

APPENDIX B

[Current designation in Chapter VI of the Manual of Operations for the Presbytery of Great Rivers]

POLICIES AND GUIDELINES ON MISCONDUCT

1. INTRODUCTION:

- A. Purpose. The purpose of these policies and guidelines for the Presbytery of Great Rivers is to –
1. declare and maintain a high standard for the professional ministry in accord with G-6.0106,
 2. prevent misconduct and abuse,
 3. safeguard the Church, the Church's members and staff from abuse through any form of misconduct,
 4. seek justice by assuring effectiveness of the church's administrative, investigative and judicial processes in determining truth, protecting the innocent, and dealing appropriately with those who victimize others,
 5. promote healing of all persons and congregations where misconduct has occurred, working to restore relationships broken by the misconduct, and seeking to bring healing to those who are found guilty of misconduct, and
 6. address questions and concerns by establishing a response team which will act when situations or accusations of misconduct arise.
- B. The Need for Explicit Norms. We believe that Jesus Christ calls us to standards of responsible conduct in all of life. We affirm on the basis of both Scripture and the Presbyterian Constitution, that the behavior of church leaders must be exemplary. These guidelines are an attempt to make public some ethical assertions which for the most part have been unwritten. In the past, cultural norms provided sufficient support that it could be said that "everyone knew" what constituted proper and/or expected behavior. However, waves of change have swept through our society. Now, it has become important to make explicit what was implicit to encourage the trust relationship essential to effective ministry.
- C. Application. These policies and guidelines apply to all members of presbytery, including Ministers of Word and Sacrament, Commissioned Lay Pastors, and any who are approved for service in and for the presbytery. It shall be the responsibility of sessions to set their own policies and guidelines for staff members in congregations. Samples of congregational misconduct policies will be available from the presbytery offices.
- D. General Assembly Standards of Ethical Conduct. The Presbytery of Great Rivers adopts as guidelines for behavior by ministers, elders and members, the "Standards of Ethical Conduct" adopted by the 210th General Assembly (1998). While the provisions of that document are not substitutes for the provisions of Scripture or the Constitution, the document is a useful teaching tool for the presbytery and sessions.
- E. Named Behaviors Not Comprehensive. The list is not intended to be all-inclusive, nor is it intended to be a comprehensive commentary on the constitution of the church or civil law. No one should conclude, however, that what is not on the list is therefore permitted. Rather, the listing reflects some areas in which problems tend to arise.

2. STANDARDS FOR ALL MINISTER MEMBERS OF PRESBYTERY

- A. Privileged Clergy Communication. The responsibilities of ministers for confidentiality in pastoral care are given in G-6.0204. One of the most critical current issues regarding confidentiality relates to child abuse. Although the civil law of Illinois does not make a minister as pastor a mandatory reporter, in some other capacities he/she may be a mandatory reporter. The ethic of confidentiality is intended to assist people to get help for their problems. It is not intended to prevent people from being held accountable for their harmful actions or to keep them from getting the help they need.
- B. Sexual Behavior. Sexuality is a gift of God, and an integral part of who we are as persons. However, it can become the basis for oppression, when trust relationships are breached and persons are abused. The following sexual behaviors are reasons for action by the Response Coordination Team:
1. **SEXUAL MISCONDUCT.** No sexual relationship can or should exist between a minister and a member or employee. The relationship between a minister and a church member, is one of trust. Ministers experience different levels of interrelationships with members and employees. This requires the minister to be conscious of his/her professional responsibility to maintain appropriate relationships and boundaries. The office of Minister of Word and Sacrament carries with it a tremendous amount of responsibility, whether it is perceived or not. Ministers are responsible for maintaining the appropriate boundaries between themselves and members of the congregation, counselees, employees and also members of the general public.
 2. **SEXUAL HARASSMENT.** Sexual harassment, pursuant to the EEOC and Illinois Department of Human Rights, consists of unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical acts of a sexual or sex-based nature.
 3. **SEXUAL ABUSE.** Sexual abuse of another person is any maltreatment or undue advantage taken involving sexual conduct in relation to any person under the age of eighteen years or anyone over the age of eighteen years without mental capacity to consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. (D-10.0401a)
 4. **PORNOGRAPHY:** Pornography is material that depicts sexual activity or erotic behavior in a way designed to arouse sexual excitement, whether determined to be obscene or not. The use, purchase and possession of child pornography is illegal.
 5. **SEXUALLY OFFENSIVE BEHAVIOR.** Ministers must take care to avoid either sexually overt or oriented language or behavior. For example, the minister's conspicuous possession of sexually-oriented materials might easily threaten those with whom he or she works. The minister is in an unequal, power position in his or her professional setting. His or her inappropriate sexual references and behavior can intimidate and sexually harass those with whom he or she works or those to whom he or she ministers. The minister alone is responsible for seeing that this behavior does not occur.
- C. Domestic Violence. Any form of physical or verbal abuse by a minister within family, whether of spouse, children, incapacitated persons, or the elderly is unacceptable.
- D. Controlled Substances. Any form of use of "controlled substances" or illegal drugs is unacceptable. Any abusive use of alcohol and/or prescription drugs is unacceptable.

- E. Financial Responsibility. Ministers are expected to be responsible in personal and professional financial matters. When a minister borrows money, he/she is expected to repay the debt as agreed when undertaken. Ministers should not use church or members' funds, accounts, and/or resources for personal or private advantage. Ministers should not serve in the capacity of signing checks on church accounts, except in the case of a specifically designated pastoral discretionary fund.

3. STANDARDS FOR RELATIONSHIPS WITH CONGREGATIONS AND CONSTITUENTS

- A. Violence, verbal or physical, by pastoral leaders against parishioners is clearly unacceptable.
- B. Services for Members of Another Church. When a minister is called upon to officiate at a wedding or funeral, or counsel regarding baptism for families who are not members of his/her congregation, he/she should ascertain whether they are members of a different church or denomination. If they are members of another congregation or denomination, they should be urged to procure the services of their own pastor. If the persons are members of another Church, the minister is encouraged to consult with that pastor in advance of his/her services.
- C. Calling on Members of Neighboring Churches. The pastor's first responsibility is to the congregation he/she serves, and he/she should concentrate calling on the members of that congregation in home or hospital. The minister does not normally call on one who is a member of another congregation. However, if a pastor is requested to make a courtesy call on a non-member, the non-member's pastor is to be informed of the nature of the call.
- D. Multiple-staff Relationships. In ministerial staff relationships, as in all intra-church relationships, each staff member is responsible to contribute to the welfare of the whole church. Staff members are expected to speak directly about their differences and problems to the individual(s) with whom they differ and, if necessary, to the session's personnel committee. Innuendo and gossip are unacceptable. If a minister is working on a staff and concludes he/she is unable to manage relationships with other staff members in an effective manner, then he/she should consult with the Committee on Ministry for assistance to help resolve the conflict.
- E. When a Minister Leaves a Parish. When the relationship between the minister and the congregations is dissolved, that minister shall announce to the congregation that he/she will no longer be the pastor and, therefore, will not be available for pastoral services. It is also expected that the pastor's family members will be sensitive to issues related to closure. The proper role for a minister who is not serving in a permanent or temporary pastoral relationship to the congregation is the role of a friend and member of the worshipping congregations. A former minister is expected to abide by G-14.0606 and the STATEMENT OF ETHICS (Manual of Operations Section VI - Committee on Ministry) read to the congregation at the time of the dissolution of the pastoral relationship.
- F. Special Gifts and Honoraria. If there is a specific financial arrangement for a minister's services, it shall be determined in advance in consultation with the session. A pastor often receives additional honoraria beyond his/her terms of call. Examples include stipends for funerals, weddings, special lectures or presentations, the provision by church members of such things as club memberships, special arrangements for automobiles, private school tuition, etc. Further, many churches demonstrate their support for their pastor(s) and other staff by various bonuses. Pastors need to take care that such gifts not take on an obligatory nature and remember that all such income is taxable according to state and Federal tax laws.

4. STANDARDS FOR MINISTERS IN INTERIM POSITIONS

The Interim ministry has some unique issues. The Interim Pastor shall work in cooperation with the interim care team of Presbytery in preparing a congregation for a new pastor and in preparing for his/her departure from the congregation. Persons who serve in an interim capacity are governed by the same behavioral standards herein.

5. STANDARDS FOR SPECIALIZED MINISTER MEMBERS OF THE PRESBYTERY

All ministers who fall into the category of General Assembly's listing of "other ministers" should respect the position of the installed pastors regarding all functions within the community. Weddings, funerals, and baptisms of church members are not to be performed by specialized ministers unless an invitation has been offered by the pastor, the session, or by permission of the Presbytery. Specialized ministers are governed by the standards of the STATEMENT OF ETHICS (Manual of Operations Section VI - Committee on Ministry).

6. STANDARDS ON MATTERS OF CONSCIENCE

If a minister comes to the point in his or her faith and life when in good conscience it is no longer possible to abide by the polity of our denomination, he or she should work for change within the denomination. When and if that no longer seems a viable recourse, the pastor should either abide by the polity and fulfill the ordination vows, or else leave the denomination. It is unethical to encourage elders to deny their ordination vows, either by word or example. (See G-6.0108a and b)

7. PREVENTION OF MISCONDUCT

- A. These policies and guidelines shall be distributed to all ministers, lay pastors, employees, volunteers, and entities of the Presbytery of Great Rivers. A new copy shall be sent to them whenever a change is adopted by presbytery. A new acknowledgment must be signed and submitted when any change is adopted in the policy. These policies and guidelines shall be made available to all persons who accuse others of misconduct as well as those accused of misconduct.
- B. All candidates, ministers, and employees of the Presbytery of Great Rivers are required to sign a written acknowledgment (see Attachment A) indicating that they have received a copy of these Policies and Guidelines on Misconduct. Such acknowledgment will be kept in the person's personnel file. The Stated Clerk will report annually to presbytery the names of those ministers who have not submitted the form, and communicate to their session or employer their failure to comply.
- C. All ministers seeking new calls within the Presbytery of Great Rivers shall complete the Personal Information Form currently being distributed by the Churchwide Personnel Services of the PC(USA), including Part IV, Sexual Misconduct Information or its successor form.
- D. The calling or employing body is responsible for contacting references for prospective ministers, employees, or volunteers.
- E. The Presbytery of Great Rivers and all its committees, and organizations will adhere to this policy, including its standards, procedures, and practices.
- F. The Presbytery of Great Rivers will provide an annual training workshop on misconduct for all ministers, candidates, and elders serving as commissioned lay pastors in the presbytery, who shall be required to attend each year. Employees and volunteers of the presbytery will be encouraged to attend. The Stated Clerk will report annually to presbytery the names of those ministers, candidates and elders serving as commissioned lay pastors who have not attended a workshop, and communicate to their session or employer their failure to attend.

The content of the workshop will include at least the following:

- 1. Why the Presbytery of Great Rivers has a Policies and Guidelines for Behavior.
- 2. The Presbytery's Policies and Guidelines for Behavior.
- 3. The General Assembly's statements of ethical behavior for members, volunteers and employees, and ordained officers.

4. The broader issues of professional behavior and conduct in the workplace.
5. Why each congregation needs its own Policies and Guidelines for Behavior, or sexual misconduct policy.
6. Model congregational policies.
7. Why each congregation needs its own liability insurance for misconduct.
8. Available resources within the presbytery for counseling services for personal, emotional and family problems, and for drug and sexual addiction.
10. Introduce the members of the Response Coordination team.

8. RESPONSE COORDINATION TEAM TO ALLEGATIONS OF MISCONDUCT

- A. The Committee on Ministry shall appoint five members, to serve two year terms, to a Response Coordination Team (RCT) to assist the Presbytery officers, committees, and staff in responding to persons involved in allegations of professional misconduct. One member shall be designated as the convener. The RCT shall be composed, as nearly as possible, of an equal number of clergy, elders, deacons or lay persons and women and men. Members may serve no more than six consecutive years on the RCT. The COM shall maintain a list of persons available to serve on the RCT.
- B. Whenever an allegation of misconduct is received by any member or staff of Presbytery, that person shall notify the stated clerk, who shall determine the need for an investigating committee in accord with D-10.0200 or D-6.0302 and the policy of the presbytery (Manual, Section II, page 9). The stated clerk also shall notify the Chairperson of the Committee on Ministry, who shall notify the RCT of their need to act.

9. TASKS TO BE ADDRESSED BY THE RCT

- A) The RCT will coordinate the Presbytery's rapid response to allegations of misconduct. The RCT shall quickly consult with appropriate staff, officers, and committees of the Presbytery concerning appropriate ways to meet the needs that arise in the context of a misconduct case, to determine who is responsible for each task, and to recruit persons to meet the needs of individuals involved.
- B. The RCT shall see that appropriate persons are assigned --
 1. To offer counseling and advocacy for the accuser, any alleged victims and family, and the accused.
 2. To contact and be in relationship with the session and congregation (if a congregation is involved), Based upon need-to-know decisions, in order to help the session and congregation communicate needed information and feelings, and to respond to the situation in healthy ways.
 3. To contact others who are known to be affected by the incident. This may include other persons in the congregation, the presbytery, another presbytery, the synod, or an organization related or not related to the church.
- C. Required reporting: Any reporting of misconduct which involves the abuse of a minor or other criminal behavior or is otherwise required by applicable law, shall be immediately and officially reported to the appropriate local, state or federal authority. These and all other allegations of misconduct shall be immediately reported to the insurance carriers for the presbytery and the congregation(s) involved.
- D. It is the responsibility of pastors and clerks of session to report to the Stated Clerk, allegations or situations which arise within congregations.

- E. Members of the RCT may serve as a resource to clergy and members of congregations when questions or concerns arise about this policy.
- F. The RCT will plan and promote the required, annual misconduct training workshop.
- G. The RCT will review and approve other training events to meet this training requirement on an annual basis.

10. DISCIPLINARY, JUDICIAL, AND ADMINISTRATIVE PROCESSES

- A. Disciplinary Process. All allegations of misconduct will be investigated through the appropriate process. In cases of members under the jurisdiction of the Presbytery of Great Rivers judicial process as provided in the Rules of Discipline will be followed. In cases involving employees, the provisions of the personnel policy will be followed. For employees who are members of Presbytery, both personnel policy provisions and disciplinary process will apply.
- B. Judicial Process. If the clerk receives written allegations under D-10.0100, the clerk shall convene the team charged with selecting the members of the investigating committee (D-10.0202 and Presbytery Manual, Section II, p. 9) which shall meet as soon as possible after its formation. The investigating committee shall conduct its investigation in accordance with D-10.0202. [Cf. The most recent "Polity Reflection Paper" on Investigating Committees and Judicial Process.]
- C. Contact with Persons. The investigating committee shall maintain regular contact with the person making the allegations, keeping her/him informed about the status of the investigation. Under no circumstances shall the investigating committee contact the person being accused without first advising the person making the allegations of the date of that contact with the accused.
- D. Administrative Process. Following an accusation of misconduct against a staff member of the Presbytery of Great Rivers or a member of presbytery serving a church or agency, the appropriate committee (COM or personnel) shall consult with the accuser, the accused, and the involved session or board of oversight to ascertain whether the circumstances would be aided by the person accused being advised to take an administrative leave. If the person accused refuses and the presbytery believes it imperative, the presbytery may proceed under G-11.0103o or the personnel policy to remove the person. The (COM or other body) may also request that an administrative commission be appointed to deal with the discord caused by the alleged misconduct. The COM will help congregations find interim or supply pastors trained in responding to congregations where abuse has occurred. The COM also will appoint persons to work carefully with the session to recognize and deal with denial and anger that typically accompanies abuse allegations.
- E. Conclusion. After all the procedures outlined above have been carried out, the RCT shall coordinate an evaluation, seeking responses from persons and groups involved in the response to the allegation of misconduct. The report shall be filed by the Stated Clerk with other papers recording the incident.

Acknowledgment

Presbytery of Great Rivers

Policies and Guidelines for Misconduct

This attachment to the Policies and Guidelines for Misconduct in the Presbytery of Great Rivers is to be signed by all candidates, ministers, and lay pastors of the Presbytery.

By signing this attachment, you acknowledge that you have received, read and understand the most recent Policies and Guidelines for Misconduct adopted by the Presbytery of Great Rivers. The Stated Clerk will report annually to presbytery the names of those ministers who have not submitted the form, and communicate to their session or employer their failure to comply.

Signed: _____

Date: _____

Print Name: _____

This document will be kept in your personnel file.

Please give your comments on how this policy might be improved: