

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

Behavioral Ethics and Sexual Misconduct Policy For Teaching Elders, Certified Christian Educators and Commissioned Ruling Elders

***Proposed Adoption by the Committee on Ministry: April 5, 2011
Proposed Adoption of Sexual Misconduct Policy by the Presbytery: June 11, 2011
In its adoption, this series of documents supersedes any previous policies.***

As an ordained officer in the Presbyterian Church (U.S.A.), in obedience to Jesus Christ, under the authority of Scripture and guided by our Confessions, I affirm the vows made at my ordination, confirm that Jesus Christ is the pattern for my life and ministry and, relying on God's grace, commit myself to the following standards of ethical conduct.

I

I will conduct my life in a manner that is faithful to the gospel and consistent with my public ministry. Therefore, I will:

1. Practice the disciplines of study, prayer, reflection, worship, stewardship, and service;
2. Be honest and truthful in my relationships with others;
3. Be faithful, keeping the covenants I make and honoring marriage vows;
4. Treat all persons with equal respect and concern as beloved children of God;
5. Maintain a healthy balance among the responsibilities of my office of ministry, my commitments to family and other primary relationships, and my need for spiritual, physical, emotional, and intellectual renewal;
6. Refrain from abusive, addictive, or exploitative behavior and seek help to overcome such behavior if it occurs;
7. Refrain from gossip and abusive speech; and
8. Maintain an attitude of repentance, humility, and forgiveness, responsive to God's reconciling will.

II

I will conduct my ministry so that nothing need be hidden from a governing body or colleagues in ministry. Therefore, I will:

1. Preach, teach, and bear witness to the gospel of Jesus Christ with courage, speaking the truth in love;
2. Honor the sacred trust of relationships within the covenant community and observe appropriate boundaries;
3. Be judicious in the exercise of the power and privileges of my office and positions of responsibility I hold;
4. Avoid conflicts of interest that might compromise the effectiveness of my ministry;
5. Refrain from exploiting relationships within the community of faith for personal gain or gratification, including sexual harassment and misconduct as defined by Presbyterian Church (U.S.A.) policy, and adapted by the Presbytery of New Covenant;

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

6. Respect the privacy of individuals and not divulge information obtained in confidence without express permission, unless an individual is a danger to self or others;
7. Recognize the limits of my own gifts and training, and refer persons and tasks to others as appropriate;
8. Claim only those qualifications actually attained, give appropriate credit for all sources used in sermons, papers, music, and presentations, and observe copyrights;
9. Refrain from incurring indebtedness that might compromise my ministry;
10. Be a faithful steward of and fully account for funds and property entrusted to me;
11. Observe limits set by the appropriate governing body for honoraria, personal business endeavors, and gifts or loans from persons other than family;
12. Accept the discipline of the church and the appropriate guidance of those to whom I am accountable for my ministry;
13. Participate in continuing education and seek the counsel of mentors and professional advisors;
14. Deal honorably with the record of my predecessor and upon leaving a ministry or office speak and act in ways that support the ministry of my successor;
15. Participate in the life of a ministry setting I left or from which I have retired only as directed by presbytery, and invited by that session;
16. Provide pastoral services for a congregation I previously served only as directed by the presbytery, and invited by that session, and provide pastoral services to members of other congregations only with the consent of their pastors; and
17. Consult with the committee on ministry in the Presbytery of New Covenant regarding my involvement in any ministry setting during my retirement.

III

I will participate as a partner with others in the ministry and mission of the Church universal. Therefore, I will:

1. Participate in the mission and governance of the Presbyterian Church (U.S.A.) and work for the unity of the holy catholic church;
2. Show respect and provide encouragement for colleagues in ministry;
3. Recruit church members responsibly, respect existing congregational relationships, and refrain from exploiting persons in vulnerable situations; and
4. Cooperate with those working in the world for justice, compassion, and peace, including partners in ministry of other faith traditions.

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

PC(USA)

Writing and Preaching

Presbyterians believe that the efficacy of preaching is the work of the Holy Spirit, not the cleverness or even the scholarship of the preacher. Thus, preaching is a regular spiritual partnership involving the preacher, the Holy Spirit, and the people of God who hear the Word and respond – not to the preacher, but to God.

Over the past decade, the development of the Internet has given rise to a vast amount of information (much of it unedited) that is accessible through a variety of technologies. With the growth of this communication medium has also grown the problem of utilizing such materials in improper ways.

The internet is a great tool for learning and background research, but these materials must be chosen and evaluated carefully in light of our primary allegiance to Jesus Christ as Lord, the Scriptures, the Reformed tradition and our Church's Constitution. We misrepresent ourselves, as well as demean the labor of others, if we fail to make proper attribution of borrowed material.

This word from the Committee on Ministry is offered to the preachers in our presbytery as a corrective for failures in the past. It is also an encouragement to practice excellence and integrity in the study and the pulpit. To fulfill the gospel as truly good news, it must take up residence in the preacher, the preaching, and the listening Church.

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

SEPARATION ETHICS.1

GUIDELINES FOR THE RELATIONSHIP OF FORMER PASTORS AND CONGREGATIONS in the Presbytery of New Covenant

Toward just, smooth, and healthy transitions as pastors leave congregations.

Adopted by Committee on Ministry: May, 2006

Few circumstances in their professional lives challenge pastors to exercise more wisdom and judgment than the ones raised when leaving a congregation. Somewhat ironically, the most difficult transitions are often those involving congregations in which the pastor has been warmly loved and appreciated. In addition to making a professional move, the pastor and her/his family are leaving supportive friends and community. When the transition involves the retirement of a pastor who elects to remain in the community, and perhaps even in the community of the church, the issues become even more complex and challenging.

The Book of Order offers brief, but important guidance in the matter of transitions: **(G-2.0905) "After the dissolution of the pastoral relationship, former pastors and associate pastors shall not provide their pastoral services to members of their former congregations without the invitation of the moderator of session."** These guidelines refer to any former ministerial relationship with a congregation as defined in G-2.0504 (i.e., pastor, associate pastor, designated pastor, co-pastor, interim pastor, stated supply pastor, temporary supply pastor, parish associate, organizing pastor, etc.)

While such transitions involve a number of entities (i.e. sessions, congregations, etc.), the Committee on Ministry (COM) believes that the burden of responsibility for creating a healthy transition lies primarily with the professional behavior of the pastor who is leaving. Pastors must view the process of separation and transition as perhaps a final, but critical part of their ministry to the congregation they have served. Not to do so undermines the future health of the church and is a violation of professional ethics. Considering the time, energy, and emotions a pastor gives a church, it is reasonable that he or she would give due attention to facilitating a successful transition for the next pastor.

Practically, the exiting pastor must work to educate the session and congregation on the Presbyterian understanding of the transition. She/he ought to take great care in expressing her/his support of the process and the role that Presbytery plays in it. Emotionally and spiritually, the exiting pastor can play a positive role in the welcome the interim or installed pastor will receive. Explaining the transition process and the reasons for it will also assist the exiting pastor in drawing and maintaining proper boundaries. Not unimportantly, the former pastor who works to

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

make a good and positive transition also leaves the congregation with a final and selfless example of the love and care of the Good Shepherd for the beloved flock.

The following are brief guidelines based on the Book of Order, and shared experience of the COM. Representatives of COM shall review this policy statement with each minister who is leaving/retiring from a congregation in the Presbytery of New Covenant. The information below will also be presented to the Session of the congregation affected by the move prior to the election of a Pastor Nominating Committee (PNC) as a part of the transition meeting conducted by a representative of COM. In addition, a pastoral letter regarding these guidelines shall be shared with the congregation. (A sample letter is attached).

Departing pastors will be asked to sign and submit to the Committee on Ministry, the attached "Declaration of Intent," attested by the Clerk of Session for the church.

Guidelines

- A.** When Presbytery dissolves the pastoral relationship, that relationship is ended. Only the pastor duly installed by Presbytery, or the pastor approved by the Presbytery for temporary service, is authorized to perform pastoral duties among a particular congregation.
- B.** The former pastor shall not participate in any funerals, weddings, etc., of her/his former parish, unless invited by Session. Also, there shall be no visitation or contact which could be interpreted in any way as pastoral. This will be difficult, but if the first invitation is accepted, there will be no reason to refuse other requests.
- C.** In the case of a pastor who retires in the same community as her/his former church, COM strongly recommends that the former pastor and family become active in the work and worship of another congregation. Remaining in the same congregation can lead to tensions and difficulties which no one intends, but nevertheless cannot be avoided.
- D.** Simple sensitivity and courtesy ought to rule. Pastors who violate the guidelines and return to a previous congregation are showing disregard for the minister or interim in place there. The congregation or individual members who insist on inviting a previous pastor to perform duties undermine the success of the pastor currently serving them.
- E.** The former pastor shall vacate both the manse and the office by the date of termination or some immediate predetermined date. At the time of vacating, all keys should be returned to the Session or proper church

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

- committee. Further, definite plans should be made by the former pastor for the disposition of pastoral counseling notes, personal records, etc.
- F.** Concerns or complaints regarding any of these issues shall be directed to the COM for resolution. In the event that a satisfactory resolution is not achieved, the matter will be forwarded to the Stated Clerk of Presbytery.
 - G.** Upon receiving the unresolved complaint, the Stated Clerk shall invite the Moderator of COM and two other COM members to meet with the person alleged to have violated the privilege of the pastoral relationship. Should they find the complaints valid, and should the practice continue, the matter may be brought before the entire COM. The former pastor may be subject to censure according to the "Rules of Discipline."
 - H.** Former pastors who are elected pastor emeriti are reminded that this is an honorary title only and carries no job responsibilities or privileges unless they are expressly stated by the Session and approved by the Presbytery.
 - I.** Former pastors are still under the obligation of the Presbytery's Sexual Misconduct Guidelines.
 - J.** Subject to the needs and desires of the former pastor and his/her family, the Presbytery has the responsibility to meet the spiritual and physical needs of his family and to utilize their talents and gifts to the glory of God.

PRESBYTERY OF NEW COVENANT
BEHAVIORAL ETHICS IN MINISTRY

SEXUAL MISCONDUCT POLICY AND PROCEDURES

I. Policy Statement

It is the policy of the Presbyterian Church (U.S.A.), hereinafter referred to as PC(USA), that all ministers, governing bodies (including officers, employees and members), church members, church officers, and nonmember employees and volunteers of churches and governing bodies are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture, and also of the ministerial, pastoral, employment and professional relationship. It is never permissible or acceptable for any of the persons covered by this policy to engage in sexual misconduct.

Distribution

Copies of this policy and its procedures shall be made available to all governing body and entity offices. Specifically, within the bounds of the Presbytery of New Covenant, this policy and its procedures will be made available and commended to all sessions within the presbytery. Sessions are urged to adapt this document for application to the local church.

In adopting this document, the Presbytery of New Covenant shall require that all ministers and certified Christian educators under its jurisdiction and all employees of the presbytery abide by its provisions.

This policy and its procedures 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.

II. Standards of Conduct for All Engaged in Ministry in the Presbytery of New Covenant

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

The basic principles of conduct guiding this policy are as follows:

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

1. Sexual misconduct is not acceptable. It is a violation of an individual by a person who has a supervisory position or roles involving religious, moral, or spiritual counseling, teaching or instruction. These persons are called upon to exercise integrity, sensitivity, and caring in a trust relationship. Sexual misconduct breaks the covenant to act in the best interests of the persons being supervised or counseled.

2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the person being supervised or counseled initiates or invites sexual content in the relationship, it is the responsibility of the person providing supervision or counseling to maintain the appropriate role and prohibit any sexual relationship, contact, conduct or harassment.

3. Sexual misconduct takes advantage of the vulnerability of persons, including children, who are less powerful and unable to act for their own welfare. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

4. Sexual misconduct may include but is not restricted to offensive, obsessive or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling, rape or sexual contact by force, threat or intimidation, or a relationship the parties believe to be consensual.

5. Sexual conduct between a minister or Certified Christian Educator and a church member or counselee, is only permissible in the context of marriage.

6. Sexual malfeasance (wrongdoing by a person who holds a position of trust) is defined by the broken trust resulting from sexual activities within a professional ministerial relationship.

7. Sexual misconduct includes misuse of technology to communicate harassing or abusive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this 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.

DEFINITIONS

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

Sexual Misconduct is the comprehensive term used in this policy to include:

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 another 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.

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 office or position" (*Book of Order*, D-10.0401c).

Sexual harassment 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

- 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; or
- 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.

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

III. Church Response 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. 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 initiate the disciplinary processes of the PC(USA) set forth in the *Book of Order*. In the case of an active non-member who is employed or volunteers with the Church, the individual will be covered by the procedures of the written personnel policies of the governing body or entity.

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 governing body may appoint an administrative committee or commission to hear the allegations of sexual misconduct. The governing body may also take measures to prevent future occurrences of harm through education and policy.

B. REPORTING REQUIREMENTS

1. Reporting Sexual Misconduct

A person needing to report that a minister, certified Christian educator, or employee of the presbytery has committed sexual misconduct is encouraged to seek guidance from the stated clerk of the presbytery regarding filing the report.

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

Local Church: The presbytery does not have jurisdiction over employees of local churches. If the person who is accused of committing sexual misconduct is a member, elder, deacon, volunteer, or employee of a congregation, the report of allegations should be made to the pastor, 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 nonmember employee or volunteer, the church will respond by using procedures set forth by the session of the congregation in their personnel policies.

Presbytery: Any allegations of sexual misconduct by a minister member, certified Christian educator, volunteer, member or nonmember employee of the presbytery, shall be reported in writing to the stated clerk of the presbytery. The stated clerk will ensure that the presbytery responds according to the procedures set forth in the Rules of Discipline of the *Book of Order*, by policy or bylaws of the presbytery.

Higher Governing Body or Entity of the General Assembly: If the person who is accused of committing sexual misconduct is an employee or volunteer of a synod or General Assembly or any entity established by a synod or General Assembly, contact the stated clerk of that particular synod or General Assembly.

2. Receiving Reports of Sexual Misconduct

Reports of allegations of sexual misconduct will occur in a variety of ways.

Because a governing body or entity 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 the victim, the accused, and the church. 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.

The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the victim or the accused unless the

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

incident is divulged in the process of pastoral care, counseling, or a therapy session. If the victim is hesitant to talk to “higher authorities,” the person who has received the initial report has a special pastoral responsibility to build trust and willingness to speak with the accuser, lest the church be unable to respond because no one is able to give firsthand information.

The person receiving the initial report of allegations of sexual misconduct shall analyze the relationship of the person accused of sexual misconduct with the PC(USA) and shall make sure that the allegations of offense are filed with the governing body with jurisdiction over the person accused. This may be done by the person alleging harm or by any member of the PC(USA).

If the report is made orally, the person receiving the report of allegations should request that the person making the report of allegations place it in writing. A written report of allegations of sexual misconduct from a member of the PC(USA) alleging another member or officer of the PC(USA) committed an offense must be acted on according to the Rules of Discipline of the *Book of Order*. If a clerk of session or stated clerk receives a report of allegations in writing from a nonmember of the PC(USA) alleging another member or officer of the PC(USA) committed sexual misconduct, the report also should be acted on according to the Rules of Discipline of the *Book of Order*. If the person who makes the report is unwilling or unable to place it in writing, any member of the PC(USA) may make the written statement that will automatically initiate the Rules of Discipline of the *Book of Order*.

3. Mandatory Reporting of Child Abuse

a. *Elders and Deacons*

All elders and deacons 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

- “An elder shall report to ecclesiastical and civil legal authorities knowledge, gained in the course of service to the church, 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 privileged communication; or (2) she or he reasonably believes that there is risk of future physical harm or abuse” (G-6.0304b).
- “A deacon shall report to ecclesiastical and civil legal authorities knowledge, gained in the course of service to the church, of harm, or the

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

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 privileged communication; or (2) she or he reasonably believes that there is risk of future physical harm or abuse" (G-6.0402b).

b. *Certified Christian Educators*

All certified Christian educators 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 "*Certified Christian educators [and certified associate Christian educators] shall report to ecclesiastical and civil legal authorities knowledge gained in the course of service to the church, of harm, or 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 privileged communication; or (2) he or she reasonably believes that there is risk of future physical harm or abuse" (G-14.0732).*

c. *Ministers*

All Teaching Elder 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:

"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 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-6.0204a; or (2) she or he reasonably believes that there is risk of future physical harm or abuse" (G-6.0204b).

d. *Mental Health Services Provider*

Chapter 81 of the Texas Civil Practice & Remedies Code imposes certain reporting obligations on mental health services providers and their employers when the provider or employer has reasonable cause to suspect that a patient has been the victim of sexual exploitation by a mental health services provider. A "mental health services provider" includes a member of the clergy. Chapter 81 of the Texas Civil Practice & Remedies Code is set forth in Appendix D and should be consulted in determining whether, when, how and to whom reports should be made of suspected sexual exploitation by a mental health services provider.

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

All persons covered by this policy have an additional duty to report knowledge of child sexual abuse to the employing entity, supervisor, or governing body representative. All persons 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.

These provisions of the *Book of Order* attempt to balance conflicting moral duties for officers of the Presbyterian Church (U.S.A.).

For ministers of the Word and Sacrament, the provision strives to balance the duty to protect children from future harm with the duty of a minister to hold in confidence any information revealed to them during the exercise of pastoral care in any ministry setting as defined in G-6.0204a in the *Book of Order*.

For elders, deacons, and certified Christian educators, the provisions strive to balance the duty of an officer of the church to protect children from harm and any secular duty the officer may have to hold in confidence any information revealed as a result of a secular relationship such as attorney/client, counselor/client, or physician/patient. The secular duties will be a function of secular law and may vary from state to state.

C. RESPONDING

The appropriate governing body or entity response will vary according to the relationship of the PC(USA) with the person who is accused of sexual misconduct. Church members and officers are subject to inquiry and discipline (censure and correction) under the *Book of Order*. Non church member employees and volunteers are subject to oversight and correction by the governing body or entity that employs them.

1. Accused Covered by *Book of Order*

When an allegation of offense of sexual misconduct has been received by the clerk of session or stated clerk of the presbytery, the clerk of the governing body will report to the governing body that an offense has been alleged and that the governing body will proceed according to the procedures set forth in the Rules of Discipline of the *Book of Order*. The governing body should appoint an investigating committee to inquire into the allegations. The investigating committee must promptly begin its inquiry into the allegations. Delay may cause further harm to the victim and/or the accused.

Governing bodies and entities must cooperate with civil authorities in an investigation of child sexual abuse or other criminal sexual misconduct. Church

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed.

The session has original jurisdiction in disciplinary cases involving members, elders, and deacons of the church, each congregation having jurisdiction only over its own members.

A presbytery has original jurisdiction in disciplinary cases involving Teaching Elder (and to a limited degree, certified Christian educators). A presbytery may dissolve a pastoral relationship when the "Word imperatively demands it" (G-11.0103o). However, a presbytery may only place a minister on administrative leave when allegations of child abuse have been received and the presbytery has followed the *Book of Order* procedures to conduct its risk evaluation to determine whether or not a minister member accused of child abuse should be placed on administrative leave (D-10.0106). It is recommended that the permanent judicial commission (PJC) members who will conduct this risk evaluation based upon the allegations and a hearing should also take into account secular legal advice.

When a church officer renounces jurisdiction, the clerk of session or stated clerk shall report the renunciation at the next meeting of the governing body and shall record the renunciation in the minutes of the governing body. The status of any pending charges may be shared with the governing body at that time.

2. Accused Not Covered by *Book of Order*

When a governing body receives an accusation of offense of sexual misconduct against a nonmember employee or volunteer, the procedural response of the governing body or entity will be guided by the written personnel policies of the governing body or entity. Usually the governing body or entity will have a personnel committee that will be responsible for the inquiry. If a governing body does not have a personnel committee, it may appoint either a committee or administrative commission for the review of the allegation.

The committee or commission that will respond to the allegation of offense of sexual misconduct will do the following:

- a. Determine whether or not the allegation gives rise to a reasonable suspicion of sexual misconduct by the accused.
- b. If so, gather additional information necessary to make a decision about correcting the behavior.
- c. Determine any remedies, including limiting ministry, suspension, or termination necessary and advisable under the circumstances. If the accused is a

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

member of another denomination, that denomination will be notified of the allegations and the response.

d. Inform the victim and the accused of the remedy.

e. In all cases, the personnel committee shall prepare a written report, which shall 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 file.

All procedures shall follow the guidelines set forth by the governing body, employing agency, or entity of the General Assembly.

3. Governing Body or Entity Record Keeping

The governing body or entity shall keep detailed records of its actions and minutes of its deliberations and its conversations with the accuser, the accused, and other parties involved, correspondence, and copies of the reports received from committees or commissions. Such records will be kept confidential. In Case #208-6, the General Assembly Permanent Judicial Commission (GAPJC) interpreted the Rules of Discipline to say that a governing body or entity may share the contents of inquiry reports with other governing bodies or entities of the PC(USA) when necessary. The clerk of the governing body or director of the entity will maintain the records while the inquiry is in process.

IV. Prevention and Risk Management

A. IMPLEMENTATION

The General Assembly urges all governing bodies and related entities including colleges, universities, and theological institutions, 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. Governing bodies and entities are strongly encouraged to take appropriate steps to inform members, employees, volunteers, and students of the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct.

B. LIABILITY AND INSURANCE

A governing body or entity can be held liable for harm caused by sexual misconduct of an officer, minister, or employee based on a number of legal theories. Governing bodies and entities should take such potential liability into consideration when establishing hiring and supervisory practices.

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

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. The standard insurance policy should usually be enhanced by endorsements to cover specific exposures such as camps, day-care operations, shelters, or other outreach programs.

It is also recommended that governing bodies and entities obtain an endorsement to their general liability insurance policy specifically covering sexual abuse and molestation. Such coverage may provide for legal defense expenses and judgments in civil suits brought against the governing body or entity, its officers, directors, or employees.

C. EMPLOYMENT 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. The file should contain the application for employment, any employment questionnaires, background checks, references responses, and all other documents related to an employee's employment, except records that may be required, by law, to be kept in separate files.

2. Prescreening Applicants

Governing bodies and entities are urged to establish thorough and consistent hiring practices. 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. The governing body should perform a background check, including a national criminal background check, on all applicants that may have interaction with children and youth.

Part of pre-employment screening should include specific questions related to discovering previous complaints of sexual misconduct. See Appendix B: Sample Exhibit E.

3. References

The employing governing body or entity is responsible for contacting references for prospective ministers, employees, or volunteers. A written record of conversations or correspondence with references should be kept in the minister or employee's personnel file. (See Appendix B: Sample Exhibit B for a sample reference form.)

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

The person within the governing body or entity 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.

If false or misleading information is given by the applicant, or relevant information is withheld, the applicant should 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.

V. Educating and Training—Awareness

Since the issue of sexual misconduct has become a more present reality, there is an emerging need to educate and train a wide variety of persons. Persons needing this specific education include: ministers; volunteers; officers; nonprofessional and professional staff; ministerial candidates; professionals who will be working with this issue within the denomination; members of the congregation; and governing body staff including supervisors, employees, and stated clerks.

Education provided or required for these persons and groups may be different on a group-by-group basis. The presbytery or the session, as appropriate, shall develop or implement educational materials or courses appropriate for all such groups, or may contract with expert entities to provide such materials or courses. A minister-member not currently residing in the presbytery, or any other group mentioned above with good cause, may undertake alternative education in accordance with this policy in satisfaction of this requirement, if the member demonstrates to the stated clerk of the Presbytery of New Covenant that such alternative education is substantially equivalent to that provided under this paragraph.

Theological institutions should include material in their existing curriculum on sexual ethics including the appropriate use of ministerial power, the General Assembly policy and its procedures on sexual misconduct, and other resources. It is further urged that the appropriate presbytery committee(s) include training for inquirers, candidates, newly ordained pastors, and new pastors to their presbyteries regarding sexual misconduct, especially including education on their specific policy and procedures.

Much of a congregation's education currently happens in response to an actual case of sexual misconduct. However, it is recommended that the congregation be

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

as proactive in this area as possible offering education in a variety of settings. There are already numerous resource materials available that could be adapted to a congregation's setting.

Employing entities need to make sure all employees are well acquainted with, understand, and abide by their policy and procedures. Employing entities should offer additional training and resources, such as: a workshop during staff meeting; lunchtime discussion group; articles and books made available; etc.

Any professional (therapists, attorneys, advocates, mediators, arbitrators) used by a governing body should have access to experts qualified in the field of sexual misconduct if they themselves are not.

The Presbytery of New Covenant requires all minister-members, Commissioned Ruling Elders and certified Christian educators to participate in an educational event, sponsored by the Committee on Ministry, which outlines professional and ministerial boundaries, the General Assembly Sexual Misconduct Policy, and their own specific governing body or entity policy. This event is offered each year and is required every five years.

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

Appendix A

Definitions

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.

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. The word congregation is used loosely for members and participants.

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

Entity is the term used to refer to any program or office managed by a board, committee, council, or other body whose membership is elected by a governing body.

Governing Body is a representative body composed of elders and ministers of the Word and Sacrament: sessions, presbyteries, synods, and the General Assembly. A governing body may establish entities such as day-care centers, conference centers, camps, or homes for the aged. A governing body may have both church members and nonmembers as employees.

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 *Book of Order*, D-10.0000.

Mandated Reporter is 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.

Persons Covered by this policy includes church members, church officers, ministers, and nonmembers who are employees or volunteers.

Response is the action taken by the governing body 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.

Secular 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.

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

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.

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

Meeting the Needs of All Involved

In cases of sexual misconduct there are needs that have to be met for the good of all persons, groups, and entities. To ensure that the governing body is ready to meet the variety of needs present, an independent response coordination team may be named. This team will not investigate the allegation or in any way function as an investigating committee for disciplining members or officers, but should confine itself to coordinating a process that will meet the specific needs of victims and their families (if any), the accused and family (if any), employing entities, congregations, and governing bodies:

A. *The Needs of the Victim*

The governing body, employing entity, and response coordination team should assure that adequate treatment and care are available for alleged victims of sexual misconduct and their families. Sometimes, the victim or family is so angry and alienated from the church, that offers of help may be perceived as insincere or as attempts of a cover-up. If the victim or family at first refuses, the church should continue to offer help. Above all the church should not act in a self-protective manner by ignoring the victim and their families.

The extent of the damage to the victims of sexual misconduct will vary from person to person, and is influenced by such factors as the degree or severity of abuse, the age and emotional condition of the victim, human dynamics, and the importance of one's religious faith. The governing body, entity, and response coordination team is to assume in all cases that the victim has been wounded by the experience.

Feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, and feelings of alienation from God, self, the religious community, and family are frequent injuries suffered by victims. It is important for the response coordination team to be sensitive to the victim's pain and need for healing, and to act by making appropriate pastoral care available.

The following are some of the needs of the victim:

1. To be heard and taken seriously. From the time that the victim is first able to indicate that sexual misconduct has occurred, that person should receive immediate attention and serious consideration from all church representatives.

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

2. To receive pastoral and therapeutic support. The victim may require spiritual and professional assistance as a result of sexual misconduct. The response coordination team should offer to help arrange for such support from a pastor and therapist, if the victim desires. Discussions with such people would be confidential, privileged conversations.
3. To be informed about church process and progress with regard to the accusation. One member of the response coordination team should be the church contact person for the victim. Frequently, this contact person will give the victim information as to what is happening in the church as a result of the accusation.
4. To receive legal advice. The response coordination team should suggest that the victim might benefit from independent legal advice. (Legitimate claims might be more effectively pursued and flimsy or false claims discouraged.) If requested, the response coordination team should suggest ways in which independent legal advice can be obtained.
5. To be assured of an advocate of one's own choosing. A victim may need continuing moral support from one individual who is present while the church process deals with the accusation. This advocate may be a relative, friend, or someone suggested by the response coordination team. This advocate could speak for the victim, if necessary.
 - To be assured that justice will be pursued. The victim needs to be told by the response coordination team, and shown by the processes of the church, that justice is being pursued through fact-finding, truth-telling, confrontation, and agreement that may include removal or temporary exclusion of the accused from office or adjudication of the complaint.
 - To receive healing and reconciliation. In addition to specific forms of restitution mentioned above, the victim needs to receive a sense of healing and reconciliation with all concerned—the self, the family, the church and, ideally, the accused. The response coordination team can help bring this about using the church's processes and resources. While the above are needs of the victim, one recognizes that all of these needs may also not be met through a reasonable handling of a specific case, but may only occur over a lengthier period of time. All of these needs, however, should be taken seriously and compassionately, and the rights of the victim respected.

B. The Needs of the Accused

The governing body or entity shall offer treatment and care for the accused as well as alleged victims and families. If the accused is a minister, this is the primary responsibility of the committee on ministry (*Book of Order*, G-11.0501). Feelings of guilt, shame, anger, mistrust, lowered self-esteem, depression, unworthiness, and feelings of alienation from God, self, the religious community, and family are often experienced by the accused. In addition, there may be fear of job loss, incarceration, and indignation if an allegation is false.

When a person is found not guilty of charges of sexual misconduct, it is important for the governing body or entity to see that the decision is disseminated as widely as possible within their power, unless doing so would further injure the person accused.

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

1. Personal Care

Whether the allegations about the accused are eventually found to be true or not, the accused deserves to be treated with Christian kindness and respect.

The response coordination team may suggest that the accused seek spiritual support or professional counseling. People in staff positions, such as presbytery executives or stated clerks, should not engage in personal counseling of the accused because of their potential involvement in disciplinary process.

2. Economic Security and Care for Family of Accused

When an allegation of sexual misconduct has been made against a minister, the economic security of the accused is directly threatened, along with reputation, career, and family relationships. Again, the committee on ministry can be of assistance.

The response coordination team may alert the committee on ministry to the possible spiritual, emotional, and financial needs of the family of the accused and recommend expert resources.

C. The Needs of a Congregation in a Context of Sexual Misconduct

The governing body, employing entity, and response coordination team should be aware of the problems a congregation or employing entity may experience following allegations of sexual misconduct by a minister, employee, or volunteer. The allegations may polarize the congregation or organization, damage morale, create serious internal problems, and even limit the trust a congregation may place in succeeding pastors. Efforts should be taken to recognize and identify the problems and heal any damage that may be done to the congregation or organization.

When there is sexual misconduct on the part of a minister, non-ordained staff, or volunteer in a particular congregation, a number of needs unique to that congregation will emerge since sexual misconduct impacts congregations in different ways. Therefore, these needs will not necessarily emerge in the same sequence in each situation. Depending on the parties involved in the sexual misconduct, some of the needs may not emerge. In any event, those managing the church's response to the sexual misconduct will want to know that the following needs may emerge:

1. Pastoral Care

Members and staff of the congregation will need pastoral care. If it is the pastor who is involved in the sexual misconduct, care will need to be provided by another member of the ordained staff (if the church is a multiple-staff church) or by a trained interim pastor. If the pastor leaves as a result of sexual misconduct, in extreme cases a trained interim pastor or consultant in sexual misconduct may need to work with the congregation for an extended period of time.

If it is not a pastor who is involved in the sexual misconduct, then the pastor will provide the needed care for the congregation. The pastor, if not previously trained in this specialty area, will need to consult with denominational specialists who will advise him or her how to proceed and any anticipated problems.

2. Information About the Case

Members of the congregation will need opportunities both to receive and give information. If a case of sexual misconduct becomes a matter of public knowledge within a congregation and if a pastor has been found guilty of sexual misconduct, the interim pastor or consultant may hold appropriate meetings with individuals, small groups, or with the whole congregation. Such meetings should provide information about sexual misconduct in general, Presbyterian polity and our judicial process, and how others who

PRESBYTERY OF NEW COVENANT BEHAVIORAL ETHICS IN MINISTRY

may have been victimized may be heard and ministered to. If the offender is not the pastor, then the pastor may perform these functions. At such meetings, one may expect members to vent their feelings. An opportunity for this to happen should be provided. If this venting does not take place, then it may create serious problems for the future of the congregation, for future pastors, and for the governing body.' Dynamics may differ somewhat in racial ethnic churches, but no empirical studies have yet demonstrated different dynamics.

3. Resource Persons

In light of the above needs, the following are resource persons whose services would be valuable to a congregation in the context of sexual misconduct: a trained interim pastor, a committee on ministry representative knowledgeable in polity and the effects of sexual misconduct in the church, a consultant or therapist with knowledge and experience in dealing with sexual misconduct, an attorney who can discuss legal aspects of a case, and an insurance agent who can advise the congregation about their exposure to liability or coverage.

It is the responsibility of each governing body to establish policy and its procedures governing cases of sexual misconduct in that jurisdiction. The PC(USA) policy and its procedures are intended to guide the development of governing body policy and procedures.

SIGNATURE PAGE FOLLOWS

PRESBYTERY OF NEW COVENANT
BEHAVIORAL ETHICS IN MINISTRY

**SIGNATURE PAGE: DETATCH AND RETURN TO THE STATED CLERK OF THE
PRESBYTERY OF NEW COVENANT**

(check whichever applies to you)

_____ Minister of Word and Sacrament

_____ Certified Christian Educator

_____ Commissioned Ruling Elder

I have read *Behavioral Ethics in Ministry*, a covenantal agreement within the Presbytery of New Covenant, Presbyterian Church (U.S.A.) and by my signature below, agree to abide by the standards therein.

Printed Name

Signature

Date of Signature

Return this form to:

Stated Clerk

Presbytery of New Covenant

1110 Lovett Blvd.

Houston, TX 77006