

## OTHER

### **P-500.01**

## **COMMITTEE ON NOMINATIONS POLICY (January 2006, March 2013, October 2015)**

### **I. Introduction.**

The Book of Order [G-3.0111] states: "All councils higher than the session shall have a process for nominating persons to serve in positions requiring election by the council. The process shall ensure that nominations are made by an entity broadly representative of the constituency of the council, and in conformity with the church's commitment to unity in diversity (F-1.0403)." To fulfill this task the following policies and procedures have been developed.

### **II. Requests for Nominees.**

The Nominating Committee shall regularly bring before the Presbytery and its constituent congregations the ongoing need for qualified persons to serve the Church. Each year the Nominating Committee shall notify each session, in writing, of its responsibility to submit names to the Nominating Committee for service on Presbytery committees, boards, councils, and affiliated corporations; for service on General Assembly or Synod Commissioners; for service as General Assembly and Synod Youth Advisory Delegates (YADs). This information will become part of the Presbytery's skills bank inventory. Each session shall determine its own methods of selecting nominees and shall submit such nominations to the Nominating Committee. All nominations shall be accompanied by relevant data indicating why the nominees should be considered for particular positions.

### **III. Nominating Criteria.**

- A. In nominating people as Presbytery officers, committee members, and for service with other governing bodies and affiliated corporations, the Committee will follow these criteria:
1. It shall seek the most qualified person available for the position. Primary consideration will be given to those seeking re-nomination.
  2. It shall give consideration to the nomination of equal numbers of lay women, lay men, and teaching elders (i.e., 1/3 each).
  3. It shall seek to make possible the implementation of the Church's commitment to inclusiveness and participation by working to correct patterns of discrimination on the basis of race, sex, age, disability, or marital status.
  4. It will attempt to give each committee a geographical distribution of membership, keeping in mind the cost of travel and potential for carpooling.
  5. Council and committee chairs shall be nominated from the existing membership, wherever possible.
  6. Nominees for Vice-Moderator and Moderator shall be persons actively involved in and familiar with the mission and ministry of this Presbytery.
  7. Each nominee will be provided with an appropriate job description and will also be informed of the time and travel requirements of the position.
- B. In nominating people for Synod Council, Synod Committees, and other Synod responsibilities, or General Assembly positions, it will inform the nominees of the job descriptions and time commitments for these positions and the relationship and communication channels to the Presbytery.
- C. In nominating teaching elders and ruling elders as commissioners and alternates for Synod and General Assembly, the following criteria will be followed:
1. Functionally, these shall be 3 year nominations for Synod commissioners and 4 year nominations for General Assembly commissioners. Synod commissioners shall be eligible for a second term

and first alternates to General Assembly will be the commissioners to the next meeting, unless extenuating circumstances prevent such service.

2. Consideration will be given to (i) the qualifications which will make the nominee an effective representative, (ii) service in Presbytery and other governing bodies, and (iii) the nominee's availability to report to Presbytery.
  3. The Committee shall seek to implement the Church's commitment to inclusiveness and participation by working to correct patterns of discrimination on the basis of race, sex, age, disability, marital status, membership in large or small congregations, geographical location, and representation at previous meetings of Synod or General Assembly.
  4. Nominees shall be informed of the obligation to participate in an orientation program and to report to Presbytery at the first stated meeting following their service as a commissioner. They shall also be informed of their obligation to visit churches upon invitation to bring directly to the local congregations reports of the Synod and General Assembly meetings.
- D. Youth Advisory Delegates (YADs) to Synod and General Assembly. In nominating YADs we will consider:
1. Service in the church, in the Youth Connection Council, involvement in Presbytery youth activities, ability to report to Presbytery, and desire to be a YAD.
  2. First consideration shall be given to the previous year's alternates.
  3. Care shall be taken to select youth who will be effective (i.e., conscientious, informed) representatives to General Assembly or Synod.

#### **IV. Elections.**

Elections to fill vacancies on Presbytery Committees shall be held at the Fall Stated Meeting. Elections to all other vacant offices will normally be held at the annual meeting.

#### **V. Vacancies.**

- A. The Committee will work with the Moderator and Council to fill vacancies needing immediate attention.
- B. Vacancies not needing immediate attention will be dealt with during the next meeting of the Nominating Committee.
- C. When a person leaves the Northern Plains Presbytery or the denomination the Nominating Committee will fill that position. The committee does not have to wait for a person to resign the position.

#### **VI. Committee and Chair Policy.**

- A. Committee and Ministry Teams shall be elected directly by the Committees and Teams. The Nominating Committee will nominate for committee membership only.
- B. Chairs will be elected for a three-year term and can be re-elected. After two consecutive terms, a chair must step down for at least one year.
- C. Should a Committee or Team wish to develop an alternative leadership system (i.e. co-Chairs or the like), they shall notify Council of this change and it shall be reconsidered every year as with a Chair.

## **P-500.02**

### **SESSION RECORDS POLICY (October 2017)**

Each Session shall keep a full and accurate record of its proceedings [G-3.0204] for review annually of the proceedings and actions of Sessions within Presbytery's jurisdiction. [G-3.0108a]. The Records Task Leader will serve as a resource person to provide contact information, if needed, for clerks and moderators to fulfill this requirement. At least one clerk of session or moderator of session trained (attended two or more record reviews) shall set up a record review with other clerk(s) of session or moderator(s) of session annually, to read each other's record books. The Records Task Leader will report to Presbytery in a formal annual report naming complying and non-complying congregations.

**P-500.03****SEXUAL MISCONDUCT POLICY AND PROCEDURES****(Approved by Presbytery Feb 2011, Revised October 2017)****INTRODUCTION**

The Presbytery of the Northern Plains strives to promote the peace, unity and purity of the church by preventing sexual misconduct through the promotion of professional and ethical behavior consistent with the Reformed tradition and by adjudging sexual misconduct according to the procedure of and in conformity with church law and secular law, specifically including Chapter 604 of the Minnesota Statutes.

**I. Policy Statement**

Scripture asserts that church professional leadership is a covenantal relationship which presumes the trustworthy exercise of power on behalf of those in our care. Ministry involves shared expectations that persons in position of religious leadership will use their skills and authority for the wholeness and well-being of others.

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.

. . . .

Know that we who teach  
shall be judged with greater strictness.

I Peter 1:15; 5:2; James 3:1 (NRSV)

It should be clear that in all interpersonal relationships the church professional is in a position of power based on trust. A betrayal of trust by the abuse of power is more than a personal tragedy for the alleged victim(s). It is also a personal tragedy for the offender.

The church professional's role provides the opportunity for a high level of trust and intimacy. Church professionals are responsible for their professional behavior and the emotional, spiritual, and physical protection of persons who come to them for help or over whom they have any kind of authority. Breach of this protective relationship is improper and unethical. The mutual consent necessary for an appropriate sexual relationship is not possible in a context in which power is inherently unequal.

The high level of intimacy present in the relationship between church professionals and those whom they are serving provides the potential for sexual misconduct. Therefore, the purpose of the policy on sexual misconduct is to offer guidance in behavior that is appropriate, and to suggest procedures for accountability when allegations of misconduct are made as well as to assure appropriate care for all involved.

**II. Purpose and Scope****A. Purpose**

It is the purpose of this policy:

1. to define sexual misconduct in the Presbytery of Northern Plains;
2. to provide standards for behavior applicable to all members of the Presbytery;
3. to provide for measures to prevent the occurrence of sexual misconduct;
4. to provide the basis for policies to be adopted by church Sessions dealing with church members and non-ordained employees;
5. to have a system which provides for an expeditious, professional, confidential, and caring response

in sexual misconduct situations;

6. to serve as a companion to the Book of Order but not to supersede any of its provisions.

## B. Scope

The persons governed by this policy are all members of the Presbytery of Northern Plains: its ministers of the Word and Sacrament, ruling elders trained as pastors (with or without commission), committee members, candidates, inquirers, volunteers, employees, or any other person carrying out the programs of the Presbytery of the Northern Plains or offering pastoral care in one of its churches.

1. Particular Churches: This policy does not claim to regulate sexual conduct within the particular churches of the Presbytery of the Northern Plains. It is recommended that Sessions adopt policies similar to this one.
2. Child Protection: Because of the unique issues involved in monitoring youth and child activities, this policy is not intended to serve as a full child protection policy.

## C. Other Policies and Procedures

This policy is to be interpreted and applied consistently with any and all other applicable policies of the Presbytery of Northern Plains, the Presbyterian Church (U.S.A.), and federal, state, and local law.

## III. Definitions

### A. Sexual Misconduct

Sexual misconduct is a comprehensive term used in this policy to include, but not be limited to:

1. **Child sexual abuse** includes, but is not limited to, any contact or interaction between a child under the age of 18 and an adult when the child is being used for the sexual stimulation of the adult person or of a third person or any risqué jokes, innuendo, unacceptable visual contact, inappropriate casual touch, inappropriate hugs and kisses, and sexually suggestive pictures between an adult and a child, as deemed inappropriate by any reasonable adult. The behavior may, or may not, involve touching. Sexual behavior between a child and an adult is always considered forced whether consented to by the child or not.
2. **Inappropriate Use of the Internet** to communicate with another to commit sexually abusive activity, including but not limited to sexual activities defined in this policy.
3. **Physical sexual contact** as defined respectively by North Dakota, Minnesota and Montana state law within a ministerial, professional, or employment relationship, or a relationship between church officers or volunteers and persons for whom they are responsible.
4. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - i. 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.
  - ii. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions influencing such individual, or,
  - iii. 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.
5. **Sexual Malfeasance** is sexual conduct within a ministerial or professional relationship (e.g., clergy with anyone in or out of the church, counselor with a client, lay employee with a church member, presbytery staff person with a committee member). Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual conduct, unwelcome touching) that is injurious to the physical or emotional health of another may include unwelcome sexual advances, request for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from having mutual, social, intimate, or marital relationships.

## B. Presumed Consent

Presumed consent is the assertion that a particular act was between consenting adults. It may apply to relationships where there is no disparity of power, such as spouses or single adults functioning as peers or colleagues. Within this policy presumed consent does not apply between ministers of the Word and Sacrament and parishioners, supervisors and supervised, or with anyone involved with performance review, compensation, promotion or continued employment, even though the parties claim that a consensual agreement exists. The inherent imbalance of power between the minister of the Word and Sacrament and the lay person undermines the validity of such consent. If a minister of the Word and Sacrament and lay person wish to pursue a consensual romantic relationship, one or the other must change churches so that the professional relationship is no longer in place.

## B. Additional Definitions

1. **Accused:** Person against whom a claim of sexual misconduct is made.
2. **Accuser:** The person claiming knowledge of sexual misconduct by a person covered by this policy. The accuser and/or victim may or may not have been the victim of the alleged sexual misconduct. A person such as a family member, friend or colleague of the victim may be the accuser whose information initiates an inquiry.
3. **Mandated Reporter:** Described by state law as persons who are required to report all suspected incidents of child abuse, including child sexual abuse, that come to their attention. Within the Presbytery, all persons covered by this policy have a duty to report suspected child sexual abuse to the employing entity, supervisor, or Presbytery representative.
4. **Persons Covered:** Includes presbytery members, officers, ministers of the Word and Sacrament, and nonmembers who are employees or volunteers under the supervision of the Presbytery, including those who are accused of sexual misconduct under circumstances in which (a) access to the accuser and/or victim is related to some form of service to or appointment by the Presbytery, or (b) sexual misconduct in a non-church related situation raises questions of character and effectiveness for the Church. (For example, this policy covers a non-member adult who sexually abuses a non-member teenager while 'helping out' on a presbytery-sponsored trips.)
5. **Sexual Exploitation:** Most often occurs in situations where one person abuses the power he/she has over another person, thereby violating the boundaries and trust implicit in the relationship. Sexual abuse can occur between equals.

## IV. Roles

### A. Presbytery Entities Involved in the Sexual Misconduct Cases

1. Care for Pastoral Leaders Pod continues in its constitutional role as a resource to ministers of the Word and Sacrament and congregations, particularly where pastoral vacancies occur. When appropriate, the Care for Pastoral Leaders Pod is to facilitate the employment of interim leadership competent to manage any conflict associated with the sexual misconduct case. The Pod facilitates the relations among congregations, ministers of the Word and Sacrament, and the Presbytery, and resolves difficulties on behalf of the Presbytery when possible and expedient.
2. **The Pastoral Response Team** is a group of clergy and laity, up to six people, whose role is to work with the accuser, the accused and the affected governing body (in a congregation the Session).
3. The **Permanent Judicial Commission** is the continuing body elected by the Presbytery to conduct trials when an investigating committee files charges. The commission's structure and duties are described in D-5.0100.
4. The **Special Investigating Committee** is a group appointed by the Presbytery Moderator in accordance with B-3.0100, whenever a written statement of offense is received by the Stated Clerk (D-10.0103). The Special Investigating Committee is charged, under the Rules of Discipline, with conducting a full investigation of an allegation of sexual misconduct, determining whether or not charges are to be filed, and prosecuting the case if there is one.

5. The **Stated Clerk** receives the initial complaint and notifies the Presbytery commissioners that a complaint has been received. The Clerk consults with the Leader of Care for Pastoral Leader Pod on whether the complaint warrants an administrative leave. (See Section VI, 1 B, below). The Clerk refers recommendations from the Special Investigating Committee to the Permanent Judicial Commission.

#### B. **Others with Involvement and Needs**

1. **Victims and Families.** The Presbytery, Session, and other entities will seek to ensure treatment for and care of the alleged victims of sexual misconduct and their families.
2. **Congregations or Employing Entity.** The Presbytery, Session, entity, and response committee should be aware of the problems a congregation or entity may experience resulting from allegations of sexual misconduct, by a minister of the Word and Sacrament, employee, or volunteer.
3. **The Accused.** The Presbytery shall offer treatment and care for the accused and his/her family as well as alleged victims and families. When a person is acquitted it is important for the governing body or entity to see that the acquittal is publicized as widely as possible, within their power to do it, when requested to do so by the accused; and deliberate efforts must be made to repair the damage done to the reputation, work, family and feelings of the acquitted.
4. **The Non-Victim Accuser.** In many cases, the non-victim accuser is the parent, guardian, or other advocate for a child who has been the victim of the sexual misconduct. Because of the child's minority status, an adult is requested to file the action on behalf of the child. In cases where the victim is an adult, the non-victim accuser shall observe the following guidelines:
  - i. For his or her own protection, the non-victim accuser should have something in writing from the victim detailing the nature of the misconduct.
  - ii. The non-victim accuser should be certain that the victim is willing to come forward to testify if an action is filed.
  - iii. Some objective evidence should be available to substantiate the charges of sexual misconduct (e.g., medical test results, motel receipts, proof of repeated telephone calls, etc.). Otherwise, the victim and/or the non-victim accuser could be subject to a suit for filing a false charge that may damage a person's reputation and diminish his/her ability to obtain future employment. For this reason, it is not wise for staff of any governing body or entity to be the accuser unless that person is also the victim.

### V. **Preventive Actions**

#### A. **Education and Training.**

The Presbytery urges all sessions and related entities to establish policies, procedures, and practices related to sexual misconduct. The Presbytery will take appropriate steps to inform ministers of the Word and Sacrament, church members, employees, and volunteers of the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct. The Presbytery will cooperate with secular authorities in the investigation and prosecution of violations of law. Implementation of this policy will require Presbytery to adopt educational programs that will aid in the prevention of sexual misconduct, and to provide training in pastoral and disciplinary procedures. All ministers of the Word and Sacrament and ruling elders trained as pastors (with or without commission) shall receive a copy of this policy and be briefed by the Membership Admissions and Departures Task Leader. Within three years of initial briefing all clergy and ruling elders commissioned as pastors will have participated in an appropriate workshop related to sexual misconduct approved by the Care for Pastoral Leaders Pod. Reminder of the required workshop participation shall be mailed out by the Presbytery office. Compliance with this requirement shall be reported to the Care for Pastoral Leaders Pod.

**B. Employment Practices****1. Pastors, Associate Pastors, Ruling Elders Trained as Pastors (with or without commission) and those in Temporary Pastoral Relationships**

Prior to the approval of pastoral, associate pastoral, ruling elder commissioned as pastor or temporary pastoral relationships, the Presbytery of the Northern Plains shall make written inquiries of the person's employers for the previous five years regarding any occurrence of illegal sexual contact as defined in Minnesota Statutes, Chapter 604 (See Appendix A.). *This inquiry shall proceed in the following manner:*

- i. All candidates for such positions will be required to authorize release of information concerning occurrences of illegal sexual contact and shall provide names and addresses of all employers for the previous five years. Failure to do so shall be understood as terminating the call or employment process.
  - ii. The Presbytery office/Stated Clerk shall send a letter of inquiry to all such employers along with a written response form. Inquiries shall ordinarily be sent to clerks of session of congregations or chief executive officers of other places of employment.
  - iii. The Presbytery office/Stated Clerk shall report the results of this inquiry to the Care for Congregations Pod.
    - a. If no illegal sexual contact is reported, it shall be noted in the minutes of the Care for Congregations Pod and the Pod shall proceed to process the call or appointment if the way is otherwise clear.
    - b. If illegal sexual contact is reported, the Care for Congregations Pod shall not proceed to process the call or appointment until further investigation demonstrates to the Pod's satisfaction that there are adequate safeguards to prevent a reoccurrence of such activity.
  - iv. Copies of all authorizations for release of information, inquiries, and responses shall be confidentially maintained by the Presbytery for at least five years.
- 2. Other Members of Presbytery**
- i. The Presbytery of the Northern Plains shall not grant membership status to any person seeking to enter the Presbytery to assume responsibilities in a non-parish setting until it has conducted such an inquiry using the same procedure as above.
  - ii. Persons granted membership in the Presbytery without employment shall not seek employment as a "psychotherapist" as defined in Statute 604 until the Presbytery has conducted the required inquiry using the above procedure.

**C. Responsibilities of Congregations**

Congregations are reminded that they are potentially liable in the event that persons in their employ engage in certain forms of sexual contact with persons with whom they have been, or are, in a counseling relationship. Congregations who employ marriage and family therapists, mental health service providers, or other counselors are instructed to develop a policy whereby they will make inquiry of past employers of prospective employees, as required by M.S.A. Chapter 604.

**VI. Procedures and Implementation****A. Response Procedures****1. Initial Report Procedures**

Allegations of sexual misconduct are made in variety of ways. It is important that officers, employees, and persons highly visible to church members and visitors understand how allegations of incidents are to be processed.

An accuser may report alleged sexual misconduct to any of the following:

- i. the pastor of the church to which the accuser and/or accused belongs;
- ii. a member of the Care for Congregations or Care for Pastoral Leader Pod;
- iii. the Stated Clerk of the Presbytery

The first person to learn of alleged sexual misconduct must take the allegations seriously and

confidentially. This person shall complete the Report of Suspected Sexual Misconduct (See Appendix C). The report shall be delivered to and called to the attention of the Stated Clerk of the Presbytery.

## **2. Presbytery Judicial Response**

Immediately upon receipt of the Report of Suspected Sexual Misconduct, the Clerk shall inform the Moderator and the Leaders of the Care for Congregations Pod and Care for Pastoral Leaders Pod, and an Investigating Committee (I.C.) shall be appointed as set forth in the Presbytery Bylaws (B-3.0100).

The I.C. must promptly begin its inquiry into the allegations, having received orientation by the Stated Clerk, as delay may cause further harm to all parties involved. The I.C. will conduct a thorough investigation as called for in D-10.0200.

Administrative leave for the accused shall be evaluated, and recommended when appropriate by the I.C. to the Stated Clerk, Presbytery Moderator and the Leaders of the Care for Congregations Pod and Care for Pastoral Leaders Pod, who together shall determine a response and take appropriate action. If administrative leave is deemed appropriate, the Care for Congregations Pod shall immediately begin work with the session and congregation to provide appropriate replacement services. If the allegation involves alleged sexual abuse toward any person under the age of eighteen, or who it is alleged lacked the mental capacity to consent, the Stated Clerk shall immediately communicate such allegation to the permanent judicial commission (PJC). The PJC shall make the determination regarding administrative leave in accordance with D-10.0106.

## **B. The Role of the Pastoral Response Team**

- 1.** When first notified of an accusation, the Presbytery Moderator and the Stated Clerk shall form and train the Pastoral Response Team. The Pastoral Response Team shall coordinate pastoral care as needed for the accuser/victim(s), the accused, their families, the congregation, and all other involved parties. The Pastoral Response Team's responsibilities are to:
  - i.** notify the affected parties of the Pastoral Response Team's role;
  - ii.** confirm that civil authorities have been notified, when appropriate;
  - iii.** assess the needs of the affected parties, congregations, entities, agencies and governing bodies, including the need for advocates and/or an attorney or counsel.
    - a.** The Accuser/Victim(s): At least two persons from the Pastoral Response Team will meet with the accuser/victim(s) and their family to listen to their concerns and ascertain their needs. There shall be a determination if an advocate is necessary.
    - b.** The Accused: The Pastoral Response Team, through its moderator, shall consult with the Moderator and his or her designee, to determine what support and resources should be offered to the accused. The Presbytery Moderator or his or her designee will offer to arrange for at least two persons from the Pastoral Response Team to provide support, as well as make available to the accused a list of advocates, if requested.
    - c.** The Congregation: When a congregation is involved, the Pastoral Response Team, in consultation with the Care for Congregations Pod and the Presbytery Moderator or his/or her designee, shall determine if it would be helpful to offer the congregation support and services. When appropriate, members of the Pastoral Response Team may be called upon to meet with the Session to advise the congregation on the kind of support and resources that are available and to help the Session plan a response to the situation.
    - d.** Resources: The Pastoral Response Team will identify the resources available for professional counseling. If the victim and /or the accused do not have insurance and are unable to assume the costs of counseling, the Presbytery shall accept responsibility for payment of counseling fees, for a reasonable time, up to a maximum of one year.
- 2.** At no time will there be only one person in possession of knowledge of any matters pertaining



to a case. At least two members of the Pastoral Response Team will be present when meeting with the accuser, victim, accused, or witnesses. Such consultations shall always include at least one person who is of the same gender as the person being interviewed.

3. Members of the Pastoral Response Team will make reasonable efforts to guard the privacy of persons involved. Material information will be made available only to authorized persons on a need-to-know basis.
4. Members of the Pastoral Response Team will not investigate the accusations or attempt to establish the facts of the case.

#### C. **The Role of the Special Investigating Committee**

1. The Special Investigating Committee is charged, under the Rules of Discipline, with conducting an inquiry to determine whether charges should be filed (D-10.0201).
2. The Special Investigating Committee is appointed by the Moderator of Presbytery, in consultation with the Stated Clerk and the Vice-Moderator, for that particular case.
3. The Special Investigating Committee will provide the accused with a copy of the statement of the alleged offense (D-10.0202a).
4. The Special Investigating Committee will determine whether sufficient grounds exist to bring the complaint to trial. If the committee determines that grounds exist, and they can reasonably be proved (D-10.0202g), the investigating committee will prosecute the case before the Presbytery Permanent Judicial Commission.
5. After the investigation is complete, the Special Investigating Committee, if appropriate, will initiate alternative forms of dispute resolution (D-10.0202i), or proceed to filing of charges (D-10.0302) and the prosecution of the case (D-10.0402).

#### D. **Appeal Process**

If the defense in a case alleges that grounds exist for an appeal (D-13.0106), the appeal shall be made to the Permanent Judicial Commission of the Synod. During the appeal process, any level of censure invoked by the Presbytery shall remain in force.

#### E. **Unsupported Allegations**

If the accused is acquitted of charges or if the investigating committee determines that the allegations are unsupported by evidence, the Presbytery Moderator and his or her designee will consult with the accused to decide how best to repair any damage that may have been done to the reputation of the accused. If an allegation is found to have been submitted maliciously or without grounds, the accuser may be named and disciplinary action may be initiated. The Special Investigating Committee and the Pastoral Response Team should encourage the accused to file a request for vindication under D-9.0000.

#### F. **Additional Responsibilities of the Presbytery**

1. Copies of this policy shall be provided to all ministers of the Word and Sacrament, candidates and inquirers, ruling elders trained as pastors (with or without commission), and moderators of any of the Presbytery's entities and who shall be required to sign an acknowledgment of receipt. (See Appendix D) Such a signature constitutes an agreement by the signatory, that having received the policy they will abide by the policy and be governed by its terms.
2. The document shall be available on request to all church members and to the public.
3. All ministers of the Word and Sacrament and ruling elders trained as pastors (with or without commission) shall be required to participate in an appropriate workshop related to sexual misconduct every three years. Persons who propose to take training offered by other entities, such as another presbytery or synod, seminary or other institution, or through the internet to satisfy this requirement should seek prior approval from the Care of Pastoral Leaders Pod.
4. Liability and insurance. The Presbytery shall periodically obtain from its insurance agents,

- confirmation that the liability insurance policy covers sexual misconduct liability for its programs and activities, if such coverage is available.
5. A Session or the Presbytery is constitutionally prohibited from granting a certificate of transfer to a member while an inquiry or charges are pending. The reasons for not granting a transfer may be communicated by the Clerk of Session or the Stated Clerk to the appropriate persons. Should a minister of the Word and Sacrament under investigation for sexual misconduct renounce jurisdiction of the Presbyterian Church (U.S.A.) under G-2.0509, the Stated Clerk shall report both the renunciation and the status of the matter at that time, including the name of the accused, the date and fact of renunciation during an investigation or trial, and the charges filed, if any to the presbytery at its next regular meeting. (D-3.0106) Though formal proceedings against the accused would thus be terminated, the presbytery may decide, in accordance with G-3.0109b to appoint an administrative commission to make further inquiry, reach a determination as to the truth of the accusations and make the appropriate recommendations. If no such commission is appointed, the Care for Congregations Pod shall make all reasonable efforts to provide pastoral care and justice to the accuser/victim and the congregation
  6. At the conclusion of a case, the records and files of all allegations and their disposition shall be delivered to the Stated Clerk as the designated custodian of all files concerning the case. No committee or its members shall keep copies of a file.

## APPENDIX A MINNESOTA STATUTES CHAPTER 604

### CHAPTER 604 ACTION FOR SEXUAL EXPLOITATION; PSYCHOTHERAPISTS

Section 604.20	Definitions
Section 604.201	Cause of action for sexual exploitation
Section 604.202	Liability of Employer
Section 604.203	Scope of discovery (not printed)
Section 604.204	Admission of evidence (not printed)
Section 604.205	Limitation period (not printed)

#### 604.20      DEFINITIONS

Subd. 1. **General** The definitions in this section apply to sections 604.20 to 604.205.

Subd. 2. **Emotionally dependent.** "Emotionally dependent" means that the nature of the patient's or former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to believe that the patient or former patient is unable to withhold consent to sexual contact by the psychotherapist.

Subd. 3. **Former patient.** "Former patient" means a person who was given psychotherapy within two years prior to sexual contact with the psychotherapist.

Subd. 4. **Patient.** "Patient" means a person who seeks or obtains psychotherapy.

Subd. 5. **Psychotherapist.** "Psychotherapist" means a physician, psychologist, nurse, chemical dependency counselor, social worker, member of the clergy, marriage and family therapist, mental health service provider, licensed professional counselor, or other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.

**Subd. 6. Psychotherapy.** "Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.

**Subd. 7. Sexual contact.** "Sexual contact" means any of the following, whether or not occurring with the consent of a patient or former patient:

1. sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, into the genital or anal openings of the patient's or former patient's body by any part of the psychotherapist's body or by any object used by the psychotherapist for this purpose, or any intrusion, however slight, into the genital or anal openings of the psychotherapist's body by any part of the patient's or former patient's body or by any object used by the patient or former patient for this purpose, if agreed to by the psychotherapist;
2. kissing of, or the intentional touching by the psychotherapist of the patient's or former patient's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts;
3. kissing of, or the intentional touching by the patient or former patient of the psychotherapist's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts if the psychotherapist agrees to the kissing or intentional touching.

"Sexual contact" includes requests by the psychotherapist for conduct described in clauses 1 to 3.

"Sexual contact" does not include conduct described in clause (1) or (2) that is a part of standard medical treatment of a patient.

**Subd. 8. Therapeutic deception.** "Therapeutic deception" means a representation by a psychotherapist that sexual contact with the psychotherapist is consistent with or part of the patient's or former patient's treatment.

#### **604.201 CAUSE OF ACTION FOR SEXUAL EXPLOITATION.**

A cause of action against a psychotherapist for sexual exploitation exists for a patient or former patient for injury caused by sexual contact with the psychotherapist, if the sexual contact occurred:

- a. during the period the patient was receiving psychotherapy from the psychotherapist; or
- b. after the period the patient received psychotherapy from the psychotherapist if (a) the former patient was emotionally dependent on the psychotherapist; or (b) the sexual contact occurred by means of therapeutic deception.

The patient or former patient may recover damages from a psychotherapist who is found liable for sexual exploitation. It is not a defense to the action that sexual contact with a patient occurred outside a therapy or treatment session or that it occurred off the premises regularly used by the psychotherapist for therapy or treatment sessions.

#### **604.202 LIABILITY OF EMPLOYER.**

- a. An employer of a psychotherapist may be liable under section [604.202](#) if:
  - i. the employer fails or refuses to take reasonable action when the employer knows or has reason to know that the psychotherapist engaged in sexual contact with the plaintiff or any other patient or former patient of the psychotherapist; or
  - ii. the employer fails or refuses to make inquiries of an employer or former employer, whose name and address have been disclosed to the employer and who employed the psychotherapist as a psychotherapist within the last five years, concerning the occurrence of sexual contacts by the psychotherapist with patients or former patients of the psychotherapist.
- b. An employer or former employer of a psychotherapist may be liable under section [604.202](#) if the employer or former employer:
  - i. knows of the occurrence of sexual contact by the psychotherapist with patients or former patients of the psychotherapist;
  - ii. receives a specific written request by another employer or prospective employer of the psychotherapist,

- engaged in the business of psychotherapy, concerning the existence or nature of the sexual contact; and
- iii. fails or refuses to disclose the occurrence of the sexual contacts.
- c. An employer or former employer may be liable under section [604.202](#) only to the extent that the failure or refusal to take any action required by paragraph (a) or (b) was a proximate and actual cause of any damages sustained.
- d. No cause of action arises, nor may a licensing board in this state take disciplinary action, against a psychotherapist's employer or former employer who in good faith complies with this section

**APPENDIX B  
REPORTING OF SUSPECTED CHILD ABUSE**

For suspected child abuse occurring with the Presbytery of the Northern Plains, contact the local child protective services in your respective state. A website giving contact information for each state is: [www.childwelfare.gov](http://www.childwelfare.gov).

**APPENDIX C  
ACCUSATION OF SEXUAL MISCONDUCT**

Date of Report: \_\_\_\_\_ Date Received by Stated Clerk: \_\_\_\_\_

**1. ACCUSER INFORMATION** (please print)

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

Address: \_\_\_\_\_

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

Phone: \_\_\_\_\_ / \_\_\_\_\_ - \_\_\_\_\_

Church Membership: \_\_\_\_\_

Ordination: Ruling Elder \_\_\_\_\_ Deacon \_\_\_\_\_ Minister of the Word and Sacrament \_\_\_\_\_

CLP \_\_\_\_\_ Other \_\_\_\_\_ Currently serving: Yes: \_\_\_\_\_ No: \_\_\_\_\_

**2. ALLEGED VICTIM INFORMATION** (if different from accuser) (please print)

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

Address: \_\_\_\_\_

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

Phone: \_\_\_\_\_ / \_\_\_\_\_ - \_\_\_\_\_

Church Membership: \_\_\_\_\_

Ordination: Ruling Elder \_\_\_\_\_ Deacon \_\_\_\_\_ Minister of the Word and Sacrament \_\_\_\_\_

CLP \_\_\_\_\_ Other \_\_\_\_\_ Currently serving: Yes: \_\_\_\_\_ No: \_\_\_\_\_

**3. ACCUSED INFORMATION**

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

Address: \_\_\_\_\_

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

Phone: \_\_\_\_\_ / \_\_\_\_\_ - \_\_\_\_\_

Church Membership: \_\_\_\_\_

Position: Ruling Elder \_\_\_\_\_ Deacon \_\_\_\_\_ Minister of the Word and Sacrament \_\_\_\_\_

CLP \_\_\_\_\_ Other \_\_\_\_\_ Presbytery Staff: \_\_\_\_\_ Presbytery Volunteer \_\_\_\_\_

**4. ALLEGATION**

Being as specific as possible, please list incident(s) of sexual misconduct, including date(s), time(s), and location(s). If more space is needed, please staple additional comments to this form.

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

**5. POSSIBLE WITNESSES**

Please list the name, address, and phone number of persons who may have information related to or pertinent to this accusation.

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

**6. OTHER INFORMATION**

Please identify any additional information that may be helpful to the investigation.

\_\_\_\_\_

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**APPENDIX D  
RECEIPT AND ACKNOWLEDGMENT OF  
SEXUAL MISCONDUCT POLICY AND PROCEDURES**

*I have received the Presbytery of Northern Plains Sexual Misconduct Policy and Procedures and acknowledge its contents.*

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

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

Position(s): \_\_\_\_\_

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*I agree to abide by the standards of the Presbytery of Northern Plains Sexual Misconduct Policy and Procedures as long as I remain a minister of the Word and Sacrament, minister of the Word and Sacrament candidate or inquirer, ruling elder trained as a pastor (with or without commission), employee, volunteer, or work in a position carrying out programs of the Presbytery of Northern Plains.*

Signed: \_\_\_\_\_

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

## **P-500.04**

### **CHILDREN AND YOUTH PROTECTION POLICY (October 2017)**

Each entity within the Presbytery that provides care and/or supervision of children must have in place procedures to provide protection to both the caregivers and children; and provide a reporting mechanism of consequences.

## **P-500.05**

### **POLICY ON PRESBYTERY MEETINGS (October 2017)**

#### ***LOCATION AND FREQUENCY***

The meeting days (e.g., Monday, Friday, Saturday) are varied to allow more commissioners to attend at least one meeting each year. Meetings when possible will attempt to be scheduled during the better driving months of the year when weather is less threatening. Special presbytery meetings may be called as needed for the work of the presbytery.

#### ***AGENDA***

The Presbytery Bylaws (B-5.0500e) provide that the agenda for meetings of the Presbytery be prepared by the Leadership Pod, with the assistance of the Stated Clerk. For stated meetings the agenda will include worship with communion, education, fellowship and business. The actual agenda for each meeting is drawn up according to the demands of its particular business.

#### ***CONSENT CALENDAR***

A consent calendar may be used to dispose of routine business at stated meetings of the Presbytery. Such matters will be proposed to Presbytery at the time the agenda is considered for adoption. Any item on the consent calendar may be withdrawn (without debate or vote) upon the request of any member and items withdrawn from the consent calendar will be dealt with at their regularly scheduled time. Items remaining on the consent calendar will be adopted by Presbytery in an omnibus motion prior to the consideration of reports.

#### ***ACCESSIBILITY TO PERSONS WITH DISABILITIES***

In a spirit of hospitality and with a desire to welcome all, presbytery meetings will be held in locations accessible to persons with disabilities when possible.

#### ***CHILD CARE***

Child care is provided on site at stated presbytery meetings at no cost to presbytery attendees. Attendees who need child care must contact the Presbytery Office two weeks prior to the meeting. Nursing babies may be brought to these meetings; however, their care will be the complete responsibility of the parent. The presbytery will not provide child care at other meetings (i.e. pods, committees, task groups or ministry teams).

#### ***HOSTING***

Since hosting presbytery can be a very pride-filled experience and a wonderful opportunity to build stronger relationships between our congregations in the presbytery, it is desired that every congregation be given the opportunity at some point to host. Meeting locations will seek to reflect the range of ministry realities within Northern Plains (small to large, rural to urban, etc.). The Leadership Pod will be

responsible to secure meeting locations and provide host congregations with the Information for Hosting Presbytery Sheet.

## **P-500.06**

### **FORMATION OF TASK FORCES (October 1997, Revised October 2017)**

Any pod/committee may establish a task force in order to accomplish their work. Each task force shall report to the pod/committee that established it. Task forces that are established by Presbytery shall report directly to Presbytery.

## **P-500.07**

### **SEEKING TO BE FAITHFUL TOGETHER: GUIDELINES DURING TIMES OF DISAGREEMENT (October 1995, Revised October 2017)**

In a spirit of trust and love, we promise we will...

*Give them a hearing...listen before we answer. John 7:51 and Proverbs 18:13*

- A. Treat each other respectfully so as to build trust, believing that we all desire to be faithful to Jesus the Christ;
  - 1. we will keep our conversations and communications open for candid and forthright exchange.
  - 2. we will not ask questions or make statements in a way which will intimidate or judge others.
- B. Learn about various positions on the topic of disagreement.
- C. State what we think we heard and ask for clarification before responding, in an effort to be sure we understand each other.

*Speak the truth in love. Ephesians 4:15*

- D. Share our concerns directly with individuals or groups with whom we have disagreements in a spirit of love and respect in keeping with Jesus' teaching.
- E. Focus on ideas and suggestions instead of questioning people's motives, intelligence or integrity;
  - 1. we will not engage in name-calling or labeling of others prior to, during, or following the discussion.
- F. Share our personal experiences about the subject of disagreement so that others may more fully understand our concern.

*Maintain the unity of the spirit in the bond of peace. Ephesians 4:3*

- G. Indicate where we agree with those of other viewpoints as well as where we disagree.
- H. Seek to stay in community with each other though the discussion may be vigorous and full of tension;
  - 1. we will be ready to forgive and be forgiven.
- I. Follow these additional guidelines when we meet in decision-making bodies:
  - 1. urge persons of various points of view to speak and promise to listen to these positions seriously;
  - 2. seek conclusions informed by our points of agreement;
  - 3. be sensitive to the feelings and concerns of those who do not agree with the majority and respect their rights of conscience;



4. abide by the decision of the majority, and if we disagree with it and wish to change it, work for that change in ways which are consistent with these guidelines.
- J. Include our disagreements in our prayers, not praying for triumph of our viewpoint, but seeking God's grace to listen attentively, to speak clearly, and to remain open to the vision God holds for us all.