-hours of receipt transmit the allegation, excluding the name of the accuser and/or victim for the purpose of confidentiality, directly to all members of the Permanent Judicial Commission of the Presbytery of Genesee Valley, via **Form X** (Appendix A-4). (The identity of the accuser and/or victim is properly disclosed in the context of a formal disciplinary proceeding and occurs when the allegation is transmitted to an Investigating Committee, per D-10.0101.) The stated clerk shall also communicate the allegation, excluding the name of the accuser and/or victim for the purpose of confidentiality, to the Presbytery's attorney, its insurance carrier for the purpose of risk management, the moderator of Presbytery, the moderator of Council for the purpose of budget implications if the minister accused is serving a congregation or entity of the Presbytery, co-presbyters, chair of the Committee on Ministry, and chair of Congregational Ministries, via **Form X** (Appendix A-4). The stated clerk shall provide written notice of these actions to the person who submitted the allegation, via **Form X** (Appendix A-4).
- 4b. **Notification of a presbytery other than Presbytery of Genesee Valley in which the person accused is laboring.** In addition to the notifications in Section 4a., if the minister accused is a member of the Presbytery of Genesee Valley and

is laboring within the bounds of another presbytery, the stated clerk of the Presbytery of Genesee Valley shall within 24-hours of receipt notify in writing the stated clerk of the presbytery within whose bounds the minister is laboring, via **Form X** (Appendix A-4). (In this instance, the full allegation with the name of the accuser and/or victim is transmitted due to the shared jurisdictional responsibility of the other presbytery.) If an allegation is submitted to the stated clerk of the presbytery within whose bounds the minister accused is laboring, it is the expectation of the Presbytery of Genesee Valley that the stated clerk of that presbytery will within 24-hours of receipt notify the stated clerk of the Presbytery of Genesee Valley in writing of the allegation. It is the position of the Presbytery of Genesee Valley that both it and the other presbytery will cooperate in an action regarding administrative leave or other imposed restrictions, per D-10.0104.

- 4c. Notification of a presbytery other than Presbytery of Genesee Valley in which the person accused is a member.** In addition to the notifications in Section 4a., if the minister accused is a member of another presbytery and is laboring within bounds of the Presbytery of Genesee Valley, and the allegation is submitted to the stated clerk of membership, it is the expectation of the Presbytery of Genesee Valley that it shall within 24-hours of receipt be notified in writing by the stated clerk of the presbytery of membership. If the allegation is submitted to the stated clerk of the Presbytery of Genesee Valley, the stated clerk shall within 24-hours of receipt notify in writing the stated clerk of the presbytery in which the minister accused holds membership, via **Form X** (Appendix A-4). (In this instance, the full allegation with the name of the accuser and/or victim is transmitted due to the shared jurisdictional responsibility of the other presbytery.) It is the position of the Presbytery of Genesee Valley that both it and the other presbytery will cooperate in an action regarding automatic administrative leave or other imposed restrictions, per D-10.0104.
- 4d. Notification of a denomination other than Presbyterian Church (U.S.A.) in which the person accused is a member.** In addition to the notifications in Section 4a., if the minister accused is a member of another denomination and is serving a congregation or entity of the Presbytery of Genesee Valley, the Presbytery's stated clerk shall within 24-hours of receipt transmit the full allegation directly to officials of the other denomination, via **Form X** (Appendix A-4). (In this instance, the full allegation with the name of the accuser and/or victim is transmitted due to the jurisdictional responsibility of the other denomination.) It is the position of the Presbytery of Genesee Valley that both it and the other denomination will cooperate in an action regarding automatic administrative leave and other imposed restrictions.
- 4e. Notification of the employing entity, whether paid or voluntary.** Upon receipt of a written statement that meets the threshold requirements of Section 2 of this policy, it is the duty of the stated clerk of the Presbytery of Genesee Valley to transmit within 24-hours the allegation, excluding the name of the accuser and/or victim for the purpose of confidentiality, to an entity employing the services of the person accused, whether the nature of the employment is paid or voluntary, via **Form X** (Appendix A-4).

- 4f. Notification of the person accused.** Upon receipt of a written statement that meets the threshold requirements of Section 2 of this policy, it is the duty of the stated clerk of the Presbytery of Genesee Valley to transmit the allegation within 24-hours to the person accused, via **Form X** (Appendix A-4).
- 5. Selecting Members to the Automatic Administrative Leave Panel** Within three days of receipt of the allegation, the moderator of the Permanent Judicial Commission (PJC), or the moderator's designee from the members of the PJC, shall select two former members of the PJC to constitute an Automatic Administrative Leave Panel.
- 5a.** The two to be designated to serve on the Automatic Administrative Leave Panel shall be selected from the Presbytery roster of former members of the PJC whose terms have expired within the past six years.
- 5b.** In the event that two former members of the PJC are not available, the moderator, or designee, of the PJC shall select from the current members of the PJC. The priority for selecting former PJC members before current members functions to preserve the impartiality, fairness, and integrity of the judicial proceedings. If a member of the current PJC participates in the Panel's actions regarding automatic administrative leave or the imposition of other restrictions, that member shall not participate in any proceedings or deliberations of the current PJC with regard to the allegation. Recusal preserves impartiality, fairness, and the integrity of the PJC's proceedings.
- 5c.** The PJC shall report the names of the members of the Automatic Administrative Leave Panel to the Presbytery's stated clerk by telephone call and in writing. Upon notification, the stated clerk shall report the names of the members of the Automatic Administrative Leave Panel to the Presbytery's attorney, its insurance carrier, the moderator of Presbytery, the moderator of Council, co-presbyters, chair of the Committee on Ministry, and chair of Congregational Ministries.
- 6. Convening the Implementation Conference to Impose Leave** Within seven days of both members being selected, the Panel shall convene an implementation conference for the purpose of imposing administrative leave. This conference is not an investigation or a trial, and the Panel is not authorized to consider guilt or receive evidence from any party. The action of the Panel at this conference shall constitute a formal action by the PJC in a disciplinary proceeding, and is subject to the reporting provisions of D-11.0701 and the appellate provisions of D-13.0000.
- 6a.** The Panel is not authorized to receive any evidence related to the accusation, including exculpatory or inculpatory evidence. Any party with evidence to present shall be advised by the Panel to submit it to the Investigating Committee in accord with the standard disciplinary proceedings according to the Rules of Discipline.
- 6b.** The Implementation Conference shall be conducted in a neutral place and setting suitable to the occasion, consistent with the Rules of Discipline.
- 7. Notice of the Implementation Conference to Impose Leave** The Panel shall communicate via **Form X** (Appendix A-4) notice of purpose, date, time, and place of the Implementation Conference to the following who are entitled to be present:

- 7a.** The Panel shall notify the minister accused by certified mail. The notice shall include:
- 1.) A statement of the purpose of the Automatic Administrative Leave conference, *to impose automatic administrative leave on the minister accused until the resolution of the accusation.*
  - 2.) A citation of the Presbytery's Policy on Automatic Administrative Leave as the basis for the implementation conference.
  - 3.) The date, time, and place of the Implementation Conference.
  - 4.) A copy of the Presbytery's Policy on Automatic Administrative Leave.
  - 5.) A statement that the Implementation Conference is neither an investigation or a trial, that the Panel is not authorized to receive any evidence related to the accusation, including exculpatory or inculpatory evidence, and that the Implementation Conference constitutes a formal action by the Permanent Judicial Commission of the Presbytery.
  - 6.) A copy of the allegation excluding the name of the accuser and/or victim.
  - 7.) A statement of the right of the accused to be heard at the Implementation Conference, as well as the right to remain silent, consistent with Rules of Discipline, D-10.0203.
  - 8.) A statement of the right of the accused to be represented by counsel or an advocate, consistent with Rules of Discipline, D-10.0203.
  - 9.) A statement that counsel or an advocate for the accused may observe and participate in matters other than the allegation, e.g. asking questions related to informational or procedural matters.
  - 10.) A statement that provision of counsel at this Implementation Conference is the responsibility of the person accused, including assumption of fees incurred.
  - 11.) A statement that the presence of the minister accused is not necessary for the Implementation Conference to be convened or for the Panel to act.
  - 12.) The names of the members of the Panel.
- 7b.** If the minister accused is subject to the terms of call of a congregation, the Panel shall notify via **Form X** (Appendix A-4) the clerk of session and at least two elders who are active members of the session, one of whom is preferably chair of the session's personnel committee. They shall be asked to bring to the Implementation Conference to give to the Panel a copy of the terms of the call of the congregation for the minister accused, the minister's job description, and any long-term leave policy of the session.
- 7c.** If the minister accused has a contractual relationship to a PC(U.S.A.) governing body, e.g., is employed by a presbytery, the Panel shall notify via **Form X** (Appendix A-4) the chair of the governing body's personnel committee, its moderator and officers, and the chair of the Committee on Ministry of the accused person's presbytery of membership. They shall be asked to bring to the Implementation Conference to give to the Panel a copy of the terms of the call of the governing body for the minister accused, the minister's job description, and any long-term leave policy of the governing body.
- 7d.** If the minister accused has a contractual relationship to a PC(U.S.A.) agency, program, or entity, the Panel shall via **Form X** (Appendix A-4) notify persons in

the analogous roles and offices to those in 7c. above. They shall be asked to bring to the Implementation Conference to give to the Panel a copy of the contract of the entity with the minister accused, the minister's job description, and any long-term leave policy of the entity.

- 7e. If the minister accused is in a role sanctioned by the Presbytery of Genesee Valley (e.g., parish associate, a ministry validated by Presbytery, serving an organization or church while honorably retired), or is a member at large of the Presbytery, the Panel shall notify via **Form X** (Appendix A-4) persons in the analogous roles and offices to those in 7b. or 7c. above. They shall be asked to bring to the Implementation Conference to give to the Panel a copy of any contract of the entity with the minister accused, the minister's job description, and any long-term leave policy of the entity.
- 7f. The following persons from the Presbytery of Genesee Valley, ex officio, shall receive advance notice of the Implementation Conference convened by an Automatic Administrative Leave Panel via **Form X** (Appendix A-4): stated clerk, co-presbyters, chair of Committee on Ministry, chair of Congregational ministries, moderator of Presbytery, moderator of Council, the Presbytery's attorney, and the Presbytery's insurance carrier. With the exception of Presbytery's attorney, these persons shall have the right to observe, but not participate in, the Implementation Conference.
- 7g. Attendance by parties who were not officially notified of the Implementation Conference shall be at the sole discretion of the Automatic Administrative Leave Panel.

8. **Implementation Conference to Impose Leave** The Implementation Conference shall be conducted formally with full decorum, consistent with the Rules of Discipline.

- 8a. The Panel shall convene and adjourn the conference with prayer.
- 8b. At the outset of the Implementation Conference, the Automatic Administrative Leave Panel shall announce the purpose, *to impose automatic administrative leave on the minister accused until the resolution of the accusation.* (The ways resolution occurs are prescribed in the Rules of Discipline and include, but are not limited to, a determination that no charges shall be filed by an Investigating Committee, the filing of charges by an Investigating Committee and the convening of a trial by a Permanent Judicial Commission to determine guilt or innocence, and renunciation of jurisdiction of the Church by a person accused.) The Panel shall instruct those present regarding what may and may not occur at this conference.
- 8c. The Panel shall exhort those present to preserve the integrity of the formal disciplinary case proceeding which is separate from this Automatic Administrative Leave conference.
- 8d. The Panel shall admonish against undue influence, coercion, or manipulation of the disciplinary case proceeding, including attempts to pressure potential witnesses.
- 8e. The Implementation Conference on automatic administrative leave shall be conducted in a manner consistent with the norms and principles expected of the



Permanent Judicial Commission in a disciplinary proceeding, per the Rules of the Discipline.

- 8f.** As part of this conference, the Panel shall determine and announce the date, time, and location for the subsequent conference on the terms of paid leave and substitute services, which shall be convened within seven days of this conference (see Section 11, Substitute Services Conference on Terms of Paid Administrative Leave and Substitute Services).
- 8g.** The Panel shall produce a written record of the conference (see Section 10, Communicating and Retaining of the Record of the Implementation Conference to Impose Administrative Leave).
- 9. Order to Impose Automatic Administrative Leave** The Panel shall impose automatic administrative leave on the minister accused.
- 9a.** The Panel shall issue via **Form X** (Appendix A-4) a written order imposing automatic administrative leave on the person accused to be effective immediately and continue until the formal resolution of the disciplinary allegation and disciplinary case through the ways prescribed in the Rules of Discipline.
- 9b.** The order shall prohibit the accused person from functioning as a minister of Word and Sacrament. Per D-10.0106 (Appendix A-3), the accused minister shall be prohibited from functioning in activities related to the pastoral role and ministerial office: 1.) performing any pastoral, administrative, educational, or supervisory duties, including moderating a meeting of the session or congregation, and attending session or church committee meetings in an *ex officio*, resource, or observer role; and, 2.) officiating at any pastoral or ministerial functions such as baptisms, funerals, or weddings. The accused shall be prohibited from performing pastoral counseling and officiating at communion services and leading worship. The Panel may impose other restrictions on the accused person's functioning as a minister of Word and Sacrament consistent with D-10.0106.
- 9c.** The imposition of automatic administrative leave shall not be construed as an adjudication of evidence, a presumption or determination of guilt, or the imposition of a censure as defined by the Rules of Discipline.
- 10. Communicating and Retaining the Record of the Implementation Conference to Impose Automatic Administrative Leave** As a formal action of the Permanent Judicial Commission of the Presbytery of Genesee Valley, the Panel shall communicate to the affected parties the written record of its Implementation Conference to impose automatic administrative leave.
- 10a.** Within 24-hours of the completion of the Implementation Conference to impose administrative leave, the Panel shall transmit its written record to the clerk of the Permanent Judicial Commission, and transmit a copy to the minister accused and to the stated clerk of the Presbytery with instructions to transmit it to the person who submitted the accusation.
- 10b.** The Panel shall also transmit a copy of the written record to all the parties who were entitled to receive notification of the conference, per Section 7 of this Policy.

- 11. Substitute Services Conference on Terms of Paid Administrative Leave and Substitute Services** Within seven days of the Implementation Conference to impose automatic administrative leave, the Panel shall convene and moderate a subsequent conference on the terms of paid administrative leave and substitute services. The purpose of the conference is twofold: to set forth the terms of payment of the accused person's salary, per the personnel policies of their employment; and, to negotiate the provisions of substitute services for an affected entity of the Presbytery of Genesee Valley. Those requested to attend shall be asked to come prepared to discuss the continuing ministerial and pastoral needs of the entity, as applicable, and the financial requirements to meet those needs. At this conference, the Automatic Administrative Panel shall utilize the copies of the employing entity's terms of call or contract with the minister accused, the minister's job description, and any long-term leave policy of the entity which were received at the Implementation Conference to impose automatic administrative leave (see Section 7b., 7c., 7d., and/or 7e. of this Policy).
- 11a.** The conference on terms of paid leave and provision of substitute services shall be convened within seven days after the Implementation Conference to impose automatic administrative leave. The Automatic Administrative Leave Panel shall request the presence of those previously notified as required by Section 7b., 7c., 7d., and/or 7e. of this Policy, as applicable. The Panel shall also notify those previously notified as required by 7f. above. (The person placed on automatic administrative leave is not requested to attend because the party responsible for paid leave is the employing entity.)
- 11b.** The portion of the conference regarding the terms of paid leave of the person accused is conducted to ensure the continuing provision of the following items based on the individual's most recently approved terms of call, or contract: cash salary, deferred compensation (if any), housing and utilities, medical deductible allowance (if any), Social Security, and Pension and Major Medical. The following items shall be excluded as of the date of imposition of automatic administrative leave: travel and professional expenses, other reimbursable expenses (e.g. book allowance), and study leave. Vacation time and study leave shall be granted and paid, pro-rated to the date of imposition of automatic administrative leave. Vacation and study leave time and allowance during the period of automatic administrative leave shall not be escrowed for future use and/or reimbursement.
- 11c.** The portion of the conference regarding substitute services is conducted to ensure the continuing provision of services to meet the ministerial and pastoral needs of an entity of the Presbytery of Genesee Valley. In these cases, the Automatic Administrative Leave Panel shall ask those requested to attend to bring information or documentation regarding the entity's substitute ministerial and pastoral needs.
- 12. Order Regarding Paid Administrative Leave and Substitute Services** The Panel shall issue an order via **Form X** (Appendix A-4) regarding the provision of paid administrative leave for the person accused, and the provision of substitute ministerial and pastoral needs of the employing PGV entity.

- 12a.** The Panel shall issue a written order regarding the provision of paid administrative leave to the person accused.
- 12b.** The order shall address the provision of substitute services to meet ministerial and pastoral needs of the affected entity, as applicable.
- 13. Communicating and Retaining the Record of the Substitute Services Conference on Terms of Paid Administrative Leave and Substitute Services** As a formal action of the Permanent Judicial Commission of the Presbytery of Genesee Valley, the Panel shall communicate the written record of its conference on terms of paid administrative leave and substitute services to the affected parties.
- 13a.** Within 24-hours of the completion of the conference, the Panel shall transmit its written record to the clerk of the Permanent Judicial Commission, and transmit a copy to the minister accused and to the stated clerk of the Presbytery with instructions to transmit it to the person who submitted the accusation.
- 13b.** The Panel shall also transmit a copy of the written record to all the parties who were entitled to receive notification of the conference, per Section 7 of this Policy.
- 14. Monitoring Compliance with Orders of the Panel** The Automatic Administrative Leave Panel shall be responsible for monitoring compliance with its order regarding restrictions on the accused person's function as a minister of Word and Sacrament, per Section 9 of this Policy, and with its order regarding terms of paid leave and substitute services, per Section 12 of this Policy.
- 14a.** Following adjournment of the Implementation Conference and the immediate onset of the administrative leave, the accused minister may return to the church or employing entity worksite in order to retrieve personal files and effects as long as the person is accompanied by a member of the Automatic Administrative Leave Panel and observed by a member of the church or employing entity.
- 14b.** The Automatic Administrative Leave Panel shall convene monitoring conferences at 30-day intervals for the first 120 days after its conference to impose automatic administrative leave in order to review compliance with its orders. It shall also convene a conference(s) to review compliance with its orders, as necessary.
- 14c.** Within 24-hours of the completion of the conference to review compliance, the Panel shall transmit its written record to the clerk of the Permanent Judicial Commission, and transmit a copy to the minister accused and to the stated clerk of the Presbytery with instructions to transmit it to the person who submitted the accusation. The Panel shall also transmit a copy of the written record to all the parties who were entitled to receive notification of the conference, per Section 7 of this Policy.
- 15. Dismissal of the Panel** The role and function of the Panel continues until there is a formal resolution of the disciplinary allegation and disciplinary case through the ways prescribed in the Rules of Discipline, including appeals. The Permanent Judicial Commission of the Presbytery shall dismiss the Panel following the formal resolution.

## APPLICATION OF ADMINISTRATIVE LEAVE (Appendix A-1)

### DESCRIPTION

Each position, role, or organizational affiliation of an accused individual, whether paid or volunteer, is located on this diagram.

|  |     | INDIVIDUAL: Is being clergy in good standing a position or job requirement?  |   |
|--|-----|--|---|
|  |     | YES  | NO  |
| <b>ORGANIZATION: Is organization a PGV entity?</b> | YES | <p style="text-align: center;">A.</p> <p>E.g., churches</p> <p><i>Info required in conference.<br/>Presence of others required.</i></p>  | <p style="text-align: center;">B.</p> <p>E.g., Stated Clerk of PGV<br/>Chair of COM<br/>Moderator of PGV<br/>Financial administrator of PGV</p> <p><i>Info required in conference.<br/>Presence of others required.</i></p> |
|  | NO  | <p style="text-align: center;">C.</p> <p>E.g., CRDS positions<br/>other seminaries<br/>chaplain at hospital<br/>PC(USA) positions</p> <p><i>Info requested for conference.<br/>Others notified; can opt to attend.</i></p> | <p style="text-align: center;">D.</p> <p>E.g., school districts<br/>Hochstein position<br/>URMC School of Nursing<br/>local community college</p> <p><i>Info irrelevant in conference.<br/>Others notified only.</i></p>    |

### INDIVIDUAL Categories

Defining criteria: Is being a clergy in good standing in one’s denomination a requirement for the position? YES or NO

With administrative leave, under this criteria, the prohibition on performing “pastoral and ministerial functions” prevents an accused individual from working and may, therefore, impact their income. PGV does not assume any responsibility for providing a “safety net” for these individuals when the presbytery policy imposes administrative leave. This is a different issue than PGV having the responsibility to help an organization provide substitute staffing because someone was placed on administrative leave (see below under organizational categories).

If YES, PGV has an interest and a fiduciary responsibility on behalf of the PCUSA in terms of the integrity with which people use the title “reverend,” since they represent the Church

when they use the title. Because of the job requirement, the employing organization is dependent on PGV to certify good standing.

If NO, PGV membership is a courtesy extended to the individual or a benefit to the Church, not an employment need.

### ORGANIZATION Categories

Defining criteria: Is the organization an entity of PGV? YES or NO

For example, churches or congregations “belong” to a presbytery, and organizational bodies created by the presbytery for governance or ministry are part of the presbytery as well.

If YES, PGV has fiduciary and organizational responsibilities for ministry through its entities so it bears some responsibility for ensuring that ministry can continue when someone is temporarily absent from a role, as is the case with administrative leave.

If NO, PGV bears no fiduciary or organizational responsibilities in these instances.

Using these two criteria, each with two options, yields four different categories:

- A. Individual and Organizational responsibility overlap: individuals need good standing as clergy and the entity is part of PGV. E.g. churches not served by CLPs.
- B. Organizational responsibility: PGV has some organizational responsibility for ensuring ongoing ministry and functional capacity; individuals in these positions are not required to be clergy in good standing. E.g. PGV committees, roles, ministries.
- C. Individual responsibility: The individual needs to be a clergy in good standing, but the organization is not a PGV entity. In this instance, the individual and the employer may have a strong interest in PGV proceedings, but PGV does not have an organizational concern at stake in the matter. E.g. the employer may be dependent on PGV to certify an employee’s good standing, but PGV has no organizational concerns; the presbytery’s concern is with the individual clergy member.
- D. No organizational or individual responsibility: Individuals whose positions place them in this category are members of PGV as a courtesy to them or because it benefits the Church; membership is not a job requirement and they do not work with a PGV entity.

### **GUIDELINES**

- 1) An accused individual may have several positions or roles so each would need to be assessed according to the diagram and each organization might need to be handled differently in the same administrative leave conference.

E.g., John Doe is employed part-time at the UR in research (D), part-time at the Developmental Center as a chaplain (C), and he is chair of COM (B). He is accused of sexual

misconduct and placed on administrative leave. According to our policy, the UR is only notified of the conference; the developmental center is notified and invited to provide relevant information and participate if they want. Since it is deemed that continuing as Chair of COM is a potential conflict of interest while he is on administrative leave, a vice chair of COM is required to come to the conference so they can discuss how his duties as Chair will be covered during his absence.

- 2) These four categories do not line up perfectly or logically with the categories currently in use by PGV: serving congregations (mostly clergy, need good standing, but can be CLPs); other service to PCUSA (the need to be clergy is not clear in these positions); validated ministry beyond jurisdiction (the latter part 'beyond jurisdiction' points to non-PGV entities, but the validated service is not clear; the position may require being clergy in good standing, but the designation may also simply recognize that the position has "pastoral" qualities); members at large (some of these resemble validated ministries); retired not serving churches (these people can be in any number of different roles or positions).

**Appendix A-2, *Book of Order* definition of “sexual abuse of another person”**

*Book of Order*, Rules of Discipline, D-10.0401c.  
The Constitution of the Presbyterian Church (U.S.A.) Part II  
Published by the Office of the General Assembly, Louisville, KY

**D-10.0400**

**4. Charges**

D-10.0401  
Time Limit

c. Sexual abuse of another person is any offense involving sexual conduct in relation to

(1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or

(2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position.

**Appendix A-3, *Book of Order* reference to administrative leave**

*Book of Order*, Rules of Discipline, D-10.0106  
The Constitution of the Presbyterian Church (U.S.A.) Part II  
Published by the Office of the General Assembly, Louisville, KY

**D-10.0106-.0201**

**RULES OF DISCIPLINE**

D-10.0106  
Administrative  
Leave

When a written statement of an alleged offense of sexual abuse toward any person under the age of eighteen, or who it is alleged lacked the mental capacity to consent, has been received against a minister of the Word and Sacrament, the stated clerk receiving the allegation shall immediately communicate the allegation to the permanent judicial commission. The moderator of the permanent judicial commission shall within three days designate two members, who may be from the roster of former members of the permanent judicial commission, to determine whether the accused shall be placed on a paid administrative leave during the resolution of the matter. The cost of such shall be borne by the employing entity whenever possible or be shared by the presbytery as necessary. While administrative leave is in effect, a minister or other employee may not perform any pastoral, administrative, educational, or supervisory duties, and may not officiate at any functions such as Baptism, funerals, or weddings.

a. The designated members of the permanent judicial commission, after giving the accused the opportunity to be heard, shall determine whether the risk to the congregation and to potential victims of abuse, when considered in light of the nature and probable truth of the allegations, requires administrative leave or other restrictions upon the minister's service. Such administrative leave or restrictions will continue until resolution of the matter in one of the ways prescribed in the Rules of Discipline or the leave or restrictions are altered or removed by the designated members of the commission.

b. If the designated members of the commission determine that no administrative leave or restriction is required, the investigating committee appointed to investigate the allegations shall be free at any point in its investigation to present additional evidence to the designated members supporting the imposition of administrative leave or other restrictions.



## Appendix A-4, Forms

| <u>Reference</u> | <u>Function of the form</u>   |
|------------------|---|
| 4a.              | Notify all members of PJC   |
| 4a.              | Notify PGV attorney, insurance carrier, moderator, moderator of Council, co-presbyters, chair of COM, chair of CM |
| 4a.              | Inform accuser of the two notifications in 4a.  |
| 4b.              | Notify non-PGV stated clerk if accused in laboring in another presbytery  |
| 4c.              | Notify non-PGV stated clerk if accused is laboring in PGV   |
| 4d.              | Notify non-PC(U.S.A.) denomination  |
| 4e.              | Notify employing entity   |
| 4f.              | Notify person accused   |
| 7.               | Notify identified parties entitled to be present at Implementation Conference                                     |
| 7b.              | Notify clerk of session and 2 elders  |
| 7c.              | Notify identified parties of a PC(U.S.A.) governing body  |
| 7d.              | Notify identified parties of a PC(U.S.A.) agency, program, or entity  |
| 7e.              | Notify identified parties that correlate to 7b. or 7c.  |
| 7f.              | Notify identified PGV parties   |
| 9a.              | Order to impose automatic administrative leave  |
| 10.              | Record of the conference  |
| 11.              | Notice of the conference  |
| 12.              | Order regarding provision of paid administrative leave and substitute services                                    |
| 13.              | Record of the conference  |
| 14b.             | Convening the conference  |
| 14c.             | Record of the conference  |

## WHISTLEBLOWER POLICY

Effective Date: , 2017

**The Presbytery of Genesee Valley** (the “Presbytery”) is committed to ensuring that an environment exists that promotes prevention, detection, and resolution of instances of conduct that do not conform to federal or state statutory and regulatory requirements and prohibitions, private payer healthcare program requirements, or the Presbytery’s ethical and business policies (referred to here as “Non-Compliant Conduct”).

### **Purpose of Policy**

To promote this environment, the Presbytery has established a problem resolution process and a strict non-retaliation policy to protect individuals – including officers, directors, employees and volunteers – who report suspected Non-Compliant Conduct in good faith (here: “Whistleblowers”) from retaliation. Any form of retaliation or retribution can undermine the problem resolution process and result in a failure of communication channels in the Presbytery.

### **Whistleblower Responsibilities**

All Whistleblowers have an affirmative duty to report suspected Non-Compliant Conduct. Such reports may be communicated to the Presbytery Leader or the Moderator of Presbytery, or the Chair of the Board of Trustees. If the Whistleblower is not comfortable in reporting such Conduct to any of those persons, then the Whistleblower is not precluded from contacting authorities outside the Presbytery. Whistleblowers cannot exempt themselves from the consequences of their own misconduct by reporting the issue, although self-reporting may be taken into account in determining the appropriate course of action.

### **Reporting Potential Non-Compliant Conduct**

The Presbytery encourages individuals to share their questions, concerns, suggestions, and complaints with someone who can address them properly. In most instances, the Presbytery Leader is in the best position to address an area of concern. However, if you are not comfortable speaking with her/him or you are not satisfied with the response, you are encouraged to speak with the Moderator of Presbytery or the Chair of the Board of Trustees. As many details as possible should be included, such as a description of the questionable activity, the names of the individuals involved, the names of possible witnesses, dates, times, places, and any other available details. The Presbytery encourages any individual to come forward with information.

### **Investigation Procedures**

Upon receipt of any Whistleblower-related report, the recipient shall immediately contact and transmit all information to the Presbytery Leader or the Moderator of Presbytery, or the Chair of Trustees. S/he will fully evaluate and investigate the potential Non-Compliant Conduct as expeditiously as possible. If appropriate, reports may be referred to legal counsel for investigation.

**Prohibition of Retaliation**

Any form of retaliation against any Whistleblower who reports suspected Non-Compliant Conduct in good faith is strictly prohibited. Any employee who commits or condones any form of retaliation will be subject to discipline up to, and including, termination.

**Good Faith**

Anyone reporting suspected Non-Compliant Conduct must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper practice. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the volunteer position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

**Confidentiality**

Whistleblower-related reports shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Disclosure of such reports to individuals not involved in the investigation constitute a serious disciplinary offense and may give rise to other actions, including civil lawsuits. All information about a Whistleblower report shall be retained by the Presbytery for seven years after the resolution of the report.

**Distribution**

This Whistleblower Policy shall be distributed by the Presbytery Leader, or by her or his designee, to all directors, officers, employees and to volunteers who provide substantial services to the Presbytery.

**Questions**

Any questions regarding this policy should be directed to the Presbytery Leader.

---

Signature

---

Date Received Copy of Policy