

January 22, 2020

Friends,

Attached is the newly updated Sexual Misconduct Policy of Eastern Oklahoma Presbytery for your prayerful consideration and review. This is in response to heightened awareness of not only clergy abuse scandals, but also issues of sexual misconduct within all levels of the Church. The increasingly digital age brings even more challenges. Our current 1999 EOP Sexual Misconduct and Child Protection Policy does not adequately address these issues, so a workgroup was formed to create a new policy. This workgroup (General Presbyter Tim Blodgett, Revs. Olivia Lane, Jon Watt, Elana Levy and Natalie Bell) used best practices and policies from the PCUSA and other presbyteries like Chicago, to create this new policy.

We have a moral obligation and Biblical mandate to care for all persons within the church, with the love, mercy, justice, and protection of Jesus Christ. Everything we do should be done in love (1 Corinthians 16:14), and our *"manner of life should be a demonstration of the Christian gospel in the church and in the world"* (Book of Order, G-2.0104a).

In this new policy you will find resources for sexual misconduct prevention, and procedures for addressing sexual misconduct within our churches and our presbytery. You will find a concise overview, Biblical mandates, Book of Order citations, a digital media policy, a plan for mandatory training and compliance, and sample forms to be used in the presbytery, and in our congregations.

This policy represents best practices throughout the PCUSA, and our hope is that it raises expectations for all who do ministry in EOP. We want to more fully equip ministers and congregations; we hope this policy becomes part of the 'muscle memory' of EOP, and a model for other presbyteries within Synod of the Sun. We discovered a vast difference among practices in neighboring presbyteries, and a lack of standardized training, despite the presence of several misconduct situations being addressed throughout the Synod in recent years. This policy includes a new mandatory in-person training (required every other year) for all Ministers of the Word and Sacrament, Commissioned Pastors, and Lay Preachers within EOP. Because such training is so vital, it will be provided by professional facilitators from LeaderWise, and paid for by EOP. We hope to offer this helpful and interactive training as the second day of our November Presbytery meeting.

The First Reading will be at the February 18<sup>th</sup> Presbytery Meeting at Goodland Academy in Hugo, with a presentation, discussion, and Q & A. We welcome your participation. The second reading and vote will happen in May. If you have questions or concerns, please contact Rev. Natalie Bell, Moderator of the EOP Sexual Misconduct Policy workgroup, at [fpcowassopastor@att.net](mailto:fpcowassopastor@att.net) by February 14<sup>th</sup>.

Gratefully,

Revs. Olivia Lane, Jon Watt, and Elana Levy, and Natalie Bell  
General Presbyter Tim Blodgett

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# **EASTERN OKLAHOMA PRESBYTERY SEXUAL MISCONDUCT POLICY AND ITS PROCEDURES**

## **I. Policy Statement**

It is the policy of the Eastern Oklahoma Presbytery that all church members, church officers, non-member employees, and volunteers of congregations, councils, and entities of the church are to maintain the integrity of the ministerial, employment, and/or professional relationship at all times. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture as well as the ministerial, pastoral, employment, and/or professional relationship. It is never permissible or acceptable for a church member, officer, employee, or volunteer to engage in sexual misconduct.

This is a policy of the Eastern Oklahoma Presbytery which governs and protects members of the Presbytery and its member congregations. Copies of this policy and its procedures shall be made available to all council and entity offices. It is intended as guidance for churches and related entities and, if properly implemented by them, can be used by church members, church officers, employees, and volunteers. This policy and its procedures should be made available to persons who accuse others of misconduct, including those who are or claim to be victims of sexual misconduct and their families.

## **II. Standards of Conduct**

**... As [God] who called you is holy,  
be holy yourselves in all your  
conduct;  
... Tend the flock of God that is in your charge,  
... not under compulsion but willingly, ...  
not for sordid gain but eagerly. ...  
Do not lord it over those in your  
charge, but be examples to the  
flock.**

**... You know that we who teach will be judged with greater strictness.  
1 Pet. 1:15; 5:2–3; Jas. 3:1, NRSV**

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because it is through these representatives that an understanding of God and the gospel's good news is conveyed. "Their manner of life should be a demonstration of the Christian gospel in the church and in the world" (*Book of Order*, G-2.0104a). The basic principles of conduct guiding this policy are as follows:

1. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a relationship of trust. It breaks the covenant to act in the best interests of parishioners, clients, co-workers, and students.

2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a relationship of trust to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, it is the pastor's, counselor's, officer's, or supervisor's responsibility to maintain the appropriate role and prohibit a sexual relationship.
3. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children and vulnerable adults. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

### III. Church Response to Allegations of Sexual Misconduct

#### A. Principles

In responding to allegations of sexual misconduct, members, officers, and employees of the church should seek healing and justice, and assure the protection of all persons. While this process will require openness and honesty, the privacy of persons should be respected and confidentiality of communications should be maintained.

In responding to allegations of sexual misconduct, members, officers, and employees of the church should seek to uphold the dignity of all persons involved, including persons who are alleging harm, persons who are accused of sexual misconduct, and the families and communities of each.

The PC(USA) has jurisdiction over its members, officers, and employees such that if a member, officer, or employee is alleged to have committed an offense against Scripture or the PC(USA) Constitution, the church has the duty to inquire into the allegations and, if the allegations are proven, to correct the behavior of the member, officer, or employee and ensure the safety of others in the community. Allegations of sexual misconduct are considered allegations of offense against Scripture or the PC(USA) Constitution that trigger the disciplinary processes of the PC(USA) set forth in the *Book of Order*. In the case of an active non-member who is employed or volunteers with the church, the individual will be covered by the procedures of the written personnel policies of the council or entity.

If the person accused of sexual misconduct is no longer a member, officer, or employee of the PC(USA), but the conduct occurred while the person was acting on behalf of the PC(USA), the church does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm. The council may appoint an administrative committee or commission to hear the allegations of sexual misconduct as otherwise detailed in this policy for such allegations.

## B. Reporting Requirements

### 1. Reporting Sexual Misconduct

A person needing to report that a member, officer, employee, or volunteer of the PC(USA) has committed sexual misconduct is encouraged to seek guidance from a PC(USA) Minister of the Word and Sacrament, Commissioned Pastor, Lay Preacher, or ruling elder regarding filing the report.

**Congregation:** If the person who is accused of committing sexual misconduct is a member, ruling elder, deacon, volunteer, or non-ordained employee of a congregation, the report of allegations should be made to the Minister of the Word and Sacrament, the Commissioned Pastor, Lay Preacher, the clerk of session, or the chair of the personnel committee. If the accused is a member or officer of the church, the church will respond by using the procedures set forth in this sexual misconduct policy of Eastern Oklahoma Presbytery and the Rules of Discipline of the *Book of Order*. If the accused is a nonmember employee or volunteer, the church will respond by using procedures set forth by the session of the congregation.

**Presbytery:** If the person who is accused of committing sexual misconduct is a Minister of the Word and Sacrament, Commissioned Pastor, or Lay Preacher, the report of allegations should be made to the stated clerk of the presbytery. Once the report of allegations is placed in writing, the presbytery will respond by using the procedures set forth in the Rules of Discipline of the *Book of Order*. If the person who is accused of committing sexual misconduct is a volunteer or nonmember employee of the presbytery, the report of allegations may be made to any of the staff or volunteers of the presbytery. The presbytery will respond by using procedures set forth by policy or bylaws of the presbytery.

**Higher Council or Entity of the General Assembly:** If the person who is accused of committing sexual misconduct is an employee or volunteer of the higher council or entity, contact the council or entity directly for the appropriate person to receive the report of allegations. The report of allegations may be made to any person with supervising capacity. The entity will respond by using procedures set forth by policy or bylaws of the entity.

### 2. Receiving Reports of Sexual Misconduct

Reports of allegations of sexual misconduct will occur in a variety of ways. Because a council or entity cannot control to whom the alleged victim of sexual misconduct will speak first, it is important that officers, employees, and persons highly visible to church members and visitors understand how reports of incidents are channeled to the proper person. The allegations may come from persons who have or who do not have a formal relationship with the Presbytery and may be made to a variety of officers or leaders within the Presbytery. It is the duty of these officers to see that any allegation of sexual misconduct is reported appropriately keeping in mind the *mandatory reporting requirements* for allegations of child abuse or the abuse of vulnerable adults. (See EOP Child, Youth, and Vulnerable Adult Protection Policy)

Reports of allegations of sexual misconduct should never be taken lightly or disregarded and

allowed to circulate without concern for the integrity and reputation of the alleged victim, the accused, and the church. Reports of allegations should be dealt with as matters of highest confidentiality, both before and after they have been submitted to appropriate authorities as outlined below.

The first person to learn of a sexual misconduct incident in the Presbytery should not undertake an inquiry alone or question either the accuser or the accused unless the incident is divulged in the process of pastoral care, counseling, or a therapy session. Special attention should be given to inform them of the process of reporting and to make available the sexual misconduct policy of the Presbytery, while respecting the needs of the victim (See Appendix D).

The person receiving the initial report of allegations of sexual misconduct shall determine the relationship of the person accused of sexual misconduct with the Presbytery and shall make sure that the allegations of offense are filed with the council with jurisdiction over the person accused. This may be done by the person alleging harm or by any member of the Presbytery.

If the report is made orally, the person receiving the report of allegations should request that the person making the report of allegations place it in writing. A report of allegations of sexual misconduct in writing from a member of the PC(USA) alleging another member or officer of the PC(USA) committed an offense must be acted on according to the Rules of Discipline of the *Book of Order*. If a clerk or stated clerk receives a report of allegations in writing from a nonmember of the PC(USA) alleging another member or officer of the PC(USA) committed sexual misconduct, the report also should be acted on according to the Rules of Discipline of the *Book of Order*. If the person who makes the report is unwilling or unable to place it in writing, any member of the PC(USA) may make the written statement that will automatically trigger the Rules of Discipline of the *Book of Order*. When possible such a statement should be attested to by the accuser for accuracy.

### 3. Mandatory Reporting of Child Abuse

All ruling elders, deacons, Certified Christian Educators, Ministers of the Word and Sacrament, and Commissioned Pastors, and Lay Preachers are required to report knowledge of child abuse to the civil and ecclesiastical authorities according to the *Book of Order*. The *Book of Order* requires that:

- a. “Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse” (G-4.0302)
- b. “In the exercise of pastoral care, Ministers of the Word and Sacrament and ruling elders who have been commissioned by a presbytery to limited pastoral service (G-2.10), shall maintain a relationship of trust and confidentiality, and shall hold in confidence all information revealed to them in the course of providing care and all information relating

to the exercise of such care.”

- c. When the person whose confidences are at issue gives express consent to reveal confidential information, then a teaching elder or a ruling elder commissioned to pastoral service may, but cannot be compelled to, reveal confidential information.
- d. A Minister of the Word and Sacrament, Commissioned Pastor, Lay Preacher, or a ruling elder commissioned to pastoral service may reveal confidential information when she or he reasonably believes that there is risk of imminent bodily harm to any person (G-4.0301).

All persons covered by this policy have an additional duty to report knowledge of child sexual abuse to the employing entity, supervisor, or council representative. All persons should be informed of and must comply with state and local laws regarding incidents of actual or suspected child sexual abuse. These reports should be made immediately after receiving the information.

In Oklahoma, anyone who suspects that a child (who is unmarried and under 18 years of age) has been or is in danger of being abused or neglected must report that not only to the Presbytery or governing council, but also to the Oklahoma Child Abuse Hotline at 1-800-522-3511, and/or call 911 if a person is in immediate danger. Failure to report suspected abuse is a misdemeanor offense in Oklahoma. No privilege or contract shall relieve any person from the requirement of reporting. Anyone who reports in “good faith” and exercising “due care” is immune from civil and criminal liability.<sup>1</sup>

The provisions of the *Book of Order* attempt to balance conflicting moral duties for officers of the Presbyterian Church (U.S.A.).

For Ministers of the Word and Sacrament, these provisions strive to balance the duty to protect children from future harm with the duty of a Minister of Word and Sacrament to hold in confidence any information revealed to them during the exercise of pastoral care in any ministry setting as defined in G-4.0301 in the *Book of Order*.

For ruling elders, deacons, and certified Christian educators, these provisions strive to balance the duty of an officer of the church to protect children from harm and any secular duty the officer may have to hold in confidence any information revealed as a result of a secular relationship such as attorney/client, counselor/client, or physician/patient.

### C. Responding

The appropriate council or entity response will vary according to the relationship of the Presbytery with the person who is accused of sexual misconduct. Church members and officers are subject to inquiry and discipline (censure and correction) under the *Book of Order*. Non-church member employees and volunteers are subject to oversight and correction by the council or entity that

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<sup>1</sup> “Program Information” Oklahoma Department of Human Services, Child Protective Services , 25 Apr. 2019, <http://www.okdhs.org/services/cps/Pages/default.aspx>.

employs them.

1. Accused Covered by Book of Order

When an allegation of offense of sexual misconduct has been received by the clerk of session or stated clerk of the presbytery, the clerk of the council will report to the council that an offense has been alleged and that the council will proceed according to the procedures set forth in the Rules of Discipline of the *Book of Order*. The Moderator of presbytery should appoint an investigating committee to inquire into the allegations. The investigating committee must promptly begin its inquiry into the allegations; delay may cause further harm.

Councils and entities must cooperate with civil authorities in an investigation of child sexual abuse or other criminal sexual misconduct. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed.

The session has original jurisdiction in disciplinary cases involving members, ruling elders, and deacons of the church, each congregation having jurisdiction only over its own members. Resources are available from the presbytery office.

A presbytery has original jurisdiction in disciplinary cases involving Ministers of the Word and Sacrament, Commissioned Pastors and Lay Preachers. A presbytery may dissolve a pastoral relationship when the “Word imperatively demands it” (G- 2.0904). Following a risk evaluation, a Minister of the Word and Sacrament, a Commissioned Pastor, or Lay Preacher may be placed on administrative leave when allegations of sexual abuse have been received and the presbytery has followed the *Book of Order* procedures (D-10.0106). It is recommended that the Permanent Judicial Commission (PJC) members, who conduct this risk evaluation based upon the allegations and a hearing, should also take into account secular legal advice.

When a church officer renounces jurisdiction, the clerk or stated clerk shall report the renunciation at the next meeting of the council and shall record the renunciation in the minutes of the council. The status of any pending charges may be shared with the council at that time.

2. Accused Not Covered by Book of Order

When a council or entity of Eastern Oklahoma Presbytery receives an accusation of offense of sexual misconduct against a nonmember employee or volunteer, the procedural response of the council or entity will be guided by the written personnel policies of the council or entity. Usually the council or entity will have a personnel committee that will be responsible for the inquiry. If a council does not have a personnel committee, it may appoint either a committee or administrative commission for the review of the allegation.

The committee or commission that will respond to the allegation of offense of sexual misconduct will do the following:

- a. Determine whether the allegation gives rise to a reasonable suspicion of sexual misconduct

by the accused.

- b. If so, gather additional information necessary to make a decision about correcting the behavior.
- c. Determine any remedies, including limiting ministry, suspension, or termination necessary and advisable under the circumstances. If the accused is a member of another denomination, that denomination will be notified of the allegations and the response.
- d. Inform the victim and the accused of the remedy.
- e. In all cases, the personnel committee shall prepare a written report, which shall be included in the accused's permanent personnel file. The accused shall be allowed to attach any written statements to said documents, also for permanent inclusion in the permanent file.

All procedures shall follow the guidelines set forth by the council, employing agency, or entity of the Presbytery.

### 3. Council or Entity Record Keeping

The council or entity shall keep detailed records of its actions and minutes of its deliberations and its conversations with the accuser, the accused, and other parties involved, correspondence, and copies of the reports received from committees or commissions. Such records will be kept confidential as far as possible. In Case # 208-6, the General Assembly Permanent Judicial Commission (GAPJC) interpreted the Rules of Discipline to say that a council or entity may share the contents of inquiry reports with other councils or entities of the PC(USA) when necessary. The clerk of the council or director of the entity will maintain the records while the inquiry is in process.

## IV. Prevention and Risk Management

### A. Implementation

The Book of Order requires that all councils adopt and implement a sexual misconduct policy (G-3.0106). The General Assembly urges all councils and related entities including colleges, universities, and theological institutions to establish policies, and procedures, that make it a violation of the employer's work rules to engage in sexual misconduct and that encourage reporting of sexual misconduct. Councils and entities are strongly encouraged to take appropriate steps to inform members, employees, volunteers, and students of the council's sexual misconduct policy and the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct. All councils shall have an annual review of both the church's and Presbytery's sexual misconduct policy.

## *B. Liability and Insurance*

A council or entity can be held liable for harm caused by sexual misconduct of an officer, Minister of the Word and Sacrament, Commissioned Pastor, Lay Preacher, or employee based on a number of legal theories. Councils and entities should take such potential liability into consideration when establishing hiring and supervisory practices.

Councils and entities should regularly inform their liability insurance carriers of the activities and programs they operate or sponsor and of the duties and responsibilities of officers, employees, and volunteers. The standard insurance policy should usually be enhanced by endorsements to cover specific exposures such as camps, daycare operations, shelters, or other outreach programs.

It is also recommended that councils and entities obtain an endorsement to their general liability insurance policy specifically covering sexual abuse and molestation. Such coverage may provide for legal defense expenses and judgments in civil suits brought against the council or entity, its officers, directors, or employees.

## *C. Employment Practices*

### *1. Record Keeping*

Accurate record keeping is an essential part of hiring and supervision practices of churches, middle governing bodies, and related entities. Every council and entity should maintain a personnel file on every employee, including Ministers of the Word and Sacrament, Commissioned Pastors, and Lay Preachers. The file should contain the application for employment, any employment questionnaires, background checks, references' responses, and all other documents related to an employee's employment, except records which may be required, by law, to be kept in separate files.

### *2. Prescreening Applicants*

Councils and entities are urged to establish thorough and consistent hiring practices. If an applicant is unknown to the employer, the employer should confirm the applicant's identity by requiring photographic identification such as a driver's license. The council shall perform a background check, including a national criminal background check, on all applicants that may have interaction with children and youth. Part of pre-employment screening should include specific questions related to discovering previous complaints of sexual misconduct. (*See, Appendix C, Sample Form 1*).

### *3. References*

The employing council or entity should contact references for prospective Ministers of the Word and Sacrament, Commissioned Pastors, Lay Preachers, employees, or volunteers. A written record of conversations or correspondence with references should be kept in the Minister of the Word and Sacrament's, Commissioned Pastor's, Lay Preacher's, or employee's personnel file. (*See, Appendix C, Sample Form 2*).

The person within the council or entity authorized to give a reference is obligated to give truthful information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the applicant.

If false or misleading information is given by the applicant or relevant information is withheld, the applicant should be eliminated from consideration.

Applicants should be informed of negative comments regarding sexual misconduct and shall be given an opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference.

## **V. Educating and Training-Awareness**

Since the issue of sexual misconduct has become an ever more present reality, there is an emerging need to educate and train a wide variety of persons. Persons needing this specific education include: Ministers of the Word and Sacrament; volunteers; Commissioned Pastors; Lay Preachers; officers; nonprofessional and professional staff; ministerial candidates; professionals who will be working with this issue within the denomination; members of the congregation; and council staff including supervisors, employees, and stated clerks.

Education for these persons and groups will be different on a group-by-group basis. A primary requirement for all persons should be common knowledge regarding professional and ministerial boundaries, the Eastern Oklahoma Presbytery Sexual Misconduct policy and their own specific council or entity policy.

The Eastern Oklahoma Presbytery's Response Team shall provide training for all Ministers of the Word and Sacrament, Lay Preachers, Commissioned Pastors, inquirers, candidates, newly ordained pastors, and new pastors to the Presbytery regarding sexual misconduct, especially including education on this specific policy and procedures. This training shall be renewed every two years. The Stated Clerk shall keep records of the completion of this training and report to CPM and COM (see Appendix F).

Much of a congregation's education currently happens in response to an actual case of sexual misconduct. However, it is recommended that the congregation be as proactive in this area as possible offering education in a variety of settings. There are already numerous resource materials available that could be adapted to a congregation's setting.

Employing entities need to make sure all employees are well acquainted with, understand, and abide by their policy and procedures. Employing entities should offer additional training and resources. Any professional (therapists, attorneys, advocates, mediators, arbitrators) used by a council should be qualified in the field of sexual misconduct.

## Appendix A

### Overview for Reporting and Investigating Sexual Misconduct Within the Eastern Oklahoma Presbytery

#### *Eastern Oklahoma Presbytery*

- I. Eastern Oklahoma Presbytery members, and all congregations within the Presbytery shall be familiar with the Eastern Oklahoma Presbytery Sexual Misconduct Policy. Sessions shall implement their own sexual misconduct policies for their congregations. Appropriate boundary training shall be required of all Presbytery members, and shall be encouraged for all church officers.
- II. Reports of sexual misconduct in Eastern Oklahoma Presbytery will not be taken lightly, disregarded, or allowed to circulate without concern for the accuser, the accused, and the church or presbytery. All reports will be handled with confidentiality.
- III. **Anyone who suspects that a child (who is unmarried and under 18 years of age) has been or is in danger of being abused or neglected** must report immediately not only to the Presbytery or governing council, but also to the Oklahoma Child Abuse Hotline at 1-800-522-3511, and/or call 911 if a life is in immediate danger. Failure to report suspected abuse is a misdemeanor offense in Oklahoma. No privilege or contract shall relieve any person from the requirement of reporting. Anyone who reports in “good faith” and exercising “due care” is immune from civil and criminal liability.
- IV. **Reporting Process**---an allegation of sexual misconduct shall be reported as follows. The supervisory person receiving an allegation will encourage the accuser to put the allegation in writing, using the form: Report of Suspected Sexual Misconduct. If the alleged victim is unable or unwilling to submit a written allegation, any member of the PC(USA) may submit a written allegation, which, when possible, should be attested to by the alleged victim for accuracy.
  - A. If the accused is **a church member, employee, or church volunteer**, the allegation should be submitted in writing to the Minister of the Word and Sacrament, Commissioned Pastor, Lay Preacher, Clerk of Session, or the Chair of the Personnel Committee.
  - B. If the accused is **a Minister of the Word and Sacrament, Commissioned Pastor or Lay Preacher**, the written allegation should be submitted to the Stated Clerk of Eastern Oklahoma Presbytery.
  - C. If the accused is **an employee or volunteer of a higher council or entity**, the allegation should be made to a supervisor of that entity.
- V. **Accused Persons Covered by the Book of Order (church members, officers, Ministers of the Word and Sacrament, Commissioned Pastors and Lay Preachers)**—when an allegation is received by the Stated Clerk of the Presbytery, or Clerk of Session, that clerk will report that an offense has been alleged, and that council will proceed according to the Rules of Discipline

of the Book of Order. An acknowledgment of the allegation will be sent as soon as possible to the accuser.

- A. The Presbytery or Session will appoint an Investigating Committee
- B. The Presbytery or Session will cooperate with any civil authorities, and church discipline will not interfere with civil and criminal investigations.
- C. The Presbytery may dissolve a pastoral relationship, or place a Minister of the Word and Sacrament, Commissioned Pastor, or Lay Preacher on administrative leave, once a PJC (Permanent Judicial Commission) makes a risk evaluation of that leader remaining in their position.
- D. The alleged victim and the accused will be notified of the response.
- E. If a church officer renounces jurisdiction, the Clerk will report that in the minutes of the council, as well as the status of any pending charges.

VI. **Accused Persons Not Covered by the Book of Order (non-members, non-member employees, or volunteers)**—when an allegation is received by the council, the procedure will be guided by the personnel policies of that council.

- A. That personnel committee will appoint an administrative commission to review the allegation, which will determine whether the allegation gives rise to reasonable suspicion of sexual misconduct.
  - 1. If so, they will gather additional information, and determine remedies such as limited ministry, suspension, or termination.
  - 2. If the person is a member of another denomination, that denomination will be notified of the allegation and response.
  - 3. The alleged victim and the accused will be notified of the response.
  - 4. A written report will be placed in the permanent personnel file, and the accused will be allowed to attach written statements, to also be included.

VII. **Record Keeping**—The stated clerk of councils shall keep detailed records of actions and conversations with the alleged victim, the accused, and other parties involved, as well as correspondence and copies of reports received from committees and commissions. Such records will be kept confidential as far as possible. A council may share the contents with other councils when necessary.

VIII. **Overview**—This document is intended as an overview. Please see full EOP Sexual Misconduct Policy for additional details.

## Appendix B

The following words/terms are defined for use in this *Sexual Misconduct Policy*. To the extent any word in the policy is not defined by this Appendix B, that word/term should be given its normal, dictionary defined and commonly understood meaning, given the context of the word within the policy.

### Definitions

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

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

***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. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. In the Presbyterian Church (U.S.A.), the definition of a child in cases of sexual abuse is anyone under age eighteen.

***Church*** when spelled with the initial capitalized refers to the Presbyterian Church (U.S.A.). Church when spelled with the initial in lowercase refers to local churches. The word congregation is used loosely for members and participants.

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

***Council*** is a representative body composed of ruling elders and Ministers of the Word and Sacrament, Commissioned Pastors, and Lay Preachers: sessions, presbyteries, synods, and the General Assembly. A council may establish entities such as daycare centers, conference centers, camps, or homes for the aged. A council may have both church members and nonmembers as employees.

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

***Entity*** is the term used to refer to any program or office managed by a board, committee, council, or other body whose membership is elected by a council.

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

***Mandated Reporter*** includes a person under the PC(USA) constitution who is mandated to report to the civil authorities any reasonably held belief that there will be future harm and is also described by some states' laws as a person who is required to report any and all suspected incidents of child abuse, including child sexual abuse that come to their attention. "In Oklahoma, anyone who suspects that a child (under 18 years of age) has been or is in danger of being abused or neglected must report that not only to the Presbytery or governing council, but also to the Oklahoma Child Abuse Hotline at 1-800-522-3511, and/or call 911 if a life is in immediate danger. Failure to report suspected abuse is a misdemeanor offense in Oklahoma. Anyone who reports in "good faith" is immune from civil and criminal liability".<sup>2</sup>

***Misuse of Technology***; use of technology that results in sexually harassing or abusing another person, including texting or e-mailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry (See Appendix E).

***Persons Covered*** by this policy includes church members, church officers, Ministers of the Word and Sacrament, Commissioned Pastors, Lay Preachers, and nonmembers who are employees or volunteers of the General Assembly of the PC(USA).

***Response*** is the action taken by the council or entity when a report of sexual misconduct is received. It may include (1) inquiry into facts and circumstances, (2) possible disciplinary action (administrative or judicial or both), (3) pastoral care for alleged victims and their families and others, and (4) pastoral care and rehabilitation for the accused and care for their families.

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

***Sexual Abuse*** as defined in the *Book of Order*: "Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position" (*Book of Order*, D-10.0401c).

***Sexual Assault*** is sexual contact by force, threat, or intimidation.

***Sexual Harassment***; defined for this policy is as follows: unwelcome sexual advances, requests for

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<sup>2</sup> "Oklahoma Child Abuse Hotline." Oklahoma Child Abuse Hotline - Oklahoma State Department of Health, 2019, [https://www.ok.gov/health/Family\\_Health/Family\\_Support\\_and\\_Prevention\\_Service/Oklahoma\\_Child\\_Abuse\\_Hotline/index.html](https://www.ok.gov/health/Family_Health/Family_Support_and_Prevention_Service/Oklahoma_Child_Abuse_Hotline/index.html).

sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment 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 is used as the basis for employment decisions affecting such an individual;
- 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; or
- D. an individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.

***Sexual Malfeasance***; is defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship.

***Sexual Misconduct*** is offensive, obsessive, harassing, or suggestive language or behavior, stalking, flashing, unwanted visual contact, unwelcome touching or fondling. Sexual Misconduct includes, but is not limited to: Child Sexual Abuse, Misuse of Technology, Sexual Abuse, Sexual Assault, Sexual Harassment, and Sexual Malfeasance.

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

***Volunteer*** is the term used for those who provide services for the Eastern Oklahoma Presbytery. Volunteers include persons elected or appointed to serve on boards, committees, and other groups. For purposes of this policy, volunteers are treated the same as employees.

## Appendix C

### Employment Procedures

Each "Employing Entity" should have already established and implemented entity personnel policies that include employment procedures for the search, selection, and call of entity staff. The employment procedures should spell out the process to be followed during the election of chief administrative officers and other staff, the appointment of exempt and nonexempt staff, and the call of Ministers of the Word and Sacrament, Commissioned Pastors, Lay Preachers, chief administrative officers, and elected staff. These employment procedures should also include candidate/applicant reference checks prior to employment. Employing entity personnel policies should contain a clearly defined grievance process, a periodic performance review process, and a section that prohibits sexual misconduct (including sexual harassment). These provisions should be applicable to all full-time, part-time, temporary, and interim staff. The personnel policies should also provide for confidential communication channels whereby staff members can voice concerns or apprehensions without fear of retribution.

Churchwide and public advertisement of vacant positions as a part of an employing entity's search procedures to fill vacant positions is required of General Assembly entities and related bodies and is recommended as a guideline for councils by the churchwide personnel policies as well as the Churchwide Plan for Equal Employment and Affirmative Action. In support of this policy and its procedures on sexual misconduct, all vacant positions of religious leadership forwarded to publications for advertisement, distributed to units of the church, as well as posted on local bulletin boards will include the following statement:

The Presbyterian Church (U.S.A.) is an equal opportunity employer. In addition, the church has a strong policy opposing sexual harassment or abuse. References and records will be checked during the employment process.

This statement will also be included in all information distributed through the Personnel Referral Services of the Church Vocations Ministry Unit.

The following forms are included in this Appendix C: Sample Form 1: Potential Employee Questionnaire; and Sample Form 2: Employment Reference. These two forms will be used by General Assembly entities and institutions, and are recommended for use by all other employing units of the church. Sample Form 3: Acknowledgement of Receipt of Sexual Misconduct Policy, is to be used by each employing entity as it distributes its sexual misconduct policy to employees and others. Sample Form 4: Report of Suspected Sexual Misconduct, is for gathering basic information to be passed along to the appropriate person or group handling sexual misconduct cases for a unit or other entity. Sample Form 5: Potential Employer Questionnaire, provides a list of example questions to be asked during the interview process.

As required by acceptable personnel procedures, an employee handbook should be written, published, and distributed to each employee of church employing entities. All existing personnel policies and employee handbooks should be updated to include a sexual misconduct policy.

It is advisable to seek legal advice as other councils, related bodies, and entities develop and publish policy and procedures on sexual misconduct. All forms should be checked for compliance with state laws.

## SAMPLE FORMS

### Sample Form 1: Potential Employee Questionnaire

This is a sample employment questionnaire. In addition to the usual questions included on an employment questionnaire, the writing team has added certifications and releases that focus on past incidents of sexual misconduct. All entities are urged to have this or any substitute they design examined by their legal counsel before use.

#### *Potential Employee Questionnaire*

Name \_\_\_\_\_  
Last First Middle

Address \_\_\_\_\_  
Street

City State Zip

Business Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

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

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

Employment Record (List current and previous employers for the last five years)

Employed by \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Supervisor \_\_\_\_\_ Phone \_\_\_\_\_

Supervisor's Title \_\_\_\_\_

Employed from (month/year) to \_\_\_\_\_ (month/year) \_\_\_\_\_

Why did you leave? \_\_\_\_\_

Employed by \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Supervisor \_\_\_\_\_ Phone \_\_\_\_\_

Supervisor's Title \_\_\_\_\_

Employed from (month/year) to \_\_\_\_\_ (month/year) \_\_\_\_\_

Why did you leave? \_\_\_\_\_

Employed by \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Supervisor \_\_\_\_\_ Phone \_\_\_\_\_

Supervisor's Title \_\_\_\_\_

Employed from (month/year) to \_\_\_\_\_ (month/year) \_\_\_\_\_

Why did you leave? \_\_\_\_\_

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

\_\_\_\_\_  
Signature Date

Note: If you are unable to make the above certification you may instead give in the space provided a description of the complaint, termination, or the outcome of the situation and any explanatory comments you care to add.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **Release**

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

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

Signature \_\_\_\_\_

Witness \_\_\_\_\_

Witness \_\_\_\_\_

## Sample Form 2: Employment Reference

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

### *Employment Reference Form*

1. Name of applicant \_\_\_\_\_

2. Reference or church contacted (if a church, identify both the church and person contacted)

\_\_\_\_\_  
\_\_\_\_\_

3. Date and time of contact \_\_\_\_\_

4. Person contacting the reference or church \_\_\_\_\_

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

6. Summary of conversation (summarize the reference's remarks concerning the applicant's fitness and suitability for the position, any convictions for or actions pending related to sexual misconduct, sexual harassment or child abuse)

\_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Sample Form 3: Acknowledgement of Receipt of Sexual Misconduct Policy  
and Guidelines for Use of Social Media and Electronic Communications**

This is a sample form designed to implement the sexual misconduct policy. It is necessary that all employees acknowledge being in receipt of the sexual misconduct policy and the Guidelines for Use of Social Media and Electronic Communications. The policy (and social media guidelines) provide protection and empowerment for the employee. A similar acknowledgement should be signed by each person covered by the policy and/or guidelines after any amendments to the policy are made.

*Acknowledgement of Receipt of Sexual Misconduct Policy and Guidelines for Use of Social Media  
and Electronic Communications*

I hereby acknowledge that on \_\_\_\_\_ (date), I received, a copy of the EASTERN OKLAHOMA PRESBYTERY SEXUAL MISCONDUCT POLICY AND ITS PROCEDURES, including the *Guidelines for Use of Social Media and Electronic Communications*. I affirm by my signature below that I have read the policy, I understand its meaning, I have had the opportunity to ask questions regarding the policy and seek guidance if necessary before signing this Acknowledgment, and I hereby agree to conduct myself in accordance with the policy.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Name \_\_\_\_\_

#### **Sample Form 4: Report of Suspected Sexual Misconduct**

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

##### *Report of Suspected Sexual Misconduct*

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

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

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

Telephone \_\_\_\_\_

Email \_\_\_\_\_

Preferred Method of Communication \_\_\_\_\_

May We leave a voicemail? (we will not leave confidential information on email or phone)

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

Person suspected of misconduct:

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

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

Name \_\_\_\_\_ Title \_\_\_\_\_

Age \_\_\_\_\_ Sex \_\_\_\_\_

Address\_\_\_\_\_

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

Telephone \_\_\_\_\_

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

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Identify eyewitnesses to the incident, including names, addresses, and telephone numbers, where available: \_\_\_\_\_

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### **Sample Form 5: Potential Employer Questionnaire**

*Employment Questions to ask of potential employees:*

In addition to other questions asked during an interview process, Councils and entities shall ask persons seeking ministerial calls or employment in non-ordained positions questions such as:

- a. Has a civil, criminal, or ecclesiastical complaint ever been sustained against you involving sexual misconduct by you?
- b. Have you ever resigned or been terminated from a position for reasons relating to allegations of sexual misconduct by you?
- c. If so, indicate the date, nature and place of these allegations, and the name, address, and telephone number of your employer at that time.
- d. Have you been required to receive professional treatment, physical or psychological, for reasons related to sexual misconduct to you?
- e. If so, please give a short description of the treatment including the date, nature of treatment, place, and name, address, and telephone number of the treating physician or other professional.

A sample Potential Employee Questionnaire is attached as Sample Form 1 for adaptation by churches and entities. The questions included in this sample may be integrated into a standard employment questionnaire along with other necessary questions.

## Appendix D

### Meeting the Needs of All Involved

In cases of sexual misconduct, there are needs that have to be met for the good of all persons, groups, and entities. To ensure that the council is ready to meet the variety of needs present, the Response Team will be activated. This team will not investigate the allegation or in any way function as an investigating committee for disciplining members or officers, but should confine itself to coordinating a process that will meet the specific needs of victims and their families (if any), the accused and their families (if any), employing entities, congregations, and councils:

#### *A. The Needs of the Victim*

The council, employing entity, and response coordination team should assure that adequate treatment and care are available for alleged victims of sexual misconduct and their families. Sometimes, the alleged victim or family is so angry and alienated from the church, that offers of help may be perceived as insincere or as attempts of a cover-up. If the alleged victim or family at first refuses, the church should continue to offer help. Above all the church should not act in a self-protective manner by ignoring the alleged victim and their families.

The extent of the damage to the alleged victims of sexual misconduct will vary from person to person. The council, entity, and response coordination team is to assume in all cases that the alleged victim has been wounded by the experience. Feelings of guilt, shame, anger, mistrust, lowered self-esteem, impact on identity and reputation, and feelings of alienation from God, self, the religious community, and family are frequent injuries suffered by victims. It is important for the Response Team to be sensitive to the alleged victim's pain, trauma, and need for healing, and to act by making appropriate pastoral care available.

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

1. To be heard and taken seriously. From the time that the alleged victim is first able to indicate that sexual misconduct has occurred, that person should receive immediate attention and serious consideration from all church representatives. Contact should avoid statements or questions that presume the alleged victim's culpability. All contact should be in good faith.
2. To receive pastoral and therapeutic support. The victim may require spiritual and professional assistance as a result of sexual misconduct. The response coordination team should offer to help arrange for such support from a pastor and/or therapist, if the victim desires. Discussions with such people would be confidential, privileged conversations.
3. To be informed about church process and progress with regard to the accusation. One member of the Response Team should be the contact person for the alleged

victim. Frequently, this contact person will give the alleged victim information as to what is happening in the church as a result of the accusation.

4. To receive legal advice. The response coordination team should suggest that the alleged victim might benefit from independent legal advice. (Legitimate claims might be more effectively pursued and flimsy or false claims discouraged.) If requested, the response coordination team should suggest ways in which independent legal advice can be obtained.
5. To be assured of an advocate of one's own choosing. The alleged victim may need continuing moral support from one individual who is present while the church process deals with the accusation. This advocate may be a relative, friend, or someone suggested by the Response Team. This advocate could speak for the alleged victim, if necessary.
6. To be assured that justice will be pursued. The alleged victim needs to be told by the Response Team, and shown by the processes of the church, that justice is being pursued through fact-finding, truth-telling, confrontation, and remedies that may include removal or temporary exclusion of the accused from office or adjudication of the complaint.
7. To pursue healing. In addition to specific forms of restitution mentioned above, the alleged victim needs to be supported in healing with all concerned—the self, the family, the church and, ideally, the accused. The Response Team can help bring this about using the church's processes and resources. While the above are needs of the alleged victim, one recognizes that all of these needs may also not be met through a reasonable handling of a specific case, but may only occur over a lengthier period of time. All of these needs, however, should be taken seriously and compassionately, and the rights of the alleged victim respected.
8. To seek reconciliation, where possible. Reconciliation does not mean that the church will force the victim to forgive or compel them to remain in relationship with the accuser.

*B. The Needs of the Accused*

The council or entity shall offer treatment and care for the accused as well as alleged victims and families. If the accused is a Minister of the Word and Sacrament, Commissioned Pastor, or Lay Preacher, this is the primary responsibility of the presbytery (Book of Order, G-3.0307).

Feelings of guilt, shame, anger, mistrust, lowered self-esteem, depression and feelings of alienation from God, self, the religious community, and family are often experienced by the accused. In addition, there may be fear of job loss and incarceration.

If a person is found not guilty of charges of sexual misconduct, it is important for the council or entity to see that the decision is shared in partnership with the accused.

1. Personal Care

Whether the allegations about the accused are eventually found to be true or not, the accused deserves to be treated with respect.

The Response Team may suggest that the accused seek spiritual support or professional counseling. People in staff positions, such as presbytery executives or stated clerks, should not engage in personal counseling of the accused because of their potential involvement in disciplinary process.

2. Economic Security and Care for Family of Accused

When an allegation of sexual misconduct has been made against a Minister of the Word and Sacrament, Commissioned Pastor, or Lay Preacher, the economic security of the accused is directly threatened, along with reputation, career, and family relationships. Again, the presbytery can be of assistance.

The response coordination team may alert the presbytery to the possible spiritual, emotional, and financial needs of the family of the accused and recommend expert resources.

3. The Needs of a Congregation in a Context of Sexual Misconduct

The council, employing entity, and response coordination team should be aware of the problems a congregation or employing entity may experience following allegations of sexual misconduct by a Minister of the Word and Sacrament, Commissioned Pastor, Lay Preacher, employee, or volunteer. The allegations may polarize the congregation or organization, damage morale, create serious internal problems, and even limit the trust a congregation may place in succeeding pastors. Efforts should be taken to recognize and identify the problems and heal damage done to the congregation or organization.

When there is sexual misconduct on the part of a Minister of the Word and Sacrament, Commissioned Pastor, Lay Preacher, non-ordained staff, or volunteer in a particular congregation, a number of needs unique to that congregation will emerge since sexual misconduct impacts congregations in different ways. Therefore, these needs will not necessarily emerge in the same sequence in each situation. Depending on the parties involved in the sexual misconduct, some of the needs may not emerge. The following needs may emerge:

a. Pastoral Care

Members and staff of the Response Team of the Presbytery will guide the ongoing process of care. If the pastor leaves as a result of sexual misconduct, in extreme cases a trained interim pastor or consultant in sexual misconduct may need to work with the congregation for an extended period of time.

*b. Information About the Case*

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

*c. Resource Persons*

In light of the above needs, the Pastoral Care Committee of the Presbytery can guide churches to additional resource persons. These may include: a trained interim pastor, a presbytery representative knowledgeable in polity and the effects of sexual misconduct in the church, a consultant or therapist with knowledge and experience in dealing with sexual misconduct, an attorney who can discuss legal aspects of a case, and an insurance agent who can advise the congregation about their exposure to liability or coverage.

## **Appendix E: Guidelines for Use of Social Media and Electronic Communications**

### **A. Online Presence and Transparency**

No Minister of the Word and Sacrament, Commissioned Pastor, Lay Preacher, employee, contractor, or volunteer of the Eastern Oklahoma Presbytery and its entities shall create or use a media site (web, Facebook, YouTube, or similar) in the name of or purporting to represent the Presbyterian Church (U.S.A.) or the Eastern Oklahoma Presbytery without the explicit written permission of the sponsoring council, Eastern Oklahoma Presbytery entity, or event leadership.

When clergy or staff, acting in their capacity as a representative of the Eastern Oklahoma Presbytery or its entities, lead or coordinate a group activity using social media, each may use only official Eastern Oklahoma Presbytery sites/channels when they have been made available by the council or entity of the Eastern Oklahoma Presbytery. These may include webpages, Facebook, e-mail, and any other form of electronic communication.

### **B. Misuse of Technology**

Misuse of technology constitutes any use of any communications technology that results in sexual harassment or abuse of another person, including, but not limited to, the internet, telephones and smartphones, computers and tablets, cameras and other electronic recording/playback media or devices or applications used to send or receive messages or images.

It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse.

There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry. It is advised to keep all digital communications used in a pastoral setting.

### **C. Social Media Communications**

Persons who create public pages on behalf of Eastern Oklahoma Presbytery programs are encouraged to monitor communications on those pages to strive for communications free of inappropriate content, and to remove inappropriate content as soon as possible.

When using Facebook or other social media, e-mail, text messaging or other electronic means to communicate with minors or vulnerable adults, the authorized Minister of the Word and Sacrament, Commissioned Pastor, Lay Preacher, employee or volunteer shall inform parents/guardians of each minor or vulnerable adult, prior to initiating such communication, so that a parent/guardian may grant permission to communicate with the person. The parent/guardian must have the opportunity to disapprove or to participate in a group or individual communication.

If a minor or vulnerable adult reveals abuse or inappropriate interactions with another person, whether minor or adult, the person who receives this report must in turn report this information in the same manner as any other “suspected abuse.”

D. Digital Communication Code of Conduct

Believing that our “manner of life should be a demonstration of the Christian gospel in the church and in the world” (Book of Order, G-2.0104a), each person who uses the resources of social media should apply this Digital Communication Code of Conduct:

- Do not use comments that are, or could be objectively construed by any observer to be harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning or humiliating.
- Do not engage in sexually oriented conversations or discussions about sexual activities for the purpose of harm, arousal or gratification.
- Do not use private messages between employees/volunteers and minors/vulnerable adults that are not subject to third party monitoring.
- Do not post inappropriate links or pictures (for example, sexually suggestive, exploitive, or voyeuristic images), or inappropriate comments on pictures.
- Provide minors and vulnerable adults and their parents/legal guardians with this Digital Communication Code of Conduct and consent form.
- Encourage parents and guardians to play a role in monitoring their minors’ and vulnerable adults’ interactions with employees and volunteers.
- Frequently remind minors and vulnerable adults how to interact appropriately through social networking sites.
- When possible, limit or deny participation on monitored sites by individuals who violate the code of conduct.

Before the use of social media, the authorized Minister of the Word and Sacrament, Commissioned Pastor, Lay Preacher, employee, volunteer and participant shall receive this Digital Communication Code of Conduct.

Each adult engaged in leadership within Eastern Oklahoma Presbytery shall familiarize themselves with the EOP Guidelines for Use of Social Media and Electronic Communications and shall acknowledge receipt of this policy and its implementation. In addition, each person engaged in the leadership of Eastern Oklahoma Presbytery shall consent to all comprehensive background checks required and shall comply with any consequence of a reported violation to this policy.

## Appendix F: Compliance and Expectations

The power that Jesus Christ has vested in his Church, a power manifested in the exercise of church discipline, is one for building up the body of Christ, not for destroying it, for redeeming, not for punishing. It should be exercised as a dispensation of mercy and not of wrath so that the great ends of the Church may be achieved, that all children of God may be presented faultless in the day of Christ. (D-1.0102)

Eastern Oklahoma Presbytery has established the following program for encouraging Ministers of the Word and Sacrament, and Ruling Elders with Presbytery leadership positions (including Lay Preachers and Commissioned Pastors), to stay in compliance with the biennial training requirements of the Eastern Oklahoma Sexual Misconduct Policy. This program is an encouragement to fulfill our pastoral responsibilities.

While the Presbytery will strive to remind its members of their obligations, it is each Minister, Commissioned Pastor or Lay Preacher's, and person under care of CPM's responsibility to keep track of their own training, which must be renewed every two years. Trainings will be offered annually; online training will be available for those unable to attend in-person sessions.

Upon notification that their training has expired, Presbytery members will have an additional 30 days to finish their training, in compliance with the policy. After the allotted time has elapsed, the Presbytery will take the following steps:

- A. **One Year Beyond Compliance:** Ministers of the Word and Sacrament and Ruling Elders, who are not within compliance of the Presbytery's Training Requirements after the 30-day grace period:
  - 1. Will have their names published in the Presbytery packet.
  - 2. Will be reported to their congregation's Personnel Committee as being out of compliance and informed of the consequences of further non-compliance.
  - 3. Will not receive their clergy ID cards
- B. **Two Years Without Training:** In addition to the consequences listed above, those who are two full years out of compliance with the Presbytery's Training Requirements:
  - 1. Will be reported to the congregation's insurer.
  - 2. Will not receive a statement from the Presbytery attesting to their good standing.
  - 3. Will not have their Personal Information Forms attested to by the stated clerk.

4. Will not receive a favorable recommendation from the Presbytery staff.

- C. **Three Years Without Training:** In addition to the consequences listed above, those who are three full years out of compliance with the Presbytery's Training Requirements will be classified as no longer engaged in a validated ministry. Such persons "shall not have voice or vote in meetings of the presbytery" (G-2.0508)
- D. **Four Years Without Training:** In addition to the consequences listed above, those who are four full years out of compliance with the Presbytery's Training Requirements will be declared to be released from the exercise of the ordered ministry. "Release from the exercise of ordered ministry requires discontinuance of all functions of that ministry. The designations that refer to ministers of the Word and Sacrament shall not be used."(G-2.0507).

**Reconciliation:** Any Minister of the Word and Sacrament or Ruling Elder who has been classified as no longer engaged in a validated ministry, or who has been released from the exercise of ordered ministry, may, upon completion of boundary training, reapply for admission. Upon approval by the Committee on Ministry, and "upon the reaffirmation of the ordination questions, and the resumption of a ministry that qualifies that person for membership in the presbytery, [the person] shall be restored to the exercise of the ordered ministry as a teaching elder without re-ordination" (G-2.0507).

**Exceptions and Waivers:** Any honorably retired Minister of the Word and Sacrament, Commissioned Pastor, or Lay Preacher who is no longer engaged in the exercise of ordered ministry may request a waiver to be excused from the Presbytery's Training Requirements. Any Minister of the Word and Sacrament, Commissioned Pastor, or Lay Preacher who cannot participate in the Presbytery Training for health or other personal reasons, may also request alternate training or a waiver of the boundary training requirements if no alternative can be found. This waiver will be reviewed annually for those in active service, and every 3 years for those no longer engaged in ordered ministry. If still appropriate, waivers may be renewed. Training shall be required for retired persons who re-enter into ordered ministry. All waivers shall be reviewed by the Stated Clerk of the Presbytery.

## EASTERN OKLAHOMA PRESBYTERY CHILD/YOUTH/VULNERABLE ADULT PROTECTION POLICY AND ITS PROCEDURES

### **I. Policy Statement**

It is the policy of Eastern Oklahoma Presbytery, and all entities of the Presbytery, that all church members, church officers, nonmember employees and/or contractors, and volunteers of congregations, councils, and entities of the church are to maintain the strongest sense of integrity, safety, nurturing, and care involving all interactions with children, youth, and vulnerable adults. This policy applies to all Presbytery sponsored activities that involve children, youth, and vulnerable adults.

### **II. Policy Rationale**

The implementation and documentation of a Child/Youth/Vulnerable Protection Policy strives to reduce the risk of abuse and neglect for the following reasons:

- A. Children, youth, and vulnerable adults are a gift from God and the Church has a divine mandate to provide for their safety and nurturing. The Church is to be, at all levels of council and in all entities, a place of safety and nurture reflective of the love arms of Christ. “Whatever we do in word or deed, we do it all in the name of our Lord Jesus Christ”, Colossians 3:17.
- B. Any type of abuse involving children, youth, or vulnerable adults has lasting and devastating effects on the life of the victim/survivor. It is the call of the Church to be a life-giving entity of Christ’s healing and hope for community and individuals, not an entity that brings harm and hurt.
- C. The larger Church suffers with the victim/survivor and his or her family when abuse and neglect occurs. The Church is crippled by the hurt, pain, and distrust that accompanies abuse. Not only does the Church lose its credibility at all levels, but also loses integrity. More importantly, in instances of child, youth, or vulnerable adult abuse within the Church, there is immeasurable spiritual, psychological, emotional, and physical harm perpetrated that woefully cripples God’s call on the Church our ability to respond to God’s call.
- D. The Book of Order states, “The congregation as a whole, on behalf of the Church universal, assumes responsibility for nurturing the baptized person in the Christian life,” and Presbyterians believe this baptismal commitment to be a serious one, understanding it to apply to all in the church’s care, including children, youth, and vulnerable adults (Book of Order W- 2.3013).

- E. Children and youth are not only persons of care and service in the church, but they are also co-recipients of the graces and love of God. Jesus exemplified this in the Gospel of Mark 10:15–16 when he urged his followers to receive the kingdom of God as a little child. And he specifically takes up the children into his arms and blesses them. So also, the Church, as the body of Christ, is to be the presence of Christ’s love, in the same way taking up all children and youth into its arms and blessing them; providing for them a safe, thriving, and nurturing environments in which to grow in every way.

### **III. Screening, Training, and Background Checks**

A child/youth worker, whether on a paid staff, contractor, or volunteer basis, shall be subject to the following:

- A. The organizing council’s receipt of a completed, signed, and approved application and background check authorization forms, including a signed form verifying the event policy has been read. The application should include a minimum of two references.
- B. All child/youth workers must be at least eighteen-years-old and four years older than the oldest youth whom they are serving.
- C. The applicant’s consent to a criminal background check. The sponsoring council or entity must consult with the insurance company through which they have coverage to determine what background checks are appropriate for their particular event. The sponsoring council or entity should cover the costs of the background checks for all child/youth workers. These checks shall be run no more than six months prior to the event. (This time restraint is also at the discretion of the organizing council’s insurance company’s requests. Child/Youth workers who participate annually in events may only be required to have one background check per calendar year, depending on insurance company standards.)
- D. All child/youth workers, paid, contracted, or volunteer, must participate in training sometime within the year prior to the event. The training is to be provided by the sponsoring council or entity and shall cover the event child/youth protection policy thoroughly, as well as methods of abuse prevention and a detailed plan of reporting. The sponsoring council or entity may contract with others to provide these trainings. These trainings shall further cover:
  - 1. What constitutes child/youth/vulnerable adult abuse and neglect.
  - 2. How to recognize signs and symptoms of abuse and neglect.

3. State laws concerning definitions of abuse and reporting.
  4. Mandatory criminal background checks and the security of those files.
  5. Explanation of the importance of the application and screening processes.
  6. Appropriate boundaries with children and youth, especially regarding adult/child/youth ratios, transportation, and use of technology.
  7. If an overnight event is planned, discussions of boundaries involving appropriate sleeping arrangements and restroom/shower facilities use shall be discussed.
  8. The presence of a Safe Child Response Team available for each event and how to contact them.
- E. No person may serve as a child/youth worker who has a conviction on his/her record of certain felonies or misdemeanors, or related behavioral patterns including, but not limited to, any of the following:
1. Criminal homicide
  2. Aggravated assault
  3. Crimes related to the possession, use, or sale of drugs or controlled substances;
  4. Sexual abuse;
  5. Sexual assault;
  6. Injury to a youth;
  7. Incest;
  8. Indecency with a youth;
  9. Inducing sexual conduct or sexual performance of a youth;
  10. Possession or promotion of child pornography;
  11. The sale, distribution, or display of harmful material to a minor;
  12. Employment harmful to youth;
  13. Abandonment or endangerment of a youth;

14. Kidnapping or unlawful restraint;
15. Public lewdness or indecent exposure; and enticement of a youth;
16. Any crime that involves sexual misconduct or sexual abuse, particularly if it involves misconduct or abuse with a minor;
17. Any crime that involves misuse of technology for sexual purposes, such as collecting or distributing photographs of minors who are naked or in sexual or inappropriate poses (child pornography);
18. Any crime that involves the use of force, such as assault or endangerment;
19. Any crime that involves abduction and kidnapping;

All other convictions or charges for any crimes not listed above, will be reviewed by the sponsoring entity.

In addition, if a council or Presbytery entity is aware that a child/youth worker has a prior conviction or behavior patterns of one of the aforementioned crimes or a related crime, the child/youth worker shall be ineligible to attend a child/youth event in any capacity.

- F. Whenever a Presbytery entity organizes an event for minors, for which the agency will invite minors from other church councils who will be supervised by child/youth workers, the councils who selects the youth workers shall:
  1. Not send a person to act as a child/youth worker whom the council knows has violated the provisions of the Book of Order or policy of a local congregation or presbytery pertaining to sexual misconduct or child/youth protection.
  2. Not send a person to act as a child/youth worker for minors when that person is also scheduled to work in another capacity at the event.
  3. Require councils at all levels of church life who are assisting in organizing Presbytery entity events for minors, or sending child/youth workers to these events to abide by the same screening, training, and background check standards mandated in this policy for Eastern Oklahoma Presbytery and its entities.

G. Whenever a Presbytery entity organizes an event for minors that invites minors from councils who will be supervised by child/youth workers, the Presbytery entity shall:

1. Provide guidance to the councils that are sending child/youth workers about best practices for securing child/youth workers and eligibility requirements.
2. Provide guidance to the councils that are sending child/youth workers concerning the requirement that the council perform and pay for background checks for potential child/youth workers and how to evaluate the background check for offenses that would disqualify a person from being a child/youth worker with minors.
3. Provide guidance to the councils on when to perform the background checks and with what background check provider.
4. Identify someone from the sponsoring entity of the Presbytery to be the designated recipient of the background checks:
  - a. To review every background check received;
  - b. To identify criminal convictions on background checks that should disqualify a person from being a child/youth worker;
  - c. To notify the sponsoring entity if the designated recipient believes an error has been made in selecting a child/youth worker whose background check indicates that the person should not act as a child/youth worker;
  - d. To report each potentially disqualifying background check and related concerns so that a formal decision can be made, and to inform the sponsoring entity that the person whose background check is in question is not eligible to attend the event as a child/youth worker.

#### **IV. Confidentiality of Records and Reporting**

##### **A. Confidentiality of Records**

The Eastern Oklahoma Presbytery and any of its churches or associated entities shall maintain all child/youth worker applications, results of background checks, and related information in confidential, secured files.

Disclosure of any document(s) contained within any of these files shall be made

only upon receipt of a duly executed and valid court order, warrant, or lawfully issued subpoena. Upon receipt of a subpoena, no disclosure shall be made until after notice is made/attempted to the person(s) identified in any responsive documents with reasonable time for said person(s) to file any legal objection they may have.

1. Notice to any affected party should be made at the last known address for any person(s) identified.
2. A reasonable amount of time to produce documents following notice to any affected person(s) is variable, based upon the date of compliance identified within the subpoena itself. When time permits, 7 days following notice is a reasonable amount of time for Notice to reach an interested person.
3. A copy of the Subpoena should be provided with the Notice to any affected person. The Notice itself should state, generally, the following information:

*We have received the attached subpoena, and you have been identified within responsive documents. Unless you take legal action and the issuing court orders us not to produce the documents, we are required by law to provide these records and will do so by the date indicated on the subpoena. You should seek legal counsel if you have any questions.*

#### B. Reporting

Each sponsoring Presbytery entity will publicize a procedure for reporting any prohibited actions and have copies available at all times in a public place at the event.

Anyone suspecting or having knowledge of a violation of child abuse may report such violation to any leader of the Presbytery entity sponsored event. Any child or youth who suspects or has knowledge of any type of minor abuse is invited to share the knowledge with any adult leader of the Presbytery entity sponsored event. Anyone who has knowledge or suspicion of child/youth abuse should be made aware that state law requires the immediate reporting of such abuse to the civil authorities. Any adult leader should report such violation to any Stated Clerk or any other leader designated by the sponsoring Presbytery entity of the event. Any person receiving information under this paragraph shall share that information immediately with the Eastern Oklahoma Presbytery Response Team.

#### C. Safe Child Response Team

At every event or activity for minors planned by a council or entity of the Eastern Oklahoma Presbytery, a (Safe Child) Response Team will be trained by the sponsoring council or entity and be available on-call throughout the entire duration of

for the event. This team should be comprised of at least three people appointed by Eastern Oklahoma Presbytery. An attorney chosen and secured by the Eastern Oklahoma Presbytery entity shall be on-call for all events.

The Response Team will familiarize itself with the terms of this policy as well as established procedures under the Rules of Discipline, Book of Order of the Presbyterian Church (U.S.A.) for responding to complaint(s) of alleged child/youth abuse against any Minister of the Word and Sacrament, Commissioned Pastor, Lay Preacher, ruling elder, employee, or volunteer in a leadership position(s) with the sponsoring entity and any events they may sponsor.

The Safe Child Response Team shall have the following responsibilities in response to allegations of child/youth or vulnerable adult abuse or neglect incurred against any child/youth worker or event participant:

1. Immediately provide for the safety of the alleged victim(s) involved.
2. If the report alleges abuse or harassment of a minor, the response team will:
  - a. immediately ensure the allegation is reported to the civil authorities under state law;
  - b. immediately notify the parents or guardian of the minor;
  - c. notify the insurance company of the allegation and that no investigation has yet occurred.
3. Make immediate decisions concerning the temporary removal of the individual accused from any contact with children or youth pending an investigation and/or the removal of the accused from the event until a resolution of the allegations has occurred.
4. Notify designated people at the Eastern Oklahoma Presbytery entity immediately of the report of alleged abuse/neglect including an attorney who is on-call throughout the duration of each event, who must be previously secured by Eastern Oklahoma Presbytery in case of such allegations during each sponsored event. Any possible media requests will be handled by a designated person or office with advice from the on-call attorney, taking care to safeguard the privacy and confidentiality of all involved.

5. Consult the Presbytery about resources available for victims of the alleged abuse prior to each event and have those resources readily available at every event. This will provide victims and their families immediate resources that may aid in the particular spiritual, psychological, or emotional needs and trauma that arise from the devastation of abuse.
6. If the report is against a Minister of the Word and Sacrament, Commissioned Pastor, or Lay Preacher, the Safe Child Response Team shall send a written statement of allegation to the stated clerk of the presbytery that holds the teaching elder's pastor's membership. This written statement of allegation shall trigger the formation of an investigating committee under the Rules of Discipline of the Book of Order: The Constitution of the Presbyterian Church (U.S.A.) Part II.
7. If the report is against a ruling elder, the response team will notify the session of membership that an allegation of offense has been received against an elder that triggers the formation of an investigating committee under the Rules of Discipline of the Book of Order: The Constitution of the Presbyterian Church (U.S.A.), Part II.
8. If the report is against an employee of the Eastern Oklahoma Presbytery, the response team will notify the person(s) or committee responsible for supervision of the employee, human resources, and legal services. The Response Team will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.
9. If the report is against an employee of the sponsoring council or entity other than Eastern Oklahoma Presbytery, the Response Team will notify the person(s) or committee responsible for supervision of the employee. The Response Team will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.
10. If the report is against a volunteer, or nonmember of the PC(USA), the Response Team will request that the Presbytery appoint an investigating committee of three persons to initiate an investigation of the allegations in order to:
  - a. gather any statements of abuse from those making the report, including any information from the Response Team, and any party to the abuse;

- b. gather any information from the person who was accused of abuse;
  - c. make written determinations and take actions appropriate to resolve the matter including, but not limited to, making recommendations for prevention as well as response.
- 11. Provide pastoral counseling for the principal parties involved (accuser(s), possible victim(s), accused, family members).
- 12. A written summary of any proceedings in such cases will be maintained by the Eastern Oklahoma Presbytery entities.
- 13. Any person bringing a report of abuse or assisting in investigating will not be adversely affected in terms and conditions of employment, church membership or affiliation, or otherwise discriminated against or discharged.

**V. Mandatory Event Rules for Working with Children and Youth**

The sponsoring council or entity of the Presbytery shall ensure that the following measures be in place and actions taken for each event or activity involving children and youth:

- A. Two-adult rule: Two non-related adults must always be present in groups of children and youth. The only exception is if an emergency situation deems this not immediately possible. All child and youth workers and volunteers must be a minimum of four years older than the age group they lead or supervise.
- B. Ratios: The adult to child ratio for all child-related events/activities is 2:10. The adult to youth ratio for all youth-related events/activities is 2:17. If possible, there should be one adult of each gender when there are one or more minors of each gender in a group.
- C. View Windows and Open Doors: When minors and adult workers or volunteers are in a room, if the door is closed, the door must have a view window installed. If no view window is installed in the door, the door must remain open at all times.
- D. Adult workers/caregivers should respect the privacy of the children to whom they provide care. Responsible use of digital devices and cell phones is required in all situations (refer to the Digital Communications Policy, Appendix E) (e.g. Taking age-appropriate photographs and movies, not taking photographs of minors who are not fully clothed. Adults and minors are required at all times to wear appropriate attire).

- E. Age appropriate training to children and youth should be provided regarding behavior that should be reported to caregiver or leader of the event.
- F. Transportation: All adult drivers at child/youth events must have proper licensure and insurance on file with the organizing council. All vehicles used must have seat belts for the driver and each passenger. No minor under eighty-five pounds may sit in the front seat of any vehicle. Current car seat and other seating laws must be obeyed in any state through which children and youth are transported. All drivers transporting minors and vulnerable adults must be over the age of twenty-five and must be informed that if their vehicle is used, their insurance would be primary if an accident occurs. If a charter bus is rented, or any outside carrier is contracted, the company hired must ensure criminal background checks on their drivers. Each vehicle must follow the ratio rules noted in point 2 in this section. Lastly, no minor may be a driver at any event or activity (this includes golf carts at events). All state laws regarding car seats and child restraint belts should be followed.
- G. Forms: The legal guardians of each minor must provide the appropriate information and medical forms for each activity/event. The information form should include all contacts for legal guardians and the medical form must include a copy of the minor's health insurance card. Further consent forms must be signed by legal guardians for any off-campus events. (See Appendix I).
- H. Any photos at the event that are used in social media or published material by the organizing council must be released by a signed consent form from a participant's legal guardian. All such forms must be stored at the event site, in a secure place with restricted access. (See Appendix K).
- I. Each event/activity must ensure that rules are reviewed with participants at each event/activity. These rules shall include but are not limited to a code of conduct specific to the event/activity, as well as a list of prohibited and expected behaviors for the specific event/activity. The code of conduct and prohibited and expected behaviors list should be given in written form to each participant and legal guardians, as well as discussed thoroughly at the beginning of the event/activity.
- J. Children/youth and adults must maintain different showering and grooming hours at events in which bathrooms and shower rooms are shared in housing. These hours must be posted on site.
- K. Adults should never share sleeping quarters with children or youth. The exception to this rule is for the occasional legal caregiver/child situation or parent/child situation, or if there is one large, communal, sleeping area. If a child/youth requires a

caregiver/parent, written permission must be given and kept on record from the child/youth's parent/legal guardian.

L. All volunteers and employees at any Presbytery entity sponsored events must also abide by a code of conduct that emphasizes the following prohibited behaviors. Some of these prohibited behaviors include but are not restricted to:

1. Display of sexual affection toward a child.
2. Use of profanity or off-color jokes.
3. Discussion of sexual encounters with or around children.
4. Dating or becoming “romantically” involved with minors.
5. Using or being under the influence of alcohol or illegal drugs in the presence of children.
6. Possessing sexually oriented materials—printed or digital—on church property or property being utilized for a church event.
7. Having secrets with youth/children.
8. Staring at or commenting on children's bodies.
9. Engaging in inappropriate or unapproved electronic communication with children.
10. Working one-on-one with children in a private setting without proper permissions and viewing windows.
11. Abusing youth/children in any way, including (but not limited to) the following:
  - a. Physical abuse: hit, spank, shake, slap, unnecessary restraint.
  - b. Verbal abuse: degrade, threaten, or curse.
  - c. Sexual abuse: inappropriately touch, expose oneself, engage in voyeurism, or sexually oriented conversations.
  - d. Mental abuse: shame, humiliate, act cruelly.
  - e. Neglect: withhold food, water, shelter.

- f. Permit children or youth to engage in the following: hazing, bullying, derogatory name-calling, ridicule, humiliation, or sexual activity.

## **VI. Social Media—Electronic Communications**

### **A. General Social Media Policy**

No minister, employee, contractor, or volunteer of the Presbytery and its entities shall create or use a media site (Web, Facebook, YouTube, or similar) in the name of or purporting to represent the Presbyterian Church (U.S.A.) without the explicit written permission of the sponsoring council, Presbytery entity, or event leadership. When clergy or staff, acting in their capacity as a representative of the Presbytery or its entities, lead or coordinate a group activity using social media, each may use only official Presbytery entity sites/channels when they have been made available by the entity of the Presbytery. These may include Web pages, Facebook, e-mail, and similar means.

### **B. Social Media Communications**

Persons who shall create public pages on behalf of Presbytery entity programs are responsible to monitor communications and to assure that employees and volunteers do not have inappropriate conversations with children and youth.

Persons having Facebook privileges on behalf of the Presbytery entity shall treat unsolicited communication or “friending” from children or youth under age as an unauthorized text message. No reply may be given except to indicate by a posting that accepting a “friend” invitation by under-age children is a violation of the code of conduct.

If a child or youth reveals abuse or inappropriate interactions with an adult, the person must report this information in the manner of any “suspected abuse.”

When using Facebook or another messaging platform to communicate with children or youth, the authorized minister shall inform parents/guardians of each child or youth that the latter is communicating with the person via the platform, providing the parent/guardian the opportunity to disapprove or to participate in a group.

### **C. Social Networking Code of Conduct**

Prior to the use of social media, the authorized minister shall present this Social Networking Code of Conduct to children or youth and their parents/guardians. Each person who leads using the resources of social media shall apply this Social Networking Code of

Conduct:

1. Prohibit comments that are, or could be construed by any observer, to be harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
2. Prohibit sexually oriented conversations or discussions about sexual activities.
3. Prohibit private messages between employees and volunteers and children or youth.
4. Prohibit posting inappropriate pictures (for example, sexually suggestive, exploitive, or voyeuristic) or inappropriate comments on pictures.
5. Provide children, youth, and their parents with this Social Networking Code of Conduct.
6. Encourage parents to play a role in monitoring their children's and youth interactions with employees and volunteers.
7. Continuously remind children and youth how to interact appropriately through social networking sites.
8. Deny participation by individuals who repeatedly violate the code of conduct.

**VII. Signing of Policy and Application to Serve**

Each adult engaged in the leadership of an Eastern Oklahoma Presbytery or associated entity event shall acknowledge receipt of the Eastern Oklahoma Presbytery's Child/Youth/Vulnerable Adult Protection Policy and its Procedures as well as the Social Networking Code of Conduct by signing an Acknowledgment. (See Appendix J). This acknowledgment shall again be signed by any covered person when these policies are updated or modified. In addition, each person engaged in the leadership of a Presbytery entity event shall consent to all comprehensive background checks required and shall comply with any consequences of a reported violation of this policy.

**VIII. Violations of Policy**

Failure to abide by the media conduct standards will result in a full disciplinary process as outlined in the Eastern Oklahoma Presbytery Sexual Misconduct Policy.

## **Appendix G**

The following words/terms are defined for use in this *Child/Youth/Vulnerable Adult Protection Policy*. To the extent any word in the policy is not defined by this Appendix G, that word/term should be given its normal, dictionary defined and commonly understood meaning, given the context of the word within the policy.

Each state has its own statutes regarding what is defined as child/youth/vulnerable adult abuse. This policy advises all sponsoring councils and entities of Eastern Oklahoma Presbytery consider and be familiar with state statutes pertaining to the location of each event/activity.

In Oklahoma, anyone who suspects that a child (who is unmarried and under 18 years of age) has been or is in danger of being abused or neglected must report immediately not only to the Presbytery or governing council, but also to the Oklahoma Child Abuse Hotline at 1-800-522-3511, and/or call 911 if a life is in immediate danger. Failure to report suspected abuse is a misdemeanor offense in Oklahoma. No privilege or contract shall relieve any person from the requirement of reporting. Anyone who reports in “good faith” and exercising “due care” is immune from civil and criminal liability.<sup>3</sup>

### *Definitions*

***Child:*** A child will be defined as a person between the ages of 0–11.

***Youth:*** A youth will be defined as a person between the ages of 12–17.

***Minor:*** A minor is any child or youth 0–17 years-old.

***Child/Youth Worker:*** Any person, volunteer, paid staff, or contractor who participates at any level at Eastern Oklahoma Presbytery sponsored events or activities involving children and/or youth.

***Vulnerable Adult:*** Any person eighteen-years-old or older without the developmental or cognitive capacity to consent.

***Vulnerable Adult Abuse:*** Any act or failure to act that results in the physical, sexual, psychological, or emotional mistreatment, neglect, or exploitation of a vulnerable adult.

***Child/Youth Abuse:*** Any act or failure to act that results in the physical, sexual, psychological, or emotional mistreatment, neglect, or exploitation of a child or youth.

***Sexual Abuse:*** In the Book of Order, sexual abuse is defined as, “Sexual abuse of another person is

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<sup>3</sup> “Oklahoma Child Abuse Hotline” Oklahoma Child Abuse Hotline - Oklahoma State Department of Health, 2019, [https://www.ok.gov/health/Family\\_Health/Family\\_Support\\_and\\_Prevention\\_Service/Oklahoma\\_Child\\_Abuse\\_Hotline/index.html](https://www.ok.gov/health/Family_Health/Family_Support_and_Prevention_Service/Oklahoma_Child_Abuse_Hotline/index.html).

any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position” (Book of Order, D-10.0401c).

***Misuse of Technology:*** The use of technology that results in the harassment or abuse of a child/youth. This includes, but is not limited to, using technology to send suggestive message and images to a child or youth. Adults should not have any technological contact with a child or youth that is not either pre-approved by the child/youth’s legal guardian with a signed waiver, or done in an open public medium, such as a church website or other public social media program.

***Eastern Oklahoma Presbytery Response Team:*** a group of trained Presbytery representatives who will respond to allegations of sexual misconduct by providing pastoral care to all parties involved. This team will be on call for all EOP youth and child events, to respond to any allegations of misconduct with children, youth, or vulnerable adults.

***Council or Entity:*** Any council or entity of Eastern Oklahoma Presbytery within the Presbyterian Church (U.S.A.) that is tasked with the responsibility of planning events and activities for children, youth, or vulnerable adults.

## Appendix H

### EASTERN OKLAHOMA PRESBYTERY CHILD/YOUTH/VULNERABLE ADULT INCIDENT REPORT

REASON FOR  
REPORT \_\_\_\_\_

DATE OF  
INCIDENT \_\_\_\_\_ TIME \_\_\_\_\_

PRESBYTERY EVENT  
\_\_\_\_\_

LOCATION OF EVENT  
\_\_\_\_\_ DATE \_\_\_\_\_

NAME OF  
REPORTER \_\_\_\_\_ TITLE \_\_\_\_\_

NAME (S) OF CHILD  
(REN)/YOUTH \_\_\_\_\_

AGE (S) OF CHILD  
(REN)/YOUTH \_\_\_\_\_

QUOTE THE CHILD'S/YOUTH'S FIRST WORDS VERBATIM:  
\_\_\_\_\_  
\_\_\_\_\_

BRIEFLY DESCRIBE THE CHILD'S/YOUTH'S DEMEANOR/APPEARANCE:  
\_\_\_\_\_  
\_\_\_\_\_

BRIEFLY DESCRIBE WHAT HAPPENED:  
\_\_\_\_\_  
\_\_\_\_\_

WHAT ACTION DID YOU TAKE?  
\_\_\_\_\_  
\_\_\_\_\_

HAS THE INCIDENT BEEN RESOLVED? \_\_\_ YES \_\_\_ NO

EXPLAIN: \_\_\_\_\_

\_\_\_\_\_

INJURY REQUIRES PHYSICIAN/HOSPITAL VISIT? YES \_\_\_ NO \_\_\_\_

NAME OF PHYSICIAN/HOSPITAL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHYSICIAN/HOSPITAL PHONE NUMBER: \_\_\_\_\_

MEDICAL ATTENTION THAT WAS DESIRED AND/OR REQUIRED:

\_\_\_\_\_

\_\_\_\_\_

NAMES OF WITNESSES:

SIGNATURES OF WITNESSES (IF POSSIBLE):

## Appendix I

### YOUTH/CHILD EVENT STAFF APPLICATION FORM

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

Male: \_\_\_\_\_ Female: \_\_\_\_\_

Home Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Church: \_\_\_\_\_ City: \_\_\_\_\_

Church Phone: \_\_\_\_\_

Endorsement of Pastor, Christian Educator, Youth  
Leader: \_\_\_\_\_ (please circle one)

Place of Employment: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Your honest answers to the following questions will assure our church family, parents, and children of the finest care we can provide.

1) In what area of ministry do you wish to serve and why?

2) What gifts and experience do you bring to this ministry?

3) Have you ever been subject to any disciplinary action, complaint or allegations that you violated any employer's or any organization's policy concerning sexual misconduct?

Yes \_\_\_\_\_ No \_\_\_\_\_ (If yes, please explain)

4) Have you ever been arrested, charged, indicted or convicted for any criminal offense (misdemeanor or felony) other than a traffic violation?

Yes \_\_\_\_\_ No \_\_\_\_\_ (If yes, please explain)

5) Have you ever had your driver's license suspended or restricted for any reason?

Yes \_\_\_\_\_ No \_\_\_\_\_ (If yes, please describe the date(s) and reasons for each occurrence.)

6) Have you ever been hospitalized or treated for alcohol or substance abuse?

Yes \_\_\_\_\_ No \_\_\_\_\_ (If yes, please explain)

7) Other than the above questions, is there any fact or circumstance involving you or your background that would cause you or the church to have concerns about your being entrusted with the supervision, guidance and care of minors?

Yes \_\_\_\_\_ No \_\_\_\_\_ (If yes, please explain.)

References: Please list two persons who are familiar with your character and abilities. Contacts at prior churches are appropriate. Please do not include relatives. References are confidential.

1) Name: \_\_\_\_\_

Address \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Nature of the relationship with you:

\_\_\_\_\_

2) Name: \_\_\_\_\_

Address \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Nature of the relationship with you:

\_\_\_\_\_

I understand and agree that:

1) All information I have provided may be verified. I agree to release from liability any person or organization that provides information regarding me, including these persons I have listed as references. I do hereby agree to indemnify and hold harmless, the Eastern Oklahoma Presbytery, its employees, representatives and agents from any claims or causes or action relating in any manner to the verification of or attempts to verify the information provided, attempts to contact references or conversations with any references. I understand that any information received will not be disclosed to me, and I hereby waive any right I any have to inspect any information provided about me by any person or organization identified by me on this form.

2) By signing this form, I certify and affirm that the information I have given is true, complete and correct in all respects.

3) I hereby give my permission for Eastern Oklahoma Presbytery to obtain information relating to my criminal history record through the appropriate agency. The criminal history record, as received from the reporting agencies may include arrest and conviction data as well as plea bargains and deferred adjudications. I understand this information will be used, in part, to determine my eligibility for an employment or volunteer position with the church. I also understand that I will have the opportunity to review the criminal history, and a procedure is available for clarification, if I dispute the record as received. I, the undersigned, do for myself and heirs, executors and administrators, hereby release and

forever discharge and agree to indemnify the investigating agency and each of their officers, directors, employees, and agents and hold them harmless from and against any and all causes of actions, suits, liabilities, costs, debts and sums of money, claims and demands whatsoever, and any and all related attorney's fees, court costs and other expenses resulting from the investigation of my background in connection with my application to become an employee or a volunteer.

4) I fully understand Eastern Oklahoma Presbytery's Child, Youth, and Vulnerable Adult Protection Policy, and agree to abide by these principles and procedures.

Applicant's Signature:

\_\_\_\_\_ Date: \_\_\_\_\_

Print Name:

\_\_\_\_\_

Witness Signature: \_\_\_\_\_

Date: \_\_\_\_\_

This form is confidential and will be kept on file at the Eastern Oklahoma Presbytery office.

*Note: It is your responsibility to attend a training session on abuse and the Eastern Oklahoma Presbytery's Child, Youth, and Vulnerable Adult Protection Policy, before working as EOP Event Staff.*

## Appendix J

### *Acknowledgement of Receipt of Sexual Misconduct Policy and Guidelines for Use of Social Media and Electronic Communications*

I hereby acknowledge that on \_\_\_\_\_ (date), I received a copy of the Child/Youth/Vulnerable Adult Protection Policy and Its Procedures, including the Social Networking Code of Conduct. I affirm by my signature below that I have read the policy, I understand its meaning, I have had the opportunity to ask questions regarding the policy and seek guidance if necessary before signing this Acknowledgment, and I hereby agree to conduct myself in accordance with the policy.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Name \_\_\_\_\_

## Appendix K

### YOUTH/CHILD INFORMATION SHEET AND RELEASE FORM

This release covers the following members of our family:

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#### EMERGENCY INFORMATION

Emergency Contact Person \_\_\_\_\_

Primary Phone \_\_\_\_\_

Alternative Phone \_\_\_\_\_

#### HEALTH INFORMATION

Name of Insurance  
Company \_\_\_\_\_

Policy Number \_\_\_\_\_

Group Number \_\_\_\_\_

Who is the  
policyholder? \_\_\_\_\_

Primary Physician \_\_\_\_\_

City/State \_\_\_\_\_

Physician's Phone \_\_\_\_\_

Please notify us of any necessary information to give minors proper medical care during their time  
with \_\_\_\_\_.

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*Please continue to next page for release signatures*

## MEDICAL AND LIABILITY RELEASE

I understand that in the event medical intervention is needed for myself or for my minor child, every attempt will be made to contact the persons listed on this form. I give my permission to the activity leaders to secure medical treatment as deemed necessary for myself or my child. I understand that my insurance coverage will be used in the event medical intervention is needed. I understand the possibility of unforeseen hazards and know the inherent possibility of risk. I agree not to hold Eastern Oklahoma Presbytery, its leaders, employees, and volunteer staff liable for damages, losses, diseases, or injuries incurred by the subject of this form. I understand that this document constitutes a full and complete waiver of all possible claims for any act or omission, including claims for negligence regarding injury or property damages arising out of my or my child's participation in this activity.

Signature of Participant or Adult Guardian \_\_\_\_\_

Date \_\_\_\_\_

## MEDIA RELEASE

I GRANT PERMISSION TO \_\_\_\_\_ AND ITS PRESENT AND FORMER ELDERS, TRUSTEES, OFFICERS, DIRECTORS, ASSOCIATE DIRECTORS, LEADERS, EMPLOYEES, ADMINISTRATORS, EXECUTORS, SUCCESSORS, AND ASSIGNS TO USE MY CHILD'S NAME AND/OR PHOTOGRAPHS FOR USE IN \_\_\_\_\_ PUBLICATIONS SUCH AS BROCHURES AND NEWSLETTERS, AND TO USE MY NAME AND/OR PHOTOGRAPHS IN ELECTRONIC VERSIONS OF THE SAME PUBLICATIONS OR ON THE \_\_\_\_\_ WEB SITE OR OTHER ELECTRONIC FORMS OR MEDIA. I HEREBY WAIVE ANY RIGHT TO INSPECT OR APPROVE THE FINISHED PHOTOGRAPHS OR PRINTED OR ELECTRONIC MATTER THAT MAY BE USED IN CONJUNCTION WITH THEM NOW OR IN THE FUTURE, WHETHER THAT USE IS KNOWN TO ME OR UNKNOWN. I HEREBY AGREE TO RELEASE, DEFEND, AND HOLD HARMLESS \_\_\_\_\_ AND ITS PRESENT AND FORMER ELDERS, TRUSTEES, OFFICERS, DIRECTORS, ASSOCIATE DIRECTORS, LEADERS, EMPLOYEES, ADMINISTRATORS, EXECUTORS, SUCCESSORS, AND ASSIGNS, INCLUDING ANY FIRM PUBLISHING AND/OR DISTRIBUTING THE FINISHED PRODUCT IN WHOLE OR IN PART, WHETHER ON PAPER OR VIA ELECTRONIC MEDIA, FROM AND AGAINST ANY CLAIMS, DAMAGES OR LIABILITY ARISING FROM OR RELATED TO THE USE OF THE PHOTOGRAPHS, INCLUDING BUT NOT LIMITED TO ANY MISUSE, DISTORTION, BLURRING, ALTERATION, OPTICAL ILLUSION OR USE IN COMPOSITE FORM, EITHER INTENTIONALLY OR OTHERWISE, THAT MAY OCCUR OR BE PRODUCED IN TAKING, PROCESSING, REDUCTION OR PRODUCTION OF THE FINISHED PRODUCT, ITS PUBLICATION OR DISTRIBUTION.

I am the parent or legal guardian of the above named child. I have read this media release before signing below, and I fully understand the contents, meaning and impact of this release. I understand I am free to address any specific questions regarding this release by submitting those questions in writing prior to signing, and I agree that my failure to do so will be interpreted as a free and knowledgeable acceptance of the terms of this release.

Signature of Participant or Adult Guardian \_\_\_\_\_

Date \_\_\_\_\_