

FIRST PRESBYTERIAN CHURCH OF CEDAR FALLS IOWA (FPC-CF)

SEXUAL MISCONDUCT POLICY & PROCEDURESⁱ

I. **POLICY STATEMENT** It is the policy of First Presbyterian Church of Cedar Falls Iowa (hereinafter referred to as FPC-CF) that it is never permissible or acceptable for leaders or members in our church to engage in sexual misconduct. This includes teaching elders, ruling elders, deacons, other officers, employees and volunteers. *Persons who engage in sexual misconduct are in violation of the principles set forth in scripture, and also of the ministerial, pastoral, employment, and professional relationship. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.*ⁱⁱ

II. **PURPOSE** The purpose of this policy is:

- A. To safeguard the members and staff of FPC-CF from abuse through any form of sexual misconduct.
- B. To seek justice by assuring that all FPC-CF procedures and processes are in place for response and reporting; and that those processes and procedures follow the requirements of The Presbytery of North Central Iowa and the disciplinary processes of the Presbyterian Church of the USA [PC(USA)] set forth in the *Book of Order*.
- C. To promote healing of the victims, the accused, their families, the congregation and the community.
- D. Through the purposeful language of policy, take the power and set the expectations.

III. **DEFINITIONS OF SEXUAL MISCONDUCT:** Sexual misconduct is the comprehensive term used in this policy to include sexual abuse of adults and children, rape or sexual assault, and sexual harassment.

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

1. Aggravated sexual assault: a crime in all states, it includes sexual acts by force, threat, intimidation, without permission, or by rendering the individual unconscious or substantially causing the individual to be impaired and unable to appraise or control conduct. It must be reported to civil authorities. For more detail refer to *Federal Crime Code of 1986 (Title 18, Chapter 109A, Section 2241 -2233)*. (Note the term “rape” is not a term used in the federal statute); or
2. Child sexual abuse is a criminal offense including, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an

adult is always considered forced whether or not consented to by the child. In both Iowa Code (232.68) and the PC (U.S.A.) policy regarding sexual abuse, the definition of a “child” is anyone under the age of eighteen.

- B. Sexual malfeasance** is broken trust resulting from sexual activities within a professional relationship that results in misuse of office or position arising from the professional relationship.
- C. Sexual harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or their continued status at FPC-CF;
 2. submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual;
 3. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, or offensive working environment;
 4. an individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children; or
 5. misuse of electronic technology results in sexually harassing or abusing another person as defined above. It is never permissible or acceptable to use church property or personal devices or electronic technology to view pornography or to sexually harass another person while on church property or while attending church events. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by the church (FPC-CF) or church entity or within the context of ministry. (*Cross reference - Session Policy and Operations Manual: Acceptable use policy for Internet access, computers and electronic devices*).

IV. PRINCIPLES

- A.** In responding to allegations of sexual misconduct, FPC-CF seeks healing and assures the protection of all persons.
- B.** FPC-CF seeks to uphold the dignity of all persons involved when responding to allegations of sexual misconduct.
- C.** In response to an act of sexual misconduct, FPC-CF strives to consider the needs of all those involved, the victim, the accused, their families, and congregation. Each individual requires a fair and compassionate approach.
- D.** Where possible, the privacy of persons is to be respected, and confidentiality of communications maintained.
- E.** FPC-CF will take preventive actions, to educate, be vigilant and, as the body of Christ, be responsive.

- F. Where allegations rise to the level of criminal misconduct or child abuse, FPC-CF will cooperate with civil authorities and not interfere with a criminal investigation by civil authorities.

V. RESPONSE TO ALLEGATIONS OF SEXUAL MISCONDUCT: AN OVERVIEW

- A. Allegations that meet the definition of aggravated sexual assault must be reported to the Cedar Falls Police Department immediately as well as church authorities. FPC-CF must cooperate with civil authorities in an investigation of criminal sexual misconduct or child sexual abuse. Disciplinary proceedings of FPC-CF cannot interfere with a criminal investigation by civil authorities and may have to be suspended until those are completed.
- B. For Mandatory Reporting of Child Abuse refer to the *Child Protection Policy FPC-CF* for specific details for dealing with Child Abuse. All ruling elders, deacons, Certified Christian Educators, and teaching elders are required to report knowledge of child abuse to the civil and ecclesiastical authorities. (G -4.0302) *Book of Order*.
- C. Reports of allegations of sexual misconduct are never taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the victim, the accused, and the church.
- D. Confidentiality must be maintained at all times during the process.
- E. Allegations of sexual misconduct of any type always activate the disciplinary processes of the PC(USA) set forth in the *Book of Order* beginning with reporting. The entity that has original jurisdiction for the accused is the main body responsible for the disciplinary processes but may choose to seek assistance from presbytery as needed. Presbytery may also take responsibility if needed. (G-1.0303 – G-3.0306 *Book of Order*).
 1. When there is an allegation of sexual misconduct, it is critical that the session is prepared to address the needs of all people, groups and entities including the victim, victim's family, the accused, accused's family, and the congregation. This may include a broad range of physical, emotional or financial needs and is not the same for every situation. If the accused is a pastor, this may include plans to provide pastoral needs of the congregation. Session should name an independent response team to coordinate with presbytery throughout the disciplinary process to ensure the needs of all involved are addressed. A Presbytery liaison is available to support individuals, families or congregations as needed. (Sexual Misconduct Resource #1 -*Meeting the Needs of All Involved*).
 2. There is no time limit for bringing charges of criminal sexual assault or child sexual abuse regardless of the date on which the offense is alleged to have occurred. Likewise there is no time limit for charging that a person who knew or reasonably should have known of the reasonable risk of sexual abuse of another as defined in D-10.0401c(1) or (2) failed to take reasonable steps to minimize the risk.

VI REPORTING ALLEGATIONS OF SEXUAL MISCONDUCT ARISING AT FPC-CF

There is no way to know to whom a victim of sexual misconduct will speak first, therefore it is imperative that officers, employees, and persons highly visible to church members and visitors understand how reports of incidents are directed to the proper person. A report of sexual misconduct may be reported by anyone. That person may not necessarily be the victim.

- A. Any person needing to report sexual misconduct should notify the Pastor and Head of Staff, a member of the personnel committee or any ruling elder regarding filing the report. Do not notify the alleged perpetrator.
- B. When an allegation is reported or when anyone learns of it, no person should undertake an inquiry (investigation) alone, question the victim, or question the accused.
- C. Request the accuser submit the report in writing. If the accuser is unwilling or unable to place the report in writing, any member of FPC-CF may make the written statement that will begin the formal response of this policy. *Sexual Misconduct Resource #2 - Report of Suspected Sexual Misconduct*)
- D. Notify the Pastor and Head of Staff of the accusation. Should Pastor and Head of Staff be the accused, skip to section VII: A of this document to proceed.
- E. Pastor and Head of staff (if not the accused) shall be responsible for immediately notifying the following entities:
 1. **The Cedar Falls Police Department** if the conduct meets the definition of aggravated sexual assault, sexual abuse or child sexual abuse. Other mandatory reporters with knowledge of events, should be included on the report.
 2. In the case of child sexual abuse the **Department of Human Services** shall also be notified. No attempt should be made to interview the child as this may lead to further trauma for the child.
 3. The **session** that an allegation has been made and reported to presbytery. names or details as to the type of misconduct are not reported to session to maintain confidentiality.
 4. **The presbytery** that an individual in the church has been accused of sexual misconduct. The Pastor and Head of Staff will coordinate needs with the Presbytery and maintain communication throughout the ensuing process as needed.
 5. The **church liability insurance carrier** that an alleged accusation has been brought forward.
 6. Confidentiality must be maintained at all times during the process.
 3. Official communication with **the media** regarding sexual misconduct when the accused is under the jurisdiction of FPC-CF will be the responsibility of the Pastor and Head of Staff (if not the accused), or the designated spokesperson of session. Communication with the congregation will be under the direction of the independent response team designated by session as specified in this policy. (Sec5:EI).

VII. GUIDELINES FOR FPC-CF FOR FOLLOW-UP REQUIRED WHEN AN ACCUSATION OF SEXUAL MISCONDUCT HAS BEEN MADE.

Note: Below is a brief summary of the responsibilities for FPC-CF session. The session is responsible for following ALL Rules of Discipline as specified in the *Book of Order* applicable on the date the action is being taken. Hence, session shall follow steps as outlined in the *Book of Order 2019-2021 Rules of Discipline, D-1.000 to D-14-0502* (or revisions as available to same.)

Steps vary by the type of relationship between the accused and the church.

- A. **Accused is the Pastor and Head of Staff of FPC-CF (or any other individuals under the jurisdiction of presbytery):** Any pastors or other minister of the Word and Sacrament at FPC-CF are members of the presbytery, not the local congregation, therefore the Presbytery of North Central Iowa is responsible for any disciplinary action. FPC-CF is responsible for notifying Presbytery that an allegation has been made.
1. A member of the personnel committee or a ruling elder will assist the victim to put the allegations in writing. (If the accused is not the Pastor and Head of Staff but is associated with the presbytery or other council of PC(USA), then the Pastor Head of Staff will assist the victim as outlined here).
 2. The Clerk of Session or other ruling elder, shall contact the presbytery office immediately that a reported allegation of sexual misconduct is being sent. Follow up by sending the written report to the Stated Clerk of presbytery immediately. All further action and communication regarding the accused are the responsibility of presbytery.
 3. Should there be a concern that the safety of the victim or congregation warrants immediate action, the Clerk of Session, or another ruling elder shall also notify the civil authorities of the allegation immediately and notify the State Clerk of any action taken.
 4. Notify the session that an allegation has been made and reported to presbytery. Do not give names or details as to the type of misconduct.
 5. Within three days of receiving the report a judicial commission of presbytery will determine whether the accused shall be placed on a paid administrative leave during the resolution of the matter. However, a presbytery may dissolve a pastoral relationship when the “Word imperatively demands it” (*G-2.0904 Book of Order*).
 - i. The cost of such leave is borne by FPC-CF whenever possible or shared by the presbytery, as necessary.
 - ii. During administrative leave, a minister of the word and sacrament may not perform any pastoral, administrative, educational, or supervisory

duties, and may not officiate at any functions such as baptism, funerals, or weddings.

iii. The congregation will be notified of restrictions. Likewise, during an administrative leave, a presbytery may not grant a certificate of transfer to a minister of the Word and Sacrament while an inquiry or charges are pending. The reasons for not granting transfer may be communicated by the stated clerk of the presbytery to the appropriate persons.

6. FPC-CF has no further responsibility for disciplinary action except as requested by the presbytery. Session will receive the final disposition and reports and carry out the decisions made.

B. Accused is a member, employee, ruling elder, deacon or volunteer of FPC-CF:

1. The church has original jurisdiction thereby inquiry and discipline (censure and correction) must follow procedures set forth as mandated in the *Rules of Discipline of the Book of Order Chapters 10.0000 through 14.0000*. To follow is an overview of responsibilities for the session.
2. The written statement of the offense is submitted to the Pastor and Head of Staff and the clerk of session along with supporting information (*D-10.0101 Book of Order*), (refer to Sexual Misconduct resource #2 *Report of Suspected Sexual Misconduct*).
3. If the situation warrants, the Pastor and Head of Staff may decide to ask the accused to temporarily leave the premises until the investigating committee can determine further action.
4. Allegations that meet the definition of aggravated sexual assault or child sexual abuse must be reported to the Cedar Falls Police Department as well as church authorities. In the case of child abuse, a report is also made to the Department of Human Services and the procedures of the *FPC-CF Child Abuse Policy* are followed.
5. The clerk of session reports to the session stating the offense that has been alleged without naming the accused or the nature of the offense (*D-10.0103 Book of Order*).
6. Session will designate an investigating committee. The committee will have no more than five (5) members and no less than three (3) members. Session shall not appoint members of the session as members of the investigating committee (*D10-0201 Book of Order*). Presbytery may appoint a member from presbytery as needed.
7. In response to the initial inquiry the investigating committee shall notify the Presbytery and insurance company that an inquiry has been initiated.
8. The investigative committee proceeds with their duties as written in the *Book of Order Rules of Discipline 10:0000*. The investigative committee responsibilities include inquiry and examination of relevant facts and documents; determination of probable grounds that an offense was committed;

decide on charges to be filed if any; initiate alternative forms of resolution; and report any settlement agreement to session.

9. Session shall not grant a certificate of transfer to a member, while an inquiry or charges are pending. The reasons for not granting transfer may be communicated by the clerk of session or the stated clerk of the presbytery to the appropriate persons. (D-10.0105)
10. Session shall convene to receive the settlement agreement. The vote to approve the settlement must be at least 2/3 of members eligible to vote.
11. In all cases involving sexual misconduct, the investigating committee shall prepare a written report, which shall be included in the accused's permanent personnel file. Written reports where the accused is a member, ruling elder, deacon or volunteer are maintained in the pastor's confidential file. The accused shall be allowed to attach any written statements to said documents, also for permanent inclusion in the permanent file.
12. Should the case not be settled, charges are filed. The prosecuting committee shall prosecute the case and represent the church during any appeals (*D-10.0202 Book of Order*).
13. Trial in a Disciplinary Case (*D11-0000 Book of Order*)
 - i. All disciplinary cases shall be filed and prosecuted in the name of the Presbyterian Church (U.S.A.).
 - ii. The trial of a disciplinary case shall be conducted by the session. The trial shall be conducted formally with full decorum in a neutral place suitable to the occasion. *D11-0101 Book of Order*. The session shall have full authority and power to control the conduct of the trial and of all parties, witnesses, counsel, and the public, including removal of them, to the end that proper dignity and decorum shall be maintained. (*D11-0304 Book of Order*)
 - iii. Each of the parties in a disciplinary case shall be entitled to appear and may be represented by counsel, provided, however, that no person shall act as counsel who is not a member of the Presbyterian Church (U.S.A.). (*D11-0301 Book of Order*)
 - iv. The trial of a disciplinary case shall proceed as written in the Book of Order (*D-11.0402*).
 - v. If the accused is found guilty or after the guilty plea, the session should hear evidence as to the extent of the injury suffered, mitigation, rehabilitation, and redemption. ... The person who was directly harmed by the offense may submit a victim impact statement. ... The session shall then meet privately to determine the degree of censure to be imposed. (*D-12.0000 Book of Order*)
 - vi. Following such determination and in an open meeting, the moderator of the session shall then pronounce the censure. The clerk of session

shall deliver a copy of the decision to each party named in the decision.

14. The moderator or clerk of session shall (further distribute) the decision as the session may direct. (*D11-0403 Book of order*).

15. Appeal: Only the person found guilty may initiate the first level of appeal. Either party may initiate an appeal of the appellate decision. Rules of appeal are found in (*D-13.0000 Book of Order*.)

C. **Accused not covered by the Book of Order**: If the accused is not a member of FPC-CF, but is an employee or volunteer, the individual is not covered by the *Book of Order*. However, FPC-CF will respond by using procedures set forth by the session as follows:

1. Notify the Pastor and Head of Staff and the Clerk of Session in writing of the allegation. Pastor and Head of Staff shall determine if the allegations require the accused to be placed on leave immediately with pay until further notice.
2. Allegations that warrant reporting to civil authorities are reported as specified in this policy. (*Reporting Allegations of Sexual Misconduct, section VI, page VI -4.*)
3. Clerk will notify the session that an allegation has been made but not include the name of the victim or accused.
4. Allegations of sexual misconduct are sent to the personnel committee in writing. The personnel committee (or other committee as determined by the Pastor and Head of Staff) will respond to the allegation of offense of sexual misconduct as follows:
 - i. Determine whether or not the allegation gives rise to a reasonable suspicion of sexual misconduct by the accused.
 - ii. If so, gather additional information necessary to decide about any immediate action or to decide about correcting the behavior.
 - iii. Determine any remedies, including limiting activities, suspension, or termination necessary and advisable under the circumstances.
 - iv. If the accused is a member of another denomination, that denomination will be notified of the allegations and the response.
 - v. Inform the victim and the accused of the remedy.
 - vi. In all cases involving sexual misconduct, the personnel committee shall prepare a written report, which shall be included in the accused's permanent personnel file; or, where an accused is a volunteer, is maintained in the pastor's confidential file. The accused shall be allowed to attach any written statements to said documents, also for permanent inclusion in the permanent file.

D. **Accused is no longer connected to FPC-CF**: If the accused is no longer a member, officer, volunteer or employee of FPC-CF, but the conduct occurred while the person was acting on behalf of the FPC-CF the church does not have jurisdiction to correct

the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm. Session shall appoint an administrative committee to hear the allegations of sexual misconduct. The session may also take measures to prevent future occurrences of harm through education and policy. The personnel committee will be responsible for the inquiry.

- E. **Higher Council or Entity of the General Assembly:** If the person who is accused of committing sexual misconduct is an employee or volunteer of a higher council or entity of PCUSA, contact the council or entity directly for the appropriate person to receive the report of allegations. The report of allegations may be made to any person with supervising capacity.

F. Record Keeping of Proceedings

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

VIII. STRATEGIES FOR PREVENTION AND RISK MANAGEMENT

A. Insurance

1. A liability insurance policy shall be maintained specifically covering sexual abuse and sexual misconduct that provides for legal defense expenses and judgments in civil suits brought against the church, its officers or employees. When the church expands its ministry into new areas that may expand liability such as camps, shelters or other outreach programs, endorsements to the insurance policy shall be reviewed to assure the new specific exposures are covered.

B. Prescreening Applicants

1. A pastoral vacancy is filled with permission of the presbytery. The selection of a nominee is completed by a pastor nominating committee (PNC) that is elected from the congregation by the congregation. The PNC is under the jurisdiction of the committee on ministry of presbytery and follows strict guidelines of screening including background checks and references.
2. Prescreening is required for all applicants for employment and volunteers for staff positions at FPC-CF. Prescreening is completed once an applicant has received a conditional offer for employment. Screening for all applicants shall include:
 - i. A photographic identification such as a driver's license or other official document.
 - ii. A background check, including a national criminal background check on all applicants that may interact with children and youth.

1. People who are convicted of sexual abuse in Iowa are required to register as sex offenders. People who are convicted of aggravated sexual abuse or sexual abuse by force or against the victim's will are required to register for life. Other sex offenders are required to register for ten years. (Iowa Code 692A.101, 692A.102, 692A.103, 692A.106.)
3. The pre-employment screening includes specific questions related to discovering previous complaints of sexual misconduct (*Hiring resource #5 Confidential Employment Questions regarding Sexual Misconduct*)
4. References from previous employers and a minimum of three personal references that includes any records or actions pending of sexual misconduct. (*Hiring Resource #3 Confidential Employment Reference Record of Screening*).

C. Pre-employment References

1. The personnel committee, or hiring committee designated by the personnel committee, is responsible for contacting previous employers and a minimum of three personal references for all for prospective, employees, or volunteers.
2. A written record of conversations or correspondence with references shall be kept in the employee's personnel file. Records for volunteers will be kept in the volunteer file maintained by the Pastor and Head of staff or, if related to children's programming, the Director of Children, Youth and Family Ministry.
3. If false or misleading information is given by the applicant, or relevant information is withheld, the applicant should be eliminated from consideration.
4. Applicants should be informed of negative comments regarding sexual misconduct against them and be given an opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference.

D. Requests for References for Former Employees

1. The Pastor and Head of staff is the only person within FPC-CF authorized to respond to requests for reference regarding former employees of FPC-CF. Pastor and Head of Staff is obligated to give truthful information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the applicant.

E. Employment Practices

1. Accurate record keeping shall be a required part of hiring and supervision practices. A personnel file is maintained for every employee, including teaching elders. The file should contain:
 - i. application for employment
 - ii. any employment questionnaires,
 - iii. a copy of submitted photographic identification such as driver's license,
 - iv. background checks,
 - v. reference responses, and
 - vi. all other documents related to an employee's employment, except records which may be required, by law, to be kept in separate files.

F. Educating and Training- Awareness

1. A copy of the Sexual Misconduct Policy and Procedures of FPC-CF, The Child Abuse Policy and the Presbytery of North Central Iowa Sexual Misconduct Policy, as maintained in the First Presbyterian Church of Cedar Falls Session Policies and Operations manual, will be reviewed annually by session and deacons. Annually session is expected attest to presbytery that it has read the policies, understands the purpose and importance, and agrees to conduct itself in accordance with the policy. Each new ruling elder and deacon will be given a copy of the same policies during orientation.
2. Each pastor and head of staff and teaching elder will receive education regarding sexual misconduct as prescribed by the Presbytery of North Central Iowa 2007,1998. Each teaching elder must have a clear understanding of the specific policy of FPC-CF.
3. Each new employee or volunteer will receive a copy of this Sexual Misconduct Policy and Procedures and the Child Abuse Policy. Each will be required to sign the covenant indicating they have read and are willing to abide by this policy. The policy will be reviewed with employees and volunteers each year so that they are knowledgeable of the policy and are able to follow procedures. The congregation will be informed about the purpose and content of the policy and procedures of this policy. (Hiring Resource #4, *Acknowledgement of Receipt of Sexual Misconduct Policy of the FPC-CF*).

IX. DISTRIBUTION

- A. Copies of this policy with procedures and processes will be available in the FPC-CF Session Policies and Operations manual kept in the church office and will also be accessible electronically. The policy will be updated as necessary to comply with changes in laws, customs and insurance requirements.

X. GLOSSARY OF TERMS

In this policy

- I. SHALL, IS TO BE/ARE TO BE and WILL signify practice that is mandated,
- II. SHOULD signifies practice that is strongly recommended,
- III. IS APPROPRIATE signifies practice that is commended as suitable,
- IV. MAY signifies practice that is permissible but not required.
- V. **Accuser** is a term used to represent the person claiming knowledge of sexual misconduct by a person covered by this policy. The accuser may or may not have been the victim of the alleged sexual misconduct. A person such as a family member, friend, or colleague or member may be the accuser.
- VI. **Congregation** as used in this policy, refers to the formally organized community chartered and recognized by a presbytery as provided by the Constitution of the Presbyterian Church (U.S.A.). The members of a congregation are under the leadership of a session (elected by its members) and the higher councils of presbytery, synod, and

General Assembly. The session is responsible to guide and govern the life of the congregation. (G-1.0103 Book of Order)

- VII. **Judicial Commissions** consider and decide cases of process for the session or councils according to the Rules of Discipline of the Book of Order. Sessions may perform the function of a judicial commission for the congregation. Each council higher than the session shall elect a permanent judicial commission (see D- 5.0000). Cooperating synods may elect a joint permanent judicial commission pursuant to G-3.0404 and D - 5.0101.
- VIII. **Mandatory Reporting** *G-4.0302 Book of Order*. Any member of FPC-CF engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and /or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse.
- IX. **Ministers of the Word and Sacrament (also called teaching elders and pastors)** shall in all things be committed to teaching the faith in word and deed and equipping the saints for the work of ministry (Eph.4:12). Book of order G-2.0501 ... Categories of Membership - A minister of the Word and Sacrament is a member of a presbytery and shall be engaged in a ministry validated by that presbytery, a member-at large as determined by the presbytery, or honorably retired. G-2 .0503.
- X. **Officers** are members elected by the congregation for specific duties includes ruling elders and deacons.
- XI. **Originating jurisdiction** means the main body responsible for the disciplinary processes for the accused. Originating jurisdiction is determined by the entity to whom the accused is associated such as a member, employee, staff or volunteer of a church or presbytery.
- XII. **Presbytery** is a council of the Presbyterian Church (U.S.A.) having direct leadership over the congregation.
- XIII. **Volunteers** are individuals who provide services to the church without benefits or remuneration. Volunteers include people who are elected, appointed or recruited to serve on committees, boards. Liability of the congregation are the same for volunteers as for employees.

ⁱ This policy follows the guidelines specified in **Presbyterian Church (USA) Sexual Misconduct Policy and Its Procedures** approved October 2013, *coga_october_2013_after_nfog_changes_ (00020308)* and The Presbytery of North Central Iowa Sexual Misconduct Policy 2007.

ⁱⁱ PCUSA Sexual misconduct policy and its procedures approved_by_coga_october_2013_after_nfog_changes_ (00020308) page 2. Approved by Session 09/2021