

(Preliminary minutes – subject to approval by Presbytery of Lake Huron)

PRESBYTERY OF LAKE HURON
Stated Meeting – September 15, 2020

The Presbytery of Lake Huron was called to order with prayer by the Moderator, the Rev. Philomena Ofori-Nipaah, at 9:40 a.m., on Tuesday, September 15, 2020, and was held via Zoom (due to State of Michigan restrictions relating to COVID-19) with a minimum quorum physically present at the Korean Presbyterian Church of Saginaw, Saginaw, Michigan.

The Stated Clerk gave a short introduction on using Zoom and how to vote using this platform.

The roll was taken, and the moderator announced that a quorum was present. [ATTACHMENT A]

Welcome was given by the host church, Elder Beth Aspberger. (Note: Fairgrove was scheduled to be the physical hosts for the meeting but were made honorary hosts when the need for the meeting to be held via Zoom was determined. Saginaw-Korean had the technology already available to live stream and use Zoom.)

MOTION WAS SUSTAINED to seat the following as a Corresponding Member: The Rev. Chip Hardwick (Miami Valley).

MOTION WAS SUSTAINED to adopt the docket as amended.

WORSHIP included a **CELEBRATION OF THE LORD'S SUPPER**, sermon by the Rev. Philomena Ofori-Nipaah and an **OFFERING** to the Fairgrove Ministerial Alliance.

A short **BREAK** was taken prior to the Equipping for Ministry workshop.

EQUIPPING TIME was led by the Rev. Philomena Ofori-Nipaah. The topic was "The Theology of Prayer".

The Moderator led the presbytery in prayer.

A short break was taken prior to the business portion of the meeting.

The Vice Moderator assumed the chair.

MOTION WAS SUSTAINED to approve the Consent Agenda which included the following item:

1. The minutes of the June 2, 2020 Stated Meeting of the Presbytery.

The second item on the consent agenda was removed for discussion and voting during the Stated Clerk's report.

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The **PRESBYTERY COUNCIL** report was given by the Rev. Lindsey Carnes.

The Presbytery Council presented the following and presbytery approved:

1. The Presbytery portion of the 2021 Per Capita to be \$16.53 per active member. This would make the Presbytery of Lake Huron overall Per Capita rate to be as follows:

| | <u>2020</u> | <u>2021</u> |
|------------------|----------------|----------------|
| Presbytery | \$16.80 | \$16.53 |
| Synod | \$ 3.25 | \$ 3.25 |
| General Assembly | <u>\$ 8.95</u> | <u>\$ 8.98</u> |
| TOTAL | \$29.00 | \$28.76 |

This is a **decrease** of \$0.24 per member for 2021.

From the **POLICIES, BILLS AND OVERTURES TEAM** of Council. The team presented the following and presbytery approved:

2. The Amendment to Presbytery Bylaw-2.1.d. The amendment will be effective at the close of the meeting. The amendment decreases the number of days in which notification of a stated meeting scheduled or location change would need to be made [ATTACHMENT B].
3. The new Presbytery Bylaw B.2.1.g. The bylaw will be effective at the close of the meeting. The bylaw allows the Presbytery to hold meetings by electronic means. [ATTACHMENT B].

The Moderator assumed the chair.

The **Policies, Bills and Overtures Team** report continued. A presentation on the proposed changes to the Sexual Misconduct Policy was given. Following discussion, the following amendment was approved:

4. After line 175: Add: "If, following contact with the Accused, the Response Team believes that pastoral care or advocacy should be extended to the family of the Accused, the Response Team may provide this. The Advocate should not be the same as for the Accused. Care shall be taken to protect the confidentiality of the family, the Accused, and the investigation."

The team presented the following items and presbytery approved:

5. Revisions to the Sexual Misconduct Policy as amended. [ATTACHMENT C] (Passed with two opposing votes.)
6. Approve the revisions to the Personnel Handbook. [ATTACHMENT D] (Passed unanimously.)

The Presbytery Council presented the following items for information:

7. On June 1, Governor Whitmer lifted the stay-at-home order state-wide and began permitting indoor public gatherings in limited numbers. This includes:
 - Indoor social gatherings may not exceed 10 people.
 - Outdoor social gatherings and events among persons may not exceed 100 people, maintaining six feet of distance from one another.
 - Large indoor venue gatherings remain closed.

In response, the Council met via zoom to issue new supplemental guidance regarding phased reopening of churches. The guidance stated:

As previously advised, while churches are exempt from gathering restrictions, they should adhere to them nevertheless for the protection of their members and communities. In addition, many insurers will not approve claims if churches are not adhering to public health standards.

The timing and means of reconvening for in-person worship will vary from church to church. As sessions decide, churches are encouraged:

- To practice and enforce social distancing and sanitation practices as stated in advice given on May 13 and in the benchmarks and protocols documents for Phase One (Michigan phase 4).
- To provide opportunities for persons who for health or safety choose not to attend in-person services to join electronically.
- To refrain from congregational singing, sharing common objects (e.g., offering plates), and physical contact during the service.
- To conduct services outdoors to reduce transmission, if possible.

The guidelines can be found on the Presbytery's coronavirus resource page at www.presbylh.org/covid-19.

Churches that choose not to adhere to the guidelines are urged to contact their insurers for their guidance and coverage requirements regarding their particular plan to reconvene.

8. In response to Governor Whitmer's new orders issued on July 9 and 10, 2020 governing workplace safety and wearing of masks, the Council met via Zoom and issued a guidance statement dated July 15, 2020. The Council advised:

Churches are not exempted from these requirements for daily business.

Use of masks during public worship in a church, while not legally enforceable, is strongly encouraged.

Among the requirements placed on all business offices (including church offices):

- Continue to encourage work-from-home if possible.
- Prepare and display an occupational safety plan, and train employees regarding procedures.
- Provide masks and disinfection supplies for employees for office use
- Prohibit non-essential visitors.

- Require face coverings in all shared spaces.
- Adopt a response plan for a confirmed employee infection, including disinfection protocols.
- Restrict non-essential travel, including in-person conferences and meetings.
- Require face coverings in crowded outdoor spaces and in all indoor public spaces.
- Refuse entry or service to people who refuse to wear a face covering, with limited exceptions.

Church Worship Services: In the newest executive order on masks, the requirement to wear a face covering doesn't apply to individuals who are officiating at a religious service or are giving a speech for broadcast or an audience, but the CDC still recommends wearing masks during these types of activities.

As in previous advice, while churches are not subject to penalty for violating state restrictions on public gatherings, churches are encouraged to abide by them as good neighbors for the sake of the health of its members and communities. This includes limiting indoor public gatherings (such as worship) to no more than 10 socially distanced persons, and outdoor gatherings to no more than 100 persons. This applies to all churches of the Presbytery except Houghton Lake which is in MERC Region 6. [Note: Region 6 has since been included in the order.]

If Sessions nevertheless decide to hold gatherings of more than 10 persons, they are encouraged to abide by the state guidance for cinemas and other public venues (section 12 of [Order 2020-145](#)), as well as the advice posted on the Presbytery website [COVID-19 resource page](#). Accommodation should be made to include those who for reasons of health or conscience choose not to be present. Sessions are encouraged to adopt criteria and a process for re-closing gatherings if conditions worsen.

Presbytery Office and Staff: The Presbytery Office will continue to be closed for regular business, with employees working remotely as much as possible. All meetings will continue to be conducted online (via Zoom or other platform) until further notice. **In addition, all non-essential travel by Presbytery employees is restricted, including participation in public worship that does not conform to the state executive orders for public gatherings.**

New Avenues for Sharing Christ: Churches across the Presbytery have found new creative ways to support each other, ministering to their community, and sharing the Gospel. Recorded services online, meeting outdoors or trying drive-in worship services are just some of the ways congregations have reached out.

Financial Challenges: Council and Trustees have extended the deadline for "COVID-19 assistance grants and loans" through September 15. Cumulative grant and loan amounts have been increased to \$6,000 each. Loans will continue

to be issued at no interest, with no payments for six months, and a 20-month repayment schedule. Applications are available on the Presbytery website at www.presbylh.org.

Technology Grants: The Council authorized "Congregational Transformation Grants" of up to \$2,500 to aid churches in developing online worship capacity through new technology, training, and other means. These grants will help those congregations who wish to continue providing for worship online until their members are comfortable meeting in person again. Others seek to expand their capacity to blend their online platforms with in-person gatherings. Applications can be found on the coronavirus page of the Presbytery's website at www.presbylh.org.

9. Council and Trustees approved the redistribution of \$30,000 from undesignated cash reserves to the Designated Use Account "Congregational Transformation and Renewal Grants" to cover the additional amount of COVID grants, loans and any technology grants dispensed.
10. Boundary training will be held via Zoom on October 7, 2020. The training will be facilitated by Fran Lane-Lawrence, Stated Clerk, Lake Michigan Presbytery. Lake Michigan Presbytery, Presbytery of Mackinaw, Presbytery of Lake Huron and the Presbytery of Wabash Valley have been invited to attend. The training will be a half-day session. Time of training to be announced.
11. The Presbytery hosted an interactive discussion on COVID-19 and Congregations on Tuesday, August 25, 2020 from 3-4 pm EDT via Zoom. Special guest was Lisa Allgood, Ph.D., who has served for 36 years as a Research Immunologist and is currently the Transitional Executive Presbyter for the Presbytery of Cincinnati. She was joined by Jon Baker, the Director of Laboratories at Sparrow Health Systems in the Lansing Area. Jon is also the CRE at Rosebush Presbyterian Church in our presbytery and is a regular guest on "Fake News Friday," a weekly webcast of Hillsdale Hospital sorting out COVID-19 fact from fiction. Dan Saperstein moderated the presentation and the conversation that followed. The discussion can be viewed on the Presbytery's website on the COVID-19 page on the Presbytery's Facebook page.
12. The 2020 version of [Stewardship Kaleidoscope](https://stewardshipkaleidoscope.org), the interdenominational workshop to develop generous disciples, will be held online over three days **September 22, 29, and October 6**. This year's theme is "Currents of Faith: The Stewardship in Community, Technology, and Across Generations." Each day will feature a different theme and will be held from 11:30 a.m.- 1:30 p.m. EDT. Additional information can be found at <https://stewardshipkaleidoscope.org>.

Cost for the online event is \$45, however, **fifty \$20 scholarships are available** on a first-come, first-served basis from the Presbyterian Foundation. A scholarship code can be obtained by contacting Steve Keizer, our Foundation

Ministry Relations officer at stephen.keizer@presbyterianfoundation.org or by phone at 866-317-0751.

13. A “Week of Action” for racial justice was held on August 24-30, 2020 via live stream. It was presented by the “A Bearing Witness” Task Force of four General Assembly Agencies. Each day of the week had a different focus. Additional information about the event can be found on the PCUSA’s website at www.pcusa.org/weekofaction.
14. Designated the September Presbytery Meeting offering be given to the Greater Akron-Fairgrove Ministerial Association.
15. The Mission Coordination Committee approved a grant of up to \$5,000 from the Designated Use Account PDA Midland flooding to match \$2,500 from Midland Memorial Presbyterian Church and up to \$2,500 from other donors for the purpose of residential rebuilding in Sanford, Michigan.

The Vice Moderator assumed the chair.

The report of the **PRESBYTERIAN WOMEN** was given by Elder Georgia McCall.

The **MISSION COORDINATING COMMITTEE** was given by the Rev. Jim Offrink. An update was given on our Mission Co-Workers. The committee is looking for a member to work on diversity issues.

The **WARREN AVENUE ADMINISTRATIVE COMMISSION** report was given by Elder Bill Bowen. The Warren Avenue Commission requested, and presbytery approved:

1. To dissolve the Administrative Commission for Warren Avenue Presbyterian Church and to return oversight of the church corporation and property to the Presbytery through the Presbytery Trustees.

The action will be effective upon completion of any and all legal actions that may be required regarding the property management agreement with the Saginaw Collaborative, Inc. and with the State of Michigan.

The **TRANSITIONAL SYNOD EXECUTIVE** report was given by the Rev. Dr. Chip Hardwick.

The Moderator assumed the chair.

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The **STATED CLERK’S REPORT** was given by the Rev. Ted McCulloch. The item pulled from the consent agenda was presented and presbytery approved:

1. The request of the Tawas Area Presbyterian Church for an exception to G-2.0404 so that they may elect a ruling elder(s) and deacon(s) to serve more than two consecutive terms.

The Stated Clerk reported the following items for information:

2. Annual Minutes Review: Information on this year’s Annual Minutes Review will be sent out shortly. Minutes Review will be done **electronically** as much as possible this year. Church registers will **not** be reviewed nor will we require churches be penalized to have completed a financial review.
3. On October 7, the Presbytery of Lake Michigan has invited our Presbytery and several others to take part in a Zoom Boundary Training. For our Teaching and Ruling Elders, this would satisfy the required training. We will also be sharing information on other opportunities for required training.
4. The minutes of the Presbytery were reviewed and approved without exception.
5. Schedule of Presbytery Meetings:

| | |
|-------------------------|----------------------------|
| December 1, 2020 | Flint-First |
| Saturday, March 6, 2021 | Invitations being accepted |
| June 1, 2021 | Invitations being accepted |
| September 14, 2021 | Invitations being accepted |
| December 7, 2021 | Invitations being accepted |

If you are interested in hosting one of those Presbytery meetings, please **e-mail** the Stated Clerk’s office – tmcculloch@presbylh.org. All meetings start at 9:30 AM. Meeting host churches should be handicap accessible.

The members of the **SAGINAW KOREAN ADMINISTRATIVE COMMISSION** were announced. They are: The Revs. Hakbae Moon, Brant Piper, and Paul Ytterock and Elders Linda Langrill (Midland-Chapel Lane) and Andrea Drapp (Saginaw-Second).

The **COMMISSION ON MINISTRY** report was provided in writing. The Commission on Ministry reported that it took the following actions on behalf of presbytery:

1. Appointed Leigh Holder as Moderator of Session for Deckerville.
2. Appointed Bill Bowen as Moderator of Session for Harbor Beach-First.

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3. Appointed Shawn Hardimon as Moderator of Swartz Creek-Mundy's Congregational Meeting to be held in August.
4. Regarding Kim Strunz:
 - a. Granted permission for Kim Strunz to enter service as a Commission Pastor (a.k.a. CRE) while in covenant relationship as an intern for pastoral care, including performance of sacraments.
 - b. Validated the ministry of Kim Strunz at Bronson Hospital, Kalamazoo for Commissioning.
 - c. Interviewed Kim Strunz for commissioning – she has satisfied all requirements per her M.Div. Alex Peterson will serve as her mentor.
 - d. Approved Kim Strunz's commission, including performance of the sacraments, and grants permission to labor outside bounds. This includes permission to preach, officiate weddings and that she is a voting member of presbytery
 - e. Conducted a commissioning service for Kim Strunz.
5. Approved the request from Bay City-First PNC to waive a second on-site interview before extending an invitation to a call.
6. Approved the CRE Covenant renewal between Elder Kathleen Rowe and Tawas for a period of one year effective August 1, 2020. Terms are as follows:

| | |
|----------------------|-----------------------------|
| Cash Salary | \$14,460 |
| Housing Allowance | \$29,544 |
| Medical Coverage | \$4,584 |
| Travel Reimbursement | IRS Rate up to \$1,440 |
| Continuing Education | \$650 |
| Book Allowance | \$120 |
| Vacation Time | 4 weeks including 4 Sundays |
| Study Leave | 2 weeks including 2 Sundays |

The Rev. Ted McCulloch will continue to serve as her mentor.

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7. Approved the full-time Interim Pastor Covenant renewal between Bay City-Westminster and the Rev. Ewen Holmes for a period of one year effective June 1, 2020. Terms are as follows:

| | |
|----------------------------------|--|
| Cash Salary | \$40,000 |
| Housing Allowance | 35,000 |
| Board of Pensions (Full Support) | 28,383 |
| SECA Offset | 5,738 |
| Travel/Mileage | IRS Rate up to \$1,800 |
| Continuing Education and Books | 1,200 |
| Other: Cell Phone | 1,200 |
| Other: Professional Expenses | 1,500 |
| Moving Expenses | Up to \$1,000 |
| Vacation Time | 4 weeks including 4 Sundays (1 wk/quarter) |
| Continuing Education | 2 weeks including 2 Sundays |

The **TRUSTEES** report was provided in writing. The Trustees presented the following items for information:

1. Authorized \$70,680 as the investment distribution for the 2021 Presbytery budget per the distribution policy.
2. The investment policy remains unchanged. Tim Clark, COO of the New Covenant Trust Company, which manages our portfolio, is retiring.
3. Authorized use of up to \$6,000 from undesignated cash reserves for the purchase of a new copier/printer/imager. The service agreement should save the Presbytery over \$2000 per year.
4. Approved the redistribution of \$30,000 from undesignated reserves to the Designated Use Account “Congregational Transformation and Renewal Grants” to cover the additional amount of COVID-19 grants, loans, and any technology grants dispensed.
5. Approved extending the deadline and increased limits for COVID-19 grants and loans to September 15, 2020; \$6,000 for each grant and loan with no interest, no payment for 6 months on a 20-month repayment schedule. Applications are available on the Presbytery website.
6. Requested the Warren Avenue Administrative Commission to turn over property management oversight of the Warren Avenue building to the Trustees.

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Attendees were informed that feedback questionnaires would be emailed to them prior to the end of the week.

The meeting adjourned following prayer by the Moderator at 12:50 pm.

The next stated meeting of the Presbytery of Lake Huron is scheduled to be held Tuesday, December 1, 2020 beginning at 9:30 a.m. via Zoom with First Presbyterian Church, Flint, Michigan, as the host church.

Respectfully Submitted,

Ted McCulloch
Stated Clerk

ATTACHMENT A – Attendance (Continued)

| NAME OF CHURCH | <u>Present</u> | <u>Absent</u> | <u>Elder Commissioner(s) Present</u> |
|------------------------------|-----------------------|----------------------|---|
| Alma-First | | 1 | |
| Bay City-First | | 1 | |
| Bay City-Westminster | | 1 | |
| Beaverton-First | 1 | | Caroline Johnson |
| Birch Run-Taymouth | 1 | | Lil Ostrom |
| Breckenridge | | 1 | |
| Caro | | 1 | |
| Cass City-First | | 1 | |
| Cass City-Fraser | | 1 | |
| Croswell | | 1 | |
| Davison-St. Andrews | | 1 | |
| Deckerville | | 1 | |
| Elkton-Chandler | | 1 | |
| Fairgrove | 1 | | Beth Aspberger |
| Fenton-First | | 1 | |
| Fenton-Tyrone | | 1 | |
| Flint-First | | 3 | |
| Flint-Trinity United | 1 | | Waldo Bronson |
| Flint-Unity | | 1 | |
| Flushing | 1 | | Carol Dulin |
| Grand Blanc-Kirkridge | | 1 | |
| Harbor Beach | | 1 | |
| Holly | 1 | | Jim Lyles |
| Houghton Lake | 1 | | Robert Kepler |
| Ithaca-First | | 1 | |
| Ithaca-Lafayette | | 1 | |
| Kinde-First | | 1 | |
| Lapeer-First | 1 | | Linda Hamilton |
| Linden | | 1 | |
| Marlette-First | | 1 | |
| Marlette-Second | | 1 | |
| Midland-Chapel Lane | 1 | | Ann Moe |
| Midland-Memorial | 2 | | Michael Hays, Vincent Oriedo |
| Mt. Pleasant-First | | 1 | |
| Rosebush | | 1 | |
| Saginaw-Countryside Trinity | 1 | | Roger Scovill |
| Saginaw-First | 1 | | Janie Gugino |
| Saginaw-Korean | | 1 | |
| Saginaw-Second | 1 | | Adam Engel |
| Sandusky | | 1 | |
| Swartz Creek-Mundy | 1 | | Jim Graham |
| Tawas | 1 | | Kristy Prentiss |
| Twining | | 1 | |
| Ubly | | 1 | |
| Vassar | 1 | | Dan Johnson |
| Yale | | 1 | |
| Total Present | 17 | | |
| Total Represented | 16 | | |
| Total Not Represented | 30 | | |

ATTACHMENT A – Attendance (Continued)

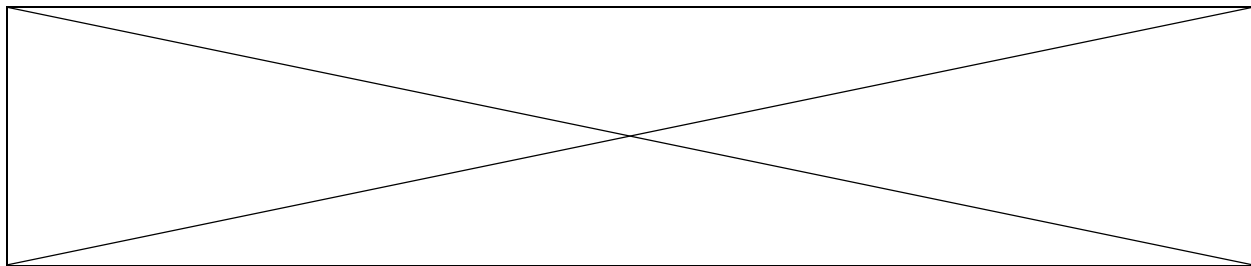
| ELDER MEMBERS | <u>Present</u> | <u>Absent</u> | <u>Excused</u> |
|---|-----------------------|----------------------|-----------------------|
| Bill Bowen (COM Vice Moderator) | 1 | | |
| Andrea Drapp (Trustee) | | | 1 |
| Adam Engel (Presbytery Council) | | | |
| *** | | | |
| Sarah Martin-Fanone (Presby Council) | | | 1 |
| Janie Gugino (COM Moderator) | | | |
| *** | | | |
| Linda Langrill (Vice Moderator) | 1 | | |
| Georgia McCall (PW Moderator) | 1 | | |
| Delphine Moore (Presbytery Council) | | | 1 |
| Roger Scovill (Treasurer) *** | | | |
| Total Elder Members | 3 | 0 | 3 |

*** Signed in as Elder Commissioner, did not count here

| COMMISSIONED RULING ELDERS | <u>Present</u> | <u>Absent</u> | <u>Excused</u> |
|-----------------------------------|-----------------------|----------------------|-----------------------|
| Jon Baker | | | 1 |
| Jon Essex | | | 1 |
| Shun Hardimon | | | 1 |
| Liz Long | | | 1 |
| Peggy Ronk | | | 1 |
| Kathleen Rowe | 1 | | |
| Don Wixson | | | 1 |
| Chris Wolf | | | 1 |
| CRE Attending | 1 | | |
| CRE Not Attending | 0 | | |
| CRE Excused | 7 | | |

MEETING ATTENDANCE TOTALS

| CATEGORY | <u>Present</u> | <u>Absent</u> | <u>Excused</u> |
|-----------------------------------|-----------------------|----------------------|-----------------------|
| Members of Presbytery | 23 | 0 | 44 |
| Corresponding Members | 1 | | |
| Commissioned Ruling Elders | 1 | 0 | 7 |
| Church Commissioners | 17 | 30 | |
| Elder Members | 3 | 0 | 3 |
| Visitors (Including LHP Staff) | 6 | | |
| Total People in Attendance | 51 | | |
| Churches represented | 16 | | |
| Churches not represented | | 30 | |



ATTACHMENT B –Proposed Bylaw Changes

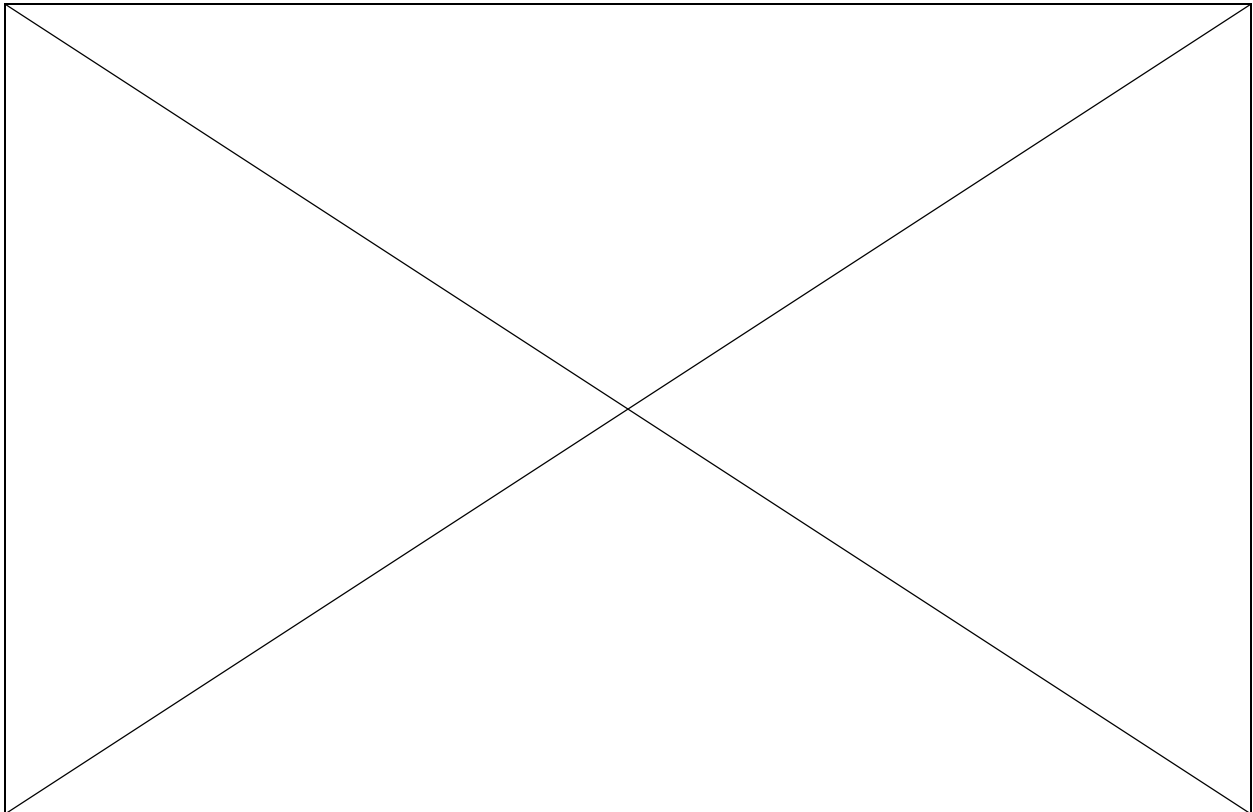
Proposed Amendment to Bylaw B-2.1.d

Ordinarily, the Stated Clerk will maintain a rolling schedule of stated meetings one year in advance of the current meeting. The schedule and location of a stated meeting may be changed by action of the Council but no later than ~~twenty-one~~ **ten days** before the originally scheduled date.

Rationale: Given that almost all our communications are now electronic, changing it to ten days is not only doable but makes all notification timelines consistent.

Proposed new Bylaw B-2.1.g

The presbytery may meet by electronic means if all ministers of Word and Sacrament members and ruling elder commissioners have reasonable notice of the electronic meeting and the ability to discuss, deliberate, discern the will of God, and vote on business items. The quorum for electronic meetings shall be the same as for any stated or special meeting of the Presbytery.



ATTACHMENT C –Sexual Misconduct Policy Update

**PRESBYTERY OF LAKE HURON
SEXUAL MISCONDUCT POLICY**

Adopted August 7, 2001

Amended June 4, 2002

Amended September 15, 2020

INTRODUCTION

The ethical conduct of all who follow Jesus Christ is of vital importance because their lives should demonstrate an understanding of God and the gospel. Sexual misconduct is both a violation of principles set forth in Scripture and a violation of relationships of trust. Sexual misconduct is never permissible or acceptable. This policy is subject to the laws of the State of Michigan and the Constitution of the Presbyterian Church (U.S.A.), which shall take precedence over this policy wherever they may conflict with it.

STATEMENT OF PURPOSE

The purpose of this policy is to ensure that the Presbytery of Lake Huron responds promptly and accountably to allegations of sexual misconduct by persons covered by this policy. The policy expresses the Presbytery's commitment to seek justice in such situations and to minister to all those affected, but particularly to possible victim(s) of the alleged misconduct. This policy guides actions which are compassionate while promoting goals of truth, responsibility, and accountability. The policy further provides opportunity for education and training to help prevent acts of sexual misconduct and serves as a model for use in the personnel policies of the churches in our Presbytery.

PERSONS COVERED BY THIS POLICY

Persons covered by this policy and who are expected by the Presbytery to adhere to this policy are those persons who are under the immediate jurisdiction of the Presbytery, or under the oversight of the Presbytery, or serving the Presbytery in any way. Persons covered by this policy therefore include:

- Ministers of the Word and Sacrament who are members of the Presbytery,
- Commissioned Pastors (also known as Commissioned Ruling Elders) serving in a work commissioned by the Presbytery,
- Pastors of immigrant fellowships recognized by the Presbytery,
- Inquirers and Candidates in covenant relationship to the Presbytery,
- Certified Christian Educators and Certified Associate Christian Educators on the rolls of the Presbytery,
- Presbytery officers and staff, and
- all persons elected or appointed to serve the Presbytery whether or not those persons are members of a Presbyterian Church.

All persons covered by this policy shall submit to and successfully complete a criminal background check performed by the Presbytery before being hired, enrolled, commissioned, appointed, or otherwise placed in a position of trust under the immediate jurisdiction or oversight

ATTACHMENT C - Sexual Misconduct Policy (Continued)

Sexual Misconduct Policy

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47 of the Presbytery. The policy does not cover members, employees, or volunteers of
48 congregations except as noted above. The session of each congregation shall adopt a sexual
49 misconduct policy as required by the Presbyterian Church (U.S.A.) *Book of Order*.

50

51 **BASIC PRINCIPLES OF CONDUCT**

52

53 The basic principles of conduct guiding this policy are as follows:

54

55 1. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors,
56 supervisors, teachers, and advisors in a position of authority who are called upon to exercise
57 integrity, sensitivity, and caring in a trust relationship.

58

59 2. Sexual misconduct is a misuse of authority and power which breaches Christian ethical
60 principles by misusing a trust relationship to gain advantage over another for personal
61 pleasure in an abusive, exploitative, or unjust manner. Even if the church member, student,
62 client, or employee initiates or invites sexual content in the relationship, the pastor,
63 counselor, officer, or supervisor is always responsible to maintain the appropriate role and to
64 prohibit a sexual relationship.

65

66 3. Sexual misconduct against children, adults without the capacity to consent, and other
67 vulnerable persons takes advantage of their lack of power to protect themselves.

68

69 4. Sexual misconduct as outlined in these principles always occurs without meaningful consent
70 since equality of power does not exist in these relationships.

71

72 5. Whenever a ministerial or professional relationship exists, it is always the responsibility of
73 the minister or professional to maintain appropriate boundaries and to decline to engage in a
74 sexual relationship

75

76 **DEFINITIONS**

77

| Term | Definition |
|-------------------|--|
| Sexual Misconduct | The comprehensive term used in this policy and its procedures to include: <ul style="list-style-type: none">• Rape or sexual assault.• Sexual abuse of children or adults.• Viewing, storing, or transmitting pornographic material for any purpose on church or Presbytery property and/or with church or Presbytery-owned devices such as, but not limited to computers, tablets, or cellular telephones.• Inappropriate sexualized behavior. Sexual misconduct does not include non-abusive relationships between spouses, and this policy is not intended to restrict church professionals from having normal, mutual, intimate relationships outside of the ministerial or professional context. |

ATTACHMENT C - Sexual Misconduct Policy (Continued)

Sexual Misconduct Policy
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| | |
|---|--|
| Sexual Abuse | <p>Any offense involving sexual conduct in relation to any person under the age of eighteen years, or anyone without the capacity to consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. It occurs:</p> <ul style="list-style-type: none"> • Whenever a person in a position of trust engages in a sexual act, has sexual contact, or creates a sexualized environment with any person to whom that person owes a professional responsibility. • When a person in a position of trust ignores a request to cease sexualized behavior by any person to whom that person owes a professional responsibility. |
| Examples of Sexual Abuse | <p>Examples of sexual abuse may include, but are not limited to:</p> <ul style="list-style-type: none"> • Sexual touch and repeated “accidental” touch of sexual areas of the body. • Tickling or playful aggression that seems uncomfortable to the recipient. • A prolonged hug when a brief hug is customary behavior • Kissing on or near the lips when a kiss on the cheek (or no kiss) would be appropriate. • Pressing up against the body when hugging. • A gift of a sexually inappropriate nature. • Sexual intercourse in a relationship of trust. • Verbal or non-verbal behavior, in person or by technological means, initiated by a person in a position of trust when such behavior sexualizes a relationship, including but not limited to: <ul style="list-style-type: none"> ○ Innuendo or sexual talk: ○ Sexually suggestive comments, including tales of one’s sexual experiences: ○ Questions about the intimate details of another’s relationships: ○ Currying sympathy about one’s or one’s partner’s sexual inadequacies: ○ Sexually explicit or suggestive texts, emails, or social media posts. |
| Sexual Abuse of a Minor or One Lacking Mental Capacity to Consent | <p>Sexual abuse of a minor or one lacking mental capacity to consent:</p> <ul style="list-style-type: none"> • Consists of any sexual contact between an adult and an individual under the age of eighteen or one who lacks the mental capacity to consent, including accessing, promoting, or pandering of child pornography on church or Presbytery property and/or with church or Presbytery-owned devices such as computers, tablets, or cellular telephones. |

ATTACHMENT C - Sexual Misconduct Policy (Continued)

Sexual Misconduct Policy

Page 4

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|-------------------------------|--|
| | <ul style="list-style-type: none"> • Includes but is not limited to, any contact or interaction between a child or person lacking capacity to consent and an adult when the child is being used for the sexual stimulation of the adult person or a third party. The behavior may or may not include touching. • Is a crime in all states and must be reported to civil authorities. Anyone who knows or has reason to suspect that child abuse has occurred or is occurring may be a mandated reporter. Detailed explanations and definitions may be found in the Presbytery Child and Youth Protection Policy. |
| Sexual Harassment | <p>Sexual harassment:</p> <ul style="list-style-type: none"> • Includes behavior in the workplace which may affect an individual’s employment, unreasonably interfere with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment. • Includes any sexual conduct that is made either explicitly or implicitly a condition of an individual’s employment or their continued status in the church or Presbytery, or when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual. • Includes sexualized behavior which may affect a congregant or counseling client’s ability to feel safe in the worship environment and/or pastoral relationship. |
| Examples of Sexual Harassment | <p>Examples of sexual harassment may include, but are not limited to:</p> <ul style="list-style-type: none"> • Unwelcome sexual advances. • Requests for sexual favors. • Sexually oriented jokes or humor. • Sexually demeaning comments. • Verbal suggestions of sexual involvement or sexual activity. • Questions or comments about sexual behavior. • Unwelcome or inappropriate physical contact. • Graphic or degrading comments about an individual’s physical appearance. • Any verbal or physical conduct of a sexual nature. • Display or transmission of sexually suggestive objects or pictures. • Repeated requests for social engagements after an individual refuses. • Stalking behavior. |

ATTACHMENT C - Sexual Misconduct Policy (Continued)

Sexual Misconduct Policy
Page 5

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| Meaningful Consent | <p>Meaningful consent:</p> <ul style="list-style-type: none"> • Requires both parties be adults over 18 years of age. • Cannot occur within a professional relationship of trust or where one person exercises unequal power over the other. • Cannot occur when the judgment of one or both parties is impaired or incapacitated temporarily due to the influence of a narcotic or intoxicating substance, or due to psychological, emotional, or spiritual vulnerability (such as grief). <p>An unmarried person in a position of trust in a congregation seeking a romantic relationship may do so outside their own congregation or staff. If a person in a pastoral or professional role becomes interested in a dating or romantic relationship with a member of his or her congregation or staff, the pastoral or professional relationship between the two must be severed before ethically pursuing such a relationship.</p> |
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DEFINITIONS USED IN REPORTING AND RESPONSE PROCEDURES

| Term | Definition |
|--------------------------|--|
| Accused | The person covered by this policy against whom a claim of sexual misconduct is made. |
| Reporter | A person claiming knowledge of sexual misconduct by a person covered by this policy. The Reporter may or may not be a Victim of the alleged sexual misconduct. |
| Victim | A person (whether or not a member of a Presbyterian Church) who allegedly has been directly injured or harmed by the alleged sexual misconduct of a person covered by this policy. |
| Response Team | A team of persons designated by the Presbytery of Lake Huron to coordinate the non-judicial response to allegations of sexual misconduct under this policy. |
| Mandated Reporter | <ul style="list-style-type: none"> • According to the statutes of the State of Michigan, mandated reporters include: <ul style="list-style-type: none"> ○ Any person exercising a pastoral role, including ministers, commissioned pastors (CREs), and other spiritual leaders who learn of abuse of a minor under 18 years of age, or of an adult lacking mental capacity to consent, except when such information is obtained in the context of confidential ministerial service such as spiritual confession or under attorney-client privilege. |

ATTACHMENT C - Sexual Misconduct Policy (Continued)

Sexual Misconduct Policy
Page 6

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| | <ul style="list-style-type: none">○ Any person, paid or unpaid, who on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child. This includes persons serving at youth camps or programs, sports or athletic programs, outreach programs, enrichment programs, troops, clubs or similar organizations.• The <i>Book of Order</i> identifies all persons engaged in ordered ministry (i.e., deacons, ruling elders, ministers of the Word and Sacrament) and any certified Christian educator employed by the church as mandated reporters.• <u>All suspected child abuse must be reported to civil authorities and shall be reported to the Stated Clerk of the Presbytery.</u> The only exceptions are when a minister of the Word or Sacrament or commissioned pastor (CRE) obtains the information in a confidential communication as defined in the <i>Book of Order</i>, or the person is bound by an obligation of privileged communication under the law. The exceptions do not apply when there is a reasonable belief that there is a risk of future harm or abuse.• Rape or sexual assault is a crime in every state and shall be reported to civil authorities and to the Stated Clerk of the Presbytery. |
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PROCEDURES IN SITUATIONS OF POSSIBLE SEXUAL MISCONDUCT

PROCESS

- All allegations of sexual misconduct will be investigated through the appropriate process.
- For members of the PC(USA) who are under the jurisdiction of the Presbytery of Lake Huron: the Rules of Discipline as found in the most recent version of the *Book of Order* of the Presbyterian Church (U.S.A.) and its judicial process shall apply.
 - For Presbytery employees: Presbytery Personnel Policy will apply.
 - Employees who are Presbytery members: both the Rules of Discipline and Personnel Policy will apply, with the Rules of Discipline taking precedence.
 - Non-member volunteers: Supervisor of volunteer will consult with the or the Stated Clerk on the appropriate process to use.

REPORTING SEXUAL ABUSE

Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential

ATTACHMENT C - Sexual Misconduct Policy (Continued)

Sexual Misconduct Policy

Page 7

103 communication as defined in G-4.0301, (2) she or he is not bound by an obligation of
104 privileged communication under law, or (3) she or he reasonably believes that there is
105 risk of future physical harm or abuse. (*Book of Order*, G-4.0302).

106
107 In this Presbytery, all reports of sexual abuse shall be directed to the Stated Clerk, or if
108 the Accused is the Stated Clerk, to the Executive Presbyter.

109

110 REPORTING OTHER FORMS OF SEXUAL MISCONDUCT

111

112 Reports of sexual misconduct are serious and must be acted upon promptly by those who receive
113 them. All suspected cases of sexual misconduct of a child or of an adult lacking capacity for
114 consent must be reported. All persons covered by this policy have a duty to report sexual abuse
115 as soon as possible to the proper legal authorities in the jurisdiction where the abuse occurred.
116 Anyone receiving a report of sexual misconduct committed by anyone covered by this policy
117 must direct the Reporter to the Executive Presbyter, the Stated Clerk, or the moderator of the
118 Commission on Ministry. When any of these persons receives a report of sexual misconduct,
119 they shall inform the others that a report has been received. No one who receives or has a
120 knowledge of a report of sexual misconduct should undertake an inquiry. If the Reporter is
121 unwilling to go further, persons receiving the report shall themselves report to the Executive
122 Presbyter, the Stated Clerk, or the moderator of the Commission on Ministry.

123

124 RESPONSE

125

126 The Presbytery of Lake Huron is committed to providing a safe space for those who have been
127 subjected to sexual abuse, sexual misconduct, and/or sexual harassment. Confidentiality and
128 safeguards against retaliation will be provided in all circumstances.

129

130 When there is a written statement of alleged offense of sexual misconduct or abuse toward any
131 person has been received by the Stated Clerk against a Minister of the Word and Sacrament or
132 Commissioned Pastor, the procedures provided in the most current edition of the *Book of Order*,
133 through its Rules of Discipline, shall be followed.

134

135 In addition, when a report of an alleged offense involving rape or sexual assault, sexual abuse of
136 a child under the age of 18, or sexual abuse of someone who lacks the capacity to consent, the
137 Stated Clerk shall immediately transmit the report to civil authorities. This is mandated reporting
138 under the laws of the State of Michigan and the *Book of Order*.

139

140 In addition to the procedures mandated in the *Book of Order*, the Executive Presbyter, the Stated
141 Clerk, and the moderator of the Commission on Ministry shall appoint a Response Team of no
142 more than five members. The RT shall be as diverse as possible in gender, clergy/lay, and ethnic
143 background as needed. No member of a RT shall be a member of or be an employee of the
144 congregation in which the allegation of misconduct arises. The Stated Clerk shall maintain a list
145 of potential Response Team members.

146

147 The responsibilities of the Response Team are to provide pastoral care to Reporter(s) and alleged
148 Victim(s) of the alleged misconduct; to assess the needs Reporter(s), alleged Victims, and

ATTACHMENT C - Sexual Misconduct Policy (Continued)

Sexual Misconduct Policy

Page 8

149 congregations affected by the alleged misconduct; and to coordinate efforts to provide resources
150 to meet those needs. At the appropriate time, the Response Team shall offer pastoral care to the
151 Accused. The Response Team shall neither conduct an investigation nor be a finder of fact.

152

153 Once formed, the Response Team will be trained by and responsible to the Presbytery through
154 the Stated Clerk, unless the Stated Clerk is the object of the investigation. The Response Team
155 may report as needed to the Commission on Ministry.

156

157 The Response Team shall not initiate any contact with persons other than the Reporter or the
158 alleged Victim(s) until the Investigating Committee of the Presbytery required by the Rules of
159 Discipline shall have informed the Stated Clerk that they may do so..

160

161 The Presbytery of Lake Huron will respect the rights of all parties involved: Reporters, Victims,
162 the Accused, and involved congregation(s). These parties have the right:

163

- To be heard and taken seriously. From the time of reporting, all persons shall receive prompt attention and serious consideration from those representing the Presbytery.

164

- To be informed about the progress of procedures regarding the accusation to the greatest degree possible without compromising any investigation.

165

- To obtain legal counsel.

166

- To be offered an advocate. It is part of the Presbytery's response to provide each party involved moral support from a separate individual for each party involved. An advocate may serve more than one person but not more than one type of party (Reporter, Victim, Accused).

167

- To be assured that justice will be pursued through the procedures set forth in the *Book of Order*, this policy, and appropriate additional policies and guidelines of the Commission on Ministry and the Presbytery.

168

169 If, following contact with the Accused, the Response Team believes that pastoral care or
170 advocacy should be extended to the family of the Accused, the Response Team may provide this.
171 The Advocate should not be the same as for the Accused. Care shall be taken to protect the
172 confidentiality of the family, the Accused, and the investigation.

173

174

TRAINING

175

176 All Ministers of the Word and Sacrament who are members of the Presbytery, or who have
177 permission to labor within its bounds; Certified Christian Educators and Certified Associate
178 Christian Educators; Commissioned Pastors (CREs) commissioned to serve by the Presbytery;
179 all employees of the Presbytery; elected members of the Commission on Ministry, the Permanent
180 Judicial Commission, and the Commission on Preparation for Ministry; all officers of the
181 Presbytery; and all volunteers who have supervisory responsibility shall attend a sexual
182 misconduct prevention workshop within one year of the adoption of this Policy or within one
183 year of beginning service in one of the above positions, and once every three years thereafter.

184

185 Failure to participate in training as required in this Policy shall have the following consequences:

186

187

ATTACHMENT C - Sexual Misconduct Policy (Continued)

Sexual Misconduct Policy

Page 9

- 193 • Ministers of the Word and Sacrament: withdrawal of good standing for the purpose of
194 seeking a new call. Repeated failure to do so following notification of delinquency may
195 subject the pastor to discipline for persisting in a disapproved work.
196 • Employees of the Presbytery: Personnel disciplinary action up to and including dismissal.
197 • Commissioned Pastors or other persons covered by the policy: removal from positions of
198 trust, and from elected or appointed office.
199

200 The mandated training requirement may be met by certification of completion of equivalent
201 alternative training. Equivalent training must be approved by the Commission on Ministry in
202 advance.
203

204 The Commission on Ministry is charged with the responsibility of scheduling such prevention
205 workshops and approving alternative training requests. These workshops will provide
206 opportunities for discussion and reflection on such topics as clergy self-care, ministry and power,
207 temptations of sexual misconduct, recognizing and reporting forms of sexual misconduct, and
208 other issues such as the theological, emotional, legal, and insurance dimensions to the problem of
209 sexual misconduct.
210

211 These prevention workshops may be open to other persons from congregations and the
212 Presbytery who may benefit by participation, e.g., an elder or youth worker, or church personnel
213 committee members on a space-available basis.
214

215 The Commission on Preparation for Ministry is charged with the responsibility to ensure that
216 Inquirers and Candidates for the Ministry of Word and Sacrament, those seeking Commissioning
217 as Commissioned Pastors (CREs), and those seeking certification as Christian Educators and
218 Certified Associate Christian Educators who are enrolled with this Presbytery receive training in
219 regard to sexual misconduct.
220

221 Persons responsible for recruiting and supervising volunteers shall inform their volunteers of the
222 existence of this policy and their responsibilities under it.
223

224 **RISK MANAGEMENT/INSURANCE**
225

226 The Board of Trustees shall ensure that the Presbytery maintains adequate liability insurance to
227 cover sexual misconduct liability for its programs and activities and shall ascertain the
228 procedures which the Insurance Company would follow in case of either a report or claim of
229 sexual misconduct. The Board of Trustees shall convey to the Insurance Company a copy of this
230 policy upon request.
231

232 **THE ROLE OF THE EXECUTIVE PRESBYTER**
233

234 The role of the Executive Presbyter in sexual misconduct cases shall be:

- 235 • to receive reports of alleged sexual misconduct.
236 • to inform the Stated Clerk, and the moderator of the Commission on Ministry that a
237 report has been received.
238 • to contact the Presbytery's Insurance Company when it becomes necessary to inform the
239 Insurance Company of a report or claim.

ATTACHMENT C - Sexual Misconduct Policy (Continued)

Sexual Misconduct Policy

Page 10

- 240 • to consult the Presbytery’s attorney when such consultation is necessary, and
- 241 • to deal with inquiries from the media if inquiries are received.

242

243 If the Executive Presbyter receives a report of alleged sexual misconduct by a minister member
244 of the Presbytery or a Commissioned Pastor (CRE), the Executive Presbyter shall immediately
245 file the report as an allegation of offense with the Stated Clerk. If the report alleges sexual
246 misconduct by a member of a congregation, a ruling elder, or an inquirer or candidate, the report
247 shall be filed immediately as an allegation of offense with the Clerk of Session of the
248 congregation of membership of the Accused. Any investigation must be done by the
249 Investigating Committee formed under the Rules of Discipline and not by administrative means.

250

251 Other involvement of the Executive Presbyter in a particular situation shall be determined in
252 consultation with the Response Team.

253

254 **MEDIA CONTACT**

255

256 Any inquiries from the media regarding an incident of sexual misconduct must be directed to the
257 Executive Presbyter and should be addressed only by the Executive Presbyter or the Executive
258 Presbyter’s designee. Members of the Response Team shall not respond to questions from the
259 media except to refer the questioner to the Executive Presbyter.

260

261 **DISTRIBUTION OF POLICY**

262

263 This policy shall be distributed as follows:

- 264 • Through the Commission on Ministry and its subordinate parts: to Inquirers; Candidates
265 for Ministry of Word and Sacrament; Certified Christian Educators and those seeking
266 certification; Ministers of the Word and Sacrament – both members and those with
267 permission to labor within the Presbytery’s bounds; and Commissioned Pastors of the
268 Presbytery.
- 269 • Through the Presbytery Personnel Team: to the employees of the Presbytery.

270

271 Each of the above-mentioned persons who receives a copy of this policy will be required to
272 sign a written acknowledgment indicating s/he has received the policy and agrees to conduct
273 her/himself in accordance with this policy. The signed acknowledgements shall be retained in
274 the office of the Stated Clerk.

275

276 This policy shall be given to all Reporters and alleged Victims of alleged sexual misconduct and
277 to all person against whom allegations are made.

278

279 **REVIEW**

280

281 he Presbytery Council and/or the Commission on Ministry shall review this policy periodically
282 to determine whether changes need to be made in light of experience and recommend changes to
283 the Presbytery.

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ATTACHMENT C - Sexual Misconduct Policy (Continued)

Sexual Misconduct Policy

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APPENDIX

GUIDELINES FOR THE WORK OF THE RESPONSE TEAM

The responsibilities of the Response Team are to provide pastoral care to Reporter(s) and alleged Victim(s) of the alleged misconduct; to assess the needs Reporter(s), alleged Victims, and congregations affected by the alleged misconduct; and to coordinate efforts to provide resources to meet those needs. At the appropriate time, the Response Team shall offer pastoral care to the Accused. The Response Team shall neither conduct an investigation nor be a finder of fact.

The following procedures are provided to guide the Response Team in carrying out its responsibilities under this policy. Because the fact patterns may vary considerably, it is impossible to list all of the steps a Response Team should take. Also, it is acknowledged that the ability to assess needs and provide resources to care for persons affected is dependent on the cooperation of the individuals involved. In all cases, the Response Team should use its best efforts to help the Presbytery provide an objective, effective, expeditious, and caring response to an allegation of sexual misconduct.

ORGANIZATION, TRAINING, AND PRELIMINARY COMMUNICATIONS

Upon appointment of the Response Team, the Response Team will establish, and continue to maintain, communication with the Stated Clerk, the Executive Presbyter, and the moderator of the Commission on Ministry or that moderator's designated representative, consistent with the confidential nature of the work of the Response Team and the Commission on Ministry. There may be some situations where the Commission on Ministry is not the Presbytery entity directly working with the misconduct allegations, e.g., a situation involving a non-clergy employee of Presbytery which would be handled by the Personnel Team. In those cases, the Response Team should work directly with that entity.

When there is both a Response Team and an Investigating Committee responding to the same allegation, the Stated Clerk shall inform each of them of the other's existence. It is recognized that the Rules of Discipline restrict communication between the Response Team and the Investigating Committee. It is understood the Response Team will not undertake any of the responsibilities of the Investigating Committee and that the work of the Response Team will be done in a way that will not interfere with the work of the Investigating Committee.

Within seven (7) days of its appointment and before it meets with the Reporter, the alleged Victim(s), or the Accused, the Response Team will hold an organizational meeting. The Executive Presbyter and the Stated Clerk will normally be part of this organizational meeting. The organizational meeting may include boundary training and an orientation to the Presbytery's Sexual Misconduct Policy, the disciplinary process of the Rules of Discipline, and the Presbytery's Personnel Policy, if applicable.

CONTACT WITH THE REPORTER, THE VICTIM, AND THE ACCUSED

ATTACHMENT C - Sexual Misconduct Policy (Continued)

Sexual Misconduct Policy

Page 12

332 The Response Team shall subsequently contact the following parties for the purposes stated. It
333 shall not conduct any investigation into the alleged misconduct.

334

335 • **The Reporter:** If possible, on the same day as the Response Team holds its
336 organizational meeting, the Response Team will meet with the Reporter to hear the report
337 of the alleged sexual misconduct, to advise the Reporter of this Policy, and to review with
338 the Reporter what non-disciplinary responses and disciplinary procedures may or must be
339 utilized. Following the meeting with the Reporter the Response Team will plan how best
340 to assess the needs of the persons involved and to secure resources.

341

342 • **Alleged Victim(s):** The Response Team will meet with the alleged Victim(s) or make
343 every possible effort to make contact with them to advise them of this Policy, review both
344 the non-disciplinary responses and the disciplinary procedures which may be used by the
345 alleged Victim(s), assess support needs, and offer resources of support and care for them
346 and their family. If the Response Team is unable to meet with the alleged Victim(s) the
347 Response Team must determine what steps it will take.

348

349 • **The Accused:** When the Investigating Committee has notified the Stated Clerk that it
350 may do so, and with the alleged Victim's knowledge and in coordination with the work of
351 the Commission on Ministry in this matter, the Response Team will make sure that the
352 appropriate persons or groups meet with the Accused to advise the Accused of this
353 Policy, to review both the non-disciplinary responses and the disciplinary procedures
354 which may or must be used, to assess support needs, and to offer resources of support and
355 care for the Accused and family. At the start of this and all subsequent meetings with the
356 Accused, the Response Team shall inform the Accused that while this is not for the
357 purpose of investigation, any information shared with the Response Team may not be
358 protected by the privilege of confidentiality, and that the Accused has both a right to
359 remain silent and to have counsel present.

360

361 OTHER STEPS

362

363 When the Investigating Committee has notified the Stated Clerk that it may do so, the Response
364 Team may work with the Session, congregation, employer, staff, volunteers, or others that may
365 be affected by the alleged misconduct, with the permission of the Commission on Ministry.

366 In carrying out its responsibilities, the Response Team may consult with the Executive Presbyter
367 and/or Stated Clerk and may enlist the assistance of other presbyters to meet specific needs.

368

369 The Response Team shall keep appropriate records of its meetings, contacts with the individuals
370 involved, and arrangements made with resource persons providing support. The Response Team
371 shall forward to the Stated Clerk all records of its meetings, contacts with the individuals
372 involved and arrangements made with those providing support. The records shall be maintained
373 in the same manner and for the same duration as records of disciplinary cases. The Stated Clerk
374 shall share appropriate information with the Commission on Ministry.

375

ATTACHMENT C - Sexual Misconduct Policy (Continued)

Sexual Misconduct Policy
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ACKNOWLEDGEMENT

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I acknowledge that on _____, I received a copy of the Sexual Misconduct Policy of the Presbytery of Lake Huron dated September 15, 2020, and that I agree to conduct myself in accordance with the policy in any involvement with or service to the Presbytery. I understand that this acknowledgement will be retained in a file in the office of the Stated Clerk.

| | |
|-------------|----------------|
| _____ | _____ |
| (signature) | (date) |
| _____ | _____ |
| (name) | |
| _____ | _____ |
| (email) | (home address) |
| _____ | |
| (phone) | |

Relationship to Presbytery (check all that apply):

- ___ Inquirer
- ___ Candidate
- ___ Minister member
- ___ Minister with permission to labor within the Presbytery
- ___ Commissioned Lay Pastor
- ___ Certified Christian Educator or Certified Associate Christian Educator
- ___ Presbytery Employee
- ___ Presbytery Officer (moderator, vice-moderator, treasurer, Stated Clerk)
- ___ Volunteer
- ___ Elder/Deacon of _____ Presbyterian Church, _____
- ___ Member of _____ Presbyterian Church, _____
- ___ Other (specify) _____

9/15/20

ATTACHMENT D –Personnel Handbook Update

**Presbytery of Lake Huron
Personnel Handbook**



This handbook sets forth guidelines for personnel policies and practices of the Presbytery of Lake Huron relating to all persons employed by the Presbytery.

Approved

December 1990

Revised

September 17, 1991

Revised

September 19 and October 24, 1995

Revised

March 3, 1998

Revised

December 2, 2003

Revised

October 3, 2006

Revised

June 7, 2016

Revised and Retitled

September 15, 2020

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Personnel Handbook

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I. Introduction

- A. These personnel policies express the goals, standards, values, attitudes, beliefs and benefits that the Presbytery of Lake Huron considers to be important for the functioning of its staff in implementing the mission of the Presbytery. These standards of conduct govern all employees and are intended to enable us to work together in a friendly and productive atmosphere. These personnel policies serve only as a general guide for reasonable expectations of employment. Therefore, neither these personnel policies nor any of their provisions constitute an employment agreement or contract of any kind, nor are they a guarantee to continued employment. Personnel policies may be amended or changed as necessary. Employees will be notified when changes are approved.

Employment with the Presbytery of Lake Huron is governed by the legal concept of at-will employment. This means that neither the employee nor the Presbytery of Lake Huron is bound to continue the employment relationship if either chooses, and may end the relationship at any time, for any reason or no reason, with or without notice, and with or without cause. The only way this can be changed is by a writing directed specifically to the employee and signed by both the employee and the chairperson of the Personnel Team or the Moderator of the Presbytery Council.

II. Employment Categories and Terminology

- A. Employer: The legal corporate employer of all Presbytery staff is the Presbytery of Lake Huron (A Michigan Corporation) located in Saginaw, Michigan.
- B. Employee: Any Person who provides services for compensation on behalf of the Presbytery of Lake Huron is considered an employee unless hired as an independent contractor.
- C. Coordinating Team: Is responsible for developing and administering operating policies and procedures as outlined in the by-laws of the Presbytery of Lake Huron. The personnel policies are developed and administered by the Personnel Team.
- D. Call: Teaching Elders employed by the presbytery may be employed as a call to a validated ministry (G-2.0503) and enrolled as a member of presbytery. The terms of call shall be specified in a form designated for that purpose.
- E. Temporary: A temporary employee is employed for a short period, usually less than three months and is not entitled to benefits. The category of temporary employee will be established at the time of hire.
- F. Full Time/Part Time: A full-time employee is employed to work at least 35 hours weekly. A part-time employee is to work less than 35 hours weekly and is not entitled to regular employee benefits.
- G. Salary/Hourly employee: Hourly employees are paid based upon reported hours worked. Salaried employees are not paid based on reported hours.

ATTACHMENT D - Personnel Handbook (Continued)

- 51 H. Provisional Employment: The first three months of employment for hourly employees.
52
53 I. Consultative/Contractual Services: Consultative-contract persons are not employees of the
54 Presbytery.
55
56 J. Grievance: A formal written complaint filed by an employee in response to an alleged
57 violation of an approved Personnel Policy, or unfair application of stated policy.
58
59 K. Executive Presbyter: The chief administrative officer of the Presbytery and head of staff
60

61 **III. Rights and Responsibilities**

- 62
63 A. Employer Rights
64
65 1. Establish basic work goals consistent with the purpose of the Presbytery.
66
67 2. Establish an over-all structure designed to best accomplish the basic goals.
68
69 3. Establish and administer operating policies and procedures which meet
70 requirements of the Presbytery.
71
72 4. Establish and administer processes for recruiting, selection, compensation, career
73 development, benefits, working conditions, promotions, transfers, dismissals, and
74 other phases of employment.
75
76 5. Expect employees to be productive in their assigned functions.
77
78 6. Exercise oversight.
79
80 B. Employer Responsibilities
81
82 1. Be faithful to the purpose of the organization.
83
84 2. Provide open communication and opportunity for employee participation, which
85 will allow input for decisions that affect them.
86
87 3. Assure policy administration is supportive of employees in setting and meeting
88 objectives and career goals.
89
90 4. Provide equal opportunity for employees in all aspects of employment.
91
92 5. Provide adequate and equitable compensation to employees.
93
94 6. Establish position descriptions and qualifications for particular job functions and
95 determine who is qualified and/or capable to perform such functions.
96
97 7. Conduct regular employee performance reviews and evaluations which relate their
98 work objectives to goals of Presbytery, and which give them an opportunity to
99 participate in evaluating their own performance in relation to these objectives.
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ATTACHMENT D - Personnel Handbook (Continued)

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8. Provide equitable benefits and working conditions for the general welfare and well-being of all employees in an equitable manner, including providing a work environment free of harassment.
 9. Establish and administer a process which provides for the hearing and resolution of complaints and grievances.
- C. Employee Rights
1. Receive adequate information in the form of this personnel handbook and a written job description, from which to develop an understanding of their role and function in the total structure of the Presbytery
 2. Receive annual written performance reviews
 3. Be kept informed of proposed changes in personnel policies and procedures
 4. Have working conditions which promote the general welfare and encourage productivity
 5. Receive adequate, equitable compensation and benefits appropriate to assigned responsibilities
- D. Employee Responsibilities
1. Give the best possible performance in assigned functions
 2. Provide input when sought and present it to any appropriate Presbytery entity.
 3. Understand their role and function in achieving the vision, mission and goals of Presbytery
 4. Honor commitment to performance goals and objectives agreed upon as employees of the Presbytery
- E. Employer and Employee Responsibilities
1. The employer will recognize, affirm and use the full potential of each employee to develop the full range of the employee's resource potential.
 2. The employee will devote talent, attention and energy to the performance of their assigned work and the goals of the Presbytery.
 3. The commitments named in (1) and (2) above reflect an open partnership in which objectives are shared and in which both employer and employee acknowledge their responsibilities to each other.
 4. Whenever there is a dispute between the employee and the employer in the interpretation of rights and responsibilities, the decision of the employer shall prevail.

ATTACHMENT D - Personnel Handbook (Continued)

152 **IV. Employment Policies**

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A. Basic Employment Policies

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B. Employee Review Process

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C. Position Descriptions

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D. Recruitment and Selection

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1. Determination of Personnel Guidelines and Policy: Personnel policies are determined by the Presbytery upon recommendation by the Personnel Team in accordance with the *Book of Order*.
2. Employment Practices: The Presbytery is committed to Fair Employment Practices and Equal Employment Opportunity for all employees in accordance with the guidelines established by the Presbytery of Lake Huron, the *Book of Order*, policies of the Executive Assembly, and is guided by the Civil Rights, Equal Employment, and Equal Pay Acts of the state and federal governments.
3. Provisional Employment Period: The first three months of employment for hourly employees is a provisional or trial period giving the employee and his/her supervisor an opportunity to evaluate interest and qualifications for the position under actual working conditions. At the conclusion of this period, a performance appraisal is to be prepared and discussed with the employee by his/her supervisor. Successful completion of the provisional period does not change the at-will nature of the employment.
4. Sexual Misconduct: The sexual misconduct policy adopted by the Presbytery of Lake Huron applies to the employer and all employees including consultants and contractors.

All new employees will be reviewed provisionally at the end of three months. A comprehensive review and evaluation will be conducted at least annually for all employees. Annual reviews will be conducted by the Personnel Team and the Executive Presbyter. The Personnel Team will be responsible for the review of the Executive Presbyter.

Position descriptions shall be prepared by the Personnel Team. Position descriptions for Executive Presbyter, Stated Clerk, and Treasurer shall be submitted by the Personnel Team through the Presbytery Council to the Presbytery for approval.

1. Officers: shall be elected in accordance with the provisions of the *Book of Order* and the by-laws of the Presbytery.
2. Employees:
 - a. The Executive Presbyter position shall be filled in the following manner:
 - A search is conducted by a team whose names are to be submitted through the nominating committee for election by the Presbytery.

ATTACHMENT D - Personnel Handbook (Continued)

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- The search team will present to the Presbytery a candidate for election.

b. All other employees shall be sought and hired by the Personnel Team.

E. Staffing Pattern

The staffing pattern of the Presbytery shall be the responsibility of the Personnel Team in consultation with the Presbytery Council. The staffing pattern for full-time employees shall be submitted through the Presbytery Council to the Presbytery for approval.

V. Salary Administration

A. Salary Principles

The Presbytery is committed to salary administration principles which will provide: fair pay for the work performed; incentive for personal achievement and growth; equity of payment for positions of relative value; flexibility to meet the many changes in organization, functions, position, and personnel over a period of time. Salary levels will be maintained in a manner which ensures consistent and equitable salaries when compared to Pastors, Christian Educators and other administrative positions in keeping with the Presbytery's philosophy and local community competitive data.

Salary scales for staff will also be considered in relation to salary information for staff in other presbyteries of the Synod.

B. Salary Review and Increases

Any cost of living increases authorized by the Presbytery will be given to all employees at the same time. Salary increases, if granted, commence on January 1 of the year for which they are granted.

At the time of the annual salary review, any changes in duties or responsibilities will be noted and the salary may be re-evaluated on the basis of such changes.

Changes in terms of employment for the Executive Presbyter, Treasurer, and Clerk must be reported to and approved by the Presbytery before implementation.

C. Withholding Taxes

In keeping with the established policy of the Presbyterian Church (USA) and in compliance with Federal statutes, all ordained clergy are considered employees engaged in the exercise of their ministry, and are responsible for the payment of federal, state, and local taxes from their wages. Ordained clergy are considered self-employed for social security purposes. Lay employees of the Presbytery are subject to the normal withholding of federal, state, and local taxes from their wages. Independent contractors are considered self-employed and are not subject to the withholding of taxes from income. Independent contractors are responsible for paying all taxes on their wages.

D. Housing Allowance

ATTACHMENT D - Personnel Handbook (Continued)

256 The Internal Revenue Code provides that a minister shall exclude from gross income for
257 income tax purposes any housing allowance paid as part of his/her compensation to the
258 extent that he/she used it for renting or providing a home.

259
260 To satisfy this requirement, the amount to be designated as housing allowance shall be
261 recommended by the employee and designated by the employer as a housing allowance in
262 the initial terms of call, or for changes subsequent to employment prior to January 1 of the
263 year it takes effect.

264
265 If the total amount, which is designated for housing allowance, is not fully used, it is the
266 recipient's responsibility to report the balance to the Internal Revenue Service as taxable
267 income.

268
269 E. Career Opportunities

270
271 1. **Career development** - All employees will be given an annual opportunity to
272 review and determine their short- and long-term career goals and objectives as a
273 part of the annual performance review. Goals and objectives shall be consistent
274 with the Presbytery mission statement needs.

275
276 2. **Extended study leave/job training** - In order to enable all Presbytery employees
277 with specific needs or opportunities to give extended study to subject areas which
278 will contribute to the work of the Presbytery, an extended study leave may be
279 granted by the Personnel Team upon recommendation of the Executive Presbyter.

280
281 3. **Continuing Education Policy** – Continuing Education/Study Leave dollars may
282 accumulate up to three years in designated use accounts for each employee
283 receiving such an allowance. Continuing Education/Study Leave Time is written
284 into the memoranda of employment for all employees receiving such an allowance.
285 That Continuing Education time of eight (8) working days is established for the
286 Business Manager and four (4) working days for the Communications
287 Manager/Recording Clerk. All other office staff will be approved as needed.

288
289 Executive Presbyter and Stated Clerk Continuing Education time will be part of
290 their compensation packages.

291
292 All Study Leave is to be approved by the Personnel Team through the Head of
293 Staff. This will be time paid at regular compensation. This time will not accumulate
294 year to year without the expressed consent of the Personnel Team.

295

296 **VI. Benefits and Leaves of Absence**

297

298 A. Benefits

299

300 1. **Worker's compensation insurance**
301 All employees of the Presbytery shall be covered by the Worker's Compensation
302 law of the state.

303

304 2. **Holidays**
305 The Presbytery shall grant the following paid holidays to all full-time staff, in
306 accordance with local customs and laws:

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ATTACHMENT D - Personnel Handbook (Continued)

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New Year's Day, Martin Luther King's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the Friday after Thanksgiving, and Christmas Day.

Those holidays, which occasionally fall on a weekend, shall be scheduled each year, as it is necessary. Holidays falling on Saturday will be observed on Friday, and holidays on Sunday will be observed on Monday.

In addition, paid holiday will include the week between Christmas and New Year's when the Presbytery office is closed.

The same provisions shall apply to part-time staff employed 20 or more hours per week, with the following conditions:

- a. If a holiday is scheduled for a scheduled work-day, pay shall be prorated according to the percentage of full-time employment.
- b. If a holiday is scheduled for a day that is not part of the employee's works schedule, the Head of Staff may designate another day, or portion of a day as a compensatory day off, with pay prorated to the percentage of full-time employment.
- c. The Head of Staff may make adjustments to an employee's work hours to provide for equitable holiday pay and employment of part-time staff.

3. Vacation

A vacation with pay is provided for all employees. Vacations are not cumulative and must be used within the calendar year, except when special provision has been made with the Personnel Team. Vacation days for provisional employees will be prorated per calendar year based upon number of days worked. Full-time employees are entitled to annual paid vacation according to the following schedule. Vacation entitlement during the first year of employment will be pro-rated accordingly.

For Employees hired before June 7, 2016

Service from 0 through 5 years = 10 working days
Service from 6 through 10 years = 15 working days
Service from 11 years and over = 20 working days
Called staff is according to terms of call or employment.

For Employees hired after June 7, 2016

Service from 0-1 year = 2 weeks
Service from 2-9 years = 3 weeks
Service from 10 years and over = 4 weeks

One week of vacation shall be considered the week between Christmas and New Year's when the office is closed.

Vacation for part-time employees will be pro-rated according to the vacation entitlement of full-time employees.

Except where noted below, accrued but unused vacation time is not compensable.

Employees who submit their resignation, give two weeks' notice, and work every regularly scheduled day during that two-week period, will be paid for any accrued and unused vacation time. Failure to give the notice and work each day will result in denial of pay for accrued and unused vacation pay. Employees who are

ATTACHMENT D - Personnel Handbook (Continued)

- 361 terminated for cause by the Presbytery are not eligible to receive payment for
362 accrued and unused vacation time.
363
364
365
4. **Health Insurance**
366 Called staff benefits are according to the terms of call. Teaching Elders in full-time
367 employment shall be eligible for participation in the pension and benefits plan of
368 the Board of Pensions. The Personnel Team shall consult with the employee
369 regarding whether it is advisable to enroll in the traditional or alternative plan.
370
371 Other full-time staff shall be covered by the Board of Pensions Major Medical Plan
372 provisions or another plan of equal or lesser cost acceptable to the Presbytery
373 through the Personnel Team. Full-time employees covered under alternate plans
374 may petition for compensatory benefits in consideration for savings to the
375 presbytery. Decisions will be made by the Personnel Team on a case-by-case basis
376 at their sole discretion.
377
378 The Board of Pension's Major Medical dues for all qualifying enrolled employees
379 will be paid by the Presbytery of Lake Huron.
380
5. **Pension benefits**
381 Clergy will be members of the Board of Pensions plan according to their call. Full-
382 time lay employees shall be covered by the Board of Pensions plan or its
383 equivalent.
384
385
6. **Social Security**
386 All non-clergy employees covered by the Federal Old Age Survivors Benefits Act
387 (Social Security) shall have their share of the tax withheld from their wages. Clergy
388 are considered self-employed and taxes are not withheld, nor paid for them.
389
390
7. **Temporary benefits**
391 Persons employed for a temporary period, usually less than three months, are not
392 paid for holidays, sick leave, or other leaves, and do not earn vacation leave during
393 their temporary employment. Such employees are not eligible for the pension plans
394 or other health benefit entitlement. If such employees work more than the normal
395 weekly work schedule, they will be paid at the regular rate for hours up to 40 per
396 week, and time-and-a-half for above 40 hours in the case of non-exempt employees,
397 as defined by the U.S. Department of Labor
398
399
8. **Provisional employees**
400 Benefits for provisional employees shall begin upon successful completion of the
401 provisional period of employment when they become regular employees.
402
403
- B. Leave of Absence, With Pay
404
405
1. **Sick and Personal leave**
406 Full-time, hourly employees are eligible for five (5) working days of sick leave
407 each calendar year, Part-time employees, after five (5) years of employment, are
408 eligible for five (5) working days of sick leave each calendar year. Sick Leave will
409 be credited on January 1 of each year to all eligible employees. The Personnel
410 Team may grant additional sick leave as deemed necessary and appropriate at either
411 full or partial payment.
412
413

ATTACHMENT D - Personnel Handbook (Continued)

- 414 Sick leave for new employees will be pro-rated according to the total length of
415 service until they have completed one (1) year service. New employees will not be
416 eligible for sick leave until after the end of the provisional employment period.
417
418 When an illness or injury causes an employee to be absent from work for more than
419 five consecutive (5) days, the employee shall present written verification from a
420 physician before sick pay will continue. The Presbytery may, at its own expense,
421 require a second opinion from a physician of its choice for sick pay to continue.
422
423 An employee shall have no claim for pay in lieu of unused sick leave at any time.
424
425 No employee will be paid for Sick Leave if they are employed or capable of
426 working in any other job, whether self-employed or as an employee/owner/director,
427 etc.
428
429 2. **Bereavement leave**
430 In the event of a death in the immediate family (spouse, child, sibling, parent,
431 parent-in-law, grandparent, grandparent-in-law, or relative in the same household),
432 three (3) working days will be given, without loss of pay. In the event of the death
433 of an extended family member or friend, bereavement leave may be granted at the
434 discretion of the Executive Presbyter or the Personnel Team. The Head of Staff
435 may grant up to one-half work day leave for full or part-time employees to attend
436 funerals. Any additional bereavement time not covered by this policy may be
437 granted by the Personnel Team.
438
439 3. **Study leave – see Continuing Education Policy above**
440
441 4. **Jury duty/Reserve Military duty**
442 Any employee called upon to serve jury duty/Reserve Military duty will be granted
443 leave and paid the difference between their jury duty/Reserve Military duty pay and
444 their regular pay for a period up to and including ten working days. If called as a
445 witness, leave will be handled in the same way. An employee will not be granted
446 leave for serving as a witness in a civil matter in which they have a personal or
447 financial interest or for pursuing or defending their own court case.
448
449 5. **Personal leave**
450 Two (2) non-accumulative personal days of paid leave may be granted each year.
451 Personal Leave is available for employees who need time off for reasons not
452 otherwise provided for in this handbook.
453
454 6. **Parental leave**
455 Parental leave may include birth, adoption, and assuming guardianship of a child.
456 This leave of absence shall not exceed 13 weeks. The pay shall be at 2/3 of the
457 employee's normal salary. The employee may choose to substitute accumulated sick
458 days and/or vacation time for Parental Leave pay. Full pension dues, if applicable,
459 will be paid by the Presbytery for those 13 weeks.
460
461 7. **Sabbatical Leave**
462 Leaves of absence with pay will be granted to the Executive Presbyter for
463 sabbatical leave. Such sabbatical leave shall have the approval of the Presbytery
464 Council and the Presbytery. The Executive Presbyter will be eligible for a
465 sabbatical leave with pay every seven years for a period of up to twelve (12) weeks.
466 A sabbatical proposal will be developed by the Executive Presbyter stating the
467 reasons, goals and objectives for the sabbatical leave. This will become the

ATTACHMENT D - Personnel Handbook (Continued)

468 sabbatical contract upon approval by the Personnel Team. Current or accumulated
469 study leave will be subsumed within the sabbatical leave. The Executive Presbyter
470 shall not relocate or retire for at least 12 months following the completion of a
471 Sabbatical without the approval of the Presbytery Council.
472

473 8. **Administrative Leave**

474 Leave of absence with pay may be granted for administrative purposes at the
475 discretion of the Executive Presbyter with concurrence of the Personnel Team
476 and/or by the Personnel Team.
477

478 C. Leave of Absence, Without Pay

479
480 Leave of absence without pay is provided under the following conditions, with the
481 approval of the Executive Presbyter and the Personnel Team.
482

483 1. **Military Service**

484 For military service performed by an employee with credited service of three
485 months or more. Upon return, the Presbytery will comply with the requirements of
486 Uniformed Services Employment and Reemployment Rights Act, if any, and if
487 USERRA is not applicable, will attempt to place the employee in an open position,
488 similar to their prior position, in conjunction with the Board of Chaplains and
489 Military Personnel.
490

491 2. **Other Personal Reasons**

492 Leaves of absence for other personal reasons such as extended parental leave,
493 family responsibilities, etc. These leaves of absence will be for a minimum of one
494 month and a maximum of six months subject to renewal no more than once.
495

496 In extraordinary circumstances, other leaves of absence without pay may be granted upon
497 recommendation of the Executive Presbyter with concurrence of the Personnel Team.
498

499 Approval of a leave of absence will be based upon the reason an employee is requesting a
500 leave of absence, the amount of time requested, the employee's performance and the need
501 to retain the employee on the job. A Leave of Absence will not be granted if the employee
502 will be working at another job for another employer, or working in a self-employed or
503 independent contractor capacity.
504

505 Pension dues and health insurance will not be paid by the employer for any leave of
506 absence without pay, which exceeds four weeks, but these payments may be made by the
507 employee in accordance with the terms of the applicable plans.
508

509 **VII. Terminations and Disciplinary Procedures**

510
511 Causes for termination or discipline shall include but not be limited to:

512
513 A. Unsatisfactory Performance

514 Examples of unsatisfactory job performance include, but are not limited to:

- 515 1. Poor job performance
- 516 2. Misconduct
- 517 3. Insubordination
- 518 4. Neglect in care or use of Presbytery property or funds
- 519 5. Habitual unexcused absences or tardiness

ATTACHMENT D - Personnel Handbook (Continued)

- 520 6. Discourteous treatment of public or employees, including but not limited to
521 behavior that is racist, sexist, or hostile.
522 7. Falsification of employment application or work record
523 8. Violation of these policies, including the social media policy
524 9. Any reason as determined by the employer
525

526 The following progressive procedures shall normally be followed, unless as otherwise
527 provided in the *Book of Order*.
528

- 529 1. Verbal discussion of the problem area with a recap in writing signed by the
530 employee and the supervisor.
531
532 2. Chronic problems or second offenses
533
534 a. Probation - any employee may be subject to probationary action for a period
535 of three months but not to exceed six months when there is a question as to
536 the employee's ability or willingness to perform his/her work in a
537 satisfactory and professional manner.
538
539 b. Discharge - the next and final step in the process.
540
541 3. Serious violations may lead directly to termination.
542

543 However, at the discretion of the Presbytery, any of the above steps may be
544 extended, or skipped, in order to deal with whatever problem is being addressed.
545

546 B. Budget Reduction or Reallocation

547 Termination because of reduction in the budget, or for other circumstances arising due to
548 no fault of the employee, is at the discretion of the Presbytery. In order to receive the
549 following severance payment, an employee will be required to execute a full and complete
550 severance agreement and release.
551

- 552 1. For called staff: at least six months' notice shall be given unless otherwise provided
553 by the individual contract with pay during continuing employment.
554
555 2. For all other employees: at least ninety days' notice will be given with pay during
556 continuing employment.
557

558 C. Voluntary Termination

559 An employee is requested to give at least two weeks' notice of voluntary termination and
560 to work each regularly scheduled workday. Any days that are missed during that two-week
561 notice period are not counted for purposes of determining whether an employee is eligible
562 to receive accrued and unused vacation pay. An exit interview will be conducted by the
563 Personnel Team.
564

565 **VIII. Grievances**

566
567 For the purpose of this policy, a complaint or grievance is an alleged violation of an approved
568 Personnel Policy or practice, or an unfair application of stated policy, or of an applicable state or
569 federal law not adequately dealt with in these policies or practices. In order to deal promptly and
570 fairly with all complaints or grievances, the following steps are to be taken:
571

ATTACHMENT D - Personnel Handbook (Continued)

- 572 A. Preliminary Complaint Procedure
573 Within 3 to 5 working days following an event giving rise to a grievance, prior to filing a
574 formal written grievance, several preliminary steps are to be taken:
575
576 1. Discuss the matter with the immediate supervisor.
577
578 2. Discuss the matter with the Executive Presbyter if he/she is not the immediate
579 supervisor.
580
581 B. Formal Grievance Procedure
582 If informal efforts to resolve a grievance have failed, a formal grievance may be filed
583 within 10 to 15 working days by submitting a written statement to the chairperson of the
584 Personnel Team, and a copy to the Executive Presbyter and/or the person's supervisor.
585 Formal grievances must be filed within sixty days of the alleged grievance.
586
587 1. The Chairperson of the Personnel Team shall call a meeting of the sub-team to
588 review the grievance with all parties concerned. The Personnel Team shall make a
589 determination of the grievance.
590
591 2. If the complainant is dissatisfied with the decision of the Personnel Team, they
592 can submit an appeal within fifteen days to the Presbytery Council. The
593 Presbytery Council, in consultation with all parties concerned, shall make the
594 final determination. All parties concerned will be provided a written copy of the
595 Presbytery Council's decision.
596
597 C. Right to Have Advocates Present
598 It is understood that the complaining party may arrange to have an advocate with him/her
599 at all steps in the formal process.
600
601 D. Written Record
602 A written record of all decisions arrived at in all meetings shall be kept. Letters of decision
603 from the Personnel Team and/or the Presbytery Council shall contain provision for the
604 complainant to indicate his/her acceptance or rejection of the decision.
605
606 E. Probation/Suspension
607 Probation and/or suspension may be employed during the grievance procedure.
608

609 **IX. Email, Internet, and Social Media Policy**

610 Every Presbytery of Lake Huron employee is provided access to an electronic mail (email) system and
611 access to the internet. The email address(es) which are used will be decided on an individual basis.

612 These resources have been provided by the Presbytery of Lake Huron for use in conducting presbytery
613 business. All communications and information transmitted by, received from, or stored in this system are
614 presbytery records and property of the Presbytery of Lake Huron. These files are subject to the
615 ecclesiastical discovery process.

616
617 A. Email and Internet Policies

- 618 1. Employees have no right of personal privacy in any matter stored in, created, received, or
619 sent over the Presbytery of Lake Huron's email system or internet. Even if employees use
620 a password to access email or internet, the confidentiality of any message or file stored

ATTACHMENT D - Personnel Handbook (Continued)

- 621 in, created, received, or sent from the Presbytery of Lake Huron email system or internet
622 is not guaranteed nor does this diminish the right of the presbytery to access information.
623 No privacy right is established by the use of a password on presbytery systems. Deletion
624 of any content, including email messages or files, will not truly eliminate the content
625 from the system. All content is stored in a central back-up system in the normal course of
626 data management.
- 627 2. The email system and internet may not be used to solicit for religious or political causes
628 outside the interests of the presbytery.
- 629 3. The Presbytery of Lake Huron’s policies against sexual or other harassment apply fully to
630 the email system and internet, and any violation of those policies is grounds for
631 disciplinary action up to and including termination. No messages should be created or
632 sent if they contain intimidating, hostile, or offensive materials concerning race, color,
633 religion, sex, age, national origin, disability, veteran status or any other classification
634 protected by law.
- 635 4. Internet, laptops, computers, and organization-provided cellular telephones or other
636 devices may not be used for transmitting, retrieving or storing any communications of a
637 defamatory, discriminatory, harassing or pornographic nature.
- 638 5. Employees are not authorized to retrieve or read any email messages that are not sent to
639 them without prior approval from the Executive Presbyter or Chair of Personnel Team.
- 640 6. Employees shall not transmit or forward Presbytery confidential information or
641 privileged communications to outside individuals or companies not authorized to receive
642 the information;
- 643 7. Employees shall not disclose passwords to anyone outside of the Presbytery and only on
644 a “need to know” basis within the Presbytery and its technology vendors;
- 645 8. Employees shall take appropriate precautions to protect sensitive and confidential
646 information within the system, including using password-protected folders and
647 applications as needed;
- 648 9. The following actions are expressly prohibited: using disparaging, abusive, profane, or
649 offensive language; creating, viewing or displaying materials that might adversely or
650 negatively reflect upon The Presbytery of Lake Huron or be contrary to The Presbytery of
651 Lake Huron’s values or best interests; operating a business, seizing business
652 opportunities, soliciting money for personal gain, or searching for jobs outside the
653 Presbyterian Church (U.S.A.); and engaging in any illegal activities, including piracy,
654 extortion, blackmail, copyright infringement, and unauthorized access of any computers
655 and organization-provided equipment such as laptops.
- 656 10. Users should write email communications or internet communications with no less care,
657 judgment and responsibility than they would use for letters or internal memoranda written
658 on the Presbytery of Lake Huron’s letterhead.
- 659 11. The Presbytery has the right, but not the duty, to monitor any and all of the aspects of its
660 computer system, including, but not limited to, monitoring sites visited by employees on
661 the internet, monitoring chat groups and news groups, reviewing material downloaded or
662 uploaded by users to the internet, and reviewing e-mail sent and received by users.
- 663 12. The Presbytery may use software to identify inappropriate or sexually explicit internet

ATTACHMENT D - Personnel Handbook (Continued)

664 sites. Such sites may be blocked from access by the Presbytery networks. In the event an
665 employee nonetheless encounters inappropriate or sexually explicit material while
666 browsing on the Internet in the conduct of presbytery business, the employee should
667 immediately disconnect from the site, regardless of whether the site was subject to
668 blocking software.

669 13. Any employee who discovers misuse of the email or internet systems should immediately
670 contact the Executive Presbyter or Chair of the Personnel Team. Violations of this policy
671 may result in disciplinary action up to and including termination.

672 14. Use of the Presbytery of Lake Huron's email system and internet constitutes consent by
673 the user to all of the terms and conditions of this policy.

674 *Disclaimer of Liability*

675 The Presbytery of Lake Huron is not responsible for material viewed or downloaded by users
676 from via Email or the internet. The internet is a worldwide network of computers that
677 contains millions of pages of information. Users are cautioned that many of these pages
678 include offensive, sexually explicit, and inappropriate material. In general, it is difficult to
679 avoid at least some contact with this material while using the internet. Even innocuous search
680 requests may lead to sites with highly offensive content. In addition, having an email address
681 on the internet may lead to receipt of unsolicited e-mail containing offensive content. Users
682 accessing the internet do so at their own risk.

683 *Email Disclaimer*

684 This email and internet network is a private information system of The Presbytery of Lake
685 Huron. Individuals using this system expressly consent to the monitoring of their activities.
686 Anyone using this system in violation of the Presbytery of Lake Huron's Email, Internet, and
687 Social Media Policy may be subject to disciplinary action, up to and including termination.

688 B. Social Media Policy

689 Social media are an integral part of personal, social, professional and business communications
690 and networks. Social media can enhance the relationships and the conduct of the ministry of the
691 Presbytery of Lake Huron. However, the use of social media also presents certain risks and
692 carries with it certain responsibilities. To assist in making responsible decisions about the use of
693 social media, use the following guidelines. This policy applies to all employees who work for the
694 Presbytery of Lake Huron.

695 *Social media* include all means of communicating or posting information or content of any sort
696 on the internet, including web logs or blogs, tweets, journals or diaries, personal web sites, social
697 networking or affinity web sites, web bulletin boards or chat rooms whether or not associated or
698 affiliated with the Presbytery of Lake Huron, as well as any other form of electronic
699 communication.

700 An employee is solely responsible for what he/she posts online. Any conduct contrary to the
701 Presbytery's policies and guiding principles may result in disciplinary action up to and including
702 termination.

703
704 *Guidelines*

705 1. Know and follow the rules: Read the guidelines on Email and Internet Policies (above)
706 and the Sexual Misconduct Policy (below) to ensure postings are consistent with these

ATTACHMENT D - Personnel Handbook (Continued)

- 707 policies. Inappropriate postings that may include discriminatory remarks, harassment, and
708 threats of violence or similar inappropriate or unlawful conduct will not be tolerated and
709 may be subject to disciplinary action up to and including termination.
- 710 2. Be respectful. Always be fair and courteous to fellow employees, customers, members,
711 suppliers or people who work on behalf of The Presbytery of Lake Huron. Examples of
712 disrespectful conduct might include offensive posts meant to intentionally harm
713 someone's reputation or posts that could contribute to a hostile work environment on the
714 basis of race, sex, disability, religion or any other status protected by law or presbytery
715 policy.
- 716 3. Be honest and accurate. Be honest and accurate when posting information or news on
717 behalf of the presbytery; acknowledge and correct any mistakes as soon as they are
718 discovered.
- 719 4. Post only appropriate content.

720
721 ***Employee Obligations***

- 722 1. Employees must identify themselves as presbytery employees when creating a link from
723 personal blogs, websites or other social networking media to the presbytery website.
- 724 2. Employees should express only personal opinions when posting to any media, and should
725 never represent themselves as spokespersons of the presbytery. If the Presbytery is a
726 subject of a post, it is best to include a disclaimer such as "The postings on this site are
727 my own and do not necessarily reflect the views of my Employer.
- 728 3. Employees shall maintain the confidentiality of the Presbytery of Lake Huron. Do not
729 post internal reports, policies, procedures, or other internal business-related
730 communications. Privileged documents (e.g., lawyer-client or therapist-client) shall not
731 be shared in any form.
- 732 4. Excessive social media engagement while on work time is to be avoided. Violations will
733 be addressed with the Executive Presbyter and/or the Personnel Team. Do not use the
734 Presbytery of Lake Huron email addresses to register on social networks, blogs, or other
735 online tools utilized for personal use.
- 736 5. Retaliation is prohibited. The presbytery prohibits taking negative action against any staff
737 member for reporting a possible deviation from this policy or for cooperating in an
738 investigation. Any employee who retaliates against another staff member for reporting a
739 possible deviation from this policy or for cooperating in an investigation will be subject
740 to disciplinary action, up to and including termination.
741

742 **X. Review and Revision of Personnel Policies Handbook**

743 The Personnel Team shall review the Personnel Policies Handbook of the Presbytery at least every three
744 years and may recommend changes or amendments through the Presbytery Council to the Presbytery.
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ATTACHMENT D - Personnel Handbook (Continued)

747 **XI. Appendix**

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749

**PRESBYTERY OF LAKE HURON
SEXUAL MISCONDUCT POLICY**

750

Adopted August 7, 2001

751

Amended June 4, 2002

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Amended September 15, 2020

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754

INTRODUCTION

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756

757 The ethical conduct of all who follow Jesus Christ is of vital importance because their lives
758 should demonstrate an understanding of God and the gospel. Sexual misconduct is both a
759 violation of principles set forth in Scripture and a violation of relationships of trust. Sexual
760 misconduct is never permissible or acceptable. This policy is subject to the laws of the State of
761 Michigan and the Constitution of the Presbyterian Church (U.S.A.), which shall take precedence
762 over this policy wherever they may conflict with it.

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STATEMENT OF PURPOSE

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766 The purpose of this policy is to ensure that the Presbytery of Lake Huron responds promptly and
767 accountably to allegations of sexual misconduct by persons covered by this policy. The policy
768 expresses the Presbytery's commitment to seek justice in such situations and to minister to all
769 those affected, but particularly to possible victim(s) of the alleged misconduct. This policy
770 guides actions which are compassionate while promoting goals of truth, responsibility, and
771 accountability. The policy further provides opportunity for education and training to help prevent
772 acts of sexual misconduct and serves as a model for use in the personnel policies of the churches
773 in our Presbytery.

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PERSONS COVERED BY THIS POLICY

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777 Persons covered by this policy and who are expected by the Presbytery to adhere to this policy
778 are those persons who are under the immediate jurisdiction of the Presbytery, or under the
779 oversight of the Presbytery, or serving the Presbytery in any way. Persons covered by this policy
780 therefore include:

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- Ministers of the Word and Sacrament who are members of the Presbytery,
- Commissioned Pastors (also known as Commissioned Ruling Elders) serving in a work
commissioned by the Presbytery,
- Pastors of immigrant fellowships recognized by the Presbytery,
- Inquirers and Candidates in covenant relationship to the Presbytery,
- Certified Christian Educators and Certified Associate Christian Educators on the rolls of
the Presbytery,
- Presbytery officers and staff, and
- all persons elected or appointed to serve the Presbytery whether or not those persons are
members of a Presbyterian Church.

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792 All persons covered by this policy shall submit to and successfully complete a criminal
793 background check performed by the Presbytery before being hired, enrolled, commissioned,
794 appointed, or otherwise placed in a position of trust under the immediate jurisdiction or oversight

ATTACHMENT D - Personnel Handbook (Continued)

795 of the Presbytery. The policy does not cover members, employees, or volunteers of
 796 congregations except as noted above. The session of each congregation shall adopt a sexual
 797 misconduct policy as required by the Presbyterian Church (U.S.A.) *Book of Order*.

798
 799 **BASIC PRINCIPLES OF CONDUCT**
 800

801 The basic principles of conduct guiding this policy are as follows:
 802

- 803 1. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors,
 804 supervisors, teachers, and advisors in a position of authority who are called upon to exercise
 805 integrity, sensitivity, and caring in a trust relationship.
 806
 807 2. Sexual misconduct is a misuse of authority and power which breaches Christian ethical
 808 principles by misusing a trust relationship to gain advantage over another for personal
 809 pleasure in an abusive, exploitative, or unjust manner. Even if the church member, student,
 810 client, or employee initiates or invites sexual content in the relationship, the pastor,
 811 counselor, officer, or supervisor is always responsible to maintain the appropriate role and to
 812 prohibit a sexual relationship.
 813
 814 3. Sexual misconduct against children, adults without the capacity to consent, and other
 815 vulnerable persons takes advantage of their lack of power to protect themselves.
 816
 817 4. Sexual misconduct as outlined in these principles always occurs without meaningful consent
 818 since equality of power does not exist in these relationships.
 819
 820 5. Whenever a ministerial or professional relationship exists, it is always the responsibility of
 821 the minister or professional to maintain appropriate boundaries and to decline to engage in a
 822 sexual relationship
 823

824 **DEFINITIONS**
 825

| Term | Definition |
|-------------------|---|
| Sexual Misconduct | The comprehensive term used in this policy and its procedures to include: <ul style="list-style-type: none"> • Rape or sexual assault. • Sexual abuse of children or adults. • Viewing, storing, or transmitting pornographic material for any purpose on church or Presbytery property and/or with church or Presbytery-owned devices such as, but not limited to computers, tablets, or cellular telephones. • Inappropriate sexualized behavior. Sexual misconduct does not include non-abusive relationships between spouses, and this policy is not intended to restrict church professionals from having normal, mutual, intimate relationships outside of the ministerial or professional context. |
| Sexual Abuse | Any offense involving sexual conduct in relation to any person under the age of eighteen years, or anyone without the capacity to |

ATTACHMENT D - Personnel Handbook (Continued)

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| | <p>consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. It occurs:</p> <ul style="list-style-type: none"> • Whenever a person in a position of trust engages in a sexual act, has sexual contact, or creates a sexualized environment with any person to whom that person owes a professional responsibility. • When a person in a position of trust ignores a request to cease sexualized behavior by any person to whom that person owes a professional responsibility. |
| <p>Examples of Sexual Abuse</p> | <p>Examples of sexual abuse may include, but are not limited to:</p> <ul style="list-style-type: none"> • Sexual touch and repeated “accidental” touch of sexual areas of the body. • Tickling or playful aggression that seems uncomfortable to the recipient. • A prolonged hug when a brief hug is customary behavior • Kissing on or near the lips when a kiss on the cheek (or no kiss) would be appropriate. • Pressing up against the body when hugging. • A gift of a sexually inappropriate nature. • Sexual intercourse in a relationship of trust. • Verbal or non-verbal behavior, in person or by technological means, initiated by a person in a position of trust when such behavior sexualizes a relationship, including but not limited to: <ul style="list-style-type: none"> ○ Innuendo or sexual talk: ○ Sexually suggestive comments, including tales of one’s sexual experiences: ○ Questions about the intimate details of another’s relationships: ○ Currying sympathy about one’s or one’s partner’s sexual inadequacies: ○ Sexually explicit or suggestive texts, emails, or social media posts. |
| <p>Sexual Abuse of a Minor or One Lacking Mental Capacity to Consent</p> | <p>Sexual abuse of a minor or one lacking mental capacity to consent:</p> <ul style="list-style-type: none"> • Consists of any sexual contact between an adult and an individual under the age of eighteen or one who lacks the mental capacity to consent, including accessing, promoting, or pandering of child pornography on church or Presbytery property and/or with church or Presbytery-owned devices such as computers, tablets, or cellular telephones. • Includes but is not limited to, any contact or interaction between a child or person lacking capacity to consent and an adult when the child is being used for the sexual |

ATTACHMENT D - Personnel Handbook (Continued)

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| | <p>stimulation of the adult person or a third party. The behavior may or may not include touching.</p> <ul style="list-style-type: none"> • Is a crime in all states and must be reported to civil authorities. Anyone who knows or has reason to suspect that child abuse has occurred or is occurring may be a mandated reporter. Detailed explanations and definitions may be found in the Presbytery Child and Youth Protection Policy. |
| Sexual Harassment | <p>Sexual harassment:</p> <ul style="list-style-type: none"> • Includes behavior in the workplace which may affect an individual's employment, unreasonably interfere with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. • Includes any sexual conduct that is made either explicitly or implicitly a condition of an individual's employment or their continued status in the church or Presbytery, or when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual. • Includes sexualized behavior which may affect a congregant or counseling client's ability to feel safe in the worship environment and/or pastoral relationship. |
| Examples of Sexual Harassment | <p>Examples of sexual harassment may include, but are not limited to:</p> <ul style="list-style-type: none"> • Unwelcome sexual advances. • Requests for sexual favors. • Sexually oriented jokes or humor. • Sexually demeaning comments. • Verbal suggestions of sexual involvement or sexual activity. • Questions or comments about sexual behavior. • Unwelcome or inappropriate physical contact. • Graphic or degrading comments about an individual's physical appearance. • Any verbal or physical conduct of a sexual nature. • Display or transmission of sexually suggestive objects or pictures. • Repeated requests for social engagements after an individual refuses. • Stalking behavior. |
| Meaningful Consent | <p>Meaningful consent:</p> <ul style="list-style-type: none"> • Requires both parties be adults over 18 years of age. • Cannot occur within a professional relationship of trust or where one person exercises unequal power over the other. • Cannot occur when the judgment of one or both parties is impaired or incapacitated temporarily due to the influence |

ATTACHMENT D - Personnel Handbook (Continued)

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| | <p>of a narcotic or intoxicating substance, or due to psychological, emotional, or spiritual vulnerability (such as grief).</p> <p>An unmarried person in a position of trust in a congregation seeking a romantic relationship may do so outside their own congregation or staff. If a person in a pastoral or professional role becomes interested in a dating or romantic relationship with a member of his or her congregation or staff, the pastoral or professional relationship between the two must be severed before ethically pursuing such a relationship.</p> |
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DEFINITIONS USED IN REPORTING AND RESPONSE PROCEDURES

| Term | Definition |
|--------------------------|---|
| Accused | The person covered by this policy against whom a claim of sexual misconduct is made. |
| Reporter | A person claiming knowledge of sexual misconduct by a person covered by this policy. The Reporter may or may not be a Victim of the alleged sexual misconduct. |
| Victim | A person (whether or not a member of a Presbyterian Church) who allegedly has been directly injured or harmed by the alleged sexual misconduct of a person covered by this policy. |
| Response Team | A team of persons designated by the Presbytery of Lake Huron to coordinate the non-judicial response to allegations of sexual misconduct under this policy. |
| Mandated Reporter | <ul style="list-style-type: none"> • According to the statutes of the State of Michigan, mandated reporters include: <ul style="list-style-type: none"> ○ Any person exercising a pastoral role, including ministers, commissioned pastors (CREs), and other spiritual leaders who learn of abuse of a minor under 18 years of age, or of an adult lacking mental capacity to consent, except when such information is obtained in the context of confidential ministerial service such as spiritual confession or under attorney-client privilege. ○ Any person, paid or unpaid, who on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child. This includes persons serving at youth camps or programs, sports or athletic programs, outreach programs, enrichment programs, troops, clubs or similar organizations. |

ATTACHMENT D - Personnel Handbook (Continued)

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| | <ul style="list-style-type: none">• The <i>Book of Order</i> identifies all persons engaged in ordered ministry (i.e., deacons, ruling elders, ministers of the Word and Sacrament) and any certified Christian educator employed by the church as mandated reporters.• <u>All suspected child abuse must be reported to civil authorities and shall be reported to the Stated Clerk of the Presbytery.</u> The only exceptions are when a minister of the Word or Sacrament or commissioned pastor (CRE) obtains the information in a confidential communication as defined in the <i>Book of Order</i>, or the person is bound by an obligation of privileged communication under the law. The exceptions do not apply when there is a reasonable belief that there is a risk of future harm or abuse.• Rape or sexual assault is a crime in every state and shall be reported to civil authorities and to the Stated Clerk of the Presbytery. |
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PROCEDURES IN SITUATIONS OF POSSIBLE SEXUAL MISCONDUCT

PROCESS

All allegations of sexual misconduct will be investigated through the appropriate process.

- For members of the PC(USA) who are under the jurisdiction of the Presbytery of Lake Huron: The Rules of Discipline as found in the most recent version of the *Book of Order* of the Presbyterian Church (U.S.A.) and its judicial process shall apply.
- For Presbytery employees: Presbytery Personnel Policy will apply.
- Employees who are Presbytery members: both the Rules of Discipline and Personnel Policy will apply, with the Rules of Discipline taking precedence.
- Non-member volunteers: Supervisor of volunteer will consult with the or the Stated Clerk on the appropriate process to use.

REPORTING SEXUAL ABUSE

Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse. (*Book of Order*, G-4.0302).

In this Presbytery, all reports of sexual abuse shall be directed to the Stated Clerk, or if the Accused is the Stated Clerk, to the Executive Presbyter.

REPORTING OTHER FORMS OF SEXUAL MISCONDUCT

ATTACHMENT D - Personnel Handbook (Continued)

860 Reports of sexual misconduct are serious and must be acted upon promptly by those who receive
861 them. All suspected cases of sexual misconduct of a child or of an adult lacking capacity for
862 consent must be reported. All persons covered by this policy have a duty to report sexual abuse
863 as soon as possible to the proper legal authorities in the jurisdiction where the abuse occurred.
864 Anyone receiving a report of sexual misconduct committed by anyone covered by this policy
865 must direct the Reporter to the Executive Presbyter, the Stated Clerk, or the moderator of the
866 Commission on Ministry. When any of these persons receives a report of sexual misconduct,
867 they shall inform the others that a report has been received. No one who receives or has a
868 knowledge of a report of sexual misconduct should undertake an inquiry. If the Reporter is
869 unwilling to go further, persons receiving the report shall themselves report to the Executive
870 Presbyter, the Stated Clerk, or the moderator of the Commission on Ministry.

871

872 **RESPONSE**

873

874 The Presbytery of Lake Huron is committed to providing a safe space for those who have been
875 subjected to sexual abuse, sexual misconduct, and/or sexual harassment. Confidentiality and
876 safeguards against retaliation will be provided in all circumstances.

877

878 When there is a written statement of alleged offense of sexual misconduct or abuse toward any
879 person has been received by the Stated Clerk against a Minister of the Word and Sacrament or
880 Commissioned Pastor, the procedures provided in the most current edition of the *Book of Order*,
881 through its Rules of Discipline, shall be followed.

882

883 In addition, when a report of an alleged offense involving rape or sexual assault, sexual abuse of
884 a child under the age of 18, or sexual abuse of someone who lacks the capacity to consent, the
885 Stated Clerk shall immediately transmit the report to civil authorities. This is mandated reporting
886 under the laws of the State of Michigan and the *Book of Order*.

887

888 In addition to the procedures mandated in the *Book of Order*, the Executive Presbyter, the Stated
889 Clerk, and the moderator of the Commission on Ministry shall appoint a Response Team of no
890 more than five members. The RT shall be as diverse as possible in gender, clergy/lay, and ethnic
891 background as needed. No member of a RT shall be a member of or be an employee of the
892 congregation in which the allegation of misconduct arises. The Stated Clerk shall maintain a list
893 of potential Response Team members.

894

895 The responsibilities of the Response Team are to provide pastoral care to Reporter(s) and alleged
896 Victim(s) of the alleged misconduct; to assess the needs Reporter(s), alleged Victims, and
897 congregations affected by the alleged misconduct; and to coordinate efforts to provide resources
898 to meet those needs. At the appropriate time, the Response Team shall offer pastoral care to the
899 Accused. The Response Team shall neither conduct an investigation nor be a finder of fact.

900

901 Once formed, the Response Team will be trained by and responsible to the Presbytery through
902 the Stated Clerk, unless the Stated Clerk is the object of the investigation. The Response Team
903 may report as needed to the Commission on Ministry.

904

905 The Response Team shall not initiate any contact with persons other than the Reporter or the
906 alleged Victim(s) until the Investigating Committee of the Presbytery required by the Rules of
907 Discipline shall have informed the Stated Clerk that they may do so.

908

ATTACHMENT D - Personnel Handbook (Continued)

- 909 The Presbytery of Lake Huron will respect the rights of all parties involved: Reporters, Victims,
910 the Accused, and involved congregation(s). These parties have the right:
- 911 • To be heard and taken seriously. From the time of reporting, all persons shall receive
912 prompt attention and serious consideration from those representing the Presbytery.
 - 913 • To be informed about the progress of procedures regarding the accusation to the greatest
914 degree possible without compromising any investigation.
 - 915 • To obtain legal counsel.
 - 916 • To be offered an advocate. It is part of the Presbytery's response to provide each party
917 involved moral support from a separate individual for each party involved. An advocate
918 may serve more than one person but not more than one type of party (Reporter, Victim,
919 Accused).
 - 920 • To be assured that justice will be pursued through the procedures set forth in the *Book of*
921 *Order*, this policy, and appropriate additional policies and guidelines of the Commission
922 on Ministry and the Presbytery.

923
924 If, following contact with the Accused, the Response Team believes that pastoral care or
925 advocacy should be extended to the family of the Accused, the Response Team may provide this.
926 The Advocate should not be the same as for the Accused. Care shall be taken to protect the
927 confidentiality of the family, the Accused, and the investigation.

928
929 **TRAINING**

930
931 All Ministers of the Word and Sacrament who are members of the Presbytery, or who have
932 permission to labor within its bounds; Certified Christian Educators and Certified Associate
933 Christian Educators; Commissioned Pastors (CREs) commissioned to serve by the Presbytery;
934 all employees of the Presbytery; elected members of the Commission on Ministry, the Permanent
935 Judicial Commission, and the Commission on Preparation for Ministry; all officers of the
936 Presbytery; and all volunteers who have supervisory responsibility shall attend a sexual
937 misconduct prevention workshop within one year of the adoption of this Policy or within one
938 year of beginning service in one of the above positions, and once every three years thereafter.

- 939
940 Failure to participate in training as required in this Policy shall have the following consequences:
- 941 • Ministers of the Word and Sacrament: withdrawal of good standing for the purpose of
942 seeking a new call. Repeated failure to do so following notification of delinquency may
943 subject the pastor to discipline for persisting in a disapproved work.
 - 944 • Employees of the Presbytery: Personnel disciplinary action up to and including dismissal.
 - 945 • Commissioned Pastors or other persons covered by the policy: removal from positions of
946 trust, and from elected or appointed office.

947
948 The mandated training requirement may be met by certification of completion of equivalent
949 alternative training. Equivalent training must be approved by the Commission on Ministry in
950 advance.

951
952 The Commission on Ministry is charged with the responsibility of scheduling such prevention
953 workshops and approving alternative training requests. These workshops will provide
954 opportunities for discussion and reflection on such topics as clergy self-care, ministry and power,
955 temptations of sexual misconduct, recognizing and reporting forms of sexual misconduct, and
956 other issues such as the theological, emotional, legal, and insurance dimensions to the problem of
957 sexual misconduct.

ATTACHMENT D - Personnel Handbook (Continued)

958
959 These prevention workshops may be open to other persons from congregations and the
960 Presbytery who may benefit by participation, e.g., an elder or youth worker, or church personnel
961 committee members on a space-available basis.

962
963 The Commission on Preparation for Ministry is charged with the responsibility to ensure that
964 Inquirers and Candidates for the Ministry of Word and Sacrament, those seeking Commissioning
965 as Commissioned Pastors (CREs), and those seeking certification as Christian Educators and
966 Certified Associate Christian Educators who are enrolled with this Presbytery receive training in
967 regard to sexual misconduct.

968
969 Persons responsible for recruiting and supervising volunteers shall inform their volunteers of the
970 existence of this policy and their responsibilities under it.

971
972 **RISK MANAGEMENT/INSURANCE**

973
974 The Board of Trustees shall ensure that the Presbytery maintains adequate liability insurance to
975 cover sexual misconduct liability for its programs and activities and shall ascertain the
976 procedures which the Insurance Company would follow in case of either a report or claim of
977 sexual misconduct. The Board of Trustees shall convey to the Insurance Company a copy of this
978 policy upon request.

979
980 **THE ROLE OF THE EXECUTIVE PRESBYTER**

981
982 The role of the Executive Presbyter in sexual misconduct cases shall be:

- 983 • to receive reports of alleged sexual misconduct.
984 • to inform the Stated Clerk, and the moderator of the Commission on Ministry that a
985 report has been received.
986 • to contact the Presbytery's Insurance Company when it becomes necessary to inform the
987 Insurance Company of a report or claim.
988 • to consult the Presbytery's attorney when such consultation is necessary, and
989 • to deal with inquiries from the media if inquiries are received.

990
991 If the Executive Presbyter receives a report of alleged sexual misconduct by a minister member
992 of the Presbytery or a Commissioned Pastor (CRE), the Executive Presbyter shall immediately
993 file the report as an allegation of offense with the Stated Clerk. If the report alleges sexual
994 misconduct by a member of a congregation, a ruling elder, or an inquirer or candidate, the report
995 shall be filed immediately as an allegation of offense with the Clerk of Session of the
996 congregation of membership of the Accused. Any investigation must be done by the
997 Investigating Committee formed under the Rules of Discipline and not by administrative means.

998
999 Other involvement of the Executive Presbyter in a particular situation shall be determined in
1000 consultation with the Response Team.

1001
1002 **MEDIA CONTACT**

1003
1004 Any inquiries from the media regarding an incident of sexual misconduct must be directed to the
1005 Executive Presbyter and should be addressed only by the Executive Presbyter or the Executive

ATTACHMENT D - Personnel Handbook (Continued)

1006 Presbyter's designee. Members of the Response Team shall not respond to questions from the
1007 media except to refer the questioner to the Executive Presbyter.

1008
1009 **DISTRIBUTION OF POLICY**

1010 This policy shall be distributed as follows:

- 1012 • Through the Commission on Ministry and its subordinate parts: to Inquirers; Candidates
1013 for Ministry of Word and Sacrament; Certified Christian Educators and those seeking
1014 certification; Ministers of the Word and Sacrament – both members and those with
1015 permission to labor within the Presbytery's bounds; and Commissioned Pastors of the
1016 Presbytery.
- 1017 • Through the Presbytery Personnel Team: to the employees of the Presbytery.

1018
1019 Each of the above-mentioned persons who receives a copy of this policy will be required to sign
1020 a written acknowledgment indicating s/he has received the policy and agrees to conduct
1021 her/himself in accordance with this policy. The signed acknowledgements shall be retained in the
1022 office of the Stated Clerk.

1023
1024 This policy shall be given to all Reporters and alleged Victims of alleged sexual misconduct and
1025 to all person against whom allegations are made.

1026
1027 **REVIEW**

1028
1029 he Presbytery Council and/or the Commission on Ministry shall review this policy periodically
1030 to determine whether changes need to be made in light of experience and recommend changes to
1031 the Presbytery.

1032

1033

1034

APPENDIX

1035

GUIDELINES FOR THE WORK OF THE RESPONSE TEAM

1036

1037
1038 The responsibilities of the Response Team are to provide pastoral care to Reporter(s) and alleged
1039 Victim(s) of the alleged misconduct; to assess the needs Reporter(s), alleged Victims, and
1040 congregations affected by the alleged misconduct; and to coordinate efforts to provide resources
1041 to meet those needs. At the appropriate time, the Response Team shall offer pastoral care to the
1042 Accused. The Response Team shall neither conduct an investigation nor be a finder of fact.

1043

1044 The following procedures are provided to guide the Response Team in carrying out its
1045 responsibilities under this policy. Because the fact patterns may vary considerably, it is
1046 impossible to list all of the steps a Response Team should take. Also, it is acknowledged that the
1047 ability to assess needs and provide resources to care for persons affected is dependent on the
1048 cooperation of the individuals involved. In all cases, the Response Team should use its best
1049 efforts to help the Presbytery provide an objective, effective, expeditious, and caring response to
1050 an allegation of sexual misconduct.

1051

1052 **ORGANIZATION, TRAINING, AND PRELIMINARY COMMUNICATIONS**

1053

ATTACHMENT D - Personnel Handbook (Continued)

1054 Upon appointment of the Response Team, the Response Team will establish, and continue to
1055 maintain, communication with the Stated Clerk, the Executive Presbyter, and the moderator of
1056 the Commission on Ministry or that moderator's designated representative, consistent with the
1057 confidential nature of the work of the Response Team and the Commission on Ministry. There
1058 may be some situations where the Commission on Ministry is not the Presbytery entity directly
1059 working with the misconduct allegations, e.g., a situation involving a non-clergy employee of
1060 Presbytery which would be handled by the Personnel Team. In those cases, the Response Team
1061 should work directly with that entity.

1062

1063 When there is both a Response Team and an Investigating Committee responding to the same
1064 allegation, the Stated Clerk shall inform each of them of the other's existence. It is recognized
1065 that the Rules of Discipline restrict communication between the Response Team and the
1066 Investigating Committee. It is understood the Response Team will not undertake any of the
1067 responsibilities of the Investigating Committee and that the work of the Response Team will be
1068 done in a way that will not interfere with the work of the Investigating Committee.

1069

1070 Within seven (7) days of its appointment and before it meets with the Reporter, the alleged
1071 Victim(s), or the Accused, the Response Team will hold an organizational meeting. The
1072 Executive Presbyter and the Stated Clerk will normally be part of this organizational meeting.
1073 The organizational meeting may include boundary training and an orientation to the Presbytery's
1074 Sexual Misconduct Policy, the disciplinary process of the Rules of Discipline, and the
1075 Presbytery's Personnel Policy, if applicable.

1076

1077 **CONTACT WITH THE REPORTER, THE VICTIM, AND THE ACCUSED**

1078

1079 The Response Team shall subsequently contact the following parties for the purposes stated. It
1080 shall not conduct any investigation into the alleged misconduct.

1081

1082 • **The Reporter:** If possible, on the same day as the Response Team holds its
1083 organizational meeting, the Response Team will meet with the Reporter to hear the report
1084 of the alleged sexual misconduct, to advise the Reporter of this Policy, and to review with
1085 the Reporter what non-disciplinary responses and disciplinary procedures may or must be
1086 utilized. Following the meeting with the Reporter the Response Team will plan how best
1087 to assess the needs of the persons involved and to secure resources.

1088

1089 • **Alleged Victim(s):** The Response Team will meet with the alleged Victim(s) or make
1090 every possible effort to make contact with them to advise them of this Policy, review both
1091 the non-disciplinary responses and the disciplinary procedures which may be used by the
1092 alleged Victim(s), assess support needs, and offer resources of support and care for them
1093 and their family. If the Response Team is unable to meet with the alleged Victim(s) the
1094 Response Team must determine what steps it will take.

1095

1096 • **The Accused:** When the Investigating Committee has notified the Stated Clerk that it
1097 may do so, and with the alleged Victim's knowledge and in coordination with the work of
1098 the Commission on Ministry in this matter, the Response Team will make sure that the
1099 appropriate persons or groups meet with the Accused to advise the Accused of this
1100 Policy, to review both the non-disciplinary responses and the disciplinary procedures
1101 which may or must be used, to assess support needs, and to offer resources of support and
1102 care for the Accused and family. At the start of this and all subsequent meetings with the

ATTACHMENT D - Personnel Handbook (Continued)

1103 Accused, the Response Team shall inform the Accused that while this is not for the
1104 purpose of investigation, any information shared with the Response Team may not be
1105 protected by the privilege of confidentiality, and that the Accused has both a right to
1106 remain silent and to have counsel present.
1107

1108 OTHER STEPS
1109

1110 When the Investigating Committee has notified the Stated Clerk that it may do so, the Response
1111 Team may work with the Session, congregation, employer, staff, volunteers, or others that may
1112 be affected by the alleged misconduct, with the permission of the Commission on Ministry.
1113 In carrying out its responsibilities, the Response Team may consult with the Executive Presbyter
1114 and/or Stated Clerk and may enlist the assistance of other presbyters to meet specific needs.
1115

1116 The Response Team shall keep appropriate records of its meetings, contacts with the individuals
1117 involved, and arrangements made with resource persons providing support. The Response Team
1118 shall forward to the Stated Clerk all records of its meetings, contacts with the individuals
1119 involved and arrangements made with those providing support. The records shall be maintained
1120 in the same manner and for the same duration as records of disciplinary cases. The Stated Clerk
1121 shall share appropriate information with the Commission on Ministry.
1122

ATTACHMENT D - Personnel Handbook (Continued)

ACKNOWLEDGEMENT

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I acknowledge that on _____, I received a copy of the Sexual Misconduct Policy of the Presbytery of Lake Huron dated September 15, 2020, and that I agree to conduct myself in accordance with the policy in any involvement with or service to the Presbytery. I understand that this acknowledgement will be retained in a file in the office of the Stated Clerk.

| | |
|-------------|----------------|
| _____ | _____ |
| (signature) | (date) |
| _____ | _____ |
| (name) | |
| _____ | _____ |
| (email) | (home address) |
| _____ | |
| (phone) | |

Relationship to Presbytery (check all that apply):

- Inquirer
- Candidate
- Minister member
- Minister with permission to labor within the Presbytery
- Commissioned Lay Pastor
- Certified Christian Educator or Certified Associate Christian Educator
- Presbytery Employee
- Presbytery Officer (moderator, vice-moderator, treasurer, Stated Clerk)
- Volunteer
- Elder/Deacon of _____ Presbyterian Church, _____
- Member of _____ Presbyterian Church, _____
- Other (specify) _____

9/15/20

ATTACHMENT D - Personnel Handbook (Continued)

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Sexual Harassment Complaint Form
Presbytery of Lake Huron

Date of Offense _____ Time of Day _____

Place _____

By Whom _____

What happened?

Any witnesses? _____

Name of person submitting this form _____

Signature: _____ Date: _____

Give to at least one of the following: Your Supervisor, Executive Presbyter, or a member of the Personnel Team.

Name of person **receiving** this form: _____

Signature _____ Date _____

ATTACHMENT D - Personnel Handbook (Continued)

Acknowledgement of Receipt of Personnel Handbook

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I acknowledge receipt of the Presbytery of Lake Huron Personnel Handbook dated _____ . I understand that the handbook is prepared to familiarize all employees with the policies adopted by the Presbytery. I understand that the handbook should be consulted when questions arise concerning the responsibilities of the Presbytery to its employees and the responsibilities of the employee to the Presbytery and its members.

I further understand that from time to time, conditions or circumstances may require the Presbytery to make exceptions to these policies, or to change, modify, amend or delete policies in this handbook. I further understand that the handbook is not a contract, express or implied, guaranteeing employment for any specific duration and that I am an at-will employee.

I agree that any action or suit against the Presbytery arising out of my employment or termination of employment, including, but not limited to, claims arising under State or Federal civil rights statutes, must be brought within 180 days of the event giving rise to the claims or be forever barred. I waive any limitation periods to the contrary.

Dated _____

Employee Signature

Print Name

ATTACHMENT D - Personnel Handbook (Continued)

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Systems Policy Employee Acknowledgement

I understand that all electronic and telephonic communications systems and all information transmitted by, received from, or stored in these systems are the property of the Presbytery of Lake Huron. I also understand that these systems are to be used within the guidelines stated in the Personnel Handbook, and that I have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, or storage of information in this equipment.

I agree not to use a code, access a file, or retrieve any stored communication unless authorized. I acknowledge and consent to the Presbytery of Lake Huron monitoring my use of this equipment at any time at its discretion. Such monitoring may include reviewing all messages and files stored in these systems. I further agree to provide the Presbytery of Lake Huron with all pass codes and passwords used by me upon request.

Dated _____

Employee Signature

Print name

ATTACHMENT D - Personnel Handbook (Continued)

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THE PRESBYTERY PERSONNEL POLICIES
ADOPTED BY THE PRESBYTERY OF LAKE HURON:
December 4, 1990

AMENDED BY THE PRESBYTERY OF LAKE HURON:
September 17, 1991
September 19, 1995
October 24, 1995
March 3, 1998
December 2, 2003
October 3, 2006
June 7, 2016

AMENDED AND RETITLED "PERSONNEL HANDBOOK"
September 15, 2020

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