

CENTRAL PRESBYTERIAN CHURCH

POLICY ON SEXUAL Ethics

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Central Presbyterian Church
Presbyterian Church (U.S.A.)

Adopted: 12/08
Revised: 3/18

I Preamble

A. Purpose.

1. The sixfold purpose of this policy is:

a. To safeguard the members, congregants, staff, the members of the church, 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 church.

b. To express our commitment to prevent sexual misconduct by creating an atmosphere in our church 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 church.

d. To promote healing for all persons and the congregation in cases involving sexual misconduct and/or sexual abuse.

e. To ensure the effectiveness of our church's administrative judicial processes in cases of sexual misconduct and/or sexual abuse so that the truth shall be determined, the due process rights of those involved shall be honored, wrongdoing shall cease, those who have been victimized and those who are innocent shall be vindicated, and those who have victimized others shall be held accountable for their actions.

f. To teach this church's standards of ministry, for both lay persons and those ordained to office, 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. In recognition of the policy of Presbyterian Church (U.S.A.) by which Session is responsible for the mission and government of a particular church the Presbytery of Genesee Valley recommends that a sexual misconduct policy be adopted by the Session of Central Presbyterian Church

2. This policy applies to the church congregants, staff employees, volunteers, and committees.

3. The matter of 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 are derived directly from the following primary sources: Scriptures; Book of Order; Book of Confessions; New York State Social Services Law; "Mission Directions of the Presbytery of Genesee Valley, Section IV. D. 5." (adopted 09-23-97); and, "Personnel Policies and Practices for the Presbytery of Genesee Valley." Revision of these sources may affect those 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.

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

The conceptual framework that informs 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. The 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 itself.

For too long, and in too many contexts, incidents of sexual misconduct have been ignored or rationalized, and the disposition of complaints subverted. The church 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 church'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.

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 set the captives 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, ministers of the Word and Sacrament, and lay persons in our church and entities of the church, are entitled to an environment free of sexual harassment, sexual malfeasance, and sexual abuse. 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

The two primary principles that guide this policy are vital to our efforts both to prevent and respond to sexual misconduct. Those principles are:

A. Principle of veracity, or truth.

1. Truth is to be honored as an end in itself, and also as an expression of the respect we owe to others based on our Presbyterian covenants of trust and mutual obligation.
2. Truth is to be utilized as a means to fulfill our obligation to prevent foreseeable harm to others, especially to those who are vulnerable and rely on the Church's care and guidance.
3. Truth is to be recognized as 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 recognized as a basis for the duty of the church 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 to be honored as an end in itself, and also as an expression of the respect we owe to others based on the relationships of trust and confidence that we establish in the Presbyterian Church (U.S.A.) in the name of Jesus Christ.
2. Faithfulness is to be utilized as a basis for our obligation to protect the rights of others, especially of those who are vulnerable and rely on the Church's care and guidance.
3. Faithfulness is to be recognized as a basis for the duty of the individual to utilize the standard disciplinary process of the Church.

IV. Terms and Definitions in this Policy

This policy utilizes some terms and definitions contained in the current edition of the Church's Book of Order and the Book of Confessions.

01. **Church** when capitalized refers to the Central Presbyterian. 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 Church to work for salary or wages.

04. **entity of service** refers to any committee, commission, or other body, the membership of which is elected or appointed by this Church or Session.

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** all who belong to this Church.

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)."

08. **sexual abuse of another person** is a Church disciplinary offense that is defined by the Book of Order, Rules of Discipline, D-10.0401b.(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); the use of force, threat, coercion, or intimidation (whether express or implied); the 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 of 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** is a term that refers to unwelcome and offensive, obscene, or suggestive sexual advances, or requests or demands for sexual favors. As a consequence, the victim might feel intimidated or violated. The context in which the action(s) occurs is an important factor. Repetitions of the action(s) over time demonstrate the perpetrator's intentionality. Sexual harassment may occur in the form of non-physical contact or of 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. In the form of 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. In the form of 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, discomfiting, 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: the necessity of the victim's submission as an explicit or implicit condition of her/his continuing role relationship or employment status; the 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** is a term that refers to sexual misconduct as committed by one while functioning in relationship to the victim within 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 the 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; an elder, or a minister of the Word and Sacrament.

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 Church.

13. **volunteer** refers to those who provide services for this Church 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 series of procedures are intended as measures to prevent and eliminate any form of sexual misconduct within the church.

A. Distribution.

1. This policy shall be distributed to all employees of the Church.
2. It is the responsibility of the Personnel Committee to communicate this policy to, volunteers who provide services for the church.
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 employee 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 E). This signed acknowledgment shall be kept in the person's personnel file.

C. Mandatory Education

1. All persons employed by the Church and volunteers in fiduciary relationships shall receive training during their first year of service.

a. The training shall be arranged by the Personnel Committee.

b. The Personnel Committee shall monitor compliance with this requirement.

2. As part of annual appraisals staff will study the policy, demonstrating understanding by completing an on-line test. Volunteers and interested church members will be given a similar opportunity.

D. Disclosure in relation to employees seeking to work elsewhere.

1. Disclosure related to sexual misconducts must be limited to church records and written documents in the applicant's personnel file as maintained by the Church.

VI. Intervention Procedures

The following procedures are measures to direct the response of the Church upon receipt of either a verbal or written allegation of sexual misconduct.

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

1. A written allegation or accusation of sexual misconduct shall initiate formal proceedings to deal with the issue.

a. The person may: 1) make an accusation against a person covered by this policy 2) forward information received from any source that an offense may have been committed by a person covered by this policy or 3) make a self-accusation.

b. A person not under the jurisdiction of any governing body of the Church who is aware of sexual misconduct covered by this policy is encouraged to present information about the misconduct. Information may be submitted to the Pastor, or Clerk of Session.

2. In accordance with the substantive and procedural requirements of the Book of Order, the Clerk of Session shall, upon receipt of a written allegation or accusation of sexual misconduct, report to the Session and refer the statement immediately to an investigating committee.

3. Forms may be used to present allegation(s) or accusation(s) of sexual misconduct.

4. In the instance of any submission of written information involving a minor as defined by New York State law (see Appendix A), the individual under jurisdiction of the Church who receives the report shall promptly inform the Presbytery Office. Disclosure to, and consultation with, civil authorities is the primary action to be achieved.

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, the Clerk of Session shall initiate prompt action by appointing of an investigating committee.

2. The investigating committee shall be comprised of representatives appointed from the Session and Personnel Committee.

3. The action initiated by the investigating committee shall be conducted in a confidential manner (that is, on a need-to-know basis). The action shall express an intercessory role that is undertaken to accomplish three functions: information, initial assessment, and accountability.

a. The initial assessment function consists of making a preliminary evaluation of five factors: 1.) the willingness of the informant(s) to present a report of the behavior; 2.) the reliability of the informant(s); 3.) the nature of the behavior that is reported to be sexual misconduct; 4.) the identity of the 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.

b. The accountability function consists of a written report by the Clerk of Session to be included in the permanent records of the Session consisting of three items: 1.) the status of actions to date in regard to the informational and initial assessments of the investigating committee; 2.) basic options available to the involved parties; and, 3.) a 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 a part of the personnel files as maintained by the church.

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, possibilities exist for temporary separation (for example, suspension) and/or permanent separation (for example, resignation, dismissal, or dissolution) between the individual suspected and the Church.

a. The Personnel Committee may consult with 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.

b. The Church retains responsibility and power to dissolve a relationship.

E. Ecclesiastical process consultation role.

1. An agent of the Church (i.e. the pastor, Clerk of Session or member of investigation committee) 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 to ensure due process for all in administrative or disciplinary proceedings. It is consistent with this consultation role that agents of the Church shall supply information about ecclesiastical process to one who is under suspicion of sexual misconduct. The Church will work with Presbytery to find pastoral care/counseling for the 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. Church disciplinary proceedings shall not interfere with a criminal investigation by civil authorities.

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.

a. A minister of the Word and Sacrament, Elder or Deacon, shall report to the ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of confidential communication as defined in G-6.0204a or (2) she or he reasonably believes that there is risk of future physical harm or abuse.

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 the church shall promptly inform the Clerk. Disclosure to, and consultation with, civil authorities is the primary action to be achieved.

G. Media contact.

1. Inquiries from the media regarding reported or alleged sexual misconduct shall be directed to the Clerk of Session. All others affected by this policy shall avoid contact with the media, including avoiding responses to inquiries.

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 this Church shall be to disclose to the 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 that of a critical incident stress debriefing (see Attachment C, Congregational Disclosure).
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.

APPENDIX

Policy on Sexual Ethics: Attachment A.

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.

Policy on Sexual Ethics: Attachment A., *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.

Policy on Sexual Ethics: Attachment B.

Safe Sanctuaries: Protecting Children in our Congregation

1. 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 ^(2,4). Studies show that in 65-85% of sex abuse cases, the offender is known to the child ⁽¹⁾. These risk factors are not abstract speculations, and our congregation is not immune.

2. 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 ^(1, 2, 3, 4).

A. Study the problems, become aware of 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 to congregations as associate victims. Learn the behavioral and physical indicators of sexual abuse.

B. Adopt a sexual misconduct policy and procedures applicable to the 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 of policy and educate the congregation. Consult with 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, such access would expose children and youth to an unacceptable degree of risk of harm ⁽⁵⁾. Adopt a "Balance of Protection Rule" -- while acknowledging the need to balance, on the one hand, the interests and rights of children who are in the congregation or participate in the Church's programs, and on the other hand, the interests and rights of a person who is reported to be at risk for committing child sexual abuse, the Session shall honor the balance that most strongly favors the protection of children ⁽⁵⁾.

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 this Church.

G. Review periodically and evaluate the effectiveness of these components and the Church's degree of compliance.

3. Plan for Responding to Allegations of Child Sexual Abuse ^(2, 4)

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. The 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; Personnel; church 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 the Session and ensure that outside resource people are present, including Presbytery resources.

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

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- (3) Evangelical Lutheran Church in America. (no date). "Developing a Parish Prevention Program." [Internet site] <http://www.elca.org/init/safehaven/packet/developing>
- (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 the Presbytery of Genesee Valley Resource Center]
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Policy on Sexual Ethics: Attachment C.

Congregational Disclosure

1. Design

Our Congregation 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 feelings in relation to the facts;
- C. Identifies the implications and consequences of the event(s);
- D. Elicits the resources of faith to assist the congregation;
- E. Permits the leadership of the congregation, with the support from representatives of the Presbytery, to function in a responsible and constructive manner.

2. Components

The core components of a congregational disclosure include: opening prayer; context; background to the event(s); report of the known facts; rationale and convictions of the Session; questions and answers in relation to the reported facts; discussion of reactions and emotions;

spiritual reflection; future steps by the leadership; concluding prayer. Important factors to be considered in how a 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 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.

Policy on Sexual Ethics: Attachment D.

Acknowledgment of Receipt

I hereby acknowledge that on **(date)** _____, I received a copy of the Policy on Sexual Misconduct of the Central Presbyterian Church; 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 Central Presbyterian: Minister of the Word and Sacrament
Certified Christian Educator
Commissioned Lay Pastor
employee, volunteer and entities

Date