

**DELTA PRESBYTERIAN  
CHILD PROTECTION POLICY  
AND  
ADULT SEXUAL MISCONDUCT POLICY**

Reviewed and approved by Session: \_\_\_\_\_, 2016

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## INTRODUCTION

### Child Protection Policy

Delta Presbyterian Church, 6100 West Michigan Avenue, Lansing, Michigan 48917 (hereinafter "DPC") has an active ministry that brings the message of Jesus Christ to children of all ages. It is the policy of DPC to present this message in an environment that does not practice, allow, or condone the physical abuse, emotional abuse and/or sexual abuse (hereinafter, either collectively or singularly, "Abuse") of minors. The intent of this Policy is to prevent, report and/or investigate Abuse, or claims of Abuse, and to ensure intervention and treatment if Abuse occurs, or is suspected of having occurred, within the church setting or as part of DPC programs wherever such programs may be presented or take place. This policy treats ministry to minors as a privilege and provides safety for DPC staff, members and volunteers who have agreed, formally or informally, to participate in the delivery of such ministry through the various educational and fellowship opportunities sponsored by DPC.

This Policy mandates and requires, by direction of the elected Session of DPC, that the DPC Pastor and staff, and volunteers, whether such Pastor and staff members are paid or unpaid, shall adhere to this Child Protection Policy and report all cases alleging Abuse.

The following sections further describe DPC's policy on Abuse.

#### **The program has been developed to:**

1. Make the church a safe place for children and youth, ages infant to 18 years of age;
2. Protect the workers in our church from false allegations of abuse;
3. Safeguard our church's legal risk by establishing a program that meets the test of reasonable care; and
4. Design a program that meets the above goals while maintaining the integrity of church programs and staffing needs.

#### **Michigan Law and Reporting**

1. Michigan Law defines "child abuse" and requirements for reporting abuse to state authorities. Pertinent sections of the law are included as Appendix A of this policy.
2. Any suspicious behavior between a staff member or volunteer and a child or youth, or between adults, will be reported immediately to the Pastor. If the Pastor is involved in said behavior, the report will be made to the Moderator of Personnel and/or Clerk of Session, who will see that the remaining procedures are followed.

#### **Selection, Screening and Training of Workers**

1. In order to assure protection of children and youth from abuse, all adults in positions working regularly with children or youth at DPC, both paid and volunteer, will be screened. Screening will include one or more of the following: completing an employment application or primary screen form, reference checks, a personal interview, and criminal record clearance. A "Primary Screening Form" may be found as Appendix B to this document. A "Personal Interview Form" may be found as Appendix C to this document.

2. All volunteers working regularly with children or youth (i.e., Sunday School Teachers, Appointed Youth Leaders) will be members of the church for at least six months. Exceptions may be made for non-member parents of active church families. Other exceptions may be made only by the Session.
3. Drivers for children and youth activities will be at least 21 years old and have a valid driver's license.
4. All new and current workers will be trained regarding the Child Protection Policy. A video has been produced by DPC outlining the Child Protection Policy. Annually, everyone working with children will sign a statement, indicating they have either read the Child Protection Policy, or have viewed the Child Protection Policy video, and will comply with the policy.

### **Guidelines and Supervision for Adults Working With Children and Youth**

The following guidelines are to be followed when dealing with the youth and children in our church:

1. There will be a minimum of two adults present at all church-sponsored activities involving children or youth, unless the activity is held in a public location.
2. For Sunday School, when there is only one adult in a classroom, there will be another adult available to check on the classrooms and help as needed.
3. There will be a minimum of one adult to ten youth during any activity.
4. The church will not sponsor an activity for children or youth unless adequate supervision can be provided.
5. An adult male or female cannot drive alone with less than two (2) children or youth that are not related to the driver without written parental permission.
6. Supervision will be maintained before and after all activities until all youth are dismissed according to the wishes of their parents.
7. Any activity for children or youth held off church property will require written permission. Annual permission slips kept on file may be used to fulfill this requirement.
8. Children left in the nursery will be released only to family members or their designated substitutes (see Policy Statement on Child Care Provided During Worship below).
9. Random visits may be made to Sunday School classrooms during class to monitor activity and teaching procedures. Also, periodic inspections will be made of those areas of the building that are isolated from view. Those with oversight of Church Education will periodically visit all Sunday School classrooms. This will also apply whenever childcare is being provided at the church.
10. Under no circumstances should any worker discipline a child or youth by physically striking or pushing the child.
11. The matter of touching children and youth needs to be handled with a great deal of thought and caution. Clear and sensible judgment must be followed. For instance:
  - A) There shall be no touching of a child's breast, buttocks, genital area, inner thigh, or the clothing covering the immediate areas of those parts of the body. The touching of a child as required for hygienic care (e.g. changing diapers) is permitted.
  - B) Hugging should never be considered appropriate if it is unwanted or attempts are made to thwart a hug by the child or youth.

12. Workers should avoid one-on-one meetings when another adult cannot see what is taking place. It is preferable that one-on-one meetings should not take place behind closed doors.
13. Any suspicious behavior or any inappropriate behavior between a worker and a child or youth will be reported to the Pastor as soon as possible.
14. If there is only one adult in the room, the door should be left open.
15. Assisting children to the bathroom:
  - A) Children in kindergarten through third grade should use the buddy system when using the bathroom.
  - B) Adults taking pre-schoolers to the bathroom must use the toddler room bathroom, and leave the door open, and have another adult in the room unless the child is theirs.

**THESE RULES ARE IN PLACE NOT ONLY TO PROTECT OUR YOUTH AND CHILDREN FROM THE RISK OF SEXUAL MISCONDUCT AND ABUSE, BUT ALSO TO HELP ELIMINATE THE POSSIBILITIES OF FALSE ACCUSATIONS FROM OCCURRING.**

## **Policy Statement on CHILD CARE PROVIDED DURING WORSHIP**

### **Purpose**

The purpose of this policy statement is to set forth guidelines for caregivers who provide child care for Toddlers during worship services.

### **Terminology**

*Toddler*, n.—an age description for small children ranging from those who are able to sit unassisted to three years of age.

*Corporal punishment*, v—a physical means of discipline including but not limited to hitting and shaking.

### **Statement**

#### *Supervision:*

Toddlers will be supervised by at least one adult and an additional caregiver (adult or youth 6<sup>th</sup> grade or older) who will be available as needed. This can be the same person who is on stand-by for Sunday School.

The ratio of children to caregivers will not exceed 4:1.

All caregivers must read and abide by the procedures listed on the *Volunteer Information Sheet* posted in the room.

An information form must be on file for each child in the Toddler room.

Parents/Guardians shall provide caregivers with a cell phone number in case the caregiver needs to contact them during the service.

Children will be released only to the parent or his/her designee.

#### *Discipline:*

Caregivers will use loving discipline consisting of distraction, removal from the situation, and time outs. Corporal punishment is not to be used under any circumstance.

Unruly children for whom these methods of discipline are ineffective will not be allowed to stay in the Toddler Room without a parent present.

#### *Toys and Toddler Room facilities:*

All toys and objects in the room shall be in good repair and age appropriate. Broken or inappropriate toys and objects should be removed immediately. Toys donated to the Toddler Room should be approved by those with oversight of Christian Education before being placed in the room.

Toys and furniture will be cleaned regularly. Table tops and toys which have been in a child's mouth will be cleaned after use with antibacterial soap. All toys should be cleaned and sanitized at least quarterly. Volunteers will be recruited to assist with this task by an individual and/or group that is responsible for coordinating the nursery.

#### *Personal Care:*

Diapers will be changed by caregivers only with parental permission. A new disposable changing pad will be used each time a diaper is changed. Gloves are available for use and hands must be washed after each diaper change.

#### *Illness*

Children who are ill shall not be left in the Toddler Room. If a child shows symptoms of being ill the parent/guardian will be contacted to remove the child from the room.

Caregivers may not administer any medications.

Parents are entrusting their children into your care. We must insure that children are cared for in a responsible manner by an appropriate number of responsible individuals. Our expectations for the care of these children can most effectively be fulfilled if those expectations are made clear.

### **Toddler Information Form**

Child's Name \_\_\_\_\_

Nickname (if any) \_\_\_\_\_

Child's Birth Date \_\_\_\_\_

Any know allergies? \_\_\_\_\_

\_\_\_\_\_

Is your child potty trained? \_\_\_Y \_\_\_N

Should the caregiver take him/her to the bathroom? \_\_\_Y \_\_\_N

Should the caregiver change diapers? \_\_\_Y \_\_\_N

Parent's Names \_\_\_\_\_

Cell Phone # during Church: \_\_\_\_\_

Is there anyone other than a parent we should release your child to? If so, provide name and relationship \_\_\_\_\_

\_\_\_\_\_

### **Response to an Allegation of Abuse**

The staff, officers, leaders, teachers, or anyone in a position representing DPC are required to report any suspected or alleged incidence of abuse within the church setting to the Pastor, Clerk of Session or Moderator of Personnel. It is not the responsibility of the reporting person to substantiate the alleged abuse, but only to report it. If the Pastor is the alleged abuser, the Presbytery of Lake Michigan will be notified immediately, and the Presbytery will conduct the investigation and handle discipline along with the appropriate social service and law enforcement authorities.

Records of reported incidents shall be maintained by the Pastor/Head of Staff, Clerk of Session, or Moderator of Personnel Committee. All matters pertaining to the accusations will be kept confidential by the church. A form for recording details of the allegation is included as Appendix D of this document.

The following responses will be made to knowledge or suspicion of child abuse within the church setting:

1. The church will take all allegations of sexual abuse of children seriously.

2. The Pastor will be notified. If the Pastor is not available, or if the Pastor is the alleged abuser, notify the Clerk of Session and/or the Moderator of Personnel Committee.
3. While maintaining all possible confidentiality, the Pastor (or Clerk of Session, Moderator of Personnel Committee; if applicable) will, either by telephone or through the online system, immediately notify:
  - A. The Department of Human Services–Children’s Protective Services Centralized Intake for Abuse and Neglect (1-855-444-3911) (see Mandated Reporter’s Resource Guide DHS Pub – 112); and
  - B. The child’s parents or guardians.

Without disclosing names of the alleged victim or abuser, the Pastor (or Clerk of Session, Moderator of Personnel Committee; if applicable) will also notify:

- A. The Church’s attorney
- B. The Church’s insurance company
- C. The Presbytery of Lake Michigan
- D. The Session

that such an allegation has been made

4. The church will cooperate with all state agencies and have them investigate the allegation. The Pastor or another person designated by the Session, and the church’s legal representative, shall be the liaison with these authorities.
5. The victim’s family will be kept apprised of the steps the church is taking to investigate and bring healing to the situation.
6. The church will show respect to the accused.
7. The Session will designate a spokesperson to be available for the media and designate someone to communicate necessary information to the congregation. In such communications, the right to privacy of both the child and accused shall be protected.
8. Removal or suspension of the alleged offender serving in some capacity within the church will follow these listed guidelines:
  - A. When the allegation is made of abuse, the alleged offender must be informed of these allegations and must be suspended without prejudice from participating in all leadership roles in the church, including but not limited to those involving work with children and youth, until an investigation is done by protective services and/or law enforcement agencies.
  - B. If the allegations are found to be false, the censure on service will be lifted.
  - C. If the allegations are found to be true, the offender must continue under censure and be dealt with according to Church Discipline as stated in the Book of Order.



## **APPENDIX A**

### Mandated Reporting of Child Abuse

#### **G-4.03 CONFIDENCE AND PRIVILEGE (Book of Order, Part II 2011/2013)**

##### ***G-4.0301 Trust and Confidentiality***

In the exercise of pastoral care, teaching elders (also call ministers of the Word and Sacrament) and ruling elders, who have been commissioned by a presbytery to limited pastoral service (G-2.10), shall maintain a relationship of trust and confidentiality and shall hold in confidence all information revealed to them in the course of providing care and all information relating to the exercise of such care.

When the person whose confidences are at issue gives express consent to reveal confidential information, a teaching elder or a ruling elder commissioned to pastoral service may, but cannot be compelled to, reveal confidential information.

A teaching elder or a ruling elder commissioned to pastoral service may reveal confidential information when she or he reasonable believes that there is risk of imminent bodily harm to any person.

##### ***G-4.0302 Mandatory Reporting***

Any member of this church engaged in ordered ministry. and any certified Christian educator employed by this church or its congregations, 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-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse.

#### **Remember that civil law takes precedence over ecclesiastical.**

While an educator or Sunday School teacher is not a mandated reporter, it is his or her obligation to report suspected child abuse to the Pastor (Clerk of Session, Moderator of Personnel; if applicable) who is responsible to report.

The penalty for failing to report to Children's Protective Services is clearly outlined in the Michigan Child Protection Law. Those who are interested should read the Child Protection Law, Section MCL 722.633. Relevant portions relating to civil and criminal penalties are MCL 722.633(1), (2) and (5), as follows:

- (1) A person who is required by this act to report an instance of suspected child abuse or neglect and who fails to do so is civilly liable for the damages proximately caused by the failure.
- (2) A person who is required by this act to report an instance of suspected child abuse or neglect and who knowingly fails to do so is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.
- (5) A person who intentionally makes a false report of child abuse or neglect under this act knowing that the report is false is guilty of a crime as follows:

- (a) If the child abuse or neglect reported would not constitute a crime or would constitute a misdemeanor if the report were true, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.
- (b) If the child abuse or neglect reported would constitute a felony if the report were true, the person is guilty of a felony punishable by the lesser of the following:
  - (i) The penalty for the child abuse or neglect falsely reported.
  - (ii) Imprisonment for not more than 4 years or a fine of not more than \$2000.00, or both.

**APPENDIX B**Primary Screening Form  
*Confidential*Delta Presbyterian Church  
Lansing, MI

This application is to be completed by all applicants for any position (volunteer or compensated) involving the supervision of minors. It is being used to help the church provide a safe and secure environment for the children/youth who participate in our programs and to protect the volunteers who work with children.

## PERSONAL

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Other names you are known by such as maiden, former last names: \_\_\_\_\_

Birth date: \_\_\_\_\_

Present Address: \_\_\_\_\_

Phone: \_\_\_\_\_

In which of the following areas are you gifted and/or have training, education, interest, or experience:

<input type="checkbox"/> Teaching	<input type="checkbox"/> Secretarial	<input type="checkbox"/> Piano playing
<input type="checkbox"/> Leading worship	<input type="checkbox"/> Administration	<input type="checkbox"/> Leading games
<input type="checkbox"/> Storytelling	<input type="checkbox"/> Assisting others	<input type="checkbox"/> Crafts
<input type="checkbox"/> Other: _____		

Please indicate the type of work with children/youth you prefer: \_\_\_\_\_

*(If you prefer, you may discuss your answer to the following question in confidence with the Pastor rather than answering it on this form. Answering yes will not automatically disqualify an applicant for children or youth work.)*

Have you ever been convicted of or pleaded "guilty" or "no contest" to a crime?  Yes  No

If yes, please explain, attaching separate page if necessary: \_\_\_\_\_

*(If you prefer, you may refuse to answer this question, or you may discuss your answer in confidence with the Pastor rather than answering it on this form. Answering yes, or leaving the question unanswered, will not automatically disqualify an applicant for children or youth work.)*

Were you a victim of abuse or molestation while a minor?  Yes  No

Please provide drivers license number: \_\_\_\_\_

If no license, please supply picture I.D.

Have you ever been ticketed for or convicted of a traffic offense other than a parking ticket?

Yes  No

If yes, please describe all within the past five years: \_\_\_\_\_

As a church volunteer, do you agree to observe all church policies regarding working with children or youth?  Yes  No

When did you become a member of Delta Presbyterian Church? (Minimum six-month requirement for volunteers, except as noted in Child Protection Policy) \_\_\_\_\_

List (name and address) of other churches you have attended regularly during the past five years:

\_\_\_\_\_

List all previous church work involving youth (list each church's name and address, type of work performed, and dates) \_\_\_\_\_

\_\_\_\_\_

List all non-church work involving youth (list each organization's name and address, type of work performed, and dates) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Personal references (not related to you):

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Phone \_\_\_\_\_

**APPLICANT'S STATEMENT:**

The information contained in this application is correct to the best of my knowledge. I authorize any reference of churches listed in this application to give you any information (including opinions) that they may have regarding my character and fitness for children/youth work. I release all such references from any liability for furnishing such evaluations to you, provided they do so in good faith and without malice. I waive any right that I may have to inspect references provided on my behalf and give permission to do a Criminal Background Check. Should my application be accepted, I agree to be bound by the policies of Delta Presbyterian Church and to refrain from unscriptural conduct in the performance of my service on behalf of the church.

Applicant's signature   X   \_\_\_\_\_ Date \_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_

**APPENDIX C**

Personal Interview Form  
*Confidential*

Delta Presbyterian Church (DPC)  
Lansing, MI

Why are you interested in (*choose one or both:*)

- Being associated with Delta Presbyterian Church?
- Working with children/youth at DPC?

How would you describe yourself?

What age group or gender do you prefer to work with? Why?

What kinds of programs or activities have you supervised or conducted?

If given training, would you be willing to work, supervise, or conduct other programs or activities?

Would you like to say anything that has not been discussed already?

What questions might you have?

**APPENDIX D**

Documentation Required  
When an Allegation of Abuse is Made

Delta Presbyterian Church  
Lansing, MI

PERSON MAKING THE ALLEGATION:

Name \_\_\_\_\_

Address \_\_\_\_\_

Home Telephone # (\_\_\_\_) \_\_\_\_\_

Cell Phone # (\_\_\_\_) \_\_\_\_\_

Work Telephone # (if any) (\_\_\_\_) \_\_\_\_\_

PERSON BEING ACCUSED:

Name \_\_\_\_\_

Address \_\_\_\_\_

Home Telephone # (\_\_\_\_) \_\_\_\_\_

Cell Phone # (\_\_\_\_) \_\_\_\_\_

Work Telephone # (if any) (\_\_\_\_) \_\_\_\_\_

OTHER INFORMATION:

Reported Victim's Name \_\_\_\_\_

Date of Occurrence \_\_\_\_\_

Time of Occurrence \_\_\_\_\_

Alleged abuse \_\_\_\_\_

Comments\* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*Include witnesses; all conversations regarding the event; authorities called, when called, who talked with; write down anything which even remotely involves the case. Use additional pages as necessary.

**APPENDIX E**

## Permission Forms for Traveling with Children and Youth

**PART I: Limited Power of Attorney for Emergency Medical Treatment\***

Name of Dependent Child \_\_\_\_\_

Date of Birth \_\_\_\_\_

Name of Parent(s)/Legal Guardian \_\_\_\_\_

Date of Event \_\_\_\_\_

Adult Supervisor(s) \_\_\_\_\_

I hereby grant to the following persons, and to persons designated in writing by them, who serve as advisors for Delta Presbyterian Church, 6100 W. Michigan Ave., Lansing, MI, phone 517-321-3569, the limited power of attorney to act for me and give the required consents and authorizations for the delivery of necessary medical care, diagnoses, and treatment to the above-named child and to do all other necessary things as I might or could do if personally present.

This limited power of attorney is given to authorize the above-mentioned advisors to act in my place and stead in all states of the United States. I understand that one of the above-named advisors will make repeated attempts to contact me prior to seeking any medical treatment for the above-named child except in situations that appear to be life threatening. I agree that Delta Presbyterian Church and its employees, boards, ministers, and advisors are free of any liability for decisions and/or actions taken in connection with this limited power of attorney and that I will accept responsibility for all expenses incurred for medical treatment for the above-named child.

**X**\_\_\_\_\_  
Signature of Parent/Legal Guardian\_\_\_\_\_  
Relationship to child\_\_\_\_\_  
Parent's address\_\_\_\_\_  
Home Phone\_\_\_\_\_  
Work Phone\_\_\_\_\_  
Cell Phone\_\_\_\_\_  
Back-up person to call\_\_\_\_\_  
Relationship\_\_\_\_\_  
Phone #\_\_\_\_\_  
Medical Insurance Company and Policy Number

**APPENDIX E (cont'd)**

**PART II: Permission Slip\***

Yes, I give permission for \_\_\_\_\_ to participate in the Delta Presbyterian Church, Lansing, MI \_\_\_\_\_ (activity). I understand that the church's insurance does not cover accidents that might be incurred while on this trip and that, in such an event, the church will not be held responsible.

Date \_\_\_\_\_

**X** \_\_\_\_\_  
Signature (parent/guardian)

**PART III: Insurance Information\***

Insurance Company \_\_\_\_\_

Policy # \_\_\_\_\_

Contract holder \_\_\_\_\_

Doctor name \_\_\_\_\_

Doctor phone \_\_\_\_\_

Medical conditions/medications/allergies \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Completion of Part I, Part II and Part III mandatory.



**APPENDIX F**

Delta Child Protection Policy  
and  
KIDS HOPE USA Program Policy

The KIDS HOPE USA Program has a policy that is consistent, if not identical, with the Delta Child Protection Policy with regard to conducting criminal background checks, minimum number of adults present when dealing with children, minimum number of adults present when transporting children and training in regards to the matter of touching children. In the event of any conflict, while participating in the KIDS HOPE USA Program, the participant shall adhere to the policy of the KIDS HOPE USA Program.

These matters are covered in the training of each and every Kids Hope mentor.

Jane Thomas  
Program Director, KIDS HOPE USA  
Delta Presbyterian Church

## A POLICY FOR PREVENTING AND RESPONDING TO SEXUAL MISCONDUCT

### ADOPTED BY DELTA PRESBYTERIAN CHURCH

#### I. Foundations

As God who called you is holy, be holy yourselves in all your conduct. I Peter 1:15

Not many of you should become teachers, my brothers and sisters, for you know that we who teach will be judged with greater strictness. James 2:15

Tend the flock of God, that is your charge, not under compulsion, but willingly, not for sordid gain, but eagerly, do not lord it over those in our charge, but be examples to the flock. I Peter 5:2 (NRSV)

#### II. Purposes

The six-fold purpose of this policy is:

- 1) To safeguard the members, congregants, and staff of Delta Presbyterian Church (Delta) and the people we serve, especially those who are vulnerable, against any form of sexual misconduct, particularly the disciplinary offense of sexual abuse.
- 2) To express our commitment to prevent sexual misconduct by creating an atmosphere in our church where acts of silence, ignorance, and minimization regarding sexual misconduct are overcome by acts of understanding, respect, care, and justice.
- 3) To obtain justice and compassion in cases involving reports or written accusations of sexual misconduct within our church.
- 4) To promote healing for all persons, congregations, or entities in cases involving sexual misconduct.
- 5) To ensure the effectiveness of process in cases of sexual misconduct so that the truth shall be determined, the due process rights of those involved shall be honored, wrongdoing shall cease, those who have been victimized and those who are innocent shall be vindicated, and those who have victimized others shall be held accountable for their actions and their repentance and restoration achieved.
- 6) To fulfill our individual and collective responsibility to preserve the integrity of those standards and our ministry.

#### III. Guiding Principles

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 oppression, where trust relationships are breached and persons are abused. Those who serve, whether ordained or nonordained, are often called upon to act in the best interests of parishioners, clients, co-workers, campers, students, and others. This policy is particularly concerned with preventing and responding to the breach of trust, misuse of authority and power, harm to children and other vulnerable persons, and impairment of the witness of the Church that occurs when those who serve in the Church engage in sexual misconduct. It is essential that the Church recognize that

sexual misconduct occurs and that charges of misconduct be dealt with in a forthright and frank manner, consistent with protection of the due process rights of the accused.

Delta Presbyterian Church affirms that all forms of sexual misconduct are sinful and contrary to God's will for humanity.

All those who serve Delta Presbyterian Church 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 to the community.

It is therefore the policy of this church that sexual misconduct of any kind by any minister, staff member, church officer, or volunteer will be dealt with promptly in accordance with this policy and procedures on sexual misconduct.

All allegations of sexual misconduct, whether verbal or written, will be taken seriously. Every allegation will be received and acted upon in accordance with the terms of this policy.

#### **IV. Scope of Application**

##### Persons Covered

The persons covered by this policy include all members, staff, employees, and volunteers of Delta Presbyterian Church.

#### **V. Definitions**

This policy utilizes some terms and definitions contained in the current edition of the Church's Book of Order and the Book of Confessions. If either part of the Church's constitution is revised after the effective date of this policy, the most recent edition of the Church's 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, all as more fully defined below.

Sexual misconduct does not include non-abusive relationships between spouses, and this policy is not intended to restrict church professionals from having normal, mutual, intimate relationships outside of the ministerial or professional context. Sexual misconduct also does not include dating by an unmarried clergy person on a multi-clergy staff with a parishioner provided that: (a) the unmarried clergy person has notified a clergy colleague on that staff prior to commencing the dating relationship and that colleague has agreed to assume all pastoral responsibilities in relation to that parishioner, and (b) the unmarried clergy person relinquishes direct pastoral responsibilities in relationship to that parishioner. Even under these safeguards, such a dating relationship harbors the potential for harm. Therefore, extreme caution is warranted.

2. *Child Sexual Abuse* is a subset of conduct following within the more comprehensive term of "sexual misconduct. It includes, but is not limited to, any contact or interaction between a child and an adult, or between an adult of diminished capacity and another adult, when the child or adult of diminished capacity 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, or between an adult of diminished capacity and another adult, is always considered forced whether or not consented to by the child or the adult with diminished capacity. In the Presbyterian Church (USA), the sexual abuse definition of a child is anyone under age 18. Mutual consent is NOT POSSIBLE when one party is a clergy/professional lay leader in a pastoral, counseling, employer or leadership position within the Church, related organization, or sponsored activity in which the other party is a parishioner, member, counselee, employee or participant, OR when one of the parties is a child or an adult of diminished capacity.

3. *Sexual Abuse of Another Person* is a subset of conduct falling within the more comprehensive term “sexual misconduct.” As defined by the Book of Order, D-10.0401 c., this disciplinary offense includes any sexual conduct in relation to 1) any person under the age of 18 years, or over the age of 18 year 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 ministerial or professional role. Mutual consent is NOT POSSIBLE when one party is a clergy/professional lay leader in a pastoral, counseling, employer or leadership position within the Church, related organization, or sponsored activity in which the other party is a parishioner, member, counselee, employee or participant, OR when one of the parties is a child or an adult of diminished capacity. Wherever a ministerial or professional relationship exists, it remains the responsibility of the minister or professional to maintain appropriate boundaries and to decline to engage in a sexual relationship.
4. *Sexual Harassment* is a subset of conduct falling with the more comprehensive term “sexual misconduct.” Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, their continued status in an institution, or their continued participation in activities of the Church; Submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual; 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 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.
5. *Production or Distribution of Pornography* is defined by the actions or policy statements of the General Assembly of the Presbyterian Church (U.S.A.).

#### B. Other Definitions

1. *Accusation* is a written statement or claim that an offense may have occurred. See Book of Order, D-10.0102. The forms in which an accusation should be submitted by an individual, or by a member of a governing body, are found in the Appendix hereto. An individual may also come forward in self-accusation. The form for a self-accusation may also be found in the Appendix.
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. *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 Response Coordination Team to be the victim or accuser's liaison. See D - 10.0203 a., b. Alternative Form of Resolution is a process in which the parties to a disciplinary case determine, with the aid of a 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
5. *Employee* (member or non-member) is the comprehensive term used to cover individuals who are hired or called to work for Delta Presbyterian Church.
6. *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. A governing body may establish entities such as day care centers, conference centers, camps, homes for the aged, or other mission entities. A governing body may have both church members and non-members as employees.
7. *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-10.0101, D-10.0102 and D-10.0103).
8. *Investigating Committee*, as defined in D-10.0201ff, is the body charged with performing the investigation/inquiry on behalf of the presbytery. Response by an Investigating Committee is required by the Rules of Discipline (in the case of a minister member of Presbytery). See D-10.0103-10.0105, D-10.0201, and D-10.0202, which give specific direction regarding the Investigating Committee's work and report. This committee determines whether charges should be filed. The Investigating Committee is appointed by rule of Presbytery as soon as notified by the Stated Clerk that an allegation has been received. The Investigating Committee shall conduct its investigation in accordance with the Rules of Discipline in the Book of Order. At the beginning of each and every conference with the accused the Investigating Committee shall inform the person of his/her rights as stated in D-10.0203. The Investigating Committee's conclusions will be communicated to all as provided by D-10.0300-10.0303. If charges are filed, the provisions of D-10.0400 shall be followed, and trial shall proceed in accordance with D-11.000ff.
9. *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.
10. *Mandated Reporter* is a person required by The Michigan Child Protection Law Act 238 of 1975 to report any and all suspected incidents of child abuse, including child sexual abuse, that come to their attention.

11. *Offense* as defined by the Book of Order, Rules of Discipline, D- 2.0203b., “is 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 filed with the Stated Clerk which accuses a member or officer of a disciplinary offense.
12. *Response* is the action taken by the governing body or entity when a report of sexual misconduct is received.
13. *Response Coordination Team* is a body constituted by a governing body or entity to facilitate the process of responding to allegations of sexual misconduct by a person covered by this policy. (The structure and function of the Response Coordination Team are detailed in Sections VI.C.1 of this policy.)
14. *Staff* refers to a person who is either an employee or a volunteer sanctioned to perform a function on behalf of this Presbytery or one of its entities.
15. *Victim* is the term used to identify the person(s) who have been injured by sexual misconduct.
16. *Volunteer* refers to a person who provides services to the Presbytery, or a church, or related organization without financial or material remuneration.

## **VI. Preventive Practices**

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

### **A. Distribution of Policy**

This policy shall be distributed to the staff and volunteers of Delta Presbyterian Church.

It is the responsibility of those identified in VI.A.1. above to communicate this policy to, and implement this policy with, volunteers who provide services for Delta Presbyterian Church.

This policy shall be made available to all persons who report or present allegations of sexual misconduct, and to all persons against whom allegations are filed.

### **B. Signed Acknowledgment of Receipt**

Each employee of Delta Presbyterian Church is 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 person’s personnel file.

All persons other than ministers of the Word and Sacrament who seek to serve Delta Presbyterian Church as employees and staff are required to complete the Minister/Employee/Staff Certification (see Appendix). If the applicant provides false or misleading information, or withholds relevant information, the applicant may be denied consideration. If discovered after the fact, this may be grounds for termination.

### **D. Responsibility to Confirm**

The Personnel Committee Chair, or designee, shall be responsible for checking references. 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.

#### E. Mandatory Education

Delta Presbyterian Church will ensure that staff is properly trained on the policy on a biennial basis, either through the Presbytery of Lake Michigan or other means determined appropriate by the Personnel Committee.

#### G. Liability and Insurance

Delta Presbyterian Church will 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 must 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 seek to 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 organization, its officers, directors or employees.

### VII. Reporting

#### A. Initial Reports

Importance of Prompt Reporting: Allegations of sexual misconduct should be made as promptly as possible. The ability of the Session 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.

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 eighteen years of age or adults of diminished capacity or when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. (D-10.0401c.)

Awareness of Reporting Channels: Reports of sexual misconduct may occur in a variety of ways. Because the Session 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.

Importance of Confidentiality: Allegations of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the well-being, integrity, and reputation of the accuser, the accused, and the Church. Allegations should be dealt with as matters of highest confidentiality, before and after they have been submitted to appropriate authorities as outlined below.

Notice of Opportunity to File Written Statement: The first person to learn of an incident of alleged sexual misconduct should, based on information from the accuser, encourage the accuser to speak to a higher authority, lest the Session 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 Clerk of Session when the accused is a minister of Word and Sacrament in all cases. 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. The Clerk of Session shall also notify the Chair of the Response Coordination Team 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 Team may provide a pastoral response. (See section VIII.A. below.)

## B. Written Statements

1. Filing Written Statement When Victim 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 submitted to the Stated Clerk of the Presbytery when the accused is a minister of Word and Sacrament, and to the clerk of session when the accused is a congregation member. D-10.0101. 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 PCUSA and therefore does not have standing to file a written statement directly.

## 2. Handling Written Statements:

- a. Against the Minister: Upon receipt of a written statement that the minister of Delta Presbyterian Church has committed an alleged offense, the Clerk of Session, without undertaking further inquiry, shall then report to the Session 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). As outlined in section VIII.A. below, the Clerk shall also notify the Chair of the Delta's Response/Investigation Team of the allegation so that it may provide a pastoral response.

## 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 Book of Order, 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 (1) they gain knowledge of the sexual molestation or abuse in the course of service to the church, (2) but outside of a privileged communication, and (3) they reasonably believe that there is risk of future physical harm or abuse.

3. Ecclesiastical and Civil Authorities: The appropriate ecclesiastical and civil authorities to whom ministers, elders, and deacons shall report suspected abuse are as follows:

- a. Ecclesiastical authorities: For ministers, to the Stated Clerk of the Presbytery; for elders and deacons, to the pastor of the congregation and/or the clerk of session.



- b. Civil legal authorities: In the case of suspected abuse of a minor, to the Michigan Department of Child Protective Services; in the case of suspected abuse of an adult who lacks mental capacity, to the appropriate police authority or district attorney.

#### D. Reporting Requirements Under Michigan Law

The requirements imposed by Michigan law, as opposed to the Book of Order, for reporting sexual molestation or abuse of a child under the age of 18 years are set forth in The Michigan Child Protection Law, Act 238 of 1975, attached in Appendix.

#### E. PCUSA Hotline

The Presbyterian Church (USA) has a sexual misconduct hotline. The number is 1-888-728-7228 ext. 5207 or 1-502-569-5207. It is staffed by the sexual misconduct ombudsperson. 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

The Session of Delta Presbyterian Church may request 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. D-4.0100ff.

### VIII. Response Procedures

In any incident of sexual misconduct there are two dimensions that necessitate a response: 1) a pastoral response and 2) 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 the process contemplated under 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.

When the Clerk of Session receives a verbal report or written statement of an alleged offense, the Clerk shall immediately notify the Chair of the Response/Investigation Team. Delta's pastoral response will be managed by Delta's Response/Investigation Team.

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

## 1. Response Team

Delta Presbyterian Church's pastoral response will be managed by the Response/Investigation Team.

- a. Composition: The Response Team will consist of the Chairs of the Personnel Committee and the Spiritual Life Committee, an actively serving Deacon, and a member of the congregation.
- b. Duties: The Response Team will be responsible for the following:
  - (1) Providing training on preventing sexual misconduct and on the policy for addressing potential sexual misconduct situations;
  - (2) Identifying, in consultation with the General Presbyter and the Associate General Presbyter, those ordained officers within the Presbytery 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) Recruiting and maintaining a pool of potential resources in the Greater Lansing Area to whom liaisons might refer a victim, accuser, accused, or congregation for professional assistance after an assessment of their needs. This pool should include therapists and counselors such as licensed psychiatrists, licensed clinical psychologists, licensed marriage and family therapists, licensed clinical social workers, including those with expertise in working with children, lawyers specializing in domestic relations and employment law, skilled mediators, and consultants on conflict management.

## 2. Responsibilities of Liaisons

- a. Needs Assessment and Referral: The Response/Investigation Team 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 provide the person with names of appropriate resources from the resource pool who might be available to assist them in addressing those needs. 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.

- b. Potential Needs: In making their assessment the liaisons should be sensitive to the differing pastoral needs to be addressed. Some of the potential needs are outlined below:

(1) Victims and Families

It has sometimes been the case that the alleged victim or family is so angry and alienated from the church that offers of help have been perceived as insincere or attempts at a cover-up. If the alleged victim or family at first refuses, the liaison should continue to offer help. The Presbytery's concern shall never be to protect itself or the congregation but, rather, to seek the truth and to offer care to alleged victims and accused.

The extent of the damage to the alleged victims of sexual misconduct will vary from person to person, influenced by such factors as the degree of severity of abuse, the age and emotional condition of the alleged victim, personality dynamics, and the importance of their religious faith. The liaison shall assume in all cases in which a person has been determined to have been a victim that the person 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/Investigation Team to be sensitive to the victim's pain and need for healing and to make appropriate discretionary pastoral care available.

- (2) Congregations or Employing Entity: The allegations against a minister, employee, member or volunteer may polarize the congregation or organization, damage morale, and create serious internal problems. Efforts should be taken to recognize and identify the problems and heal the damage done to the congregation or organization. The congregation should also seek to be a community of healing for victims in some circumstances. The Response /Investigation Team may need to provide resources and training for the congregation in this ministry.
- (3) Accused: In working with the accused and the family of the accused, the liaison should be aware of these possible needs:
- (a) To receive information about the charges. When an accusation of sexual misconduct has been received by the Response/Investigation Team, the accused must be notified in writing. The accused shall be warned that any statements made to the RCT may be used against the accused in later proceedings.
- (b) To be informed in a timely way about the process with regard to an accusation. The Response/Investigation Team shall explain the process used by the governing body when an accusation of sexual misconduct has been made and the options available to the accused. The Response/Investigation Team shall recommend that the accused seek legal advice immediately since the accusation could result in Church discipline or civil or criminal court action. The liaison shall

direct the accused to the Clerk of Session for any information regarding the ongoing process of any judicial case.

- (c) To receive legal advice and assistance. The accused may seek legal advice from any source, but it should be noted that in Church disciplinary or remedial cases “no person shall act as counsel who is not a member of the Presbyterian Church (U.S.A.)” (D-11.0301). The accused is responsible for his or her attorney fees, but if an accusation proceeds to the initiation of disciplinary case and the accused is unable to employ counsel, the accused may request appointment of counsel under the provisions of the Book of Order (D-11.0302).
- (d) To receive personal and therapeutic support. The accused may require spiritual and professional assistance. The Response/Investigation Team should offer to help arrange for such support from a pastor or therapist, if the accused desires.
- (e) To receive assistance with economic security and care for the family. When an allegation of sexual misconduct has been made against a minister or staff of the church, the economic security of the accused is directly threatened along with reputation, career, and family relationships. The Presbytery may be of assistance when the accused is a minister. The Response/Investigation Team may alert the General Presbyter to the possible spiritual, emotional, and financial needs of the family of an accused minister and recommend expert resources. The Response/Investigation Team shall not become personally involved with trying to meet these needs.

(4) Non-Victim Accuser

In many cases the non-victim accuser is the parent, guardian, or other advocate for a child who has been the alleged victim of sexual misconduct. Because of a child’s minority status, an adult often files the action on behalf of the child. In cases where the accuser is a non-Presbyterian, oral notification may be turned into a formal allegation under the Rules of Discipline by any member of the Presbyterian Church (USA).

B. Judicial Response

1. Appointment of Investigating Committee

Immediately upon receipt of a written statement of alleged sexual misconduct by a minister of Word and Sacrament, the Stated Clerk of the Presbytery shall appoint, in consultation with the General Presbyter, an investigating committee. In the case of alleged sexual misconduct by an elder or deacon, the clerk of session, in consultation with the pastor and/or chair of the Staff Services Committee, shall appoint an investigating committee. The investigating committee shall be composed as outlined in D-10.0201 of the Book of Order, and shall proceed with its investigation as outlined in D-10.0202.

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 in the Presbytery minutes 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 Response Coordination Team has primary responsibility for ensuring that any 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) should communicate with the Stated Clerk of the Presbytery to receive general information about the status of the matter— such as when the investigating committee expects to make a recommendation on whether charges should be filed 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 chair of the Response Coordination Team. These communications shall not disclose confidential factual details about the underlying allegations, but only the fact of a potential need for pastoral care.

### 3. Consideration of Administrative Leave by Investigating Committee

As set forth in the definition of "Administrative Leave," a permanent judicial commission must consider whether administrative leave should be imposed upon a minister of the Word and Sacrament who has been accused of sexual abuse of a minor or an adult lacking mental capacity to consent. When a minister has been accused of another type of sexual misconduct by a minister, and when other persons covered by this policy are accused of any type of sexual misconduct as defined herein, an investigating committee should consider whether administrative leave is desirable, keeping in mind that the purpose of administrative leave is preventive, and not punitive.

### 4. Investigating Committee's Work

The investigating committee's responsibilities are detailed in D-10.0202.

- (a) No charges filed: If the Investigating Committee concludes, after a thorough investigation, that there is no probable cause to believe that an offense was committed by the accused or that charges cannot reasonably be proved based on the available evidence and witnesses, then it shall report that conclusion to the Stated Clerk, and the Presbytery shall be informed only that no charges were filed. D-10.0202f., g., i.
- (b) Charges to be filed and accused concurs: If at any time during the investigation the accused admits to the allegations, the investigation shall proceed to its conclusion, the charges shall be filed with the permanent judicial commission, along with the signed statement of the accused, and a settlement of consequences may be mediated. Any settlement must be approved by the Presbytery Permanent Judicial Commission in accordance with D-10.0202h.
- (c) Charges to be filed and accused does not concur: If the Investigating Committee concludes that probable cause exists and charges can reasonably be proved, but the accused does not concur with the allegations, charges are to be filed with the

permanent judicial commission, and the judicial process is to continue as outlined in D-10.0400ff.

#### 5. Consideration of Alternative Form of Resolution

Where an Investigating Committee determines there is probable cause to believe that any offense falling with the definition of sexual misconduct has been committed, an alternative form of resolution may be used to reach agreement on the consequences of the offense. In other words, in cases where the Investigating Committee believes sexual misconduct has occurred and can reasonably be proved, mediation of guilt or innocence is not appropriate. Rather, the alternative form of resolution must include an acceptance of responsibility for the offense. Such an admission of responsibility by the accused is an important demonstration that one of the pastoral aims of discipline—namely, repentance—will be served by the use of an alternative form of resolution. In all cases where an alternative form of resolution is pursued through mediation, the mediation shall be completed within 120 days from the appointment of the Investigating Committee, unless an extension is granted by the session or permanent judicial commission. Any settlement agreement must be presented to the session or permanent judicial commission for its approval, as outlined in D-10.0202h.

In negotiating a settlement, the parties are encouraged to agree on the extent of the background facts that will be disclosed to the session or permanent judicial commission to enable it to exercise its approval responsibility in an informed fashion.

#### 6. Terms of Censure and Restoration

The degrees of censure that may be imposed by a permanent judicial commission are listed in D-12.0100, and the terms of restoration in D-12.0200.

#### 7. Communicating an Acquittal

Because of the harm to a person's reputation and career that can accompany allegations of sexual misconduct, the appropriate governing body or entity should report an acquittal of any such charges as fully as it deems appropriate when it is requested to do so by the accused.

#### 8. Request for Vindication

A member of the Presbyterian Church (U.S.A.) who feels injured by rumor or gossip may invoke the procedures outlined in D-9.0101ff to request an inquiry for vindication.

#### 9. Pastoral Inquiry by Administrative Commission When Accused in Sexual Abuse Case Dies or Renounces Jurisdiction

A governing body may appoint an administrative commission to make pastoral inquiry when judicial proceedings in a sexual abuse case end because the accused dies or renounces jurisdiction. Such an inquiry is NOT part of the church's judicial process, but the inquiry shall be empowered to receive witnesses and consider evidence, to reach a determination of the truth of the accusation, and to make a full report to the appointing governing body, including recommendations for appropriate action. See G-9.0503(a)(7).

The appointment of such an administrative commission should be considered when the truth-telling that accompanies this process is needed to promote the healing of those persons and congregations who have been affected by the alleged abuse.

## Appendices

Signed Acknowledgment of Receipt

Minister/Employee/Staff Certification

The Michigan Child Protection Law Act 238 of 1975

Forms for Accusation By Individual By Member of Governing Body Self-Accusation

Flow Chart on Responding to Sexual Misconduct Allegations

## 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 Lake Michigan, 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 **X** \_\_\_\_\_

Name \_\_\_\_\_

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 Presbytery 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 X \_\_\_\_\_ 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.

*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 Chair of the Personnel Committee, or their designee (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.

Signed X \_\_\_\_\_ Date \_\_\_\_\_

## STATE OF MICHIGAN Department of Human Services

## CHILD PROTECTION LAW

ACT NO. 238, Public Acts of 1975, as amended,  
being Sections 722.621 — 722.638, Michigan Compiled Laws.

AN ACT to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts.

**722.623 Individual required to report child abuse or neglect; written report; contents; transmitting report to county department; copies to prosecuting attorney and probate court; conditions requiring transmission of report to law enforcement agency; pregnancy of or venereal disease in child less than 12 years of age; exposure to or contact with methamphetamine production.**

Sec. 3. (1) An individual is required to report under this act as follows:

(a) A physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, social worker, licensed master's social worker, licensed bachelor's social worker, registered social service technician, social service technician, a person employed in a professional capacity in any office of the friend of the court, school administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider who has reasonable cause to suspect child abuse or child neglect shall make an immediate report to centralized intake by telephone, or, if available, through the online reporting system, of the suspected child abuse or child neglect. Within 72 hours after making an oral report by telephone to centralized intake, the reporting person shall file a written report as required in this act. If the immediate report has been made using the online reporting system and that report includes the information required in a written report under subsection (2), that report is considered a written report for the purposes of this section and no additional written report is required. If the reporting person is a member of the staff of a hospital, agency, or school, the reporting person shall notify the person in charge of the hospital, agency, or school of his or her finding and that the report has been made, and shall make a copy of the written or electronic report available to the person in charge. A notification to the person in charge of a hospital, agency, or school does not relieve the member of the staff of the hospital, agency, or school of the obligation of reporting to the department as required by this section. One report from a hospital, agency, or school is adequate to meet the reporting requirement. A member of the staff of a hospital, agency, or school shall not be dismissed or otherwise penalized for making a report required by this act or for cooperating in an investigation.

Forms for Accusation

By Individual  
By Member of Governing Body  
Self-Accusation

(To be attached)

Flow Chart on Responding to Sexual Misconduct Allegations

(To be attached)