



# Sexual Misconduct and Prevention and Response Policy

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## A. Foundations

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

*1 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.**

*1 Peter 5:2*

“The Spirit gives us courage  
To pray without ceasing  
To witness among all peoples to Christ as Lord and Savior,  
To unmask idolatries in Church and culture,  
And to work with others for justice, freedom and peace.”  
*A Brief Statement of Faith, PC(USA) Book of Confessions, 1983*

All those in ministry, both Ruling and Teaching Elders, are “to be responsible for a quality of life and relationship that commends the gospel to all persons and that communicates its joy and justice.”

*Book of Order (G-2.0504)*

“The presbytery is responsible for the government of the church throughout its district, and for assisting and supporting the witness of congregations to the sovereign activity of God in the world, so that all congregations become communities of faith, hope, love, and witness.

*Book of Order (G-3.0301)*

**The Presbytery of Cincinnati Mission Statement:  
*Connecting and equipping congregations to bear witness to the overwhelming hope,  
audacious joy, and contagious love of Jesus Christ.***

*In faithfulness to Scripture and our Constitution, and to fulfill our mission as a presbytery,  
we hold seriously our responsibility to protect those who are most vulnerable in our  
communities: children, youth, and vulnerable adults.*

## B. Policy Statement

It is the policy of Presbytery of Cincinnati that all employees and/or members of the Presbytery, including pastors (TEs and CPs), Certified Christian Educators, Certified Associate Christian Educators, and volunteers serving the Presbytery at events related to children, youth, and those adults with cognitive or developmental disabilities, shall maintain at all times the integrity required of the Church and their own professional relationships. All forms of sexual misconduct as defined in Section II below are regarded as a violation of the principles set forth in Scripture and **are thus never permissible.**

If allegations of abuse or misconduct are brought against someone who is not covered under this policy, those allegations should be submitted in writing to the council which has authority over the person. (Session, etc.) For example, this policy does not apply to situations involving allegations of sexual misconduct involving only the ruling elders, members, employees, volunteers or visitors of a church.

## C. Purposes of this Policy

1. Set high standards of ethical behavior consistent with Scripture, the Reformed tradition, and secular law.
2. Serve as a guide for prevention of all types of sexual abuse *and* misconduct.
3. Establish procedures for inquiry and effective response when allegations of sexual misconduct occur.
4. Safeguard employees, members of Presbytery of Cincinnati and members of the church from both sexual misconduct and false allegations.
5. Protect the rights and meet the needs of the accused, the complainant, the congregation(s) involved, and the Presbytery as a whole.
6. Establish a process for the enforcement of those standards that are set forth in this policy.
7. Suggest alternative means by which instances of sexual misconduct may be addressed without recourse to church judicial process where these alternative means are both possible and appropriate.
8. Promote, whenever possible, the reconciliation to the church of individuals who, after due process has occurred, are deemed to have violated the terms of this policy.
9. Correlate the sexual misconduct policy adopted by the General Assembly of the Presbyterian Church (U.S.A.) with the procedures outlined in the *current* Book of Order and the individual structure, offices, and needs of the Cincinnati Presbytery.
10. Further the peace, unity, and purity of the church through justice and compassion.

### D. Guiding Principles Behind this Policy

It is our belief as Christians that Scripture calls each of us to high ethical and moral standards in all aspects of our lives, including our sexual behavior. These standards assume even greater importance when an individual provides leadership within the Cincinnati Presbytery and its churches because of the trust inherent in those positions. For this reason, the guiding principles that stand behind this policy are that sexual misconduct (as defined in Section II of this document):

1. Violates one's covenant as a leader who has undertaken to demonstrate responsibility, integrity, sensitivity, and caring in a trust relationship. Those in ministry and leadership do so in order that "the ministry of the whole people of God may flourish." (W-4.0401) Any violation of that trust impedes the ministry of God's people.
2. Is a misuse of authority and power that breaches Christian ethical principles by violating a trust relation for advantage over another or for personal pleasure in an abusive, exploitative, and unjust manner. Even if someone else initiates or invites sexual contact in the relationship, the **individual who is in a position of authority is responsible for maintaining appropriate boundaries and prohibiting improper relationships**. Because of the power differential, there is no such thing as "consenting adults" in such a setting.
3. Takes advantage of the vulnerability of others in a way that is contrary to the central teachings of the Gospel, which enjoins us to protect the vulnerable from harm.
4. A further guiding principle of this policy will be to deal openly and honestly with the issue of sexual misconduct, to provide healing and reconciliation to the greatest extent possible, to help those who have had wrong done to them, as well as those who have done wrong, and to seek to provide remedies, whenever possible and appropriate, that do not require recourse to formal church judicial processes.

**Accused** - The individual against whom an allegation of sexual misconduct has been made. For the purposes of this policy, it is assumed that the accused is a paid or unpaid member of the staff or volunteer of Cincinnati Presbytery, including pastors (TEs and CPs), Certified Christian Educators, Associate Christian Educators, and volunteers at Presbytery events. Allegations against other individuals should be made to whichever body has appropriate jurisdiction. For instance, an accusation against an elder who does not serve/volunteer on the staff of Presbytery of Cincinnati would ordinarily be made to that person's Session.

**Administrative Leave** - Leave of absence initiated by the person or entity to whom that individual reports. For the purposes of this policy, administrative leave will be:

- i] a paid leave of absence, if the individual placed on leave has not been:
  - formally charged with violating federal, state, or local law,
  - judged to be guilty through a trial conducted by the policies of the Church,
  - or; deemed to be guilty through an admission of serious wrongdoing.

For paid leaves of absence, the individual is entitled to continue receiving all regular benefits of employment, including (for example) use of a residence.

- ii] an unpaid leave of absence in all other situations. In the case of an unpaid administrative leave, the individual is not entitled to regular benefits of employment, including (for example) use of a residence.

*While administrative leave is in effect, a minister of the Word and Sacrament/CRE may not perform any pastoral, administrative, educational, or supervisory duties, and may not officiate in any functions such as Baptism, funerals or weddings. See BOO D-10.0106, a and b.*

**Church** - When capitalized, refers to the Presbyterian Church (U.S.A.)

**Child/Minor** - Any person under the age of 18.

**Complainant** - The individual making an allegation of sexual misconduct. In the case of minors, the term "complainant" may be used both of the minor and of the minor's legal guardian.

**Employee** - Any person hired or called to work for the Presbytery or for a related organization within the jurisdiction of the Presbytery and receiving salary or wages. The employee need not be a member of a congregation within the Presbytery or even of the Presbyterian Church (U.S.A.).

**Inappropriate Conduct** - the following types of conduct are inappropriate:

**Physical Abuse:** including any unwanted touch, any physical contact intended to coerce or do harm, any hitting or touch in anger.

**Emotional/Verbal Abuse:** including insults; name calling; belittling remarks; harassment; unfavorable comparisons with others, especially children and youth, shaming; deliberately causing fear; using speech to hurt and bullying or allowing bullying to take place.

**Spiritual Abuse:** including using Scripture or church authority to coerce, control, or shame; using threats about condemnation from God or making threats about God; withholding love to control behavior.

**Sexual Abuse:** which is defined as sexual contact with children, youth, or persons with disabilities, including:

- Fondling private parts
- Oral, genital, or anal penetration
- Sexual intercourse
- Rape (see below)
- Showing pornography
- Exposing sex organs
- Allowing children to witness sexual activity

Sexual Abuse may also include verbal behavior, in person, or by technological means, initiated by a person in a ministerial role when such behavior sexualizes a relationship. (See the Presbytery of Cincinnati Social Media Policy)

**Sexual Abuse of a Minor or One who lacks capacity to consent:** A minor is here understood to be any person under the age of 18. This abuse includes, but is not limited to, accessing, promoting, or pandering of child pornography, on church property and/or with church owned devices such as computers or cell phones.

*Sexual abuse of a minor is a crime in all states and **must** be reported to civil authorities. All those in ordered ministry (Teaching Elders, Ruling Elders, Deacons) and Certified Christian Educators are Mandated Reporters. (see below)*

**Sexual Harassment:** includes but is not limited to:

- Unwelcome sexual advance
- Requests for sexual favors or relationship
- Sexually oriented jokes or humor
- Sexually demeaning comments
- Verbal suggestions of sexual involvement or activity
- Questions or comments about sexual behavior
- Unwelcome or inappropriate physical contact
- Graphic or degrading comments about an individual's physical appearance
- Any verbal or physical conduct of a sexual nature
- Displays of sexually explicit or suggestive objects or pictures.
- Repeated requests for social engagements after an individual refuses.

*Lack of intent to harass is not in and of itself an adequate defense against an accusation of sexual harassment.*

**Inquiry** - the term used in the Rules of Discipline in the BOO to determine whether charges should be filed based upon a written allegation received by a Council (Presbytery, Session, Synod or General Assembly) that an offense has occurred. BOO D-10.0200

**Mandated Reporter** - A person who is required by law to report any and all known or suspected incidents or risk of child abuse. The policies of the PC(USA) require (mandate) all persons ordained in the Presbyterian Church (U.S.A.) (Deacons, Ruling Elders, Teaching Elders) and any Certified Christian Educator to report all suspected incidents of child sexual abuse to ecclesiastical and civil authorities. Ohio, Kentucky, and Indiana all understand clergy (Teaching Elders and Ruling Elders commissioned to pastoral service) to be mandated reporters.

G-4.0301 "A minister or Word and Sacrament or a commissioned pastor (also known as commissioned ruling elder) may reveal confidential information when she or he reasonably believes that there is risk of imminent bodily harm to any person."

G-4.0302 "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.

D-10.0401b and c:

b. "For instances of sexual abuse of another person, the five yeartime limit [to report an alleged offense] shall not apply. There is also no time limit for charging that a person who knew or reasonably should have known of the reasonable risk of sexual abuse of another as defined in D-10.0401c (1) or (2) failed to take reasonable steps to minimize the risk. Both charges may be brought regardless of the date on which an offense is alleged to have occurred."

c. "Sexual abuse of another person is any offense involving sexual conduct in relation to  
 (1) any person under the age of eighteen years or anyone without the capacity to consent; or  
 (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position."

**Presbytery** - When capitalized, refers to the Presbytery of Cincinnati.

**Rape** - Sexual contact resulting from force, threat, or intimidation.

**Sexual Malfeasance** - Sexual conduct occurring within a ministerial or professional relationship, such as between clergy and a member of his/her congregation, a counselor and a client, or a teacher and a student. Sexual malfeasance includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. For the purposes of this policy, sexual malfeasance does not cover relationships between spouses and does not restrict church professionals from having normal, mutual, social, intimate, or marital relationships *when they occur outside their professional/pastoral relationship and are not otherwise prohibited by this policy*. An unmarried Church Professional seeking a romantic relationship can do so outside their own congregations. If a Church Professional

(Pastor/Educator) becomes interested in dating or romantic relationship with a member of his/her congregation, the ministerial relationship between the religious leader and other person must be severed before ethically pursuing a relationship of this nature. Should a relationship begin to develop between a Church Professional and a congregant or staff member, it is the responsibility of the Church Professional to discuss this with the Stated Clerk of Cincinnati Presbytery, and the Committee on Relational Ministry, and the Session, in order to agree on a way to maintain appropriate professional boundaries.

**Sexual Misconduct** - A comprehensive term that includes:

- Sexual abuse of a minor or those unable to consent due to cognitive or developmental disabilities
- Sexual harassment
- Rape
- Inappropriate conduct
- Sexual malfeasance

**A. Availability of Policy and Procedures**

1. All Members of the Presbytery of Cincinnati, its employees, those volunteering at Presbytery events related to children and youth, and all persons who are enrolled as Inquirers or Candidates under the Presbytery shall be given copies of this policy and are required to sign an acknowledgement of receipt. Such signature indicates the signers' agreement to abide by the terms of this Sexual Misconduct Prevention Policy.
2. This document shall be available to all church members and to the public, in both print and electronic forms.
3. This policy will be sent to every clerk of session annually.
4. An electronic or print copy of the signed acknowledgement shall be received by the Presbytery at the time of renewal of call/contract/review of validated ministry, and annually by those "At Large."

**B. Background Checks, Training and Education**

Per the background check policy of Presbytery of Cincinnati, background checks are required before a person is hired/called to any position within the presbytery. Those currently in installed positions are 'grandfathered' until they change calls. If a person changes positions within the Presbytery and has already had a background check done, another check will not be necessary. For those under the care of the Presbytery, background checks will be performed prior to each of the following events: enrollment as an Inquirer; enrollment as a Candidate; certification as ready to receive a call. For ruling elders seeking to be commissioned to limited pastoral service, a background check will be made at the beginning of the training process. The expense for these background checks will be borne by the Presbytery and charged to the budget of the Committee on Preparation for Ministry (CPM).

For additional details, see the "Procedures for Background Checks Policy 2021."

**1. Record Keeping and Retention**

The Stated Clerk of the Presbytery shall ensure the confidentiality and appropriate retention of background checks. The Executive Presbyter and/or Stated Clerk shall communicate, with the Commission on Ministry, and counsel both the perspective pastoral leader and the calling congregation/Session where appropriate. Records of Disciplinary Action will be retained permanently with the pastoral leader's file.

- In a case in which the Investigating Committee decides not to file charges, the IC shall
- a. file a written report of that fact alone with the Stated Clerk, who will then notify the complainant.
  - b. ask the Presbytery to retain all records for at least two years, in accordance with the Book of Order. (D- 11.0601 e.(2))

**2. Sessions and Congregations**

All congregations are required to “adopt and implement a sexual misconduct policy and a child and youth protection policy.” (Book of Order G-3.0106) The date of approval/adoption must be recorded in the Session minutes.

The Presbytery can help Sessions and their leaders create, adopt and implement these policies.

**3. Boundary Training**

The Presbytery of Cincinnati requires that all Congregational Leaders (Teaching Elders, Commissioned Pastors, those in Validated Ministry and those "At Large") take part in a Mandatory Boundary Training every 3 years, given or approved by this Presbytery. Congregation members and Ruling Elders are also welcome. New pastoral leaders (TEs and CPs) must complete this during their first year of service in the Presbytery of Cincinnati, unless they can show certification that they have completed Boundaries training within the past two years in their prior call/position. Subsequent trainings must be completed every 3 years. Failure to do so may result in the Presbytery contacting the Clerk of Session to inform them of their pastor’s failure to complete the mandatory training, and/or member’s call/contract not being approved by the COM, or, in the case of those members seeking a call elsewhere, of their Personal Information Form not being attested/released by the Stated Clerk, until the training is completed.

**4. Presbytery meetings and events**

The screening and training of child-care workers for Presbytery meetings shall be the responsibility of the host church providing childcare. Childcare provided at Presbytery meetings shall be in accordance with the Presbytery’s Child and Youth Protection Policy, as well as the host church’s.

Ordinarily the Presbytery will not allow a Presbytery event involving care or activities for children and youth to be held at a church unless that church has a Child and Youth Protection Policy in place. The host church should use the Acknowledgement Form (Appendix C) to verify the screening of its childcare workers. Presbytery staff will see that policy information is distributed to host church(es) and will see the caregivers are suitably verified. The host church will handle supervision of childcare workers. The “Two Adult” rule will be standard procedure.

In cases where a Presbytery sponsored event involving care or activities for children and youth takes place away from the presbytery or its churches (e.g. a retreat center, mission trip) Volunteers, members of the Presbytery and staff who are acting as staff/supervisors/chaperones for those events will watch a training video/presentation prior to the event, and will sign a form acknowledging having taken part in the training and their willingness to abide by sexual misconduct and child and youth protection policies of the Presbytery.

## 5. Education

The Presbytery of Cincinnati has a commitment to provide resources for, and to publicize educational opportunities, aimed at preventing sexual misconduct in the church. These trainings will be available both to members of the Presbytery, and to congregations and their members. The Presbytery of Cincinnati is always able to work with congregations, Sessions, youth and Christian Education committees to educate and inform in this area.

In most cases the goals of these educational programs and training should include recognition of the:

1. Imbalance of power between religious leader(s) and those in their care.
2. Need for appropriate boundaries to exist between those in authority and parishioners/clients.
3. Need for appropriate physical settings: interactions that are 1:1 should be in a place where the leaders may be observed by others, with windows in doors/open spaces/open doors when meeting one-to-one with a congregation members/counselee/student/youth. The "2:1" should be observed in working with children and youth- that is, optimally, the ratio should always be 2 adults to at least 1 child/youth, or if not feasible, 2 youth:1 adult.
4. Need for caregivers to understand that frequent pastoral calling visits, frequent phone conversations, extended time together, and physical touching, hugs, and kisses may be associated with sexual advances and are high risk behaviors that may be perceived as unwelcome or an infringement on the rights of others.
5. Importance for members of clergy to have an "accountability partner" with whom they meet regularly, since their role invites trust and dependence and since they are often in a one-on-one setting with persons who respect and depend on them.
6. Advisability for religious leaders who counsel or provide spiritual direction to observe professional cautionary measures such as:
  - a. limiting the amount of time spent with each counselee/directee
  - b. making sure that there are other people around during sessions, and
  - c. observing a professional caution regarding physical contact with each counselee/directee.
7. Need for religious leaders who are providing counseling to be in a supervisory relationship with a licensed psychotherapist.
8. Importance for religious leaders who are providing spiritual direction to receive direction themselves under the guidance of a supervising spiritual director.

**A. Reporting**

If you need to report sexual abuse or sexual misconduct committed by someone covered under this policy (See SECTION 1.B):

A. If the abuse is against a minor, you *must* report it:

- 1) To your state. Call your state child abuse prevention hotline:
  - a. For the Commonwealth of Kentucky, call 877-597-2331
  - b. For the State of Indiana, call 800-800-555
  - c. For the State of Ohio, call 855 O-H-CHILD (1-855-642-4453)
- 2) To the presbytery. Contact the Stated Clerk of the Presbytery of Cincinnati, and submit a written statement of allegation.  
513-221-4850  
erwin@cpresby.org  
217 Wyoming Ave, Cincinnati, OH 45215

NOTE: All Teaching Elders, Ruling Elders, Deacons, and Certified Christian Educators are mandated (required by law) to report abuse against a minor. *Book of Order G-4.0302*

B. If it is an allegation of sexual misconduct against anyone other than a minor on the part of individuals governed by the policy, including but not limited to the ministers and employees of the presbytery:

Contact the Stated Clerk of the Presbytery of Cincinnati and submit a written statement of allegation.

513-221-4850  
erwin@cpresby.org  
217 Wyoming Ave, Cincinnati, OH 45215

C. If it is an allegation of sexual misconduct by a Ruling Elder in a congregation:

Notify the Clerk of Session of that congregation in writing and proceed per the congregation's policies.

D. If it is an allegation of sexual misconduct against the Stated Clerk of the Presbytery:

Contact the Stated Clerk of the Synod of the Covenant and submit a written statement of allegation.

248-729-2415  
[fran@synodofthecovenant.org](mailto:fran@synodofthecovenant.org)  
1340 W. Long Lake Road, Bloomfield Hills, MI 48302

In such cases, the Executive Presbyter (or her or his designee) would then assume all the duties otherwise assigned to the Stated Clerk in this policy.

- E. If it is an allegation of sexual misconduct against the Executive Presbyter:

Notify the Stated Clerk of the Presbytery, and submit a written statement of allegation:

513-221-4850

[erwin@cpresby.org](mailto:erwin@cpresby.org)

217 Wyoming Ave, Cincinnati, OH 45215

- F. If it is a self-accusation by a person under jurisdiction of this policy, (*BOO D-10.0102c*) submit a written statement of the offense to the Stated Clerk of the appropriate council (presbytery or synod) as outlined above.

### B. Sequence of Steps

When an allegation of sexual misconduct or abuse has been received by the Stated Clerk of the Presbytery, the following sequence of steps shall be followed.

- 1) **Reporting.** Without undertaking further inquiry, the Stated Clerk shall report to the Moderator of the Presbytery and the Presbytery Council only that an offense has been alleged without naming the accused or the nature of the alleged offense.
  - a. In the case of an alleged offense of sexual misconduct or abuse against a minister of Word or Sacrament, the Stated Clerk shall also immediately communicate the allegation to the Permanent Judicial Commission. The moderator of the Permanent Judicial Commission shall within three days designate two members, who may be from the roster of former members of the PJC, to determine whether the accused shall be placed on a paid administrative leave during the resolution of the matter. (*D-10.0106*)
  - b. The Stated Clerk shall also report to the Presbytery at its next gathering only that an offense has been alleged without naming the accused or the nature of the alleged offense.
- 2) **Investigating Committee.** The Moderator of the Presbytery, in consultation with the Stated Clerk (or designees as above) and subject to the confirmation by Presbytery or Presbytery Council shall appoint an Investigating Committee.
  - a. The IC will be an ad hoc committee consisting of no fewer than three and no more than five individuals. In selecting members to serve on the IC, care should be given, whenever possible, to identifying a set of individuals who have among them relevant expertise in pastoral care, the legal aspects of sexual misconduct, and familiarity with the operations of the Presbytery, this policy, and the Book of Order.
  - b. As soon as possible, the Stated Clerk or designee should outline to the IC its duties and provide appropriate orientation.

- 3) **Response Team.** In addition, if desired by the complainant, the Stated Clerk or designee shall appoint a Response Team of at least 3 members, one of whom shall be a member of the Commission on Ministry, led by the Executive Presbyter, to ensure that an expeditious, professional, objective and caring response is made by the Presbytery to charges of sexual abuse or misconduct. The Response Team will not investigate an allegation in any way or usurp the roles of the IC or the PJC. The Response Team will confine its activities to:
- a. Coordinating a process that addresses the specific needs of the alleged victims and their families, the accused and their families, the affected congregations, and the Presbytery, and
  - b. training and assigning advocates, if advocates are requested by the alleged victims, the accused, family members, or involved congregations.

Members of the Response Team shall sign a pledge of confidentiality, copies of which shall be furnished to the Executive Presbyter and the Stated Clerk. Pastoral care and concern will be expressed by the Presbytery for all involved parties. All allegations are to be taken seriously, and all allegations remain allegations until the inquiry concludes. See Section V.

- 4) **Investigative Process.** The Investigative Committee has the following tasks:
- a. Determine whether the allegation involves a possible violation of federal, state, or local law. If so, the Stated Clerk must refer the allegation to the appropriate secular authorities and the process outlined in this document should be suspended until the civil process has reached its conclusion (with the possible exception of Section V.3[b] below, regarding administrative leave).
  - b. Receive, along with the Stated Clerk, the recommendation of the PJC regarding the need for administrative leave.
    - i. Upon receiving a recommendation to grant administrative leave from the PJC, the Stated Clerk will communicate this decision to the accused and his/her clerk of Session. The leave, if granted, will be paid or unpaid according to the guidelines set forth under the definition of "Administrative Leave" in Section II, and in the Book of Order, D-10.0106.
    - ii. If the accused refuses to accept an administrative leave once it has been granted, the Presbytery may, if it chooses, proceed under G-3.0301c of the Book of Order or the appropriate personnel policy of the Presbytery to remove the accused from his or her position.
  - c. Determine whether:
    - i. **The allegation has sufficient merit to warrant further investigation.** If not, the IC reports this finding to the Stated Clerk, who files a written report of this fact alone to the Presbytery. The IC is then dissolved.
    - ii. **The accused disputes the general substance of the allegation.** If not, the IC proceeds to Section IV.5 below.

- iii. **The allegation is more appropriately addressed by full investigation rather than by mediation, counseling, or other less formal measures.** If so, the IC proceeds as below.
- d. Conduct an investigation, if all of the criteria outlined above in 4.c have been met. In accordance with D-10.0201 of the Book of Order, during this investigation the IC must:
  - i. provide the accused with a copy of the statement of the alleged offense as described in D-10.0101 of the Book of Order.
  - ii. make a thorough inquiry into the facts and circumstances of the alleged offense.
  - iii. examine all relevant papers, documents, and records available to the IC.
  - iv. ascertain all available witnesses and make appropriate inquiries of them.
  - v. determine, in accordance with G-3-0102 and D-2.0203b of the Book of Order, whether there are probable grounds or cause to believe that an offense was committed by the accused.
  - vi. decide whether the allegation(s) reported — on the basis of the papers, documents, records, testimony, or other evidence — can reasonably be proved, having due regard for the character, availability, and credibility of the witnesses and evidence available.
  - vii. initiate, if the IC deems it appropriate, alternative forms of resolution.
    - a) Ordinarily these alternative forms of resolution — which may include mediation, formal or informal apologies, counseling, and other such measures — should be pursued only after an investigation has been completed and probable cause has been determined, but before formal charges have been filed.
    - b) In certain cases, however, alternative forms of resolution may be explored even before the investigation has concluded if such resolution is acceptable to both the complainant and the accused.
    - c) If mediation is attempted, it shall be completed within **120 days** of its onset unless a continuance is allowed by the Permanent Judicial Commission of the Presbytery (PJC).
    - d) The IC shall convey any recommended settlement agreement to the PJC. *Approval by the PJC requires a vote of at least two-thirds of the members eligible to vote; make a record of its proceedings according to the provisions of D-11.0601d, including the name of the accused, the substance of the charge(s) and censure; and transmit its decision to the clerk of session or the stated clerk, who shall report it according to the provisions of D-11.0701.*
    - e) Throughout settlement negotiations, both parties shall be provided with an advocate if they desire one.

- f) If a settlement satisfactory to all parties involved in the mediation is not reached within the stipulated period, the IC shall then proceed to consideration of whether charges should be filed.
- e. The IC shall report to the Presbytery only whether or not it will file charges.
- f. if charges are to be filed, the IC will
  - i. prepare and file them in writing with the Stated Clerk in accordance with the provisions of D-10.0401-.0404 of the Book of Order.
  - ii. determine how it shall reconfigure itself as a Prosecuting Committee (PC). Based on the complexity of the case, the PC may consist of:
    - a) all members of the IC, serving as a **committee of the whole**;
    - b) selected representatives of the IC, serving as a **subcommittee**; or
    - c) a single representative of the IC, serving as the **committee's delegate and representative**.
  - iii. promptly inform the accused in writing of the charges it will make, including a summary of the facts it expects to prove at trial in order to support those charges.
  - iv. ask the accused if he or she wishes to plead guilty to the charges as a means of avoiding full trial.
  - v. indicate to the accused the censure it will recommend to the PJC.
  - vi. consideration shall be given to the possibility of reference. (See Book of Order D-4.0000.)
- g. If the IC decides **not** to file charges, the IC shall file a written report of that fact alone with the Stated Clerk, who will then notify the complainant. The Stated Clerk will retain all records for at least two years, in accordance with the existing Book of Order. (D-11.0601 e.(2))

NOTE: Within 30 days of receipt of the report, the complainant may petition the PJC to review the decision of the IC not to file charges. The petition shall allege those instances in which the IC has not fulfilled the duties specified in D-10.0202. See D-10.0303 a-f

**Judicial Process.** The Permanent Judicial Council shall follow the procedure for responding to those charges and conducting a trial that is outlined in the Book of Order (D-10.0404, 10.0405, and 11.0000).

## SECTION V

## MEETING NEEDS, PRESERVING RIGHTS

1. To help meet the needs of the **complainant**, he/she/they has the right to
  - a. Be heard and taken seriously. From the time that the complainant indicates that sexual misconduct has occurred, the complainant should receive immediate attention and serious consideration from all church representatives.
  - b. Receive pastoral and therapeutic support. The complainant may require spiritual and professional assistance as a result of the alleged sexual misconduct. The Stated Clerk will offer to appoint, if it is desired by the complainant, a Response Team of at least three members that will either offer such support itself or arrange to have it provided from a suitable pastor and/or a qualified therapist. Discussions with members of the Response Team and their agents would be confidential, privileged conversations.
  - c. Be informed about church process and progress with regard to the accusation. The Stated Clerk should appoint a liaison who will keep the complainant properly informed as to what actions are taking place as a result of the accusation, including rights to appeal. In cases where there is an Response Team, the liaison will ordinarily be a member of that body.
  - d. Receive legal advice. The Stated Clerk should advise the complainant of his or her right to pursue independent legal advice.
  - e. Be assured of an advocate of one's own choosing. A complainant may need continuing moral support from an individual who is present while the church addresses the accusation. This advocate may be a relative, a friend, or an impartial third party. In certain circumstances, this advocate will speak for the complainant.
  - f. Be assured that justice will be pursued. The complainant needs to be shown by the processes of the church that justice is being pursued through fact-finding, truth-telling, confrontation, and agreement that may include removal or temporary exclusion of the accused from office or impartial adjudication of the complaint.
  - g. Receive healing and reconciliation. In addition to the other forms of reconciliation mentioned above, the complainant may need to attain a degree of healing, wholeness, and reconciliation with all concerned — with the self, the family, the church and, ideally, the accused as well. For more on resolution and reconciliation, see §6 below.
2. To help meet the needs of the **accused**, he/she/they has the right to:
  - a. Receive adequate information about the accusation. When an allegation of sexual misconduct has been received by the Stated Clerk, the IC will notify the accused that an allegation has been made. This notification
    - i. will be made in writing and should include advice that the accused have no further contact of any sort with the complainant, the alleged victim (if different from the complainant), or the family of the complainant.
    - ii. will warn the accused that any statements made to the IC may be used against the accused in later proceedings.

## SECTION V

## MEETING NEEDS, PRESERVING RIGHTS

- iii. should explain the process by which the allegation of sexual misconduct will be investigated and the options available to the accused, including rights to appeal.
- iv. will recommend that the accused seek legal advice immediately since the allegation could result in church discipline or in civil or criminal court action.
- b. Obtain 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.)” (Book of Order, D-7.0301). *No member of a PJC shall appear as counsel before the commission while a member.*

The Stated Clerk may be able to recommend a list of Presbyterian lawyers who are willing to consider representing parties in church disciplinary cases. The accused is responsible for his or her own attorney fees, but, if an allegation proceeds to the initiation of a disciplinary case and the accused is unable to employ counsel, the accused may request appointment of counsel under the provisions of Book of Order, D-11.0302.

- c. Receive pastoral counseling and care. If the accused so desires, the Stated Clerk will appoint an ad hoc Team of Counselors (ToC), consisting of no fewer than three members. (In cases where the accused is a member of the clergy, the COM may appropriately be asked to take responsibility for either serving as or helping to select the ToC.) Members of the ToC should be spiritual or professional counselors with someone whose conversations with the accused would be recognized by courts as confidential and privileged communication. Note that, while the Stated Clerk may be asked to suggest names of impartial clergy or therapists, they should not themselves engage in this type of pastoral care and counseling because their conversations would not be confidential and because of their potential involvement in the disciplinary process.
- d. Receive assistance in relating to Session and Congregation. Each situation will be different, but the Presbytery should be prepared to help plan for the anticipated needs of a particular congregation and to recommend expert resources.
- e. All appropriate legal protections. Before each and every conference with the accused, the accused should be informed of the right to remain silent, to be represented by counsel and, if charges are later filed, to have counsel appointed if he or she is unable to secure counsel (Book of Order D-11.0301-.0302).
- f. Have his or her family remain economically secure. The Presbytery should remain alert to the possible spiritual, emotional, and financial needs of the family of the accused and recommend expert resources. Nevertheless, individuals on the staff of the Presbytery should be cautioned against personally trying to meet these needs through loans, gifts, and other activities that may complicate any subsequent secular legal action.
- g. Receive complete exoneration if acquitted. If the accused is acquitted of the charge, it is important for the Presbytery to see that the acquittal is widely disseminated, unless doing so would further injure the person falsely accused. At the very least, all

## SECTION V

## MEETING NEEDS, PRESERVING RIGHTS

individuals who were officially informed of the accusation should also be officially informed of the acquittal.

*D-11.0401 The accused in a disciplinary case is presumed to be innocent until the contrary is proved, and unless guilt is established beyond a reasonable doubt, the accused is entitled to be found not guilty.*

3. To help meet the needs of the **congregation** affected by the accusation, *the congregation* has the right to:
  - a. Pastoral care. In cases where the accused is a minister/Teaching Elder/CP, pastoral care should be provided to the congregation by another member of the ordained staff (if the church is a multiple-staff church) or by a trained interim pastor. If the minister leaves his or her position as a result of an accusation of sexual misconduct, a trained interim pastor or consultant in sexual misconduct may need to work with the congregation; in extreme cases this assistance may continue for an extended period of time. In cases where the accused is someone other than a minister, the pastor should provide the needed care for his or her congregation. The pastor, if not previously trained in this area of specialization, may wish to consult with denominational specialists who can provide advice on how to proceed in tending to the needs of the congregation and how to address any problems that may arise.
  - b. Proactive attention while necessarily awaiting a determination of guilt or innocence. Special care must be taken to meet a congregation's needs even as the process outlined in this policy is still unfolding. Rumors may be *circulating* that are detrimental to the congregation's welfare. Decisions may need to be made about whether the congregation is best served by having the accused placed on administrative leave. Routine business may need to be tended to should the energies of the accused become focused on mounting a defense. It will be necessary for various individuals and groups associated with the Presbytery — for instance, the Stated Clerk and the COM — to assist in meeting these needs of the congregation in accordance with their knowledge of the case and their appropriate professional role.
  - c. An appropriate amount of information about the case. While certain types of information must remain confidential in order to protect the rights of both the complainant and accused, other types of information should be shared with the congregation in order to avoid misunderstandings, false rumors, and destructive speculation. For instance, if a case of sexual misconduct becomes a matter of public knowledge within a congregation and if a pastor has been found guilty of sexual misconduct, an interim pastor or consultant may be needed to hold meetings with individuals, small groups, or the whole congregation. Such meetings should provide information about sexual misconduct in general, Presbyterian polity and judicial process, and the process by which others who may have been victimized may be heard and ministered to. If the accused is not the pastor, then the pastor should perform these functions in most cases.

- d. Resource persons. Individuals whose services may be valuable to a congregation in the context of sexual misconduct could include a trained interim pastor, a CRM representative knowledgeable in polity and the effects of sexual misconduct in the church, a consultant or therapist with knowledge and experience in dealing with sexual misconduct, an attorney who can discuss legal aspects of a case, an insurance agent who can advise the congregation about their exposure to liability or coverage, and other professionals of this sort.

Have its financial concerns addressed and taken seriously. Allegations of sexual misconduct may have serious financial implications for a congregation. Paid administrative leaves may need to be funded, counselors may need to be retained, and interim staffing may need to be sought. While each situation will be different, the Presbytery should work closely with the congregation in each case so that the lasting financial impact of these situations may be minimized and the congregation's return to wholeness may be effected in as timely a manner as possible. In situations where a paid administrative leave would be financially burdensome to the congregation, the CRM may be requested to assist in finding an appropriate solution to this problem.

## SECTION VI

## EFFECTING RESOLUTION AND RECONCILIATION

1. The ultimate goal, in cases where there is either a finding of fault or an admission of guilt, should always be to effect as much healing, resolution, and reconciliation as possible between the individual responsible for the misconduct and the complainant, congregation, Presbytery, and Church.
2. In cases where the individual responsible for the misconduct is a member of clergy, the COM will be responsible for designing and implementing a plan for effecting this healing, resolution, and reconciliation.
3. In cases where the individual responsible for the misconduct is not a member of clergy, the Stated Clerk, working in consultation with the General Presbyter and the Chair of the COM, will name an appropriate group of individuals to design and implement a plan for effecting healing, resolution, and reconciliation. At times, this group will be some existing body or standing committee; at other times, this group will be an ad hoc committee established solely for this purpose.
4. No single plan for healing, resolution, and reconciliation will be applicable to all situations. Nevertheless, it is likely that the body responsible for developing these plans will consider, among other options:
  - a. Mandatory counseling for the individual responsible for the misconduct.
  - b. Mandatory training in the prevention of sexual misconduct, either for individuals or for groups.
  - c. Apologies, either formal or informal, to those adversely affected by the misconduct.
  - d. An alteration of responsibilities, either permanently or for some set period.
  - e. A plan for reporting participation/successful completion in counseling/training/alteration of responsibilities must be agreed upon by the individual responsible for the misconduct and the person/body responsible for reviewing/supervising these plans.

*The Book of Order provides for degrees of church censure: rebuke, rebuke with supervised rehabilitation, temporary exclusion from exercise of ordered ministry or membership, and removal from ordered ministry or membership. D-12.0100*

5. It should be remembered — and openly discussed with the complainant, the individual responsible for the misconduct, and other parties affected by the misconduct — that the plan for healing, resolution, and reconciliation should never be developed with the intent to punish, humiliate, seek retribution, or alienate the individual responsible for the misconduct. This part of the process is not intended to result in a sanction, such as may have been imposed by the PJC. Rather the goal of this stage of the process should always be to educate the individual responsible for the misconduct and to bring about his or her reconciliation with the congregation, Presbytery, Church and, where possible, the complainant.
6. Similar care should be taken, whenever necessary, to provide ongoing pastoral care to the complainant and/or the congregation affected by the misconduct in order that all parties

## SECTION VI

## EFFECTING RESOLUTION AND RECONCILIATION

may reach, to the greatest extent possible, a sense of closure, healing, and wholeness in a timely manner.

7. In cases where the accused is acquitted or where the IC has concluded that the allegation does not warrant full investigation, similar efforts should be taken to reach healing, resolution, and reconciliation. While in these cases, too, no single plan to accomplish this goal will be applicable to all situations, it is likely that the body responsible for developing these plans will consider, among other options:
  - a. Mandatory or recommended counseling for the individual responsible for the allegation.
  - b. Additional training in the meaning and nature of sexual misconduct, either for individuals or for groups.
  - c. Apologies, either formal or informal, to the individual falsely accused.

An alteration of reporting relationships or congregational membership, either permanently or for some set period.

## SECTION VII

## CONTACT INFORMATION

Stated Clerk of The Presbytery of Cincinnati:

Rev. Erwin Goedicke

[erwin@cpresby.org](mailto:erwin@cpresby.org) / 513.265.3423

Current contact information for the moderator of the PJC, the COM, and other standing committees of The Presbytery of Cincinnati may always be found online at

<https://presbyteryofcincinnati.org/>

The mailing address for the Presbytery Office is:

Presbytery of Cincinnati

217 Wyoming Avenue

Cincinnati, OH 45215

For reports of abuse concerning minors:

For the Commonwealth of Kentucky, call 877-597-2331

For the State of Indiana, call 800-800-555

For the State of Ohio, call 855 O-H-CHILD (1-855-642-4453)

The Stated Clerk is available to help Sessions, congregations, Christian Educators and pastors create policies regarding Child, Youth and Vulnerable Adult Protection Policies and Sexual Misconduct Policies.

## SECTION VIII

## RESOURCES

The PC(USA) has many resources available for Sessions and congregations.

- <https://www.presbyterianmission.org/legal-resources/creating-safe-ministries/>
- [https://www.pcusa.org/site\\_media/media/uploads/children/pdf/we\\_wont\\_let\\_it\\_happen.pdf](https://www.pcusa.org/site_media/media/uploads/children/pdf/we_wont_let_it_happen.pdf)

### **PC(USA) 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 he/she/they 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.

**Insurance Carriers**

Many insurance carriers have free resource information available regarding Child and Youth Protection and Sexual Misconduct Policies, available even if you are not a client of that company. Contact your insurance provider for more information, and to make sure the congregations' insurance includes coverage for sexual misconduct/child and youth protection issues.

Insurance Board: <https://www.insuranceboard.org/?s=sexual+misconduct>

Church Mutual: <https://www.churchmutual.com/137/Sexual-Misconduct-and-Molestation>

Brotherhood Mutual: <https://www.brotherhoodmutual.com/index.cfm/resources/safety-library/risk-management-articles/administrative-staff-and-finance/sexual-misconduct/>

**Other Resources:**

- *The Child's Song, The Religious Abuse of Children* Donald Capps
- *I Can Say No- A Child's Book About Abuse* Doris Sanford
- *I Can't Talk About It -A Child's Book about Sexual Abuse* Doris Sanford
- *Safe Sanctuaries: Reducing the Risk of Child Abuse in the Church* Joy Thornburg Melton
- *Safe Sanctuaries for Children & Youth Reducing the Risk of Abuse in the Church* DVD
- *Safe Sanctuaries for Youth: Reducing the Risk of Abuse in Youth Ministries* Joy Thornburg Melton
- *Boundaries with Kids: When to say Yes, When to say No* Henry Cloud
- *Boundaries with Kids: When to say Yes, When to say No Workbook* Henry Cloud
- *It's My Body* Lory Freeman
- *Welcome the Child: A Child Advocacy Guide for Churches* Guy and Daley
- *Sexual Abuse: Pastoral Responses* Len Hedges-Goettl
- *Surely Heed Their Cry: A Presbyterian Guide to Child Abuse Prevention, Intervention and Healing* Bonnie Glass MacDonald
- *Is Nothing Sacred* Marie Fortune

**See also:**

- FaithTrustInstitute.org
- Darkness to Light <https://www.d2l.org/>

## APPENDIX A

### **Acknowledgement of Sexual Misconduct Prevention Policy** Presbytery of Cincinnati

As part of my annual certification to serve within the Presbytery of Cincinnati, I acknowledge that I have received, read and reviewed the Presbytery of Cincinnati's Sexual Misconduct Prevention Policy, and agree to abide by and follow its provisions.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**APPENDIX B**

**Form for Child Care at a Presbytery Meeting**

Acknowledgement of Policy

\_\_\_\_\_ Church

The undersigned representative of the Church hereby acknowledges that the Church maintains both a child and youth protection policy and a sexual misconduct policy, per Book of Order G-3.0106. Furthermore, all those individuals named at the bottom of this form are members/employees of this church and have been screened in accordance with said Policy, including a background/reference check , and will be working with the Presbytery sponsored event. They have been, and currently are, authorized by the church to work with the children youth, and persons with disabilities of this church.

Signed this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_.

\_\_\_\_\_

Signature

\_\_\_\_\_

Printed Name

\_\_\_\_\_

Capacity with church

## **APPENDIX B**

Members authorized to work with Children and Youth of this church:

1.

2.

3.

4.

5.

6.

7.

8.