

**THE JOHN KNOX PRESBYTERY
ETHICS AND ACCOUNTABILITY POLICY**

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Adopted 11/13/2018

THE JOHN KNOX PRESBYTERY ETHICS AND ACCOUNTABILITY POLICY

PROLOGUE: ETHICS STATEMENT

- I. Statement on Ethical Behavior for the ordered ministry of Teaching Elder
- A. Standards for ethical behavior are grounded in scripture, in the *Book of Confessions*, and in our Form of Government. [Refer particularly to the Brief Statement of Faith—Presbyterian Church (U.S.A.)] The teaching elder is reminded of the import and requirements of the ordination vows contained in *Book of Order* (W-4.4003).
- B. Our condition:
1. In the beginning God created everything and declared it to be very good. This is our first foundation for hope for maintaining ethical and moral standards (Genesis 1 and 2).
 2. Given the freedom to choose, we rebel against our Creator (Genesis 3).
 3. Refusing to love God and neighbor, corrupting ourselves, exploiting others, and threatening death to the planet entrusted to our care, we deserve God's condemnation [Brief Statement of Faith—Presbyterian Church (U.S.A.)].
 4. Yet God chose a covenant people for the blessing of the nations, and remains faithful still. "But God shows his love for us in that while we were yet sinners Christ died for us" (Romans 5:8). This is our second foundation for hope.
- C. Our calling is in response to this Good News:
1. We are forgiven, now set free to proclaim the Gospel and to work for reconciliation, for good, and for justice.
 2. By the power of the Holy Spirit we are called to refrain from doing harm. We are called to witness for Christ by responding to Christ's love in positive and constructive endeavors. We are called to bring Good News in word and in deed.
- D. Our standards for behavior in ministry:
1. Basic Principles
 - a. We are accountable for our behavior as Teaching Elders to Presbytery and we have the obligation to accept Presbytery's discipline.

The candidate for the ordered ministry of Teaching Elder, in making her or his vows before the ordaining body, the Presbytery, enters into a

covenant of exemplary behavior and obedience to Jesus Christ. The candidate comes under the authority of Scriptures and the guidance of the Confessions and accepts the governance of the Church. This includes the furthering of the peace, purity, and unity of the Church and participating actively in the Church's government. (Vows of Ordination, *Book of Order*, W-4.4003)

In spite of our fallen nature [rebellious against and hiding from our Creator (Brief Statement of Faith, line 33)], we are called by the Holy Spirit to proclaim Good News. We accept the discipline and support of our sisters and brothers in Christ. Fundamental to the Reformed and Presbyterian branch of Christ's Church is subjecting oneself to the discipline and nurture of the governing body which ordains by the "laying on of hands" and in prayer.

- b. We seek the purity of God's truth in the church reformed, always to be reformed according to the Word of God and the call of the Spirit.

Persons, including those ordained to the ordered ministry of Teaching Elder, are constantly subject to error and desire to exercise power and exploitation over others. We are "infected by self-interest and hostility" and under God's judgment (The Confession of 1967 9.13). Yet God in Christ is the Reconciler. God accepts us in spite of what we are (The Confession of 1967 9.22). This reconciliation does not call for complacency and lethargy, but acknowledges that our "old nature" still persists. This requires a constant and continuous reforming, seeking purity in the Church.

The Reformers admitted "that all synods and councils may err, through their frailty inseparable from humanity" (*Book of Order*, F-3.0107); therefore we are "'the church reformed, always reforming,' according to the Word of God and the call of the Spirit" (*Book of Order*, F-2.02).

- c. We work for shalom which emanates from God's righteousness.

We work not just for "human peace," which tends to be both a transient illusion of tranquility and a maintenance of the status quo, but we seek the peace which is beyond human understanding--God's shalom. Shalom comes from God to us (Galatians 1:3; Ephesians 1:2). It is the fruit of God's righteousness, not ours; it emanates from God's restoring the relationship (Romans 3:19-25). Being justified, we have "peace with God through our Lord Jesus Christ" (Romans 5:1) and manifest such peace in our behaviors. The salutation of Jesus, "Peace be with you," calls for "doing peace" as well as "receiving peace," with our being illumined and charged by the Holy Spirit to make this peace possible (John 20:19-23).

d. We affirm the sacredness of confidences, and we honor covenants.

Being prideful creatures, we search for attention through boasting; we are tempted to divulge information. Yet if we boast, let our boasting be for the Good News of Jesus Christ (I Cor. 1:31). That which has been divulged to the minister is guarded and protected because it is in context of a covenant relationship.

The sixth ordination question asks, "Will you in your own life seek to follow the Lord Jesus Christ, love your neighbors, and work for reconciliation of the world?" (*Book of Order*, W-4.4003f) Such a vow includes holding to confidences and honoring covenants.

Although marriage is recognized in the secular world as a contract, we affirm the covenantal nature of marriage. The marriage vows are taken before the witnessing community of the faithful in the presence of our Creator. The couple seeks the Creator's blessing and prays to be bound for life. No minister of the Gospel dare intrude or be an instrument for shattering that relationship. If in the course of counseling of participants in a troubled marriage the relationship appears to be separating, the participants should make their own appropriate decisions. May the minister not be "caught in the moral confusion of our time" (Confession of 1967 9.47) by taking lightly that which is God's ordering of relationships.

We recognize that all teaching elders do not marry and some who were once married are no more and some become widows or widowers. Regardless of one's marital status, the Gospel of Jesus Christ calls all of us to exhibit behavior that respects the dignity of each individual and exhibits a care for all persons.

2. Treatment of Self

a. We maintain a healthy balance between work, recreation, and rest.

As Christ's spirit abides in us (The Second Helvetic Confession 5.020), we strive to serve Christ in our daily tasks and to live holy and joyful lives (Brief Statement of Faith, lines 73-4). In both play and rest we renew ourselves to be better able to serve God in every aspect of human life.

We find ourselves occupied with the functions of leading worship, conducting classes, and engaging in pastoral care on the Lord's Day. Therefore, we seek and maintain at least one day each week free from functions of leading public worship and engaging in pastoral care. The Presbytery expects its ministers to find restful diversion.

b. We are servants of God and do not use our offices for personal

gain or self-aggrandizement.

As church leaders, we strive to be without fault (Titus 1); be faithful in stewardship (Luke 12:41-48); be concerned with the interests of others (I Cor. 10:24); and not be boastful of our own merits (Scots Confession 3:15). The *Book of Order*, (G-2.0104) calls us to be a demonstration of the Christian gospel in the church and in the world.

- c. We accept the continuing education requirements for on-going preparation for all aspects of ministry.

Presbytery expects us to be diligent in pursuing continuing education, considering in our choosing the needs of the church we are serving as well as evaluating our own areas in need of growth. The Presbytery's mandate to pursue continuing education is supported by the fifth ordination question which asks, "Will you be governed by our church's polity, and will you abide by its discipline?" (*Book of Order*, W-4.4003e)

3. Interpersonal Relationships

- a. We honor our covenants to our calling bodies, as well as to our families, to our friends and to our communities, and we encourage each other's ministries through prayer and active support.

The fifth ordination set of questions ("Will you be governed by our church's polity, and will you abide by its discipline? Will you be a friend among your colleagues in ministry, working with them, subject to the ordering of God's Word and Spirit?") requires an affirmation of covenants and a subjection to the ordering of God's Word.

We must heed the words of the author of Hebrews (13:4); "Let marriage be held in honor by all, and let the marriage bed be kept undefiled." Our responsibilities do not end with this admonition. We treat both adults and children in a manner consistent with the preaching and teaching about Christian love and concern. "Finally, beloved, whatever is true, whatever is pure, whatever is pleasing, whatever is commendable, if there is any excellence and if there is anything worthy of praise, think about these things. Keep on doing the things that you have learned and received and seen in me, and the God of peace be with you." (Philippians 4:8-9)

The relationship of the teaching elder in marriage with spouse and children is that the teaching elder shall honor the persons in the family in positive behavior, behavior that is not destructive in any manner—verbal, physical, or spiritual.

- b. We reject any pastoral activities which invade another minister's

arena or calling without a specific invitation by that minister, including returning to former calling bodies for pastoral services.

“After the dissolution of the pastoral relationship, former pastors and associate pastors shall not provide their pastoral services to members of their former congregations without the invitation of the moderator of the session” (*Book of Order*, G-2.0905). We affirm that this applies to all members of The John Knox Presbytery.

We oppose any fostering of informal relationships in parishes in which we have served which in turn harm the ministry of the current pastor or pastors. (See JKP COM Separation Ethics Policy for further information.)

- c. We refrain from remarks and behaviors that manifest discrimination.

Teaching Elders are still viewed as role models for the congregation and in the community, and therefore should refrain from any action or words that cast people of race, nationality, sexual orientation, or faith in a negative manner. This statement applies to gender, handicap, and age. "In sovereign love God created the world good and makes everyone equally in God's image, male and female, of every race and people, to live as one community" (Brief Statement of Faith, lines 29-32).

"There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus" (Galatians 3:28).

4. Pastoral Work

- a. We refrain from spiritual, social and sexual intimacies that compromise pastoral care.

As ordained Teaching Elders, our "manner of life should be a demonstration of Christian gospel in the church and in the world." (*Book of Order*, G-2.0104)

Our mission is to proclaim God's love as revealed in Jesus Christ and made known and empowered by the Holy Spirit. This requires a ministry of conciliation and reconciliation, not of division. In social interaction, we are tempted to seek companionship with those for whom we have a fondness over against those who may not be as attractive socially or theologically. The Good News contained in scriptures, which we preach and teach, is for all persons. "For just as the body is one and has many members, and all the member of the body, though many, are one body, so it is with Christ. For by one Spirit we are all baptized into one body—Jews or Greeks, slaves or free—and all were made to drink of one Spirit"

(I Cor. 12:12-13).

In our role of leadership, we will "not commit adultery" (Exodus 20:14); and ... "in all things and at all times be watchful, and by purity of life to let one's light to shine before all" (The Second Helvetic Confession 5.164).

5. Financial Work

- a. We maintain financial integrity and engage in responsible stewardship.

"All faithful ministers, as good workers, are also worthy of their reward, and do not sin when they receive a stipend, and all things that be necessary for themselves and their family." (The Second Helvetic Confession 5.168)

The John Knox Presbytery has recognized this need of teaching elders to receive an adequate monetary income by adopting a Minimum Compensation Plan. We maintain a balance between our income and spending that will prevent undue stress in our congregations and families.

"Keep your life free from love of money, and be content with what you have; for he has said, 'I will never fail you nor forsake you.'" (Hebrews 13.5)

- b. We maintain a complete distance from the church's receiving and disbursing of funds, which is a responsibility of the Session.

The collection of money has been an activity of the church since earliest times. We strive to follow the example of Paul, who, when asking for contributions from the Corinthian Christians, rejected any responsibility for collecting and transporting these funds himself, indicating that he knew that to do otherwise would leave himself open to criticism and suspicion (I Cor. 16:3; II Cor. 8:16-21).

The *Book of Order* addresses this problem directly by assigning a church's financial responsibility to the Session and its elected treasurer (*Book of Order*, G-3.0205).

6. Conclusion

- a. We affirm an ethical standard which reflects the Gospel and transcends that which is legal.

Christians find themselves in tension because of their obedience to Jesus Christ over against the demands of the culture and of those in power, who define what is legal. "Jesus Christ, as he is attested for us in Holy Scripture, is the one Word of God which we have to hear and which we have to trust and obey in life and in death" (Barmen Declaration 8:11).

"We reject the false doctrine, as though there were areas of life in which we would not belong to Jesus Christ, but to other lords—areas in which we would not need justification and sanctification through him" (Barmen Declaration 8:15).

"In a broken and fearful world the Spirit gives us courage to pray without ceasing, to witness among all peoples to Christ as Lord and Savior, to unmask idolatries in church and culture, to hear the voices of peoples long silenced, and to work with others for justice, freedom, and peace" (Brief Statement of Faith, lines 65-71).

"In Christ God was reconciling the world to himself" (II Cor. 5:19). Jesus Christ is God with us. He is the eternal Son of the Creator, who became human "and lived among us to fulfill the work of reconciliation. He is present in the church by the power of the Holy Spirit to continue and complete his mission."...(T)he church calls us to be reconciled to God and to one another" (The Confession of 1967 9.07).

"Do nothing from selfishness or conceit, but in humility count others better than yourselves. Let each of you look not only to one's own interests, but also to the interests of others. Have this mind among yourselves, which you have in Christ Jesus, who, though he was in the form of God, did not count equality with God a thing to be grasped, but emptied himself, taking the form of a servant, being born in the likeness of men. And being found in human form he humbled himself and became obedient unto death, even death on a cross. Therefore God has highly exalted him and bestowed on him the name which is above every name, that at the name of Jesus every knee should bow, in heaven and on earth and under the earth, and every tongue confess that Jesus Christ is Lord, to the glory of God the Father" (Philippians 2:3-11).

References:

Scripture
 The Scots Confession, 1560
 The Second Helvetic Confession, 1566
 The Theological Declaration of Barmen, 1934
 The Confession of 1967
 The John Knox Presbytery Manual of Operations
 Form of Government, Presbyterian Church (U.S.A.)
 Brief Statement of Faith—Presbyterian Church (U.S.A.), 1991

PART I: PREVENTATIVE MEASURES

Preventative Measures

- A. Pre-employment screening includes specific questions related to previous (formal) complaints of sexual misconduct. The Presbytery shall review the “Sexual Misconduct Self-Certification Statement” of the Presbyterian Church (USA) Personal Information Form when interviewing persons seeking ministerial calls or the equivalent for those not using the denomination Church Leadership Connection.

The Office of the Executive Presbyter is responsible for making reference checks through the Synod Executive, presbytery executive[s], seminary liaisons, or other authorized persons to ascertain whether the applicant/candidate has any history of sexual misconduct. The Executive Presbyter reports to the Committee on Ministry or to the Committee on Preparation for Ministry either that there was no reported sexual misconduct, or that the committee should inquire into reported sexual misconduct. Any written record of conversations and correspondence with references will be kept in the minister's/employee's personnel file.

The person within the Presbytery authorized to give a reference is obligated to give information regarding formal complaints, and administrative or disciplinary action related to sexual misconduct by the applicant. (See Appendix 3, Background Check Consent.)

- B. All teaching elder members of the John Knox Presbytery, all ruling elders commissioned to pastoral service, and student pastors serving within the bounds of the John Knox Presbytery are required to sign a written acknowledgment indicating that they have received a copy and understand the Ethics and Accountability Policy, including all sections and appendices. Such acknowledgment will be kept in the person's personnel file. Presbytery shall also provide to teaching elders, ruling elders commissioned to pastoral service, staff, and appropriate volunteers, a copy of the *Standards of Ethical Conduct* (Presbyterian Church, U.S.A.).
- C. The employing body is responsible for contacting references for prospective teaching elders, ruling elders commissioned to pastoral service, and student pastors.
- D. A criminal background, credit, and Motor Vehicle Division check shall be a part of the Presbytery's reference check.
- E. The John Knox Presbytery and all its agencies, committees, and affiliates will adhere to this policy, including its standards, procedures, and practices.
- F. This policy shall be distributed to all teaching elders, ruling elders commissioned to pastoral service, and student pastors of the John Knox Presbytery. The policy

shall be made available to all persons who accuse others of misconduct as well as those accused of misconduct.

- G. The Committee on Ministry may request each teaching elder to respond in his/her annual report to the committee the date when last attended a training event on clergy ethics. To encourage on-going training, the committee may inform each teaching elder of clergy ethics training events offered in the geographical area of the presbytery by the presbytery or other appropriate agencies.

John Knox Presbytery has a commitment to offer, provide resources for, and to publicize educational opportunities to prevent sexual misconduct in the church. Presbytery staff, ministers, ministerial candidates, and all persons and committees working with the issue, including local congregations will be invited to read the resources and attend boundary training.

- H. Each church in John Knox Presbytery is required to adopt a policy for child protection, harassment and sexual misconduct.

PART II: SEXUAL MISCONDUCT POLICY

A. Introduction

Our faith in Jesus Christ and Holy Scripture call us to standards of responsible conduct in all of life, including sexual behavior. Human sexuality is an integral part of who we are as persons. It can become, however, the basis for oppression, where trust relationships are breached and persons abused.

John Knox Presbytery endeavors to promote the peace, unity, and purity of the Church, by preventing sexual misconduct by:

1. the promotion of professional and ethical behavior consistent with the Reformed tradition, and
2. adjudging sexual misconduct according to the procedures of and in conformity with church law.

B. Purpose of this Policy

1. To prevent and eliminate sexual abuse within John Knox Presbytery
2. To safeguard the Churches' members and staff from abuse through any form of sexual misconduct.
3. To seek justice by assuring effectiveness of the churches' administrative, investigative, and judicial process in determining truth, protecting the innocent, and in dealing appropriately with those who victimize others.
4. To promote proper healing of all persons and congregations where sexual misconduct has occurred.
5. To fulfill the *Book of Order* mandate in G-3.0106, "All councils shall adopt and implement a sexual misconduct policy," and to serve as a companion document to the

Standards of Ethical Conduct, approved by the 210th General Assembly (1998), Presbyterian Church (U.S.A.).

C. Definitions

For purposes of this policy, the terms “child” or “children” include all persons under the age of eighteen (18) years. The term “worker” includes both paid and volunteer persons who work with children.

Sexual misconduct is the comprehensive term used in this policy to include: sexual abuse of children or adults, rape or sexual assault, and sexual harassment. Sexual misconduct is an abuse of authority and power, breaching Christian ethical principles by misusing a trust relationship to gain advantage over another for personal gratification in an abusive, exploitative and unjust manner.

Categories of sexual misconduct are described below.

1. Sexual abuse occurs whenever a person in a position of trust or authority engages in a sexual act or sexual contact with another person to whom he or she owes a professional responsibility. Such abuse shall include, but not be limited to, the following:
 - a. Sexual acts or sexual contact with a minor.
 - b. Sexual acts or sexual contact involving inducement, threat, coercion, force, violence, or intimidation of another person.
 - c. Sexual acts or contact between teaching elders, ruling elders commissioned to pastoral service, or others involved in pastoral ministry and laity with whom they have a pastoral relationship, even if consensual.
 - d. Sexual acts or sexual contact with another person who is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act or sexual contact.
 - e. Sexual acts or sexual contact arising from the administration to another person of a drug or intoxicant which substantially impairs the ability of that person to apprise or control the nature of the conduct.
2. Child sexual abuse includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Child sexual abuse between an adult and a child is always considered forced whether or not consented to by the child. Child sexual abuse is a crime in all states and must be reported to civil authorities. Anyone who knows or has reason to suspect that child abuse has occurred or is occurring generally may be a mandated reporter under the law. Presbytery expects that church professionals or volunteers will be aware of their respective state statutes regarding mandatory reporting.
3. Rape or sexual assault is a crime in every state and should be reported to civil authorities and to the Stated Clerk of the Presbytery.
4. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually offensive nature when: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or their continued status in an institution; b) submission to or rejection of such conduct by an individual is the basis for employment decisions affecting that

individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment. Sexual harassment can consist of a single intense or severe act or multiple persistent or persuasive acts. Sexual harassment may include, but is not limited to:

- sexually oriented jokes or humor;
- sexually demeaning comments;
- verbal suggestions of sexual involvement or sexual activity;
- questions or comments about sexual behavior;
- unwelcome or inappropriate physical contact;
- graphic or degrading comments about an individual's physical appearance;
- express or implied sexual advances or propositions;
- display of sexually suggestive objects or pictures;
- repeated requests for social engagements after an individual refuses.

D. Presbytery Policy on Sexual Misconduct

1. Sexual misconduct is never permissible. It is a violation of the principles set forth in Scripture, and constitutes a refutation of ordination vows and standards of ministry, as well as of pastoral, employment, and professional relationships.
2. John Knox Presbytery shall not approve Calls or placement that involve pastoral responsibilities for a teaching elder, ruling elders commissioned to pastoral service, professional staff, student pastor, or any ruling elder who has been convicted of sexual misconduct in church or secular court.
3. John Knox Presbytery will make available continuing education opportunities to educate teaching elders, ministerial candidates, ruling elders commissioned to pastoral service, professional staff and others in an understanding of and toward the elimination of sexual misconduct.
4. Whereas this policy addresses sexual misconduct by teaching elders, candidates, ruling elders commissioned to pastoral service, professional staff and others in pastoral positions, each session and organization in John Knox Presbytery is responsible for developing a policy for church professionals, officers, members, non-member employees, and volunteers which is consistent with this document and the requirements found in G-3.0106 of the *Book of Order*.
5. Teaching elders, ruling elders commissioned to pastoral service, and professional staff entering the life of Presbytery will receive a copy of the Ethics and Accountability Presbytery policy and *The Standards of Ethical Conduct* (Presbyterian Church, U.S.A.), which is available by request from the Presbytery offices or at pcusa.org.”

E. Responsibilities of Presbytery

1. Procedures
Procedures following the receipt of allegations are found in Part IV
2. Liability and Insurance
The Presbytery and its sessions shall obtain confirmation from their insurance agents that their liability insurance policy covers sexual misconduct liability for its programs and activities.

3. Records

The Presbytery will include in every employee's personnel file, including ministers, the application for employment, any employment questionnaires, reference responses, and other documents related to this policy, including a signed receipt for receiving the sexual misconduct policy.

PART III: CHILD PROTECTION POLICY FOR YOUTH ACTIVITIES SPONSORED BY JKP

Selection of Workers

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 applicant will be considered for any position involving contact with children until she/he has been involved with John Knox 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 persons seeking to work with children must complete and sign a written application in a form to be supplied by us. The application will request basic information from the applicant and will inquire into previous experience with children, previous congregation and presbytery affiliation, reference and employment information, as well as disclosure of any previous criminal convictions. The application form will be maintained in confidence on file at the John Knox 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.
 - a. **Reference Checks**
Before an applicant is permitted to work with children, at least two of the applicants' references will be checked. These references should be of an institutional nature as opposed to personal or family references, preferably from organizations where the applicant has worked with children in the past. Documentation of the reference checks will be maintained in confidence on file at the John Knox Presbytery office.
 - b. **Criminal Background Check**
A national criminal background check is required for all employees (regardless of position) and for the following categories of volunteers:
 - 1) Those who will be involved a school/preschool/day care center;
 - 2) Those who will be in involved in overnight activities with children;
 - 3) Those counseling children;

- 4) Those involved in one-on-one mentorship of children; and
- 5) Those having occasional one-on-one contact with children, such as coaches and vehicle drivers.

Before a background check is run, prospective workers will be asked to sign an authorization form allowing the Presbytery to run the check. If an individual declines to sign the authorization form, she/he will be unable to work with children.

What constitutes a disqualifying offense that will keep an individual from working with children will be determined by the appropriate committee of John Knox Presbytery, the Executive Presbyter, or the Stated Clerk of the Presbytery on a case-by-case basis considering 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 background check authorization form and results will be maintained in confidence on file at the John Knox Presbytery office.

4. Two Adult Rule
It is our goal that a minimum of two unrelated adult workers will be in attendance at all times 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 unless in a counseling situation.
5. Responding to Allegations of Child Abuse
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:
 - a. Physical abuse – any physical injury to a child that is not accidental, such as beating, shaking, burns, and biting.
 - b. 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.
 - c. 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, and pornography.
 - d. Neglect – depriving a child of his or her essential needs, such as adequate food, water, shelter, and medical care.

Childcare workers 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 this Presbytery becomes aware of suspected abuse or neglect of a child under his/her care, this should be

reported immediately to the Executive Presbyter or the Stated Clerk of the Presbytery 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 this Presbytery or during our sponsored programs or activities, the following procedure shall be followed:

- a. The parent or guardian of the child will be notified.
- b. 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.
- c. Civil authorities will be notified, and the Presbytery will comply with the state's requirements regarding mandatory reporting of abuse as the law then exists. The Presbytery will fully cooperate with the investigation of the incident by civil authorities.
- d. 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.
- e. The Executive Presbyter or his/her designee 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 congregation. All other representatives of the church should refrain from speaking to the media.
- f. A pastoral visit will be arranged for those who desire it.
- g. Any person who is not found innocent of the alleged abuse or misconduct will be removed from their position working with children or youth.

PART IV: PROCESS FOR DEALING WITH ALLEGATIONS OF MISCONDUCT

A. Introduction

Allegations of misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the accuser, the accused, and the church.

Because a Presbytery or entity cannot control to whom the accuser will speak first, it is important that members of Presbytery understand how reports of incidents should be channeled.

At any time that a written statement of alleged offense is received, it shall be forwarded immediately to the Stated Clerk who shall begin disciplinary process under the Rules of Discipline (D-10.0100).

Reports of misconduct may occur in a variety of ways and may be reported to any church officer or member.

The first person to learn of an incident of misconduct should not undertake an inquiry alone or question either the accuser or the accused. The person receiving the initial allegation of misconduct, whether written or not, shall inform the Executive Presbyter, Stated Clerk, or Committee on Ministry Chairperson of the alleged incident.

When informed, the Stated Clerk shall convene the Coordination Team which consists of the Executive Presbyter, the Stated Clerk, and the Committee on Ministry Chairperson, who may together appoint another member of the Committee on Ministry.

The first person receiving the report of misconduct concerning child abuse shall not assume that civil authorities have been notified. The person contacted shall make a report to the appropriate state agency. (see section on Mandatory Reporting in part E for information regarding particular state.)

- B. The Coordination Team shall coordinate presbytery's response to allegations of misconduct
1. Functions where appropriate
 - a. Compiles list of potential members of the Investigating Committee to handoff to Stated Clerk.
 - b. Whether there is a written statement of alleged offense or not, assist the accuser and the accused in finding access to other resources and pastoral care.
 - c. Coordinate the case or complaint through the appropriate processes to give advice and support to each other and to insure better communication and coordination from the Presbytery during the process.
 2. Roles of member of Coordination Team when a written statement of alleged offense is received:
 - a. Stated Clerk shall follow the process according to the Rules of Discipline and:
 1. Initiates the procedures for the establishment of an Investigating Committee.
 2. Advises the Moderator who appoints an Investigating Committee (D-10.0201b)
 3. Notifies the presbytery of its appointment before the Committee begins its work.
 - b. Executive Presbyter
 1. Informs the Presbytery's insurance carrier and the Presbytery's attorney.
 2. Notifies the appropriate civil authorities, if applicable.

- c. Committee on Ministry Chairperson
 - 1. In consultation with the Coordination Team and the accused and accuser, appoints care givers for the accused and the accuser.
 - 2. In consultation with the Coordination Team, notifies the Committee on Ministry on need-to-know basis.

- C. Further Steps:
 - 1. In the case of written allegations of sexual abuse against a teaching elder, the stated clerk shall inform the permanent judicial commission (D-10.0106).
 - 2. When allegations are made that are not those of sexual abuse, should the accused acknowledge the essential truth of the accuser's allegations or there be such overwhelming evidence or chaos to make such actions prudent, the stated clerk, in consultation with the coordinating team, may initiate the process at D-10.0106 to determine whether the restriction of pastoral activities is required.
 - 3. In the case of the accused being in position other than a church setting:
 - a. The notification of the accused's employer of the fact and nature of the allegations brought and that an investigation is in process;
 - b. The transfer of the accused to member-at-large status until there is resolution of the matter.

- D. Media Contact

All inquiries from the media regarding an allegation of misconduct must be directed to the Stated Clerk or the Executive Presbyter.

- E. Mandatory Reporting according to G-4.0302:

Teaching elders, candidates, ruling elders commissioned to pastoral service, and others with pastoral duties are mandated to report to appropriate local, state (except Iowa), or federal authorities and to presbytery allegations that involve the abuse of a minor child or other criminal sexual behavior. The *Book of Order* requires mandatory reporting at G-4.0302.

In addition, in John Knox Presbytery, we need to be comply with particular state laws within our bounds.

MN, IA, and WI Mandatory Reporters: Clergy

Wisconsin

The child abuse reporting law places special reporting requirements on members of the clergy. Specifically, in addition to reporting suspected abuse or neglect of a child seen directly by a clergy member in the course of his or her professional duties, a clergy member generally must report suspected abuse or neglect if the clergy member has reasonable cause, based on observations made or information received, to suspect that a member of the clergy has sexually

abused a child or threatened a child with sexual abuse in violation of specified state laws. [s. 48.981 (2) (bm) 2., Stats.] In this context, “member of the clergy” means the spiritual adviser of any religion, whether the adviser is termed priest, rabbi, minister of the gospel, pastor, reverend, or any other official designation, or a member of a religious order, including brothers, ministers, monks, nuns, priests, rabbis, and sisters. [s. 48.981 (1) (cx), Stats.]

Iowa

Clergy members are not considered to be mandatory reporters unless they are functioning as social workers, counselors, or another role described as a mandatory reporter. If a member of clergy provides counseling services to a child, and the child discloses an abuse allegation, then the clergy member is mandated to report as a counselor. (The counseling is provided to a child during the scope of the reporter’s profession as a counselor, not clergy.)

Minnesota

Minnesota Statutes. 626.556 subdivision 3, (a) defines a person mandated to report as “a professional or professional’s delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, correctional supervision, probation and correctional services, law enforcement or employed as a member of the clergy and received information while engaged in ministerial duties.”

Minnesota Statutes 626.556 subdivision 3,(b) - (Summarized) Members of the clergy are not required to report information that is considered privileged. (M.S. 595.02, subdivision 1 (c)) This in part refers to information received in a confession by a member of the clergy, or other minister of any religion, and also applies to communications made by a person seeking religious or spiritual advice.

Appendix 1
Ethics and Accountability Policy
Presbytery of John Knox

Glossary of Terms

Glossary of Terms

- A. Accused - The person against whom a claim or charge of misconduct is made.
- B. Accuser - The person or persons claiming knowledge of misconduct by a person covered by this policy. If the accuser is not the victim, that person must be an adult advocate making the charge on behalf of the victim.
- C. Allegation - A verbal or written statement of an alleged offense.
- D. Caregivers - Persons appointed by Committee on Ministry who act on behalf and with accuser or accused as listener and friend.
- E. Child Sexual Abuse - Any contact or interaction between an adult and a child (as defined by State Law) or children involving sexual stimulation. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered non-consensual.
- F. Church - When spelled with capital letters it refers to the Presbyterian Church (U.S.A.). When spelled in lower case refers to local churches.
- G. Complaint - A written statement alleging an irregularity in a particular decision or action, or alleging a delinquency. (D-6.0102)
- H. Co-ordination Team - The group of persons in the Presbytery that are coordinating and facilitating the complaint process.
- I. Entity - Any program or office managed by a board, council, committee, or other body whose membership is elected or appointed by a governing body.
- J. Inquiry - The procedures used in the Rules of Discipline to determine whether charges should be filed based upon allegations of an offense received by a governing body. (See Rules of Discipline-10.0200.) This is comparable to finding "probable cause."
- K. Misconduct - A violation of statements set forth in the Ethics Statement.
- L. Persons Covered - by this policy include officers, employees, all continuing members of The John Knox Presbytery, and volunteers under the jurisdiction of the Presbytery.

- M. Sexual Abuse - Any offense 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, or intimidation, or misuse of office or position (D-10.0401a).
- N. Sexual Harassment - Within a work setting: any unwelcome advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
1. submission to such conduct is made either explicitly or implicitly a condition of the individual's employment or advancement
 2. submission to or rejection of such conduct by an individual, or
 3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment.
- O. Sexual Malfeasance - as defined for this policy is the broken trust resulting from genital contact (contact with breasts, penis, buttocks, or pubic area) within a ministerial or professional relationship, (where one party has power or perceived power over another).
- P. Sexual Misconduct - is the comprehensive term used in this policy to include:
1. Child sexual abuse as defined above.
 2. Sexual harassment as defined above.
 3. Rape/criminal sexual misconduct or sexual contact by force, threat, or intimidation.
 4. Sexual malfeasance as described above.
- Q. Volunteer - Anyone who performs work for governing bodies or entities, but receives no remuneration.

**QUESTIONNAIRE FOR THOSE SEEKING TO PROVIDE
PASTORAL SERVICES WITHIN THE JOHN KNOX PRESBYTERY**

1. **APPLICANT'S LEGAL NAME** _____
Last First Middle

Please provide any other name used within the last 10 years for prior employment or school that differentiates from the above

2. **HOME TELEPHONE NUMBER** _____

CELL NUMBER _____

WORK TELEPHONE NUMBER _____

E-MAIL ADDRESS _____

FAX NUMBER _____

3. **CURRENT HOME ADDRESS** _____
Street

City

State

Zip

County

How long have you resided there? _____

If you have not resided there for at least 7 years, please attach a page with the above residential information for that time period.

4. **DATE OF BIRTH** _____ **SOCIAL SECURITY #** _____

COUNTRY OF CITIZENSHIP _____

5. **NAME AS IT APPEARS ON DRIVER'S LICENSE** _____

DRIVER'S LICENSE # _____ **STATE** _____

Adopted 11/13/2018

6. EDUCATION

Name/Location of College/Seminary _____

Degree Earned: _____ Date of Graduation _____

Name/Location of College/Seminary _____

Degree Earned: _____ Date of Graduation _____

Name/Location of College/Seminary _____

Degree Earned: _____ Date of Graduation _____

7. FOR TEACHING ELDERS:

Date of Ordination _____

Place of Ordination _____

Denomination _____

Presbytery/Conference/Synod/i.e. _____

Current Denomination of Membership _____

Current Presbytery/Conference/Synod/i.e. _____

FOR LAY INDIVIDUALS (CRE'S, INQUIRERS, STUDENT PASTORS, SPMS, ETC.):

Presbytery of care (if applicable) _____

Church Membership _____

Date of Ordination as an Elder (if applicable) _____

8. **EMPLOYMENT RECORD (List current and previous employers for the past 7 years)**

Employer _____

Address _____ County _____

City, State and Zip _____

Telephone Number _____ FAX # _____

Supervisor's Name/Title _____
or contact person

Job Title _____ Salary _____

Employed from (Month/Year) _____ to (Month/Year) _____

Reason for leaving _____

Employer _____

Address _____ County _____

City, State and Zip _____

Telephone Number _____ FAX # _____

Supervisor's Name/Title _____
or contact person

Job Title _____ Salary _____

Employed from (Month/Year) _____ to (Month/Year) _____

Reason for leaving _____

Employer _____
Address _____ County _____
City, State and Zip _____
Telephone Number _____ FAX # _____
Supervisor's Name/Title _____
or contact person _____
Job Title _____ Salary _____
Employed from (Month/Year) _____ to (Month/Year) _____
Reason for leaving _____

Employer _____
Address _____ County _____
City, State and Zip _____
Telephone Number _____ FAX # _____
Supervisor's Name/Title _____
or contact person _____
Job Title _____ Salary _____
Employed from (Month/Year) _____ to (Month/Year) _____
Reason for leaving _____

If more than four employers during the past seven years, please copy this page and attach additional information as requested above.

9. Has a civil, criminal or ecclesiastical complaint ever been filed against you alleging physical abuse, sexual misconduct, fraud, embezzlement, theft, or any other criminal behavior?

Yes _____ No _____

Have you ever resigned or been terminated from a position for reasons relating to allegations of physical abuse, sexual misconduct, fraud, embezzlement, theft, or any other criminal behavior?

Yes _____ No _____

If the answer is yes to either of the above, indicate the date, nature of these allegations, and the name, address, and phone number of your employer at the time, and the nature of the complaint.

What is the present status of the complaint?

10. Have you received professional counseling or treatment for reasons related to physical abuse or sexual misconduct by you?

Yes _____ No _____

If yes, give a short description of the counseling/treatment including the date, nature of the treatment, place and name, address, and telephone number of the professional(s) providing services.

11. The information I have provided on this questionnaire is accurate to the best of my knowledge and may be verified by the former employers listed above. I agree to execute any release of information pertaining to prior employment, medical, judicial, and law enforcement records and information pertinent to matters addressed in this questionnaire.

_____ (Please initial)

I acknowledge that I have received a copy and understand the John Knox Presbytery's Statement of Ethics and Misconduct Policy and the Sexual Misconduct Policy.

_____ (Please initial)

I give John Knox Presbytery permission to provide and seek reference information.

_____ (Please initial)

I hereby authorize John Knox Presbytery (organization) and/or its agents to make an independent investigation of my background, references, character, past employment, education, criminal, or police records, including those maintained by both public and private organizations and all public records for the purpose of confirming the information contained on my Application and/or obtaining other information, which may be material to my qualifications as a volunteer or for employment now, and if applicable, during the tenure of my volunteering or employment with John Knox Presbytery.

_____ (Please initial)

I release John Knox Presbytery and/or its agents and any person or entity, which provides information pursuant to this authorization, from any and all liabilities, claims, or lawsuits in regards to the information obtained from any and all of the above referenced sources used.

_____ (Please initial)

I understand and agree that John Knox Presbytery, who may contract with an outside employment screening service, will verify all or part of the information I have given. I understand that this verification may include any inquiry into my credit history, motor vehicle driving record, criminal and civil records, prior employment (including contacting prior employers), education (degree, GPA and attendance) as well as other public record information. I authorize the release of such information as may be necessary to verify the information I have provided. I release and hold harmless from all liability any individual or entity requesting or supplying information with respect to my application for employment.

_____ (Please initial)

Print your name

Signature

Date

**Ethics and Accountability Policy
Presbytery of John Knox**

Child/Youth Worker and Volunteer Application Form

It is the goal of this church to create a safe and secure environment for all children and workers who are involved in church activities. To facilitate this emphasis, it is necessary to gather pertinent information from those who desire employment or offer volunteer services to our children and youth program. This information will be used for the sole purpose of helping the church provide a safe and secure environment for children and workers.

Name: _____

Date: _____

Date of birth: _____ Social Security Number: _____

Have you ever used name(s) other than the one above? If yes, please list:

Current street address: _____

City, State, Zip: _____ Years at address: _____

Previous address: _____

Current phone number (Home): _____
(Work): _____

Please respond to all questions below that apply to the position for which you are applying/volunteering.

Position applying/volunteering for: _____

When are you available to work? _____

Do you have a valid driver's license? _____ License number: _____

Commercial license? _____ State issued: _____

Current employer: _____ Length of

Adopted 11/13/2018

employment: _____

Name of supervisor: _____ Phone
number: _____

Previous employers (within last five years):

Employer: _____ Dates
employed: _____

Is there any reason you should NOT work with or around children or youth? _____

Have you ever been the subject of a child abuse investigation? _____

If yes, please provide
details: _____

Have you ever been convicted of or pleaded guilty to a criminal offense? _____

If yes, please provide
details: _____

Please list your education background:

Name Graduate? Year Degree or course of Study
High School: _____

College: _____

Other: _____

Please provide the following church information:

What, if any, church affiliation do you have? _____

How long have you attended that church? _____ Are you a member? _____

List other churches with which you have been affiliated: _____

Have you ever worked with youth or children? _____ List where: _____

Please list two references (must be of a business or organizational nature):

Name: _____

Phone: _____

Address: _____ Years known each other: _____

Name: _____

Phone: _____

Address: _____ Years known each other: _____

I hereby give permission to make a thorough investigation of my past employment, education, and background, and release from liability all persons, companies, or corporations supplying such information. I also release the church from any liability that might result from making such an investigation. I understand that any false statements or implications made by me on this application or other required documentation shall be considered sufficient cause for denial of employment or discharge.

Signature: _____

Date: _____

Appendix 4
Acknowledgment of Receipt
Ethics and Accountability Policy
Presbytery of John Knox

This attachment to the Ethics and Accountability Policy of the Presbytery of John Knox is to be signed by all candidates, ministers, employees and volunteers of the Presbytery.

By signing this appendix, you acknowledge that you have received and read the Ethics and Accountability Policy.

Signed: _____

Date: _____

This document will be kept in your personnel file.