

## Sexual Misconduct Self Certification

The following information related to sexual misconduct was mandated by the Sexual Misconduct Policy and Its Procedures adopted by the 203rd General Assembly(1991), and was revised by the 205th General Assembly(1993).

Please check one of the following:

     *I certify below that no civil, criminal, ecclesiastical complaint has ever been sustained\* or is pending\* against me for sexual misconduct; and I have never resigned or been terminated from a position for reasons related to sexual misconduct.*

     *I am unable to make the above certification. I offer, instead, the following description of the complaint, termination, or the outcome of the situation with explanatory comments.*

The information contained in my Personal Information Form on file with Call Referral Services is accurate to the best of my knowledge and may be verified by the calling and employing entity. I hereby authorize the entity to which my Personal Information Form is being sent to inquire concerning any civil or criminal records, or any judicial or proceeding involving me as a defendant, related to sexual misconduct. By means of this release I also authorize any previous employer, and any law enforcement agencies or judicial authorities or ecclesiastical governing bodies to release any and all requested relevant information related to sexual misconduct to the entity to which my Personal Information Form is being sent.

     *I have read this certification and release form and fully understand that the information obtained may be used to deny my employment or any other type of position from the employing entity. I also agree that I will hold harmless the employing or judicial authority or any other entity from any and all claims, liabilities, and causes of action for the legitimate release of any information related to sexual misconduct.*

Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

- \* **Sustained**
- In a criminal court, "sustained" means that there has been a guilty plea, a guilty verdict or a plea bargain.
  - In a civil court, "sustained" means that there has been a judgement against the defendant.
  - In an ecclesiastical case, "sustained" means that there has been a guilty plea and censure imposed, or finding of guilty with censure imposed, **or an Alternative Form of Resolution Agreement approved by a permanent judicial commission in the Presbyterian Church (USA) or an equivalent body of another church.**
- \* **Pending**
- In a criminal court, "pending" means a criminal charge before a grand jury, in the process of being prosecuted, or in a case which there is not yet a verdict.
  - In a civil court, "pending" means a case in which there has not been a decision or judgement,
  - In an ecclesiastical case, "pending" means an **investigating committee is inquiring into an allegation or charges have been filed but have not been decided by a permanent judicial commission; or an allegation or charges are in an equivalent state or process in a church other than the PC (USA).**

(The following is taken from definitions in the General Assembly Sexual Misconduct Policy and its Procedures, Pg.13)

"Sexual Misconduct is the comprehensive term used in this policy and its procedures to include: 1) Child sexual abuse, as defined above [refers to Policy]; 2) Sexual harassment, as defined above [refers to Policy]; 3) Rape or sexual contact by force, threat, or intimidation; 4) Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another; 5) Sexual Malfeasance defined as sexual conduct within a ministerial (e.g. clergy with a member of the congregation) or professional relationship (e.g. counselor with a client, lay employee with a church member, presbytery executive with a committee member who may be a layperson, a minister, or an elder). Sexual conduct includes unwelcome sexual advances, request for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from having normal, social, intimate, or marital relationships; 6) Sexual Abuse as found in Book of Order D-10.0401b (see Accuser/Victim)