

***PRESBYTERY OF WESTERN NEW YORK
POLICY PROHIBITING SEXUAL ABUSE/MISCONDUCT***

Introduction:

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

Human sexuality is an integral part of who we are as persons. However it can become the basis for injury or oppression, where trust relationships are breached and persons are abused. Sexual abuse/misconduct by ministers, commissioned lay pastors, employees, and volunteers of this Presbytery is prohibited.

The purposes of this policy are:

1. To prevent and eliminate sexual abuse/misconduct within the presbytery of Western New York.
2. To safeguard the Church's members and staff from abuse through any form of sexual misconduct.
3. To seek justice by assuring effectiveness of the church's disciplinary, administrative, and judicial process in determining truth, protecting the innocent, and dealing appropriately with those who victimize others and those who are victimized.
4. To promote healing of all persons and congregations where sexual abuse/misconduct has occurred.

Definition:

Sexual abuse/misconduct 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 capacity to consent, or,
2. Any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. (D-10.0401a)
3. As used in this policy, volunteer(s) applies solely to volunteers working at the Duffield Presbyterian Center during camps for children or youth, volunteers serving on the Committee on Preparation for Ministry and adult volunteers serving on the Youth Council. All other Presbytery volunteers are covered by the Policy Prohibiting Sexual Abuse/Misconduct by Volunteers.

Prevention:

1. All ministers, employees, commissioned lay pastors and volunteers of the Presbytery of Western New York are required to sign a written acknowledgment stating they have received and read a copy of this policy, understand its meaning, and agree to conduct themselves in accord with the policy. Such acknowledgment will be kept in each person's personnel file. (Appendix A)

2. All ministers seeking new calls within the Presbytery of Western New York shall complete the Personal Information Form currently being distributed by the Call Referral Services of the PC(USA), including Part VI, Sexual Misconduct Information or its successor form.* It is further the policy of the Presbytery that commissioned lay pastors, employees and volunteers other than ministers complete an Employee/Volunteer Questionnaire which will serve as a basis for a background check. The questionnaire will include, but not be limited to, the following information: applicant's name, address; a description of church membership and volunteer work, a description of any youth work at churches or other organizations, a full explanation of any prior criminal convictions for sexual abuse/misconduct; the names and addresses of two references.*

3. The calling/employing body is responsible for contacting references for prospective ministers, commissioned lay pastors, employees or volunteers.

4. The Presbytery of Western New York and all its agencies, committees, and affiliates, including Camp Duffield and the Resource Center, will adhere to this policy.

5. The policy shall be made available to all persons who accuse others of abuse/misconduct as well as those accused of abuse/misconduct. Each will be required to sign a written acknowledgment stating they have received the policy, that an accusation has been made, and that the process has been explained. (Appendixes D&E)

6. The Presbytery of Western New York shall provide for orientation to this policy through its agencies, committees and affiliates, including Camp Duffield and the Resource Center. Each minister, commissioned lay pastor, employee, and volunteer shall attend an orientation session.

Reporting:

1. The General Presbyter will report all allegations to the Presbytery's insurance carrier as soon as s/he is made aware of them.

2. The General Presbyter will also report allegations to appropriate local, state, or federal authorities if the allegations involve the abuse of a minor child or other criminal behavior.

3. When accusations are filed, the media will not be notified. Should information about a case surface in the media, an accurate response will be issued by the General Presbyter in consultation with the Stated Clerk.

Disciplinary Process:

All allegations of sexual abuse/misconduct will be investigated through the appropriate process. That investigation could eventuate in either administrative or judicial process. In cases involving minister members of the Presbytery and commissioned lay pastors of the Presbytery, the Book of Discipline will be followed. In cases involving employees of the presbytery, the provisions of the personnel policy will be followed. For employees who are members of Presbytery or of churches in the Presbytery, both personnel policy provisions and disciplinary process will apply. In cases involving volunteers for the Presbytery, the appropriate secular process will be followed. If the volunteer is a church member, the governing body will be notified in the event that ecclesiastical law should apply.

1) Administrative Process:

When the General Presbyter or Stated Clerk receive word of a potential accusation, each will first inform the other. The General Presbyter will then convene an administrative team, comprised of the Leadership Team of the Committee on Ministry (i.e. General Presbyter, Stated Clerk, the chair of the COM and the vice-chair of the COM and two division leaders). Team members will inform all parties involved of their rights and options. Depending upon which right and/or option is exercised, the appropriate process or action will ensue. In response to cases that do not require congregational or Presbytery approval, the administrative team shall have the authority to act on behalf of the Committee on Ministry until its next meeting.

2) Judicial Process:

If the Stated Clerk receives written allegations under D-10.0100, the clerk shall convene an administrative team including the Stated Clerk, the Moderator, the chair of the COM, and the General Presbyter. The team is charged with selecting the members of an investigating committee (D-10.0202) which shall meet as soon as possible after its formation. The investigating committee shall conduct its investigation in accordance with D-10.0202 and Appendix F ["Investigating Committee and Judicial Process," Polity Reflection paper # 3]. The investigating committee shall maintain regular contact with both parties, keeping them informed about the status of the investigation.

Response Advisory Task Force:

1. The Response Advisory Task Force (hereafter RATF) will be appointed by the Committee On Ministry to assist the Presbytery officers, committees, and staff in responding to allegations of sexual abuse/misconduct. Such RATF will not have the responsibility of dealing directly with needs of the persons and groups affected by such allegations. Rather it shall advise the Presbytery's response to such allegations. There shall be 6 members of the RATF composed of three classes (serving 6 year terms); one member shall be chosen as the convener.

2. Whenever an allegation of sexual abuse/misconduct is received by any member or staff of Presbytery, the convener of the RATF shall be contacted and informed by the person who received the allegation.

3. The role of the RATF in response to allegations of sexual abuse/misconduct shall be to consult with The General Presbyter, the Stated Clerk, the Presbytery Moderator, and/or the Chair of the Committee on Ministry concerning appropriate ways to meet the needs that arise in the context of a sexual abuse/misconduct case, including the provision of an updated list of available community resources.

Conclusion:

After all the procedures outlined above have been carried out, the administrative team shall coordinate an evaluation, seeking feedback from persons and groups involved in the response to the allegation of abuse/misconduct.

*Example copies are available through the Presbytery office

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APPENDIXES

Appendix E

ACKNOWLEDGMENT OF ACCUSATION

(To be signed by the accused)

I hereby acknowledge that on _____ (date) I received a copy of the Presbytery of Western New York Policy Prohibiting Sexual Abuse/Misconduct. I have been notified of an accusation made against me, and the process has been explained to me.

SIGNATURE _____ DATE _____

Appendix D

ACKNOWLEDGMENT OF ACCUSATION

(To be signed by the accuser)

I hereby acknowledge that on _____ (date) I received a copy of the Presbytery of Western New York Policy Prohibiting Sexual Abuse/Misconduct. I have made an accusation, and the process has been explained to me.

SIGNATURE _____ DATE _____

Appendix A

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge that I received a copy of the Presbytery of Western New York Policy Prohibiting Sexual Abuse/Misconduct on _____ (date). I have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy.

SIGNATURE _____ DATE _____
