



ALBANY PRESBYTERY ANTI-HARASSMENT, SEXUAL MISCONDUCT, and CHILD & YOUTH PROTECTION POLICIES

Presented for Second Reading & Approval at the 347th Stated Meeting - April 11, 2024

Thanks to the following for significant portions of the content for these policies: The Presbyteries of Southern New England, Northern New York, and Detroit, as well as the Bryn Mawr Presbyterian Church.

TABLE OF CONTENTS

INTRODUCTION	1
SCOPE OF POLICIES	2
RESPONSE, TRAINING, & COMPLIANCE	3
ALBANY PRESBYTERY ANTI-HARASSMENT POLICY	5
ALBANY PRESBYTERY SEXUAL MISCONDUCT POLICIES & PROCEDURES	9
ALBANY PRESBYTERY CHILD & YOUTH PROTECTION POLICY	21
APPENDICES:	
→ APPENDIX A - Receipt & Acknowledgement of Policies and Procedures	26
→ APPENDIX B - Statement of Alleged Sexual Misconduct Offense	27
→ APPENDIX C - Policy on Administrative Leave	30
→ APPENDIX D - Volunteer Application	34

INTRODUCTION

God has created us in God’s own image and thus has made us equal in Christ. The Church, through the power of the Holy Spirit, was created and is meant to be a reflection of our relationship to one another and to God. God intends all men, women and children to have worth and dignity in all relationships. Through the sacrament of Baptism, the Church promises to love, protect, encourage and support, and to teach all to know and follow Christ.

We believe that Albany Presbytery is a place where all persons can join together for worship, fellowship, service and education in the name of Jesus Christ. Because of that belief and our baptismal

promise, we must maintain a safe environment within our community, where people of all ages can be accepted and loved.

We believe that the increase in incidents of misconduct and abuse of power in the larger church and in our society threatens the community. We recognize that we have a responsibility to our faith, our society and our community to send a clear message:

Abuse, Harassment, and Sexual Misconduct, in any form, is not acceptable in the eyes of God. Accordingly, it is the policy of Albany Presbytery that it is never permissible or acceptable for anyone to engage in any form of abuse, harassment, or sexual misconduct.

Albany Presbytery strives to create and maintain an environment in which people are treated with dignity, decency and respect. Our environment should be characterized by mutual trust and the absence of intimidation, oppression, exploitation and abuse. Everyone should be able to work, worship and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to our mission. For that reason, Albany Presbytery will not tolerate abuse, misconduct or harassment of any kind.

SCOPE OF POLICIES

This series of policies apply to all Minister Members, Staff, Independent Contractors, Ministers of Other Denominations Authorized to Preach, Volunteers, Ministerial Inquirers & Candidates, Commissioned Ruling Elders in service or in training, Volunteers serving in any capacity, including Members of Presbytery Committees, Boards & Task Forces, Officers & Moderators of any of the Presbytery's entities, or any other person carrying out the ministry, mission and programs of Albany Presbytery.

More specifically:

- The Anti-Harassment Policy is intended to cover prohibited conduct directed to legally capable persons age 18 and over within the scope of Albany Presbytery's activities, mission and ministry.
- The Sexual Misconduct Policy is intended to define sexual misconduct, provide standards for behavior, and measures to prevent its occurrence while participating in the activities, mission and ministry of Albany Presbytery.
- The Child & Youth Protection Policy is intended to offer general policies to protect children and youth under the age of 18 and endangered adults while participating in the activities, mission and ministry of Albany Presbytery.

These policies are to be interpreted and applied consistently with any and all other applicable policies of the Albany Presbytery, the Presbyterian Church (U.S.A.), and state, federal, and local law.

These Presbytery Policies do not purport to regulate conduct within the particular churches of the Presbytery, but it does regulate behavior in church settings for Minister Members, Commissioned Ruling Elders while commissioned to pastoral service, and all other ministers who are authorized to provide pastoral services by the presbytery.

RESPONSE, TRAINING & COMPLIANCE

A Response, Training & Compliance Team [RTCT] shall be appointed annually by the Committee on Ministry [or its equivalent] in consultation with the presbytery Personnel Committee. This team will be staffed by the Stated Clerk, General Presbyter [or their equivalent] and be composed of at least one representative from the Committee on Ministry [or its equivalent] and Personnel Committee, with a minimum of 6 total members. Membership requirements related to the “Response Team” are outlined more specifically beginning on page 12.

The RTCT shall be responsible for the following:

1. **RESPONSE TO ALLEGATIONS**

The RTCT will serve as the Response Team for allegations of Harassment, Sexual Misconduct, and Child Abuse reporting, according to the procedures outlined in the Anti Harassment, Sexual Misconduct and Child/Youth Protection Policies, being careful to not interfere with disciplinary proceedings required by the Book of Order.

2. **TRAINING**

Ministers, CRE's & Authorized Ministers, and Church/Presbytery Staff are required by New York State to receive **Annual Sexual Harassment Prevention Training**. Currently this training is available online monthly via Zoom by Practical Resources for Churches, where the Albany Presbytery holds a Judicatory membership making this training available to all members and entities of the presbytery. Visit www.prcli.org for more details or to sign up for training. Churches are responsible for ensuring provision of this training annually.

All Ministers, CRE's, Authorized Ministers, and Authorized Preachers, shall receive training in maintaining **Healthy Boundaries and Sexual Misconduct Prevention EVERY THREE YEARS**, per changes to the Book of Order ratified in 2023. The RTCT shall develop and offer at least three versions of this training annually covering basic and more advanced training. These training sessions are MANDATORY and generally run 3-6 hours. The cost for training shall be borne by the presbytery.

For anyone working with Children, Youth and Vulnerable Adults, a free **Online Child/Youth Safety Training** is available to all Presbytery churches and entities providing children's ministry programming. To access this training, send the names and emails for the trainees to the Stated Clerk. Upon completion, the Clerk will send a certificate of completion for each participant, showing their successful completion and test score. Currently, this service is included with the presbytery's affiliation with Protect My Ministry www.protectmyministry.com who provides background check services.

3. **COMPLIANCE & BACKGROUND CHECKS**

Per the scope defined for the Anti-Harassment, Sexual Misconduct, and Child/Youth Protection policies, all who serve in these capacities shall be required to **acknowledge receipt** of all three policies and agree to abide by the policies and procedures contained therein. [SEE APPENDIX A] These policies shall also be available on request to all church members and to the public by

means of Presbytery's website at www.albanypresbytery.org.

The RTCT, through the Stated Clerk, shall have the capacity to complete **Criminal Background Checks** for all Minister Members, CRE's, Authorized Ministers, and those Authorized to Preach before their service begins. These are most often requests by the Committee on Ministry [or its equivalent] when ministers are called or contracted.

For **Churches seeking to complete Background Checks for staff and volunteers**, the Stated Clerk can run background checks on your behalf, so long as the number of requests is reasonable. The cost for the checks will be invoiced to churches for their checks along with the background check reports. Generally, these checks run anywhere from \$25-\$140 per check depending on where the applicant has lived and the ability to access county/state records online. For churches with programming for children and youth with more than 6-8 volunteers are encouraged to set up their own account with Protect My Ministry www.protectmyministry.com or an equivalent service provider.

Records of Training and of Background Checks shall be maintained within the secure presbytery personnel files for Staff, Minister Member, CRE, Authorized Minister or Authorized Preacher's personnel file maintained by the Stated Clerk.

Compliance tracking shall be the responsibility of the RTCT using a combination of methods to ensure accurate listings of those required to take trainings and ensuring the filing of certificates/proof of completion are placed in personnel and volunteer files.

ALBANY PRESBYTERY ANTI-HARASSMENT POLICY

Albany Presbytery prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce another person.

A. DEFINITIONS

Albany Presbytery, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines.

1. **Verbal Harassment:** Verbal harassment includes, without limitation, comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
2. **Nonverbal Harassment:** Nonverbal harassment includes, without limitation, distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.
3. **Sexual Harassment:** Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Albany Presbytery's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when . . . submission to or rejection of such conduct is used as the basis for employment decisions . . . or such conduct has the purpose or effect of . . . creating an intimidating, hostile or offensive working environment."

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature are directed to another person. There are two types of sexual harassment:

- i. "Quid pro quo" harassment, where submission to harassment is used as the basis for employment or volunteer placement decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her. Or, a similar situation involving a staff member and a volunteer, or between

volunteers.

- ii. "Hostile work environment," where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees, volunteers, or vendors and independent contractors. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

4. Sexual harassment may take different forms.

The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this Policy:

- i. Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- ii. Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.
- iii. Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling, and forced sexual intercourse or assault.

5. Courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

6. Retaliation: Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is forbidden and is a violation of this Policy. Retaliation is any hardship, loss, benefit or penalty imposed on any person in response to:

- i. Filing or responding to a bona fide complaint of discrimination or harassment.
- ii. Appearing as a witness in the investigation of a complaint.
- iii. Serving as an investigator of a complaint.

B. REPORTING AN ALLEGED VIOLATION OF THIS POLICY

1. Any person who feels that he or she has been subject to any type of harassment, including sexual misconduct, is encouraged (but not required) to firmly and promptly notify the offender that the behavior is inappropriate and violates this Policy. Moreover, an individual who believes he or she has been the victim of or who has witnessed harassment, including sexual misconduct, should promptly bring such conduct to the attention of Albany Presbytery's Head of Staff, Personnel Committee or Stated Clerk. If anyone in a supervisory or leadership role becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an individual coming forward, they should immediately report it to the Head of Staff, Personnel Committee or Stated Clerk. Failure to promptly report incidents of harassment will hinder the ability to initiate investigation of a complaint of harassment and may limit the Presbytery's ability to stop and prevent further harassment. Cooperation in reporting acts of harassment is essential to an anti-harassment policy.
2. Albany Presbytery will treat courteously any person who makes a complaint regarding an alleged violation of this Policy and all such complaints will be handled as swiftly as reasonably possible in light of the need for appropriate corrective action. Individuals who report alleged violations of this Policy are encouraged to provide as much information as possible so that a fair and effective investigation may follow. Any person who reports an alleged violation of this Policy and who believes that the report has not been satisfactorily resolved should promptly report the matter to Synod of the Northeast's Stated Clerk. Lodging a complaint will in no way be used against the complainant, nor shall it have an adverse effect on such an individual's status. Retaliation is a serious violation of this Policy and should be reported immediately.

C. ADDRESSING COMPLAINTS OF HARASSMENT, INCLUDING SEXUAL MISCONDUCT

The following general procedures and potential consequences are applicable when addressing a complaint of harassment, including sexual misconduct.

1. General Procedures:

- i. Albany Presbytery will promptly initiate an appropriate investigation of all allegations of harassment. Investigations will be conducted by either the Presbytery Response Team (if the accused is a member of the ordained staff or is a ruling elder commissioned to pastoral service in congregations of the presbytery), the Church Session or their designated response team (if the accused is a Church member) or the Albany Presbytery Personnel Committee (if the accused is a non-member employee, volunteer or independent contractor). Such investigation shall be carried out with due regard for the personal dignity and privacy of all parties involved. Regardless of who conducts the investigation, Albany Presbytery will take preliminary measures reasonably designed to ensure that no harassment occurs while such investigation is in progress.

- ii. Following the conclusion of the investigation, appropriate corrective action will be taken as follows:
 - 1. if it is determined that a person has violated this Policy, such person will be subject to appropriate corrective measures commensurate with the seriousness of the particular offense or other relevant circumstances;
 - 2. if it is determined that no violation of this Policy has occurred, or that the investigation was inconclusive, Albany Presbytery reserves the right to take appropriate corrective measures;
 - 3. if it is determined that the complaining party falsely accused another of harassment, knowingly or in a malicious manner, the complaining party will be subject to appropriate corrective measures.
- iii. In all cases, the person who made the complaint and the alleged harasser will be advised of the outcome of the investigation.

Potential Consequences for Violation of this Policy

Allegations Against a Person Subject to the Book of Order

Based on the seriousness of the offense, disciplinary action involving a person subject to the *Book of Order* may include any of the forms of censure specified in the *Book of Order* [see Section D-9]. In the event a person subject to the *Book of Order* is serving Albany Presbytery as an employee, volunteer or independent contractor, a violation of this Policy could also result in one or more of the consequences listed in Section 7.b.ii below.

Allegations Against a Person not Subject to the Book of Order

Depending upon the status of the person being disciplined, consequences for violation of this Policy could include verbal or written reprimand, suspension or termination of employment, removal from a position of leadership or other responsibility and/or contract termination.

ALBANY PRESBYTERY SEXUAL MISCONDUCT POLICY

Albany Presbytery prohibits sexual misconduct of any kind, and will take appropriate and immediate action in response to complaints of knowledge of violations of this policy. In compliance with all applicable federal, state and local laws and regulations, enforces this policy in accordance with the following definitions:

DEFINITIONS

Sexual misconduct is the comprehensive term used in this policy to cover the following:

- D. **Child sexual abuse** is any contact or interaction between a child under the age of 18 when the child is being used for sexual stimulation of adults. The behavior may or may not involve touching. Sexual behavior between an adult and a child is always considered coerced whether or not consensual.
- E. **Inappropriate sexual conduct** is language, visual contact, touching or other behavior judged by the person to be injurious to his or her physical or emotional health. It involves crossing a boundary the person was attempting to set.
- F. **Rape** is sexual contact by force, threat, intimidation, or coercion. According to the U.S. Department of Justice, the definition is, "The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."
- G. **Sexual malfeasance** is sexual conduct within a ministerial or professional relationship (e.g., minister with a parishioner, counselor with a client, church employee with a church member, Presbytery staff person with a volunteer or employee). It includes unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature, as well as consensual romantic relationships (see Section II.B, below).
- H. **Sexual harassment** is an unwelcome sexual advance, verbal or physical contact, or display of sexually related material when:
 - 1. the affected party has previously rejected those advances;
 - 2. submission is explicitly or implicitly made a condition of future employment, service or care;
 - 3. such conduct affects morale or performance of the individual or others involved in the situation;
 - 4. or persons in the work setting claim to find the material sexually offensive.
 - 5. For a more comprehensive definition of Sexual Harassment, see page 1 of Albany Presbytery's Anti-Harassment Policy.
- I. **Single party conduct** is that where no other party is involved, such as use of computers, reproduction machinery or other office equipment belonging to a governing body.

- J. **Inappropriate use of the Internet** to communicate with another to commit sexually abusive activity, including but not limited to the activities listed above.
- K. **Presumed Consent:** is the assertion that a particular act was between consenting adults. It may apply to relationships where there is no disparity of power, such as spouses or single adults functioning as peers or colleagues. Within this policy presumed consent does not apply between ministers and parishioners, supervisors and supervised, or with anyone involved with performance review, compensation, promotion or continued employment, even though the parties claim that a consensual agreement exists. The inherent imbalance of power between the minister and the lay person undermines the validity of such consent. If a minister and lay person or supervised person wish to pursue a consensual romantic relationship, one or the other must change churches/jobs so that the professional relationship is no longer in place.

PRESBYTERY ENTITIES/PERSONS INVOLVED IN SEXUAL MISCONDUCT CASES

1. A **Process Support person** is a person who provides support and emotional and physical presence, to the alleged victim(s) and their family, the accused, family members of the accused, or the congregation involved in a sexual misconduct case. The **Process Support person** may also provide clarification of the investigative process of the church and the judicial process of the church to the person(s) with whom he or she works and is assigned by the COM. The role of a **Process Support person** is not to speak for the party for whom he or she is a support, but to inform that party of his or her rights within the investigative process. The **Process Support person** shall not give advice regarding civil remedies. When requested by the party for whom he/she is a **Process Support person**, he/she may accompany that person to meetings of Presbytery entities when that party is testifying.
2. The **Committee on Ministry [or its equivalent]** continues in its role as resource to ministers and congregations, particularly where pastoral vacancies occur. When appropriate, the Committee on Ministry is to facilitate the employment of interim leadership competent to manage any conflict associated with the sexual misconduct case. The Committee facilitates the relations between congregations, ministers, and the Presbytery, and resolves difficulties on behalf of the Presbytery when possible and expedient.
3. The **initial reporting** may come through to the General Presbyter, the Stated Clerk, or the Committee on Ministry chairperson(s), and each must ensure that the proper steps are taken to bring the process to issue.
4. The **Response Team** is a group of clergy and laity who act as advocates assigned to work with (1) the person making the complaint, (2) the accused, and (3) the affected governing body (on a congregational level this would be the Session) to make a preliminary intervention with affected parties [see pg. 2 and section III B of this policy]. It has no judicial function, nor should it attempt to assume one. It may maintain contact with those involved in the situation, but must assure the parties that it is not interfering with the disciplinary case in process should there be

one. More about the makeup of this team can be found on pages 3-4 and 12-13.

5. The **Permanent Judicial Commission** is the continuing body elected by the Presbytery to conduct trials when an investigating committee files charges. The commission's structure and duties are described in the Rules of Church Discipline, [section D-3 in the Book of Order].
6. When the alleged offense is sexual abuse of a person under the age of eighteen, or a person alleged to lack the mental capacity to consent, the **Stated Clerk** will simultaneously communicate the allegation to the moderator of the PJC [D-7.09]. This does not replace reporting to the authorities which remains mandatory as well.
7. Within three days of receiving such an allegation, the **PJC moderator** shall designate two former [or current members if need be] of the PJC [according to D-3.0102 and D-7.09] whose terms have expired within the past six years to determine whether the accused shall be placed on a paid administrative leave during the resolution of the matter [D-3.0102 and D-7.09].
8. The **PJC Moderator and their 2 designees**, after giving the accused the opportunity to be heard, shall determine whether the risk to the congregation and to potential victims of abuse, when considered in light of the nature and probable truth of the allegations, requires administrative leave or other restrictions upon the accused's service.
9. The **Investigating Committee** is a group appointed by the Stated Clerk, in consultation with the General Presbyter, whenever a written Statement of Alleged Sexual Misconduct Offense [SEE APPENDIX B] is received by the Stated Clerk [D-7.0501]. The Investigating Committee is charged under the Rules of Discipline with conducting a full investigation of an allegation of sexual misconduct, determining whether or not charges are to be filed, and prosecuting the case, if there is one.
10. When the alleged offense is sexual abuse, the **PJC Moderator and their two designees** [D-3.0102] may be requested at any time during the investigation by the IC to impose, modify, or remove the administrative leave or restrictions during the course of the investigation. Such a request may come from either the IC or the accused [D-7.0902b].
11. The **Stated Clerk** receives the initial complaint (Statement of Alleged Sexual Misconduct Offense) and notifies the Presbytery at its next stated meeting that a complaint has been received. If the allegation is not of sexual misconduct, the Stated Clerk shall consult with the General Presbyter and/or the Committee on Ministry [or its equivalent] chair(s) on whether the complaint warrants an administrative leave. The Stated Clerk refers recommendations from the Investigating Committee to the Permanent Judicial Commission.

ADDITIONAL DEFINITIONS

1. The **Accused** is the person against whom a claim of sexual misconduct is being made.
2. An **Accuser/Victim** is the person claiming knowledge of sexual misconduct by a person covered by this policy or a person claiming to have been the subject of sexual misconduct by a person covered under this policy. The accuser may or may not have been the victim of the alleged sexual misconduct.
3. **Employees/Volunteers/Contracted Staff**
 - a. An **Employee** of the Albany Presbytery has been hired by the Presbytery and/or its entities to perform specific duties for the Presbytery of Southern New England or its entities. The employee receives salary/remuneration from the Presbytery for work performed.
 - b. A **Volunteer** is a person who provides services for the Presbytery and/or its entities and receives no benefit or remuneration. Volunteers include persons elected or appointed to serve on boards, committees, task forces, and other groups. For purposes of this policy, volunteers are treated the same as employees.
 - c. A **Contracted Staff** person is one who provides services for the Presbytery and/or its entities and receives remuneration. For purposes of this policy, contracted staff are treated the same as employees.
4. A **Mandated Reporter** is a person required by the laws of a state to report suspected incidents of child abuse, including child sexual abuse, which comes to their attention. As state laws vary, any person who knows or suspects child abuse and has questions about reporting should confer with an attorney. Mandated Reporters are required to file reports immediately. Clergy are not mandated reporters in the State of New York, but are required by this policy and the Book Of Order to report any misconduct or abuse according to the policy, including informing authorities.

THE RESPONSE TEAM

1. **Purpose**

The purpose of the Response Team is to: Ensure that an expeditious, professional, confidential, and caring response is made by the Presbytery to charges of sexual misconduct. The Response Team, however, is not an investigatory body and will not usurp the roles of Presbytery officials or committees, including investigating committees.
2. **Membership**

The Response Team shall be composed of Presbyterian clergy and lay persons who represent a range of professional expertise, including but not limited to pastoral counseling/therapy, law, clergy serving in a parish, interim ministry, conflict resolution, personnel management and

training, and child advocacy. The Response Team should reflect the racial/ethnic and gender constituency of the Presbytery, and shall be composed of an equal number of clergy and laity (or as close thereto as possible).

- a. The Response Team should consist of six to eight persons to allow for the possibility that more than one allegation of misconduct will be pending at any particular time. Members should agree to serve for six years in order to build experience and expertise within the group. No person who has served a six-year term shall be re-appointed until one full year has elapsed.

3. **Training**

The Response Team members will receive training in dealing with sexual and ethical misconduct, with specific attention to the dynamics that are unique to the ministerial role. The cost of training the Response Team shall be borne by the Presbytery.

PROCEDURES AND IMPLEMENTATION

1. **General Principles**

- a. Ministers, commissioned ruling elders, elders, deacons, ministerial candidates and inquirers are subject to inquiry and discipline under the Book of Order, Rules of Church Discipline. This policy is intended to supplement the Rules of Church Discipline, not replace them.
- b. Employees of the Presbytery are subject to the employee policies administered by the Presbytery.
- c. The victim, accuser, and accused each have the right to have a **Process Support person** (i.e. a colleague, friend, family member, counselor, or other person of their choosing) and an attorney/counsel present at all interviews and meetings. The role of the **Process Support person** is to be a supportive presence to the party. The **Process Support person** may be appointed by the Response Team if desired by the affected person. Criteria for the attorney/counsel are set in the Rules of Discipline, as follows:
 - i. In proceedings under the Rules of Church Discipline, any person who serves as an attorney/counsel must be a member of the Presbyterian Church (U.S.A.).
 - ii. In the event the accused is unable to secure counsel, the Permanent Judicial Commission shall appoint counsel. [D-5.0501 & D-8.0501]
 - iii. Should the accuser or the accused retain legal counsel, the Presbytery shall also retain legal counsel.
- d. Provision of Information
 - i. All requests for information by anyone outside the disciplinary process or the Response Team shall be referred to the Stated Clerk or their designee.

- ii. A final report of any proceeding under the Rules of Church Discipline, including any charges filed and actions taken shall be made by the Stated Clerk to the Presbytery. A copy of the report will be filed in the permanent personnel file of the accused.

2. Allegation

- a. Any person becoming aware of an allegation of sexual misconduct or choosing to make such an allegation shall immediately inform either the General Presbyter, the Stated Clerk, or a co-chair of the Committee on Ministry [or its equivalent]. If one of these individuals is the alleged offender, one of the others shall be notified. Within twenty-four hours of receiving the allegation, the General Presbyter or the COM chair shall select up to three persons from the Response Team. The team may include the General Presbyter or the COM chair.
- b. The Response Team shall meet with the person making the allegation and/or the victim. The Response Team shall assist the alleger and/or victim in determining whether a formal written accusation shall be submitted to the Stated Clerk. The Response Team itself may submit such an accusation.
- c. The Response Team shall assure that civil authorities have been or are notified when required or appropriate.
- d. If the allegation results in the filing of a **written accusation** [SEE APPENDIX B], the Rules of Church Discipline shall govern the process from that point forward. The Response Team shall continue to provide pastoral care to the accuser, and/or victim, and the accused at the initiative of the parties involved.

3. The Role of the Response Team

- a. When the Response Team is first notified of an accusation, it shall coordinate pastoral care for the accuser/victim(s), the accused, their families, the congregation, and all other involved parties. The Response Team's responsibilities are to:
 - i. notify the affected parties of the Response Team's role;
 - ii. confirm that civil authorities have been notified, when appropriate;
 - iii. assess the needs of the affected parties, congregations, entities, agencies, and governing bodies, including the need for advocates and/or an attorney or counsel.
- b. The Accuser/Victim(s): **At least two persons** from the Response Team will meet with the accuser/victim(s) and their family to listen to their concerns and ascertain their needs. The Response Team members' role is to help clarify options for the accuser/victim(s) so they may decide for themselves what they will choose to do, as well as make available to the accuser/victim a list of counseling resources.
- c. The Accused: The Response Team shall consult with the General Presbyter or Stated

- Clerk, to determine what support and resources should be offered to the accused. The General Presbyter or his or her designee will offer to arrange for at least two persons from the Response Team to provide support, as well as make available to the accused a list of counseling resources, if requested.
- d. The Congregation: When a congregation is involved, the Response Team, in consultation with the Committee on Ministry [or its equivalent] and the General Presbyter or his/or her designee, shall determine if it would be helpful to offer the congregation support and services. When appropriate, members of the Response Team may be called upon to meet with the Session to advise the congregation on the kind of support and resources that are available and to help the Session plan a response to the situation.
 - e. Resources: The Response Team will identify the resources available for professional counseling. If the victim and/or the accused do not have insurance and are unable to assume the costs of pastoral counseling, the Presbytery may accept responsibility for payment of counseling fees, for a reasonable time, up to a maximum of one year.
 - f. At no time will there be only one person in possession of knowledge of any matters pertaining to a case. **At least two members of the Response Team** shall be present when meeting with the accuser, victim, accused, or witnesses. Such consultations shall always include at least one person who is of the same gender as the person being interviewed.
 - g. Members of the Response Team will make reasonable efforts to guard the privacy of persons involved. Material information will be made available only to authorized persons on a need-to know basis.
 - h. Should the accuser choose to file a complaint as defined in this policy, the Response Team ceases to function in the case, other than to listen and counsel on the initiative of the parties involved.
 - i. Should the accuser refuse to file a complaint, the Response Team is to continue in a supportive role with the various parties through their advocates.

4. Initial Report

- a. When a person believes that sexual misconduct has been committed by a minister, commissioned pastor, committee member, candidate, inquirer, volunteer, employee, or any other person carrying out the programs of the Albany Presbytery, or if such a person self-accuses, the incident shall first be reported to the General Presbyter, the Stated Clerk, or the Chair(s) of the Committee on Ministry [or its equivalent], who shall then notify the Response Team.
- b. Disciplinary proceedings under the Rules of Church Discipline are initiated by submitting a written "Statement of Alleged Sexual Misconduct Offense" [SEE APPENDIX B] to the Stated Clerk. Such a statement "shall include: (1.) A written statement of the alleged offense or offenses; and (2.) Facts which, if proved true, would likely result in censure."

- [D.7.0201c]. At any point when an accuser submits a written allegation of sexual abuse to the Stated Clerk, the disciplinary proceedings under the current Rules of Discipline apply.
- c. If the accuser/victim is not willing or ready to file a written allegation with the Stated Clerk, or if the victim is a child or is not a member of the Presbyterian Church (USA), the General Presbyter and the Stated Clerk shall proceed to determine whether an offense may have occurred and whether a written allegation should be submitted. [D-7.02.
 - d. When the Stated Clerk of the Presbytery receives a written statement of an alleged offense of sexual misconduct, in addition to initiating the procedures required by the Rules of Discipline [D-7.05], the Stated Clerk shall immediately reach out to the Moderator of the Permanent Judicial Commission and their designated review team [see D-3.0102]. If it is their unanimous judgment that the complaint warrants administrative leave, the Stated Clerk will notify the minister and the Session that the minister is to be placed on administrative leave, as provided in the Presbytery Policy on Administrative Leave [SEE APPENDIX C]. All persons placed on administrative leave are presumed innocent until proven guilty.
 - e. Sexual misconduct involving children shall be reported first to civil authorities and then to the General Presbyter, the Stated Clerk, or the Chair of the Committee on Ministry [or its equivalent]. It should be noted that reporting an allegation of child abuse to the Presbytery does not relieve the accuser of his or her mandated reporting responsibilities under state law.
 - f. The General Presbyter or his/her designee will immediately notify the Presbytery's insurance company and the Response Team that an allegation was received.
 - g. Any allegations that fall within the jurisdiction of a local Session will be referred to the Clerk of that Session and the minister of the church. If the allegation is of sexual misconduct by a minister member, the local church should report the incident to the General Presbyter, Stated Clerk, or the Chair(s) of the Committee on Ministry [or its equivalent], as minister members are governed by their presbytery of jurisdiction.

5. The Role of the Investigating Committee

- a. The Investigating Committee is charged, under the Rules of Church Discipline, with conducting an inquiry to determine whether charges should be filed [D-7.11].
- b. The Investigating Committee is appointed by the Stated Clerk, in consultation with the General Presbyter and Presbytery Moderators.
- c. The Investigating Committee will provide the accused with a copy of the statement of the alleged offense [D-7.1102].
- d. The Investigating Committee will determine whether sufficient grounds exist to bring the complaint to trial. If the committee determines that grounds exist, and they can

reasonably be proved [D-7.1103], the Investigating Committee will prosecute the case before the Presbytery Permanent Judicial Commission.

- e. After the investigation is complete, the Investigating Committee, if appropriate, will initiate alternative forms of dispute resolution [D-7.16], or proceed to the filing of charges [D-7.15] and the prosecution of the case [D-7.1502c].

6. Appeal Process

- a. If the defense in a case alleges that grounds exist for an appeal [D-10], any level of censure invoked by the Presbytery shall remain in force [D-8.13].

7. Unsupported Allegations

- a. If the accused is acquitted of charges or if the Investigating Committee determines that the allegations are unsupported by evidence, the General Presbyter, and his or her designee, will consult with the accused to decide how best to repair any damage that may have been done to the reputation of the accused. If an allegation is found to have been submitted maliciously or without grounds, the accuser may be named and disciplinary action may be initiated. The Investigating Committee and the Response Team should encourage the accused to file a 'request for vindication' under D-7.0202.

8. Disclosure

- a. Except in unusual circumstances, the Presbytery will disclose sexual misconduct by ministers as noted in the guidelines listed below. Although disclosure can increase the short term pain caused by ministerial sexual misconduct, experience has demonstrated that disclosure speeds the healing of the primary and secondary victims of the misconduct, empowers unknown victims to come forward and seek help, protects others from being victimized by the same minister, and demonstrates the commitment of the Church to deal openly and honestly with the problem.
- b. Decisions regarding who will make disclosure, to whom and when, will vary from case to case. In general, the Presbytery will abide by the following guidelines:
 - i. Disclosure of sexual misconduct by ministers will be made to the leadership of the minister's congregation, to the members of the minister's present congregation, to resbyteries where the minister was previously a member, and to other ministers within the Presbytery. In some situations, wider disclosure to previous congregations, to the entire Presbytery, or even to the news media, may be made as well.
 - ii. Typically, disclosure will be made when:
 - 1. the minister admits to committing sexual misconduct;
 - 2. the minister resigns his or her call or from the jurisdiction of the PCUSA after being accused of sexual misconduct;

3. the minister is placed on Administrative Leave in response to an allegation of sexual misconduct;
 4. the minister is suspended or removed from the roster as a result of formal disciplinary actions; or
 5. secular legal proceedings (civil or criminal) are initiated against the minister.
- iii. The Presbytery intends to work closely with the session regarding appropriate disclosure to the members of the congregation. Disclosure to the members will usually be made by one or more members of the session or by the General Presbyter.
 - iv. To protect the privacy of those harmed by the misconduct, only the following will be disclosed:
 1. the fact that the minister has been accused of, admitted to, resigned, or been found guilty of committing sexual misconduct;
 2. the gender of the complainant
 3. whether the complainant was an adult or a minor at the time of the misconduct; and
 4. whether the complainant was a member of the minister's congregation or a person to whom the minister was providing pastoral care.
 - v. Disclosure should never include the name of the complainant or facts from which she or he could readily be identified. If the minister has denied the allegations, that fact will also be disclosed.
 - vi. Persons who believe that they have been harmed (directly or indirectly) by the minister will be invited to contact a member of the session, the Presbytery Response Team, or others who have agreed to be available to those persons.

9. Restoration

- a. Anyone who has been removed from the exercise of ordained office due to sexual misconduct may apply for restoration to the ordained office of Minister of the Word and Sacrament. A minister desiring restoration can apply to the governing body that imposed the censure by submitting a written request for restoration to the Stated Clerk [D-9.02].
- b. The General Presbyter, the Stated Clerk and the Moderator of the COM shall select three persons from the Response Team Pool to serve as a Restoration Team to consider the minister's request and make a recommendation. The members shall be persons who were not involved with the investigation, prosecution or response coordination for the case. The members shall not be personally interested in the case, related by blood or

- marriage to any party, or have been active for or against any party. The team shall give written notice of the minister's application for restoration to ordained office to the victim(s) and session/agency affected by the misconduct. All the parties that were affected by the misconduct shall be given an opportunity to be heard. The team will make a recommendation to the COM [or its equivalent].
- c. Any consideration of restoration must be based on state-of-the-art knowledge of the rehabilitation potential of abusive clergy. The conditions listed below are only minimums when considering an application for restoration from a clergy person who has been found guilty of sexual misconduct, as defined by this policy: Psychological evaluation should define the "likelihood of future violations based on current and past history".
 - i. Unequivocal acknowledgment of responsibility for harm done to victims
 - ii. A letter of apology to the victim(s)
 - iii. Genuine remorse for harm done
 - iv. Repentance, demonstrated by a fundamental change in behavior and understanding, which occurs with appropriate therapy (determined by state-of-the-art or first-hand knowledge)
 - v. Offering of restitution to the victim(s)
 - vi. Psychological testing that assesses the minister's concept of and ability to deal with power
 - vii. Positive evaluation of participation in an appropriate rehabilitation plan acceptable to the COM
 - viii. Granting permission to the Restoration Team to speak with the petitioner's spouse and/or other significant persons
 - d. The Church must hold in tension its responsibility to forgive a truly repentant and rehabilitated abuser and its responsibility to protect the vulnerable. The question that the Presbytery must answer in considering a request for restoration to ordained ministry is: **"Can you assure the church that this person will not again violate the boundaries of the ministerial relationship through sexual abuse?"** If this question cannot be answered in the affirmative, the minister should not be placed in a position of trust again, because the risk to the church is so great. The minister seeking restoration has a high hurdle to clear. Ordained ministry is a privilege not a right. When one is ordained, one is responding to a call by God, affirmed by our faith community, to function in a public role of leadership. As long as we function responsibly, maintaining the integrity of the pastoral relationship, we retain the privilege of serving in a role of ministerial leadership. The potential legal liability for allowing a known abuser to resume ministry to others is enormous, should he or she abuse again.
 - e. The Restoration Team will inform the minister seeking restoration in writing of its

decision and the content of its recommendation to Presbytery.

10. Requests for Transfer, Release, or Renunciation of Jurisdiction

A Session or the Presbytery is constitutionally prohibited from granting a certificate of transfer to a member while an inquiry or charges are pending [D-7.0502]. The reasons for not granting a transfer may be communicated by the Clerk of Session or the Stated Clerk to the appropriate persons. Should a minister renounce the jurisdiction of the Presbyterian Church (U.S.A) under G-2-0407 & G-2.0509, the Stated Clerk shall report to the governing body both the renunciation and the status of the matter at that time, including the name of the accused, the date and fact of renunciation during an investigation or trial, and the charges filed, if any. These actions shall end the Presbytery's disciplinary process. In the case of a renunciation, the Committee on Ministry [or its equivalent] shall make all reasonable efforts to provide pastoral care and justice to the accuser/victim and the congregation.

11. Disposition of Files

At the conclusion of a case, the records and files of all allegations and their disposition shall be delivered to the Stated Clerk as the designated custodian of all files concerning the case. No committee or its members shall keep copies of a file.

ALBANY PRESBYTERY CHILD & YOUTH PROTECTION POLICY

Purpose Statement: Albany Presbytery seeks to provide a safe and secure environment for the children who participate in our programs and activities. By implementing the below practices, our goal is to protect the children who participate in our programs and activities from incidents of misconduct or inappropriate behavior while also protecting our employees and volunteers from false accusations.

A. **Definitions**

For purposes of this policy, the terms “child” or “children” include all persons under the age of eighteen (18) years. The term “employee” includes paid persons who work with children. The term “volunteer” means an unpaid person who works with children.

For purposes of this policy, “child abuse” is any action (or lack of action) that endangers or harms a child’s physical, psychological or emotional health and development. Child abuse occurs in different ways and includes the following:

1. *Physical abuse* - any physical injury to a child that is not accidental, such as beating, shaking, burns, and biting.
2. *Emotional abuse* - emotional injury when the child is not nurtured or provided with love and security, such as an environment of constant criticism, belittling and persistent teasing.
3. Sexual abuse - any sexual activity between a child and an adult or between a child and another child at least four years older than the victim, including activities such as fondling, exhibitionism, intercourse, incest, online (Internet, cellular telephone, tablet) inappropriate pictures, solicitation (“sexting”) or abusive remarks, and pornography.
4. Neglect - depriving a child of his or her essential needs, such as adequate food, water, shelter, and medical care.

B. **Requirements for Working with Children**

All persons who desire to work with the children participating in our programs and activities will be screened. This screening includes the following:

1. *Six Month Rule:*

No employee or volunteer will be considered for any position involving contact with minors until she/he has been involved with the Albany Presbytery for a minimum of six (6) months. This time of interaction between our leadership and the applicant allows for better evaluation and suitability of the applicant for working with children.

2. *Written Application:*

All volunteers seeking to work with children must complete and sign a written application in a form to be supplied by us [see Appendix D] as well as an acknowledgment of receipt and understanding of this and other policies [Appendix A]. The application will request basic information from the applicant and will inquire into their previous experience with children, prior church affiliation(s), references, and

employment information, as well as disclosure of any criminal convictions. The application form will be maintained in confidence on file at the Albany Presbytery office.

3. *Personal Interview*

Upon completion of the application, a face-to-face interview may be scheduled with the applicant to discuss his/her suitability for the position.

4. *Reference Checks*

Before a volunteer is permitted to work with children, at least three of the applicants' references will be checked. These references should be of an institutional nature, preferably from organizations where the applicant has worked with children in the past. An additional reference should be a personal reference of someone who can speak to how well the applicant works with children. Reference checks will be performed every three years. Documentation of the reference checks will be maintained in confidence on file at the Albany Presbytery office.

5. *Criminal Background Check*

A local and national criminal background check is required for all employees (regardless of position) and volunteers as defined above. Before a background check is run, prospective workers will be asked to sign an authorization form [may be electronic] allowing the Presbytery to run the check. If an individual declines to sign the authorization form, s/he will be unable to work with children. A disqualifying offense that will keep an individual from working with children will be determined by the General Presbyter [or equivalent] or the Stated Clerk on a case-by-case basis in light of all the surrounding circumstances. Generally, convictions for an offense involving children and/or for offenses involving violence, dishonesty, illegal substances, indecency and any conduct contrary to our mission will preclude someone from being permitted to work with children. Failure to disclose a criminal conviction on the application form will also be a disqualifying event. The results of the background check will be maintained in confidence on file at the Presbytery office.

C. **Two Adult Rule**

It is our goal that a minimum of two unrelated adult workers will always attend when children are being supervised during our programs and activities. Some youth classes may have only one adult teacher in attendance during the class session; in these instances, doors to the classroom should remain open and there should be no fewer than three students with the adult teacher. We do not allow minors to be alone with one adult on our premises or in any sponsored activity.

D. **Responding to Allegations of Child Abuse**

Childcare workers and volunteers may have the opportunity to become aware of abuse or neglect of the children under our care. In the event that an individual involved in the care of children at an Albany Presbytery sponsored event becomes aware of suspected abuse or neglect of a child under his/her care, this should be reported immediately to the Stated Clerk

for further action, including reporting to authorities as may be mandated by state law.

In the event that an incident of abuse or neglect is alleged to have occurred at an Albany Presbytery event or during our sponsored programs or activities, the following procedure shall be followed:

1. The parent or guardian of the child will be notified.
2. The worker alleged to be the perpetrator of the abuse or misconduct will immediately be placed on leave from working with children, pending an investigation, and instructed to remain away from the premises during the investigation.
3. Civil authorities will be notified, and the Albany Presbytery will comply with the state's requirements regarding mandatory reporting of abuse, as the law then exists. The Albany Presbytery will fully cooperate with the investigation of the incident by civil authorities.
4. Our insurance company will be notified, and we will complete an incident report. Any documents received relating to the incident and/or allegations will immediately be forwarded to the insurance company.
5. Our Stated Clerk will be our spokesperson to the media concerning incidents of abuse or neglect unless he or she is alleged to be involved. We will seek the advice of legal counsel before responding to media inquiries or releasing information to the Presbytery. All other representatives of the Presbytery should refrain from speaking to the media.
6. A pastoral visit will be arranged for those who desire it.
7. Any person who is not found innocent of the alleged abuse or misconduct will be removed from their position working with children or youth.

Additional Provisions Regarding Child Protection

E. Open Door Policy

Classroom and daycare doors should remain open unless there is a window in the door or a side window beside it. Doors should never be locked while persons are inside the room.

F. Teenage Workers

We recognize that there may be times when it is necessary or desirable for babysitters (paid or volunteer) who are under age 18 to assist in caring for children during programs or activities. The following guidelines apply to teenage workers:

1. Must be at least age 13.
2. Must be screened as specified above.
3. Must be under the supervision of an adult and must never be left alone with children.

G. Sick Child Policy

It is our desire to provide a healthy and safe environment for all the children at our activities.

Parents are encouraged to be considerate of other children when deciding whether to place a child under our care. In general, children with the following symptoms should NOT be dropped off:

1. Fever, diarrhea, or vomiting within the last 48 hours;
2. A runny nose with a green or a yellow color;
3. Eye or skin infections; and/or
4. Other symptoms of a communicable or infectious disease.

Children who are observed by our workers to be ill will be separated from other children and the parent or guardian will be contacted to ask that the child is picked up for the day.

H. **Medications Policy**

It is the policy of the Albany Presbytery not to administer either prescription or non-prescription medications to the children under our care. Medications should be administered by a parent at home. Parents are reminded of our sick child policy. Exceptions to the medications policy may be granted to parents of children with potentially life-threatening conditions (such as asthma or severe allergic reactions). Parents of such children should address their situation with the adult childcare leader to develop a plan of action.

I. **Discipline Policy**

It is the policy of the Albany Presbytery not to administer corporal punishment, even if parents have suggested or given permission for it. There should be no spanking, grabbing, hitting, or other physical discipline of children. Workers should consult with the General Presbyter or Stated Clerk if assistance is needed with disciplinary issues.

J. **Restroom Guidelines**

Children five years of age and younger should use a classroom bathroom if one is available. If a classroom bathroom is not available, workers should escort a group of at least two children to the hallway bathroom. They should always go in a group, never taking a child to the bathroom alone. The workers should check the bathroom first to make sure that it is empty, and then allow the children inside. The workers should then remain outside the bathroom door and escort the children back to the classroom. If a child is taking longer than seems necessary, the worker should open the bathroom door and call the child's name. If a child requires assistance, the workers should prop open the bathroom door, and leave the stall door open as they assist the child.

For children over the age of five, at least one adult male should take boys to the restroom and at least one adult female should take girls. The worker should check the bathroom first to make sure that the bathroom is empty, and then allow the children inside. The worker should then remain outside the bathroom door and escort the children back to the classroom.

For the protection of all, workers should never be alone with a child in a bathroom with the door closed and never be in a closed bathroom stall with a child. Parents are strongly

encouraged to have their children visit the bathroom prior to each class.

K. **Accidental Injuries to Children**

In the event that a child or youth is injured while under our care, the following steps should be followed:

1. For minor injuries, scrapes, and bruises, workers will provide First Aid (Band-Aids, etc.) as appropriate and will notify the child's parent or guardian of the injury at the time the child is picked up from our care.
2. For injuries requiring medical treatment beyond simple First Aid, the parent and/or guardian will immediately be summoned in addition to the worker's supervisor. If warranted by circumstances, an ambulance will be called.
3. Once the child has received appropriate medical attention, an incident report will be completed in the case of injuries needing treatment by a medical professional.

APPENDIX A

RECEIPT AND ACKNOWLEDGMENT OF POLICIES AND PROCEDURES

Printed Name: _____

Position(s): _____

I have received the Albany Presbytery's Anti-Harassment, Sexual Misconduct and Child/Youth Protection Policies and Procedures dated _____ and acknowledge its contents.

I agree to abide by the standards of the Albany Presbytery's Anti-Harassment, Sexual Misconduct and Child/Youth Protection Policies and Procedures as long as I remain a Minister Member, Commissioned Ruling Elder, Ministerial Inquirer or Candidate, Authorized Minister, Authorized Preacher, Employee, Volunteer, or any position carrying out the Mission and Ministry of Albany Presbytery.

Signature: _____

Date: _____

APPENDIX B

STATEMENT OF ALLEGED SEXUAL MISCONDUCT OFFENSE

Date of Report: _____ Date Received by Stated Clerk: _____

1. ACCUSER INFORMATION (please print)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____/_____-_____

Church Membership: _____ Ordination: Elder

_____ Deacon _____ Minister _____ Other _____

Currently serving: Yes: _____ No: _____

2. ALLEGED VICTIM INFORMATION (if different from accuser) (please print)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____/_____-_____

Church Membership: _____ Ordination: Elder

_____ Deacon _____ Minister _____ Other _____

Currently serving: Yes: _____ No: _____

3. ACCUSED INFORMATION (please print)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____/_____-_____

Church Membership: _____ Position: Elder

_____ Deacon _____ Minister _____ Other _____

Presbytery Staff _____ Presbytery Volunteer _____

APPENDIX C

ALBANY PRESBYTERY POLICY ON ADMINISTRATIVE LEAVE

A. Policy

1. Administrative Leave – Involving Alleged Sexual Abuse.

- a. When a written statement of an alleged offense of sexual abuse toward any person under the age of eighteen, or who it is alleged lacked the mental capacity to consent, or “any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry nor position” [D-7.0901] has been received against a Minister of the Word and Sacrament or Commissioned Ruling Elder during their time of service, the Stated Clerk receiving the allegation shall immediately communicate the allegation to the moderator of the Permanent Judicial Commission [PJC].
- b. The moderator of the PJC shall within three days designate two members to serve on a review team, according to D-3.0102. This team, after giving the accused the opportunity to be heard, will determine whether the accused shall be placed on a paid administrative leave during the resolution of the matter according to D-7.0902-D-7.0905. Part of the team’s discernment will be to determine whether the risk to the congregation and to potential victims of abuse, when considered in light of the nature and probable truth of the allegations, requires administrative leave or other restrictions upon the minister’s service.
- c. While administrative leave is in effect, the minister or other employee may not perform any pastoral, administrative, educational, or supervisory duties, and may not officiate at any functions such as baptisms, funerals, or weddings. Such administrative leave or restrictions will continue until resolution of the matter in one of the ways prescribed in the Rules of Discipline or the leave or restrictions are altered or removed by the designated members of the commission.
- d. The cost of such shall be borne by the employing entity whenever possible or be shared by the presbytery as necessary.
- e. If the designated members of the PJC determine that no administrative leave or restriction is required, the Investigating Committee appointed to investigate the allegations shall be free at any point in its investigation to present additional evidence to the PJC review team supporting the imposition of administrative leave or other restrictions.

2. Administrative Leave – Not involving allegations of sexual abuse

- a. Under appropriate circumstances, Ministers of Word and Sacrament who are being investigated for professional misconduct should be temporarily removed from their ministerial positions. Under no circumstances will administrative leave be required when there is no concurrent disciplinary proceeding in process under the Rules of Discipline. The conditions in which administrative leave is appropriate include, but are not limited

to, situations where:

- i. the facts described in a statement of alleged offense, or where the Investigating Committee, in the course of its investigation uncovers allegations which, if true, pose a present risk of serious physical, emotional, or financial harm, particularly to children or those unable to consent because of physical or mental disability;
- ii. relations between the minister and the congregation or entity he or she serves have become severely conflicted in the course of the disciplinary process.

B. Application

When the Stated Clerk of the Presbytery receives a written statement of an alleged offense, in addition to initiating the procedures required by the Rules of Discipline, the Stated Clerk shall, if the allegation involves sexual misconduct, communicate the allegation to the moderator of the PJC and, together with their team, as defined in D-3.0102, determine if the complaint warrants administrative leave. If the alleged offense is not of a sexual nature, the Stated Clerk shall notify the General Presbyter and/or Chair(s) of the Committee on Ministry [or its equivalent] [or its equivalent] who will discern, with input from additional sources if necessary, if administrative leave is required during the investigation and judicial process.

In either case, the Stated Clerk shall notify the minister and the local Session that the minister is placed on administrative leave.

All persons placed on administrative leave are presumed innocent until proven guilty.

C. Term

The duration of administrative leave related to sexual misconduct will be set by the PJC Review Team and will depend upon the time needed for the investigative and judicial process. The duration of administrative leave for other alleged offenses will be set by the Committee on Ministry [or its equivalent]. The investigation will proceed to conclusion with all deliberate speed, mindful of the financial obligations of those involved.

D. Conduct of Minister on Administrative Leave

The minister on leave shall:

1. not initiate or sustain contact with any member of the church staff or any member of the congregation (other than family members) except under the following circumstances:
 - a. one member of the staff or session may be designated, by prior mutual agreement, to deliver personal mail or other personal effects to the minister on administrative leave;
 - b. when contact has been authorized by the Stated Clerk for the purpose of preparing a defense.
 - c. All other contact with the congregation shall be through the moderator appointed by

- the Committee on Ministry [or its equivalent] and/or through their designee. Even in non-church events such as scouting, school, or sports programs, the minister shall not use social contact with church members to garner support for his or her case;
2. remain out of all church buildings and off church grounds (excluding a manse and/or a school on the church property when the minister is in the role of a parent of a child enrolled in the school) throughout the duration of administrative leave;
 3. not conduct worship services, weddings, funerals, administer the sacraments or engage in any form of pastoral leadership in the congregation which the minister serves, or in funeral homes, wedding chapels, or in any other congregation in the Presbytery or any other Presbytery. Provisions may be made with the Stated Clerk, General Presbyter, or the Committee on Ministry [or its equivalent] in those cases where the minister's pastoral care is requested by his or her own family;
 4. not attend Session meetings or meetings of any other board or committee of the congregation.

E. Financial Arrangements

1. Because a minister on administrative leave is presumed innocent, he or she will continue to receive full salary, housing allowance, and medical and pension benefits as defined by his or her terms of call. However, expense allowances, including educational benefits, shall not be paid. The period during which financial support is paid shall be set by the Committee on Ministry [or its equivalent] and shall not ordinarily exceed one year. If the administrative leave is extended, the terms of call may be amended by the congregation, with the approval of the Committee on Ministry.
2. Ordinarily, these costs shall be borne by the minister's congregation. In the event the congregation cannot afford to honor the accused minister's terms of call and pay for interim leadership, the costs of interim leadership may be borne in whole or in part by the Presbytery. The reasonableness of these costs shall be determined by the Committee on Ministry [or its equivalent].

F. Enforcement:

Any violations of the terms of a person's administrative leave shall be reported to the Stated Clerk of the Presbytery, and may themselves become the subject of disciplinary proceedings.

ALBANY PRESBYTERY - ADMINISTRATIVE LEAVE FINANCIAL TERMS OF AGREEMENT

Date: _____

During the period of administrative leave, from _____ to _____, the Session and congregation of _____ Church agree to continue to pay _____ according to the current terms of call, not including expense allowances and/or educational benefits.

If the administrative leave is extended beyond the aforementioned date, the congregation has a right to amend the terms of call, with the approval of the Committee on Ministry [or its equivalent]. Any amendment of the terms of call must be negotiated by the COM and the Session, in consultation with the minister, and put before the congregation for approval.

_____ (COM Representative) (Date)

_____ (Minister) (Date)

_____ (Clerk of Session) (Date)

_____ (Stated Clerk) (Date)

Appendix D

Volunteer Application Form

Application Date: _____/_____/_____ (yyyy/mm/dd) Your Information:

Name: _____

Telephone: (____) _____ - _____ [home] (____) _____ - _____ [cell]

Address: _____

Address (line 2) _____

City: _____ State: _____ Zip: _____

In what children/youth program(s) are you seeking to become involved?

What skills or interests do you bring to the child/youth program(s)?

What experience with children/youth have you had in the past five years?

List of Past Experiences and Organizations working with Children/Youth

Dates	Contact Person	Phone	Organization

Have you at any time ever ...

- Yes No ... been arrested for any reason
- Yes No ... been convicted, or pleaded no contest to, any crime involving children
- Yes No ... been convicted, or pleaded no contest to a moving violation in the past 3 years
- Yes No ... engaged in, or been accused of, any act of child molestation and/or exploitation, abuse, or neglect?

Are you aware of ...

- Yes No ... having any traits or tendencies that could pose a threat to children, youth, or others?
- Yes No ... any reason you should not work with children, youth, or others?

If the answer to any of the above questions is yes, please provide an explanation below:

Church Activity:

What church(es) have you attended in the past five years?

Church Name	Start Date	End Date	Phone	Pastor or Clerk of Session

References (other than family members)

Name	Relationship	Address	Phone

Applicant verification and release:

I recognize that the Albany Presbytery is relying upon the accuracy of the information contained herein. Accordingly, I attest and affirm that all the information that I have provided is completely true and correct.

I authorize the Albany Presbytery to contact any person or entity listed in this application and I further authorize any such person or entity to provide Albany Presbytery with information, opinions, and impressions relating to my background or qualifications.

I further authorize the Albany Presbytery to conduct a County, State and Federal criminal background check and/or child abuse investigation if the check is deemed necessary.

I voluntarily release the Albany Presbytery and any such organization or entity listed herein by me from liability involving the communication of information relating to my background or qualifications.

I have carefully read the Albany Presbytery Child & Youth Protection Policy.

Signature _____ Date ____/____/____

Witness _____ Date ____/____/____