

October 19, 2010

**Policy on Preventing and Responding to Sexual Misconduct
Presbytery of Northern Kansas**

I. Foundation

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

--I Peter 1:15

II. Purpose

- A. To educate and prevent;
- B. To empower and obtain justice;
- C. To provide compassion and promote healing.

III. Guiding Principles

Scripture and our faith in Jesus Christ call us to standards of responsible conduct in all of life, including sexual behavior.

The Presbytery of Northern Kansas (hereinafter referred to as PNK) affirms that all forms of sexual misconduct are sinful and contrary to God's will for humanity.

All allegations of sexual misconduct, whether verbal or written, will be taken seriously and will be dealt with promptly.

All those who serve the Church within the PNK in either a temporary or permanent relationship (including clergy, staff, Church officers, Christian educators, inquirers and candidates, commissioned lay pastors, and volunteers) are expected to adhere to Christian ethical principles in their sexual conduct and in the exercise of authority and power. The Church and its extended ministries are to be seen as safe places in the community, places where it is known that sexual misconduct is not tolerated. This is part of our Christian witness.

IV. Scope of Application

A. Persons Covered

The persons covered by this policy include all those subject to the jurisdiction, control, and/or supervision of the PNK in the performance of their duties and services to the presbytery.

Administration of this policy is the responsibility of the following positions and committees of the PNK: the Stated Clerk, the General Presbyter, the Committee on Ministry, the Committee on Preparation for Ministry, the Commissioned Lay Pastor Committee, the Youth Ministries Committee, the Sexual Misconduct Response Committee, and the Personnel and Office Administration Committee.

B. Adaptation for Congregational Use

The PNK urges each session of its member churches to adopt a sexual misconduct policy applicable to that

church and its mission and ministry. Where no local congregational policy exists, the PNK encourages the local church to adapt this policy (available at www.pnks.org) for its use. The PNK especially recommends that each session of its member churches consult the denominational resources for developing a policy at www.pcusa.org/sexualmisconduct, and possible resources available through their liability insurance carrier.

V. Definitions

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

A. Types of Sexual Misconduct

- 1. Sexual Misconduct** is the comprehensive term used in this policy to include, but is not limited to, child sexual abuse, sexual abuse of another person, sexual harassment, and production or distribution of pornography, as defined under Kansas law, KSA § 21-3516: “possessing any visual depiction, including any photograph, film, video picture, digital or computer generated image or picture, whether made or produced by electronic, mechanical or other means where such visual depiction of a person is shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender, the child or another” (www.kslegislature.org/legsrv-statutes/getStatuteInfo.do). It is never appropriate to view or distribute pornography on or with church/presbytery property, or at a church/presbytery-sponsored event.

Sexual misconduct does not include non-abusive relationships between spouses. This policy is not intended to restrict church professionals from having normal, mutual, intimate relationships outside of the ministerial or professional context.

- 2. 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 PC (USA), the sexual abuse definition of a child is anyone under age 18. Mutual consent is NOT POSSIBLE when one of the parties is a child.
- 3. Sexual Abuse of Another Person**, as defined by the Book of Order (D-10.0401c), includes any sexual conduct in relation to 1) any person under the age of 18 years, or over the age of 18 years without the mental capacity to consent, or 2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. Lack of mental capacity may be a 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). Misuse of office or position refers to sexual conduct committed by one while functioning in relationship to the victim within the context of a clergy, lay leadership, professional or volunteer role. Mutual consent is NOT POSSIBLE within this context. Wherever relationships exist involving clergy, staff, Church officers, Christian educators, inquirers and candidates, commissioned lay pastors, and/or volunteers, it remains the responsibility of these persons to maintain appropriate boundaries and to decline to engage in a sexual relationship.
- 4. Sexual Harassment** is unwelcome sexual advances, requests for sexual favors,

and other verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of employment, continued status in an institution, or continued participation in activities of the Church;
- b. submission to, or rejection of, such conduct is used as the basis for employment decisions;
- c. such conduct has the purpose or effect of unreasonably interfering with 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; or
- e. misuse of technology and media results in sexual harassment or abuse of another person (e.g., social networking, texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. When this includes a person under the age of 18, it is child abuse (see State of Kansas Statute KSA § 21-3516, <www.kslegislature.org/legsrv-statutes/getStatuteInfo.do>). Personal privacy cannot be presumed when using church-owned or personal equipment within the context of ministry.

B. Other Definitions

1. **Allegation** is a written statement or claim that an offense may have occurred (*BoO D-10.0102*).
2. **Accused** refers to the person against whom a claim of sexual misconduct is made.
3. **Accuser** refers to the person reporting sexual misconduct by a person covered by the 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 alleged victim may be the accuser whose information initiates the inquiry.
4. **Administrative Leave** is the temporary removal from office of an accused individual, during which period the person is entitled to personal compensation, but not professional benefits such as, but not limited to, continuing education, sabbatical or mileage.
5. **Advocate** is the person who, at the request of the victim or the accuser, may accompany the victim or accuser at each and every conference with the investigating committee, the prosecuting committee, and the session or the permanent judicial commission. The role of the advocate is to provide support and consultation. The advocate may be the same person assigned by the SMRC to be the victim or accuser's liaison (see D -10.0203a-b).
6. **Alternative Form of Resolution** is a process in which the parties to a disciplinary case determine, with the aid of a professionally trained and certified third-party mediator or arbitrator, whether any agreement can be reached concerning any charges which may be filed. The process is ordinarily initiated after an investigating committee has determined there is probable cause to believe a

disciplinary offense has been committed and can reasonably be proved, but before the filing of any charges, and requires the written consent of all parties (see D-10.0202h; D-2.0103).

7. **Church**, when spelled with the first letter capitalized, refers to the Presbyterian Church (U.S.A.); when spelled with the first letter in lower case, it refers to local churches. The word “congregation” is used loosely for members and participants.
8. **Employee (member or non-member)** is the comprehensive term used to cover individuals who are hired or called to work for the Church, governing body, a local member church, or other institutions or entities formally related to the Church or one of its constituent bodies.
9. **Governing Body** is a representative body composed of elders and Ministers of the Word and Sacrament; these are sessions, presbyteries, synods, and the General Assembly.
10. **Inquiry** is the term used in the Rules of Discipline of the Book of Order to describe the process of determining whether charges should be filed based upon allegations of an offense received by a governing body (see D-10.0101-.0103).
11. **Investigating Committee** (as defined in D-10.0201ff) is the body charged with performing the investigation/inquiry on behalf of the presbytery. This committee determines whether charges should be filed. The Investigating Committee is appointed after an allegation has been received.
12. **Liaison** refers to the person who relates to the victim, or the accused, or the congregation throughout the inquiry process and any subsequent proceedings. It is the role of the liaison to determine needs and deploy resources to those to whom the liaison has been assigned. The liaison may also serve as an advocate (see definition above) if called to do so. The out-of-pocket expenses of the person serving as liaison will be covered by the Presbytery.
13. **Mandated Reporter** is a person required by state law to report any and all suspected incidents of child abuse, including child sexual abuse, that come to their attention. See Kansas State Statutes 38-2223 <www.kslegislature.org/legsrv-statutes/getStatuteInfo.do>).
14. **Offense** is defined by the Book of Order (D-2.0203b) as “any act or omission by a member or officer of the Church that is contrary to the Scriptures or the Constitution of the Presbyterian Church (U.S.A.)” Behavior that violates this policy may be cited in a formal complaint or allegation of sexual misconduct, which accuses a member or officer of a disciplinary offense, and is filed with the Stated Clerk.
15. **Response** is the action taken by the governing body or entity when a report of sexual misconduct is received.
16. **Sexual Misconduct Response Committee (SMRC)** is a body constituted by the PNK to facilitate the process of responding to allegations of sexual misconduct by a person covered by this policy (the SMRC’s structure and function are detailed in Section VIII.B of this policy.)
16. **Staff** refers to a person who is either an employee or a volunteer who performs function on behalf of this Presbytery or one of its entities.
17. **Victim** is the term used to identify the person(s) injured by sexual

misconduct.

18. **Volunteer** refers to a person who provides services to the Presbytery, or a church, or related organization without financial or material remuneration. For purposes of this policy, volunteers are treated the same as employees.
19. **Secular Law** is the body of municipal, state and federal laws, and is often referred to collectively as civil and criminal law.

VI. Preventive Practices

The following series of procedures are intended as measures to prevent and eliminate any form of sexual misconduct within the PNK.

A. Distribution of Policy

1. Policy distribution and collection of PNK Acknowledgment of Receipt documents will be primarily, but not necessarily or exclusively, the oversight of
 - CPM (for inquirers and candidates enrolled in this presbytery);
 - COM (for ministers of the Word and Sacrament who are members of the Presbytery or who have permission to labor within its bounds, certified Christian educators, commissioned lay pastors and authorized lay preachers of the Presbytery, and immigrant fellowship leaders);
 - PNK Personnel and Office Administration Committee (all employees);
 - Nominating Committee (for PNK committee members).
2. It is the responsibility of the PNK Stated Clerk to distribute this policy to the following:
 - a. Clerks of all sessions within the PNK;
 - b. All persons who report or present allegations of sexual misconduct, and all persons against whom allegations are filed.
3. It is the responsibility of those identified in VI.A.1 and 2 (above) to communicate this policy to, and implement this policy with, volunteers who provide services for the PNK or its entities (members of commissions, task forces, committees, mission teams, etc.).

B. Signed Acknowledgment of Receipt

Each Inquirer and Candidate for the ministry of Word and Sacrament, minister of the Word and Sacrament, Certified Christian Educator, commissioned lay pastor, authorized lay preacher, immigrant fellowship leader, and employee of the PNK and its entities, as well as volunteers identified in VI.A.3, are required to sign a written acknowledgment indicating that she/he has received, read, understands, and agrees to conduct her/himself in accordance with this Policy (see Appendix). This signed acknowledgment shall be kept in the PNK office.

C. Disclosure

Each Inquirer and Candidate for the ministry of Word and Sacrament, minister of the Word and Sacrament, Certified Christian Educator, commissioned lay pastor, authorized lay preacher, immigrant fellowship leader, and employee of the PNK and its entities, is required to complete the Minister/Employee/Staff Certification form (see Appendix). If the applicant deliberately provides false or misleading information, or withholds relevant information, the applicant shall be denied consideration. If discovered after the fact, this shall be grounds for termination.

1. In the case of an Inquirer or Candidate, minister of the Word and Sacrament, Certified Christian Educator, or commissioned lay pastor who seeks to be accepted into a course of study, to transfer membership to another presbytery, or to labor beyond the bounds of the PNK, the person of oversight authorized to give a reference shall provide information regarding pending allegations and administrative or disciplinary action related to sexual misconduct and the applicant. Disclosure related to sexual misconduct must be limited to governing body records in the applicant's personnel file as maintained by the PNK.

D. Hiring Practices

1. The governing body(ies) with oversight for the position being applied for is/are responsible for checking references (at the presbytery level, COM for prospective ministers and Personnel and Office Administration Committee for employees/staff). However, in the case of a minister transferring into PNK from another presbytery, the General Presbyter (or in absence thereof the Associate Presbyter) will contact the appropriate staff person of the presbytery of origin for a reference, which will be shared with COM.
2. If a reference(s) provides negative information regarding the applicant and sexual misconduct, the applicant shall be informed of such and given opportunity to submit a response to the information and/or submit additional references.
3. A written record of correspondence from references should be kept in the minister or employee's personnel file at the presbytery office; such files will be kept confidential.
4. If false or misleading information is given by the applicant for a position within the PNK, or relevant information is withheld, the applicant may be eliminated from consideration.

E. Education

1. There will be presbytery-wide training on this new policy after its adoption, and at least once every three years.
 - a. The PNK requires that the following persons shall complete a Presbytery-sponsored training workshop regarding the forms of sexual misconduct addressed in the policy: ministers of the Word and Sacrament, Certified Christian Educators, commissioned lay pastors, authorized lay preachers, immigrant fellowship leaders, and employees of the PNK.

The names of those who have not completed the mandatory training workshop will be noted in a Committee on Ministry report to Presbytery, and the COM will initiate appropriate action to secure compliance with this requirement.

Those unable to attend training will be required to complete a comparable option such as attending training with another adjudicatory or denomination.

- b. PNK workshops are open to persons from congregations and entities to which this policy does not apply but who may benefit by participation, e.g., an elder or a youth worker.
2. Each member Church is responsible for providing training concerning sexual misconduct issues, and is encouraged to consult PNK staff and/or the Sexual Misconduct Response Committee (SMRC) to identify and implement training options.

3. The PNK Sexual Misconduct Response Committee will have responsibility for educating member churches' Pastor Nominating Committees on an as-needed basis.

F. Liability and Insurance

Presbytery, its member churches, or related entities can be held liable for harm caused by sexual misconduct and/or sexual harassment of an officer, minister, employee or volunteer, based on a number of legal theories. For this reason, PNK shall, and all its member churches are strongly encouraged to, purchase insurance from a provider who can cover liability, including specific coverage for sexual misconduct and sexual harassment, for employees, staff, church officers, and all volunteers.

Governing bodies and entities should regularly inform their liability insurance carriers of the activities and programs they operate or sponsor and of the duties and responsibilities of officers, employees, and volunteers, adding endorsements as necessary.

Because most church insurers are pro-active regarding liability issues, PNK advises all governing bodies to check with their insurer to see what training materials and opportunities the company might provide the church, and what discounts might be available for taking advantage of these resources.

G. Implementation

The PNK encourages all member churches and related entities to establish policies and procedures that make it a violation of the employer's work rules to engage in sexual misconduct and that encourage reporting of sexual misconduct. Churches and related entities are strongly encouraged to take appropriate steps to inform, and provide regular training for, members, employees, volunteers and students of the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct. All governing bodies should take potential liability into consideration when establishing hiring and supervisory practices.

1. Record Keeping

Accurate record keeping is an essential part of hiring and supervision practices of churches, middle governing bodies, and related entities. Every governing body and entity should maintain a personnel file on every employee, including ministers.

2. Pre-screening Applicants

Part of pre-employment screening should include specific questions related to discovering previous complaints of sexual misconduct (see PNK Minister/Employee/

Staff Certification form). Such questions should include, but are not limited to, the following:

- a. Has a civil or ecclesiastical complaint ever been filed against you, alleging sexual misconduct by you?
- b. Have you ever resigned or been terminated from a position for reasons relating to allegations of sexual misconduct by you? If so, indicate the date, nature and place of these allegations, and the name, address, and phone number of your employer at the time.
- c. Have you been required to receive professional treatment, physical or psychological, for reasons related to sexual misconduct by you? If so, please give a short description of the treatment, including the date and nature of treatment, place, and name-address-phone number of the treating physician or other professional.

Pre-employment screening could also include a formal background check by the KBI or another agency.

VII. Reporting

A. Initial Reports

- 1. Importance of Prompt Reporting:** Allegations of sexual misconduct should be made as promptly as possible. The ability of the PNK to respond quickly and justly to sexual misconduct is related in part to the opportunity to receive allegations and to gather evidence soon after the occurrence. This Policy, however, recognizes the special problems sometimes related to discovery and recognition of certain forms of sexual misconduct. For example, child sexual abuse may not be recognized until the victim of abuse reaches the age of awareness or recognition, or fear may deter a victim from coming forward. Therefore, reports of certain forms of sexual misconduct may be delayed for many years.
- 2. Statute of Limitations:** Other than in the case of sexual abuse as defined in D-10.0401c, charges of sexual misconduct must be filed no later than three years from the commission of the offense or one year from the forming of an investigating committee. “There is no statute of limitations for filing charges alleging sexual abuse of any person under 18 years of age or adults of diminished capacity, or when the conduct includes force, threat, coercion, intimidation, or misuse of office or position” (D-10.0401c2).
- 3. Awareness of Reporting Channels:** Reports of sexual misconduct may occur in a variety of ways. Because a governing body or entity cannot control to whom the accuser of sexual misconduct will first speak, 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 persons.
- 4. Importance of Confidentiality:** Allegations of sexual misconduct should never be taken lightly, or disregarded and allowed to circulate. The well-being, integrity, and reputation of the accuser, the accused, and the Church are always foremost. Allegations should always be dealt with as matters of the highest confidentiality.
- 5. Notice of Opportunity to File Written Statement:** The first person to learn of an incident of alleged sexual misconduct should encourage the accuser to speak to a higher authority, lest the Church be unable to respond because no one is able to give firsthand information. The person should not seek to investigate or corroborate on his or her own. A report should be directed to the Stated Clerk when the accused is a minister of Word and Sacrament; to the General Presbyter if a PNK staff member; to the chair of the Administration and Personnel Committee in the case of the Stated Clerk/General Presbyter; to the clerk of session of the congregation when the accused is a non-minister. In all cases, and particularly in cases where the accuser is hesitant to talk to a higher authority, the person receiving the initial report should advise the accuser of the opportunity to submit a written report.
- 6. Notification:** The Stated Clerk shall also notify 1) the Moderator of the SMRC of an allegation against a minister of Word and Sacrament, even in cases where the accuser is unwilling to submit a written statement, so that the SMRC may facilitate a pastoral response; 2) the COM liaison for that minister’s congregation.

B. Written Statements

- 1. Filing a Written Statement When Victim Is Unwilling or Lacks Standing:** A member of a governing body receiving information from any source that an offense may have occurred may submit a written statement of the alleged offense (see D-10.0102b). That written statement should be directed to the Stated Clerk when the accused is a minister of Word and Sacrament; to the General Presbyter if a PNK staff

member; to the chair of the Administration and Personnel Committee in the case of the Stated Clerk/General Presbyter; to the clerk of session of the congregation when the accused is a non-minister. A member of a governing body who receives information of an alleged offense should submit a written statement when the victim of the alleged offense is not a person under the jurisdiction of the PC (USA) and therefore does not have standing to file a written statement directly.

2. Handling Written Statements:

- a. **Against Minister Member of Presbytery:** Upon receipt of a written statement that a minister member of the Presbytery has committed an alleged offense, the Stated Clerk, without undertaking further inquiry, shall then report to the governing body only that an offense has been alleged, without naming the accused or the nature of the alleged offense, and refer the statement immediately to an investigating committee (D-10.0103) that shall be appointed by the PNK's Permanent Judicial Commission.
- b. **Against Others:** Upon receipt of a written statement that someone other than a minister member of the presbytery has committed an alleged offense, the Stated Clerk shall submit the written statement to the clerk of the governing body having jurisdiction over the member.
- c. **Stated Clerk:** written statements against the PNK Stated Clerk should be filed with the Stated Clerk of the Synod of Mid-America.

C. **Mandatory Reporting Duties** of Ministers, Elders, and Deacons under the Book Of Order

1. **Ministers:** A minister of the Word and Sacrament shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the 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 made in connection with the exercise of pastoral care (as defined in the Book of Order at G-6.0204a), or (2) the minister reasonably believes that there is risk of future physical harm or abuse.
2. **Elders and Deacons:** Under the Book of Order (see G-6.0304b, G-6.0402a), elders and deacons are also required to report such sexual molestation or abuse of a minor or an adult who lacks mental capacity when they gain knowledge of the sexual molestation or abuse in the course of service to the church.

D. **Reporting Requirements under Kansas Law**

In addition to Book of Order requirements, Kansas law for reporting sexual molestation or abuse of a child under the age of 18 years is set forth in Kansas Statute 38-3223, which can be accessed at <www.kslegislature.org/legsrv-statutes/getStatuteInfo.do>.

E. **PCUSA Hotline**

The Presbyterian Church (USA) has a sexual misconduct hotline, staffed by the sexual misconduct ombudsperson. The number is 1-888-728-7228, ext. 5207 or 1-502-569-5207. The purpose of this hotline is to report events, even if the victim is not ready to pursue a formal complaint at this time. The caller has the ability to control the information and how it is used. This can be especially helpful for those who want more information about the process, or who want a historical record kept in the event that s/he decides to pursue a complaint at a later date. If the person accused of the violation is named, then it could be helpful in the event that another victim files a complaint against

the same person. The ombudsperson can be a listening ear as well as resource as to options and process. The important point is that the caller controls the information.

F. Immediate Consideration of Administrative Leave in Certain Cases of Alleged Sexual Abuse

When the Stated Clerk of the Presbytery receives a written statement of alleged sexual abuse committed by a minister of Word and Sacrament against a person under the age of 18 or a person alleged to lack mental capacity to consent, the moderator of the permanent judicial commission designates two members, who may be from the roster of former members of the permanent judicial commission, to determine whether the accused should be placed on paid administrative leave during resolution of the matter. For details regarding the process by which this determination is made, see D-10.0106. Even in circumstances in which the Book of Order does not require consideration of administrative leave, any investigating committee appointed to investigate the allegations should consider whether an agreement on administrative leave is desirable, keeping in mind that the purpose of administrative leave is preventive and not punitive.

G. Request to Refer

Whenever the circumstances of an alleged offense by a minister member of Presbytery involve matters or questions for which it is desirable or necessary that a higher governing body decide the case, the Presbytery Permanent Judicial Commission may submit a written request to the Synod Permanent Judicial Commission to refer the matter to it. Similarly, a session may request, and presbytery recommends, to refer a matter to the Presbytery Permanent Judicial Commission when an alleged offense by a member involves matters or questions for which it is desirable or necessary that the Presbytery decide the case (see D-4.0100ff).

VIII. Response Procedures

Any incident of sexual misconduct necessitates a pastoral response, as well as a judicial, or disciplinary, response. Both are key elements in accomplishing the goals of justice and compassion.

A. Pastoral Response

In responding to accusations of sexual misconduct, the Church should seek healing and assure the protection of all persons. Where possible and within the limits of this policy, the privacy of persons should be respected. The Book of Order assures all persons of fair procedures in the disciplinary process, and all persons involved should be informed of these procedures at the outset.

A fundamental principle in responding to an accusation of sexual misconduct is to ensure that the actions of the SMRC promote and enhance the process of reconciliation and healing by effectively supporting those affected, without compromising or disrupting any investigation by civil authorities and due process, or inquiry or judicial process that may be undertaken by the governing body.

B. Sexual Misconduct Response Committee (SMRC)

1. Composition: The PNK shall elect at least five persons to serve staggered three-year terms on the SMRC.

2. Duties: The SMRC will be responsible for the following:

- a) Working with COM to provide PNK-wide training on preventing sexual misconduct and on this policy.
- b) Identifying within the PNK who may be appropriate to serve as liaisons to the victim, the accuser, the accused, and the affected congregation(s), and training liaisons for their role when notified of a report of potential sexual misconduct.

3. Responsibilities of Liaisons

The SMRC will assign a liaison for the victim, accuser, accused, and affected congregation(s). The liaison's tasks are (1) to assess the needs for pastoral, therapeutic, or other assistance and (2) to refer the person(s) to the appropriate resources. Liaisons should make contact with the victim, accuser, accused, or congregation's pastor (or if the pastor is the accused, then with the clerk of session of the congregation) as quickly as possible after being assigned as a liaison. As the first responder in these situations, liaisons should be sensitive to the pastoral care needs of the person to whom they are assigned as they undertake to assess what referral needs might exist and assist the person to find appropriate resources. In certain circumstances, the competencies of the liaison may be such that it is appropriate for the liaison to continue, beyond the assessment and referral stage, to serve in the role of accompanying the person throughout any administrative or judicial ecclesiastical processes and thus becoming an advocate (see D-10.0203 a., b.). This accompaniment role is not intended to be in lieu of any therapeutic or longer term pastoral counseling that may be needed. In making their assessment the liaisons should be sensitive to the differing pastoral needs of 1) victims and families, 2) congregations or employing entities, 3) accused and 4) non-victim accuser.

C. Judicial Response

1. Procedure for a judicial response is detailed in the Rules of Discipline in the *Book of Order*. It is the responsibility of the Stated Clerk to ensure these procedures are followed. It's the responsibility of the SMRC to ensure that all liaisons are familiar with these procedures.
2. Authorized communications concerning status of accusation during investigation or disciplinary proceeding
 - a) **General Rule of Confidentiality:** Prior to the filing of charges, the *Book of Order* protects the confidentiality of the identity of an accused and of the allegations of a disciplinary offense by limiting the disclosure of information to Presbytery to the facts that an allegation has been received and an investigating committee appointed. (D-10.0103)
 - b) **Permitted Communications to Address Pastoral Needs:** During the course of the investigating committee's work, the SMRC has primary responsibility for ensuring that pastoral care needs are met. Liaisons/advocates for an alleged victim, the accused, and the affected congregation(s) may have a need, for pastoral reasons, for information about the status of the investigation, and the investigating committee itself may identify additional persons who have a need for pastoral care. Under these circumstances, the following communications may be made:

- (1) The liaison/advocate for a victim, accuser, accused, or affected congregation(s) may ask the Stated Clerk of the Presbytery for general information about the status of the matter—such as when the investigating committee expects to make a recommendation or when the presbytery will receive a report on the filing of charges. If the accused is represented by counsel, then counsel for the accused should direct inquiries to the investigating committee.
- (2) If the investigating committee’s work uncovers other victims or affected persons who may have a need for a pastoral response from the Presbytery, the investigating committee may communicate that information to the Stated Clerk, who may communicate the need for additional pastoral care to the moderator of the SMRC. These communications shall not disclose confidential factual details about the underlying allegations, but only the fact of a potential need for pastoral care.

Appendices Attached

Duties Related to This Policy for All Governing Entities

Signed Acknowledgment of Receipt

Minister/Employee/Staff Certification

Duties & Responsibilities Related to This Policy for Each Governing Entity

I. Duties of the Sexual Misconduct Response Committee

- A. Respond to all referrals made to it by officials of the Presbytery.
- B. When necessary, recruit, train and assign sexual misconduct response liaisons whose purpose it is to provide for the pastoral needs of all those affected by allegations of sexual misconduct it receives on referral.
- C. Stay informed concerning the work of any liaisons that have been assigned and provide consultation and assistance with resources when needed.
- D. Provide prompt information concerning available health care providers if requested to do so by any liaisons.
- E. At the conclusion of the process, write a summary of the process for submission to COM.
- F. Develop a list of people sensitive and knowledgeable about issues of sexual misconduct who are willing to offer spiritual nurture and personal support to both the accuser and the accused.

II. Responsibilities of the Response Teams

- A. Make provisions for providing pastoral care to the accuser (and family or significant other).
- B. Make provisions for providing pastoral care to the accused (and family or significant other).
- C. Advise the involved parties of the need for professional psychological counseling.
- D. Recommend to COM actions to be taken to begin the healing process within the congregation.
- E. At the conclusion of its work make recommendations to the SMRC concerning items that might be included in the summary of the process for use by COM.
- F. Avoid contact with the media. All media contact should be directed to the Stated Clerk. All members of the response team shall refrain from commenting on the situation.

III. Responsibilities of the Committee on Ministry

- A. Provide for the education of the Presbytery concerning sexual misconduct;
- B. Include information regarding sexual misconduct and the Presbytery's policy and procedures during triennial visits to Sessions.

E. Responsibilities of Sessions

- A. Sessions should become familiar with Presbytery policy and procedures for sexual misconduct, know the procedures for filing a complaint, and should develop a process for handling potential allegations.
- B. Sessions should continually affirm the congregation to be a place of protection, trust and justice for all persons. Sessions should be open to hearing any complaint of sexual misconduct.
- C. Sessions should present expectations of behavior clearly to members, employees and volunteer workers, as well as to officers of the church.
- D. Sessions should be made aware that pastors may be the objects of unwelcome personal or sexual attention, or sexual harassment or misconduct from members of the congregation. Sessions should be open to hearing any complaint of sexual misconduct which pastors may bring against members. Sessions should clearly present expectations of behavior toward the pastor to members of the church.

Acknowledgment of Receipt

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

Signature

Name

- Relationship to Presbytery:** Inquirer for the Ministry of Word and Sacrament
(check one) Candidate for the Ministry of Word and Sacrament
 Minister of the Word and Sacrament
 Certified Christian Educator
 Commissioned Lay Pastor
 Immigrant Fellowship Leader
 Employee (specify work site):
 PNK Volunteer (specify work area)
 PNK Committee Member (specify committee)

Date

Minister/Employee/Staff Certification

To be completed by:

- 1.) A minister of the Word and Sacrament who seeks either membership or permission to labor within the bounds of the Presbytery of Northern Kansas and is not called to a Church governing body within the Presbytery (e.g., a chaplain or a retired minister).
- 2.) All persons other than ministers who seek to serve the Presbytery as employees or staff, including commissioned lay pastors, certified educators, and immigrant fellowship leaders.

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

Signed

Date

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

Release

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

Signature

Witness

Date

Witness

Report of Suspected Sexual Misconduct

The Presbytery of Northern Kansas

(Each witness should provide a separate, signed report. In the case of a child or youth victim, reporters should use the "Suspected Abuse Incident Report" from the PNK *Child and Youth Protection Policy*.)

Reported by:

Name

Address

Telephone

E-mail address

Date of Alleged Incident: _____ **Time:** _____

Place of Alleged Incident: _____

Person Suspected of Misconduct:

Name

Address

Telephone

E-mail address

Ministry position

Other Person(s) involved (give information for each one separately and identify the person as a victim or an eyewitness—you may attach another page as needed)

Name

Address

Telephone

E-mail address

If Presbyterian, congregation of membership

Describe the incident(s) of suspected sexual misconduct, including date(s), time(s) and location(s). Provide as many details as you can, attaching pages as needed.

Other information which may be helpful to the investigation:

What action has been taken at this writing?

Report submitted to: _____ **Date received** _____

To my knowledge, this report is accurate and true:

Signed _____

Date: _____ **Time:** _____