

APPENDIX Y. POLICY AND PROCEDURES ON SEXUAL MISCONDUCT

**Presbytery of Southeastern Illinois
of the Presbyterian Church (U.S.A.)**

Adopted September 15, 1994; Revised 11/20/2003, 02/10/2018

Introduction

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

**You know that we who teach
shall be judged with greater strictness.
1 Peter 1:15; 5:2; James 3:1, NRSV**

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the Church because through these representatives is conveyed an understanding of God and the gospel's good news. Their manner of life should be a demonstration of the Christian gospel in the Church and the world, G-2.0104a.

Sexual misconduct is contrary to the gospel call to work as God's servant in the struggle to bring wholeness into a broken world.

Policy Statement

This policy regarding sexual misconduct by persons in positions of religious leadership has been written out of an awareness that the Presbyterian Church (U.S.A.) has been given a public and a spiritual trust. Sexual misconduct is a violation of scriptures and is never permissible. Guidelines are offered here to assure appropriate intervention in any alleged incidence of misconduct, care for all parties involved, and provide information to help prevent future instances of abuse. We are also aware of the needs of survivors and alleged offenders, congregations and those in employment settings. Our concern is for a policy that will assist in healing, justice, and restoration of and for all persons within the bounds of the Presbytery of Southeastern Illinois.

Pastoral oversight is a covenant relationship, a privilege and a trust; therefore, it is the responsibility of all ordained and installed leaders to set appropriate boundaries in any relationship.

Policy and Procedures

I. Definitions

- A. Accused is the term used to represent the person against whom a claim is made of alleged sexual misconduct.
- B. Accuser is the term used to represent the person claiming knowledge of alleged sexual misconduct by a Covered Person by this policy. The accuser may or may not be the victim of alleged sexual misconduct. A person such as a family member, friend or colleague of the victim may be the accuser whose information initiates an inquiry.

- C. Administrative Leave is the ceasing of all paid functions with the right to return.
- D. All Parties Involved includes the victim, the accused, the non-victim accuser, the members of their families, church, and congregation.
- E. Child Sexual Abuse includes, but is not limited to, any contact or interaction between a child under the age of eighteen (18) years and an adult, when the child is being used for the purpose of sexual stimulation of either or both the adult or child. Sexual behavior between a child and an adult is always considered misconduct whether or not consented to by the child.
- F. Church when spelled with the initial capitalized refers to the Presbyterian Church (U.S.A.). Church when spelled with the initial in lowercase refers to local churches.
- G. Confidentiality means that information is withheld from all those except to fulfill the terms of this Policy and Procedure.
- H. Covered Persons by this policy include members, employees, officers, and staff of the Presbytery, (and ordained and commissioned officers of the congregation).
- I. "Designated Persons" are representatives of the Presbytery any one of whom shall be designated and authorized to receive reports of alleged sexual misconduct involving Covered Persons by this policy.
- J. Employee is the comprehensive term used to cover individuals who are hired or called to work for the church for salary or wages.
- K. Investigating Committee. Will be appointed by the council having jurisdiction over the member to make an inquiry to determine whether charges should be filed. (D-10.0200)
- L. High Risk Occupation is that which calls for a person to work in close contact with those who are vulnerable and less capable of protecting themselves, with children, elderly persons, those who are wholly or partially incapacitated, or counseling clients having emotional or personal problems.
- M. Inquiry is the term used in the Rules of Discipline to determine whether charges should be filed based upon allegations of an offense received by a governing body. See Rules of Discipline D-10.0200.
- N. Investigation is the examination of information regarding alleged sexual misconduct by those noted in this Policy.
- O. Mandated Reporter is described by Illinois law 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, as defined in ANCR, 325 ILCS 5/7.21
- P. Reasonable Cause or Belief is a belief or opinion based on information or circumstances sufficient for a prudent person to have a reasonable belief that misconduct may have occurred.
- Q. Response is the action taken by the Presbytery when a report of alleged sexual misconduct is received.
- R. Response Team is made up of those persons elected by the presbytery to respond to allegations of sexual misconduct.
- S. Secular Authorities are the governmental officials 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.

- T. 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.
- U. Sexual Harassment as defined for this policy is as follows:
Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.
- V. Sexual Misconduct is the comprehensive term referring to all inappropriate conduct by Covered Persons hereunder, including but is not limited to:
1. Child sexual abuse as defined above;
 2. Rape or sexual contact by force, threat, or intimidation;
 3. Adultery and fornication;
 4. Sexual Malfeasance which is defined as the broken trust resulting from sexual contact within a ministerial or professional relationship; and
 5. Sexual harassment as defined above;

This definition of sexual misconduct allows for church professionals to have normal mutual, social, intimate, and marital relationships.

- W. Alleged Victim is the term used to identify the Covered Persons hereunder who are alleged to have been injured by sexual misconduct as defined above.
- X. Volunteer is the term used for those who provide services for governing bodies and entities of the Church and receive no benefits or remuneration. 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.

II. Standards of Conduct

A. Assistance for Alleged Victims and Families

The Presbytery and Response Team will offer or facilitate pastoral and/or professional psychological care to the alleged victim(s) of sexual misconduct and his/her family(ies) as needed.

B. Congregations

The Presbytery and Response Team should be aware of the problems a congregation may experience resulting from allegations of sexual misconduct within the church, potentially for years. The allegations may polarize the congregation, damage morale, and create serious internal conflicts. Efforts should be taken to recognize and identify the problems and heal the damage done to the congregation.

C. The Accused

The Presbytery and the Response Team will offer or facilitate pastoral and/or psychological care to the accused and his/her family as needed. If it appears to the Response Team that sexual misconduct may not have occurred, the Response Team then reports same to the Committee on Ministry and the Committee on Ministry may then assist in payment of bail to avoid incarceration without making judgment on the final disposition of the accusations. If the accused is a minister, commissioned pastor, or certified Christian

educators of the presbytery, the provision for care is the responsibility of the Committee on Ministry, G-3.0307.

When a person is acquitted of charges, it is important for the Presbytery to see that the acquittal is publicized as widely as possible within its power with the permission of the accused.

D. Duties of the Non-Victim Accuser

In some cases, the initial allegation of misconduct will be made by a third party, known as a non-victim accuser. In many cases the non-victim accuser is the parent, guardian or other advocate for the alleged victim, who is a child or a person incapable of acting on his/her own behalf, so the non-victim accuser shall:

1. detail the specific charges as presented by the alleged victim, presenting these charges in writing;
2. determine that the alleged victim is willing to come forward to testify if charges are forwarded to an investigating committee;
3. obtain some objective evidence of the alleged sexual misconduct to substantiate the allegations, if possible; and
4. confirm that the appropriate civil or criminal authorities have been notified if warranted.

III. Risk Management

A. Implementation

In part, the structures and procedures for responding to allegations of sexual misconduct are mandated by the Book of Order, such as the roles of the Committee on Ministry and the investigating committee (G-3.0307 and D-10.0200). When child sexual abuse or other misconduct that violates criminal laws is alleged, the secular authorities must immediately be contacted to take control of the investigation and disposition of charges against the accused. The Presbytery must cooperate with secular authorities in any secular investigation of alleged sexual misconduct. The Presbytery has a duty to make its inquiry and enforce disciplinary procedures, if warranted, when it can be done, without interfering with the secular authority. Implementation of this policy will require the Presbytery to adopt educational programs to prevent sexual misconduct, to assist clergy and officers in dealing with inappropriate sexual advances and/or false accusations of sexual misconduct, and to provide training in pastoral and disciplinary procedures.

B. Employment Practices

1. Record Keeping

Accurate record keeping is an essential part of hiring and supervision practices. The Presbytery office will maintain a personnel files on all clergy and employees of the Presbytery. The file will contain the application for employment, any employment questionnaires, Personal Information Form, reference checks completed by the Presbyter for Congregational Care, reference responses, background check reports and other documents related to this policy.

2. A complete and detailed job description should be maintained for every job whether paid or unpaid.

3. Prescreening Applicants

exhibits A and B). If an applicant is unknown to the employer, the employer should confirm the applicant's identity by requiring photographic identification such as a driver's license.

Part of pre-employment screening should include specific questions related to discovering previous complaints of sexual misconduct. The Presbytery and its congregations should ask persons seeking ministerial calls or employment in non-ordained positions questions such as:

- a. List places of employment and contact persons for all employers in the last ten (10) years.
- b. Have you ever resigned or been terminated from a position for reasons relating to allegations of sexual misconduct by you?
- c. If so, indicate the date, nature, and place of these allegations and the name, address, and phone number of your employer at the time.
- d. Have you been required to receive professional treatment, physical or psychological, for reasons related to sexual misconduct by you?
- e. If so, please give a short description of the treatment including the date, nature of treatment, place and name, address and phone number of the treating physician or other professional.

A sample employment questionnaire is attached as Exhibit A for adaptation by governing bodies and entities. The questions included in this sample may be integrated into a standard employment questionnaire along with other necessary questions.

4. References

Pastor Nominating Committees are responsible for contacting references for prospective ministers. A written record of conversations or correspondence with references shall be kept in the minister's/employee's personnel file. Pastor Nominating Committees must contact the Committee on Ministry leadership and the Executive Team (Presbyter for Congregational Care and Stated Clerk) prior to any contact, if they wish to consider a candidate that has a Sexual Misconduct notation on their Personnel Information Form. (See Exhibit B for a sample reference form.)

When a minister is transferring from one position or presbytery to another in the matter of sexual misconduct clearance, the Presbytery will assume responsibility for previous employer reference checks through the Presbyter for Congregational Care or other authorized persons who would report to the Committee on Ministry either that there had been no reported alleged sexual misconduct, or that the Committee on Ministry should inquire into reported alleged sexual misconduct prior to processing the call.

The person within the Presbytery authorized to give a reference is obligated to give truthful information regarding allegations, inquiries, 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 as part of the Response Team or Presbytery records.

If false or misleading information is given or relevant information is withheld by the applicant, he or she will be eliminated from consideration.

Applicants should be informed of negative comments regarding sexual misconduct and shall be given an opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference.

C. Distribution

Copies of this policy shall be distributed to all ministers and sessions of churches in the Presbytery, and will be available to all church members on request. The policy shall be made available to persons who accuse others of misconduct, including those who are or claim to be victims of sexual misconduct and their families, and to the accused and their families upon request. The policy will be available to those serving on investigating committees, the Permanent Judicial Commission, Committees on Ministry, and Response Teams.

Upon receipt of this policy, ministers must sign a written acknowledgment of receipt (Exhibit C). This acknowledgment shall be kept in the person's personnel file.

D. Volunteers

The Presbytery, churches, and church related organizations should do a thorough job of screening and supervising unpaid volunteers. The ability to secure a background check on all volunteers will be made available through the Presbytery.

IV. Response Procedures

A. Reporting

1. Receiving Initial Reports

Reports of alleged sexual misconduct can be initiated in a variety of ways. It is imperative that officers, employees, and persons highly visible to church members and visitors understand how reports of incidents are channeled to the proper person.

Reports of alleged sexual misconduct should be treated seriously and confidentially, and shall not be allowed to circulate.

The first person to learn of an incident of alleged sexual misconduct should not undertake an inquiry alone or question either the accuser or the accused. If the accuser is hesitant to talk to the "designated persons", the person who initially learned of the alleged incident has a special pastoral responsibility to build trust and encourage a willingness on the part of the accuser to speak out, lest the Church be unable to respond because no one is able to give firsthand information.

2. Subsequent Reporting

The person receiving the initial report of alleged sexual misconduct from the accuser shall encourage the accuser to submit a written report concerning the incident to the Presbyter for Congregational Care, the Stated Clerk, or the Chair of the Committee on Ministry of the Presbytery ("designated persons"). The person receiving the initial report may be a mandated reporter and when required, shall report the incident to civil or criminal authorities when required by local or state law.

After consultation of at least two of the "designated persons" to verify that this written report does support a reasonable belief that sexual misconduct occurred, the Response Team will be notified. If the allegations are not in writing, but rumors are so rampant as to adversely affect the peace, purity, and unity of the church, the Response Team will be notified to begin its investigation.

B. The Response Team

The Response Team is a group of people organized by the Presbytery to act as a facilitator to quickly and objectively respond to reports of alleged sexual misconduct. The Response Team will work with and be available to the accuser, the accused, the alleged victim (if not the same person as the accuser), the families involved, the session, the congregation, and the co-workers of the parties involved

The Response Team is accountable to the presbytery and shall be a standing committee composed of nine persons, elected for three-year, rotating terms. It may include trained social workers, psychological counselors, pastoral counselors, pastors, members of the health profession, insurance and legal professionals as well as other caring persons. Each member should commit to serve for a period of no less than three years to ensure a professional level of experience, skill, and continuity and can be re-elected for up to three terms.

The Presbytery shall specify a chairperson for the Response Team.

The chair or designated other, when notified by the Presbyter for Congregational Care or Stated Clerk or the Chair of the Committee on Ministry that a report of alleged sexual misconduct has been received, and after collaboration with the Presbyter for Congregational Care and/or Stated Clerk and/or the chair of the Committee on Ministry, shall convene three (3) persons from the Response Team to serve in the specific situation. Composition of the Response Team shall be balanced with appropriate representation of men, women, clergy, and lay persons. In the event that any of the parties involved requests a change of members of the Response Team for specific reasons before the first meeting convenes, the convener shall appoint a different person(s) to serve for this occurrence. If all members of the Response Team are rejected, an investigating committee shall be established to investigate the allegations of misconduct.

The Response Team may request resource persons to serve in specific situations. These persons may have specific experience or training in sexual abuse/misconduct, insurance or legal issues. These resource persons, however, shall have no vote on the Response Team's recommendations.

The team shall be trained to respond to allegations of sexual misconduct and to identify and recognize the issues involved in sexual misconduct, sexual harassment, and child sexual abuse. Response Team members should be familiar with the legal, administrative, and disciplinary procedures of the Presbytery as well as the Presbyterian Church (U.S.A.), through the Book of Order and the Rules of Discipline. After the initial training, this team shall meet no less than two (2) times per year for familiarization with the Policy, the procedures therein, and for continuing education. Persons completing such training shall be certified by Presbytery.

1. Functions of the Team

a. The Response Team will serve the following primary functions:

- (1) Receive the written report of alleged sexual misconduct from the Presbyter for Congregational Care, and/or the Stated Clerk, and/or Chair of the Committee on Ministry.
- (2) Inform the Clerk of Session, if indicated, of the mandate from Presbytery to undertake an investigation and counsel with the Clerk on how best to maintain the integrity of the congregation within the process.
- (3) Since time is important, the Response Team shall begin its inquiry of the allegations as soon as possible, and should begin within 14 days of written notification. Delays should be avoided whenever and wherever possible in this process.
- (4) Confirm that civil authorities have been notified if appropriate under state or federal law.

- (5) Gather specific information regarding details of the allegations made by all parties involved.
 - (6) Prepare a written report of the investigation for submission to the Stated Clerk of the Presbytery.
 - (7) If the accused admits to the misconduct as charged, so advise the accuser, the Presbyter for Congregational Care, the Stated Clerk, and the Chair of the Committee on Ministry.
 - (8) If there has been no admission, advise the alleged victim to file a written accusation of the alleged misconduct with the Stated Clerk of the Presbytery.
 - (9) Assure adherence to this policy by all parties involved.
 - (10) Select two or three persons in the particular church who may serve as support persons to the alleged victim and his/her family, if needed, after the Response Team's duties are completed.
 - (11) Work within the established procedures for discipline in the Church's Book of Order.
 - (12) If the Response Team finds sufficient evidence exists to form a reasonable belief that sexual misconduct may have occurred, and if it recommends to presbytery that an investigating committee be formed, the Stated Clerk shall notify the moderator of the Committee on Ministry.
 - (a) The Presbytery, acting through its Committee on Ministry and either the Presbyter for Congregational Care, Stated Clerk, or the Chair of the Committee on Ministry shall meet with the Session to inform it that charges have been filed.
 - (b) If the accused is a minister, the Presbytery through its Permanent Judicial Commission shall determine if the accused placed on paid administrative leave. (D-10.0106)
 - (c) If the accused is a paid staff member, the Presbytery through the appropriate supervisory committee, shall place the accused on paid administrative leave effective the day the Response Team report is officially filed with the Stated Clerk.
 - (d) If the accused is a volunteer, the Presbytery through the appropriate supervisory committee, shall relieve the accused of his or her duties effective the day the Response Team report is officially filed with the Stated Clerk.
 - (e) The congregation shall continue the financial compensation for the accused until such time as the investigating committee has completed its investigation or until the Permanent Judicial Commission of the Presbytery has rendered its verdict. The Presbytery will provide temporary pastoral leadership for this congregation.
- b. In addition to its primary functions, during or as a result of its initial inquiry, the Response Team may take any one or more of the following actions:
- (1) Advise all parties involved, including the Presbytery, to obtain legal counsel.
 - (2) Advise all parties to contact their insurance carriers.

- (3) Advise all parties involved to seek professional psychological counseling, as needed.
 - (4) Advise all parties involved that the alleged victim, accuser and/or the accused each may choose to have an advocate accompany them throughout the inquiry process.
 - (5) Recommend new or modified educational or employment practices to be implemented at the local level.
 - (6) Recommend to the session actions to be taken to begin the healing process within the congregation.
 - (7) Recommend actions for the pastoral care of the accuser, the alleged victim, the accused, and the families of all parties involved.
- c. The Response Team should not:
- (1) Advocate for any party involved;
 - (2) Act as legal counsel for any party involved;
 - (3) Replace the functions of the Committee on Ministry, General Council, investigating committee or Permanent Judicial Commission;
 - (4) Determine guilt or innocence of the accused; or
 - (5) Enforce a specific remedy or disciplinary action.

2. Initial Response Team Inquiry

NOTE: If the accuser claims child sexual abuse of a child under the age of eighteen (18) years of age, the Response Team shall not interview the child (or children). Secular authorities shall be notified immediately by the Response Team, if a report has not been filed already. The Response Team is to be guided in its actions by the recommendations of the secular authorities. If the Response Team needs a consultant to advise it concerning the effects and complications involving a child victim, it should contact an expert in child sexual abuse. The Response Team shall make the secular authorities aware that it wishes, insofar as the law allows, to be kept informed of the developments of the allegation(s), in case disciplinary actions are to be taken against the accused within the Church.

Upon receiving written notice of alleged sexual misconduct, the Response Team members will immediately confer to coordinate the initial inquiry process. The Response Team shall do the following with a minimum of two of them present for any meeting with the accuser, alleged victim, or accused:

- a. Immediately notify the accused in writing of the accusations and advise the accused to have no further contact of any sort with the accuser, the alleged victim, or the alleged victim's family.
- b. Immediately notify the accuser/alleged victim that the Response Team has received the report, that the accused has been notified to have no further contact with the accuser, and what steps the Response Team will be taking to investigate the report.
- c. File a report with secular authorities if required by state or local law and none has been previously filed.

- d. Meet with the accuser and/or alleged victim to hear the accusations first hand.
- e. Meet with the accused to receive a response to the allegations.
- f. Assess and recommend resources, in consultation with the Committee on Ministry, for the following:
 - (1) Need for psychological evaluation or counseling of the alleged victim and/or accused, and/or families of both;
 - (2) Need for parties involved to obtain legal counsel and inform insurance carriers;
 - (3) Personal and pastoral needs of the accuser/alleged victim and the accused; since the Response Team is not expected to pass judgment on the guilt or innocence of the accused, it shall avoid such language in its findings and conclusions;
 - (4) Pastoral needs of the congregation, including pulpit supply;
 - (5) Accuser's/alleged victim's need for reconciliation with the congregation; and
 - (6) The accused's needs for reconciliation with the congregation.

If it should be determined during the initial inquiry that professional counseling is needed for the alleged victim, the accused, and/or their families, the Response Team may refer any or all of them to a professional counselor trained to deal with issues of sexual misconduct. The Response Team should maintain a referral list of counselors and counseling centers sensitive to sexual misconduct issues and issues of faith and spiritual needs. This list will be reviewed and updated annually.

3. Report to the Governing Body or Entity

The Response Team shall, within thirty days from the date it first receives a report of alleged sexual misconduct, complete its inquiry and report in writing to the Stated Clerk of the Presbytery. Both the accuser and the accused will receive a copy of the report. The report shall include:

- a. Name, address, phone numbers, and governing body membership of the parties involved;
- b. a summary of the allegations;
- c. a summary of the facts as stated by the parties involved;
- d. a summary of the Response Team's actions to date;
- e. the remedy sought by the accuser/alleged victim;
- f. the Response Team's findings and conclusions; and
- g. the Response Team's recommendations for further actions to be taken in support of all parties involved.

An outline for this report is attached as Exhibit C.

If, based on the evidence, there is reasonable cause or belief that misconduct may have occurred and disciplinary charges are filed, the Stated Clerk shall notify the Chair of the Committee on Ministry that an investigating committee shall be formed and recommend to the Committee on Ministry that administrative leave, as previously noted, should be implemented. Administrative leave shall commence on the date the report is officially received by the Stated Clerk.

4. Media Contact

In order to minimize prejudice in any allegation yet to be decided, any inquiries from the media regarding an incident of alleged sexual misconduct must be directed to the Presbyter for Congregational Care or the Stated Clerk of the Presbytery. Questions from the media shall not be addressed by any member of the Response Team, the alleged victim, the original reporter, the advocate(s) for the alleged victim, the accused or advocates for the accused or anyone having information about the allegations.

5. Response Team Record Keeping

The Response Team will keep all records confidential. The Response Team should keep detailed records of its actions and minutes of its deliberations and its conversations with the accuser, accused, and other parties involved, copies of the initial report, correspondence, and copies of reports to the Presbytery. Copies of these reports shall be forwarded to the Stated Clerk of the Presbytery. The Response Team will maintain the records until after the Presbytery has rendered a final decision in any resulting disciplinary action and the action has been agreed to by the accuser/alleged victim and the accused. A summary of the findings of the investigating committee or Permanent Judicial Commission and action of Presbytery shall be included in the accused's file, which is to be sealed and marked as "confidential" and held by the Stated Clerk of the Presbytery.

After the allegations have been resolved, all of the Response Team's records shall be forwarded to the Stated Clerk of the Presbytery, to be destroyed, except for those noted above. The Response Team shall keep no separate records of confidential material that has been turned over to the governing body as a result of its work.

C. Presbytery Response

If the Response Team finds a reasonable belief that an offense has been committed, the Presbytery's response must conform to the Book of Order, D10.0100. The pastoral relationship of ministers serving congregations is subject to oversight by the presbytery, G-3.0301. All Ministers of Word and Sacrament and ordained officers are subject to the requirements of the Book of Order. Ministers employed by a synod or General Assembly entity hold ministerial standing in presbyteries. Response to allegations of sexual misconduct by such ministers will be made by the entity under the personnel policies. Such ministers will also be subject to the Rules of Discipline as a member of presbytery.

1. Where the Accused Is Covered by Book of Order:

Upon receipt of the report filed by the Response Team, the Stated Clerk should report to the Presbytery that an offense has been alleged. If the Response Team reports a finding indicating it reasonably believes that sexual misconduct has occurred and/or if requested by the accused, and/or if a more thorough hearing is required to maintain the peace, purity, and unity of the church, an investigating committee shall immediately be appointed. (See Book of Order D-10.0200.)

To call an investigating committee, the Stated Clerk need not be personally persuaded of the truth of the allegation nor need to see all the supporting evidence available to the Response Team. The Stated Clerk must be provided enough information to cause a reasonable person to conclude that a more complete

inquiry is needed to either censure the accused or clear the accused of the allegations. In accordance with the Rules of Discipline, the Stated Clerk shall report to the Presbytery only that an offense has been alleged.

The investigating committee must promptly begin its inquiry into the allegations. Delay may cause further harm to the accuser or the accused. Much information will be provided by the Response Team's report that will help to speed the process. However, the investigating committee must itself conduct a thorough inquiry and comply with the Book of Order in reporting same. (See Book of Order D-10.200.)

2. Where the Accused Is Not Covered by Book of Order:

Upon receipt of the report filed by the Response Team, the Personnel Committee will refer to and be guided by the written personnel policies of the Presbytery that shall include the following:

- a. Determine whether or not the Response Team's report gives rise to a reasonable belief that sexual misconduct by the accused may have occurred.
- b. If so, determine any reasonable remedies, including but not limited to reports to civilian authorities and/or disciplinary actions.
- c. Inform the accuser/alleged victim and the accused of the remedy.
- d. In all cases, the personnel committee shall prepare a written report that shall be provided to the accused and be included in the accused's permanent personnel file. The accused shall be allowed to attach any written statements to said documents, also for permanent inclusion in the permanent personnel file.

Either the accuser/alleged victim or the accused shall have the right to appeal the personnel committee's decision through standard guidelines and procedures of the Presbytery.

3. Presbytery Record Keeping

The Presbytery should keep detailed records of its actions; minutes of its deliberations; notes on its conversations with the accuser, the accused, and other parties involved; copies of reports received from the Response Team; correspondence; and copies of the reports received from committees or commissions. Such records shall be kept confidential. The Stated Clerk of the Presbytery shall maintain the records while the inquiry is in process. After the case has been resolved, the investigating committee or personnel committee will prepare a brief summary report. A copy shall be included in the accused's permanent personnel file, and a copy of the report shall be given to the accuser and the accused.

4. Statute of Limitations for Reporting of Alleged Sexual Abuse

“For instances of sexual abuse of another person, the five-year time limit shall not apply. Charges may be brought regardless of the date on which an offense is alleged to have occurred.

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 order ministry or position.” (D-10.0401b and c)

"Reporting" of alleged sexual misconduct hereunder means to make the complaint or information known to any other Covered Person hereunder where the person receiving the complaint or information is a

"designated person" or is a covered person over age 18 who is also capable of transmitting the information or report to a designated person.

V. Clergy Compliance

All clergy, as a requirement for membership within the Presbytery, regardless of status or employment position, shall be required to sign a statement of acknowledgment, indicating that they have received the Policy and Procedures on Sexual Misconduct and will abide by the Policy of the Presbytery. See Exhibit D for a form to use for this purpose.

VI. Exhibits, Forms for Implementation

Exhibit A - Employment Questionnaire (2 pages)

Exhibit B - Confidential Employment Reference

Exhibit C - Outline for Alleged Sexual Misconduct Report

Exhibit D - Form for Implementing Policy of Sexual Misconduct - Acknowledgment of Receipt

CERTIFICATION BY APPLICANT

Please complete the following certification:

I certify that (a) I have never resigned or been terminated from a position for reasons related to sexual misconduct; and (b) I have never been required to receive professional treatment for reasons related to sexual misconduct on my part.

Signed

Date

NOTE: If you are unable to make the above certification 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.

Release

The information I have provided on this questionnaire is accurate to the best of my knowledge and may be verified by the Presbytery and/or Church. I hereby authorize the (Name of Presbytery and/or Church) to make any and all contacts necessary to verify my prior employment history, medical information, and any other information provided by me herein. 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 (Name of Presbytery and/or Church)

I hereby certify that the information provided herein is true and correct; and I understand fully that the information obtained may be used to deny me employment or position with the Presbytery and/or Church, or to terminate my employment if I have made any misrepresentation or omission herein. I also agree that I will hold harmless the Presbytery and/or Church, 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

Printed name

Witness

Witness

EXHIBIT B
Confidential
Employment Reference

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. Person contacting the reference or church:

5. Method of contact (Phone, letter, personal conversation):

6. 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):

Printed Name

Date

Signature

EXHIBIT C**OUTLINE FOR ALLEGED SEXUAL MISCONDUCT REPORT
PRESBYTERY OF SOUTHEASTERN ILLINOIS****FINAL REPORT**

re: Allegations expressed by (name of accuser) about (name of accused).

All Parties Involved:

Accuser/Alleged Victim: (name)

Address:

Phone:

Relationship with accused: (employee, friend, etc.)

Accused: (name)

Address:

Phone:

Work affiliation:

Clerk of Session/Personnel Committee (if applicable)

Name:

Address:

Phone:

Work affiliation:

Summary of Allegations: (use names, dates, specify allegations(s))

Action of Response Team: (use names, dates of meetings/actions, etc.)

Summary of Statement of Accuser/Alleged Victim:

Summary of Statement of Accused:

Summary of Statements of Other Parties Involved: (session, personnel committee, witnesses, etc.)

Remedy Sought by Alleged Victim:

Recommendations of the Response Team to all parties involved:

Response Team Signatures:

Date:

Updated February 10, 2018

Printed August 24, 2020

EXHIBIT D

Form for Implementing Policy of Sexual Misconduct

Acknowledgment of Receipt

I, _____ (name) hereby acknowledge that I received on _____(date), a copy of the "Policy and Procedure on Sexual Misconduct Policy" as adopted by the Presbytery of Southeastern Illinois of the Presbyterian Church (U.S.A.) on February 10, 2018, that I have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy. I also understand this signed copy will be placed in my permanent file.

(Signature)

(Printed name)

Return to:

The Presbytery of Southeastern Illinois
60 Hawthorn Hollow
Carbondale, IL 62903

A similar acknowledgment should be signed at the time amendments to the policy are made and distributed.