

Presbytery Operating Policies

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PRESBYTERY OF THE PEAKS

Synod of the Mid-Atlantic - General Assembly, Presbyterian Church (USA)

Standing Rules for Meetings of the Presbytery

Meetings:

The Presbytery shall meet in stated meetings at least four times a year. The dates for stated meetings of the Presbytery normally shall be established by action of the Presbytery one year in advance upon the recommendation of the Cabinet. Invitations are then solicited by the Cabinet from individual sessions, groups and clusters of sessions, or other ministry sites with appropriate facilities to host each of the stated meetings. The Cabinet shall consult with the host regarding space and volunteer needs as well as other arrangements prior to the meeting.

Members of Presbytery:

Members of Presbytery include Teaching Elders (ministers of the Word and Sacrament), Officers of Presbytery, division and standing committee chairs who are Ruling Elders, and Ruling Elder elected-at-large members of the Presbytery Cabinet. When these persons are to be absent they shall present excuses to the Stated Clerk before the meeting of Presbytery.

Elder Commissioners:

All churches are members of Presbytery and are represented by elder commissioners elected by their Session to serve as a voting member of Presbytery. When such elders are to be absent, they shall present excuses to their Sessions.

Young Adult Advisory Delegates:

Ten Young Adult Advisory Delegates elected annually by the presbytery shall have voice without vote in stated meetings of the presbytery. Upon consultation with the Moderator, a Young Adult Advisory Delegate advising vote may be taken prior to a vote by the presbytery.

Quorum:

A quorum of the Presbytery of the Peaks shall be at least 25 ministers and 25 elder commissioners from its congregations.

Moderator:

The Moderator will call the meeting to order, open with prayer, declare a quorum, and moderate the meeting till adjournment and the closing prayer. The Moderator of the Presbytery of the Peaks shall be an Ruling Elder in good standing from one of the congregations within Presbytery or a Teaching Elder who is a member in good standing of the Presbytery. A new Moderator will be elected annually at the third stated meeting of the calendar year to serve in the subsequent year, with all authority and responsibilities to begin at the close of the last stated meeting of the year. The Moderator will normally preside at any called meetings of Presbytery between regular stated meetings. The Moderator may vote on all issues before Presbytery. He or she may speak to any issues before the governing body or may present a report by relinquishing the chair to the Vice-Moderator.

ADOPTED 9/11/2008 (Revised 10/27/2011) (Revised 08-20-16)

The Moderator shall be addressed as Mr. Moderator or Madam Moderator. The Moderator possesses the authority necessary for preserving order and for conducting efficiently the business of the governing body. He or she shall convene and adjourn the governing body in accordance with its own action. ***(See Position Description for Moderator Attached)***

Vice-Moderator:

The Vice-Moderator will serve and preside when the Moderator relinquishes the chair for the purpose of participating in debate or presenting a report, or when requested by the Moderator to preside on the Moderator's behalf, or when Moderator is incapacitated during a one year term of office.

Moderator and Vice-Moderator Installation

At the last stated meeting of the calendar year prior to adjournment, the Moderator, Vice-Moderator and Stated Clerk shall conduct a brief service of installation for the incoming Moderator and Vice-Moderator.

Stated Clerk:

The Stated Clerk (or his or her designee) will serve Presbytery by keeping a record of all actions taken, as the parliamentarian, and advisor to the Moderator. The Stated Clerk will recommend to the Presbytery on an annual basis a Recording Clerk to assist in the recording of the actions of each Presbytery meeting. The Stated Clerk will submit the minutes for review by the Moderator and Chair of Cabinet and then for approval at the next Stated meeting. ***(See Position Description of the Stated Clerk Attached)***

At the first meeting of Presbytery in the final year of the term of office for the Stated Clerk, the Moderator of Presbytery will nominate to the Presbytery a five (5) person Stated Clerk Nominating Committee for election. This committee will conduct an extensive review of the office and Position Description of Stated Clerk and at the last meeting of that year of the Presbytery, propose a Position Description and a nominee for the office of Stated Clerk for Presbytery action.

Temporary Clerks:

Temporary Clerks, appointed by the Moderator, will assist the Moderator by distributing papers at appropriate times and will assist in counting votes.

Select Committee on the Resolution of Appreciation:

The members of the Committee on the Resolution of Appreciation will be appointed by the Moderator at the beginning of each Presbytery meeting. These persons will draft a statement of appreciation that will be shared at the end of the Presbytery meeting.

Commissions:

Presbytery may appoint a Commission per G-3.0109a&b, D-5.0000, to act on its behalf. The actions of such commissions are reported and incorporated into the minutes as acts of the Presbytery itself.

Select Committee on Attendance and Absence:

The Stated Clerk will fulfill the function of a Select Committee on Attendance and Absence, recording who is present (Teaching Elders, Ruling Elder commissioners, Certified Christian Educators, Commissioned Ruling elders, visitors); recording which congregations are not represented; and making recommendations

ADOPTED 9/11/2008 (Revised 10/27/2011) (Revised 08-20-16)

for excused absences to the Presbytery on behalf of those persons who have asked to be excused from attending. Unexcused absences will be referred to the Committee on Ministry.

Other Select Committees:

Presbytery may direct the Moderator to refer matters of business to a committee of members appointed by the Moderator to report back to the appointing meeting of Presbytery. The Moderator may excuse these members from the meeting of Presbytery as necessary for the discharge of their duty. At least one half of this committee will be Ruling Elders.

Attendance by Minister Members of Presbytery:

Much as congregations elect Ruling Elders to bear rule in the Church, faithfully to attend and participate in the meetings and work of session, and when elected by session to serve as commissioners to Presbytery, so Teaching Elders are faithfully to attend and participate in the meetings and work of Presbytery. When providentially hindered from such attendance by death, illness, family crisis, tent-making, or other extraordinary situations, ministers will be expected to request Presbytery for an excused absence. Such request shall be communicated to the Stated Clerk prior to the Presbytery meeting or in case of an unanticipated need to depart a meeting prior to adjournment by presenting a request at the Stated Clerk's desk.

Although Honorably Retired ministers as a rule need not request an excused absence, those continuing to serve in leadership roles in either Presbytery or congregations are encouraged to be faithful in Presbytery attendance, if possible.

The Stated Clerk is to include an attendance and absence report for inclusion in the minutes of each presbytery meeting and provide an annual summary of attendance for the prior year at the first stated meeting of the following year. The Committee on Ministry will review annually the attendance at Presbytery.

As Presbytery's annual calendar is set by these Standing Rules, Teaching Elders should be able to avoid scheduling problems by attentive planning.

Attendance by Ruling Elder Commissioners to Presbytery

It will be the responsibility of the Stated Clerk to keep a record of the attendance of each commissioned Ruling Elder from the congregations of Presbytery. When a Session fails to send a commissioner to Presbytery for two meetings of Presbytery in a given calendar year, this information is to be shared with the Committee on Ministry and the Committee on Ministry is requested to inquire with the Session of that congregation as the reasons for the lack of participation. At the first meeting of Presbytery in each new year a record of the Ruling Elder participation from congregations will be entered into the presbytery minutes.

Alternate Elder Commissioners:

Alternate Ruling Elder commissioners are persons so designated by their sessions in order to maintain continuity between Presbytery meetings. Alternate Commissioners will have freedom to participate in debate but will not be voting members of Presbytery.

Corresponding Members:

ADOPTED 9/11/2008 (Revised 10/27/2011) (Revised 08-20-16)

Presbytery staff, Teaching Elders, and Ruling Elders from outside the boundary of the Presbytery of the Peaks may be given the privilege of the floor, and can participate in discussions, but not vote. (G-3.0100).

Additional Persons Having the Privilege of the Floor:

Church Educators; Candidates; representatives of Committees, Work Groups and Task Forces present for the purpose of making reports; representatives and those members of the host congregation in attendance with particular responsibilities to Presbytery; and representatives of institutions approved by Cabinet or the Committees to make presentations to Presbytery; shall have the privilege of the floor.

Visitors:

Visitors are persons who have registered as visitors. These persons have the privilege of observing the proceedings of the Presbytery meeting and participating in small group deliberations. They do not have the privilege of the floor unless specifically granted. They do not have the privilege of voting. All members of churches in the Presbytery of the Peaks are invited to participate as visitors. Special visitors may be recognized by name by the Stated Clerk or Moderator.

Participant from Racial Ethnic Congregations:

In order to have more participants in the debate and discussion from racial ethnic congregations, they are encouraged to send as many persons as they wish to Presbytery meetings as visitors. Each session of these congregations may elect two Ruling Elder commissioners to the Presbytery if they do not have an installed pastor. If they have a pastor they may elect Ruling elder commissioners according to the Book of Order. Additional persons from these congregations who are present have the privilege of the floor and the opportunity to be full participants in small group deliberations but not privilege of voting. *(Please note that this is in accordance to Article 7 of the Reunion Agreement in 1983).*

Business of the Meeting:

The Cabinet of Presbytery shall be responsible for collecting and distributing in advance to all Teaching Elders members and Session Stated Clerks the arrangements for the meeting of Presbytery, a proposed docket, reports and informative materials for the business.

Orientation to the Meeting:

The Stated Clerk and the General Presbyter shall lead a brief orientation for all Teaching Elders and Ruling Elder commissioners, especially those new to the Presbytery, on the practices, rules and business of the upcoming meeting. This will normally happen immediately before the Call to Order and shall include the distribution of these Standing Rules.

Meeting Docket:

The Stated Clerk shall present the Consent Agenda and move its adoption, together with the adoption of the Docket for the meeting, which shall include any “orders of the day”, time-frames as appropriate, and an order of business for the meeting.

New Business:

ADOPTED 9/11/2008 (Revised 10/27/2011) (Revised 08-20-16)

New Business can be offered by any Teaching Elder Member or Ruling Elder commissioner to the meeting agenda as an amendment to the docket. New Business is normally an item or matter which is not covered or referenced by other business of the day, and is timely and appropriate for the consideration of that meeting of the Presbytery. Sufficient copies of any New Business are to be made and distributed to the Teaching elders and Ruling Elder commissioners by the party wishing to present New Business upon adoption of the docket as amended. Normally, New Business will be discussed and acted upon at the last end of the docket for the day, which will allow Teaching Elders and Ruling Elder commissioners time to reflect and prepare for any debate and action of the Presbytery. An overture from a Session of the Presbytery is normally not considered New Business, and normally is referred to the Bills and Overtures Committee or the Council or other appropriate committee or division for their study and recommendation to the Presbytery.

General Rules of Parliamentary Procedure:

The meeting of the Presbytery is to be conducted decently and in order, with civil regard for the best exchange of views and discernment among the ministers and elder commissioners. Robert's Rules of Order, Newly Revised shall be the referenced guide, with the Moderator as the presiding officer.

General Rules of Decorum

- Always address your comments to the Moderator, not to the body or particular participants
- Avoid personal references to the comments or opinions of other participants in the meeting
- Know what you want to say and do before you seek to be recognized to speak
- Ruling Elder commissioners are especially encouraged to express their views in parity with Teaching Elders.
- Avoid corporate outbursts of positive or negative regard for an expressed opinion
- Seek the advice of the Moderator or Stated Clerk, if confused, by rising and seeking "A Point of Clarification"

Specific Rules for Procedure

To Speak, Raise a Question or Make a Motion

1. Stand to be recognized by the Moderator;
2. Be recognized by the Moderator;
3. Give name, indicate whether speaker is a Teaching Elder, Ruling Elder and congregation;
4. State your business before the governing body;
5. Refrain from speaking more than once if others wish to be heard.

Motions:

1. I move that...or I recommend that...etc.;
2. The maker of a motion has the privilege of the floor immediately following the seconding of the action.
3. During debate, please indicate at the beginning whether you are speaking "for" or "against" the motion or
4. If you are asking for information or clarification.

Seconding the Motion:

You need not wait to be recognized by the Moderator.

Items Not Needing a Second:

1. Recommendations from a committee or Task Force.
2. Nominations.
3. A question of privilege.
4. A call for division in voting.

Amendments:

1. There may be only one amendment to a main motion pending at one time. This first degree amendment may have only one amendment (second degree) pending at one time;
2. Amend by: insert,(words, paragraph), strike out (consecutive words, paragraph) or strike out and insert (words) substitute (paragraph).
3. Once a motion has been amended, the motion as amended must then be voted on by the Presbytery.

To Stop Debate and Order An Immediate Vote:

1. Stand to be recognized by the Moderator.
2. Move to call for the previous question (which requires a second).
3. A vote must be taken to determine whether the governing body is ready to stop debate.
4. A 2/3 vote is required to stop debate.

Tie Vote:

1. Motion is lost.
2. A member may request a second vote.

Desiring A Count:

Following a voice vote, any commissioner may call for a division of the house. A commissioner does not need to wait to be recognized by the Moderator. A rising vote will be taken. If the outcome is still inconclusive, the Moderator or the governing body may require a counted vote.

Point of Order:

1. A commissioner may question the Moderator as to whether the rules of the body are being implemented:
2. A commissioner may appeal a decision by the Moderator.
3. To call for a point of order, stand and request a point of order.
4. Upon recognition by the Moderator, state your point.

Question of Privilege:

1. Object - to get the attention of the Moderator at once; to ask a question; to attend to some matter of business that cannot wait;
2. stand and indicate that you have a question of privilege;

3. upon recognition, state your question or concern.

Changes in Standing Rules:

Once these standing rules have been approved by the Presbytery of the Peaks, they will provide order for Presbytery until different standing rules are presented by the Cabinet to the Presbytery for approval by the Presbytery.

MODERATOR OF THE PRESBYTERY OF THE PEAKS

PURPOSE: To “possess the authority necessary for preserving order and for conducting efficiently the business of the governing body”....”convene and adjourn the governing body in accordance with its own action”...”convene the governing body by written notice at a time and place different from that previously designated by the body.” (G-3.0104)

ACCOUNTABILITY:

To the Presbytery as one of its elected officers on a one year term of office

RESPONSIBILITIES:

- A. Moderate the meetings of the Presbytery
- B. Attend as a member, all meetings of the Presbytery Cabinet
- C. Review agenda of the meetings of Presbytery with the Stated Clerk, Chair of Presbytery Cabinet, and General Presbyter as necessary and appropriate
- D. Represent the Presbytery in official functions as necessary and appropriate
- E. Utilize the Vice-Moderator of Presbytery as necessary and appropriate in delegating these responsibilities of the Moderator
- F. Utilize the Stated Clerk for parliamentary advice and counsel
- G. Appoint Task Forces, Special Committees or other personnel as needed and directed by the Presbytery
- H. Attend and moderate ordinations and installations as requested and as time allows
- I. Interpret actions and business to and of the meetings of the Presbytery
- J. Set tone for each meeting of Presbytery and for the moderating year
- K. Lead Presbytery by example, energy, insight, wisdom and humor
- L. Advise Cabinet Worship Workgroup as needed, requested and appropriate
- M. Nominate Treasurer Nominating Committee as needed
- N. Nominate Stated Clerk Nominating Committee as needed

RELATIONSHIPS:

Related to the Presbytery as one of the elected officers. Related to other professional and support staff as advisor and as a colleague. Related as advisor to Sessions, and committees in the Presbytery, as well as to Synod and General Assembly as appropriate.

TIME REQUIRED: To moderate quarterly meetings of the Presbytery .To attend quarterly meetings of Presbytery Council To attend other committees or gatherings as requested and time allows

EVALUATION:

Review of performance will be conducted by the Presbytery at the end of each meeting of the Presbytery by the evaluation forms available.

COMPENSATION:

This elected position will be a “volunteer,” but with adequate expenses provided for the performance of the assigned responsibilities

Adopted 9/11/2008 Revised 07-24-11, Revised 08-20-16

STATED CLERK OF THE PRESBYTERY OF THE PEAKS

PURPOSE:

To serve as an ecclesiastical officer of the governing body as set forth in the Book of Order, Articles of Agreement (1983) and Manual of Operations of the Presbytery

ACCOUNTABILITY:

Accountable to the Presbytery as an elected officer for a four year term

RESPONSIBILITIES:

- A. Fulfill the responsibilities set forth in the Book of Order (See below *)
- B. Serve as an advisory member of the Presbytery Cabinet, with particular responsibilities as a resource person and advisor interpreting communications from the Synod and General Assembly that impact the mission and ministry of the Presbytery of the Peaks.
- C. Send communications which Presbytery desires to convey to Stated Clerks of Presbyteries, to the Stated Clerk of the Synod of Mid-Atlantic and other Synods, and to the Office of the General Assembly of the Presbyterian Church (U.S.A.), on behalf of the Presbytery of the Peaks
- D. Refer any proposed changes to the constitution submitted by the General Assembly to the Bills and Overtures Committee.
- E. Oversee the recording and editing of minutes of all meetings of the Presbytery of the Peaks, with distribution to all ministers, commissioners and other appropriate persons to be carried out by Presbytery’s office.
- F. Offer opinions in the interpretation of the Book of Order and Robert’s Rules of Order when called upon to do so by individuals and bodies of the Presbytery
- G. Present the agenda for each stated and called meeting of the Presbytery of the Peaks as prepared by the Presbytery Cabinet
- H. Recommend recording clerks to serve as needed during the meetings of Presbytery
- I. Be regular in attendance at all meetings of Presbytery Cabinet, Presbytery and Synod, and Cabinet Retreats.
- J. Complete such additional work as assigned by DOA with input from the Division of Ministry.

RELATIONSHIPS:

ADOPTED 9/11/2008 (Revised 10/27/2011) (Revised 08-20-16)

Related to the professional staff of the Presbytery as colleagues. Related to the Moderator of Presbytery and Chair of Presbytery Cabinet as advisor and consultant. Related to the appropriate designated support staff in the Presbytery Office as supervisor in the affairs of the Stated Clerk

TIME REQUIRED:

Up to ten hours per week is expected. This will be included in the covenant between the person and the congregation, if a pastor.

EVALUATION:

There will be an annual performance review and evaluation of the person and the office by the Personnel Workgroup of the Committee on Administration (COA) in the same manner and frequency for professional staff positions in the Presbytery of the Peaks. Adequacy of compensation will be annually reviewed by the COA.

TREASURER OF THE PRESBYTERY OF THE PEAKS

PURPOSE: To provide integrity and accountability for the financial system of the Presbytery of the Peaks

ACCOUNTABILITY:

To the Presbytery through the Manual of Operations as a bonded, elected officer for a five-year term of office.

RESPONSIBILITIES:

- A. Be one of the authorized signatures on checks and on all accounts held in the name of the Presbytery of the Peaks.
- B. Participate with the Bookkeeper/Office Manager in developing financial procedures for use in the Presbytery and in evaluating financial alternatives.
- C. Serve as a resource person in financial matters to the General Presbyter and through the General Presbyter to other professional staff and to committees of Presbytery.
- D. Complete other assignments related to the financial operation and management of the Presbytery as directed by the General Presbyter.
- E. Provide the Presbytery and the General Presbyter with financial information as needed for the management of the work of the Presbytery Office and interpretation to the Presbytery.
- F. Assist the General Presbyter in all matters related to the evaluation and performance of the Bookkeeper/Office Manager.
- G. Provide oversight for the timely completion of the annual financial audit.

RELATIONSHIPS:

Related to the Presbytery as one of the elected officers. Related to other professional and support staff as advisor and as a colleague. Related as advisor to churches, and committees in financial matters of the Presbytery, particularly the Committee of Administration and the Trustees.

ADOPTED 9/11/2008 (Revised 10/27/2011) (Revised 08-20-16)

TIME REQUIRED:

A total of five to ten hours per month spread over 3-4 work sessions at appropriate times during the month.

EVALUATION:

At the first meeting of Presbytery in the final year of the term of office for the Treasurer, the Moderator of Presbytery will nominate to the Presbytery a five (5) person Treasurer Nominating Committee for election. This committee will conduct a review of the term-of-office and Position Description of Treasurer and propose an appropriate job description to the summer (2rd) meeting of Presbytery. Upon approval of the job description, the committee will solicit and evaluate candidates, and at the last Presbytery meeting of that year will provide a nominee for the office of Treasurer for Presbytery action.

COMPENSATION:

This elected position will be a “volunteer,” but with adequate reimbursement of expenses provided for the performance of the assigned responsibilities.

BALANCING RULING AND TEACHING ELDERPOLICY

In order to preserve the balance between Ruling Elder Commissioners and Commissioners who are Ministers of Word and Sacrament as required by the Book of Order, the Presbytery of the Peaks approved the following policy at its May 4, 2019 Meeting:

Beginning with the August Presbytery Meeting in 2019, churches with more than 250 Communicant Members are authorized to elect two Ruling Elder Commissioners to Presbytery Meetings. Churches with more than 1000 Communicant Members are authorized to elect three Ruling Elder Commissioners to Presbytery Meetings.

At this time, the following churches would be authorized to elect two Ruling Elder Commissioners:

Blacksburg, Christiansburg, First-Lynchburg, St. Andrew, Covenant, Raleigh Court, Salem

Second Roanoke would be authorized to elect three Commissioners.

Presbytery of the Peaks
SPECIAL RULES OF ORDER

For Electronic Meetings Using Zoom Technology

I. *Meeting Types*

An “Electronic Meeting” as used in these rules means a meeting at which all participants are joined electronically. It is expected that each participant will attend the meeting individually on a computer or device, rather than one being shared by multiple members. Multiple attendees on a single device requires approval of the chair in advance and may limit members’ rights. Meetings of all boards and committees are authorized to meet electronically at the direction of the chair, provided that all members have access to the necessary equipment.

II. *Hardware and Software*

Electronic attendance utilizes Zoom technology (www.zoom.us). Participation requires high speed internet access on a computer, device, or phone. Audio is provided either through the computer, which requires computer audio capabilities (microphone and speakers –preferably earbuds or a headset), or connection by phone. Video is optional but encouraged. While tablets and smart phones are acceptable, laptop or desktop computers are preferred, because the screen content can become very small on tablets and phones, and only certain portions of the content can be displayed at a time. Using a phone alone is not recommended. Immediate access to email is also a requirement. Notify the Presbytery office if more than 1 voting member is on a device. A text number will be provided to use if there is a divided vote. Prior to the meeting, participants are asked to test their setting at zoom.us/test.

III. *Sign-In Procedures*

- A. Prior to meetings, members will receive either a meeting id code or a link to a webpage.

Clicking on the link should open a web browser and go directly to the meeting. If it does not do so, or if only the 9-digit meeting id (which is at the end of the link) was distributed, the participant can go to: a meeting,” and enter the id manually, www.zoom.us, choose “ Join the meeting using your full name and title for the First Name field (eg, Rev. John Smith), and your church or status for the Last Name field (eg, First Pres or Honorably Retired)

- B. Members shall make every effort to sign into the meeting sufficiently in advance of the time of the meeting to enable their connections to be verified and, if necessary, assisted by troubleshooting. The following process shall be followed in entering meetings:
- C. If using a laptop or desktop computer, complete a full “re-boot” just before entering the meeting.
- D. Enter the meeting as described in Section III.A. If prompted, download Zoom software and choose to run or install. If prompted, enter your name and choose to enter the meeting.
- E. Choose the method by which you will connect your audio and follow the prompts on the screen. If connecting by computer, check your speakers and microphone to ensure that you can hear and be heard.
- F. Mute your microphone when you are not speaking (on a computer, click on the microphone icon to toggle mute. On a tablet or phone, touch the icon), or unmute it only when you are speaking (on a computer, hold the spacebar to temporarily unmute

yourself).

- G. On a PC or Mac, click on the “Participants” and “Chat” icons to make those items visible. If a screen share has been initiated and a document is visible in the center of the screen, move the “Participants” and “Chat” windows (by “dragging”) to the side of the screen, so that the document is visible.

IV. Connection Issues

- A. Each attendee is responsible for his or her connection to the internet and the meeting room; no action shall be invalidated on the grounds that the loss of, or poor quality of, a member’s individual connection prevented him or her from participating in the meeting, provided that at least a quorum of members was connected and adequately able to participate.
- B. The chair may cause or direct the temporary disconnection or muting of an attendee’s connection if it is causing undue interference with the electronic meeting. The chair’s decision to do so, which is subject to an undebatable appeal that can be made by any member, shall be recorded in the minutes.
- C. The chair may rule that any meeting be recessed to allow the meeting room to be reset; upon which ruling the meeting shall be ended and a new meeting shall be established – with the new meeting id being sent by email or other electronic means to all participants who shall then enter the new meeting room.

V. Recognition and Assignment of the Floor

- A. To seek recognition by the chair, a member shall activate the “raised hand” icon. Upon recognition of a member, that member and any others with raised hands activated shall lower them, which may also be accomplished by the host if members do not promptly do so. The chat is not a valid means of recognition.
- B. Another member who claims preference in recognition shall thereupon promptly raise (or raise again) his or her hand icon and the chair shall recognize the member for the limited purpose of determining whether that member is entitled to preference in recognition.
- C. Upon being recognized, a member shall unmute his or her microphone. Upon yielding the floor, the member shall mute his or her microphone.

VI. Interrupting Motions

- A. A member who intends to make a motion that under the rules may interrupt a speaker (Point of Order, Appeal from the Ruling of the Chair, etc.) shall activate the member’s “No” icon (red X). The member shall be recognized to determine the purpose for which he or she is seeking recognition.
- B. In the event that a member intends to make an interrupting motion and is unable to use the “No” icon (eg, phone only user), the member may unmute and make the motion orally. A member may also make interrupting motions orally if not immediately recognized by the chair.

ADMINISTRATION OF DESIGNATED FUNDS

RATIONALE:

"All who believed were together and had all things in common: they would sell their possessions and goods and distribute proceeds to all, as any had need" Acts 2:45

The Transformation Team presents information about the proposed changes to the budget and designated funds for the presbytery. Discussed by both members of the Transformation Team and the COA, the new budget process seeks to do two things at once.

First, as Covenants of Intent have decreased over the years, the amount of income from churches has decreased. Without enforcing and drastically increasing a per capita for the presbytery, Covenants of Intent can only cover a portion of the budget.

Secondly, this new proposal recognizes the blessings of financial resources held in the presbytery's endowment and seeks to put them to work for missions in the presbytery. Although the presbytery has always had access to the increase from these funds, this new proposal seeks to commit the increase of these funds to ministry every year.

In line with the presbytery's new structure proposed by the Mission Study, revenue will be applied from both sources to fund the presbytery for the future and utilize our endowments. The Governance portions of the presbytery will be funded by Covenants of Intent, making up roughly half of our budget. These include Trustees, Cabinet and Constitutional.

The Mission portion of the presbytery's budget will be funded by grants from our endowment, including Justice and Mercy, Church Partnerships, and Pastoral Leadership Commission. At first, these will be distributed equally across these new Mission Commissions. As time goes on, that could change, based on the mission needs and requests from the Commissions.

This is a new way to look at the same money and utilize money that we have always had. The goal of the Transformation Team is the participation of the presbytery in missions and ministry. We, the presbytery, told the mission study that we wanted more connections and engagement of mission together. This new financial structure hopes to help us achieve new missions and ministries together.

"With great power the apostles gave their testimony to the resurrection of the Lord Jesus, and great grace was upon them all." - Acts 4:33

STRUCTURE OF FUNDS:

The Transformation Team proposes a realignment of the Designated funds to meet the needs of our new structure. All funds held by the Presbytery and Trustees will be included in this proposal and will be reviewed for donor restrictions. The proposal will create two new consolidated categories while maintaining current pass through accounts (like Two Cents a Meal and Peacemaking). Any current funds with donor designations (Restricted accounts) will be maintained separately, as will three new Presbytery restricted funds created from the

VII. Motion Processing

- A. A member intending to make a main motion, offer an amendment, or propose instructions to a committee, shall, immediately after being recognized and assigned the floor, post the motion in writing to the chat window.
- B. The secretary assigned by the Stated Clerk is responsible for the display of meeting materials, including all such motions, in the document that is displayed in the shared screen.
- C. When any motion has been stated by the chair, the secretary shall copy and paste it into the document, and shall be responsible for accurately displaying any proposed amendments under consideration, as well as the final version as adopted or rejected. If a second is necessary, the chair shall request a raised hand to indicate a second.

VIII. Voting

- A. When the chair seeks unanimous consent on a matter, a raised hand shall constitute an *objection* to unanimous consent, and voting shall then proceed by another method.
- B. Voice votes shall be taken by means of the raised hand function. The chair shall ask those for a motion to raise their hands and the chair or a host shall take an approximate count those in favor and lower their hands before the chair proceeds to the against vote, which shall be conducted in like manner. Phone only participants may raise their hands by pressing *9. This vote shall be deemed a Division (not a counted vote). A call for a division shall therefore not be in order following such a vote.
- C. Counted votes, when ordered by the chair or the assembly, shall be taken in the same manner as voice votes above in section VIII. B., but with an exact count of for and against votes. If there are no phone only participants, votes may be counted using the Zoom polling feature instead.
- D. A roll call vote may be ordered by the assembly.
- E. No secret ballot votes are in order if there are phone only participants. If everyone is participating using a computer or device, secret ballot votes may be taken using the Zoom polling feature, provided that the poll is set to be anonymous.

IX. Roles

- A. There shall be three designated roles with specific duties, any or all of which may be accomplished by one individual, at the discretion of the chair: the host/co-host(s), the chair, and the secretary.
- B. The host/co-host(s) shall initiate the meeting, and therefore have control of the various features for meeting management such as the ability to manually mute one or more participants and clear status icons (raised hand, Yes, No, etc.).
- C. The chair shall preside at the meeting. In addition to normal duties, the chair shall direct the host and secretary as necessary related to their duties in these rules.
- D. The secretary shall keep a record of meeting, including a video recording.

Property Dismissal WG Report.

The Transformation Team in conjunction with the Committee on Administration agree that with current and projected Covenants of Intent, the Designated Funds will provide the needed resources to meet the Presbytery Mission Study objectives. It is requested that withdrawals of 4- 6% from the two new funds be available for use each year, based on a rolling three year average (as available).

The fund for Pastoral Leadership, Partnership and Justice and Mercy will be allocated equally to each committee and will be included as a part of the Presbytery budget each year. The recommendation is for grants to be reviewed and awarded in March and September of each year. The grant guidelines and applications will be forthcoming.

Pass Thru Funds will also be on a grant basis but will maintain their current structure for awarding and receiving funds. Donor Restricted funds will be on a grant basis also, under the direction of the applicable Commission or group.

The Constitutional, Trustee and Cabinet fund are detailed budget line items, as needed. Attached is a summary and a detailed outline of the proposed realignment.

APPROVAL:

The Presbytery approved the realignment of Presbytery and Trustee designated funds as listed on the following pages at its November 18, 2021 meeting.

It is requested that withdrawals of 4-6% be available for use each year, based on a rolling three year average.

Fund Realignment

		2020	2019	2018	3 Yr 5% Useage
		<u>MV</u>	<u>MV</u>	<u>MV</u>	<u>Average</u>
Constitutional, Trustee and Cabinet Fund (Combination of 8 existing funds)		6,750,821.79	5,512,653.69	4,864,042.68	313,137.71
Leadership, Justice & Mercy, & Partnership (Combination of 13 existing funds)		3,636,300.96	3,019,848.97	2,276,811.50	148,882.69
Pass Thru					
Two Cents	Pby	45,004.73	67,506.10	59,929.29	57,480.04
Peacemaking	Pby	2,101.08	3,782.68	4,153.59	3,345.78
Morris Trust	Pby	1,659.08	4,278.78	27.01	1,988.29
Burke Mem Vacation Fund	Pby	46,712.99	45,884.15	45,866.65	46,154.60
Total Other & Pass Thru		95,477.88	121,451.71	109,976.54	108,968.71
Total Funds		10,482,600.63	8,653,954.37	7,250,830.72	9,349,376.74
Donor Restricted (Total of 6 funds)		135,203.97	135,203.97	135,203.97	
Presbytery Restricted					
Black Caucus	Pby	50,000.00			
COM	Pby	10,000.00			
** Church Redevelopment Grant	Pby	156,000.00			
Total Restricted Funds		351,203.97	135,203.97	135,203.97	

** Church Redevelopment Grant Fund will remain as Presbytery Restricted through 2022. In 2023 the remaining funds will become a part of the Leadership, Partnership, and Justice & Mercy Fund

Fund Consolidation

		2020	2019	2018	3 Yr 5% Usage
Constitutional, Trustee and Cabinet Fund		MV	MV	MV	Average
Home Mission	TR	899,867.13	762,255.53	564,262.79	742,128.48
Presbytery Office	TR	830,372.25			830,372.25
Presbytery Fund	PBY	312,845.18	332,555.76	346,996.53	330,799.16
Dismissal Fund	Pby	267,284.08	417,794.06	390,143.52	358,407.22
Youth/Young Adult	TR	1,500,000.00	1,500,000.00	1,500,000.00	1,500,000.00
Church Develop)llent	TR	969,818.66	825,333.69	681,339.13	825,497.16
New Church Development	TR	1,008,428.21	857,092.89	707,751.23	857,757.44
Leadership	TR	962,206.28	817,621.76	673,549.48	817,792.51
Total		6,750,821.79	5,512,653.69	4,864,042.68	6,262,754.22 313,137.71
Total Leadership, Justice & Mercy, & Partnership					
Presbytery Leader Dev	Pby	4,688.03	4,679.43	4,672.72	4,680.06
Ministerial Student	TR	31,061.00	26,664.64	22,326.21	26,683.95
Candidates Scholarship	Pby	13,232.16	20,648.37	21,592.26	18,490.93
Peaks Crisis Fund	Pby	1,292.10	1,262.98	1,076.02	1,210.37
Church Extension	TR	406,872.61	344,325.41	282,602.20	344,600.07
Church Development	Pby	466,262.66	428,530.82	374,150.29	422,981.26
New Worshipping Community	Pby	263,536.48	191,647.62	135,065.64	196,749.91
New Church Development	Pby	505,587.19	458,166.97	397,756.54	453,836.90
New Church Development	TR	312,642.43	268,602.41	225,142.57	268,795.80
** Church Redevelopment Grants	Pby	156,038.83	136,058.34	71,621.34	121,239.50
Youth/Young Adult	Pby	1,098,373.61	831,598.72	492,593.85	807,522.06
Camp Scholarships	TR	8,218.75	6,603.59	5,009.71	6,610.68
Camp Scholarship Endowment	Pby	112,355.23	101,218.51	90,319.86	101,297.87
Camp Contingency	Pby	3,596.71	3,596.71	3,596.71	3,596.71
Camp Endowment	Pby	996.58	796.90	796.90	863.46
Travel/Study	Pby	1,606.60	1,603.69	1,581.43	1,597.24
Mission Fund	Pby	249,939.99	193,843.86	146,907.25	196,897.03
Total Leadership, Justice & Mercy, & Partnership		3,636,300.96	3,019,848.97	2,276,811.50	2,977,653.81 148,882.69
Pass Thru					
Two Cents	Pby	45,004.73	67,506.10	59,929.29	57,480.04

Peacemaking	Pby	2,101.08	3,782.68	4,153.59	3,345.78
Morris Trust	Pby	1,659.08	4,278.78	27.01	1,988.29
Burke Mem Vacation Fund	Pby	46,712.99	45,884.15	45,866.65	46,154.60
Total Other & Pass Thru		95,477.88	121,451.71	109,976.54	108,968.71
Total Funds		10,482,600.63	8,653,954.37	7,250,830.72	9,349,376.74
Donor Restricted					
Church Extension	TR	49,794.52	49,794.52	49,794.52	
Camp Scholarships	TR	2,474.73	2,474.73	2,474.73	
Camp Endowment	Pby	2,050.00	2,050.00	2,050.00	
Ministerial Student	TR	2,550.00	2,550.00	2,550.00	
Candidates Scholarship	Pby	2,200.00	2,200.00	2,200.00	
Home Mission	TR	76,134.72	76,134.72	76,134.72	
Presbytery Restricted					
Black Caucus	Pby	50,000.00			
COM	Pby	10,000.00			
** Church Redevelopment Grant	Pby	156,000.00			
Total Restricted Funds		351,203.97	135,203.97	135,203.97	

** Church Redevelopment Grant Fund will remain as Presbytery Restricted through 2022. In 2023 the remaining funds will become a part of the Leadership, Partnership, and Justice & Mercy Fund

Presbytery of the Peaks

PERSONNEL POLICIES AND PRACTICES
FOR
THE PRESBYTERY OF THE PEAKS
PRESBYTERIAN CHURCH (USA)

*Adopted March
6, 1999*

Revised October 2006
Revised September 2009
Revised January 2015

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PERSONNEL POLICIES AND PRACTICES

for the

Presbytery of the Peaks, Presbyterian Church (U.S.A.)

PREFACE

These policies and practices of the Presbytery of the Peaks are based in a large part upon church-wide domestic personnel policies adopted by the General Assembly Cabinet, which policies were commended by the GAC to synods, Presbyteries and sessions as guidelines for their own policies.

01.00 PERSONNEL PHILOSOPHY AND THEOLOGY

The work of the agencies and Councils is to be understood within the context of the Councils of the Church as defined by the Book of Confessions and the Form of Government and within the context of their mission. (Some examples are Book of Confessions 9.07 and 9.31 and Form of Government F-1.0304, F-1.0403)

01.01 A THEOLOGY OF EMPLOYMENT

The Presbyterian Church (U.S.A.) is a community of faith called into being by God's grace in Jesus Christ. As such it is "a community of people known by its convictions as well as by its actions." (Form of Government, F-2.01).

- This community of faith celebrates creation as an on-going phenomenon of God in the world. It acknowledges the sovereignty of God over the world and the Lordship of Jesus Christ over the Church.
- This community of faith is made up of people called by God into a covenant relationship. Here gifts are recognized and used for the purposes of God. This community of faith values the contributions of all its employees.
- This community of faith is a servant community. It offers its life for the world.

- This community of faith is an interdependent community within which particular responsibilities are accepted and acted upon.

This Church is a living testimony that the "God who creates life, frees those in bondage, forgives sin, reconciles brokenness, makes all things new, is still at work in the world." (G-3.0300).

Implicit in Christian theology are certain basic assumptions about persons which should be taken into account in the Church's employment practices if the Church is to be faithful to its best insight.

Without such faithfulness the Church will distort its witness. Through faithfulness the Church will make life together in work more meaningful, productive and rewarding.

The basic assumptions are inherent in the central teachings of the Christian faith regarding the nature of persons. They are benchmarks which can guide the Church in its employment practices.

Persons are created in the image of God. God is the creator; therefore, the creativity of those made in God's image must be recognized and protected. A failure to allow this creativity denies God's creation and the continual creativity through persons.

The Christian Gospel sets people free from bondage to assume responsibility for themselves. This means that in the acceptance of this freedom a person finds worth and dignity. To deny the opportunity for the exercise of this freedom is to deny the worth and dignity of the individual.

A covenant agreement is the proper expression of a mutually-agreed upon functional order in relationships. Employment is such an agreement in which two parties agree to function together in a certain way to achieve an agreed-upon objective or purpose.

As an employer the Church must recognize and incorporate into its particular personnel system these basic assumptions of faith or it risks the possibility of being unfaithful to its own witness.

02.00 SCOPE AND APPLICATION

The following policies and practices are established with regard to all staff called by the Presbytery of the Peaks or employed by the Presbytery. These policies and practices are designed to be consistent with all applicable provisions of the Form of Government.

The Presbytery, through the Presbytery Cabinet and the Committee on Administration will be open to employees' suggestion and may amend, modify and change these policies at any time.

Policies in this manual do not constitute a legally enforceable contract, but are applicable to all employing agents delegated by the Presbytery.

03.00 **COMMITMENTS UNDERLYING THESE PERSONNEL POLICIES AND PRACTICES**

These Personnel Policies are based on commitments by the employer and the employees:

- The employer will recognize and affirm the full potential of each employee and develop, support, and use the full range of human resource potential.
- Employees will devote their interest and energy to their work and the goals of the organization.
- These commitments reflect an open partnership in which objectives are shared and in which both employer and employee acknowledge their responsibilities to each other.

03.01 **EMPLOYER RESPONSIBILITIES**

- a. To be faithful to the Mission of the Presbytery.
- b. To provide opportunity for employee comments on the office operation.
- c. To assure that policies and administration of the personnel system are consonant with the rights of employees.
- d. To provide equal opportunity for all employees in all aspects of every phase of the personnel system and to have an affirmative action program.
- e. To provide adequate and equitable compensation to employees and conduct annual salary reviews.

- f. To assist employees in meeting their personal and professional goals in a manner consistent with the interest of the Presbytery.
- g. To conduct with employees regular performance reviews and evaluations which relate their objectives to the mission of the Presbytery.
- h. To maintain a position description for each position in consultation and agreement with employees.
- i. To provide equitable benefits and working conditions for the general welfare and well-being of all employees.
- j. To establish and maintain open communication with employees on matters concerning their welfare and the Presbytery's interests.
- k. To establish and administer a process which provides for the hearing and resolution of complaints and grievances.
- l. To provide a work place that is reasonably safe and secure.

03.02

EMPLOYEE RESPONSIBILITIES

- a. To be faithful to the Mission of the Presbytery.
- b. To give their best possible performance in their assigned functions and to work collegially with other staff members to promote Mission.
- c. To understand their role and function in the context of the goals of Presbytery, and annually update their professional goals and objectives.
- d. To support and resource committees, workgroups and task forces in furtherance of the goals of the Presbytery.
- e. To take initiative so that employee opinion is presented to appropriate forums dealing with the personnel system.
- f. To make suggestions on the improvement of operations.
- g. To act in accordance with the Presbytery Manual of Operations.

03.03

COMMON RESPONSIBILITIES

All Presbytery staff will work in partnership with each other to accomplish Presbytery's mission.

04.00

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

04.01

EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

In the modern world mission has many implications, one of which is the removal of discriminatory practices that deny individuals the opportunity to achieve their highest employment potential.

Therefore, it is the policy of the Presbytery of the Peaks of the Presbyterian Church (U.S.A.) to administer all employment policies without discrimination based on race, color, sexual orientation, creed, religious affiliation (except where such affiliation is determined to be a bona fide occupational qualification), national origin, sex, age, marital status, or disability (F-1.0403, G-3.0103).

The Presbytery is committed to Fair Employment Practices in accordance with the Form of Government and the various policies of the General Assembly and in compliance with Title VII of the Civil Rights Acts of 1974 and 1968, the Equal Employment Act of 1972, the Equal Pay Act of 1963, The Age Discrimination Act of 1967, and any amendments thereto, together with related laws and regulations of state and local authorities.

- a. The Presbytery, through the General Presbyter will be accountable for implementing policies and processes covering compensation, benefits, promotions, transfers, training, career development, dismissal and other forms of discipline, reduction in force, recreation and all other areas of employee treatment.
- b. The Presbytery, through the Committee on Administration will periodically analyze all its employment practices and the results of its actions to insure that the policy of Equal Employment Opportunity and the goals of its Affirmative Action Plans are being met and that actions may be designed to remedy any deficiencies identified. The Presbytery will also periodically review the goals of its plan and make changes as appropriate.
- c. A copy of the Presbytery EEO policy shall be posted. Each employee shall receive a copy of the EEO policy as part of the Presbytery Personnel Policies Statement. All advertisements for positions in the Presbytery will include a statement that the Presbytery is committed to an EEO policy.

- d. Copies of the EEO policy and any revisions thereto will be available to all members of the Presbytery, members of the Presbytery Committee on Preparation for Ministry and Personnel Work Group, and to the Stated Clerk of Presbytery. EEO Training will be given to all concerned committees if requested.

04.02

AFFIRMATIVE ACTION PROGRAM (AAP)

- a. Responsibility: The General Presbyter shall establish and administer an Affirmative Action Program.
- b. Utilization and Analysis: At least annually, the General Presbyter shall review the composition of the entire work force of the Presbytery by job classification. This analysis of the work force by race, ethnic origin, sex and age will be provided annually to the Committee on Administration through its Personnel Work Group.

Recommendations will be attached concerning any under utilization of minorities or women by job classification and unit, along with recommended action goals and time tables (where appropriate) developed by the Personnel Work Group. The fulfillment of such goals and time tables will take into account the availability of staffing resources in the various categories.

- c. Selection Process: The Committee on Administration's Personnel Work Group shall annually review the selection process; including position descriptions, position titles, interviewing procedures, reference checks, and final selection for new staff, as these relate to the annual AAP analysis of goals and recommendation for action. The results of this analysis shall be reported to the Presbytery Cabinet with suggested changes, if indicated, for the selection process to insure full compliance with the Presbytery EEO policy.
- d. Monitoring and Reporting: The Presbytery shall report annually to the Office on Equal Employment Opportunity of the Synod the makeup of the Presbytery and Presbytery work force by race, ethnic origin, sex, age, and disability categories. A second report shall include goals and action steps for the AAP program. A full report of the AAP program of the Presbytery will be given at Presbytery's Spring Meeting.

04.03

REVISIONS TO EEO AND AAP POLICIES

The Personnel Work Group shall review the AAP and EEO statements and analyze annually and propose changes as appropriate.

05.00 EMPLOYMENT CATEGORIES, TERMINOLOGY AND PROCEDURES

05.01 EMPLOYER

The employer of Presbytery staff is the Committee on Administration acting as an agent of the Presbytery of the Peaks, Presbyterian Church (USA), an unincorporated association of churches located in the Commonwealth of Virginia.

05.02 NON-EXEMPT AND EXEMPT CATEGORIES

The Fair Labor Standards Act provides for non-exempt and exempt positions with respect to overtime. Persons employed in non-exempt positions shall be paid overtime wages for hours worked in excess of expected hours per week.

Those persons employed in exempt positions are not paid overtime wages for hours worked either in excess of the normal work schedule or 40 hours a week. Such employees are expected to manage their schedules to provide them with a minimum of one day off each week.

05.03 TEACHING ELDERS

In accordance with federal and state statutes and Church policy, all Teaching Elders called by the Presbytery are considered self-employed persons engaged in the exercise of their ministry and are not subject to withholding for certain taxes. They are, however, included in all other policies which apply to "employees" except where excluded by federal or state law.

{Sections 05.04-05.09 are quoted from the Presbytery-approved Structural and Staffing Design.}

05.04 The Presbytery shall employ executive and support staff in accordance with the Book of Order G-3.0110, the Standing Rules, and the Manual of Operations, which enables Presbytery to participate in the total ministry of the Church and to implement a strategy for fulfilling the Mission of the Church within the bounds of Presbytery. The role of the staff of Presbytery shall be to facilitate and enable the working together of the churches, of the specific and significant constituencies within the bounds of Presbytery, and of the component parts of the mission design of Presbytery.

05.05 The Presbytery shall elect a General Presbyter who is the chief administrative officer of the Presbytery. He or she will be nominated to Presbytery by a Search Committee in consultation with the Committee on Administration (all financial matters). The General Presbyter shall provide leadership necessary for overseeing and caring for the organization of Presbytery and the persons involved; for encouraging theological reflection and action on the part of Presbytery's structures; for clarifying, planning, and implementing the mission directions and strategies of Presbytery; for maintaining multi-directional communication among the Councils and with related ecumenical/cooperative agencies; and for interpreting the mission of the Church and stewardship concerns.

05.06 The Staff of Presbytery shall include Associate Presbyters nominated by a Search Committee in consultation with the General Presbyter and the Committee on Administration (all financial matters) and nominated to the Presbytery for election. Each Associate Presbyter is accountable to the Presbytery through the Personnel Work Group and the General Presbyter who is head of staff (collegial staff leader responsible for staff meetings, time management, skill deployment).

05.07 Presbytery Staff may include part time employees nominated by the Personnel Work Group to the Committee on Administration in consultation with the General Presbyter and the Associate Presbyter with whom the part time staff shall be working. Each part time staff person is accountable to the General Presbyter and/or Associate Presbyter but may do specific tasks for specific Committees and/or workgroups.

05.08 Adequate Support Staff (non-exempt) shall be employed as needed. These staff persons are immediately accountable to their supervisors as assigned by the General Presbyter who is responsible for the general supervision of all Support Staff. The General Presbyter shall nominate support staff to the Personnel Work Group for approval by that body.

05.09 **ACCOUNTABILITY:** The following persons are primarily accountable in the following ways:

General Presbyter	to Presbytery through the Committee of Administration (COA); shall advise the COA and the Associate Presbyter(s) when accepting leadership in events outside the Presbytery
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Associate Presbyters	to the General Presbyter
----------------------	--------------------------

Executive Administrative Assistant	to Office Manager as supervisor, to General Presbyter as Head of Staff, and to Associate Presbyter(s), Stated Clerk, and Program staff regarding work to be done
Hunger Action Enabler	to the General Presbyter
Accountant/Office Manager	to the General Presbyter
Stated Clerk	to the Presbytery as termed and elected officer
Treasurer	to the Presbytery as termed and elected officer
Moderator	to the Presbytery as termed and elected officer

05.10 SUPERVISION OF ALLSTAFF

The General Presbyter of the presbytery as head of staff will supervise all staff of presbytery and is responsible for promoting a collegiality among all presbytery employees.

06.00 TERM OF OFFICE

Unless an employee is elected for a specific period or has a contract of employment for a specific period, all employment is of indefinite term and is employed at will.

06.01 EXEMPT STAFF

Exempt staff may be elected for specific terms of service; subject to renewal unless there are particular programmatic or budget reasons for other term appointments. The Presbytery of the Peaks will approve specific terms of call or specific terms of employment (i.e., salary, housing when applicable, health insurance, retirement benefits, business expense allowances, S.S.I. benefits, specific number of days for continuing education and specific number of days for vacation). A week is defined as seven days.

The terms of call for exempt staff will be reviewed annually and presbytery may change the terms.

06.02

NON-EXEMPT STAFF

Non-exempt staff shall serve for an indefinite period unless otherwise determined in advance of employment or unless there are particular programmatic budget reasons.

The first three months of employment of non-exempt personnel is a probationary or trial period giving the supervisor an opportunity to evaluate the employee's interest and qualifications for the position under actual working conditions.

Prior to regular employment a performance appraisal is prepared and discussed with the employee. When all requirements for regular employment are completed satisfactorily, regular employment will begin with the next pay period.

A pre-employment physical examination at the Presbytery expense may be required of applicants nominated for positions having specified physical requirements.

07.00

CALLS

07.01

CALLS TO TEACHING ELDERS

In compliance with the Book of Order, all staff who are Teaching Elders shall be provided with terms of call from Presbytery.

07.02

CALL FOR THE GENERAL PRESBYTER

The General Presbyter shall be provided with a call stating the terms of call. Such a call is to be prepared by the Moderator of Presbytery in consultation with the Committee on Administration and the Search Committee.

07.03

CALLS FOR ELECTED STAFF

All elected staff shall be provided with calls stating the terms of call. Such a call is to be prepared by the Moderator of Presbytery in consultation with the Committee on Administration and the Search Committee.

07.04

ALL CALLS

All calls will contain wording that will indicate the intent of the Presbytery to honor the terms of a call except in case of a failure of elected staff to perform satisfactorily or in the case of a change in structure of function (in which case adequate notice and assistance in relocation will be given).

08.00 OTHER EMPLOYMENT PRACTICES

08.01 SEXUAL HARRASSMENT

It is the policy of the Presbytery to maintain a work place free of any form of sexual harassment or sexual intimidation from any Presbytery employee, including supervisors, or from non-employee work contact. Any form of sexual harassment is unacceptable behavior within the work place and is subject to appropriate disciplinary action.

Sexual harassment includes, but is not limited to, unwelcome and unsolicited sexual advances, requests for sexual favors, discriminatory tormenting based on gender and other undesired verbal, visual, or physical conduct of a sexual nature. In particular, sexual harassment occurs if:

- a. Submission to any kind of sexual harassment is an explicit or implicit term or condition of employment;
- b. Submission to, or rejection of, sexually harassing behavior is used as the basis of employment or other personnel decisions affecting the recipient of the behavior;
- c. Sexual harassment has the purpose or the effect of unreasonably interfering with the recipient's work performance or creating an intimidating, hostile, or offensive work environment.

Any member of the Presbytery staff who believes in good faith that there has been a violation of this policy should report the perceived violation as soon as possible, either to the General Presbyter or the Chair of the Personnel Work Group of the Committee on Administration. If the matter cannot be resolved, the General Presbyter or the Chair of the Personnel Work Group of the Committee on Administration will investigate all allegations promptly, objectively, confidentially and in accordance with the Sexual Misconduct Policy of the Presbytery of the Peaks.

The Presbytery will not take any adverse action against any employee who in good faith complains of sexual harassment and will protect such employee against reprisal from other employees to the extent possible. Disciplinary action, including dismissal when appropriate, will be taken where it is determined that sexual harassment did occur.

08.02

CONFLICT OF INTEREST

No employee shall accept any gift, gratuity, grant service or any special favor from any person or persons or businesses which provide or receive goods and services or which seek to provide or receive goods and services to or from the Councils of the church. However, minor courtesies such as luncheons, dinners or similar arrangements in connection with business discussions may be received.

In addition, if an employee is called upon to participate in a decision in which the interests of the employer conflict with her or his personal interests, the employee shall abstain from participating in the decision.

Full-time employees who hold other paid positions should ensure that such outside employment will not interfere with the performance of their duties or produce a conflict of interest in the pursuit of those duties. Full-time employees must consult with the Personnel Work Group prior to accepting other paid positions.

08.03

PRIVACY

Presbytery through the Committee on Administration shall establish procedures necessary to guarantee the confidentiality of medical and employment records in accordance with the privacy guidelines established by the General Assembly.

08.04

GOVERNMENTAL INVESTIGATION

In the event of an inquiry by the police, F.B.I. or other governmental investigation agency or official concerning the work of the Presbytery, its activities, records or personnel, or in the event an employee of Presbytery is sought to be queried by such governmental agency, the following shall be the policy in this area:

- a. All such inquiries shall be referred to the General Presbyter.
- b. The General Presbyter is encouraged to consult with the Stated Clerk of Presbytery, of Synod, and of the General Assembly in matters regarding governmental investigations.
- c. The General Presbyter may release information or documents following his or her consultation with appropriate Stated Clerks of the higher Councils described above and it is deemed advisable to do so.
- d. Employees shall be informed if there is an inquiry regarding their personnel records.

08.05

HONORARIUM

No member of Presbytery's staff or member of a unit shall expect an honorarium for service as a resource person to a session, congregation, or cluster. Honoraria and travel expenses may be offered for preaching, educational consulting, and other contractual services arranged at the initiative of a session, congregation, or cluster.

09.00

SALARY ADMINISTRATION

Compensation of staff will be guided by the underlying principles as outlined in the "Church-wide Compensation Plan" adopted by the General Assembly (UPCUSA, 1976) as amended and by "A Theology of Compensation" adopted for study by the 195th General Assembly (PCUSA, 1983).

The Presbytery is committed to salary administration which will provide: fair pay for the work performed; incentive for personal achievement and growth; and flexibility to meet changes in organization, functions, positions and personnel over a period of time. Salary levels will be maintained in a manner which results in their being consistent internally, responsive to changes in economic indices and in keeping with the Presbytery's philosophy and objectives.

09.01

ADJUSTMENT IN SALARY RANGES

The overall salary administration policy of Presbytery will be reviewed at least annually on the basis of guidelines provided by the Committee on Administration. This review will include locally relevant economic indicators, changes in the salaries of Teaching Elders of congregations and other relevant factors; adjustment may be made as appropriate.

09.02

SALARY REVIEW AND INCREMENTS

All individual salaries will be reviewed annually by the Committee on Administration and will also be reviewed when there are changes in duties or responsibilities which may call for a change in position descriptions.

Individual salary changes will be made based on performance and on considerations of relative equity within presbytery. Length of service alone is not considered a valid reason for an increase.

09.03

STAFF SALARIES, TEACHING ELDERS OF THE WORD AND SACRAMENT

In accordance with Form of Government changes in terms of the call of a staff member who is a Teaching Elder must be approved by the Presbytery.

09.04

AVAILABILITY OF SALARY INFORMATION

All staff salary information on exempt staff shall be printed in the Minutes of the Presbytery of the Peaks.

09.05

HOUSING ALLOWANCE

Under the Internal Revenue Code, an ordained Teaching Elder may exclude from her/his gross income for tax purposes, if it is designated in advance, any housing allowance paid as part of her/his compensation when that allowance is used for:

1. Rent of a home;
2. Purchase of a home, including down payment, mortgage, legal fees, fees for searching title, installment payments, interest, taxes, fire and home liability insurance premiums, repairs, etc.;
3. Expenses of running a home other than cost for food and domestic help, such as utilities, house furnishings, attached garage, sidewalks, front and backyards.

The Internal Revenue Service ruled that an ordained minister may exclude from her/his gross income "only an amount equal to the fair rental value of the home, including furnishings and appurtenances such as a garage, plus the cost of utilities" or can exclude "the amount of compensation used for (1) furnishings, running expenses and real estate taxes to the extent they do not exceed the fair rental value and (2) utilities."

By October 1 of each year each ordained Teaching Elder or Presbytery staff shall complete and submit to her/his agency a request for an appropriate housing allowance for the coming year. Based on this date the Committee on Administration will approve specific amounts to be designated for housing allowance for the up-coming calendar year for each ordained Teaching Elder or staff person (in accordance with whatever policy may have been established by the Committee of Ministry that is applicable to all Teaching Elders who are members of presbytery.)

If the total amount designated for housing allowance is not fully used for housing it is the employee's responsibility to include the balance in gross income in computing tax liability for the year in which received.

The amount of any itemized deduction, for example for real estate taxes or mortgage interest payments, must be reduced to the extent the payment is allowable to the housing allowance.

10.00 HUMAN RESOURCE DEVELOPMENT

10.01 ANNUAL STUDY LEAVE FOR EXEMPT STAFF

Up to two weeks annual study leave with pay may be granted to exempt staff within the following guidelines:

- a. It is not additional vacation although it may be taken in conjunction with vacation.
- b. It is granted only when the employee and the General Presbyter in consultation with the Personnel Work Group of the Committee on Administration have agreed on the appropriate timing of the leave and upon clearly identified goals which are related to the needs of the individual (needs identified in performance review) and the employer (goals and objectives of presbytery.)

One goal of study leave is to bring about identifiable change in the person participating and in the structures being served. The nature (where, how long and for what purposes as it relates to quantitative and qualified personal and professional goals) of the study leave is to be identified by the staff person. This information is to be shared with the Personnel Work Group prior to participation in the study leave.

A two week study leave (14 days) shall be identified as a period of ten working days.

Matriculation in study programs that lead to an academic degree or which require long term time commitments must be approved by the Personnel Work Group of the Committee on Administration prior to enrollment. Any degree work undertaken must have a direct relation to the work being done by the staff person.

Any commitments agreed upon or suggested by the Search Committee for elected staff relative to long term study programs and/or degree programs are to be written into the terms of call.

- c. A report on what has been learned in relation to agreed upon goals must be reviewed with the Personnel Work Group of the Committee on Administration after the completion of the leave.
- d. Annual study leave (time and financial support) may be cumulative from year to year, but the total unused accumulation shall be limited to six weeks.
- e. Pay in lieu of this leave will not be provided.
- f. Provision must be made by the Personnel Work Group of the Committee on Administration in consultation with the General Presbyter to cover the employee's work during the absence.

10.02 STUDY LEAVE FOR NON-EXEMPT STAFF

It is anticipated that most study needs of non-exempt staff can be met through means other than extended study leave. Under special circumstances, when it can be demonstrated to be for the good of the employer as well as for the employee, study leave for non-exempt staff may be approved by the General Presbyter in consultation with the Committee on Administration's Personnel Work Group in line with annual provision for exempt staff.

10.03 EXTENDED STUDY LEAVE FOR EXEMPT STAFF

To enable exempt employees to give extended study to subjects which will contribute to the work of their employers and to their own technical or professional development, an extended study leave, with pay, may be granted within the following guidelines:

- a. The employee must have completed five years of credited service with the Presbytery of the Peaks.
- b. At least five years must have elapsed since any previous extended study leave, and at least one year since any previous two-week study leave.
- c. A detailed written plan of study with clearly identified goals and expected end-products must be approved by the General Presbyter in consultation with the Committee on Administration and/or by authorizing committee where appropriate, long enough in advance so that budget and staffing needs may be met.

- d. The maximum length of extended study leave will be four (4) months. It may be taken in conjunction with earned vacation within a particular year but may not be combined with annual study leave since an employee is not eligible for both types of study leave in the same year.
- e. The ongoing work of the particular position and the total functions of the organization will be primary factors in considering the granting of extended study leave.

11.00 PERFORMANCE REVIEWS

An annual performance review and evaluation will be coordinated and/or conducted by the Committee on Administration through its Personnel Work Group, or parties delegated by it, for all exempt and non-exempt staff. The General Presbyter shall participate in all annual performance reviews of all exempt and non-exempt staff, in consultation with the Personnel Work Group.

Evaluations shall be done honestly and fairly. The evaluation shall be documented in writing on a form approved by the Personnel Work Group, and reviewed by the appropriate supervisor, General Presbyter, Personnel Work Group, and employee. The General Presbyter will consult with the Chair of the Personnel Work Group when managing conflict related to presbytery office operations. All staff shall have access to the Chair of the Personnel Work Group at all times.

11.01 ANNUAL PERFORMANCE REVIEW PROCESS

All Presbytery staff shall be evaluated annually on the basis of Position Descriptions and Professional Goals. Performance reviews shall be conducted and reviewed in the following manner:

<u>Position</u>	<u>Conducted by</u>	<u>Reviewed by</u>
General Presbyter	Personnel Work Group	Committee on Administration
Associate Presbyter	General Presbyter	Personnel Work Group
Hunger Action Enabler	General Presbyter	Personnel Work Group

Bookkeeper/Office Mgr.	General Presbyter	Personnel Work Group
Executive Administrative Assistant	Office Manager	General Presbyter / Office and Personnel Work Group
Stated Clerk	Personnel Work Group	Committee on Administration

The General Presbyter and Stated Clerk shall be given an annual performance review by a review committee chosen by the Personnel Work Group which shall report its findings to the Personnel Work Group which will then consult with the General Presbyter or Stated Clerk, as appropriate.

11.11 ANNUAL PERFORMANCE REVIEW PROCEDURES

The annual performance reviews will normally be conducted in the following way:

The person(s) participating in the performance review will receive (a) a copy of the staff person’s professional goals for the past year; (b) a copy of their position description; and (c) a review instrument that will enable them to make an assessment of the staff person’s competencies, skill, and abilities to achieve their professional goals and to fulfill the responsibilities set forth in their Position Descriptions.

The reviewer(s) may request and receive performance input, whether verbal or written, from sources within the presbytery, including, but not limited to, moderators, and committee chairs, ordained and lay persons, and others who have a basis for sharing observations about the reviewee’s performance. All persons participating in the performance review will be assured that what they share with the reviewer and the Personnel Work Group will be held in strictest confidence.

Performance Review with each Staff Member: (By end of October of each Year)

- 1 The reviewing supervisor(s) will meet with the staff person being reviewed and (a) discuss his/her Position Description and any recommended changes; (b) receive any concerns or suggestions to improve staff performance or efficiency; (c) review the past year's set of Professional Goals and determine appropriate Professional Goals for the ensuing year; (d) provide a verbal summary of the data gathered from requested reviewing sources; and (e) provide a written evaluation report to be placed in his or her personnel file that affirms specific areas of strengths and competencies, identifies areas for improvement, if needed, and provides for any recommended position description adjustment or merit salary increase.
- 2 The written evaluation report will provide the period being evaluated and be signed by the reviewer and by the staff member being evaluated.
- 3 The staff member may provide a written rebuttal to his/her evaluation report which will also be included in his/her personnel file. The staff member also has a right to make a written appeal of his/her evaluation to the Personnel Work Group, or to the Committee on Administration, if the Personnel Work Group performed the annual evaluation being appealed. Any such rebuttal or appeal made must be received within 30 days of the date of the written evaluation.

All written materials obtained and generated during the review process will be destroyed by the reviewers except the forms secured annually in the personnel files of each employee.

The personnel files of each employee shall contain a current Position Description, copies of recent year professional goals, copies of performance reviews, any probation or suspension citations and related salary and terms of employment. These files will be secured in the office, maintained and accessed only by the General Presbyter and Chair of the Personnel Work Group, except for those files of the Stated Clerk (as discussed below), and will be available to the employee. The personnel files of the Stated Clerk may be accessed by the Stated Clerk Review and Nominating Committee as required in the furtherance of the work of that committee.

An annual performance review and evaluation will be coordinated and/or conducted by the Committee on Administration through its Personnel Work Group, or parties delegated by the Committee on Administration through its Personnel Work Group, for exempt and non-exempt staff. The General Presbyter shall participate in all annual performance reviews of all exempt and non-exempt staff in consultation with the Personnel Work Group.

Evaluations shall be done honestly and fairly. They should be documented in writing and shared with the Personnel Work Group of the Committee on Administration and the employee. The General Presbyter will consult with the Chair of Personnel Work Group when managing conflict related to presbytery office operations. All staff shall have access to the Chair of the Personnel Work Group at all times.

12.00 SEPARATION PRACTICES

The term "separation" shall refer to any and all terminations of the relationship between an employee, exempt or non-exempt, and the employing presbytery.

12.01 VOLUNTARY RESIGNATION

A voluntary choice of separation freely made by the employee may take place after one month's written notice for exempt employees or two week's written notice for non-exempt employees. All such employees will receive pay for accrued vacation. Vacation pay is forfeited if notice is not given.

12.02 TERMINATION WITHOUT PREJUDICE

An employee's employment may be terminated by the employer for reasons other than those enumerated under Dismissal for Cause in paragraph 12.03 below. Termination without Prejudice will be upon the recommendation of the General Presbyter.

Employees terminated without prejudice will be entitled to notice, severance allowances and out placement assistance as outlined and limited in paragraph 12.05 (a-d) below.

DISMISSAL WITH CAUSE**A. For Non-Exempt Personnel**

Dismissal for cause may take place by written notice from the General Presbyter giving specific reasons for termination.

Notice must be given or pay in lieu of notice of two weeks

No severance allowance will be paid, but employees who are dismissed will receive the cash equivalent of their unused earned vacation.

Reasons for dismissal shall include but not be limited to:

- unsatisfactory performance or behavior
- insubordination in the line of assigned duties
- neglect in the care and use of Presbytery property and funds
- repeated, unexcused absence and/or repeated absences or tardiness
- illegal, dishonest, or unethical conduct
- repeated failure or refusal to observe employer policies

Discharge of an employee is always considered an action of last resort taken after remedial and probationary measures have been proven ineffective or when the employee's conduct is such as to preclude further employment. Written documentation is required prior to recommendation for dismissal unless immediate dismissal is considered to be necessary for the safety of persons or property.

Dismissal is subject to the complaint procedure as outlined in these policy guidelines and will be done with the counsel and advice of the Personnel Work Group.

All dismissal of employees will be reviewed by the Committee on Administration.

B. For Exempt Personnel

Dismissal of exempt personnel for cause can only be obtained by an act of the presbytery upon the recommendation by the Presbytery Cabinet, from allegations made to and reviewed by the Personnel Work Group, this work group's recommendation to the Committee on Administration, and this Committee's recommendation to the Presbytery Cabinet.

Dismissal of exempt personnel for cause is subject to the same reasons and protections of non-exempt personnel, and the staff person is allowed to be present in all meetings of the Cabinet, Committee, and Work Group in which allegations and recommendations are being discussed, except when executive sessions are appropriate.

12.04 a

PROBATION

An exempt or non-exempt employee may be placed on probation by the General Presbyter for a specific period of time upon private consultation with the employee wherein particulars of job performance or other actions are cited in writing to need remedial behavior, and the timing of the probationary period is set. The probationary citing will be signed by the employee and the General Presbyter and be placed in the employee's personnel file. At the end of the probationary period, it will be determined by the General Presbyter in private consultation with the employee whether to end or extend the probationary period or to proceed with suspension or dismissal.

12.04 b

SUSPENSION

If unacceptable behavior (e.g., insubordination, harassment of other employees, apparent involvement in dishonest or unethical acts, etc.) requires absence from the work place the General Presbyter may suspend a non-exempt employee, pending verification and evaluation of the circumstances. Suspension of any exempt employee shall require the concurrence of the General Presbyter and the Chair of the Personnel Work Group. Suspended employees will receive pay during the investigation process conducted by the Personnel Work Group of the Committee on Administration.

The suspension citation will be given in writing to the employee by the General Presbyter with the reasons, conditions and length of the suspension, signed by the employee and the General Presbyter and placed in the employee's personnel file.

Suspension without pay may be invoked in circumstances where an offense has been clearly established requiring disciplinary action but not warranting immediate dismissal. Normally suspension will be invoked after verbal and written warnings or other probationary citations are issued to employees regarding inappropriate conduct on the job. Suspension shall be considered to be a warning to the employee that repetition would subject the employee to dismissal. Suspension without pay may be for a period of up to two weeks. Consultation between the employee and the General Presbyter should precede suspension.

The employee shall be notified in writing of her or his right to use the complaint procedure as outlined in these policy guidelines and shall have the right to defend her or his position with or without an advocate. If the employee decides to use an advocate, it will be at the employee's expense.

12.05 **REDUCTION OF REGULAR STAFF**

If the Presbytery, because of a fundamental change in long-range objectives, reorganizational changes, or a serious change in financial outlook, is required to make a reduction in work force, the decisions and procedures by which staff members will be released will be fairly and consistently applied to all staff. (See Manual of Operations)

Written notice will be issued by the Moderator of Presbytery to all regular staff announcing the reduction and reasons for it.

Policies and procedures shall be developed to provide for personal assistance, career planning guidance and help in locating employment elsewhere.

12.05 a **SCHEDULE OF ALLOWANCE AND ASSISTANCE IN REDUCTION IN FORCE OR TERMINATION WITHOUT PREJUDICE**

1. Severance Allowance:
 - a. A severance allowance based on the total annual effective salary reported to the Board of Pensions, will be given in relation to the length of service as determined appropriate by the Committee on Administration in concurrence with the Presbytery Cabinet
 - b. Payment of severance allowance will be achieved in one of the following two ways as determined by the employer after consultation with the employee:
 1. Lump sum payment - The total amount of the salary due as severance will be paid in not more than two payments. The payment or payments shall be completed within six months of the employee's last day of work.
 2. Salary continuation - The employee's salary will be continued on the regular schedule through the severance period.

2. In the event that any staff person does not obtain employment at the time of termination, he or she will be provided up to an additional three months salary, if he or she shows satisfactory evidence of a diligent job search.
3. The employer's share of the employee's pension and other benefit payments will continue to be paid by the employer during the severance period if payment of severance is on the basis of continued salary noted in 2, immediately above. Pension and other benefit payments will not be continued if the severance allowance is made in one or two lump payments.
4. Special Continuation of Pension Coverage Provision. Persons who do not secure other employment which is covered by the Pension Plan may continue their coverage under the PC(USA) Pension Plan for up to 18 months under the category of "unemployed plan members." This means that the employee would continue to remit dues on the following basis:
 - a. For major medical benefits, dues will be submitted on the basis of the benefit plan percentage and base figure (subject to change annually).
 - b. If the employee chooses to continue coverage for Pensions, death and disability coverage, he or she must remit an additional percentage of salary as specified by the Pension Plan. If coverage is needed beyond 18 months, it will be dealt with on a base-by-case basis.

12.05b **SPECIAL ASSISTANCE**

Staff who have accrued study leave time and/or funds may use this time equivalence in pay and the money for education intended to enhance the individual's employability. Prior approval of the Personnel Work Group is required. Staff persons electing to use outplacement services may negotiate this with the Personnel Work Group.

12.05c **VACATIONS**

Any vacation entitlement should be completed prior to termination. No additional vacation entitlement will accrue during the severance period.

12.05 d **SICK LEAVE**

Sick leave benefits end at termination.

12.06 **TERMINATION OF EMPLOYMENT**

All conditions for separation shall be compatible with the provisions of the Form of Government and the Rules of Discipline of the Presbyterian Church (USA).

12.07 **DEATH IN SERVICE**

In the event of the death of either an exempt or non-exempt employee, the salary of that person will be continued to the spouse or employee designated beneficiaries for four weeks from the date on which the death occurs. It is the responsibility of the employee to designate beneficiaries. If beneficiaries are not identified an amount equal to four weeks salary will be paid to the estate of the deceased. Death benefits are also provided through the pension and benefits plans of the Presbyterian Church (USA).

12.08 **RETIREMENT**

The Presbyterian Church (USA) pension and benefits plans are designed to make possible retirement at age sixty-five with full benefits in relation to accrued pension credits. Those who work beyond age sixty-five will continue to accrue additional pension credits. (See the provisions of the Presbyterian pension plans for further information.)

12.08a **EARLY RETIREMENT**

An employee may retire earlier than age 65 but with discounted retirement benefits.

12.08b **TRANSITION IN RETIREMENT**

Employees who wish to plan for a gradual transition to retirement are encouraged to explore with the General Presbyter possibilities for alternative responsibilities, part-time responsibilities, special project assignments, or other arrangements which would benefit the employee and the employer.

13.00 COMPLAINT PROCEDURE

The Presbytery of the Peaks aims to maintain with its staff good working relationships that affirm the importance of each individual and of her or his contribution to the work being done; encourage mutual respect of employee and supervisor; and provide prompt answers to questions, minimize misunderstandings, and seek resolution of differences as quickly as possible.

While the supervisor is the normal avenue through which an employee raises concerns, in exceptional circumstances it may be necessary to bypass the immediate supervisor and bring complaints to the General Presbyter who will help check information, clarify personnel policies or obtain guidance to help alleviate the problem.

An employee with a complaint related to acts of sexual harassment should immediately inform the General Presbyter and/or the Chair of the Personnel Work Group of the Committee on Administration. (See Section 08.01 of these policies.)

13.01 PROCEDURE FOR FILING A COMPLAINT AGAINST THE GENERAL PRESBYTER

- a. An employee's question or concern regarding the General Presbyter should be discussed with her or him as soon as it arises. Normally an answer to the question or concern should be given within five working days.
- b. When the matter is such that the employee prefers not to discuss it initially with the General Presbyter, the employee may contact the Chair of the Personnel Work Group of the Committee on Administration. These two will then meet with the General Presbyter. Normally an answer to the question or concern should be given within five working days.
- c. If no reply has been received within ten working days or if the reply is unsatisfactory from the complainant's point of view, the complainant may take up the matter with the Chair of the Committee on Administration. This should lead to a resolution of the issue within ten working days, or the reason for the delay will be given to the complainant in writing.
- d. If no reply is received within fifteen working days or in the event that a satisfactory resolution has not been reached, the complainant shall file a grievance in writing with the Committee on Administration through its Chair. Within twenty (20) working days copies of the reply of the Committee will be furnished to the complainant and the General Presbyter.

- e. In reference to ordained persons, after a complaint has been filed and if the chair of the Personnel Work Group believes that the complaint should be filed with Committee of Ministry, then the complaint will be referred to that Committee for their counsel and advice or resolution (due process).

13.02 FORMAL MEDIATION AND ARBITRATION

If the complaint is not resolved by the above steps, the Committee on Administration shall establish procedures for convening, investigating, hearing and resolving mediation requests and for the selection of impartial mediators.

Letters of decision from the convening authority shall contain provision for the complaining party to indicate acceptance or rejection of the decision.

The record may be inspected by the involved employee at the employee's request. The file record containing the confidential minutes is not to be shared for use in any employment decision unless the employee is made aware of such use.

14.00 BENEFITS

14.01 SOCIAL SECURITY

All personnel are covered by the Federal Old Age and Survivors Benefit Act (Social Security). The employee's share of the tax is withheld from the wages of staff who are not Teaching Elders. Staff who are Teaching Elders are considered self-employed.

14.02 PENSION

All full-time employees who have completed a probationary period are enrolled in the Presbyterian Church (USA) pension plans for which full dues are paid by the Presbytery.

14.03 HEALTH INSURANCE

Major medical protection for employees and dependents is provided to participants in the program of the Board of Pensions. The Committee on Administration may also provide other supplementary health and accident insurance coverage.

14.04

VACATION

A vacation with pay is provided for all permanent employees for rest, refreshment, relaxation, health and work effectiveness. Vacation for part-time employees is subject to Section 16.01 of this manual.

In the first year of employment, vacation time will be prorated depending on the month in which employment took place. Full-time, non-exempt employees are entitled to an annual paid vacation computed on January 1st of each year with (10) days vacation granted (for one year of credited service) and with one day added for each additional year of service up to 22 days.

Employees will be encouraged to take their full vacation each year, but will be allowed to carry over vacation time from one year to another. The maximum total cumulative carryover of vacation time allowance is ten (10) days and any carryover of vacation days requires the special approval of the General Presbyter and where applicable, the Personnel Work Group of the Committee on Administration.

14.05

OFFICE HOLIDAYS

Ordinarily the Presbytery Office shall be closed the following days:

- | | |
|------------------------------------|--------------------------------------|
| New Year's Day | Labor Day |
| Martin Luther King, Jr.'s Birthday | Thanksgiving Day |
| Good Friday | Day after Thanksgiving |
| Easter Monday | Christmas Eve or day after Christmas |
| Memorial Day | Christmas Day |
| Independence Day | |

When a holiday falls on a Saturday or Sunday, it will be observed as a holiday on the nearest Friday or Monday, respectively. When a holiday occurs during an employee's vacation or sick leave, the employee will be granted an offsetting day off.

14.06

SICK LEAVE

Permanent employees will receive ten (10) working days of sick leave each calendar year, cumulative up to 120 days to be used in case of illness. Sick leave entitlement during the first year of employment will be prorated according to length of employment. The ten (10) days of additional sick leave will be credited on January 1 of each successive year of employment. Total credited service will be included in computing entitlement of sick leave.

14.07

WORKMAN'S COMPENSATION INSURANCE

All employees shall be covered by worker's compensation insurance.

14.08

LEAVE OF ABSENCE WITH PAY

Leaves of absence, with pay, are provided under the following circumstances:

- a. For jury duty (up to two weeks annually; in exceptional cases the General Presbyter may grant additional leave of absence with pay for jury duty). When an employee serves as a juror the presbytery will make up the difference between what the employee receives from the government and what the employee normally earns during that period of time.
- b. For marriage of an employee who has one or more years of credited service with the Presbytery (up to three days).
- c. For personal or family emergencies which cannot be cared for outside of working hours (up to three days annually) not to be carried over.
- d. In case of death in the immediate family (husband, wife, parent, parent-in-law, child, brother, sister, grandparent) the employee will receive full pay for absence from the day of death up to and including day after burial. This leave should not exceed four working days. Time lost to attend a funeral may be counted as personal or family emergency leave to be arranged in consultation with the General Presbyter.
- e. Adequate time off for voting where election hours and work schedules would work a hardship on employees.
- f. When called as a witness in legal proceedings.
- g. When called to active military duty. This will be considered a special situation and will be managed by the Personnel Work Group in partnership with the General Presbyter (or designee). The Personnel Work Group will make recommendations to the Committee on Administration and when appropriate to Presbytery.

14.09

PARENTAL LEAVE

In addition to other benefits, an employee is entitled to parental leave in the period immediately preceding and following the arrival (birth, adoption or guardianship) of a child as follows:

- a. The employee should normally apply for the leave at least one month in advance of the expected arrival of the child, specifying the amount of leave time desired.
- b. The leave may be for up to six months. The leave may include a period in advance of the expected arrival of the child, and some may be taken after the child has arrived. The leave normally should be unbroken except for any periods of absence due to medical reasons.
- c. The first two months of the parental leave will be paid at the rate of seventy-five percent of the employee's salary. Alternatively, employees may choose to take the first three months at sixty percent of their annual pay. Any approved leave beyond the employer's reimbursement period will be leave without pay.
- d. Benefit coverage (except vacation and sick leave accrual) and service credit will continue during the entire leave, with the cost of benefits paid by the Presbytery.
- e. If both parents are on the same payroll, only one parental leave can be granted. However, leave may be shared by the two parents.
- f. Upon completion of parental leave, the employee will be entitled to return to his or her position. The position will not be filled during the leave except on a temporary basis. If the employer deems it necessary for business reasons, properly documented to the Personnel Work Group or General Presbyter, the employer may offer a different but comparable position to the employee returning from parental leave, which the employee will be free to accept or decline without prejudice. If the position left by the employee has ceased to exist, a comparable position will be offered to the employee at the same or greater salary, if available.
- g. Any salary increase action for which the employee may become eligible in the course of the leave will be effective on return to employment. (Refer to salary Administration Policy for specific rules.)

14.10 LEAVE OF ABSENCE WITHOUT PAY

Short term leaves of absence (up to two months) without pay may be granted by the General Presbyter.

Longer term leaves without pay may be for a maximum of six months subject to renewal no more than once. Longer term leaves of absence in extraordinary circumstances may be granted by the General Presbyter in consultation with the Personnel Work Group.

Approval of a leave of absence will be based upon the reason an employee is requesting a leave of absence, the amount of time requested, the employee's performance and the need to retain the employee on the job. Ordinarily vacation and/or sick leave must be taken before a leave of absence without pay is approved.

Pension dues, annuity contributions and health insurance will not be paid by the employer for any leave of absence without pay which exceeds four weeks but these payments may be made by the employee in accordance with the terms of the applicable plans.

14.11 COMPENSATORY TIME

Compensatory time (Comp time) may be accumulated by non-exempt employees who are requested by their supervisor to work longer than their scheduled hours. Employees may take the time-off, hour-for hour at a later date. Approval for accumulation and usage of Comp time must be obtained from the employee's supervisor in consultation with his/her colleagues.

Accurate record keeping is essential. Comp time accumulated and used must be adequately documented and provided to the Bookkeeper to ensure that proper payroll accounting is maintained

Non-exempt employees may accumulate up to twelve hours per week of Comp time during any pay period, but the hours will not carry forward to the next pay period.

Employees are urged to use discretion in the request for usage of Comp time (e.g. Comp time and overtime in the same week should be avoided if at all possible)

14.12 OVER-TIME COMPENSATION

When requested by his/her supervisor to work beyond a weekly hourly expectation, a non-exempt employee is eligible to claim over-time compensation of one and a half times his/her hourly salary.

Accurate record keeping is essential. Over-time accumulated must be claimed and adequately documented to the Bookkeeper to ensure that proper payroll accounting is maintained.

A voucher for over-time compensation will be submitted to and signed by the supervisor of any non-exempt employee claims.

14.13 **PERSONAL DAYS:**

Three days per year for full time staff and may not be carried over.

14.14 **UNINSURED HEALTH CARE EXPENSE PLAN**

The Presbytery of the Peaks Section 125 Plan (“Plan”) lets you set aside a portion of your paycheck to pay certain uninsured health care expenses, tax-free. The parts of the Plan that allow you to use tax-free dollars for these uninsured expenses are referred to as the “Flexible Spending Accounts” or “reimbursement accounts”.

Eligibility

You are eligible to participate in this Plan if you are a full-time employee, or a part-time employee scheduled to work 20 hours or more per week for a minimum of 1440 hour per year. You are eligible to participate in the plan on the first day of the month following employment.

How much Can You Contribute?

Each year, you can elect to reduce your salary for health care expenses up to \$2,000. If you first become eligible to participate in the plan after the plan year begins, the maximum contribution to the health care account is reduced to a proportionate part of \$2,000 based on the number of full months remaining in the plan year.

Changing your choice

There are special IRS rules about Flexible Spending Accounts. According to the IRS, you generally must designate how much of your salary will be credited to the health care account before the beginning of the plan year or when you first become eligible to participate in the plan. Once you have designated a payroll reduction amount of chosen not to have a reduction for a plan year, this designation cannot be stopped or changed until the beginning of the next plan year unless you terminated employment or have a qualified change in family status such as:

- Marriage or divorce
- Birth or adoption of a child
- Death of a spouse or child
- Commencement or termination of your spouse’s employment

- Commencement of an unpaid leave of absence
- Your spouse taking an unpaid leave of absence or switching from full-time to part-time employment
- Significant changes (including total cessations) in the health coverage of you or your spouse attributable to your spouse's employment.

If you do have a change in family status, you have up to 30 days to submit a new enrollment form.

Salary Reduction and Your Other Benefits

Your flexible spending account contributions are deducted-before Federal, Virginia State and Social Security taxes are computed-in equal amounts from each paycheck and the amounts are recorded in recordkeeping accounts in your name.

Your retirement benefits, life insurance amounts or your disability benefits are based on you gross pay before Plan contributions.

How the Flexible Spending Accounts Work

You pay your uninsured health care and dependent care expenses as usual. To be reimbursed for those expenses from the FSA, you will need to complete the Flexible Spending account Claim Form and attach original receipts. Minimum request amount is \$50.00, except at year end.

Before you decide

Make sure you contribute only what you know you will incur for eligible expenses during the year. (An expense is incurred when the service is provided, not when you pay for it). Current IRS rulings allow for expenses incurred in the first two and ½ months of the next year to be reimbursed from the prior year deductions. Any funds not claimed by March 31st are forfeited. Forfeited dollars will be used to offset plan expenses.

The IRS rule means you should figure your contributions carefully to avoid the risk of losing any money. With careful planning you'll be able to take full advantage of the tax savings.

Keep in mind you have until March 31 of the following year to request a reimbursement from your account for expense you incurred during the previous year.

Health Care Spending Account

Medical Expenses

- Co-payments
- Deductibles

Vision & Hearing Care Expenses

- Routine exams
- Eyeglasses
- Contact lenses
- Hearing aids and repairs

Dental Expense

- * Deductibles and co-payments
- * Orthodontic services
- * Cleaning and fillings

Ineligible Expense

- Premiums for other plan coverage, such as premiums for the health of a spouse's or dependent's employer or individual health insurance policies
- Drugs that do not require a physician's prescription
- Cosmetic surgery, procedures and prescriptions

What else should you consider?

If you leave the Presbytery of the Peaks for any reason (including retirement, disability or death) any money remaining in a flexible spending account can still be used for expenses incurred while you were employed at the Presbytery. You may continue to submit requests for reimbursement for up to three months after the close of the calendar year.

Under the federal law known as "COBRA" you may continue to make contributions to the account with your own after-tax dollars, after you leave the Presbytery. In that case, you could also use any amounts that were in your account when you left, for expenses incurred later in the same plan year. because you don't pay taxes, you save money.

15.00 INTERIM STAFF PERSONS

15.01 GENERAL PROVISIONS

- a. To provide continuity of administrative and/or program services interim staff may be appointed to fill a vacancy in an approved (validated) position, to serve until the position is filled (or abolished).
- b. This policy is applicable to all interim positions whether filled by full-time, part-time, ordained or non-ordained personnel.

15.02 POSITION DESCRIPTION

A position description shall be prepared by the Personnel Work Group in consultation with the appropriate Committees of presbytery, clearly identifying the kinds of accomplishments and administrative/programmatic leadership desired during the interim period. The accountability of the position shall be clearly defined and be consistent with the accountability provisions of the Form of Government.

15.03 SELECTION

The selection and hiring of an interim employee shall be in accordance with the provisions of the Form of Government and/or the policy and practice of the Committee on Administration. The Nominating Committee of Presbytery will nominate to Presbytery and the Search Committee which will select a nominee to be elected by Presbytery.

15.04 COMPENSATION

Compensation shall be according to the compensation plan established by the Committee on Administration.

15.05 BENEFITS

Housing: Housing or a housing allowance shall be provided if the appointment requires relocation. Since the position is temporary and short-term, the person employed should be encouraged to seek and secure temporary living quarters.

Pension: Where the person is covered by the Presbytery's pension plan, pension benefits will be according to the particular plan's formula.

Vacation and Continuing Education: Vacation and continuing education benefits may be granted in accordance with existing provisions for regular employees.

Because of the temporary nature of interim service, special consideration shall be given in the case of interims who must be separated from their immediate family. Arrangements for travel or other expenses for a reasonable number of visits with the family should be a part of the agreement.

Reasonable and clearly defined moving expenses for personal effects shall be provided in agreement with an interim.

15.06 **REVIEW OF WORK**

The Committee on Administration through its Personnel Work Group shall provide for a review of the interim staff person's work on a scheduled basis.

15.07 **TERMINATION**

Termination procedures shall be as provided in these personnel policies, section 12.00-12.08b.

16.00 **PART-TIME EMPLOYEES**

Part-time employees are those employed to work less than the full weekly schedule. Part-time employees will be paid on a contract basis.

The Presbytery of the Peaks will contribute its share to Social Security. The Presbytery of the Peaks will not provide hospital insurance and retirement benefits for part-time employees working less than 20 hours per week.

16.01 **BENEFITS**

- a. If employed at least 40 hours over a two-week period, part-time employees are eligible for compensation, benefits, vacation and leave as follows:
 - 1. Salary, on an hourly wage basis, in an amount not less than that required by federal minimum wage and hour regulations, to be paid bi-monthly.
 - 2. Salary increases on recommendation of the General Presbyter.
 - 3. Participation in Social Security (F.I.C.A.), the cost to be shared one half by the employer and one half by the employee.

4. Coverage by Worker's Compensation.
 5. Assistance in the payment of premiums for health and medical insurance to enable the employee to self-insure, if not covered otherwise.
 6. Holiday pay, if the holiday falls on one of the regularly scheduled working days for the part-time employee.
 7. Sick leave with pay if the leave falls on one of the regularly scheduled working days for the part-time employee for a period of up to six (6) days annually.
 8. Six (6) vacation days with pay plus two personal days annually.
- b. Employees who work less than 20 hours per week will not be eligible for vacation leave unless designated in the terms of employment.
 - c. If a full-time employee moves to part-time status (less than 40 hours), the specified within new written terms of employment

All terms of employment will be reviewed annually by the Committee on Administration.

17.00 BENEFITS FOR TEMPORARY EMPLOYEES

Those employed for a short period, usually less than three months, are not paid for holidays, sick leave, or other leaves, and do not earn vacation leave during their temporary employment. They are not eligible for the pension plans or other health benefit entitlement. If they work more than the normal weekly work schedule, they will be paid at the regular rate for up to 40 hours per week, and time-and-a-half for above 40 hours in the case of non-exempt employees. If a temporary employee joins the regular staff, her or his temporary employment is considered as credited service in computing entitlement to vacation.

18.00

MANUAL ADOPTION AND CHANGES

This manual of Personnel Policies and Practices of the Presbytery of the Peaks is to be initially approved by a vote of the presbytery and delegated to be implemented by the Committee on Administration.

The provisions set forth in this manual are applicable until such time as they are proposed to be changed by the Committee on Administration with the approval of the Presbytery Cabinet.

The Committee on Administration will review this manual annually and propose those changes that are deemed to be needed. When changes are made in this manual, all employees will be notified of the changes in writing. The changes that are made become effective on the date of their approval by the Presbytery Cabinet.

Addendum-1

Professional Expense Allowances Policy

December 16, 2015

All **ALLOWANCES** are intended to reimburse the staff for presbytery related costs he or she may incur in fulfilling their call in support of the Presbytery's Mission and Goals. The appropriate form with receipts must accompany all requests for expense reimbursements. All requests must be approved in writing by the employee's supervisor prior to reimbursement.

AUTOMOBILE COSTS – staff are considered to be available to teaching elders, congregations and congregational leaders in order to fulfill their specific job responsibilities. The operation of an automobile is considered necessary to carry out these ministry responsibilities. The Division of Administration shall annually budget funds to be used by staff to defray the cost of owning, maintaining and operating an automobile when the staff is engaged in ministry for the Presbytery. These funds will be dispersed to the staff upon monthly receipt of specific mileage reports that must reflect the date, destination, purpose and mileage of each trip. The specific amount reimbursed per mile will be determined by the annual Internal Revenue Service approved reimbursement and may be subject to increase or decrease at any time by the federal government. These accountable reimbursements will be capped at the amount approved for each position or program. The annual budget amount for automobile reimbursement for each staff person is included in his or her terms of call as part of "Professional Expenses" or in the committee/division/program expense budget.

CONTINUING EDUCATION COSTS – The presbytery recognizes that continuing education is necessary for the staff to maintain competence and to develop and grow in skills for ministry. The budget for such expenses will be set annually by the Division of Administration. When continuing education monies are part of the staff person’s terms of call and the full amount is not spent in a given year, unused funds may accumulate for up to three years. Expenses can include books and periodicals (either hard copy or electronic), as well as conferences, workshops or training events held in a particular location or via the internet. Staff must obtain approval from his or her supervisor prior to attending any conference, workshop or training event.

Expenses appropriate for conferences, workshops or events include registration fees, books and materials, travel, lodging and meals for the person attending the event. Staff are encouraged to “shop” for the lowest rates for travel and lodging and are encouraged to share overnight accommodations when possible. See below for per diem meal expenses. All expenses should be related to one’s area of ministry. Staff may be given a credit card to use for these expenses. ***The cardholder may not use a Presbytery credit card for personal purposes, even if he or she plans to reimburse the organization. The use of a business card for personal use could jeopardize the nonprofit status of the presbytery.*** Whether Presbytery or personal funds are utilized, staff must provide receipts for all expenses attached to a report outlining the details and total costs for the event.

Study toward a degree is ordinarily not required. If the staff person desires to do so for their professional development, the study must be done at an accredited school, seminary or official church training event. Study may be done in a class setting, on-line or as independent study.

PROFESSIONAL EXPENSES

National or Regional Meeting Expenses: Executive and program staff may need to attend regional and national meetings and assemblies in the fulfillment of their responsibilities. These gatherings may include General Assembly, Synod Assembly, related body assemblies or meetings with mid-council staff and/or national staff of the PC(USA). Expenses appropriate for meetings include registration fees, travel, lodging and meals for the person attending the event. All expenses should be related to one’s area of ministry.

Staff may be given a credit card to use for these expenses. ***The cardholder may not use a Presbytery credit card for personal purposes, even if he or she plans to reimburse the organization. The use of a business card for personal use could jeopardize the nonprofit status of the presbytery.*** Whether Presbytery or personal funds are utilized, staff must provide receipts for all expenses attached to a report outlining the details and total costs for the meeting. These accountable reimbursements will be capped at the amount approved for each position or program.

Meetings with Congregational Leaders: Executive and program staff may need to meet with teaching elders, ruling elders and other congregational leaders to fulfill their responsibilities for ministry. When it is appropriate for the meeting to include a meal, the presbytery staff may use professional expenses to cover the costs of his or her meal along with the person(s) with whom he or she is meeting. ***Costs per person shall not exceed the following including tips: ten***

dollars (\$10.00) for breakfast, fifteen dollars (\$15.00) for lunch and twenty-five dollars (\$25.00) for dinner. Alcohol is not a reimbursable expense.

Staff may be given a credit card to use for these expenses. *The cardholder may not use a Presbytery credit card for personal purposes, even if he or she plans to reimburse the organization. The use of a business card for personal use could jeopardize the nonprofit status of the presbytery.* Whether Presbytery or personal funds are utilized, the staff person must provide receipts for all expenses attached to a report outlining where, when and with whom the meeting took place. These accountable reimbursements will be capped at the amount approved for each position or program. The annual budget amount is included in the terms of call as part of “Professional Expenses” or in the committee/division/program expense budget.

PRESBYTERY OF THE PEAKS

Policy on Sexual Misconduct and Procedures for Sexual Misconduct Complaints

A. POLICY ON SEXUAL MISCONDUCT

B. PROCEDURE FOR SEXUAL MISCONDUCT COMPLAINTS

C. COMMITTEE ON SEXUAL MISCONDUCT POLICY

SECTION A

POLICY STATEMENT

This policy supersedes and replaces the previous policy titled *“Policy and Procedures on Sexual Misconduct.”*

It is the responsibility of the council to establish policy and its procedures governing cases of sexual misconduct in its jurisdiction. The Presbytery of the Peaks’ policy and its procedures are intended to guide the development of policy and procedures at Presbytery, session and presbytery-related employing entity levels.

POLICY ON SEXUAL MISCONDUCT

PART I. POLICY

It is the policy of the Presbytery of the Peaks, of the Presbyterian Church (U.S.A.), that all church members, church officers, non-member employees and volunteers of the Presbytery, session and employing entities of the church are to maintain the integrity of the ministerial, pastoral, employment and professional relationship at all times. Sexual misconduct is not only a violation of the principles set forth in Scripture but also of these relationships and is never permissible.

DISTRIBUTION

Copies of this policy and its procedures shall be distributed to all presbytery and congregational entities of the Presbytery. It is intended as guidance for churches, sessions, the Presbytery, and related entities for use by their members, officers, employees, and volunteers. This policy and its procedures should be made available to persons who accuse others of misconduct, including those who are or claim to be victims of sexual misconduct and their families.

PART II. BASIC PRINCIPLES

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.

40 You know that we who teach shall be judged with greater strictness.

41 1 Peter 1:15; 5:2-3; James 3:1

42 The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the
43 Church because an understanding of God and the gospel's good news is conveyed through these
44 representatives. *Their manner of life should be a demonstration of the Christian gospel in the*
45 *church and the world.* (Book of Order G-2.0104a)

46 The basic principles guiding this policy are as follows:

- 47 ○ Sexual misconduct is a violation of the role of ministers of Word and Sacrament,
48 employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who
49 are called upon to exercise integrity, sensitivity, and caring in a trust relationship. The
50 Church has a covenant to act in the best interests of congregants, clients, co-workers, and
51 students, which is broken when sexual misconduct occurs.
- 52 ○ Sexual misconduct includes, but is not limited to, a misuse of authority and power, which
53 breaches Christian ethical principles by misusing a trust relationship to gain an unjust
54 advantage over another in an abusive or exploitive manner. If the congregant, student,
55 client, employee, or volunteer initiates or invites sexual conduct in the relationship, it is
56 the minister's, counselor's, officer's, volunteer's or supervisor's responsibility to
57 maintain the appropriate role and prohibit a sexual relationship.
- 58 ○ Sexual misconduct takes advantage of the vulnerability of persons who are less powerful
59 to act for their own welfare, including children. It is antithetical to the gospel call to work
60 as God's servant in the struggle to bring wholeness to a broken world. It violates the
61 mandate to protect the vulnerable from harm.
- 62 ○ False accusation is a violation of trust just as sexual misconduct is a violation of trust.

63 It is not necessary for the complainant to be a member of the church nor necessary that the
64 conduct be related to church activities for this policy and its procedures to apply.

65

66 PART III. STANDARDS OF CONDUCT

67 GENERAL DEFINITIONS

68 Sexual Misconduct is the comprehensive term used in this policy to include:

- 69 1. Child Sexual Abuse includes, but is not limited to, any contact or interaction between a
70 child and an adult when the child is being used for the sexual stimulation or gratification of
71 the adult person or of a third person. The behavior may or may not involve touching and
72 includes display of private or sexual parts. Sexual behavior between a child and an adult is
73 always considered forced whether or not consented to by the child. The age of maturity is
74 18 years of age.
- 75 2. Sexual Abuse as defined in the Book of Order: "Sexual abuse of another person is any
76 offense involving sexual conduct in relation to (1) any person under the age of eighteen
77 years or anyone over the age of eighteen years without the mental capacity to consent; or
78 (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of
79 ordered ministry or position" (D-10.0401c).

- 80 3. Sexual Harassment as defined for this policy is unwelcome sexual advances, requests for
 81 sexual favors and other verbal or physical conduct of a sexual nature which constitute
 82 sexual harassment when:
- 83 a. Submission to such conduct is made either explicitly or implicitly as a term or
 84 condition of an individual's employment or his/her continued status in an institution;
- 85 b. Submission to or rejection of such conduct by an individual is used as the basis for
 86 employment decisions such as continued employment, possible promotions or
 87 demotions, salary increases or decreases, affecting such individual; or
- 88 c. Such conduct or statements have the purpose or effect of unreasonable interference
 89 with an individual's work performances by creating an intimidating, hostile, or
 90 offensive working environment and can be a series of acts or statements or one
 91 significant act or statement.
- 92 4. Rape as defined by the Code of Virginia (§ 18.2-61) is "If any person has sexual
 93 intercourse with a complaining witness, whether or not his or her spouse, or causes a
 94 complaining witness, whether or not his or her spouse, to engage in sexual intercourse
 95 with any other person and such act is accomplished (i) against the complaining
 96 witness's will, by force, threat or intimidation of or against the complaining witness or
 97 another person; or (ii) through the use of the complaining witness's mental incapacity or
 98 physical helplessness; or (iii) with a child [as previously defined in this document].
- 99 5. Sexual Contact by force, threat or intimidation; sexual contact is offensive, obsessive or
 100 suggestive language or behavior, unacceptable visual contact, unwelcome touching or
 101 fondling that is injurious to the physical or emotional health of another.
- 102 6. Sexual exploitation sexual activity or contact (not limited to sexual intercourse) in which a
 103 person engaged in the ministry of the church takes advantage of the vulnerability of a
 104 participant by causing or allowing the participant to engage in sexual behavior with the
 105 person.
- 106 7. Sexual Malfeasance Sexual malfeasance is defined by the broken trust resulting from
 107 sexual conduct within a ministerial relationship (e.g. clergy with a member of the
 108 congregation) or professional relationship (e.g. counselor with a client, lay employee with
 109 a church member, presbytery executive with a committee member who may be a lay
 110 person, a Minister of Word and Sacrament or a ruling elder). Sexual conduct includes
 111 conduct of a sexual nature even if mutually agreed, unwelcome sexual advances, requests
 112 for sexual favors and verbal or physical conduct of a sexual nature. This definition is not
 113 meant to cover relationships between spouses.
- 114 8. Misuse of technology is use of technology that results in sexually harassing or abusing
 115 another person, including texting or emailing suggestive messages and images to persons
 116 with whom one has a ministerial relationship. It is never appropriate to view pornography
 117 on church property. When this includes a person under the age of eighteen, it is considered
 118 child abuse. There is never an expectation of personal privacy when using technological
 119 equipment owned by a church or church entity or within the context of ministry.

122 PART IV. RISK MANAGEMENT

123 IMPLEMENTATION

124 The Book of Order requires that all congregations, councils and entities related to the
 125 Presbytery adopt and implement a sexual misconduct policy (G-3.0106). All are strongly urged
 126 to take appropriate steps to inform members, employees and volunteers of the standards of
 127 conduct and the procedures for effective response when receiving a report of sexual misconduct.
 128 The structure and procedures for responding to allegations of sexual misconduct are mandated by
 129 the Book of Order (D-10.0000) and this Policy and Procedure paper. In cases of child sexual
 130 abuse or other cases in which criminal charges are filed, the secular authorities will investigate
 131 and dispose of those criminal charges. Congregations and other entities have a duty to make their
 132 own inquiries and to enforce disciplinary procedures without interfering with the secular
 133 authority.

134 LIABILITY AND INSURANCE

135 A congregation and or entity can be held liable for harm caused by sexual misconduct of a
 136 minister of Word and Sacrament, employee or volunteer based on a number of legal theories.
 137 They must take such potential liability into consideration when establishing hiring, recruiting,
 138 training, and supervisory practices.

139 Congregations and entities should regularly inform their liability insurance carriers of the
 140 activities and programs they operate or sponsor and of the duties and responsibilities of officers,
 141 employees and volunteers. The standard insurance policy must be enhanced by endorsements to
 142 cover specific exposures such as camps, day-care operations, shelters or other outreach
 143 programs.

144 The Presbytery, sessions, and employing entities shall obtain an endorsement to their general
 145 liability insurance policy specifically covering sexual misconduct as defined in Part III,
 146 DEFINITIONS. Such coverage should provide for legal defense expenses and judgments in civil
 147 suits brought against the organization, its officers, directors or employees.

148 EMPLOYMENT PRACTICES

149 1. Record Keeping

150 Accurate record keeping is an essential part of hiring, training, and supervision practices.
 151 Presbytery, congregations and entities should maintain a personnel file on every employee,
 152 including ministers of Word and Sacrament. The file should contain the application of
 153 employment, any employment questionnaires, background checks, reference responses and
 154 other documents related to this policy.

155 2. Prescreening Applicants

156 The Presbytery, its congregations, and their related entities are urged to establish stringent
 157 hiring and recruiting practices. If an applicant is unknown to the employer, the employer
 158 should confirm the applicant's identity by requiring photographic identification such as a
 159 driver's license.

160 Part of pre-employment screening should include specific questions related to
 161 discovering previous complaints of sexual misconduct. A person who has been offered
 162 employment should be asked the following questions and employment may be made subject
 163 to acceptable responses.

- 164 a. Have you been found guilty or deemed to be liable in a court of law or ecclesiastical
 165 body for any actions involving sexual misconduct?

- 166 b. Has a founded disposition been entered against you as a result of a Child Protective
167 Services investigation?
- 168 c. Have you ever resigned or been terminated from a position for reasons relating to
169 allegations of sexual misconduct?
- 170 d. If so, indicate the date, nature and place of these allegations and the name, address,
171 and telephone number of your employer at that time.
- 172 e. Have you been required to receive professional treatment, physical or psychological,
173 for reasons of sexual misconduct?
- 174 f. If so, please give a short description of the treatment, including the date and nature of
175 treatment, place and name, address, and telephone number of the treating physician or
176 other professional and a release directed to all health care providers to divulge any
177 and all recommendations of treatment relating to the subject of sexual misconduct.

178 A sample employment questionnaire is attached in Appendix B1 and B2. The questions
179 included in this sample may be integrated into a standard employment questionnaire, with
180 other necessary questions.

181 3. References

182 The Presbytery, congregation, or related entity is responsible for contacting references for
183 prospective ministers of Word and Sacrament, employees or volunteers. A written record of
184 conversation or correspondence with references should be kept in a confidential personnel
185 file.

186 In dealing with ministers of Word and Sacrament and candidates for Ministry of Word and
187 Sacrament under consideration by a pulpit nominating committee, the Presbytery should
188 assume responsibility for previous employer reference checks through the synod executive or
189 the general presbyter. The Presbytery shall report to the PNC that there have been no reports
190 of sexual misconduct or that the committee should inquire into reported sexual misconduct.

191 The person within the Presbytery, congregation or related entity authorized to give a
192 reference on behalf of a minister of Word and Sacrament or candidate for Ministry of Word
193 and Sacrament under consideration by a PNC is obligated to give truthful information
194 regarding allegations, inquiries and administrative or disciplinary actions related to sexual
195 misconduct of the applicant. The response must be limited to information that is a matter of
196 public record (for example, Presbytery minutes) or in the applicant's own personnel file that
197 is maintained by a Presbytery, congregation or entity.

198 If false or misleading information is given or relevant information is withheld, the applicant
199 should be eliminated from consideration. Applicants should be informed of negative
200 comments regarding sexual misconduct and shall be given an opportunity to submit
201 additional references or to give other evidence to correct or respond to harmful information
202 obtained from a reference.

204 PART V. INVESTIGATING COMMITTEE AND ITS WORK

205 INTRODUCTION

206 The Investigating Committee (hereafter, the “IC”) works at the Presbytery level to make an
207 inquiry and to determine if a disciplinary case shall be initiated.

208 THE INVESTIGATING COMMITTEE POOL (the “IC Pool”)

209 1. Formation and Length of term

210 The IC Pool shall consist of at least nine members designated by a committee comprised of
211 the Stated Clerk, the Chair of the Committee on Ministry and the Chair of the Nominating
212 Committee. The initial Pool of ten members shall be divided into three classes labeled
213 Class A, Class B, and Class C.

214 Class A shall consist of four members selected to serve a two-year term. Class B shall
215 consist of three members selected to serve a three-year term. Class C shall consist of three
216 members selected to serve a four-year term. Thereafter, all members shall be selected to
217 serve three- year terms, thereby providing for continuing staggered terms. When a Pool
218 member is appointed to an IC, that member should commit to serve for the duration of the
219 case.

220 2. Composition

- 221 a. All IC Pool members shall be members of the Presbyterian Church (U.S.A.).
- 222 b. The IC Pool shall be diverse as to gender, race, ethnic background and geographical
223 location.
- 224 c. The IC Pool shall include members with expertise and/or experience in the following
225 areas:
- 226 i. child advocacy,
- 227 ii. law (particularly sexual harassment/abuse, civil torts, due process, criminal or
228 domestic issues),
- 229 iii. conflict management and resolution (particularly in the religious community
230 setting),
- 231 iv. personnel management and training, and
- 232 v. insurance and risk management.

233 3. Responsibilities and Expectations

- 234 a. All IC Pool members shall sign the Employment Questionnaire (see Appendix B1 of
235 this document) and file it with the Presbytery office within fifteen days of selection to
236 the Pool.
- 237 b. The IC Pool members shall be familiar with Presbyterian policy and procedures and
238 shall complete the education and training requirements as scheduled by the Committee
239 on Sexual Misconduct Policy.
- 240 c. IC Pool members shall meet not less frequently than once a year for continuing
241 professional training and sharing of information and experiences relating to their duties
242 and responsibilities in the IC Pool.

243 Presbytery of the Peaks’ staff is prohibited from membership in the IC Pool.

244 THE INVESTIGATING COMMITTEE (IC)

245 1. Formation and Composition

246 a. The IC shall consist of three to five members appointed from the current elected IC
247 Pool.

248 b. The IC shall be diverse as to gender and reflect, at least to some extent, the ethnic
249 background of both the complainant and the accused.

250 c. The IC shall possess to the extent reasonable expertise and/or experience in the
251 following areas:

252 i. child advocacy, when appropriate,

253 ii. law,

254 iii. conflict management and resolution,

255 iv. insurance and risk management, and

256 v. personnel management and training, when appropriate.

257 d. No member of a specific IC may be a member of the congregation from which the
258 allegation at issue arises.

259 4. Duties

260 a. IC members shall have completed training and disclosure requirements.

261 b. The members of the IC shall select their own chair.

262 c. The IC shall be responsible for providing requisite notice, to include notice of available
263 alternate remedies, assuring due process, investigating the allegation, facilitating
264 resolution and filing a final report.

265 5. Length of term

266 The IC shall be dismissed when the final report is filed or at the termination of the case,
267 whichever comes last.

268 Costs of the IC and related services shall be provided by the Presbytery.

269 PART VI. THE CARE TEAM

270 FUNCTION

271 Because the process of the investigation of an alleged incident of sexual misconduct can be
272 traumatic to all parties involved, provisions shall be made for access to comprehensive
273 supportive pastoral care (see Appendix D). A CARE Team shall be formed to insure that such
274 pastoral care is available and extended. Such care shall be extended, but not limited to the
275 accused, the complainant and/or reporter, the families of the accused and of the complainant
276 and/or reporter, congregation(s), and all other parties involved in the complaint.

277 THE CARE TEAM POOL (the "CARE Pool")

278 1. Formation and Length of term

279 The CARE Pool shall consist of at least nine members designated by a committee comprised
 280 of the Stated Clerk, the Chair of the Committee on Ministry, and the Chair of the Nominating
 281 Committee. The initial Pool of nine members shall be divided into three classes labeled Class
 282 A, Class B, and Class C.

283 Class A shall consist of three members selected to serve a two-year term. Class B shall
 284 consist of three members selected to serve a three-year term. Class C shall consist of three
 285 members selected to serve a four-year term. Thereafter, all members shall be selected to
 286 serve three-year terms, thereby providing for continuing staggered terms. When a CARE
 287 Pool member is appointed to a CARE Team, that member should commit to serve for the
 288 duration of the case.

289 2. Composition

290 a. The CARE Pool shall be composed of ministers of Word and Sacrament, ruling elders,
 291 and congregation members with expertise in the dynamics of sexual misconduct in the
 292 church and with appropriate pastoral and counseling skills.

293 b. All CARE Pool members shall be members of the Presbyterian Church (U.S.A.).

294 c. The CARE Pool shall be diverse as to gender, race, ethnic background and
 295 geographical location.

296 3. Responsibilities and Expectations

297 a. All CARE Pool members shall sign the Employment Questionnaire (see Appendix B1
 298 of this document) and file it with the Presbytery office within fifteen days of selection
 299 to the Pool.

300 b. The CARE Pool members shall be familiar with Presbyterian policy and procedure and
 301 shall complete the education and training requirements as scheduled by the Sexual
 302 Misconduct Committee.

303 c. Pool members shall meet not less frequently than once a year for continuing
 304 professional training and sharing of information and experiences relating to their duties
 305 and responsibilities in the CARE Pool.

306 The Presbytery of the Peaks' staff are prohibited from membership in the CARE Pool.

307 CONFIDENTIALITY OF THE WORK OF THE CARE TEAM

308 Because confidentiality is crucial in effective pastoral care and pastoral counseling, the
 309 conversations between the CARE Team members and persons involved in the complaint shall be
 310 held in confidence and not shared with the IC nor anyone else unless written permission is given
 311 by each person who provided the information to a CARE Team member or the Team member is
 312 so ordered by a court of law.

313 AVAILABLE RESOURCES

314 The CARE Team shall determine the availability of resources (including persons, funding and
 315 support services) to meet the appropriate needs of the affected persons. If necessary, these
 316 resources should be sought outside the particular Presbytery or session if such resources are not
 317 immediately available. Without endorsement, the Presbytery, session, or other employing entities
 318 are advised to compile and maintain a list of impartial psychological counselors, pastoral

319 counselors, attorneys, conflict managers and insurance advisors who will be available for
320 assistance to the affected parties in a given case.

321

322 PRESBYTERY OF THE PEAKS

323 SECTION B

324 PROCEDURE FOR SEXUAL MISCONDUCT COMPLAINT

325

326 PART I. REPORT OF SEXUAL MISCONDUCT

327 This procedure supersedes and replaces a previous procedure titled “*Policy and Procedures on*
 328 *Sexual Misconduct*” and shall be followed for all complaints investigated after its adoption,
 329 regardless of the date of the alleged events. The structure and procedures for responding to
 330 allegations of sexual misconduct are mandated by the Book of Order (D-10.0000) and this Policy
 331 and Procedure document. Changes to the Book of Order made after the adoption of this
 332 procedure and policy are adopted and incorporated *mutadis mutandis*.

333 GENERAL REPORTING

334 Reports of sexual misconduct will arise in a variety of ways. Therefore, it is important that
 335 officers, employees and persons highly visible to church members and visitors understand how to
 336 channel a report to the proper person.

337 Reports of sexual misconduct should never be taken lightly or disregarded. Reports should be
 338 dealt with as matters of highest confidentiality, both before and after they have been submitted to
 339 appropriate authorities.

340 The person receiving the initial report of sexual misconduct shall not undertake an inquiry
 341 alone.

342 The person receiving the initial report of sexual misconduct from the complainant and/or
 343 reporter shall immediately inform the Clerk of Session or the Stated Clerk of the Presbytery, who
 344 shall provide guidance on preparation of the written report. (Book of Order D-10.0000)

345 Jurisdiction is controlled by the Book of Order D-3.0000.

346 RECEIVING THE INITIAL REPORT

347 The individual receiving a report is required to file immediately a written report with the Clerk
 348 of Session or the Stated Clerk of the Presbytery, signed by the individual receiving the report. An
 349 effort shall be made to have an adult complainant also sign the report.

350 If the accused is the Stated Clerk, the concern goes to the Chair of the Presbytery’s Cabinet,
 351 who will request the Moderator of the Presbytery to appoint a Special Clerk and an IC to handle
 352 this judicial issue. The matter may then be referred to the Synod.

353 CHILD SEXUAL ABUSE CASES

354 Within the church, all persons covered by this policy (as identified in Appendix A,
 355 Definitions) are required to report child sexual abuse to the employing entity, supervisor,
 356 Presbytery or session representative and to appropriate state and local agencies and authorities.
 357 All persons should be informed of and must comply with state and local laws regarding the
 358 reporting of incidents of actual and suspected child sexual abuse.

359

360 PART II. CONVENING OF AN INVESTIGATING COMMITTEE AND A CARE TEAM

361 Upon receipt of written allegations of sexual misconduct, the Stated Clerk shall request the
 362 Chair of the Committee on Ministry (COM) to convene an Investigating Committee (IC) within
 363 seven working days of receipt of the complaint. The IC shall be comprised of 3-5 members
 364 selected from the IC Pool by the Chair of the COM.

365 At its first meeting, the IC shall select its chair and receive a report containing the complaint
 366 and the identity of the affected parties. Legal counsel shall be made available for consultation
 367 and advice to the IC through a list provided by the Sexual Misconduct Committee. Expense of
 368 such counsel shall be borne by the Presbytery.

369 Prior to the convening of an IC or at the same time thereof, the Chair of the COM shall select
 370 and notify no less than three members from the Care Team Pool, to act as a Care Team for the
 371 accuser and/or the victim, for the accused, and for other persons and entities affected throughout
 372 the process. The CARE Team will select one of their members to serve as Team lead.
 373

374 PART III. RESPONSE OF INVESTIGATING COMMITTEE

375 ROLE AND FUNCTIONS OF THE INVESTIGATING COMMITTEE (IC)

376 The IC will take the following primary actions:

- 377 1. Receive the report of sexual misconduct,
- 378 2. Provide notice to the accused of the complaint of the formation of the IC, the right to
 379 counsel, the right to remain silent and the fact that any statements made to the IC can be
 380 used against him/her in subsequent proceedings and the availability of alternative
 381 remedies.
- 382 3. The IC shall take all reasonable steps to protect the victim. The accused shall
 383 also be directed to have no further contact with the complainant and/or reporter or his/her
 384 family and be provided with a copy of this *Policy on Sexual Misconduct and*
 385 *Procedures for Sexual Misconduct Complaints* and a copy of the Rules of Discipline from
 386 the current Book of Order D-1.0000 through D-14.0502.
- 387 4. The IC shall promptly investigate the allegations of sexual misconduct. The
 388 IC shall meet separately with the victim and accused and consider all relevant
 389 information. The IC shall meet with witnesses, including witnesses offered by the victim
 390 and accused.
- 391 5. The complainant and/or reporter shall receive notice of available alternative
 392 remedies and a copy of the *Policy on Sexual Misconduct and Procedures for Sexual*
 393 *Misconduct Complaints* and the Rules of Discipline from the current Book of Order
 394 D-1.0000 through D-14.0502. If the parties are willing to pursue alternative remedies
 395 such as mediation, pursuant to Book of Order D-10.0202, initiate and report thereon.
- 396 6. Confirm that civil and criminal authorities have been notified when appropriate and if
 397 not, make the appropriate notifications.

398 MEDIA CONTACT WITH THE INVESTIGATING COMMITTEE

399 Any inquiries from the media regarding an incident of sexual misconduct must be directed to
 400 an official designated by the chair of the COM whose response, if any, will be made after first

401 conferring with legal counsel. Questions from the media shall not be addressed by any member
402 of the IC.

403 INVESTIGATING COMMITTEE RECORD KEEPING

404 The IC shall keep careful records of its proceedings, including detailed accounts of its actions,
405 minutes of its deliberations and its conversations with all affected persons, copies of the initial
406 report, correspondence and copies of reports to the governing body or entity. When the matter
407 has been resolved, the records shall be forwarded to the Stated Clerk of the Presbytery where
408 they will be marked “confidential” and securely stored. Members of the IC shall keep no separate
409 or duplicate records of material that has been turned over to the Presbytery as a result of its work.

410 INVESTIGATING COMMITTEE REPORTS AND RECOMMENDATIONS

- 411 1. A brief written report shall be made by the IC to the Stated Clerk.
- 412 2. The written report of the case for submission to the Stated Clerk shall include the
413 following:
 - 414 a. Names of parties involved,
 - 415 b. Presbytery or congregation membership of the parties involved,
 - 416 c. Allegations made by the accuser,
 - 417 d. Response made by the accused,
 - 418 e. Findings and conclusions based on probable cause standard; and
 - 419 f. Resolution of the case or further actions to be taken by the Presbytery, session or related
420 entity, including remedies set forth above. If there are no charges of any type, the report
421 will be included in the Presbytery Confidential file for three years.
- 422 3. The IC will report to the Presbytery whether or not it will file charges.
- 423 4. If there are charges and a trial, the recommended action will be followed and recorded in the
424 minutes of Presbytery.
- 425 5. Neither the Committee on Sexual Misconduct Policy nor a member of Presbytery staff shall
426 become involved in the investigation or resolution of any complaint except as specifically
427 set out herein.
428

429 PART IV. RECORD KEEPING

430 All documents shall be kept confidential except as set out herein.

431 At the conclusion of the matter, all documents relating to the allegation shall be delivered to
432 the Stated Clerk, sealed, marked confidential and maintained at the Presbytery Office. They shall
433 be opened by appeal to the Stated Clerk.

434 The IC report shall be made a part of the accused’s permanent personnel file. If referred to a
435 permanent judicial commission, its report of its findings shall also be made a part of the
436 accused’s permanent personnel file.

437 Thereafter, records will be released only as required or authorized by law.
438

439 PRESBYTERY OF THE PEAKS

440 SECTION C

441 COMMITTEE ON SEXUAL MISCONDUCT POLICY

442

443 The Committee on Sexual Misconduct Policy (CSMP) established by the previous policy shall
444 continue with existing members of the Committee serving their appointed terms.

445 Future members of the Committee shall be nominated by the Committee on Ministry and
446 elected by the Presbytery for terms of three years. The Committee shall consist of six members
447 with two members' terms expiring each year. At least one member shall be a minister member of
448 the Presbytery. The Committee on Ministry shall annually designate one member to serve as
449 chairperson for the following year.

450 The Committee on Sexual Misconduct Policy (CSMP) shall meet not less frequently than once
451 a year to review the current policy and plan for educational/training events as well as fulfill its
452 various other responsibilities.

453 RESPONSIBILITIES OF THE CSMP

454 1. Recruit members for CARE Team and Investigating Committee Pool

455 2. Provide pool training and education,

456 3. Provide continuing education to Committee on Ministry, presbytery staff, professional and
457 non-professional church staff, ministers of Word and Sacrament, sessions, and
458 congregations to include:

459 a. *Policy on Sexual Misconduct and Procedures for Sexual Misconduct Complaints*,

460 b. Factors in crossing boundaries in professional relationships,

461 c. Ethical analysis of clergy roles focusing on power and authority,

462 d. Prevention strategies; and

463 e. Risk management

464 4. Develop and maintain roster(s) of counselors, attorneys, mediators, and arbitrators for
465 referral as needed in event of complaint.

466 EDUCATION AND TRAINING

467 Since the issue of sexual misconduct has become an evermore present reality, there is a need to
468 educate and train a wide variety of persons. Education often happens in response to actual cases
469 of sexual misconduct. It is recommended that the Presbytery, sessions and employing entities be
470 as proactive as possible in preventing sexual misconduct by offering regular educational/training
471 events in order to heighten an awareness of healthy professional boundaries. Such events will
472 also enable one to respond out of competence rather than out of ignorance and irrationality when
473 confronted with allegations of sexual misconduct.

474 1. Education

475 Education will be different on a group-by-group basis. Persons needing specific
476 education include:

4774 91
7 492492
7 493493
4784 494494
7 495495
8 496496
4794 497497
7 498498
9 499499
4804 500500
8 501501
0 502502
4814 503503
8 504504
1 505505
4824 506506
8 507507
2 508508
4834 509509
8 510510
3 511511
4844 511511
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4914

- i. C Pool (within two months of designation)
- A iii. Committee on Ministry
- R iv. Presbytery Staff
- E v. Professional and non-professional church staff (within one year of implementation of policy), including:
 - o Ministers of Word and Sacrament (within one year of implementation of policy and/or arrival in the Presbytery):
 - o Certified Christian Educators and Commissioned Pastors {also known as Commissioned Ruling Elders (CREs)}
 - o Candidates for Ministry of Word and Sacrament
- w vi. Sessions, Personnel Committees, and Members of the congregation
- i vii. The Presbytery of the Peaks at a stated meeting at least biennially
- t
- 2. Policy and Procedure: All employees and volunteers shall be well acquainted with and abide by the Presbytery of the Peaks’ *Policy on Sexual Misconduct and Procedures for Sexual Misconduct Complaints*.
- 2. Preventive Awareness: Training shall be provided which addresses the issues of sexual misconduct to include:
 - o Factors in crossing boundaries in professional relationships,
 - o Ethical analysis of ministerial roles focusing on power and authority,
 - o Prevention strategies and ways to intervene after the fact.
- 3. Risk Management: Education should include basic information regarding risk management.

RESPONSIBILITIES OF PRESBYTERY, SESSION, AND EMPLOYING ENTITIES

- 1. The Presbytery of the Peaks requires that all Ministers of Word and Sacrament, Chaplains, Commissioned Pastors, Certified Christian Educators and other certified leaders who perform any service of any kind for any congregation, council or institution submit permission for a Criminal Background Check carried out by the Presbytery. Inquirers and candidates for the designated categories will likewise be expected to submit permission for the same checks.
- 2. Shall provide copies of and appropriate training on the Presbytery of the Peaks’ *Policy on Procedures for Sexual Misconduct Complaints* to all full, part-time, temporary, interim staff, and volunteers.
- 3. Receive signed acknowledgements of the Policy and Certification of Training provided (Appendices D1 and D2).
- 4. Provide opportunities for continuing education.

512 CONTINUING EDUCATION

5135 Continuing education shall be offered on a timely basis. It may include:

1
3

a. Additional training,

5145

1

b. Legal updates,

4

c. Review of policy and procedure,

5155

1

d. Information on currently available resources.

5

5165 EDUCATION FOR POOLS

1

6

Training for the pools shall include:

5175

1

a. In-depth training in the Presbytery of the Peaks' *Policy on Sexual Misconduct and Procedures for Sexual Misconduct Complaints*

7

b. Book of Order disciplinary procedure,

5185

1

c. In-depth training on sexual misconduct and its ramifications for all people involved,

8

d. Risk management and general information on civil and criminal laws.

5195

1

9

5205

2

0

521 **Appendix A**

522 Definitions

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

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

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

532 *Council* is a representative body composed of ruling elders and ministers of Word and
533 Sacrament: sessions, presbyteries, synods, and the General Assembly. A council may
534 establish entities such as day-care centers, conference centers, camps, homes for the aged, or
535 campus ministries. A council may have both church members and nonmembers as
536 employees.

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

539 *Entity* is the term used to refer to any program or office managed by a board, committee, council,
540 or other body whose membership is elected by a council. Entities subject to these policies
541 and procedures include entities subordinate to the Presbytery of the Peaks or any
542 congregation or session in the Presbytery. Entities are also referred to as “related entities” or
543 “other entities” herein.

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

546 *Mandated Reporter* includes any person under the PCUSA constitution who is mandated to
547 report to the civil authorities any reasonably held belief that there will be future harm and any
548 person described by a states’ laws as a person who is required to report any and all suspected
549 incidents of child abuse, including child sexual abuse that come to their attention. State laws
550 vary from defining “all persons having knowledge” as mandated reporters to specifying very
551 limited lists of professions whose members are required to report.

552 *Persons Covered* by this policy includes church members, church officers, ministers of Word
553 and Sacrament, and nonmembers who are employees or volunteers of the Presbytery of the
554 Peaks and all subordinate councils and entities.

555 *Response* is the action taken by the council or entity when a report of sexual misconduct is
556 received. It may include (1) inquiry into facts and circumstances, (2) possible disciplinary
557 action (administrative or judicial or both), (3) pastoral care for victims and their families,
558 congregations, and others, and (4) pastoral care and rehabilitation for the accused and care
559 for their families. The responses enumerated in this definition shall not relieve any person of
560 his or her obligation to report an instance of alleged sexual misconduct as required in Section
561 B of the Policy on Sexual Misconduct.

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

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

567 *Volunteer* is the term used for those who provide services without remuneration for the
568 Presbytery of the Peaks and/or its subordinate councils and entities. Volunteers include
569 persons elected or appointed to serve on councils, committees, boards, and other groups.

570

571 **APPENDIX B1**
572 **EMPLOYEE QUESTIONNAIRE**

573
574 Name: _____

575 Last First Middle

576 Address _____

577 _____

578 Street City State Zip

579 Business Phone: _____ Home Phone: _____

580 Have you ever been known by any other name? Yes _____ No _____

581 If yes, please provide other name(s) _____

582 Please respond Yes or No to the following questions:

583 ___ a. Have you been found guilty or deemed to be liable in a criminal or civil proceeding in a
584 court of law or by an ecclesiastical body for any actions involving sexual misconduct?

585 ___ b. Has a founded disposition been entered against you as a result of a Child Protective
586 Services investigation?

587 ___ c. Have you ever resigned or been terminated from a position for reasons relating to
588 allegations of sexual misconduct? If so, indicate the date, nature and place of these allegations
589 and the name, address, and telephone number of your employer at that time on the back of this
590 form.

591 ___ d. Have you been required to receive professional treatment, physical or psychological for
592 reasons of sexual misconduct? If so, on the back of this form, please give a short description of
593 the treatment, including the date and nature of treatment, place and name, address, and telephone
594 number of the treating physician or other professional and a release directed to all health care
595 providers to divulge any and all recommendations of treatment relating to the subject of sexual
596 misconduct.

597 Employment Record: Please list or provide a separate sheet with current and previous employers
598 for last ten years including identity of Employer, Employers Address, Your Supervisor,
599 Supervisor's Phone, Supervisor's Title, Employment Dates, and Reason for Leaving.

600 Please complete the following certification:

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

604
605 _____

606 Signature

Date

607 Note: If you are unable to make the above certification, you may provide on a separate sheet a 608 description of the complaint, termination or the outcome of the situation and any explanatory 609 comments you care to add.

610 RELEASE

611 The information contained in this questionnaire is accurate to the best of my knowledge and may 612 be verified by the employing entity. I hereby authorize _____(Name of 613 Employing Entity) to make any and all contacts necessary to verify my prior employment history 614 and to inquire concerning any criminal records or any judicial proceedings involving me as a 615 defendant or any Child Protective Services investigations or its equivalent. By means of this 616 Release, I also authorize any previous employer and any law enforcement agencies or judicial 617 authorities to release any and all requested relevant information to 618 _____(Name of the Employing Entity).

619 I have read this release and understand fully that the information obtained may be used to deny 620 me employment or any other type of position from the employing entity. I also agree that I will 621 hold harmless the employing entity or judicial authority from any and all claims, liabilities and 622 cause of actions for the legitimate release or use of any information.

623

624 Signature _____

625

626 Witness _____

627

628 Witness _____

629

630 **APPENDIX B2**

631 VOLUNTEER QUESTIONNAIRE

632 Name: _____

633 Last First Middle

634 Address

635 _____

636 Street City State Zip

637 Business Phone: _____ Home Phone: _____

638 Have you ever been known by any other name? Yes_____ No_____

639 If yes, please provide other name(s) _____

640 Please respond Yes or No to the following questions:

641 ___ a. Have you been found guilty or deemed to be liable in a criminal or civil proceeding in a
642 court of law or by an ecclesiastical body for any actions involving sexual misconduct?

643 ___ b. Has a founded disposition been entered against you as a result of a Child Protective
644 Services investigation?

645 ___ c. Have you ever resigned or been terminated from a position for reasons relating to
646 allegations of sexual misconduct? If so, indicate the date, nature and place of these allegations
647 and the name, address, and telephone number of your supervising organization at that time on the
648 back of this form.

649 ___ d. Have you been required to receive professional treatment, physical or psychological for
650 reasons of sexual misconduct? If so, on the back of this form, please give a short description of
651 the treatment, including the date and nature of treatment, place and name, address, and telephone
652 number of the treating physician or other professional and a release directed to all health care
653 providers to divulge any and all recommendations of treatment relating to the subject of sexual
654 misconduct.

655

656 Please complete the following certification:

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

660

661 _____

662 Signature Date

663 Note: If you are unable to make the above certification, you may provide on a separate sheet a
664 description of the complaint, termination or the outcome of the situation and any explanatory
665 comments you care to add.

666 RELEASE

667 The information contained in this questionnaire is accurate to the best of my knowledge and may 668
be verified by the employing entity. I hereby authorize _____(Name of Supervising
669 Entity) to make any and all contacts necessary to verify my prior employment history and to 670
inquire concerning any criminal records or any judicial proceedings involving me as a defendant 671 or
any Child Protective Services investigations or its equivalent. By means of this Release, I also 672
authorize any previous employer and any law enforcement agencies or judicial authorities to 673
release any and all requested relevant information to _____(Name of the
674 Supervising Entity).

675 I have read this release and understand fully that the information obtained may be used to deny 676
me employment or any other type of position from the employing entity. I also agree that I will 677 hold
harmless the supervising entity or judicial authority from any and all claims, liabilities and 678 cause of
actions for the legitimate release or use of any information.

679

680 Signature _____

681

682 Witness _____

683

684 Witness _____

685

686

687 APPENDIX C

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

692
693 CONFIDENTIAL EMPLOYMENT REFERENCE

694 1. Name of Applicant:

695 _____

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

697 _____

698 _____

699 _____

700 3. Date and time of contact:

701 _____

702 4. Person contacting the reference or church:

703 _____

704 5. Method of contact (phone, letter, personal conversation):

705 _____

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

709 _____

710 _____

711 _____

712 _____

713
714 Name: _____ Title: _____

715 Signature: _____ Date: _____

716

717 **APPENDIX D1**

718 IMPLEMENTING POLICY ON SEXUAL MISCONDUCT AND ACKNOWLEDGMENT OF
719 RECEIPT

720 I hereby acknowledge that on date(s) indicated below I received a copy of the *Policy on Sexual* 721
Misconduct and Procedures for Sexual Misconduct Complaints, and that I have read the Policy, 722
understand its meaning and agree to conduct myself in accordance with the Policy.

723

724

725 _____

726 Signature

727

728 _____

729 Date

730

731 APPENDIX D2

732 IMPLEMENTING POLICY ON SEXUAL MIS CONDUCT AND ACKNOWLEDGMENT OF
733 RECEIPT

734 I hereby acknowledge that on date(s) indicated below I received training on the Policy on Sexual 735
Misconduct and Procedures for Sexual Misconduct Complaints, and I understand its meaning 736 and
agree to conduct myself in accordance with the Policy.

737

738

739 _____

740

Signature

741 _____

742

Date

743

744 APPENDIX E

745 Meeting the Needs of All Involved

746 In cases of sexual misconduct there are needs that have to be met for the good of all persons,
 747 groups, and entities. To ensure that the Presbytery is ready to meet the variety of needs present, 748
 an independent CARE Team shall be named. The CARE Team shall be appointed from the 749 CARE
 Pool as stated in Section A, Part VI 6 of the policy. This Team will not investigate the 750 allegation
 or in any way function as an investigating committee for disciplining members or 751 officers, but
 should confine itself to coordinating a process that will meet the specific needs of 752 victims and
 their families (if any), the accused and family (if any), employing entities, 753 congregations,
 sessions and the Presbytery.

754 A. The Needs of the Victim

755 The Presbytery, session, related entities, and CARE Team should assure that adequate 756
 treatment and care are available for alleged victims of sexual misconduct and their families. 757
 Sometimes, the victim or family is so angry and alienated from the church, that offers of help 758 may
 be perceived as insincere or as attempts of a cover-up. If the victim or family at first refuses, 759 the
 church should continue to offer help. Above all the church should not act in a self-protective 760 manner
 by ignoring the victim and their families.

761 The extent of the damage to the victims of sexual misconduct will vary from person to person
 762 and is influenced by such factors as the degree or severity of abuse, the age and emotional 763
 condition of the victim, human dynamics, and the importance of one's religious faith. The 764
 Presbytery, session, entity, and CARE Team are to assume in all cases that the victim has been 765
 wounded by the experience.

766 Feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, and feelings of
 767 alienation from God, self, the religious community, and family are frequent injuries suffered by 768
 victims. It is important for the CARE Team to be sensitive to the victim's pain and need for 769 healing,
 and to act by making appropriate pastoral care available.

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

- 771 1. To be heard and taken seriously. From the time that the victim is first able to indicate that
 772 sexual misconduct has occurred, that person should receive immediate attention and
 773 serious consideration from all church representatives.
- 774 2. To receive pastoral and therapeutic support. The victim may require spiritual and
 775 professional assistance as a result of sexual misconduct. The CARE Team should offer to
 776 help arrange for such support from a pastor and therapist, if the victim desires. Discussions
 777 with such people would be confidential, privileged conversations.
- 778 3. To be informed about church process and progress with regard to the accusation. One
 779 member of the CARE Team should be the church contact person for the victim. Frequently,
 780 this contact person will give the victim information as to what is happening in the church as
 781 a result of the accusation.
- 782 4. To receive legal advice. The CARE Team should suggest that the victim might benefit 783
 from independent legal advice. If requested, the CARE Team should suggest ways in 784
 which independent legal advice can be obtained.

- 785 5. To be assured of an advocate of one's own choosing. A victim may need continuing moral 786
support from one individual who is present while the church process deals with the 787
accusation. This advocate may be a relative, friend, or someone suggested by the CARE 788
Team. This advocate could speak for the victim, if necessary.
- 789 6. To be assured that justice will be pursued. The victim needs to be told by the CARE Team, 790
and shown by the processes of the church, that justice is being pursued through fact- 791
finding, truth-telling, confrontation, agreement that may include removal or temporary 792
exclusion of the accused from office, and/or adjudication of the complaint.
- 793 7. To receive healing and reconciliation. In addition to specific forms of restitution mentioned 794
above, the victim needs to receive a sense of healing and reconciliation with all 795
concerned—the self, the family, the church and, ideally, the accused. The CARE Team can
796 help bring this about using the church's processes and resources. While the above are 797
needs of the victim, one recognizes that all of these needs may also not be met through a 798
reasonable handling of a specific case, but may only occur over a lengthier period of time.
799 All of these needs, however, should be taken seriously and compassionately, and the rights
800 of the victim respected.

801 B. The Needs of the Accused

802 The Presbytery, session, or entity shall offer treatment and care for the accused as well as 803
alleged victims and families. If the accused is a minister of Word and Sacrament this is the 804
responsibility of the Presbytery (Book of Order G-3.0307).

805 Feelings of guilt, shame, anger, mistrust, lowered self-esteem, depression, unworthiness, and
806 feelings of alienation from God, self, the religious community, and family are often experienced 807
by the accused. In addition, there may be fear of job loss, incarceration, and indignation if an 808
allegation is false.

809 When a person is found not guilty of charges of sexual misconduct, it is important for the 810
Presbytery, session, or entity to see that the decision is disseminated as widely as possible within 811
their power, unless doing so would further injure the person accused.

812 1. *Personal Care*

813 Whether the allegations about the accused are eventually found to be true or not, the accused
814 deserves to be treated with Christian kindness and respect.

815 The CARE Team may suggest that the accused seek spiritual support or professional 816
counseling. People in staff positions, such as presbytery executives or Stated Clerks, 817
should not engage in personal counseling of the accused because of their potential 818
involvement in disciplinary process.

819 2. *Economic Security and Care for Family of Accused*

820 When an allegation of sexual misconduct has been made against a minister of Word and 821
Sacrament, the economic security of the accused is directly threatened, along with reputation,
822 career, and family relationships. Again, the presbytery can be of assistance.

823 The CARE Team may alert the Presbytery to the possible spiritual, emotional, and financial
824 needs of the family of the accused and recommend expert resources.

825

826 C. *The Needs of a Congregation in a Context of Sexual Misconduct*

827 Members and staff of the congregation will need pastoral care. The Presbytery, session, or 828
other entity, and the CARE Team should be aware of the problems a congregation or employing 829
entity may experience following allegations of sexual misconduct by a minister of Word and 830
Sacrament, employee, or volunteer. The allegations may polarize the congregation or 831
organization, damage morale, create serious internal problems, and even limit the trust a 832
congregation may place in succeeding pastors. Efforts should be taken to recognize and identify 833 the
problems and heal any damage that may be done to the congregation or organization.

834 When there is sexual misconduct on the part of a minister of Word and Sacrament, non- 835
ordained staff, or volunteer in a particular congregation, a number of needs unique to that 836
congregation will emerge since sexual misconduct impacts congregations in different ways. 837
Therefore, these needs will not necessarily emerge in the same sequence in each situation. 838
Depending on the parties involved in the sexual misconduct, some of the needs may not emerge. 839 In
any event, those managing the church's response to the sexual misconduct will want to know 840 that the
following needs may emerge:

841 *1. Pastoral Care and Pastoral Relationships*

842 If it is the pastor who is involved in the sexual misconduct, COM in coordination with the 843
CARE Team will insure that pastoral care and leadership will be provided to members and 844
staff of the congregation.

845 If it is not a pastor who is involved in the sexual misconduct, then the pastor will provide the
846 needed care for the congregation. The pastor, if not previously trained in this specialty area,
847 should consult with denominational specialists who can advise him or her how to proceed 848
and to deal with any anticipated problems.

849 *2. Information About the Case*

850 Members of the congregation will need opportunities both to receive and give information. If
851 a case of sexual misconduct becomes a matter of public knowledge within a congregation 852
and if a pastor has been found guilty of sexual misconduct, the interim pastor or consultant 853
may hold appropriate meetings with individuals, small groups, or with the whole 854
congregation. Such meetings should provide information about sexual misconduct in general,
855 Presbyterian polity and our judicial process, and how others who may have been victimized
856 may be heard and ministered to. If the offender is not the pastor, then the pastor may perform
857 these functions. At such meetings, one may expect members to vent their feelings. An 858
opportunity for this to happen should be provided. If this venting does not take place, then it
859 may create serious problems for the future of the congregation, for future pastors, and for the
860 governing body. The identity of any victims shall not be disclosed or discussed in these 861
meetings.

862 *3. Resource Persons*

863 In light of the above needs, the following are several resource persons whose services would
864 be valuable to a congregation in the context of sexual misconduct: a trained interim pastor, a
865 presbytery representative knowledgeable in polity and the effects of sexual misconduct in the
866 church, a consultant or therapist with knowledge and experience in dealing with sexual 867
misconduct issues, an attorney who can discuss legal aspects of a case, an insurance agent 868
who can advise the congregation about their exposure to liability or coverage.

869

870 APPENDIX F

871 This exhibit provides entities with a sample Report of Suspected Sexual Misconduct. This 872
form provides space for the names, addresses, and telephone numbers of victims, the 873
accused, possible witnesses, and others involved. It also provides space for a description of
874 the offending behavior as well as other pertinent information. This form or a revision of It 875
should be filed with the appropriate supervisor, office, or administrator of an entity who is 876
required to file this with the constituting authority or its response coordination team (See 877
section on Subsequent Reporting in this policy and its procedures.)

878 Report of Suspected Sexual Misconduct

879 Reported by: _____

880 Name: _____

881 Title: _____

882 Address: _____

883 City, State, and Zip Code: _____

884 Telephone: _____

885 Date of Report: _____

886 Person suspected of misconduct:

887 Name: _____

888 Title: _____

889 Address: _____

890 City, State, and Zip Code: _____

891 _____

892 Telephone: _____

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

894 _____

895 Name: _____ Title: _____

896 Age: _____ Sex: _____

897 Address: _____

898 City, State, and Zip Code: _____

899 _____

900 Telephone: _____

901

902

903

904

905 Report of Suspected Sexual Misconduct

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

908 _____
909 _____
910 _____
911 _____
912 _____

913 Identify eyewitnesses to the incident, including names, addresses, and telephone numbers,
914 where available:

915 _____
916 _____
917 _____
918 _____
919 _____
920 _____

921

922

CHILD AND YOUTH ABUSE PREVENTION PROGRAM & SOCIAL MEDIA CODE OF CONDUCT FOR PRESBYTERY OF THE PEAKS

Please consider the following sample guidelines that may help in the administration of your ministry. These guidelines are not intended to be inclusive of every protection of the children and youth in your organization but rather to be used as a general program that can be implemented in whole or part. Also, these guidelines are not specific to each state and, instead, are based upon global information obtained through the legal representation of religious organizations. Please add your own practices or changes according to your faith and beliefs, facility and state laws.

As you read through this sample Child and Youth Abuse Prevention Program & Social Media Code of Conduct, your institution's name can be placed where **PRESBYTERY OF THE PEAKS** appears. Please amend this program to fit your needs and tailor it accordingly. We encourage you to hire counsel in your own state and review other religious organizations' guidelines in your area of the city or county in your process of implementing portions of this program.

Once complete, the program is more effective when it is reviewed and discussed regularly with those involved in your child and youth programs.

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**Child and Youth Abuse
Prevention Program
& Social Media Code of
Conduct For the Presbytery of
the Peaks**

Adopted by Presbytery of the Peaks
February 13, 2016

CHURCH MUTUAL INSURANCE COMPANY AND HERMES SARGENT BATES WISH TO POINT OUT THAT NO WARRANTY ATTACHES TO THESE DOCUMENTS, AND IN FACT, THESE DOCUMENTS MAY NOT BE APPROPRIATE FOR THE SPECIFIC NEEDS OF A PARTICULAR ENTITY. THESE DOCUMENTS ARE NOT A SUBSTITUTE FOR GOOD PRACTICE, PROPER SUPERVISION, AND DILIGENT OVERSIGHT AND CONTROL. THERE IS NO GUARANTEE THAT THESE DOCUMENTS WILL PROTECT ANY FACILITY THAT CHOOSES TO USE THEM. BEFORE USING THESE DOCUMENTS OR ANY SIMILAR DOCUMENTS, YOU SHOULD CONSULT WITH YOUR OWN ATTORNEY TO MAKE CERTAIN THAT THE DOCUMENT YOU EVENTUALLY USE IS CORRECT AND CURRENT UNDER THE LAW OF YOUR PARTICULAR JURISDICTION AND THAT THE DOCUMENT MEETS YOUR NEEDS FOR YOUR PARTICULAR SITUATION.

CHILD AND YOUTH ABUSE PREVENTION PROGRAM FOR PRESBYTERY OF THE PEAKS: Part 1

Introduction

To help protect children, **PRESBYTERY OF THE PEAKS** has adopted the following Child and Youth Abuse Prevention Program. It is important that all **PRESBYTERY OF THE PEAKS** paid staff and volunteers understand and implement these guidelines to help prevent sexual abuse against children. The following includes the Purpose and Definitions for these guidelines, the outlines of Protection and Prevention, and an Acknowledgement to be signed by those people working with children.

Purpose

These procedures are designed to reduce the risk of child sexual abuse in order to:

1. Provide a safe and secure environment for children, youth, adults, members, volunteers, visitors, and paid staff.
2. Assist **PRESBYTERY OF THE PEAKS** in evaluating a person's suitability to supervise, oversee, and/or exert control over the activities of children and youth.
3. Satisfy the concerns of parents and staff members with a screening process for paid staff and volunteers.
4. Provide a system to respond to alleged victims of sexual abuse and their families, as well as the alleged perpetrator.
5. Reduce the possibility of false accusations of sexual abuse made against volunteers and paid staff.

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Definitions

The following terms used herein and are defined as follows:

1. *Paid Staff*: Any pastor, minister, preacher, cleric, or employee who is paid by the PRESBYTERY OF THE PEAKS.
2. *Children/Youth/Minor*: Any person who has not reached his/her 18th birthday or the age of majority as defined by state law.
3. *Adult*: Any person who has reached his/her 18th birthday or as defined by state law.
4. *Volunteer*: Means any unpaid person engaged in or involved in activities and who is entrusted with the care and supervision of minors or a person who directly oversees and/or exerts control or oversight over minors or adults.
5. *Sexual Abuse*: The employment, use, persuasion, inducement, enticement, or coercion of any minor or adult to engage in, or assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct or rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of minor or adult, or incest with a minor or adult, or as defined by federal and state law. This includes and is not limited to unwelcome sexual remarks, jokes, advances, leering, whistling, or sexual gestures; sexual touching, fondling, molestation, assault, or other intimate physical contact; compelling another person to engage in a sexual act by threats or fear or undue influence; and providing or displaying pornographic materials to another person.
6. *Child Emotional Abuse*: Verbal or nonverbal conduct including mental exploitation, degrading communication, or humiliating or threatening conduct that may or may not include bullying or as defined by state law.

Protection and Prevention

Volunteer and Employee Screening Procedures

The following screening procedures are to be used with paid staff and volunteers who are entrusted with the care and supervision of minors or a person who directly oversees and/or

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exerts control or oversight over minors. All information collected should be maintained in confidence.

1. *Employment Application and Volunteer Application:* Any paid staff and volunteers who will work with a minor must complete the Employment Application and/or the Volunteer Application. The release statement attached to the Application must be signed by the individual completing the Application to apply for and qualify for service.

Our Employment Application includes questions regarding:

- Current and previous residence addresses.
- Current and previous employment, including addresses, dates, duties, titles, and reasons for leaving.
- Names and addresses of schools attended and degree(s) earned.
- References from previous employers and organizations that serve children.
- Pending criminal charges
- Criminal history information.

Our Volunteer Application includes questions regarding:

- Current address.
- Volunteer experience.
- Criminal history information.
- Personal references.

Applications include a statement, which the applicant should acknowledge in writing, certifying that statements provided in the application are true and complete, and any misrepresentation or omission may be grounds for rejection of the applicant or for dismissal if he or she is employed. This statement authorizes **PRESBYTERY OF THE PEAKS** to contact any individual or organization listed in the application.

2. Review all statements made in the application, paying specific attention to any gaps in time and irregular employment patterns or unexplained absence. Pursue these gaps with employers listed and in a subsequent interview.
3. Conduct interviews with qualified STAFF applicants.

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If detrimental information is uncovered but the applicant remains desirable, discuss this information with the applicant. In the event the applicant is ultimately hired or accepted as a volunteer, document the reasons for overriding the prior information.

Whenever possible, **PRESBYTERY OF THE PEAKS** will have an associate participate in the interview.

4. Ordinarily contact all listed references for volunteers. Contact each of the volunteer applicant's references and ask for any information that might help determine the applicant's suitability for the position. If a response is not received within a reasonable period of time, follow up and keep notes if possible.
5. Ordinarily contact all listed references and employers for paid staff. Inquire as to the reason the applicant left and ask for any information that might help determine the applicant's suitability for the position. If a response is not received within a reasonable period of time, follow up and keep notes if possible.
6. Criminal Background Check: **PRESBYTERY OF THE PEAKS** will conduct a criminal background check on all paid staff and volunteers who are entrusted with the care and supervision of minors or a person who directly oversees and/or exerts control or oversight over minors. All criminal background checks will be updated periodically.
7. Six-Month Rule: All volunteers will be required to have been active in the life of **PRESBYTERY OF THE PEAKS** for six months and have reviewed and signed the Child and Youth Abuse Prevention Program.

Confidentiality

Information obtained through the screening, application, reference check, interview, and criminal background check will be kept in confidence, unless otherwise required by law. All information discovered or obtained through the above-referenced means will be kept in a secure location and access to it will be restricted if possible. These materials will be archived.

Supervision Procedures

Unless an extenuating situation exists, **PRESBYTERY OF THE PEAKS**:

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1. Will have adequate number of screened and trained paid staff or volunteers present at events involving minors. Supervision will increase in proportion to the risk of the activity.
2. Will monitor facilities during activities involving children.
3. Ordinarily will release minors only to a parent or guardian and utilize sign-in and sign-out sheets.
4. Will obtain written parental permission, including a signed medical treatment form and emergency contacts, before taking minors on trips and should provide information regarding the trip.
5. Will use "rule of three" (at least one adult and two other individuals) when transporting minors in vehicles. Variation from this policy will require written permission.
6. Will require that young children be accompanied to the restroom and the paid staff or volunteer wait outside the facility to escort the child back to the activity. Whenever possible, the escort will be the same sex as the minor.
7. Will encourage minors to use a "buddy system" whenever minors go on trips off of **PRESBYTERY OF THE PEAKS** property.
8. Will screen all paid staff and volunteers and approve those individuals in advance for any overnight activities.

Behavioral Guidelines for Religious Organization Paid Staff

All volunteers and paid staff will observe the following guidelines:

1. Do not provide alcoholic beverages, tobacco, drugs, contraband, or anything that is prohibited by law to minors.
2. To the extent possible, **PRESBYTERY OF THE PEAKS** events that are co-educational will have both male and female chaperones.
3. Whenever possible, at least two unrelated paid staff or volunteers will be in the room when minors are present. Doors will be left fully open if one adult needs to leave the room temporarily and during arrival to the class or event before both adults are present. Speaking

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to a minor or minors one-on-one should be done in public settings where paid staff or volunteers are in sight of other people.

4. Avoid all inappropriate touching with minors. All touching shall be based on the needs of the individual being touched, not on the needs of the volunteer or paid staff. In the event a minor initiates physical contact and/or inappropriate touching, it is appropriate to inform the minor that such touching is inappropriate.
5. Never engage in physical discipline of a minor. Volunteers and paid staff shall not abuse minors in any way, including but not limited to physical abuse, verbal/mental abuse, emotional abuse, and sexual abuse of any kind.
6. If you recognize an inappropriate relationship developing between a minor and adult, maintain clear professional boundaries and refer the minor to another individual with supervisory authority.
7. If one-on-one pastoral care is necessary, avoid meeting in isolated environments.
8. Anyone who observes abuse of a minor will take appropriate steps to immediately intervene and provide assistance. Report any inappropriate conduct to the proper authorities and officials of **PRESBYTERY OF THE PEAKS** for handling.

Disqualification

No person may be entrusted with the care and supervision of minors or may directly oversee and/or exert control or oversight over minors who has been convicted of the offenses outlined below, been on a probated sentence or received deferred adjudication for any offense outlined below, or has presently pending any criminal charges for any offense outlined below until a determination of guilt or innocence has been made, including any person who is presently on deferred adjudication. The following offenses disqualify a person from care, supervision, control, or oversight of minors:

1. Any offense against minors as defined by state law.
2. A misdemeanor or felony offense as defined by state law that is classified as sexual assault, indecency with a minor or adult, assault of a minor or adult, injury to a minor or adult, abandoning or endangering a minor, sexual performance with a minor or adult, possession or promoting child pornography, enticing a minor, bigamy, incest, drug-related offenses, or family violence.

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3. A prior criminal history of an offense against minors.

Sexual Offender at PRESBYTERY OF THE PEAKS

PRESBYTERY OF THE PEAKS may allow a person known to be a sexual offender to remain or become a member of the congregation, but they must adhere to specific guidelines. However, first check with the offender's probation/parole officer for any restrictions regarding attending services or other functions where children are present. Ask the probation/parole officer to put any restrictions in writing. If restrictions do not prohibit offender participation, the following additional four requirements may be implemented and remain in force at all times involving any known sexual offender:

1. The convicted sexual offender cannot participate in any of the child or youth programs in any way.
2. The convicted sexual offender can only participate in a predetermined service each week.
3. The convicted sexual offender must report in and be assigned to an escort who will accompany him or her at all times.
4. The congregation needs to be made aware that a convicted sex offender is attending. However, the name does not need to be disclosed.

Response to Sexual Abuse

PRESBYTERY OF THE PEAKS will respond promptly to investigate any accusation of sexual abuse. All accusations of sexual abuse will be taken seriously. It is important to be appropriately respectful to the needs and feelings of those who allege sexual abuse and those who have been accused of sexual abuse.

Note: *The person entrusted to investigate an allegation should be a leader of your organization. Insert the appropriate title or position where noted.*

When an allegation is made involving sexual abuse, the person reporting the complaint is to be told about the guidelines and the procedures to be followed. GENERAL PRESBYTER or an

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appointed person will begin investigating the allegations and may use the assistance of legal

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counsel or other consultants. If GENERAL PRESBYTER is the individual accused of sexual abuse, then THE STATED CLERK will conduct the investigation. The investigation will be conducted as follows:

1. Report the incident to appropriate authorities in accordance with the state mandatory reporting laws.
2. Report the matter to **PRESBYTERY OF THE PEAKS's** insurance carrier.
3. Cooperate with authorities and the insurance carrier.
4. **PRESBYTERY OF THE PEAKS** may suspend (with pay for paid staff) the alleged offender while a confidential investigation is being conducted.
5. An official of **PRESBYTERY OF THE PEAKS** (and legal counsel or other consultants) will then meet with the governing body of **PRESBYTERY OF THE PEAKS** and present a report on their investigation, which will include findings and recommendations of actions.
6. An official of **PRESBYTERY OF THE PEAKS** will meet with the alleged perpetrator and notify him/her of the results of the investigation and recommendations for actions.
7. An official of **PRESBYTERY OF THE PEAKS** will meet with the alleged victim, along with his/her parents or guardians, and notify them of the results of the investigation and recommendations for actions.
8. During the investigation, an official of **PRESBYTERY OF THE PEAKS** shall maintain contact with the alleged victim and his/her parents or legal guardian, and inform them of the actions taken and assist them in their process of healing.
9. An official of **PRESBYTERY OF THE PEAKS** (and legal counsel or other consultants) may meet with the alleged perpetrator, the alleged victim, and any others with knowledge of relevant facts.
10. Communicate with criminal and civil legal counsel of **PRESBYTERY OF THE PEAKS**.
11. Communicate with those affected by the ministry of the alleged perpetrator.
12. Hire a consultant or assign a spokesperson to respond to media or prepare a statement for the media if the need shall arise, subject to the approval of **PRESBYTERY OF THE PEAKS's** attorney.

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Social and Digital Media Code of Conduct: Part 2

Guidelines

Social media has been defined in many ways. It includes electronic communications and online activities, such as text messages; email; wikis; and social networking like Facebook, Twitter, and the like; and posting comments, such as on blogs. Because of the blur between personal and professional communications, your Code of Conduct should help explain what is recommended and expected.

1. First, determine the current use of internet communication at your organization, if any. For instance, who uses the computers owned by the organization, and do you allow internet access? Do your employees use email for work and private communication, and do people have email addresses that include your organization's name?
2. Are there any ethical standards you want your employees and volunteers to follow? Do you have a designated technology resource/person for questions? Who will approve this Code of Conduct or deviations from it?
3. Organization leadership should determine how to allow its supervisors and managers to keep a personal presence on the social networking sites. One example is keeping both a public and private account for persons who lead the ministry.
4. Select one or a few people to maintain and monitor your organization's official social media channels. These should be the only individuals allowed to post and respond to other users in an official capacity on your channels.
5. Consider implementing a policy that use of the organization's name or brand must be approved by the organization prior to making a statement on the organization's behalf. Once that permission is granted, also state the permission can be revoked for violation of policy.
6. Once you have finalized your Code of Conduct and had it reviewed by a local attorney, go over it with all current and future employees or volunteers and have them each sign a copy.

Keep the signed copies in your personnel files.

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Introduction

Social media has been defined in many ways. It includes electronic communications and online activities, such as text messages; email; wikis; and social networking like Facebook, Twitter, and the like; and posting comments, such as on blogs. Because of the blur between personal and professional communications, this Code of Conduct helps explain what is recommended and expected.

1. Remember all internet postings are permanent — able to be duplicated and may go viral.
2. Use your common sense. If you wonder whether or not to communicate or post, don't do it until you consult with **PRESBYTERY OF THE PEAKS** leadership.
3. For your protection and the protection of **PRESBYTERY OF THE PEAKS**, you are prohibited from using internal or external social media channels to discuss confidential items, legal matters, litigation, or the organization's financial performance. Confidential information includes anything labeled as such or information not available to the public. When asked by others to discuss any of these matters, you should relay that "Our social media policy only allows authorized individuals to discuss these types of matters. I can refer you to an authorized individual if you'd like to ask them," and then refer the question to the **APPROPRIATE TEAM OR INDIVIDUAL**.
4. Be open and honest about who you are when you communicate. **PRESBYTERY OF THE PEAKS** trusts and expects you to exercise personal responsibility whenever you use social media, which includes respecting the trust of those with whom you are engaging. However, these policies are not meant to interfere with your legal rights to bargain collectively or engage in concerted or protected activities.
5. Respect your privacy, your coworkers' privacy, and the organization's privacy by not providing personal or confidential information without permission. Also, employees/volunteers are prohibited from sharing anything via social media channels that could violate another employee/volunteer's right to personal privacy.
6. Only those officially designated may use social media to speak on behalf of the organization in an official capacity, though employees/volunteers may use social media to speak for

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themselves individually. If and when designated persons use social media to communicate on behalf of the organization, they should clearly identify themselves as an employee/volunteer.

7. If you are communicating with youth through any digital or social media, act as you would if you were communicating in person. Specifically, communicate with minors using transparency and in a group when possible. Do not initiate a one-on-one relationship (such as requesting to friend from a personal profile) with a minor.
8. Do not violate copyright and fair use laws and do not plagiarize another's work. Obtain permission if you wish to use material created by someone else.
9. Do not use **PRESBYTERY OF THE PEAKS's** email address or social media channels for personal use.
10. Harassment, threats, intimidation, ethnic slurs, personal insults, pornography, obscenity, racial or religious intolerance, abuse, and any other form of behavior prohibited by law is also prohibited via social media channels. Do not engage in any such behavior and do not make or comment on any such behavior, comments, or remarks.
11. No bullying. Verbal, physical, and cyber bullying are prohibited.
12. If you are not officially authorized to speak on behalf of **PRESBYTERY OF THE PEAKS**, use a disclaimer saying that what you communicate is your personal opinion and not that of the organization when you are engaging in conversation on **PRESBYTERY OF THE PEAKS's** social media channels. Two sample social media disclaimers include: (1) "I work for **PRESBYTERY OF THE PEAKS**, and this is my personal opinion."; and (2) "I am not an official spokesperson, but my personal opinion is " This requirement is not meant to interfere with your rights to bargain collectively or engage in concerted or protected activities but rather to ensure that others can easily distinguish the official position of the organization or the organization's leadership from those of our employees/volunteers.
13. Users should use their best judgment when engaging in social media activities and should be on guard against actions and discussions that could harm the interests of our community, faith, or other persons.
14. Before posting photographs of any person, obtain his/her permission.

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15. Inappropriate use of cameras, imaging, and digital devices is prohibited. While most people use cameras and other imaging devices responsibly, it has become very easy to invade the privacy of individuals. It is inappropriate to use any device capable of recording or transmitting visual images in shower houses, restrooms, or other areas where privacy is expected by participants.
16. If you see a violation of this Code of Conduct, report it to PASTOR/PRINCIPAL/DIRECTOR/ADMINISTRATOR/OTHER at **PRESBYTERY OF THE PEAKS**. If you have questions about the Code of Conduct, please contact DESIGNATED PERSON.
17. All of the **PRESBYTERY OF THE PEAKS's** other policies apply to the use of digital and social media. All communication by employees or volunteers should take into account the organization's values, reputation, and workplace policies.
18. Any violations of **PRESBYTERY OF THE PEAKS's** Code of Conduct may result in discipline and/or termination of employment or volunteer opportunities.

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Child and Youth Abuse Prevention Program & Social Media Code of Conduct Acknowledgment

These guidelines have been designed to guide and assist you when working with minors. The information establishes general practices and guidelines and should not be construed in any way as a contract of employment or continued employment. **PRESBYTERY OF THE PEAKS** reserves the right to make changes in the content or application of this program and to implement those changes with or without notice.

The terms defined herein are defined for the purposes of the program and do not suppose or establish a legal relationship. These terms are not defined for the purposes of creating a legal relationship with the **PRESBYTERY OF THE PEAKS** or any related or associated entity and instead are to be used with this document.

I have received a copy of the **PRESBYTERY OF THE PEAKS's** Child and Youth Abuse Prevention Program & Social Media Code of Conduct. I understand it is my responsibility to become familiar with and adhere to the information contained herein. I understand that these policies are the property of the **PRESBYTERY OF THE PEAKS**.

Print Name

Signature

Date

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PERMANENT JUDICIAL COMMISSION

1. Membership

The Permanent Judicial Commission shall consist of nine persons elected by Presbytery -- four teaching elders and four ruling elders with the additional member either a teaching elder or a ruling elder -- serving in three class as equal as possible for six-year terms. The commission shall elect a moderator and a clerk from among its members.

2. Responsibilities

The Permanent Judicial Commission shall fulfill all the responsibilities set forth in and in accordance with the Book of Order (D-5.0000).

3. Meetings

The commission will meet upon the call of the Stated Clerk of the Presbytery.

INVESTIGATING COMMITTEES

When an inquiry by an investigating committee into an alleged offense of a non-sexual nature is mandated, the Presbytery Moderator, the Stated Clerk, and the Chair of the Committee on Ministry shall appoint three to five persons to serve in that capacity in line with the Book of Order (D-10.0200).

Minimum Terms of Call Overview

The following terms of call information has been prepared by the Committee on Ministry (COM) to assist pastors, church sessions, treasurers, and particularly Pastor Nominating Committees in the proper calculation and application of call terms principally for new pastors called to installed positions in Peaks Presbytery. These minimum terms should also be considered for non-installed pastor calls where possible including temporary pastoral calls and validated ministries.

The Committee strongly recommends that all calls should be prayerfully considered as a covenant between the pastor and church rather than a contract consisting mainly of financial standards. Please refer to the next page regarding the importance of a covenantal relationship between a pastor and their church.

In order to understand how terms of call are calculated including Board of Pension dues a complete review of the information included here is needed. Information regarding terms of call components are found in the Terms of Call Form on the following pages.

COM continues to review and approve all calls to pastors for both installed and uninstalled positions for accuracy and adequacy. This includes all new calls which are to be reviewed by COM and by the annual report of pastors in existing called positions (required in the PC USA book of order) via an annual call review with the congregation and report to the Presbytery.

Annual changes may be proposed in minimum terms by COM, however, COM suggests terms of call changes for pastors should not be dependent on these annual recommendations, regardless if an increase in the minimum terms is recommended or not. Terms of call changes for pastors are suggested based on the aforementioned covenant relationship and should reflect the growth of a pastor in serving the Lord and their congregation.

COM requires that all part-time calls be reviewed with COM before these terms are offered to a pastor.

THE BASIS OF TERMS OF CALL: THE COVENANTAL RELATIONSHIP

Why do we have Minimum Terms of Call, and why do congregations vote on Terms of Call but not on other parts of the budget? The fundamental idea behind the answer to this question is the covenantal relationship between the congregation and the pastor.

A covenant is different from a contract in that the well-being of each party is a primary concern of the other party. We call marriage a covenant because the welfare of the wife is as important to the husband as his own welfare and vice versa. Parties in a covenant are motivated by a genuine desire for the best for the other person(s) and for their relationship.

By contrast, contracts are essentially arrangements between parties for the sake of mutual self-interest. A buyer and seller contract for the delivery of a product, and the welfare of the seller is not a fundamental concern of the buyer. The other party in a contract is a means to an end; in a covenant, each party views the welfare of the other as an end in itself.

Pastors and congregations thrive when their relationship is understood as a covenant, not a contract. In their covenant, the pastor strives for the well-being of the congregation, and the congregation strives for the well-being of the pastor. Each serves and provides for the other. Pastors appreciate being well-compensated, but they do not seek to get as much as they possibly can from the church. Churches need to be good stewards of finances, but they do not seek to pay the pastor as little as possible. And each side appreciates the mutual commitment to their relationship. Thus, many non-installed pastors and congregations using a formal contract nevertheless develop their financial relationship covenantally.

These Minimum Terms of Call have been developed in order to promote the covenantal relationship between pastors and congregations. They serve to identify the best interests of both parties so that pastors and congregations can have the clarity and guidance needed for healthy, long-term pastorates. Pastors are like everyone else in the church – they have bills to pay and personal and familial responsibilities. They accept the fact that pastoral ministry is likely to pay them a lot less than many other professions. And pastors understand their church budgets, and they understand that every dollar spent on their compensation package could go to another part of the life of the church. A pastor who feels well cared for by a congregation is much more likely to serve more diligently and gratefully, and they are likely to serve that congregation for a longer period of time. A congregation caring for its pastor is likely to feel grateful for the pastor – and thus their covenant is grounded in gratitude for each other, not in resentment about the amount of money changing hands.

Although these Minimum Terms of Call speak of dollars and complicated requirements, the Committee on Ministry hopes that congregations and pastors will view them as guidelines for giving thanks to God for an important, life-giving relationship.

**THE PRESBYTERY OF THE PEAKS –ANNUAL REVIEW AND (Page 1 of 2)
ANNUAL REPORT OF FINANCIAL TERMS OF PASTORS' CALLS FOR 2024**

The Session of _____ Presbyterian Church of Town/City _____ has made an annual review of the Minister's Cash Payments, Deferred Compensation, Benefits, and Professional Expenses, and the congregation has voted to request the Presbytery of the Peaks to approve the following terms of call for

_____. Terms include a minimum of 4 weeks paid vacation, 2 weeks paid study leave, 8 weeks paid family leave.
(Minister's Name)

These terms of call were reviewed at a Congregational Meeting on _____.

MINISTER _____
(signature)

CLERK OF SESSION _____
(signature)

Date _____

Date _____

Pastor/ Teaching Elder Call Type

Solo pastor ____ Head of church staff ____ Associate Pastor ____ Presbytery Employee ____

Campus Ministry ____ Yoked with Church _____ Other _____

Full Time Call ____ # of hours per week _____ (35 hours is considered full-time by the Board of Pensions)

Part-time Call ____ # of hours per week _____ (20 hours minimum required to qualify for BOP basic benefits)

Terms of Call Financial Information

	<u>With Manse</u>	<u>Without Manse</u>
1. Base Cash Salary	\$ _____	\$ _____
2. Manse Rental Value (Equal 30% of Base Salary, Equity Escrow, Utility/Furnishing Allowance & other Compensation)	\$ _____	N/A
3. Housing Allowance	N/A	\$ _____
4. Utilities & Furnishings Allowance	\$ _____	\$ _____
5. Other Compensation (Detail below)	\$ _____	\$ _____
6. Shared Housing Equity Escrow (Manse)	\$ _____	N/A
Total Effective Salary	\$ _____	\$ _____
7. SECA @7.65% of Effective Salary (Self Employment Allowance)	\$ _____	\$ _____
8. Board of Pensions (Effective Salary of \$44,000 or more)		
A. Medical Coverage (29% of effective salary)	\$ _____	\$ _____
B. Short Term Disability (.5% of effective salary)	\$ _____	\$ _____
C. Long Term Disability/Death (1% of effective salary)	\$ _____	\$ _____

Instructions to Minimum Financial Terms of Call

1. **Base Cash Salary**- Does not include the 50% SECA reimbursement. COM Proposed salary increase is %.
2. **Manse Rental Value**- is 30% of the Base Cash Salary, **plus Equity Escrow** and other compensation, if provided.
3. **Housing Allowance**-May not exceed the fair rental value of the home plus furnishings and utilities. The minimum suggested amount is \$12,000 including utilities. To satisfy IRS requirements, minister housing allowance for the next year should be approved by the Session at the November/December Session meeting (i.e. 2024 housing should be approved at November/December 2023 session meeting).
4. **Utility and Furnishing Allowance**-If the church pays the minister an annual allowance for utilities, this amount should be reflected as a utility allowance on line 4. If the utilities are maintained in the church's name and paid directly by the church, do not put a dollar amount on line 4.
5. **Other Compensation**- Include items such as Social Security reimbursements for **more than** 7.65% share of the social security obligation. Cell phone allowances, if a nonaccountable plan are included as other compensation, as well as 403(b) contributions by the church, if not a part of a matching contribution to the voluntary RSP program.

Dental and vision eyewear **would not be included** if paid by the church for all employees in the Employer Group that includes the minister under the Board of Pension Employer Agreement.

6. **Shared Housing Equity Escrow** The purpose of the shared housing equity is to compensate ministers living in a manse for the loss in equity appreciation they would otherwise realize as homeowners. **This amount is included in effective salary. The Presbytery minimum required is \$1,200 per year.**
7. **Effective Salary**-Effective salary is any compensation paid to a minister by the church that is subject to Board of Pensions dues. **(Note: Effective salary does not include the Social Security Reimbursement of 7.65%)** See page 3 for a list of common examples of compensation. For a complete listing visit the Board of Pensions website at <http://www.pensions.org/library/publications/publications/pln-103.pdf> and view the copy of the Understanding Effective Salary booklet.
8. **Social Security Reimbursement 7.65%**- The purpose of the Social Security allowance is to provide ministers with the Church's share (7.65%) of their self employment tax. The Social Security allowance is calculated at a rate of 7.65% of the total Effective Salary reported on line 7 and includes annual cash salary, the value of the manse, utilities allowance, housing allowance, other compensation and shared housing equity. **The amount on line 8 is not included in effective salary.**
9. **Board of Pensions Basic Package** -The rate for the basic Pastors Participation plan in 2024 is **39%** of effective salary. The breakdown of the cost of coverage is: Medical at 29% of effective salary, Pension at 8.5% of effective salary; Short Term Disability at .5% of effective salary and Long Term Disability and death at 1% of effective salary.

Note: A special dues plan is applicable for churches with ministers whose salary does not meet the \$44,000 minimum. The medical dues for a church in this situation will be \$11,500, Pension at 8.5% of effective salary; Short Term Disability at .5% of effective salary and Long Term Disability and death at 1% of effective salary.

10. **Continuing Education-** Expenses for continuing education would include books, periodicals, training events to maintain competence and to develop and grow in skills for the current ministry. These expenses are vouchered as a part of an accountable reimbursement plan.
11. **Travel Expenses-** Mileage reimbursement is paid at the IRS Business Mileage reimbursement rate for the year. The 2024 rate is set by the IRS in mid-December. The 2023 rate is 65.5 cents.
12. **Paid Study Leave-** Paid continuing education leave is provided to the minister. The Presbytery Minimum Terms of Call require two weeks paid continuing education leave.
13. **Paid Vacation Leave-** Paid vacation is provided to the minister. The Presbytery's Minimum Terms of Call require four weeks paid vacation.
14. **Moving Expenses-** The cost of moving the minister is provided by the church issuing the call. **Moving expense must be reported on the minister's W-2 in box 1 as income.** The moving expenses are not included as part of the effective salary for Board of Pensions dues.
15. **Sabbatical Leave-** It is recommended that churches give pastors who have completed six years of credited service in one ministry within the Presbytery of the Peaks a compensated Sabbatical Leave of no less than two months. The full Sabbatical Leave policy is on the Presbytery of the Peaks website: (<https://www.peakspresbytery.org/wp-content/uploads/2013/02/Sabbatical-Leave-Policy.pdf>)
16. **Family Leave-** The minimum terms of call shall include provision for eight weeks paid parental leave following the birth or adoption of a child.

Parental leave may be used consecutively or intermittently. During parental leave, the pastor will continue to receive all benefits in their terms of call, including dues paid to and benefits provided by the Board of Pensions. The use of vacation time is not required but may be used to extend leave time at the discretion of the pastor. Following parental leave, the pastor shall be entitled to return to the same position with the same title, terms of call, hours worked and job description.

DEFINITION of EFFECTIVE SALARY

Effective Salary is any compensation paid to an employee by the employing organization that is subject to Board of Pensions dues. The more common examples of compensation are listed below. For a complete listing you may visit the Board of Pensions website at <http://www.pensions.org/library/publications/publications/pln-103.pdf> and view a copy of the *Understanding Effective Salary* booklet.

Are the following types of compensation included in effective salary?

Form of Payment	Yes	No
Annual Cash Salary	Full amount of cash salary	
Book Allowance	Paid through a <i>non-accountable reimbursement plan</i>	Paid through an <i>accountable reimbursement plan</i>
Bonuses	Adjustments to the effective salary are made when bonuses are paid to the employee	
Car Allowance	Paid through a <i>non-accountable reimbursement plan</i>	Paid through an <i>accountable reimbursement plan</i>
Co-Insurance Payments and Deductible Reimbursements	Co-insurance and deductible payments are made through a flexible spending account.	Co-insurance and deductible amounts are paid or reimbursed as part of an employing organization group coverage.
Continuing Education	Paid through a <i>non-accountable reimbursement plan</i>	Paid through an <i>accountable reimbursement plan</i>
Deferred Compensation	Voluntary deductions for 403(b) and other types of annuity arrangements	
Housing Allowance	Allowances given for housing-related expenses and appurtenances	
Insurance Premiums	Premiums for <i>individual policies</i> and <i>optional benefits</i> under the Board of Pensions Plan	Group coverage provided by an employing organization, including the Board of Pensions plan
Manse Value	Manse value calculated at a rate of at least 30% of all other compensation included in effective salary	
Social Security Reimbursement	Social security reimbursements for more than 7.65% share of the social security obligation	Social security reimbursements for 7.65% or less of the share of social security obligation
Shared Housing Equity	Compensates ministers living in a manse for the loss in equity appreciation they would otherwise realize as homeowners.	
Tax Deferred Annuity	Pre-tax contribution by the employee to a 403(b) or other tax deferred account	
Utilities Allowance	Utility allowance is paid directly to the minister	Utilities are maintained in the name of the church and paid directly by the church

SECTION 3. MINIMUM STANDARDS OF COMPENSATION FOR 2024-3% salary increase

WITH MANSE

1. Annual Cash Salary + Utilities Allowance + Other Applicable Income	\$34,763
2. Manse Value (Manse value is based upon a minimum of 30% of the total effective salary: Annual cash salary + Utilities Allowance + Other Applicable Income.)	10,789
3. Shared Housing Equity	1,200
4. Social Security Offset (7.65% of effective salary including manse value, utilities allowance, shared housing equity and other applicable income)	3,577
5. Board of Pensions Benefits Plan..... (Computed on the basis of 39% of Effective Salary for 2024)	18,233
6. Moving Expense	
7. Continuing Education Expense	1,200
8. Vacation	Four weeks
9. Continuing Education	Two weeks
10. Travel Expenses-mileage reimbursed at IRS business mile rate	
11. Family Leave- 8 weeks family leave upon the birth or adoption of a child.	
Total	\$69,762

WITHOUT MANSE

1. Annual Cash Salary + Housing+ Other Applicable Income (The amount designated for the housing allowance may not exceed the fair rental value of the home plus furnishings and utilities.)	\$47,670
2. Social Security Offset (7.65% of effective salary including housing, utilities allowance, other applicable income)	3,647
3. Board of Pensions Benefits Plan (Computed on the basis of 39% of Effective Salary for 2024)	18,591
4. Moving Expense	
5. Continuing Education Expense	1,200
6. Vacation	Four weeks
7. Continuing education	Two weeks
8. Travel Expenses-mileage reimbursed at IRS business mile rate	
9. Family Leave- 8 weeks family leave upon the birth or adoption of a child.	
Total	\$71,108

Sabbatical Leave- it is recommended that churches give pastors and educators who have completed six years in one service in Peaks Presbytery paid study leave for no less than two months.

PRESBYTERY OF THE PEAKS SEPARATION ETHICS

We appeal to you, brothers and sisters, to respect those who labor among you, and have charge of you in the Lord and admonish you; esteem them very highly in love because of their work. Be at peace among yourselves.

1 Thessalonians 5:12-13

For we are God's servants, working together; you are God's field, God's building. According to the grace of God given to me, like a skilled master builder I laid a foundation, and someone else is building on it. Each builder must choose with care how to build on it. For no one can lay any foundation other than the one that has been laid; that foundation is Jesus Christ.

1 Corinthians 3:9-11

PART I

The Relationship between Pastors and Their Former Congregations

Moving toward a smooth and healthy transition as pastors leave congregations

Few circumstances in the professional life of a pastor require more wisdom and judgment than the ones raised when leaving a congregation. Ironically, the most difficult transitions are often those involving congregations in which the pastor has been warmly loved and appreciated. In addition to making a professional move, the pastor and his or her family are leaving supportive friends and community. When the transition involves the retirement of a pastor who elects to remain in the community, and perhaps even in the community of the church, the issues become even more complex and challenging.

The *Book of Order* offers important guidance in matters of transitions:

G-2.095 *Officiate by Invitation Only*

After the dissolution of the pastoral relationship, former pastors and associate pastors shall not provide their pastoral services to members of their former congregations without the invitation of the moderator of session.

This refers to *any* former pastoral relationship with a congregation (pastor, associate pastor, designated pastor, co-pastor, interim pastor, stated supply pastor, temporary supply pastor, parish associate, etc.)

While such transitions involve a number of entities (sessions, congregations, etc.) the Committee on Ministry (“COM”) maintains that *the burden of responsibility for creating a healthy transition lies primarily with the professional behavior of the pastor who is leaving*. Pastors must view the process of separation and transition as a critical part of their ministry to the congregation they have served. Not to do so undermines the future health of the church and is a violation of professional ethics. Considering the time, energy, and emotion a pastor gives a church, it is reasonable that he or she would give due attention to facilitating a successful transition for the next pastor.

The exiting pastor must work to educate the session and the congregation on the Presbyterian process of transition; and the exiting pastor should take great care in expressing support for the process and the role that the Presbytery plays therein.

Emotionally and spiritually, the exiting pastor can play a positive role in the welcome that the interim or installed pastor will receive. Explaining the transition process and the reasons for it will also assist the exiting pastor in drawing and maintaining healthy and proper boundaries. The former pastor who works to make a good and positive transition leaves the congregation with a final and selfless example of the love and care of the pastor for the congregation.

The following guidelines are drawn from the *Book of Order* and the shared experience of COM.

- A. When the Presbytery dissolves the pastoral relationship, that relationship is ended. Only the pastor duly installed by the Presbytery, or the pastor approved by the Presbytery for temporary service, is authorized to perform pastoral duties among a particular congregation.
- B. The former pastor shall not participate in any funerals, weddings, etc., of the former congregation, unless invited by the moderator of session. Also, there shall be no visitation or contact which could be interpreted in any way as pastoral. This will be difficult, but if the first invitation is accepted, there will be no reason to refuse other requests.
- C. During the first year, it is advisable to refrain from all pastoral contact.
- D. In the case of a pastor who retires in the same community as his or her former church, COM strongly recommends that the former pastor and their family become active in the work and worship of another congregation. Remaining in the same congregation can lead to tensions and difficulties which no one intends, but nevertheless cannot be avoided.
- E. Simple sensitivity and courtesy must be the rule. Pastors who violate this process and return to a previous congregation are showing disregard for the minister or

- interim in place there. The congregation or individual members who insist on inviting a previous pastor to perform duties undermine the success of the pastor currently serving them.
- F. The former pastor shall vacate both the manse and the office by the date of termination or some immediate predetermined date. At the time of vacating, all keys should be returned to the session or proper church committee. Further, definite plans should be made by the former pastor for the disposition of pastoral counseling notes, personal records, etc.
 - G. Concerns or complaints regarding any of these issues shall be directed to the COM for resolution. Upon receiving a complaint, the Chair of COM, together with the Stated Clerk, and two other COM members shall meet with the person alleged to have violated the pastoral relationship. Should they find the complaints to be valid, and no mutually agreeable accommodation reached, the matter may be brought before the entire COM.
 - H. In the event that a satisfactory resolution is not achieved, the matter will be forwarded to the Stated Clerk of the Presbytery; and the former pastor may be subject to censure according to the “Rules of Discipline.”
 - I. Former pastors who are elected pastor emeriti are reminded that this is an honorary title and carries no job responsibilities or privileges unless they are expressly stated by the session and approved by the Presbytery.
 - J. Former pastors are still under the obligation of the Presbytery’s Sexual Misconduct Policy.
 - K. Subject to the needs and desires of the former pastor and their family, the Presbytery has the responsibility to meet the spiritual and physical needs of their family and to utilize their talents and gifts to the glory of God.

Representatives of COM shall review this policy statement with each minister who is entering, leaving, or retiring from a congregation within the Presbytery of the Peaks. These guidelines will also be presented to the session of the congregation affected by the move prior to the election of a Pastor Nominating Committee as a part of the transition meeting conducted by a representative of COM. In addition, a pastoral letter regarding this process shall be shared with the congregation (See Attachment 1).

Departing pastors shall execute their “Declaration of Intent” which shall be attested by the clerk of session of the congregation and submitted to the COM (See Attachment 2).

*PART II**Guidelines for Church Members When a Pastoral Relationship Ends*

1. When the pastoral relationship between a minister and a congregation is dissolved by reason of retirement, a call to other service, or any other cause, the minister's relationship with members of the congregation is altered in ways that must be respected by all persons involved. The relationship that formerly existed between the minister as pastor and members of the congregation is no longer appropriate. The minister may continue to be a friend and will continue to be a sister or brother in Christ. However, this minister is no longer the pastor.
2. Efforts by a member of the congregation to continue the past relationship (such as asking the former pastor to perform some usual or customary pastoral services) creates an ethically awkward situation. While the former pastor may wish to honor the request (and certainly would not want to hurt feelings), ministerial etiquette and separation ethics make it inappropriate to render such services.
3. Effort should be made to schedule weddings, funerals, hospital calls, etc. so that the current pastor, whether interim or installed, can provide the required pastoral services. If your church is without any pastoral leadership, the Presbytery can be of assistance in helping secure the services of someone to assist for specific occasions.
4. Although the former pastor is likely to remain interested in the health of the congregation, it is imperative that members avoid discussing the congregation, the new pastor, the session or any other aspect of congregation life with the former pastor. Such discussions are likely to be perceived as soliciting the former pastor's advice or counsel on church matters. It is in his or her best interest and for the health of the church that the former pastor distance themselves from the congregation. Raising issues related to the congregation with the former pastor makes this more difficult and frequently puts them in an awkward ethical situation.
5. It is inappropriate to take comments, concerns, or criticisms of the current pastor to a former pastor. Attempts should be made to resolve such issues directly with the current pastor. If that fails, present the issues to the session or personnel committee, if applicable. Should this prove unsatisfactory, further recourse is available through the COM. Any effort to involve a former pastor in any issue between members and the current pastor will only confuse the situation and make matters worse. It will also put the former pastor in an untenable ethical situation.
6. As quickly as possible, re-define relationships with the former pastor. A friendship based on common interests and personal compatibility is entirely appropriate. Relationships with a former pastor may and should be continued as long as care is taken to avoid slipping into a pastor-parishioner relationship. Continue to be a colleague in ministry with the former pastor through the Presbytery, ecumenical, or community organizations.

There may be other aspects of the relationship with a former pastor that will continue after termination of the pastor-parishioner relationship.

7. If the former pastor is leaving the community, say good-byes and express affection and esteem in appropriate ways before they leave the service of the congregation. This will help avoid continuing the relationship in inappropriate ways after the pastor has left the congregation.
8. Seek out the new pastor for pastoral care and support. During the transition from a former pastor to a new pastor, the task of the members of the congregation is to make the change to new leadership. Anything which aids this adjustment will contribute to the health of the congregation.
9. Work on developing an appropriate pastoral relationship with the new pastor. Talk about concerns and expectations for the congregation. Share expectations, hopes and dreams for the pastoral relationship they will develop with each member.
10. *Finally, pray on a regular basis for both the current and former pastors, and for the congregation!*

Attachment 1

A sample letter to be sent by the departing pastor to the congregation:

Dear Sisters and Brothers in Christ,

I write this with all the mixed emotions that necessarily are a part of saying good-bye to people who have been important in my life. Soon I will no longer be your pastor as I [begin my_____]. But I leave confident that God will continue to care for and meet all your needs. An interim pastor will soon be present to serve as your pastor and “prepare the way” for an installed pastor to arrive and lead you into a new chapter of your life in Christ.

Leaving a congregation that has become dear to one is not easy. And I know that in the days to come, I will continue to “feel” like your pastor. There is something of grieving in this. It will be tempting to try to keep up with the life of_____Church. I suspect that some of that same thing might be true on your part as well. It may take time before someone else becomes your “pastor.”

We can serve each other in this. Our Presbytery has had a good deal of experience in the business of “saying good-bye” to a pastor. Guidelines have been developed that will help us honor all that we have been to each other as well as all that we have achieved and will bring a healthy closure to our shared ministry.

Fundamental to these guidelines is the simple reminder that when a pastor leaves a congregation, it marks the end of the pastoral relationship. It does not mark the end of love and care for each other, but of necessity, it marks the end of our former relationship. To that end, after _____[date of departure], I will not involve or insert myself in any part of the life of_____Church.

For the sake of the next pastor’s success, it would be inappropriate for me to continue as a theological guide, officiate at weddings or funerals, or as your pastoral presence in times of crisis. As one who has poured energy, time, and emotion into the health and ministry of this congregation, I want the church to prosper. Consequently, you will find no greater advocate for your next pastor than me. Please do not cause me to choose between my love for you and the success of your next pastor by asking me to perform pastoral duties that rightly rest with him or her.

Please trust that experience has taught that when a pastorate is ended, the responsibility of leadership and care must end as well. For the sake of the pastor leaving a field, but even more, for the sake of the church, an ethic of separation needs to be honored by all. I hope you welcome your interim pastor and the next installed pastor with the same warmth and love that enveloped me when I arrived as a stranger among you. I will try to honor you by focusing my energy on that which God has determined for my future, and will joyfully, in whatever I do, share all that you have taught me about being a pastor.

Attachment 2

PRESBYTERY OF THE PEAKS - DECLARATION OF INTENT

To be executed by the Departing Pastor and submitted to the Committee on Ministry

I, _____, will be leaving/retiring from my current pastorate at _____ on _____.

- I have read, understood, and agree to comply with the Presbytery of the Peaks Separation Ethics, Parts I and II
- If, at any time, it appears that I am in violation of those ethical standards, I understand that the Committee on Ministry may seek counsel with me. If, at any time, it appears that members of my former congregation are in violation of those ethical guidelines, I will seek counsel with the Committee on Ministry.
- I understand that persistent violation of the ethical practices set forth in the Presbytery of the Peaks Separation Ethics, Parts I and II by any party may result in appropriate disciplinary action, in accordance with the *Book of Order*, "Rules of Discipline."

Signed: _____
Departing Pastor

Date: _____

Attested:

Clerk of Session, (name of church)

Grant Information for Presbytery of the Peaks

The following grants are available through Peaks Presbytery:

Justice and Mercy Commission:

1. Two Cents a Meal Grant
2. Community Outreach Block Grant
3. Mission Grant
4. Earth Care Subcommittee Mini-Grant

Church Partnership Commission:

1. Church Partnership/Shared Ministry Grant
2. Church Redevelopment Grant

Commission on Ministry:

1. Pastoral Leadership Grant

Black Caucus Innovation Grant

A description and application for each grant can be accessed [here](#).

RELATIONSHIPS WITHIN AND BEYOND THE PRESBYTERY

1. Between Units of Presbytery

When two or more units share areas of mutual concern, they may develop partnership strategies as appropriate. Such partnerships shall be negotiated by those units and with the knowledge of any related administrative staff.

2. Between a Unit of Presbytery and Work Units of other Presbyteries or Synod

When a unit of Presbytery and work units of other presbyteries or Synod share areas of mutual concern, they may develop partnership strategies as appropriate. Such partnerships shall be negotiated by the unit and administrative staff assigned to the unit, with the advice and consent of Cabinet.

3. Between Presbytery and Agencies or Ministries within its Bounds

Presbytery shall negotiate written covenants of mutual obligation with those agencies and ministries seeking financial support beyond one year. Such covenants, negotiated by the Committee on Mission, shall include goals, contributions, duration, contact persons, and method of evaluation, and shall be approved by Presbytery and the partner body. When Synod has a similar partnership, it shall be invited to participate in these negotiations.

4. Between Presbytery and Other Presbyteries or Synods or Ecumenical Agencies

With the advice and consent of Synod, Cabinet and its respective counterpart/s shall negotiate written covenants of mutual obligation, to be approved by Presbytery.

5. Between Presbytery and International Agencies or Church Bodies

Presbytery may negotiate written covenants of mutual obligation with international agencies or church bodies with knowledge and participation of the World Mission Unit of the Presbyterian Mission Agency of the PC(USA). Such covenants, negotiated by the Committee on Mission shall include goals, contributions, duration, contact persons, and method of evaluation, and shall be approved by Presbytery, the partner body/s, and the World Mission Unit.

6. Between Churches of Presbytery and International Agencies or Churches

Sessions are encouraged to negotiate written covenants of mutual obligation with their international partners, including Presbytery as appropriate. Such covenants should include goals, contributions, duration, contact persons, and method of evaluation. Congregations are encouraged to share with Presbytery their experiences of partnership.

7. Mission Development and Evaluation

Mission development and evaluation shall be an ongoing process guided by theological reflection.

The Cabinet shall develop priorities, goals and objectives for Presbytery's action through a triennial process that shall include sessions, divisions, committees, Synod, and staff. These goals and objectives shall define the Presbytery's priorities for each three-year cycle. They shall be the

basis for the development of mission funding and for recommendations to Presbytery regarding changes in its Mission Statement, staff rationales and structure.

The Cabinet shall monitor the implementation of priorities, goals and objectives annually and triennially. Annual evaluations shall include comment from Presbytery's committees and staff. Triennial evaluations shall also include sessions and shall be the first step in the next three-year cycle of goal setting. Annual and triennial evaluations shall be reported to Presbytery.