































521 **Appendix A**

522 Definitions

523 *Accused* is the term used to represent the person against whom a claim of sexual misconduct is  
524 made.

525 *Accuser* is a term used to represent the person(s) claiming knowledge of sexual misconduct by a  
526 person covered by this policy. The accuser may or may not have been the victim of the  
527 alleged sexual misconduct. A person such as a family member, friend, colleague, or another  
528 individual may be the accuser.

529 *Civil Authorities* are the governmental bodies, whether city, county, state, or federal, who are  
530 given the responsibility to investigate, criminally prosecute, and/or bring civil charges  
531 against individuals accused of sexual crimes or offenses against adults and children.

532 *Council* is a representative body composed of ruling elders and ministers of Word and  
533 Sacrament: sessions, presbyteries, synods, and the General Assembly. A council may  
534 establish entities such as day-care centers, conference centers, camps, homes for the aged, or  
535 campus ministries. A council may have both church members and nonmembers as  
536 employees.

537 *Employee* is the comprehensive term used to cover individuals who are hired or called to work  
538 for the church for salary or wages.

539 *Entity* is the term used to refer to any program or office managed by a board, committee, council,  
540 or other body whose membership is elected by a council. Entities subject to these policies  
541 and procedures include entities subordinate to the Presbytery of the Peaks or any  
542 congregation or session in the Presbytery. Entities are also referred to as “related entities” or  
543 “other entities” herein.

544 *Inquiry* is the term used in the Rules of Discipline to determine whether charges should be filed  
545 based upon allegations of an offense received by a council. (Book of Order D-10.0000)

546 *Mandated Reporter* includes any person under the PCUSA constitution who is mandated to  
547 report to the civil authorities any reasonably held belief that there will be future harm and any  
548 person described by a states’ laws as a person who is required to report any and all suspected  
549 incidents of child abuse, including child sexual abuse that come to their attention. State laws  
550 vary from defining “all persons having knowledge” as mandated reporters to specifying very  
551 limited lists of professions whose members are required to report.

552 *Persons Covered* by this policy includes church members, church officers, ministers of Word  
553 and Sacrament, and nonmembers who are employees or volunteers of the Presbytery of the  
554 Peaks and all subordinate councils and entities.

555 *Response* is the action taken by the council or entity when a report of sexual misconduct is  
556 received. It may include (1) inquiry into facts and circumstances, (2) possible disciplinary  
557 action (administrative or judicial or both), (3) pastoral care for victims and their families,  
558 congregations, and others, and (4) pastoral care and rehabilitation for the accused and care  
559 for their families. The responses enumerated in this definition shall not relieve any person of  
560 his or her obligation to report an instance of alleged sexual misconduct as required in Section  
561 B of the Policy on Sexual Misconduct.

562 *Secular Law* is the body of municipal, state, and federal laws and is often referred to collectively  
563 as civil and criminal law. Prohibited behavior addressed by this policy may result in criminal  
564 and/or civil charges filed under secular law.

565 *Victim* is a person claiming or alleged to have been harmed and/or abused by an accused person  
566 covered under this policy.

567 *Volunteer* is the term used for those who provide services without remuneration for the  
568 Presbytery of the Peaks and/or its subordinate councils and entities. Volunteers include  
569 persons elected or appointed to serve on councils, committees, boards, and other groups.

570

571 **APPENDIX B1**  
572 **EMPLOYEE QUESTIONNAIRE**

573  
574 Name: \_\_\_\_\_

575                                      Last                                      First                                      Middle  
576 Address

577 \_\_\_\_\_  
578                                      Street                                      City                                      State                                      Zip

579 Business Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

580 Have you ever been known by any other name? Yes\_\_\_\_ No\_\_\_\_

581 If yes, please provide other name(s) \_\_\_\_\_

582 Please respond Yes or No to the following questions:

583 \_\_\_\_ a. Have you been found guilty or deemed to be liable in a criminal or civil proceeding in a  
584 court of law or by an ecclesiastical body for any actions involving sexual misconduct?

585 \_\_\_\_ b. Has a founded disposition been entered against you as a result of a Child Protective  
586 Services investigation?

587 \_\_\_\_ c. Have you ever resigned or been terminated from a position for reasons relating to  
588 allegations of sexual misconduct? If so, indicate the date, nature and place of these allegations  
589 and the name, address, and telephone number of your employer at that time on the back of this  
590 form.

591 \_\_\_\_ d. Have you been required to receive professional treatment, physical or psychological for  
592 reasons of sexual misconduct? If so, on the back of this form, please give a short description of  
593 the treatment, including the date and nature of treatment, place and name, address, and telephone  
594 number of the treating physician or other professional and a release directed to all health care  
595 providers to divulge any and all recommendations of treatment relating to the subject of sexual  
596 misconduct.

597 Employment Record: Please list or provide a separate sheet with current and previous employers  
598 for last ten years including identity of Employer, Employers Address, Your Supervisor,  
599 Supervisor’s Phone, Supervisor’s Title, Employment Dates, and Reason for Leaving.

600 Please complete the following certification:

601 I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending  
602 against me or sexual misconduct; (b) I have never resigned or been terminated from a position  
603 for reasons related to sexual misconduct.

604  
605 \_\_\_\_\_  
606                                      Signature                                      Date

607 Note: If you are unable to make the above certification, you may provide on a separate sheet a  
608 description of the complaint, termination or the outcome of the situation and any explanatory  
609 comments you care to add.

610 RELEASE

611 The information contained in this questionnaire is accurate to the best of my knowledge and may  
612 be verified by the employing entity. I hereby authorize \_\_\_\_\_(Name of  
613 Employing Entity) to make any and all contacts necessary to verify my prior employment history  
614 and to inquire concerning any criminal records or any judicial proceedings involving me as a  
615 defendant or any Child Protective Services investigations or its equivalent. By means of this  
616 Release, I also authorize any previous employer and any law enforcement agencies or judicial  
617 authorities to release any and all requested relevant information to  
618 \_\_\_\_\_(Name of the Employing Entity).

619 I have read this release and understand fully that the information obtained may be used to deny  
620 me employment or any other type of position from the employing entity. I also agree that I will  
621 hold harmless the employing entity or judicial authority from any and all claims, liabilities and  
622 cause of actions for the legitimate release or use of any information.

623

624 Signature \_\_\_\_\_

625

626 Witness \_\_\_\_\_

627

628 Witness \_\_\_\_\_

629

630 **APPENDIX B2**

631 **VOLUNTEER QUESTIONNAIRE**

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

633 Last First Middle

634 Address \_\_\_\_\_

635 \_\_\_\_\_

636 Street City State Zip

637 Business Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

638 Have you ever been known by any other name? Yes\_\_\_\_ No\_\_\_\_

639 If yes, please provide other name(s) \_\_\_\_\_

640 Please respond Yes or No to the following questions:

641 \_\_\_ a. Have you been found guilty or deemed to be liable in a criminal or civil proceeding in a  
642 court of law or by an ecclesiastical body for any actions involving sexual misconduct?

643 \_\_\_ b. Has a founded disposition been entered against you as a result of a Child Protective  
644 Services investigation?

645 \_\_\_ c. Have you ever resigned or been terminated from a position for reasons relating to  
646 allegations of sexual misconduct? If so, indicate the date, nature and place of these allegations  
647 and the name, address, and telephone number of your supervising organization at that time on the  
648 back of this form.

649 \_\_\_ d. Have you been required to receive professional treatment, physical or psychological for  
650 reasons of sexual misconduct? If so, on the back of this form, please give a short description of  
651 the treatment, including the date and nature of treatment, place and name, address, and telephone  
652 number of the treating physician or other professional and a release directed to all health care  
653 providers to divulge any and all recommendations of treatment relating to the subject of sexual  
654 misconduct.

655

656 Please complete the following certification:

657 I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending  
658 against me or sexual misconduct; (b) I have never resigned or been terminated from a position  
659 for reasons related to sexual misconduct.

660

661 \_\_\_\_\_

662 Signature

Date

663 Note: If you are unable to make the above certification, you may provide on a separate sheet a  
664 description of the complaint, termination or the outcome of the situation and any explanatory  
665 comments you care to add.

666 RELEASE

667 The information contained in this questionnaire is accurate to the best of my knowledge and may  
668 be verified by the employing entity. I hereby authorize \_\_\_\_\_(Name of Supervising  
669 Entity) to make any and all contacts necessary to verify my prior employment history and to  
670 inquire concerning any criminal records or any judicial proceedings involving me as a defendant  
671 or any Child Protective Services investigations or its equivalent. By means of this Release, I also  
672 authorize any previous employer and any law enforcement agencies or judicial authorities to  
673 release any and all requested relevant information to \_\_\_\_\_(Name of the  
674 Supervising Entity).

675 I have read this release and understand fully that the information obtained may be used to deny  
676 me employment or any other type of position from the employing entity. I also agree that I will  
677 hold harmless the supervising entity or judicial authority from any and all claims, liabilities and  
678 cause of actions for the legitimate release or use of any information.

679

680 Signature \_\_\_\_\_

681

682 Witness \_\_\_\_\_

683

684 Witness \_\_\_\_\_

685

686

687 APPENDIX C

688 This is a sample form that may be used to keep a record of all face-to-face or telephone reference  
689 checks. Additions that have to do with sexual misconduct or child abuse may be needed by the  
690 entity to justify to a court of law that they have done reasonable and prudent screening before  
691 hiring a person for a position within that entity.

692 CONFIDENTIAL EMPLOYMENT REFERENCE

694 1. Name of Applicant:  
695 \_\_\_\_\_

696 2. Reference or church contacted (if a church, identify both the church and person contacted):  
697 \_\_\_\_\_  
698 \_\_\_\_\_  
699 \_\_\_\_\_

700 3. Date and time of contact:  
701 \_\_\_\_\_

702 4. Person contacting the reference or church:  
703 \_\_\_\_\_

704 5. Method of contact (phone, letter, personal conversation):  
705 \_\_\_\_\_

706 6. Summary of conversation (summarize the reference's remarks concerning the applicant's  
707 fitness and suitability for the position, any convictions for or actions pending related to sexual  
708 misconduct, sexual harassment or child abuse):  
709 \_\_\_\_\_  
710 \_\_\_\_\_  
711 \_\_\_\_\_  
712 \_\_\_\_\_

714 Name: \_\_\_\_\_ Title: \_\_\_\_\_

715 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

716

717 **APPENDIX D1**

718 **IMPLEMENTING POLICY ON SEXUAL MISCONDUCT AND ACKNOWLEDGMENT OF**  
719 **RECEIPT**

720 I hereby acknowledge that on date(s) indicated below I received a copy of the *Policy on Sexual*  
721 *Misconduct and Procedures for Sexual Misconduct Complaints*, and that I have read the Policy,  
722 understand its meaning and agree to conduct myself in accordance with the Policy.

723

724

725 \_\_\_\_\_

726 Signature

727

728 \_\_\_\_\_

729 Date

730

731 APPENDIX D2

732 IMPLEMENTING POLICY ON SEXUAL MIS CONDUCT AND ACKNOWLEDGMENT OF  
733 RECEIPT

734 I hereby acknowledge that on date(s) indicated below I received training on the Policy on Sexual  
735 Misconduct and Procedures for Sexual Misconduct Complaints, and I understand its meaning  
736 and agree to conduct myself in accordance with the Policy.

737

738

739 \_\_\_\_\_

740 Signature

741 \_\_\_\_\_

742 Date

743

## 744 APPENDIX E

## 745 Meeting the Needs of All Involved

746 In cases of sexual misconduct there are needs that have to be met for the good of all persons,  
 747 groups, and entities. To ensure that the Presbytery is ready to meet the variety of needs present,  
 748 an independent CARE Team shall be named. The CARE Team shall be appointed from the  
 749 CARE Pool as stated in Section A, Part VI 6 of the policy. This Team will not investigate the  
 750 allegation or in any way function as an investigating committee for disciplining members or  
 751 officers, but should confine itself to coordinating a process that will meet the specific needs of  
 752 victims and their families (if any), the accused and family (if any), employing entities,  
 753 congregations, sessions and the Presbytery.

## 754 A. The Needs of the Victim

755 The Presbytery, session, related entities, and CARE Team should assure that adequate  
 756 treatment and care are available for alleged victims of sexual misconduct and their families.  
 757 Sometimes, the victim or family is so angry and alienated from the church, that offers of help  
 758 may be perceived as insincere or as attempts of a cover-up. If the victim or family at first refuses,  
 759 the church should continue to offer help. Above all the church should not act in a self-protective  
 760 manner by ignoring the victim and their families.

761 The extent of the damage to the victims of sexual misconduct will vary from person to person  
 762 and is influenced by such factors as the degree or severity of abuse, the age and emotional  
 763 condition of the victim, human dynamics, and the importance of one's religious faith. The  
 764 Presbytery, session, entity, and CARE Team are to assume in all cases that the victim has been  
 765 wounded by the experience.

766 Feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, and feelings of  
 767 alienation from God, self, the religious community, and family are frequent injuries suffered by  
 768 victims. It is important for the CARE Team to be sensitive to the victim's pain and need for  
 769 healing, and to act by making appropriate pastoral care available.

770 The following are some of the needs of the victim:

- 771 1. To be heard and taken seriously. From the time that the victim is first able to indicate that  
 772 sexual misconduct has occurred, that person should receive immediate attention and  
 773 serious consideration from all church representatives.
- 774 2. To receive pastoral and therapeutic support. The victim may require spiritual and  
 775 professional assistance as a result of sexual misconduct. The CARE Team should offer to  
 776 help arrange for such support from a pastor and therapist, if the victim desires. Discussions  
 777 with such people would be confidential, privileged conversations.
- 778 3. To be informed about church process and progress with regard to the accusation. One  
 779 member of the CARE Team should be the church contact person for the victim. Frequently,  
 780 this contact person will give the victim information as to what is happening in the church as  
 781 a result of the accusation.
- 782 4. To receive legal advice. The CARE Team should suggest that the victim might benefit  
 783 from independent legal advice. If requested, the CARE Team should suggest ways in  
 784 which independent legal advice can be obtained.

- 785 5. To be assured of an advocate of one’s own choosing. A victim may need continuing moral  
786 support from one individual who is present while the church process deals with the  
787 accusation. This advocate may be a relative, friend, or someone suggested by the CARE  
788 Team. This advocate could speak for the victim, if necessary.
- 789 6. To be assured that justice will be pursued. The victim needs to be told by the CARE Team,  
790 and shown by the processes of the church, that justice is being pursued through fact-  
791 finding, truth-telling, confrontation, agreement that may include removal or temporary  
792 exclusion of the accused from office, and/or adjudication of the complaint.
- 793 7. To receive healing and reconciliation. In addition to specific forms of restitution mentioned  
794 above, the victim needs to receive a sense of healing and reconciliation with all  
795 concerned—the self, the family, the church and, ideally, the accused. The CARE Team can  
796 help bring this about using the church’s processes and resources. While the above are  
797 needs of the victim, one recognizes that all of these needs may also not be met through a  
798 reasonable handling of a specific case, but may only occur over a lengthier period of time.  
799 All of these needs, however, should be taken seriously and compassionately, and the rights  
800 of the victim respected.

801 B. The Needs of the Accused

802 The Presbytery, session, or entity shall offer treatment and care for the accused as well as  
803 alleged victims and families. If the accused is a minister of Word and Sacrament this is the  
804 primary responsibility of the Presbytery (Book of Order G-3.0307).

805 Feelings of guilt, shame, anger, mistrust, lowered self-esteem, depression, unworthiness, and  
806 feelings of alienation from God, self, the religious community, and family are often experienced  
807 by the accused. In addition, there may be fear of job loss, incarceration, and indignation if an  
808 allegation is false.

809 When a person is found not guilty of charges of sexual misconduct, it is important for the  
810 Presbytery, session, or entity to see that the decision is disseminated as widely as possible within  
811 their power, unless doing so would further injure the person accused.

812 1. *Personal Care*

813 Whether the allegations about the accused are eventually found to be true or not, the accused  
814 deserves to be treated with Christian kindness and respect.

815 The CARE Team may suggest that the accused seek spiritual support or professional  
816 counseling. People in staff positions, such as presbytery executives or Stated Clerks,  
817 should not engage in personal counseling of the accused because of their potential  
818 involvement in disciplinary process.

819 2. *Economic Security and Care for Family of Accused*

820 When an allegation of sexual misconduct has been made against a minister of Word and  
821 Sacrament, the economic security of the accused is directly threatened, along with reputation,  
822 career, and family relationships. Again, the presbytery can be of assistance.

823 The CARE Team may alert the Presbytery to the possible spiritual, emotional, and financial  
824 needs of the family of the accused and recommend expert resources.

825

826 *C. The Needs of a Congregation in a Context of Sexual Misconduct*

827 Members and staff of the congregation will need pastoral care. The Presbytery, session, or  
 828 other entity, and the CARE Team should be aware of the problems a congregation or employing  
 829 entity may experience following allegations of sexual misconduct by a minister of Word and  
 830 Sacrament, employee, or volunteer. The allegations may polarize the congregation or  
 831 organization, damage morale, create serious internal problems, and even limit the trust a  
 832 congregation may place in succeeding pastors. Efforts should be taken to recognize and identify  
 833 the problems and heal any damage that may be done to the congregation or organization.

834 When there is sexual misconduct on the part of a minister of Word and Sacrament, non-  
 835 ordained staff, or volunteer in a particular congregation, a number of needs unique to that  
 836 congregation will emerge since sexual misconduct impacts congregations in different ways.  
 837 Therefore, these needs will not necessarily emerge in the same sequence in each situation.  
 838 Depending on the parties involved in the sexual misconduct, some of the needs may not emerge.  
 839 In any event, those managing the church's response to the sexual misconduct will want to know  
 840 that the following needs may emerge:

841 *1. Pastoral Care and Pastoral Relationships*

842 If it is the pastor who is involved in the sexual misconduct, COM in coordination with the  
 843 CARE Team will insure that pastoral care and leadership will be provided to members and  
 844 staff of the congregation.

845 If it is not a pastor who is involved in the sexual misconduct, then the pastor will provide the  
 846 needed care for the congregation. The pastor, if not previously trained in this specialty area,  
 847 should consult with denominational specialists who can advise him or her how to proceed  
 848 and to deal with any anticipated problems.

849 *2. Information About the Case*

850 Members of the congregation will need opportunities both to receive and give information. If  
 851 a case of sexual misconduct becomes a matter of public knowledge within a congregation  
 852 and if a pastor has been found guilty of sexual misconduct, the interim pastor or consultant  
 853 may hold appropriate meetings with individuals, small groups, or with the whole  
 854 congregation. Such meetings should provide information about sexual misconduct in general,  
 855 Presbyterian polity and our judicial process, and how others who may have been victimized  
 856 may be heard and ministered to. If the offender is not the pastor, then the pastor may perform  
 857 these functions. At such meetings, one may expect members to vent their feelings. An  
 858 opportunity for this to happen should be provided. If this venting does not take place, then it  
 859 may create serious problems for the future of the congregation, for future pastors, and for the  
 860 governing body. The identity of any victims shall not be disclosed or discussed in these  
 861 meetings.

862 *3. Resource Persons*

863 In light of the above needs, the following are several resource persons whose services would  
 864 be valuable to a congregation in the context of sexual misconduct: a trained interim pastor, a  
 865 presbytery representative knowledgeable in polity and the effects of sexual misconduct in the  
 866 church, a consultant or therapist with knowledge and experience in dealing with sexual  
 867 misconduct issues, an attorney who can discuss legal aspects of a case, an insurance agent  
 868 who can advise the congregation about their exposure to liability or coverage.  
 869

870 APPENDIX F

871 This exhibit provides entities with a sample Report of Suspected Sexual Misconduct. This  
872 form provides space for the names, addresses, and telephone numbers of victims, the  
873 accused, possible witnesses, and others involved. It also provides space for a description of  
874 the offending behavior as well as other pertinent information. This form or a revision of It  
875 should be filed with the appropriate supervisor, office, or administrator of an entity who is  
876 required to file this with the constituting authority or its response coordination team (See  
877 section on Subsequent Reporting in this policy and its procedures.)

878 Report of Suspected Sexual Misconduct

879 Reported by: \_\_\_\_\_

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

881 Title: \_\_\_\_\_

882 Address: \_\_\_\_\_

883 City, State, and Zip Code: \_\_\_\_\_

884 Telephone: \_\_\_\_\_

885 Date of Report: \_\_\_\_\_

886 Person suspected of misconduct:

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

888 Title: \_\_\_\_\_

889 Address: \_\_\_\_\_

890 City, State, and Zip Code:  
891 \_\_\_\_\_

892 Telephone: \_\_\_\_\_

893 Other person(s) involved (witness or victims):

894 \_\_\_\_\_

895 Name: \_\_\_\_\_ Title: \_\_\_\_\_

896 Age: \_\_\_\_\_ Sex: \_\_\_\_\_

897 Address: \_\_\_\_\_

898 City, State, and Zip Code:  
899 \_\_\_\_\_

900 Telephone: \_\_\_\_\_

901

902

903

904

905 Report of Suspected Sexual Misconduct

906 Describe incident(s) of suspected sexual misconduct, including date(s), time(s), and  
907 location(s):

908 \_\_\_\_\_  
909 \_\_\_\_\_  
910 \_\_\_\_\_  
911 \_\_\_\_\_  
912 \_\_\_\_\_

913 Identify eyewitnesses to the incident, including names, addresses, and telephone numbers,  
914 where available:

915 \_\_\_\_\_  
916 \_\_\_\_\_  
917 \_\_\_\_\_  
918 \_\_\_\_\_  
919 \_\_\_\_\_  
920 \_\_\_\_\_

921

922