

***Policies And Guidelines For
Ministerial Sexual Ethics
in the
Presbytery Of Monmouth***

Approved by the Presbytery, March 23, 2010

PART ONE

SECTION 1

POLICY STATEMENT

Sexual activity within the ministerial relationship is an abuse of the power of the ministerial role and, in the case of the ordained, is an abuse of sacred office. The Presbytery of Monmouth declares that sexual activity within the ministerial relationship is misconduct. Sexual misconduct is a violation of both the ministerial office and God's intentions for healthy expression of human sexuality. Clergy sexual misconduct is a betrayal of trust and an abuse of power that preys on the vulnerability of those entrusted to their care. Because allegations of sexual misconduct are so serious, they are to be dealt with swiftly, fairly and with compassion for all parties. We do not want to treat the wounds of God's people carelessly, saying "peace, peace" when there is no peace." (Jeremiah 6:14)

BACKGROUND

Power touches us all. We cannot get away from it even if we wanted to. All human relations involve the use of power. Therefore, rather than seek to run from it or to deny that we use it, we would do well to discover the Christian meaning of power and learn how to use it for the good of others. All who follow Christ are called to the "ministry of power."

— Richard J. Foster, from *Money, Sex and Power*

As God who called you is holy, be holy yourselves in all your conduct. Tend the flock of God that is in your charge, exercising the oversight, not under compulsion but willingly, as God would have you do it — not for sordid gain but eagerly.... And all of you must clothe yourselves with humility in your dealings with one another, for God opposes the proud but gives grace to the humble.

— 1 Peter 1:15; 5:2; 5:5b

"Not many of you should become teachers, my brothers and sisters for you know that we who teach will be judged with greater strictness."

— James 3:1

All living persons have power and all human relationships involve the interplay of power. Power is simply the capacity to act, to produce an effect and to achieve ends with resources. In human

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relationships personal resources, and therefore personal power, tend to be distributed unevenly. One person's powers are enhanced as he/she comes to have (or is given) more influence, or more resources for influence, in a given situation. Such things as education, the authority of office or position, feelings of self-esteem, experience and confidence in one's capacity to perform or to act, and many other factors affect the degree of power one person enjoys in a relationship.

All relationships that are primarily ministerial (i.e., one person is in a position to give aid or comfort, training or help, to another, and is looked to for that ministry) are characterized by an imbalance of power that is due to the greater resources of the minister and the fewer resources of the recipient, at least in the arena of that ministerial relationship. A youth in the care of a youth worker, a student in the care of a teacher, a counselee in the care of a counselor, a congregant in the spiritual care of clergy — all are in relationships that are primarily ministerial. The minister or caregiver has resources that the recipient needs, resources which are meant to be placed in service for the recipient's growth and well-being.

Ministers of the Word and Sacrament have, within the faith community, an added measure of ministerial power that is the result of a greater theological education, perceived facility with public speaking, and in articulating thoughts, feelings and ideas. Furthermore, Ministers of the Word and Sacrament carry an added dimension of power derived from their priestly role as they officiate at the celebration of the sacraments, in liturgical roles as worship leaders, as ministers in times of special crisis and joy, and in counseling and spiritual guidance situations. This divine-like power is seldom consciously perceived but is pervasively felt. All of this power adds greatly to the responsibility of clergy to be conscious of how they are perceived by those who look to them for care. This power must be used wisely and well for the good of people and not for personal ends.

The common temptation all persons face, however, including ministers, is to use their power in self-centered ways. Ministers who use their power this way abuse the ministerial role.

Because the Church embraces the servant model of ministry, it is often difficult to recognize and acknowledge the power of the ministerial office. Some may feel uncomfortable attributing this power either to themselves or to others. To ignore or downplay this power, as if it did not exist, leads inevitably to misconduct and the wounding of God's people. Members of the clergy are called to be servants and stewards of the mystery of grace. They are not called to foster the dependence of others or to abuse others by their failure to understand the power of the pastoral role.

The abuse of power too often occurs where the human relationship is most vulnerable: within the realm of sexuality. Sexuality is a creation of and a gift from God. As with all God's gifts to us, it must be used wisely and well. An integral component of healthy sexuality is mutuality.

Because of the inherent power gap between ministers and congregants, there cannot be mutuality. Sexual intimacy is never appropriate within the ministerial relationship.

Members of the clergy are called to be servants. The people trust their ministers to know and set appropriate boundaries for these relationships. It is always the minister's responsibility to maintain the boundaries.

SECTION II

RISK AND CONSEQUENCES

When a minister behaves unethically, much stands to be lost by many people. The first section notes the times or situations when the respective parties are most vulnerable to (A) entering unethical behavior, (B) being the victim of clergy sexual misconduct and (C) being part of a structure that enables such misconduct, however unconsciously. The second section details the losses the minister, parishioner and congregation face when the minister enters into unethical sexual behaviors.

1. **RISKS**: The following create risk for the various parties.
 - A. **MINISTER**: Risks becoming an abuser when
 - 1) The power of the office is denied or not recognized.
 - 2) The need for boundaries is not learned, understood. or accepted.
 - 3) The minister is isolated from peer relationships.
 - 4) The care of self and appropriate intimate relationships are neglected.
 - 5) The minister accepts inappropriate exaltation of his or her powers.
 - B. **PARISHIONER**: Risks being abused when
 - 1) He or she exalts the power of the minister.
 - 2) He or she is in shock or grief or other distress, even if temporarily.
 - 3) He or she has a history of psychological or sexual invasion.
 - 4) He or she has diminished capacity.
 - C. **CONGREGATION**: Risks being abused and/or becoming an abuser when
 - 1) The possibility that misconduct can or does happen is denied.
 - 2) Members refuse to admit that someone they know and respect could be an offender.
 - 3) The consequences to/for the victim(s) are minimized.
 - 4) The institutional patterns that enable abuse are not considered.
 - 5) The workaholic behavior of the minister is allowed or encouraged.
 - 6) The minister is revered, idealized, or otherwise exalted.
 - 7) The victim is blamed for the minister's misconduct.
2. **CONSEQUENCES**: What stands to be lost
 - A. **MINISTER**
 - 1) Position and/or career.

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- 2) Ordination vows.
- 3) Community with family, friends and colleagues.
- 4) Credibility.
- 5) Sense of personal identity.
- 6) Sense of professional identity.
- 7) Relationship with God.
- 8) Ability to minister effectively in future situations.
- 9) Personal holiness (falling into sin).
- 10) Honesty.
- 11) Humility.
- 12) Trustworthiness.
- 13) Moral standing.
- 14) Integrity

B. PARISHIONER

- 1) Understanding of the nature of God.
- 2) Relationship to God.
- 3) Effective services of the minister.
- 4) Healthy sense of self.
- 5) Ability to trust.
- 6) Sense of the church as a community.
- 7) Community with family and friends.
- 8) Ability to function.
- 9) Mental and physical health.
- 10) Feeling of safety.
- 11) Ability to withstand future victimization.
- 12) Credibility.
- 13) Wholesome sense of sexual self.
- 14) Position, job and/or career.
- 15) Ability to accept or work with other clergy.
- 16) Sense of innocence.

C. CONGREGATION

- 1) Understanding of the nature of God.
- 2) Relationship to God.
- 3) Effective services of the minister.
- 4) Membership.
- 5) Financial support.
- 6) Ability to trust.
- 7) Ability to accept or work with other clergy.
- 8) Joy in community.
- 9) Sense of the Body of Christ.
- 10) Sense of identity.
- 11) Sense of mission.

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- 12) Community standing.
- 13) Credibility.
- 14) Faithfulness

SECTION III

CODE OF ETHICAL PRINCIPLES

1. Faithful ministers are aware of the sacred nature of their vocation as servants of God and responsibility before the Lord to care for the people entrusted to them.
2. Faithful ministers know that lust for wealth or for power, adultery and other forms of unfaithfulness to marriage vows, and crimes of theft or fraud, are incompatible with the call to pastoral leadership and ministerial caregiving. When such sins are persistent in a minister, he/she has disqualified him/herself from such service and needs to repent and to reevaluate his/her vocation.
3. Faithful ministers know that the only right response to confrontation for his/her sins is humble confession and ready repentance. Attempts to cover up the sin, or anger in response to those confronting it, betrays a self-centered orientation that is incompatible with the call to servant leadership and to modeling the Christian life.
4. Faithful ministers will accept responsibility for establishing and keeping appropriate boundaries, using the power of their position or office in selfless, servant ways, and protecting the vulnerable and the weak, as far as they are able, from abuse, exploitation or harm, even from themselves.
5. Faithful ministers know that exploitation of the people they are called to serve is a sinful act against God, the victimized person, and the faith community; and that deliberate sexual exploitation, affecting our most intimate and vulnerable selves, is especially offensive.
6. Faithful ministers are aware that sexual abuse of congregants, employers or clients/ counselees violates the trust, power, and authority of their ministerial positions. Such exploitation constitutes betrayal of their calling to be agents of healing and healthy formation.
7. Faithful ministers are aware of the severe spiritual, emotional, psychological, and relational damage done to those who are sexually exploited or abused by persons they trusted. Faithful ministers are committed to caring pastorally for such persons and to managing their own needs in such a way that they themselves do not become exploiters and/or abusers.

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8. Faithful ministers will face their own sexual sins with an attitude of humility, honest confession, and genuine practical repentance. They are willing to abide by the disciplines and policies of their denomination when their sexual sins have caused harm to another person and to seek to made reparations when that is possible.
9. Faithful ministers will do everything in their power to guard the trust of those in their care and will accept the obligation of keeping strict standards of confidentiality except when withholding information would directly cause harm to vulnerable people or where the law requires otherwise (i.e., as in cases of known child abuse).

SECTION IV

**PRESERVING MINISTERIAL BOUNDARIES;
STRATEGIES FOR PREVENTION OF MISCONDUCT**

A. MINISTER’S PERSONAL AND PROFESSIONAL HEALTH

Ministers who actively maintain their own physical, spiritual, emotional, and psychological health are less likely to violate ministerial boundaries. If they are aware of the problems and risks they face, and are ensuring that their personal needs are being met in appropriate ways outside the ministerial relationship, they can more readily prevent the kinds of behavior that lead to misconduct.

1. Negotiate adequate compensation in order to maintain self worth and reduce stress.
2. Make provisions for ADEQUATE rest, relaxation, and privacy as well as educational and spiritual renewal.
3. Take time for professional and personal growth opportunities.
4. Utilize resources (i.e. counseling and other) for self and for family — outside of Presbytery — in order to insure confidentiality.
5. Participate in a self-assessment checklist, which includes personal history, psychosexual integration, and personal professional reflections. NOTE: This assessment can best be used in consultation or supervision with experienced therapists or outside consultants.
6. Participate in a group exploration of “Guidelines for Maintaining Ministerial Boundaries” which includes the following concerns:
 - a. To counsel or not to counsel a congregant? Consult and refer when the situation exceeds the ability and expertise of the counselor.
 - b. If the decision is made to counsel, SET LIMITS (time, place, number of sessions, when to refer, etc.).
 - c. Be aware of sexual feelings. Acknowledge them to self and to a counselor or supervisor.
 - d. In the case of sexualized behavior on the part of the client, maintain

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- e. the ministerial role; reaffirm that role and consult with a colleague/consultant.
 - e. Learn stress management and how to provide for self-care.
 - f. Avoid dual relationships. (For example, a relationship where you have both a ministerial and a romantic involvement with a congregant, client, student, staff member, etc.).
 - g. Attend to personal relationships and intimacy needs. Maintain and nourish them.
 - h. Avoid WORKAHOLISM and BURNOUT. Be clear about the position description and its expectations.
 - i. Seek supervision and evaluation for periodic review.
 - j. Maintain contacts with colleagues/consultants; avoid isolation.
7. Make prayer and meditation a priority in life.
 8. Enter into an ongoing, systematic relationship with a spiritual director, guide, or mentor to insure theological reflection, accountability, and consistency in one's ministry.
 9. Develop and nurture close relationships with colleagues in ministry. When possible, participate in support groups.

B. RESPONSIBILITIES OF THE CHURCH TO INDIVIDUAL MINISTERS

The church at all its levels can assist its ministers with strategies of its own to help prevent misconduct.

1. General Assembly and/or Synod
 - a. Recommend strongly that all ministers receive consultation or supervision. Supervisory parameters should be clearly defined.
 - b. Provide financial support for consultation.
 - c. Provide and maintain current referral lists of appropriate resources for counseling, supervision, etc.
 - d. Provide preparation regarding professional ethics to seminarians.
 - e. Provide continuing education in the field of professional ethics.
2. Presbytery
 - a. Insist that Presbytery officers, staff, pastors, and church workers set a personal example by not engaging in sexual misconduct.
 - b. Develop, implement, and publicize clear policies and ethical guidelines, expectations, and procedures regarding sexual misconduct.
 - c. Provide continuing education and financial support in the area of professional ethics.
 - d. Offer mechanisms for supervision, consultation, and collegial interaction to avoid ministerial isolation.

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- e. Maintain an open system for clear access to the complaint process at the Presbytery level.
 - f. Provide opportunities to teach church officers the issues involved in pastoral care.
3. Local Church
- a. Continue close support with the pastor regarding his/her professional concerns, i.e., salary, working conditions, schedule, etc.
 - b. Promote shared leadership among clergy and laity.
 - c. Publicize clear policies and provide guidance regarding the difference between confidentiality and secrecy within the ministerial relationship (see Appendix A).
 - d. Maintain specific position descriptions for all persons, including paid personnel and volunteers.
 - e. Encourage minister self-care, particularly via the Self Assessment Checklist (see Appendix B).
 - f. Offer support mechanisms for supervision, consultation and collegial interaction.
 - g. Review and evaluate minister's work regularly.

SECTION V

MINISTERS IN DATING RELATIONSHIPS

Ministers must understand that they cannot be both lover and minister to the same person at the same time. The two roles are not compatible. For that reason, ministers should abide by the following guidelines when entering into dating relationships with persons with whom they are involved in ministry.

1. The minister shall discuss with the congregant the ramifications of the intended change in their relationship.
2. The pastoral relationship between the individuals will cease.
3. When the minister is in a solo pastorate or head of staff, he/she shall notify Committee on Ministry (COM) of the changed relationship. In consultation with COM, he/she should also notify some responsible body within the congregation, which the minister serves (such as the Session or a pastor/parish relations committee). When the minister is an associate pastor, COM and the head of staff shall be notified of the changed relationship, and in consultation with them, will determine what group within the congregation it is appropriate to inform.
4. The minister or other appropriate person or group will connect the congregant with another minister for pastoral care.
5. A reasonable and suitable period of time should be allowed for the personal

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relationship to make the transition from the professional/ministerial to the personal/intimate and for the congregant to establish a new ministerial relationship.

SECTION VI

JUSTICE MAKING

“God has told you, O mortal, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?”
— Micah 6:5

Every Christian is called to love justice and to walk in its ways. Therefore, the Church is particularly called to work for justice on behalf of those whom its officers and members have injured, for the sake of charity as well as its own faithfulness to its call.

Ministerial sexual misconduct is not a victimless breach of boundaries. When the boundaries of ethical conduct are crossed, there is someone who is injured and in pain. Justice is not simply a matter of calling the violator to account. It is responding to the need of the violated in a manner, which helps to start the healing process and restore the person to wholeness. Elements of justice making for the injured person include the following:

1. Speak the truth.
2. Name and condemn the misconduct.
3. Respond to the victim with compassion.
4. Protect the vulnerable.
5. Call the perpetrator of the misconduct to account.
6. Make restitution
7. Provide vindication for the victims.¹

SECTION VII

DEFINITIONS

1. **SEXUAL MISCONDUCT** is a violation of the pastoral role of ministers and other caregivers who are called upon to exercise integrity, sensitivity, and responsibility and caring in a relationship of trust in the name and spirit of Christ. Sexual misconduct is a comprehensive term used to include without being limited to:

¹Source: The Rev. Marie Fortune, founder and director of the Center for the Prevention of Sexual and Domestic Violence, Seattle, Washington.

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Child sexual abuse
Sexual harassment
Rape or sexual abuse by force, threat or intimidation
Sexual malfeasance
Sexual exploitation

2. CHILD SEXUAL ABUSE is any improper contact or sexual interaction between an adult and a child, whether verbal or physical. It includes, but is not limited to, any interaction or contact in which the child is used for the sexual stimulation of the adult or of a third person. Any sexualized behavior between a child and an adult is always the responsibility of the adult, whether the child has seemed to consent or not. Such behavior is always considered forced since the child is unable to give appropriate adult consent. Child sexual abuse is a criminal act and must be reported under the laws of the state of New Jersey.
3. SEXUAL MALFEASANCE is the broken trust resulting from sexual conduct involving persons in ministerial or professional positions of trust with persons entrusted to their care and/or supervision. Persons in ministerial/professional positions include ministers, counselors, youth leaders, Sunday school teachers, other volunteers, and all those considered to hold ministerial positions. Ministers are always responsible for establishing and maintaining appropriate boundaries in the relationships with those to whom they minister.
4. SEXUAL IMPROPRIETY is behavior which has the potential to lead toward sexual malfeasance, and includes sexual advances toward persons for whose spiritual welfare one is responsible by virtue of ordination or position in the Church. Such behavior can be verbal or physical. Mutual seduction of a minister and persons within his or her realm of care is also improper, leading to victimization of persons and abuse of the ministerial role. Consent or encouragement does not remove responsibility for the behavior from the minister.
5. SEXUAL EXPLOITATION IS USING ANOTHER PERSON FOR ONE'S OWN SEXUAL GRATIFICATION.
6. SEXUAL HARASSMENT is the unwelcome sexually-oriented behavior or language that ridicules, demeans, insults, and/or impedes a person's free participation in the life of the community because of that person's gender or non-responsiveness to sexual advances. Behavior which violates this policy includes, but is not limited to:
 - A. Coercing or attempting to coerce a person into a sexual and/or dating relationship.
 - B. Punishing or threatening to punish a person for rejecting sexual attention, requests, and/or demands.

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- C. Using spiritual or appointed authority to coerce or attempt to coerce, persuade, or mislead a person into sexual behavior.
 - D. Basing or influencing employment or work-appointment decisions on a person's rejection or acceptance of sexual behavior.
 - E. Making unwelcome sexual jokes, comments, suggestions, or innuendoes.
 - F. Unwelcome touching, gesturing, staring, or leering.
 - G. Standing too close and/or blocking another's path, and/or displaying visual materials that insult, degrade, and/or exploit human sexuality.
 - H. Creating a hostile, offensive, or intimidating environment through sexual bias or sexualized behavior.
7. CHURCH, when spelled with the initial capital, refers to the Presbyterian Church (USA); when spelled with the initial lower case, refers to local congregations.
 8. CONGREGATION(S) is a general term for members and participants of a local church but may also include those persons in the wider community who are served by the minister in his/her role as a spiritual leader or advisor, whether or not they are part of the worshipping community of the church. A CONGREGANT is a member of a congregation.
 9. MINISTER is an inclusive term, referring to members of the clergy or pastor of a congregation. It may also refer to other ordained persons and non-ordained persons who are in positions of trust and authority, such as youth leaders, church school teachers, church musicians, pastoral counselors, etc.
 10. MEMBERS OF THE CLERGY are persons who have been ordained as Ministers of the Word and Sacrament.
 11. ACCUSED is the person against whom an allegation of sexual misconduct has been filed with the church.²
 12. ACCUSER is the person making the allegation of sexual misconduct by a person covered by this policy. The accuser may be the recipient of the alleged misconduct or a third party making the allegation on behalf of the recipient.

²Accused and accuser are terms used in the context of the legal process of the Church and they reflect the appropriate concerns for due process without assigning guilt. Innocence is presumed until proven otherwise.

PART TWO

SECTION VIII

PROCEDURES

1. RESPONSIBILITIES FOR REPORTING

Allegations of sexual misconduct are reported in a variety of ways. An individual church or Presbytery cannot know in advance to whom an accuser will first report his/her concerns. Therefore, all church and Presbytery leaders and employees should know how reports of suspected sexual misconduct are to be handled so that they are directed to the proper authority.

Reports of sexual misconduct should never be taken lightly, disregarded, or allowed to circulate without concern for the integrity and reputation of the accuser, the subject of the allegation (if not the accuser), the accused, and the Church. Reports of misconduct should be handled with the highest confidentiality before and after they have been referred to the appropriate authorities.

All persons covered by this policy have a particular duty to report suspected child abuse. The person receiving the initial report is considered a mandated reporter and shall report the allegation to civil or criminal authorities as required by state or local law. Considerations of reputation or impact on the Church or individual should never be an impediment to this reporting.

All formal allegations of sexual misconduct as defined in this policy, no matter whether the Presbytery or the local church has original jurisdiction, shall be reported to the Stated Clerk of Monmouth Presbytery. In the event that the accused is the Stated Clerk or the Stated Clerk is not available, the report will be made to one of the Presbytery officers in the following order:

Moderator
Vice Moderator
Chair, Committee on Ministry
Executive Presbyter

The importance of properly reporting allegations of sexual misconduct cannot be over emphasized. Attempts to resolve accusations or allegations informally at the lowest level, while understandable, can often result in nothing more than covering up the problem, ignoring the problem or trying to make it “go away.” This is not acceptable nor is it effective.

2. PROCESS

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The process followed by the Presbytery of Monmouth will vary according to the status of the accused. Members of a particular church and members of Presbytery are subject to inquiry and discipline as provided in the Book of Order, D-3.0101. The Presbytery has jurisdiction over its clergy members. Notwithstanding the jurisdiction of the local church, ALL allegations of sexual misconduct shall be reported to the Stated Clerk of the Presbytery.

A. LOCAL CHURCH

- 1) When the Stated Clerk or, in the Stated Clerk's absence, other Presbytery officer mentioned above receives, in writing, an allegation of sexual misconduct by a member of a local church, he/she will advise the Moderator and Executive Presbyter of the allegation. The Stated Clerk will forward the allegation to the Clerk of Session or other appropriate officer of the local church. The Presbytery will be responsible for providing pastoral care (see Section IX) and resources (as necessary) to help the church in its inquiry and resolution and for insuring that the issue is resolved promptly. If the local church fails to act on the report within ninety (90) days after it is initiated, the Presbytery may assume original jurisdiction (Book of Order, D-3.0103).
- 2) When an allegation of sexual misconduct by a member or employee of a local church is received, in writing, by the Clerk of Session of that church, the Clerk of Session will, in addition to the requirements of 13.10.0103, notify the Stated Clerk of the Presbytery, in writing.
- 3) When a written statement of an alleged offense of sexual abuse toward any person under the age of eighteen, or who it is alleged lacked the mental capacity to consent, has been received against a Minister of Word and Sacrament, the procedures regarding administrative leave in D-10.0106 of the Book of Order shall be followed.
- 4) It is recommended that local churches have a written policy about Administrative Leave for employees and volunteers. Administrative Leave does not imply any judgment about the guilt or innocence of the accused. Its application is tied solely to the presence of unproven but substantive allegations and the necessity to investigate them. Administrative Leave will ordinarily commence, therefore, after the Investigating Committee (IC) has reviewed the preliminary evidence, interviewed both the accuser and the accused, and determined that further investigation will be needed or that charges will be filed. The IC, when it has reached this stage in its investigation and has determined the necessity of proceeding with its work, shall inform the Personnel Committee or its comparable group that Administrative Leave is mandated and shall be imposed by the Personnel Committee or its comparable group. If, however, it is clear that no further investigation is needed and no charges will be filed, the Personnel Committee or its comparable group need not be notified and Administrative Leave would not commence.

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There may be situations when Administrative Leave is requested prior to the ordinary course of this process. The request may come from the person accused, his/her employing body, or from members of the Personnel Committee or its comparable group (at least a quorum present), which shall decide whether the circumstances warrant Administrative Leave as requested. If it is warranted, the Personnel Committee or its comparable group shall have the authority to impose Administrative Leave. Notification shall be made of this action at the next Session meeting.

Full pensionable compensation (salary, housing, deferred income) and insurance will be paid by the church or other compensating body under the jurisdiction of the Session until the IC reports to the Session whether or not it will file charges. In the event charges are filed, compensation will be negotiated by the employee, the employing body and the Personnel Committee or its comparable group and submitted to the Session for its approval.

B. PRESBYTERY

- 1) The Presbytery has original jurisdiction over its clergy members and serves an appellate function for the local church. When the Stated Clerk or other Presbytery officer mentioned above receives, in writing, an allegation of sexual misconduct by a member of the Presbytery, she/he will advise the Moderator and Executive Presbyter and they will, in addition to but separate from the process of discipline required by the *Book of Order, Rules of Discipline*, Chapters X and XI, initiate the pastoral care process. If the Stated Clerk, Moderator or Executive Presbyter is named as the accused, their function in this process will be carried out by another officer from the list in Section VIII, Subsection I.
- 2) The process of discipline requires that the Stated Clerk, after receiving, in writing, an allegation of sexual misconduct by a member of Presbytery, shall report to the Presbytery that an offense has been alleged and refer the statement of allegation to an Investigating Committee (IC).
- 3) Administrative leave for the accused serves to protect the Church and its ministry during the time that allegations of misconduct are under investigation. It is an exercise of prudent care, which serves the needs of both the accused and the Church. Administrative leave does not imply any judgment about the guilt or innocence of the accused. Its application is tied solely to the presence of unproven but substantive allegations and the necessity to investigate them. Administrative leave will normally commence, therefore, after the Investigating Committee (IC) has reviewed the preliminary evidence, interviewed both the accuser and accused, and determined that further investigation will be needed or that charges will be filed. The IC, when it has reached this stage in its investigation and has determined the necessity of proceeding

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with its work, shall inform COM that administrative leave is mandated and shall be imposed by COM in accordance with Presbytery policy. If, however, it is clear that no further investigation is needed and no charges will be filed, COM need not be notified and administrative leave will not commence.

There may be situations when administrative leave is requested prior to the ordinary course of the process. The request may come from the person accused, his/her employing body or members of COM. The request for Administrative Leave in this case will be reviewed by COM (at least a quorum being present) which shall decide whether the circumstances warrant administrative leave as requested. If it is warranted, COM shall have the authority to impose administrative leave. Notification shall be made of this action at the next Presbytery meeting.

Full pensionable compensation (salary, housing, deferred income), Social Security reimbursement and the Presbytery-required additional medical coverage will be paid by the church or other compensating body under the jurisdiction of the Presbytery until the IC reports to the Presbytery whether or not it will file charges. In the event that charges are filed, compensation will be negotiated by the member of Presbytery-, the employing body, and the Committee on Ministry (COM) and submitted to Presbytery for approval.

- 4) In the event the accused is a member of Presbytery serving at large, in a validated ministry, honorably retired or inactive, the Presbytery will follow the process above to the extent possible, relying on the intent of the process when the words do not cover the exact situation. When the accused is in a validated ministry beyond Church jurisdiction, a notification will be sent to the employing organization of the fact that allegations of ministerial misconduct have been made.

2. RECORDS

- A. In addition to the records and procedures required by the *Book of Order*, D-11.0600, written records should be kept by persons involved in each aspect of the process above to memorialize conversations, actions, rationales and other data that may be pertinent. All records must be kept confidential. When the inquiry process has concluded either by the filing of charges or the dismissal of the allegations, all records are to be sealed and forwarded to the Stated Clerk or Clerk of Session, as appropriate.
- B. The Stated Clerk will maintain a record of allegations received, noting the accuser, the accused, and the action taken (i.e., allegation withdrawn, no charges filed, charges filed, etc.). This file will be confidential with access restricted to the Stated Clerk, the Executive Presbyter and the Chair of COM.

SECTION IX

PASTORAL RESPONSE TEAM

Whether or not allegations of offense are ultimately sustained or not, the person bringing such allegations is doing so from a deep sense of being wounded by a minister of the Church. Such wounds need to be addressed pastorally and immediately. The confidentiality required by our process of discipline in the stage of inquiry, the sensitivity of the matters usually brought for remediation through this process, the length of time needed to conduct inquiry and the isolation and alienation the accuser often feels from the usual networks of care within the church while this process is ongoing, all require that an independent source of care, support, and advocacy for his or her special needs be provided from outside the ordinary channels of Church government. The accused, once advised of the accusations, is also in need of special care, even more so after the accusations are public knowledge. Congregations or other constituent groups will all be affected by cases of alleged misconduct by a member of their group and, since they are a part of the Church family, will need and are entitled to the care of the Church.

1. POLICY

It is the policy of Monmouth Presbytery to extend the care of the Church to parties involved in allegations of sexual misconduct during and, if necessary, after the process of discipline.

2. PROCEDURE

Whenever allegations of sexual misconduct or abuse are made in writing to the Stated Clerk against a member of Monmouth Presbytery, in addition to and separate from the process of discipline required by the *Book of Order*, the following process shall be initiated to provide pastoral and other appropriate kinds of care for the accuser, accused, subject(s) of the accusation (when the accusation is made on behalf of a third party), and the congregation.

- A. The Stated Clerk is responsible for advising the accuser(s)/subject(s) of the accusation(s) of the policy to extend the care of the Church to them. If the offer is accepted, the Stated Clerk shall notify the Moderator of the Presbytery and the Executive Presbyter that allegations have been made, including a summary of their nature. The Stated Clerk, Moderator, and Executive Presbyter shall confer to recommend names of persons to serve on separate Pastoral Care Response Teams for the accuser(s), the subject(s) of the accusation(s), if not the accuser, and the accused. The Response Teams shall be appointed by the Moderator and will ordinarily consist of no more than four (4) persons with one person designated to be the Team Leader and to make initial contact with the person(s) to be cared for and to coordinate functions for the Team. Members of the Team should be persons of compassion, faith, and skill appropriate to the needs of the person(s) under care and unbiased by

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involvement with the accuser(s), subject(s) of the accusation(s), or the accused.

- 1) Upon appointment, the Stated Clerk shall provide to the leader of the Pastoral Care Response Team for the accuser(s)/subject(s) of the allegation(s) a confidential letter stating the name(s), address(es) and phone number(s) of the person(s) to whom care is to be given so that contact can be initiated.
- 2) When the Investigating Committee (IC) has been selected, the Chairperson shall inform the Stated Clerk that the IC is ready to notify the accused of allegations against him or her. When the accused has been informed of the allegations, the Stated Clerk shall notify the leader of the Pastoral Care Response Team for the accused of the name of that person so that the care of the Church may be offered. To avoid interfering with the ordinary process of discipline, no information about the nature of the allegations or the name of the accuser(s)/subject(s) of the accusation(s) shall be provided.
- 3) The Committee on Ministry (COM) shall have the responsibility of providing pastoral care to the congregation(s) and/or organization(s) that may be collaterally affected by the allegation(s). The Stated Clerk, at the time the leader of the Pastoral Care Response Team for the accused is notified, shall also notify the Chairperson of COM that a member of Presbytery has been accused of sexual misconduct so that they may exercise their responsibility for care of that person's congregation/organization. Persons providing pastoral care to the congregation(s) or organization(s) may not be the same persons providing pastoral care to the accuser(s), subject(s) of the accusation or the accused and may not be members of that congregation/organization.
- 4) No persons involved in rendering pastoral care to any affected person(s) or group(s) listed above are to be involved in any way with the process of discipline as set forth in the *Book of Order, Rules of Discipline*. They shall not be concerned with determining the truth of allegation(s). Because advising those to whom care is tendered that they have the right to remain silent and be represented by counsel is antithetical to the purpose of pastoral care and creates an atmosphere in which pastoral care may be difficult, persons involved with the pastoral care as set forth above shall not advise those in their care of their rights and, consequently, shall not be witnesses for or against those persons in hearings by an IC or PJC.
- 5) All information given to those rendering pastoral care by any party shall be strictly confidential and such confidentiality shall be carefully maintained. Information learned by parts of a Team will be shared with the whole Team so that all members of the Team are current with the care process. There will

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be no sharing or comparing of information between pastoral care response teams for the accuser(s), subject(s) of the accusation (s), the accused, or the congregation or other constituent group.

- 6) The costs of the Pastoral Care Response Team(s) shall be a Presbytery expense as if it were part of the process of discipline. Extraordinary costs (such as professional expenses, if deemed necessary will be negotiated with the Presbytery, through its officers, before they are offered.

APPENDIX A

CONFIDENTIALITY AND SECRECY

Confessions and Confidentiality

Many people in pastoral roles perceive a contradiction between their obligations to preserve confidentiality of communications with a congregant and their obligation to report the suspicion of child abuse. They see this contradiction as a conflict of ethical demands. Part of the perceived conflict arises from the interpretation of confidentiality and its purpose, particularly as it rests within the responsibility of the religious professional. The context for an analysis of these ethical demands is the understanding of confidentiality that comes to the religious professional from multiple sources. The purpose of confidentiality has been to provide a safe place for a congregant or client to share concerns, questions, or burdens without fear of disclosure. It provides a context of respect and trust within which help can be provided for an individual. It has meant that some people have come forward seeking help who might not otherwise have done so out of fear of punishment or embarrassment. Confidentiality has traditionally been the ethical responsibility of the professional within a professional relationship and is generally, although not legally, assumed to be operative even if the congregant or client has not made a specific request. As a rule, for confidentiality to be legally binding, the congregant or client must have made a request for spiritual counseling.

For the pastor, unlike the secular helping professional, confidentiality rests in the context of spiritual issues and expectations. In Christian denominations, the expectations of confidentiality lie most specifically within the experience of confession. The responsibility of the pastor or priest ranges from a strict understanding to a more flexible one — from the letter of the law to the spirit of the law. For example:

- For Anglican and Roman Catholic priests, the confessional occasion with a penitent person is sacramental; whatever information is revealed is held in confidence by the seal of confession, with no exceptions.
- The United Methodist *Book of Discipline* does not view confession as sacramental

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but states, “Ministers... are charged to maintain all confidences inviolate, including confessional confidences.”

- The Evangelical Lutheran Church in America protects the confidence of the parishioner and allows for the discretion of the pastor: “no minister ... shall divulge any confidential disclosure given to him in the course of his care of souls or otherwise in his professional capacity, except with the express permission of the person who has confided in him or in order to prevent a crime.”

Even within Christian denominations, there is a range of interpretations of the expectations of confidentiality, which are not necessarily limited to the confessional occasion.

What are Confidentiality and Secrecy?

It may be useful in this discussion to make a distinction between confidentiality and secrecy.

- Secrecy is the absolute promise never under any circumstances to share any information that comes to a member of the clergy: this is the essence of sacramental confession. But a commitment to secrecy may also support maintaining the secret of child abuse, which likely means that the abuse will continue.
- Confidentiality means to hold information in trust and to share it with others only in the interest of the person involved, with his/her permission, in order to seek consultation with another professional. Information may also be shared without violating confidentiality in order to protect others from harm. Confidentiality is intended as a means to help an individual get help for a problem and prevent further harm to himself/herself or others. Confidentiality is not intended to protect abusers from being held accountable for their actions or to keep them from getting the help they need. Shielding them from the consequences of their behavior will likely further endanger their victims and will deny them the repentance they need. Confidentiality between cleric and congregant does not apply if there is a third party present for the disclosure.
- For many people, secret(cy) (hidden or concealed (Merriam-Webster)) has a more negative connotation than confidentiality. Secrecy implies a covert intent to keep information from being discovered by others.

In addition, confidentiality is not intended to protect professionals; it is for those whom they serve. It should not be used as a shield to protect incompetent or negligent colleagues, or to protect them from professional obligations. Thus, confidentiality may be invoked for all the wrong reasons and not truly in the interest of a particular congregant or of society. This was never the intent of this special provision of pastoral communication.

APPENDIX B

A SELF-ASSESSMENT CHECKLIST

As ministers, all of us are at risk of crossing boundaries in our ministerial relationships, thereby violating our role and abusing those who are vulnerable to us. But this risk of doing harm to those whom we serve or supervise can be considerably reduced through self-knowledge and self-care. If we understand our personal history and its effects on us, our behavior and perceptions are less likely to be shaped by that history. If we are aware of our personal needs and are taking care of those needs in appropriate ways, we are less likely to impose those needs inappropriately upon our ministerial relationships. And if we are aware of the power implicit in our role and how that power affects those whom we serve and supervise, we are less likely to misuse that power.

Use this checklist to assess your risk of violating ministerial boundaries. If you answered “no” to the first question in Personal History, skip to the questions under Psychosexual Integration. An answer of “no” to any questions except the first indicates an area where self-awareness and self-monitoring are crucial.

PERSONAL HISTORY

- | | | |
|-----|----|---|
| Yes | No | Does my personal or family history include sexual abuse, alcohol and drug abuses, or other family dysfunction? |
| Yes | No | Am I coming to terms with the issues and feelings involved in my personal history?
Am I able to identify areas in my history where I need healing? |
| Yes | No | Am I taking steps to address the areas where I need healing? |

PSYCHOSEXUAL INTEGRATION

- | | | |
|-----|----|--|
| Yes | No | Am I taking steps to address the areas where I need healing? |
| Yes | No | Have I discussed my sexual history with someone (a professional or a friend)? |
| Yes | No | Am I comfortable with my sexual orientation? |
| Yes | No | Do I monitor my sexual fantasies for inappropriate objects such as children, clients, congregations, employees, etc? |
| Yes | No | Are my personal friendships and intimate relationships appropriate, namely age-appropriate and not involving anyone with whom I have a ministerial relationship? |

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Yes No Am I able to identify my emotional/sexual needs and meet them appropriately?

PERSONAL/PROFESSIONAL SELF

Yes No Am I meeting my personal needs outside of my work setting?

Yes No Do I acknowledge the power inherent in my professional role?

Yes No Am I aware of the effects of that power on those with whom I interact, for example, the attraction that power holds for some people?

Yes No Am I aware of the consequences to me of my violating the boundaries of my ministerial relationships?

Yes No Do I have a consultation or supervision setting in which I can discuss these questions?

APPENDIX C

New Jersey Confidential Clergy Communications Privilege Statute
http://www.churchstatelaw.com.statestatutes/NJ_clergycommunications.asp

New Jersey Statutes Annotated
Title 2A. Administration of Civil and Criminal Justice.
Subtitle 9. Evidence, Witnesses and Public Hearings.
Chapter 84A. Rules of Evidence.
Article II. Privileges.

§ 23. Cleric-penitent privilege. Rule 511. Any communication made in confidence to a cleric in the cleric's professional character, or as a spiritual advisor in the course of the discipline or practice of the religious body to which the cleric belongs or of the religion which the cleric professes, shall be privileged. Privileged communications shall include confessions and other communications made in confidence between and among the cleric and individuals, couples, families or groups in the exercise of the cleric's professional or spiritual counseling role. As used in this section, "cleric" means a priest, rabbi, minister or other person or practitioner authorized to perform similar functions of any religion. The privilege accorded to communications under this rule shall belong to both the cleric and the person or persons making the communication and shall be subject to waiver only under the following circumstances:

- (1) both the person or persons making the communication and the cleric consent to the waiver of the privilege; or

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- (2) the privileged communication pertains to a future criminal act, in which case, the cleric alone may, but is not required to, waive the privilege.

New Jersey Child Abuse Reporting Statute

http://churchstatelaw.com/statestatutes/NJ_abusestatutes.asp

New Jersey Statutes Annotated

Title 9. Children — Juveniles and Domestic Relations Courts.

Subtitle 3, Child Protective and Welfare Laws.

Chapter 6. Abuse, Abandonment. Cruelty and Neglect of a Child.

Article I. In General.

§9:6-8-10. Report of abuse

Any person having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse shall report the same immediately to the Division of Youth and Family Services by telephone or otherwise. Such reports, where possible, shall contain the names and addresses of the child and his parent, guardian, or other person having custody and control of the child and, if known, the child's age, the nature and possible extent of the child's injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.

<http://www.churchlawtoday.com/private/librarv/pcl/p03g.htm>

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CHURCH COVENANT STATEMENT

**Presbytery of Monmouth
Committee on Ministry**

Church Name: _____
(PLEASE PRINT)

“As God who called you is holy, be holy yourselves in all your conduct...”
1 Peter 1:15

We believe that Jesus Christ calls us to standards of responsible conduct in all areas of life. We affirm on the basis of both Scripture and the Presbyterian Constitution that the behavior of church leaders must be exemplary.

The purpose of these policies and guidelines for the Presbytery of Monmouth is to:

- (1) declare and maintain a high standard for the professional ministry in accord with G-6.0106 of the *Book of Order*;
- (2) prevent sexual misconduct and abuse;
- (3) safeguard the church, the church's members and staff from any form of sexual misconduct;
- (4) seek justice by assuring effectiveness of the church's administrative, investigative and judicial processes in determining truth, protecting the innocent, and dealing appropriately with those who victimize others;
- (5) promote healing of all persons and congregations where sexual misconduct has occurred, working to restore relationships broken by the sexual misconduct; and
- (6) address questions and concerns by establishing a process which will be responsive, confidential, and compassionate when situations or accusations of sexual misconduct arise.

The Session and Pastor (or Moderator) have read, understand, and hereby agree to abide by the intent of the *Policies and Guidelines for Ministerial Sexual Ethics* in the Presbytery of Monmouth, as well as its terms and conditions.

Signed: _____ Date: _____
Pastor/Moderator of Session

_____ Date: _____
Clerk of Session

Churches: Please keep a copy of this signed document for your files, and return the original in a timely manner to: Carl Wilton, Stated Clerk, Presbytery of Monmouth, P.O. Box 369, Tennent, NJ 07763

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Signed: _____ Date: _____
Ministers/Commissioned Lay Pastors

_____ Date: _____
Clerk of Session

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Signed: _____ Date: _____
Staff Member

_____ Date: _____
Clerk of Session

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