

Salem Presbytery Sexual Misconduct Prevention: Policies and Procedures

Approved by Commission on Ministry, January 2015

I. Policy Statement

Salem Presbytery requires that all church members, church officers, non-member employees, and volunteers of congregations maintain the integrity of the ministerial, employment, and professional relationship at all times. Sexual misconduct is a violation of principles set forth in Scripture and is never permissible.

II. Scriptural and Confessional Foundations

As [God] who called you is holy, be holy yourselves in all your conduct. (I Peter 1:15)

Tend the flock of God that is in 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. (I Peter 5:23)

Those who are called to office in the church are to lead a life in obedience to Scripture and in conformity to the historic confessional standards of the church. Among these standcards is the requirement that “[T]heir manner of life should be a demonstration of the Christian gospel in the church and in the world” (G2.0104a).

III. Principles of Ethical Conduct

A. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. Sexual misconduct breaks the covenant leaders make to act in the best interests of parishioners, clients, co-workers, and students.

B. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by using a trust relationship to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. Even if a parishioner, student, client, or employee initiates or invites a sexual relationship, it is the pastor’s, counselor’s, officer’s, supervisor’s, volunteer’s or lay leader’s responsibility to maintain the appropriate role and prohibit a sexual relationship.

C. Sexual misconduct happens when leaders take advantage of the vulnerability of persons who are less powerful to act for their own welfare. It is antithetical to the gospel call to work as God’s servants in the struggle to bring wholeness to a broken world. It violates the gospel mandate to protect the vulnerable from harm.

IV. Purpose of the Policy

Salem Presbytery adopts this policy for the use of all ministers, local churches and other related agencies under its jurisdiction. Its purpose is as follows:

- A. To establish standards of ethical behavior consistent with Scripture and secular law and to establish a process for the enforcement of those standards;
- B. To provide procedures for inquiry and effective response to allegations of sexual misconduct and/or harassment;
- C. To serve as a guide for the application of the powers of presbytery and session under the Form of Government and the Rules of Discipline of the Presbyterian Church (U.S.A.). See D-1.0100;
- D. To guide the administration of appropriate employer/employee relationships within the presbytery and related agencies;
- E. To serve as a guide for the prevention of sexual misconduct;
- F. To guide responses of pastoral concern for all parties affected by any alleged or actual incidents of sexual misconduct.

V. Definitions

- A. Sexual Misconduct is the comprehensive term used in this policy to include:
 - 1. *Child sexual abuse*: includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. In the Presbyterian Church (U.S.A.), the sexual abuse definition of a child is anyone under age eighteen.
 - 2. *Sexual abuse* (as defined in the *Book of Order*): “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 ordered ministry or position” (*Book of Order*, D-10.0401c).
 - 3. *Sexual harassment* (as defined for this policy): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution;
 - b. submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual;
 - c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment;
 - d. an individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.
4. *Rape* or sexual contact by force, threat, or intimidation.
5. *Sexualized behavior or conduct*: behavior that communicates sexual interest and/or content. Examples include, but are not limited to, displaying sexually suggestive visual materials; making sexual comments or innuendo about one's own or another person's body; touching another person's body; touching another person's body/hair/clothing; touching or rubbing oneself in the presence of another person; kissing; and sexual intercourse. Sexualized behavior can be a form of sexual misconduct when this behavior is unwanted by the recipient or witness, is a violation of society's or the Church's law, breaks the sacred trust in the ministerial role, or violates the vows taken at membership or ordination.
6. *Sexual Malfeasance*: broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship. Marital infidelity on the part of ministerial leaders, whether with church members or non-church members, is considered a form of sexual malfeasance that results in broken trust.
7. *Misuse of technology*: use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When misuse of technology includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

VI. Prevention and Education

The presbytery will provide educational programs and training in pastoral care and disciplinary procedures aimed at preventing sexual misconduct. The goals of this education and training will include:

- A. Recognition of the imbalance of power between religious leaders and those in their care.
- B. Emphasis that religious leaders understand the necessity of maintaining appropriate boundaries as well as establishment and maintenance of professional and caring environment and demeanor, thereby ensuring the confidentiality of the parishioner/client and the protection of both parishioner/client and leader.
- C. Emphasis that religious leaders be aware that frequent pastoral calling visits, frequent phone conversations, extended time together, and physical touching, hugs, and kisses may be associated with sexual advances and are HIGH RISK BEHAVIORS which may be perceived as unwelcome or an infringement on the rights of others.
- D. Emphasis that religious leaders be aware of how various forms of social media and technology are appropriately used in ministry settings and leadership relationships.
- E. Recognition of the importance of all clergy in having ministry and conversation partners with whom they meet regularly, since their role invites trust and dependence and because they are often in a one--on--one setting with persons who respect and depend on them.
- F. Recognition of the importance of religious leaders who counsel or provide spiritual direction to observe professional precautionary measures such as limiting time spent with each counselee or directee, making sure that there are other people around the buildings during sessions, and observing a professional caution regarding touching of counselee/directee.
- G. The importance of religious leaders in specialized ministry who are providing counseling to be in a supervisory relationship with a licensed psychotherapist.
- H. The importance of religious leaders in specialized ministry who are providing spiritual direction to be in direction themselves as well as having a supervising spiritual director.

VII. Responses to Allegations of Sexual Misconduct

A. Principles

In responding to allegations of sexual misconduct, members, officers, and employees of the church should seek healing and assure the protection of all persons. Where possible, the privacy of persons should be respected and confidentiality of communications should be maintained.

In responding to allegations of sexual misconduct, members, officers, and employees of the church should seek to uphold the dignity of all persons

involved, including persons who are alleging harm, persons who are accused of sexual misconduct, and the families and communities of each.

The PC(USA) has jurisdiction over its members, officers, and employees such that if a member, officer, or employee is alleged to have committed an offense against Scripture or the PC(USA) Constitution, the church has the duty to inquire into the allegations and, if the allegations are proven, to correct the behavior of the member, officer, or employee and ensure the safety of others in the community. Allegations of sexual misconduct are always considered allegations of offense against Scripture or the PC(USA) Constitution that trigger the disciplinary processes of the PC(USA) set forth in the *Book of Order*.

If the person accused of sexual misconduct is no longer a member, officer, or employee of the PC(USA), but the conduct occurred while the person was acting on behalf of the PC(USA), the church does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm. The council may appoint an administrative committee or commission to hear the allegations of sexual misconduct. The council may also take measures to prevent future occurrences of harm through education and policy.

B. Reporting Requirements

1. Reporting Sexual Misconduct

A person who needs to report that a member, officer, employee, or volunteer of the PC(USA) has committed sexual misconduct is encouraged to seek guidance from a PC(USA) teaching elder or ruling elder regarding filing the report.

Congregation: If the person who is accused of committing sexual misconduct is a member, ruling elder, deacon, volunteer, or employee of a congregation, the report of allegations should be made to the teaching elder, the clerk of session, or the chair of the personnel committee. If the accused is a member or officer of the church, the church will respond by using the procedures set forth in the Rules of Discipline of the *Book of Order*. If the accused is a non-member employee or volunteer, the church will respond by using procedures set forth by the session of the congregation.

Presbytery: If the person who is accused of committing sexual misconduct is a teaching elder member, the report of allegations should be made to the stated clerk of the presbytery. The report of the allegation should be made in writing using the procedures set forth in the Rules of Discipline of the *Book of Order*. If the person who is accused of committing sexual misconduct is a volunteer or nonmember employee of the presbytery, the report of allegations may be made to any of the staff or volunteers of the presbytery. The presbytery will respond by using procedures set forth by policy or bylaws of the presbytery.

2. Mandatory Reporting of Child Abuse

All ruling elders, deacons, Certified Christian Educators, and teaching elders are required to report knowledge of child abuse to the civil and ecclesiastical authorities according to the *Book of Order*. The *Book of Order* requires that “Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to 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 a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse” (G-4.0302).

All persons covered by this policy should be informed of and must comply with state and local laws regarding incidents of actual or suspected child sexual abuse. These reports should be made within a reasonable time of receiving the information.

C. Response Procedures

Reports of allegations of sexual misconduct can occur in a variety of ways. Because the Presbytery or its congregations cannot control to whom the victim of sexual misconduct will speak first, it is important that officers, employees, and persons highly visible to church members and visitors understand how reports of incidents are channeled to the proper person. The allegations may come from persons who have or who do not have a formal relationship with the PC(USA) and may be made to a variety of officers or leaders within the PC(USA). It is the duty of these officers to see that any allegation of sexual misconduct is reported appropriately keeping in mind the mandatory reporting requirements for allegations of child abuse.

Reports of allegations of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of all parties involved. Reports of allegations should be dealt with as matters of highest confidentiality, both before and after they have been submitted to appropriate authorities as outlined below.

1. Non-Judicial Report Procedures

An accuser may for one reason or another not be able at the time to sign and file a judicial accusation (see form in appendices). However, the concern can still be registered as a non-judicial concern. Registering a non-judicial concern serves two purposes:

- a. If multiple concerns are received, and a pattern is discerned then judicial actions may be warranted;

b. Should at some later date a judicial accusation be made against a person then registered concerns can be reviewed to form a more complete understanding of the situation.

A non-judicial concern is reported just like a judicial concern (see appendices) except that the written document is kept under seal by the clerk of the appropriate jurisdiction for three years and destroyed if no further concerns or accusations are filed.

2. Judicial Report Procedures

An accuser may report alleged sexual misconduct to any of the following:

- a. The moderator of the accuser's church or the accused's church;
- b. The Commission on Ministry;
- c. The General Presbyter;
- d. The Stated Clerk of Presbytery.

The first of the above named persons to learn of alleged sexual misconduct must take the allegations seriously and confidentially. This person shall complete the Report of Suspected Sexual Misconduct (see appendices). The report shall immediately be delivered and called to the attention of the clerk of session of the appropriate church or the Stated Clerk of the presbytery. This should normally be done in less than five days. (Allegations against clergy are filed with the Stated Clerk of presbytery; allegations against lay persons fall to the appropriate body of jurisdiction.) Legal counsel shall be obtained by Salem Presbytery in the event that an allegation of sexual abuse is received, especially if there is some question as to whether a report to authorities must be made or if employment termination is to be considered.

NOTE: It has been determined through case law that there is no confessional protection in the Presbyterian Church (U.S.A.). Any incident of suspected sexual abuse of a minor, by a person covered by this policy, shall IMMEDIATELY be reported to Child Protective Services, local law enforcement, and/or the district attorney.

3. Presbytery Judicial Response

- a. Immediately upon receipt of the Report of Suspected Sexual Misconduct, the Leadership Team of Council, which includes the Clerk and the General Presbyter, shall appoint an Investigating Committee (I.C.) as stipulated in presbytery policy and the Rules of Discipline (D-10.0201).
- b. The I.C. must promptly begin an inquiry into the allegations, having received orientation by the Stated Clerk, as delay may cause further harm to all parties involved. The I.C. will conduct a thorough investigation as called for in D-10.0200.
- c. The requirements of notice to the accused contained in the Book of Discipline are incorporated herein by reference D-10.0202a.

- d. Administrative leave is a non-prejudicial action invoked when deemed necessary by the permanent judicial commission (PJC).
- e. When a written Report of Suspected Sexual Misconduct has been received against a teaching elder, the stated clerk receiving the allegation shall immediately communicate the allegation to the permanent judicial commission (PJC) which shall designate two members to determine whether the accused shall be placed on a leave of absence during the resolution of the matter.
- f. 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 a leave of absence or other restrictions upon the minister's service. Such leave or restrictions will continue until resolution of the matter in one of the ways prescribed in the Rules of Discipline or is altered or removed by the designated members of the commission.
- g. If the designated members of the commission determine that no leave or restriction is required, the investigating committee shall be free at any point in its investigation to present additional evidence to the designated members supporting the imposition of a leave or other restrictions.
- h. Administrative leave is appropriate if there is some likelihood that a similar offense as alleged may occur during the period of investigation and/or trial; or if it appears necessary to preserve the peace and purity of the congregation, related organization, or sponsored activity. Administrative leave is preventative, not punitive.
- i. If administrative leave is deemed appropriate, the COM shall immediately begin work with the session and congregation addressing issues of pastoral leadership and assisting in the interpretation of the process being undertaken.
- j. If the I.C. finds the allegations to be unsupportable, the report of that finding is forwarded to the Stated Clerk who shall then report that finding to the presbytery.
- k. If at any time during the investigation the accused admits to the allegations, the investigation shall proceed to its conclusion, the charges shall be filed with the Permanent Judicial Commission (PJC) along with the signed statement of the accused, and a settlement of consequences may be mediated. (See Addendum A for resolution suggestions.)
- l. If the accused does not concur with the allegations, charges may be filed with the PJC and the judicial process is to continue, per D-1 0.0400ff.

The degrees of censure are listed in D-12.0100, and the terms of restoration in D-12.0200. The PJC is encouraged to consult with other governing bodies for sentencing appropriate to the offense.

4. Presbytery Pastoral Response

Feelings of guilt, shame, anger, mistrust, lowered self--esteem, unworthiness, and feelings of alienation from God, self, the religious community, and family, are injuries frequently suffered by those affected by sexual misconduct (these include among others the victim(s), the accused, the accuser, families and co-workers, the congregation, other employing entities, and the presbytery). It is important for the presbytery to be sensitive to the pain of all those involved and their need for healing and to act by making appropriate pastoral care available.

a. Victim and Family

The presbytery will offer to provide pastoral care to the victims of sexual misconduct and their families through an advocate. If the victim or family at first refuses care, the presbytery should continue to offer this assistance throughout the process. Above all, the presbytery will NOT act in a self-protective manner by ignoring the victims and their families.

b. Congregation (or employing entity)

The COM, recognizing that allegations may polarize the congregation, damage morale, and create serious internal conflicts, may need to meet with the session to inform them of the allegations toward a religious leader related to that congregation. After a briefing on the judicial process, the COM may assist the session in planning their care for the congregation through this time.

c. Accused and Family

The presbytery will offer to provide pastoral care for the accused as well as his/her family through a liaison. If the accused is a minister, this is the responsibility of the COM (G- 11.0502 I.). Any representative of the presbytery is not to make any presumption of guilt or innocence, and must be aware that the accused is wounded by the experience. When charges against the accused are not sustained, it is vital that the presbytery publicize this fact as widely and quickly as is appropriate.

VIII. Statute of Limitations

Allegations of sexual misconduct should be made to the proper officers of the presbytery as promptly as possible. However, there is no time limit on the filing of charges in cases of sexual misconduct (D- IO.O401). Child sexual abuse may not be recognized until the victim of abuse reaches adulthood. A person victimized when an adult may not recognize the abuse or be willing to come forward with an allegation for many years.

IX. Employment Practices

All governing bodies are to comply with Title VII of the Civil Rights Act to ensure

fair employment practices.

A. General Practices Concerning Minors

1. Volunteer workers are not to be considered for any position involving contact with children or youth until they have been involved with the organization for at least six months.
2. A minimum of two adults should be present in each classroom, vehicle, or other enclosed area, for all activities involving children or youth.
3. Premises monitors shall patrol the facility when children's and youth activities are scheduled in order to monitor classrooms, hallways, and other areas of the building.

B. Record Keeping

Accurate record keeping is an essential part of responsible hiring and supervisory practice. Every session and presbytery shall maintain a personnel file on every employee, including ministers. The file shall contain the application for employment, employment questionnaire, reference responses, and other documents related to this policy or required by law (copies of all forms and other documents in appendices).

C. Pre--employment Screening of Applicants and Volunteers

1. The employing entity, through its session, governing board, personnel committee, or PNC, as appropriate, is responsible for conducting references and criminal background checks for all prospective employees, including clergy, regularly scheduled volunteers, and volunteers in high risk positions such as workers with youth and children, lay counselors, and camp counselors.
 - a. Criminal Background Checks
 - i. A national criminal background check shall be performed for all prospective employees.
 - ii. A statewide criminal background search shall be performed for all prospective volunteers for positions involving minors (see above). At a minimum these searches shall be conducted for each state the volunteer has lived during the last seven (7) years.
 - iii. All issues of an adverse nature appearing in the

candidate's criminal history shall be carefully considered in rendering decisions regarding employment or volunteer status.

- b. Reference checks should be of an institutional nature (i.e., former employers or other organizations at which the individual has worked or volunteered) as opposed to friends or relatives. The person serving as reference should have known the individual for some length of time. At least two independent references shall be contacted as a part of the screening process for every applicant before they are permitted to work with minors.
2. Pre-employment screening of applicants and volunteers shall include the completion of the certification found in the appendices which states the following:

“I certify that: (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct; (b) no criminal convictions, guilty or “no contest” pleas have been sustained or are pending against me to any criminal conduct (beyond sexual misconduct) (c) I have never resigned or been terminated from a position for reasons related to sexual misconduct; or (d) I have never been required to receive professional treatment for reasons related to sexual misconduct on my part. (e) I am not aware of any personal traits or tendencies that could pose a threat to children or youth. (f) I have never been accused of or participated in sexual misconduct.”

If the applicant is unable to certify to the above, applicant may instead provide a description of the relevant complaint, resignation, transfer, termination, or course of treatment giving dates, names, addresses, and telephone numbers of employers and/or physicians, the outcome of the situation, and any explanatory comments the applicant wishes to make.

Anyone who may pose a threat to minors, including an individual currently employed or working with children or youth shall be prohibited from working with minors.
3. The presbytery, through the General Presbyter, is also responsible for including questions regarding sexual harassment and other sexual misconduct when making clearance checks of applicants for ordained positions and for reporting to COM and the appropriate PNC any information received as to those specific subjects, including a report that there is no reported difficulty.
4. Applicants shall be given opportunity to submit additional references or to give other evidence to correct or respond to harmful information

obtained from a reference.

5. If false or misleading information regarding sexual harassment or other sexual misconduct has been given by the applicant or relevant information withheld, the applicant shall be eliminated from consideration.
6. If a response to a reference check reveals information of sexual harassment or other sexual misconduct, COM shall be notified immediately, and the applicant shall not be called or hired without the specific written approval of COM.
7. In response to reference requests, the General Presbyter and/or other persons authorized by the presbytery (either directly or through COM) to give references, must give truthful information regarding allegations and administrative or disciplinary action related to sexual misconduct of the applicant. The response, however, must be limited to information contained within the written summary prepared by the PJC or governing body.

X. Compliance and Distribution

All continuing members of the presbytery, its employees, and volunteers in high risk positions, e.g. youth ministry, camp counselors, etc. shall be required to sign a statement (see appendices) acknowledging that they have received a copy of this document and that they agree to conduct themselves in accordance with the policy contained herein. It will also be distributed to the sessions of all churches in the presbytery and made available to their church members upon request. Furthermore, a summary statement of the policy and other significant portions of this document shall be posted in all church entities.

Appendix A

Definitions

Accountability Partner refers to a person thoroughly familiar with the ethical responsibilities of religious leaders and problems of transference likely encountered by such leaders, whose role is to help the clergy/professional layperson to be alert to possible problems in maintaining appropriate boundaries in relationships with parishioners/clients.

Accused is the term used to represent the person against whom a claim of sexual misconduct is made.

Accuser is a term used to represent the person claiming knowledge of sexual misconduct by a person covered by this policy. The accuser may or may not have been the victim of the alleged sexual misconduct. A person such as a family member, friend, or colleague may be the accuser.

Advocate refers to the person(s) who provide ongoing support and accompaniment to the victim throughout the inquiry process and any subsequent proceedings. This may be a clergy or lay person, with special training for this task, who will have their out- of- pocket expenses covered by the presbytery.

COM when abbreviated, refers to the Commission on Ministry of the Salem Presbytery (G- 11.0500).

Employee is the comprehensive term used to cover individuals who are hired or called to work for the Church for salary or wages.

Investigation/Inquiry are the terms used in the Rules of Discipline to determine whether charges should be filed based upon the allegation of an offense received by the presbytery. (See Book of Order D-1 0.0200). It is the examination of information regarding alleged sexual misconduct.

Investigating Committee (I.C.) as defined in D-1O.0201ff, is the body charged with performing the investigation/inquiry on behalf of the presbytery.

Liaison refers to the person who relates to the accused throughout the inquiry process and any subsequent proceedings, whose out -of -pocket expenses will be covered by the presbytery.

Mandated Reporter includes a person under the PCUSA constitution who is mandated to report to the civil authorities any reasonably held belief that there will be future harm and is also described by some states' laws as a person who is required to report any and all suspected incidents of child abuse, including child sexual abuse that come to their attention. State laws vary from defining "all persons having knowledge" as mandated reporters to specifying very limited lists of professions whose members are required to report.

Permanent Judicial Commission (P.J.C.) the body that decides cases. See Book of Discipline.

Persons Covered by this policy includes church members, church officers, teaching elders, and nonmembers who are employees or volunteers of the General Assembly of the PC(USA). All other councils or entities of the General Assembly are urged to create a sexual misconduct policy using the guidelines set out in this policy.

Response is the action taken by the council or entity when a report of sexual misconduct is received. It may include (1) inquiry into facts and circumstances, (2) possible disciplinary action (administrative or judicial or both), (3) pastoral care for victims and their families and others, and (4) pastoral care and rehabilitation for the accused and care for their families.

Civil Authorities are the governmental bodies, whether city, county, state, or federal, who are given the responsibility to investigate, criminally prosecute, and/or bring civil charges against individuals accused of sexual crimes or offenses against adults and children.

Secular Law is the body of municipal, state, and federal laws and is often referred to collectively as civil and criminal law. Prohibited behavior addressed by this policy may result in criminal and/or civil charges filed under secular law.

Victim is a person claiming to have been harmed and/or abused by a person covered under this policy.

Volunteer is the term used for those who provide services for the General Assembly of the PC(USA). Volunteers include persons elected or appointed to serve on boards, committees, and other groups. For purposes of this policy, volunteers are treated the same as employees.

Appendix B
Report of Suspected Sexual Misconduct
Page 1 of 2

Reported by _____

Name and title _____

Address _____

City, State, Zip _____

Telephone _____ Date of Report _____

Person suspected of misconduct _____

Name and title _____

Address _____

City, State, Zip _____ Telephone _____

Other person(s) involved (victims) _____

Name and title _____

Age and Gender _____

Address _____

City, State, Zip Code _____ Telephone _____

Witness (es) _____

Name and title _____

Age and Gender _____

Address _____

City, State, Zip _____ Telephone _____

Report of Suspected Sexual Misconduct
Page 2 of 2

Describe incident(s) of suspected sexual misconduct with as much detail as you are able, including date(s), time(s), and location(s):

Identify eyewitnesses to the incident, including names, addresses and telephone numbers, where available:

Other information which may be helpful:

Appendix C
Employment Questionnaire Page
1 of 2

First Name _____ Middle _____ Last _____

Address _____ City _____ State _____ Zip _____

Business phone _____ Home phone _____

Have you ever been known by any other name? _____ Yes _____ No

If yes, please provide other name _____

Employment Record: (List current and previous employers for the last five years)

Employed by _____

Address _____

City, State, Zip _____

Your supervisor and title _____

Phone _____

Employed from (Month/Year) _____ to (Month/Year) _____

Why did you leave? _____

Employed by _____

Address _____

City, State, Zip _____

Your supervisor and title _____

Phone _____

Employed from (Month/Year) _____ to (Month/Year) _____

Why did you leave? _____

**Employment Questionnaire Page
2 of 2**

Please complete the following certification:

I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct; (b) no criminal convictions, guilty or “no contest” pleas have been sustained or is pending against me to any criminal conduct (beyond sexual misconduct) (c) I have never resigned or been terminated from a position for reasons related to sexual misconduct; or (d) I have never been required to receive professional treatment for reasons related to sexual misconduct on my part. (e) I have never been accused of or participated in sexual misconduct (f) I am not aware of any personal traits or tendencies that could pose a threat to children or youth.

The information I have provided on this questionnaire is accurate to the best of my knowledge and may be verified by the Salem Presbytery to make any and all contacts necessary to verify my prior employment history, medical information, and to inquire concerning any prior arrest or criminal records or any judicial proceedings involving me as a defendant.

Signature _____ Date _____

NOTE: If you are unable to make the above certifications, you may instead give, in the space provided, a description of the complaint, termination, or course of treatment you have been involved in, giving dates, names, and addresses of employers or physicians, the outcome of the situation, and any explanatory comments you care to add.

If the aabove certification cannot be made because of sustained or pending charges related to sexual misconduct, termination for reasons related to sexual misconduct, or civil or criminal charges, the following waiver must be signed, witnessed, and notarized:

Release

The information I have provided on this questionnaire is accurate to the best of my knowledge and may be verified by the Salem Presbytery to make any and all contacts necessary to verify my prior employment history, medical information, and to inquire concerning any prior arrest or criminal records or any judicial proceedings involving me as a defendant. By means of this release, I also authorize any previous employer, any physician who has treated me (specifically including any psychiatrist, mental health professional, or psychologist possessing information as to prior mental or emotional illnesses or drug or alcohol abuse), and any law enforcement agencies or judicial authorities to release any and all requested information to the Salem Presbytery.

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 in the Salem Presbytery. I also agree that I will hold harmless the Salem Presbytery, as well as any prior employer, psychologist, psychiatrist, mental health professional, physician, law enforcement authority, or judicial authority from any and all claims, liabilities, and cause of action for the release or the use of any information.

Signature _____ Date _____

Appendix C
Employment Reference

If the information in this report alleges sexual misconduct as defined in the *Policy and Procedures Sexual Misconduct Prevention of the Salem Presbytery*. A copy of this employment reference in its entirety will be given to the accused.

1. Name of applicant _____

2. Reference or church contacted (if a church, identify both the church and person contacted):

3. Date and time of contact _____

4. Method of contact (telephone, letter, personal conversation)

5. Summary of conversation (summarize the reference ' s remarks concerning the applicant ' s fitness and suitability for the position, any allegations of sexual misconduct or child sexual abuse):

Name of person making this reference contact _____

Signature _____

Date _____

Appendix D
Acknowledgement of Receipt

Policy and Procedures Sexual Misconduct Prevention Salem Presbytery

I hereby acknowledge that I received on _____ (date) a copy of Policy and Procedures, Sexual Misconduct Prevention for the Salem Presbytery, and that I have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy.

Name (Please Print) _____

Signature _____ Date _____

A similar acknowledgment will be signed at such times as amendments or revisions to the policy are made and distributed.

Appendix E

Mediation & Resolution Suggestions Page

1 of 2

Alternatives to Judicial Process:

Non-judicial dispute resolution processes are widely and successfully used in private conflicts as well as in civil and criminal cases. (See, for example, Section 18.03, Personnel Policies of the General Assembly, PCUSA.) Religious bodies have served as valuable allies in the development of these alternatives, providing both incentive and resources for dispute resolution programs.

When allegations of sexual misconduct in the church are made, it may sometimes be appropriate to resolve the matter without recourse to judicial process under the Book of Order. If such alternatives are pursued, however, it is essential that the matter be handled with full regard for the interests and rights of all affected parties.

Alternatives to judicial process may include:

1. **Arbitration.** In the arbitration process, all parties to a conflict agree to submit the dispute to an independent person or panel to determine the best resolution. In a sexual misconduct case, the arbitrator should be someone with extensive experience in non-judicial arbitration who is also familiar with Presbyterian polity. All affected parties should have the opportunity to present their case to the arbitrator, and the arbitrator's decision may be final (binding) or subject to appeal to a higher authority (non-binding) such as a disciplinary committee.
2. **Negotiation.** In the negotiation process, advocates for the parties to a conflict are responsible for working out a solution which effectively resolves all issues and which protects the interests of all parties. In some cases, an individual may successfully represent his or her own interests rather than having an advocate, but this is rarely advisable. Again, for a negotiated settlement to be successful all parties affected by the dispute should be represented in the negotiation and all issues should be resolved.
3. **Mediation.** In the mediation process, the parties to a conflict are enabled through the assistance of a mediator to work out their own agreement for resolving the dispute. Mediation differs from both arbitration and negotiation in that the power to make the final decisions is retained by the parties themselves. The successful outcome of a mediation is a function (among other things) of the willingness and ability of the parties to reach agreement and the creativity of the mediator in helping to shape that agreement in the interests of all concerned. A critical role of the mediator is the establishment and maintenance of a power balance between the parties during the mediation process.
4. **Dismissal of Charges or Allegations.** While not technically a dispute resolution process, dismissing or dropping the charges may sometimes be a way to resolve an allegation. This may happen because the charges are determined to be false or insignificant, or because the costs (financial or otherwise) of pursuing the charges are too high. For a dismissal, to be all parties must agree to it and all significant disputes should be set aside. Dismissal without this will very likely lead to continuing conflict and further damage to the parties and the church.

These processes (except for final dismissal) are not mutually exclusive, and the failure of one process may lead to another. (For example, if mediation fails, the persons may decide to try negotiation by their advocates; if that fails, private arbitration could follow.) All the methods have strengths and weaknesses, depending on the nature of the conflict and the persons involved. In every method, the assistance of skilled professionals and adherence to professional standards are critical. The protection of confidentiality, common agreement regarding the admissibility or inadmissibility of evidence obtained in the process, and guarantees of the due process rights of all persons are essential.

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In the context of sexual misconduct in the church, the use of an alternative process may be in the best interest of the parties and the church. The success of the process, however, will be dependent upon many significant factors, including the degree and kind of injury suffered; the willingness of all parties to work to heal or remedy that injury; the resources available to assist the processes of healing; the expertise of the arbitrators' mediators, or other persons involved in facilitating the process; and the quality, of the resolutions agreed upon. Informal or secret agreements which do not address all issues or meet the concerns of all parties are not in the best interest of the church.