

Sexual Misconduct Policy of the Presbytery of Arkansas

... tend the flock of God, that is your charge, exercising the oversight, not under compulsion but willingly, as God would have you do it, not for sordid gain, but eagerly. Do not lord it over those in your charge, but be examples to the flock.

I Peter 5:2, 3 (NRSV)

I. Introduction:

The Presbytery of Arkansas ("Presbytery") believes and proclaims that all people are created by God who intends that everyone -- children, women, and men -- have worth and dignity in all relationships. Our sexuality is a gift from God and when rightly expressed leads to the wholeness of life which God intends for all people. In addition, the Presbytery desires to maintain the integrity of the Church at all times. The Presbytery also recognizes that sexual misconduct can have devastating effects on the victim, his or her family, the Church community at large, and all individuals involved. Therefore, the Presbytery adopts this Sexual Misconduct Policy ("Policy"), in accordance with G-3.0106 to present guidelines for responding to allegations of Sexual Misconduct.

II. Reporting of Sexual Misconduct:

A.) When an Ecclesiastical Mandated Reporter has Reasonable Suspicion of Sexual Misconduct, a written report should be submitted to the Stated Clerk. If the Accused is the Stated Clerk, the written report should be submitted to the General Presbyter.

B.) The Stated Clerk (or General Presbyter) must then file a written report in accordance with the procedures outlined in the *Book of Order* D3.000 – D10.000 (ff), as amended from time to time, and notify the moderator of Committee on Ministry ("COM").

C.) Persons having ecclesiastical reporting responsibilities under this Policy may also have reporting requirements to secular authorities and must comply with all such requirements. Nothing in this document shall be construed to abrogate or modify the duty of any person under any law of the United States or the State of Arkansas.

III. Response Coordination Team:

Whenever notification is made in accordance with II.B, the moderator of COM shall name a Response Coordination Team ("RCT") to ensure a caring response is made to all impacted by the allegations of Sexual Misconduct. The RCT shall strive to extend to all such persons the love and care of Jesus Christ. Its responsibilities shall include but not be limited to a needs assessment and identification and coordination of resources.

A.) Each RCT shall be composed of three to five persons making all efforts to be diverse with respect to gender and ethnicity. The membership shall be comprised, to the extent possible, to reflect expertise and professional experience in the following areas:

- 1) Psychological counseling
- 2) Child advocacy
- 3) Conflict management and resolution

B.) The COM shall maintain a list of all those who meet the qualifications listed above and who are willing to serve as needed. Individuals shall be on the list no less than three (3) years in staggered terms. The moderator of the COM shall appoint a RCT from the list of qualified individuals within 10 days receipt of notification pursuant to II.B. The RCT shall elect its own moderator, and the administrative costs shall be borne by the Presbytery.

C.) The task of each RCT shall be to ensure, as much as possible, the competent pastoral care of all persons impacted by an allegation of Sexual Misconduct as described in ***Section IV Meeting the Needs of All Involved.***

D.) Each RCT on its own initiative and in its own judgment will decide when the need for care is ended. The RCT will inform the COM if the need for care extends beyond twelve (12) months. The RCT shall prepare a summary report of its actions and submit to the Stated Clerk.

IV. Meeting the Needs of All Involved:

When there are allegations of Sexual Misconduct, there are needs that have to be met for the good of all persons, groups, and entities. The RCT will not investigate the allegation or in any way function as an investigating committee for disciplining an Accused, 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 councils:

A. The Needs of the Victim

The RCT should assure that adequate treatment and care are available for the Victim and the Victim's family. 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 RCT should continue to offer help.

The extent of the damage to Victim 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 the Victim's religious faith. The RCT 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 a Victim. It is important for the RCT to be sensitive to the Victim's pain and need for healing and to act by making appropriate pastoral care available.

The following may be needs of the Victim:

1. To be heard and taken seriously.

From the time that Reasonable Suspicion exists, the Victim should receive immediate attention and serious consideration from all church representatives.

2. To receive pastoral and therapeutic support.

The Victim may require spiritual and professional assistance as a result of Sexual Misconduct. The RCT should offer to help arrange for such support from a teaching elder and/or 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 RCT 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 allegation of Sexual Misconduct and disclose the progress of the discipline process to the extent possible.

B. The Needs of the Accuser

Attention should also be paid to the needs of the Accuser by applying the steps listed above as needed.

C. The Needs of the Accused

The RCT shall offer treatment and care for the Accused and the Accused's family as well as the Victim and the Victim's family. 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 RCT to see as widely as possible within their power that the decision is disseminated unless doing so would further injure the Accused.

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 RCT may suggest that the Accused seek spiritual support or professional counseling. People in staff positions should not engage in personal counseling of the Accused because of their potential involvement in the disciplinary process.

2. Economic Security and Care for the Family of Accused

When an allegation of Sexual Misconduct has been made, the economic security of the Accused is directly threatened, along with reputation, career, and family relationships. The Committee on Ministry can be of assistance. The RCT may alert the Committee on Ministry to the possible spiritual, emotional, and financial needs of the family of the Accused and recommend expert resources.

D. The Needs of a Congregation or Employing Entity in a Context of Sexual Misconduct

The RCT should be aware of the problems a congregation or employing entity may experience following allegations of Sexual Misconduct. The allegations may polarize the congregation or employing entity, damage morale, create serious internal problems, and even limit the trust a congregation may place in succeeding teaching elders. Efforts should be taken to recognize and identify the problems and heal any damage that may be done to the congregation or employing entity.

1. Pastoral Care

Members and staff of the congregation will need pastoral care. The teaching elder of the congregation, if not previously trained in this specialty area, should consult with denominational specialists who will advise how to proceed and any anticipated problems. The RCT should provide information regarding appropriate denominational specialists to all teaching elder(s) of the congregation except any teaching elder who is an Accused.

2. Information About the Case

Members of the congregation may need opportunities both to receive and give information, and the RCT should facilitate such opportunities. Such opportunities may include appropriate meetings with individuals, small groups, or with the whole congregation. Such meetings should provide information about Sexual Misconduct in general, Presbyterian polity and judicial processes, and how others who may have been victimized may be heard and ministered to. A teaching elder may perform these functions as long as that teaching elder is not the Accused. 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 teaching elders, and for the council.

3. Resource Persons

In light of the above needs, the RCT may recommend 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, and/or a consultant or therapist with knowledge and experience in dealing with Sexual Misconduct.

V. Risk Management

A. Insurance

The Presbytery shall regularly consult with its liability insurance carriers about coverage for the activities and programs it operates or sponsors and the duties and responsibilities of officers, employees, and volunteers.

B. Employment Practices

1. Record Keeping

Accurate record keeping is an essential part of the hiring and supervision practices of churches, councils, and related entities. The Presbytery should maintain a personnel file on all Covered Persons. The file should contain employment questionnaires and criminal background checks.

2. Prescreening Applicants

The Presbytery shall establish thorough and consistent hiring practices. If an applicant is unknown to the Presbytery, the Presbytery should confirm the applicant's identity by requiring photographic identification such as a driver's license. The Council should perform a background check on all Covered Persons,

including a national criminal background check. Part of pre-employment screening should include specific questions related to discovering previous allegations of Sexual Misconduct.

3. References

The employing council or entity is responsible for contacting references for prospective teaching elders, employees, or volunteers. A written record of conversations or correspondence with references should be kept in the teaching elder's or employee's personnel file.

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.

The person within any council or entity authorized to give a reference for any person shall, if asked to give such a reference, give truthful and complete information regarding allegations, inquiries, and administrative or disciplinary action related to Sexual Misconduct of the applicant.

VI. Educating and Training—Awareness

The Presbytery shall appoint appropriate committees to regularly train and educate Covered Persons using educational materials or courses on preventing, identifying and responding to Sexual Misconduct.

Appendix A

Definitions

Accused – Covered Person against whom an allegation of Sexual Misconduct is made.

Accuser – Person claiming knowledge of sexual misconduct by a Covered Person.

Child Sexual Abuse – Any contact or interaction between a child (a person under the age of 18) 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. Such contact or interaction between a child and an adult is always considered to be Child Sexual Abuse regardless of whether consented to by the child or not.

Commissioned Ruling Elder – Ruling elder commissioned to limited pastoral service (G-2.1001)

Council – In this Policy, Presbytery serving as a corporate expression of the church within a certain district and composed of all the congregations and teaching elders within that district. (G-3.0301)

Covered Person – any teaching elder, commissioned ruling elder, certified Christian educator, or Employee.

Ecclesiastical Mandated Reporter – All Covered Persons are designated by the Presbytery as Ecclesiastical Mandated Reporters.

Employee – Persons who are hired or called to work for salary or wages by the Presbytery.

Reasonable Suspicion – A subjective criterion that refers to a belief or opinion based on facts or circumstances that are sufficient to cause a prudent person to believe that an act of Sexual Misconduct may have been committed..

Response Coordination Team – A body constituted by the Presbytery to respond to the needs of persons impacted by allegations of Sexual Misconduct.

Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment or their continued status in an institution;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. 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.

Sexual Misconduct – A comprehensive term used in this Policy with respect to the following actions by a Covered Person with respect to an individual with which such Covered Person has a professional, ministerial, or employment relationship:

1. Child Sexual Abuse, as defined above.
2. Sexual Harassment, as defined above.
3. Rape or sexual contact by force, threat, or intimidation.
4. Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another.
5. Sexual Malfeasance, which is defined as sexual conduct within a ministerial, employment or professional relationship. Sexual Malfeasance includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from having normal, social, intimate or marital relationships.

6. Sexual Abuse as defined in *Book of Order*, D-7.1100, as amended from time to time.

Teaching Elder – Minister of the Word and Sacrament (G-2.0501)

Victim – A person who is alleged to have been the object of Sexual Misconduct.

Acknowledgement of Receipt

I hereby acknowledge that I received on _____ (date) a copy of the
"Sexual Misconduct Policy of the Presbytery of Arkansas"

Signature

Printed Name

Date

Presbytery of Arkansas
Background Check Policy
February 18, 2012

Who is included?

- All active members of the Presbytery of Arkansas and other teaching elders who are serving within the bounds of AR Presbytery with the exception of non-active honorably retired clergy.
- All persons seeking membership into the Presbytery of Arkansas. (Completion necessary before face-to-face with a nominating committee.)
- All paid staff members of the Presbytery of Arkansas
- It is incumbent on all member churches to follow prudent procedures with their own staff and for persons who work with youth and other vulnerable populations.

What is included?

- National and state criminal records including the sex offender registry.

What is the procedure?

- Current and prospective members of the presbytery are asked to complete a self-reporting form indicating any prior felony convictions and to give written permission to the presbytery to initiate the criminal background check process.
- All results of background checks will be sent to the General Presbyter or designated presbytery staff. If any irregularities appear, the GP will contact the Consultation Committee to determine if any further action is necessary. This Consultation Committee will ordinarily consist of the GP, the Stated Clerk and the Moderator of the Committee on Ministry. Care will be taken to assure fair representation. The GP and the Consultation Committee will make determination about the most appropriate pastoral response.
- Criminal background check records will be kept in a separate personnel file accessible only by the GP, the GP's designee and the Consultation Committee. Each individual upon whom a background check has been done will have access to his or her own background check results. Under normal circumstances, the presbytery office will only indicate that a background check has been done and a clearance has been given.
- Background checks are to be done on all members of the presbytery every five years.

What is the cost?

- Costs associated with the background check for current members of the presbytery will ordinarily be borne by congregations and costs for presbytery staff will be borne by the Presbytery of Arkansas.
- Costs associated with the background checks for incoming presbyters will be borne by the calling congregation.
- For initial and ongoing checks of presbytery members-at large or those in validated ministry, costs will be borne by the individual or the employing agency.

Refusal to give consent to run a background check will disqualify a person for consideration for membership in the Presbytery of Arkansas, or employment by the Presbytery of Arkansas.