

Presbytery of Newark
Standing Rules

(Revised 11/18/2006)



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THE PRESBYTERY OF NEWARK

STANDING RULES

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THE PRESBYTERY OF NEWARK

STANDING RULES

Adopted: June 28, 2005

1.00 THE HISTORY, PURPOSE AND BOUNDARIES

1.01 The Presbytery of Newark is the successor of the Presbytery of East Jersey, which was organized in 1733 by the Synod of Philadelphia. In 1738 the Presbyteries of East Jersey and Long Island were combined to form the Presbytery of Long Island. In 1808 the Presbytery of New York was divided with the churches in New Jersey becoming the Presbytery of Jersey. In 1824 the Synod of New Jersey divided the Presbytery of Jersey into the Presbytery of Newark and the Presbytery of Elizabeth Town. The organization of the Presbytery of Newark took place on November 2, 1824.

At the time of the reunion of the Old School and the New School, the first General Assembly of the reunited Presbyterian Church in the U.S.A. meeting in Philadelphia in May 1870 constituted the new Synod of New Jersey. On June 22, 1870 the synod established the Presbytery of Newark to comprise the city of Newark with the townships of Woodside, Belleville, Bloomfield, Montclair, Clinton and Caldwell. The new Presbytery of Newark held its first meeting in Old First Presbyterian Church of Newark on June 30, 1870.

The Synod of New Jersey also on June 22, 1870 established the Presbytery of Morris and Orange to comprise the County of Morris with the townships of Millburn, Livingston, South Orange, East Orange, and West Orange in the County of Essex and to be the legal successor to the Presbyteries of Rockaway and Passaic. The Presbytery of Morris and Orange held its first meeting in the First Presbyterian Church of Orange on July 6, 1870.

The Presbytery of Morris and Orange was dissolved on June 1, 1964 with the eighteen churches within Essex County becoming a part of the Presbytery of Newark and the remaining churches uniting with the Presbyteries of Newton and Elizabeth. The expanded Presbytery of Newark held its first meeting at the Old First Presbyterian Church in Newark on June 7, 1964.

1.02 The geographical boundaries of the Presbytery of Newark are made up of the entire area of Essex County and parts of Bergen and Hudson Counties that contain the municipalities of Belleville, Bloomfield, Caldwell, Cedar Grove, East Orange, Essex Fells, Fairfield, Glen Ridge, Irvington, Kearny,

Livingston, Maplewood, Millburn, Montclair, Newark, North Arlington, North Caldwell, Nutley, Orange, Roseland, South Orange, Upper Montclair, Verona, West Caldwell, West Orange.

2.00 GENERAL RULES

- 2.01 The Constitution of the Presbyterian Church (U.S.A.) and the requirements of these Standing Rules shall govern the work of the Presbytery of Newark.
- 2.02 The latest edition of Robert's Rules of Order shall be observed as the rules governing the parliamentary procedures of the Presbytery of Newark.
- 2.03 The rules of evidence promulgated by the Supreme Court of the State of New Jersey, insofar as they are not inconsistent with the rules of evidence contained in the Rules of Discipline, shall be observed in taking testimony in judicial cases.

3.00 MEETINGS

3.10 Stated Meetings

- 3.11 The Presbytery of Newark shall convene in five stated meetings annually and in such special meetings as required.
- 3.12 The stated meetings are ordinarily held in January, March, May, June, September and November.
- 3.13 The moderator, in consultation with the stated clerk, shall recommend to the presbytery annually by the June meeting the specific dates for the stated meetings during the following year. When the work of the presbytery requires it, the moderator may convene the stated meetings on a different schedule, but always with a minimum of ten days notice.

3.20 Called Meetings

3.30 Quorum

A quorum shall be twenty members, with at least seven ministers and seven elders present, providing at least seven churches are represented.

3.40 Docket

- 3.41 The docket for each meeting of the presbytery is prepared by the stated clerk in consultation with the moderator, and presented to the presbytery for its adoption.

- 3.42 The stated clerk shall approve all requests for time on the docket and recommendations to the presbytery from the Mission Council, work teams and Book of Order committees. Any work team or committee whose request has not been approved and whose report has not been reviewed by the stated clerk may request inclusion on the docket by submitting a written request to the stated clerk at least twenty-four hours prior to the presbytery meeting. Such request should state the reasons for the inclusion, the time request, and include written recommendations or report.
- 3.43 The docket for all meetings will include time for worship, except by prior action of the presbytery. The celebration of the Lord's Supper shall be included in the docket at the June and November meetings.
- 3.44 If the time allotted for a particular item of business expires, the moderator shall decide whether to allow further consideration of it at that time. Upon motion from the floor, consideration of the item may either be delayed to the end of the meeting or suspended.
- 3.45 The docket and supporting materials for the meeting are transmitted to ministers and sessions at least ten days prior to the stated meetings.
- 3.50 Meeting Places
- 3.51 Invitations for presbytery to meet are welcomed from all congregations, and should be communicated to the stated clerk. When presbytery lacks an invitation for a meeting, the meeting will take place at the First Presbyterian Church of Orange.
- 3.60 Inclement Weather Procedures
- 3.61 All presbytery-wide events scheduled during months when weather could be a factor (November through March) should have alternate snow/inclement weather dates scheduled and publicized along with the original event dates.
- 3.62 The decision to move to an alternate date or to cancel a presbytery-wide event will be made by the Moderator of Presbytery, in consultation with the stated clerk, at the earliest time possible in order to give advance notice. A decision to move or cancel a presbytery-wide event will be communicated to all presbytery members and members of presbytery committees and teams via email, an announcement on the presbytery office's answering machine and posting on the presbytery's website.
- 4.00 MEMBERSHIP AND ROLLS**
- 4.01 The members of the Presbytery of Newark are those specified in G-11.0101 and elders serving as officers of the presbytery, moderator of the Mission Council, or moderators of standing committees.

- 4.02 An orientation for all new elder commissioners will be held at the March, June, September and November stated meetings.
- 4.03 Each elder elected as an officer of the presbytery shall be enrolled as a member of the presbytery for the term of office, whether or not commissioned by his or her session.
- 4.04 Each elder elected as moderator of a standing committee, or a member of the presbytery Mission Council shall be enrolled as a member of the presbytery for the term of office, whether or not commissioned by his or her session. The Moderator of Presbyterian Women or her designee, when she is not an elder, shall be enrolled as a member of the presbytery.
- 4.10 Presbytery Attendance
- 4.11 It is the responsibility of all resident active and at-large clergy members to attend stated meetings of the presbytery. Excuses for absences from stated meetings shall be made in writing to the stated clerk no later than seven days after the meeting in question.
- 4.12 It is the responsibility of all constituent churches to send an elder commissioner to stated meetings of the presbytery. Excuses from churches not able to send an elder commissioner shall be made in writing to the stated clerk no later than seven days after the meeting in question.
- 4.13 All resident active and at-large members of the clergy who are absent for more than one year from stated presbytery meetings without rendering satisfactory reasons shall be contacted by the Committee on Ministry and their names shall be listed in the presbytery minutes.
- 4.14 When a church has not been represented by an elder at stated presbytery meetings for more than a year without rendering satisfactory reasons, it shall be contacted by the Committee on Ministry and its name shall be listed in the presbytery minutes.
- 4.20 Privilege of the Floor
- 4.21 The presbytery may grant privilege of the floor to any nonvoting person by a majority vote.
- 4.22 Privilege of the floor is granted to all non-commissioner elders in attendance at a presbytery meeting who are currently serving on presbytery committees and work teams of the Mission Council.

5.00 PRESBYTERY OFFICERS AND THEIR ELECTIONS

- 5.01 The officers shall be the Moderator, the Stated Clerk, and the President of the Board of Trustees.

5.10 Moderator

5.11 The office of the Moderator, who shall be elected at the September stated meeting, shall begin a one year term of office immediately upon installation at the end of the November meeting. Consistent with the commitment to inclusiveness and representation the office of Moderator should alternate Elder and Minister of Word and Sacrament.

5.12 The three preceding Moderators of Presbytery are available to stand in for the Moderator of the Presbytery as needed.

5.20 President of the Board of Trustees

5.21 The president shall be elected for a three-year term at the September stated meeting every third year.

5.30 Stated Clerk

5.31 The stated clerk shall be elected for a three-year term. The incumbent is eligible for re-election. Compensation for the stated clerk shall be determined by the presbytery upon recommendation of the Human Resources Team.

5.32 The duties of the Stated Clerk shall be:

5.321 Be the contact person at the Presbytery for churches seeking pastors and pastors seeking calls *and ensures that reference checks are done.*

5.322 Record Keeping and Meeting Arrangements

All record keeping related to COM
Keep Roll of Minister Members.

All record keeping for temporary pastoral relationships.

All record keeping related to ordination, certification and commissioning.

All record keeping related to receiving and dismissing minister members and candidates.

All record keeping certifying to another presbytery a call of a congregation of the Presbytery of Newark to a minister member of that presbytery.

All record keeping related to COPM

To receive candidates under the care of presbytery.

To transfer candidates and inquirers to other presbyteries.

To dismiss candidates to other Reformed bodies.

To enroll an individual as an inquirer.

To facilitate review of Minutes of Session of the churches of the Presbytery.

- 5.323 Preparation of the docket for each meeting of the presbytery in consultation with the moderator, and presented to the presbytery for its adoption. The stated clerk shall approve all requests for time on the docket and recommendations to the presbytery from the Mission Council, work teams and Book of Order committees.

To determine meeting places for Presbytery.

To plan worship for each meeting of the Presbytery by appointing work teams to provide appropriate worship.

- 5.324 All matters of Polity and judicial administration.

To oversee the Overture and Amendments Procedure including presentation of Amendments from General Assembly to the Presbytery for voting, providing committee recommendations concerning overtures, to plan discussion and the voting process with the Moderator.

To provide consultation for churches of the Presbytery in drafting and presenting amendments to GA.

To provide guidance in matters of the polity of PCUSA, and the Presbytery. To be a resource to churches, pastors, Book of order committees, and the Mission Council regarding the Book of Order and matters of polity. To interpret Book of Order requirements to committees, churches, clergy, etc.

To give guidance and training to Presbytery moderators in application of Roberts Rules of Order and respond to questions of order during Presbytery meetings.

- 5.325 To participate in the Association of Stated Clerks of the denomination and to keep up to date and informed on matters of polity, etc.

- 5.326 To serve as Head of Staff when the General Presbyter is out of the office. Office Hours should be coordinated so that the General Presbyter or the Stated Clerk are in the office and available during business hours.

- 5.40 General Presbyter

- 5.41 The General Presbyter will be a resource and guide to committees and work teams to achieve their mission goals as set forth by the Mission Council and the Presbytery, and be the face of the Presbytery. He/she will assist congregations in achieving their mission goals. The General

Presbyter will be pastor and friend to clergy and officers of Presbytery, and will serve as head of staff of the Presbytery office.

5.42 The General Presbyter is elected for an indefinite term upon nomination by special search committee approved by the Presbytery. Compensation for the General Presbyter shall be determined by the Presbytery upon recommendation of the Human Resources Team.

5.43 The duties of the General Presbyter [material for this item should come from EP Search Committee]

6.00 CORPORATION

6.01 The Board of Trustees shall oversee the endowments and investments of the Presbytery of Newark, providing annual reports to the Finance Team and the Presbytery. The Trustees shall review and implement changes in the portfolio in consultation with the Finance Team.

The Trustees shall provide an annual audit of all finances of the Presbytery in accordance with the Book of Order. This audit shall also be provided to the Finance Team and the Presbytery.

6.02 The Board of Trustees shall constitute the membership of the Corporation for the Presbytery of Newark, a non-profit corporation fulfilling the legal requirements of the State of New Jersey.

6.03 The Board shall be composed of six members in three equal classes, elected by the corporation to rotating terms upon nomination of the Nominating Committee and approval of the Presbytery. No member shall serve more than six consecutive years. All members shall be either ministers or elders and shall be representative of men and women, varying age groups, theological diversities consistent with the Reformed tradition, racial and ethnic minorities.

6.04 The Board shall present to the Presbytery one nomination to be elected to a three-year term as president of the board. Such nomination shall be made at the November stated meetings every third year.

6.05 The Board shall elect the following officers from its membership: vice president, secretary, and treasurer. The accounting functions shall be performed by the bookkeeper.

6.10 Administrative Commission Powers

6.11 The Board of Trustees is empowered to act as an administrative commission in the following property actions when it is inexpedient to wait until the next stated meeting of the Presbytery. All such actions taken will be admitted to record at the next stated meeting of the Presbytery.

- A. To grant permission to churches to sell, mortgage, or otherwise encumber its real property.
- B. To grant permission to churches to acquire real property subject to an encumbrance or condition.
- C. To grant permission to churches to lease its real property used for purposes of worship.
- D. To grant permission to churches to lease for more than five years any of its other real property.

7.00 ORGANIZATION

7.01 In order to fulfill its mission, the Presbytery of Newark is organized into constitutionally-mandated committees (a Committee on Representation, a Committee on Ministry, a Committee on Preparation for Ministry, a Committee on Nominations), a Mission Council, a Finance Team, a Human Resources Team and into work teams as needed.

7.10 Committee on Representation

7.11 Membership and Quorum

7.12 The committee shall consist of six members in accordance with Book of Order G.-9.0105.

7.13 The committee moderator or a committee member designated by the moderator shall serve as a resource person to the Nominating Committee.

7.14 The committee shall report annually to the **March** stated meeting of Presbytery its evaluation of the performance of the Presbytery of Newark with regard to its commitment to the principle of inclusiveness, with any recommendations, and at such other times as the committee deems appropriate.

7.15 The committee shall annually submit its report in writing to the Synod of the Northeast.

7.20 **Mission Council**

The Mission Council is the coordinating body that implements the vision of Newark Presbytery *and the great ends of the church* (Book of Order G.-1.0200) by calling forth people to support, strengthen and transform congregations, by providing direction, ideas and spirit with passion and imagination.

The Mission Council acts as the strategic planning and evaluative body to receive, prioritize and develop new initiatives that further the mission of the Presbytery in service to its member congregations. In addition, the council serves as a resource for training and education for congregations seeking assistance in these areas. New mission proposals are recommended by the Mission Council to the Presbytery for action.

The Mission Council seeks out, identifies and recommends people with the appropriate gifts, to serve both on limited term work teams¹ and as resources for finding funding and providing support as needed. The Mission Council will maintain regular communication with the work groups in order to evaluate, support and help them in fulfilling their task from inception to conclusion.

Any individual (or group of individuals) with a dream that fits the mission of the Presbytery can request time on the Mission Council docket.

The Mission Council will recommend to Presbytery appropriate mission funding disbursements. Recommendations will be acted on at Stated Meetings of Presbytery—September, November, March, and June. The funding schedule will be published and work teams will need to get their proposals to the Mission Council in time for stated meetings.

- 7.21 The Mission Council is made up of nine members, in three equal classes elected at large by the Presbytery.
The Mission Council moderator is elected annually by the Mission Council.
The Moderator of Presbytery is an ex officio member.
The Mission Council reports directly to the Presbytery.
The Mission Council meets monthly and is open to all members of the Presbytery.
A Mission Council member will be assigned serve as a liaison to each group.
A quorum is 50% of members present.

¹ Work teams are appointed in two or three year terms that can be renewed through the Council.

7.30 Committee on Ministry

7.31 Membership and Quorum

The committee shall consist of **twelve** members, one-half ministers and one-half elders, in 3 classes. (Bold amended on September 28, 1996.)

7.32 The quorum of the committee shall be a majority of the members.
The committee shall work closely with the Committee on Preparation for Ministry and the **Committee on Examinations** on the examination and reception of candidates for ordination and transferring ministers.

7.321 The Presbytery of Newark, at its stated meeting on September 22, 1987 empowered the Committee on Ministry as an administrative commission of Presbytery to appoint moderators of sessions when the pastoral relations are dissolved or the pastors are unable to perform their duties (G-10.0103) when it is inexpedient to wait until the next stated meeting of Presbytery.

7.322 The Presbytery of Newark, at its stated meeting on November 22, 1988 empowered the Committee on Ministry as an administrative commission of Presbytery to appoint commissions to ordain and to install candidates for ordination who have satisfied all requirements for ordination in accordance with the Book of Order G-14.0400 to G.14.0406.

7.323 The Presbytery of Newark at its stated meeting on November 28, 1989 empowered the Committee on Ministry as an administrative commission of Presbytery to take the following actions in accordance with Book of Order G-11.0502h.

Approve temporary pastoral relationships when a church does not have a pastor, or while the pastor is unable to perform her or his duties. (G-14.0513)

Receive and dismiss candidates for ordination when a call is pending. (G-14.0507)

Appoint ordination commissions for candidates called to serve in other presbyteries at the request of the calling party or at the request of the candidate with the approval of the calling Presbytery. (G-14.0314)

Certify to another Presbytery a call of a congregation of the Presbytery of Newark to a minister member of that Presbytery. (G-11.0502b, G-14.0507)

Certify the credentials of a minister or candidate of the Presbytery of Newark to another Presbytery when a call has been extended to that minister or candidate. (G-14.0507)

Approve commissions to install transferring ministers when the calls have been approved by the Presbytery of Newark. (G-9.0503)

Grant permission for ministers and candidates for ordination to move onto the field after successful completion of examination by the Committee on Examinations and prior to reception by the Presbytery of Newark; or, in the case of a continuing member of the Presbytery of Newark, prior to approval of the call by the Presbytery. (G-14.0507)

7.34 Policy Statements

7.341 The Presbytery of Newark, at its stated meeting on November 22, 1988 approved the following action: Adopted the policy that candidates for ordination must pass all ordination requirements, including examination on the floor of the Presbytery, before plans for ordination/installation are presented.

7.342 The Presbytery of Newark at its November 24, 1992 meeting adopted the following policies regarding temporary pastoral relations. It shall be the policy of the Presbytery of Newark that when a church decides to conduct a search for an installed pastor, the stated supply, if he or she is desirous of applying for the installed position, must become separated from the church for a period while the pastoral search is being conducted. A stated supply who chooses not to be considered for the installed position will be designated as interim pastor at the election of the pastor nominating committee.

It shall be the policy of the Presbytery of Newark that an interim pastor shall not serve a congregation for a period exceeding twelve months at a time or a maximum of two years. Further, the interim pastor shall not be reappointed until the Presbytery, through its Committee on Ministry in consultation with the session, has reviewed the effectiveness of the interim pastor.

7.343 The Presbytery of Newark on March 20, 1999 approved the following action: approved the policy that elders shall not be members of the congregations of which they are appointed to serve as commissioned lay pastors (CLP).

7.40 Committee on Preparation for Ministry

7.41 Membership and Quorum

The committee shall consist of 9 members, one-half ministers and one-half elders in 3 classes, including a moderator elected by the Presbytery. The moderator may designate a vice moderator upon approval of the committee. The membership shall be representative of men and women, varying age groups, theological diversities consistent with the Reformed tradition, racial and ethnic minorities.

A quorum shall consist of a majority of the members.

7.42 The committee shall work closely with the Committee on Ministry and the **Committee on Examinations** on the examination and reception of candidates for ordination and transferring ministers.

7.43 Administrative Commission Powers

7.431 The Presbytery of Newark on November 28, 1989 empowered the Committee on Preparation for Ministry as an administrative commission of Presbytery in the following actions when it is impractical or inexpedient to wait until the next meeting of the Presbytery.

- A. To receive candidates under the care of Presbytery.
- B. To transfer candidates and inquirers to other presbyteries.
- C. To dismiss candidates to other Reformed bodies.
- D. To enroll an individual as an inquirer.

7.44 Policy Statements

7.441 The Presbytery on November 26, 1991 approved the following policy on the payment of expenses for career counseling for inquirers and candidates.

The Presbytery of Newark and the sponsoring session will each pay one-fourth of the total fees owed, noting that the Presbytery will be billed by the Northeast Career Center and shall be responsible for notifying and collecting from the sponsoring session the amount due. The Synod of the Northeast will cover the other 50% of fees owed.

Six Years Limit

The Presbytery of Newark on September 23, 1987 approved the policy that an inquirer/candidate shall take no longer than six years from the time he/she becomes an inquirer or enters seminary (whichever date occurs last) to go through the regular process of preparation for ministry (seminary, field work, standard ordination examinations, certification or readiness for ordination, and receipt of a call.) Any extension of the six years must be approved annually by the Committee on Preparation for Ministry.

Career Counseling Requirement

The Presbytery of Newark on January 31, 1989 approved the policy that inquirers must participate in career counseling within the first year of the covenantal relationship. Such counseling must be done by the Northeast Career Counseling Center or another counseling program approved by the Committee on Preparation for Ministry. On October 13, 1999 the Committee on Preparation for Ministry agreed that such counseling should take place prior to its initial interview with the inquirer.

Work in Congregations by Inquirers and Candidates

The Presbytery of Newark on June 29, 1999 adopted the policy that effective January 1, 2000 all inquirers and candidates under its care and

oversight will ordinarily not be permitted to serve congregations during the first full-year of seminary.

Clinical Pastoral Education Requirement

The Presbytery of Newark on November 13, 1999 affirmed its long-standing policy that all inquirers/candidates shall complete a unit of clinical pastoral education (CPE) during their educational preparation. The CPE unit is ordinarily completed during the period of study for the Master of Divinity degree. The CPE program shall be recommended by the seminary, approved by the American Association of Clinical Pastoral Education, and the Committee on Preparation for Ministry.

The Committee on Preparation for Ministry, at its September 8, 2004 meeting, made it policy for the CPM to cover the tuition cost for the one unit of required CPE.

The Committee on Preparation for Ministry, at its October 13, 1999 meeting, made it policy to require applicants for inquiry status to submit their Career Counseling report to the Committee before the Committee's inquiry interview meeting.

7.50 Committee on Examinations

7.51 Purpose

The Committee on Examinations shall be responsible for the oversight of ministers relative to their reception into the Presbytery of Newark from candidacy, from another Presbytery, or from another denomination in accordance with G-11.0402, G-11.0403, and G-11.0404.

7.52 Membership and Quorum

The Committee on Examinations shall consist of two **former or current** members of the Committee on Ministry, two **current or former** members of the Committee on Preparation for Ministry, and two at-large ministers and elders from the Presbytery. The moderator of the committee shall be **a current or former member** of the Committee on Ministry.

A quorum shall consist of a majority of the members.

7.53 The committee shall assist the Committee on Ministry in its screening of potential minister members, and reports to that committee regarding the suitability of particular ministers for specific positions.

7.60 Finance Team

7.61 The Finance Team shall be made up of three members, one elected each year for three terms. In addition, the committee shall include a representative from the Board of Trustees and the Mission Council. The General Presbyter or another appropriate staff person shall serve ex-officio without vote.

7.62 The Finance Team is responsible for the development, implementation and oversight of the operating budget affairs of the Presbytery of Newark.

A Presbytery Treasurer will be appointed by the Finance Team and confirmed by the Board of Trustees. The Treasurer could be a member of the Finance Team.

- 7.63 Specific responsibilities include:
- a. Preparation and recommendation to Presbytery of the operating budget including per capita, income from investments and endowments according to adopted policies, mission giving and all anticipated expenses.
 - b. Ensure that monthly financial reports are prepared and distributed to committees and organizations of the Presbytery.
 - c. Monitor and review the operating budget at least bi-monthly.
 - d. Ensure that designated gifts are disbursed according to paragraph 4.
 - e. Review the investment portfolio for all endowments, appropriated and un-appropriated funds at least twice each year, recommending changes to the Trustees as needed.
 - f. Ensure that proper financial procedures and guidelines are followed by financial officers of the Presbytery.
 - g. Review the annual report of the Auditor.
- 7.64 Designated Gift Procedures
- a. All contributions from a church to Central Receiving dedicated or earmarked for a specific Presbytery or denominationally approved cause shall be transmitted to that cause monthly. A list of approved causes shall be reviewed, approved and distributed to church treasurers annually.
 - b. Denominational offerings that include a percentage to be retained by the Presbytery of Newark should be disbursed in the following manner.
 - i. The appropriate committee within the Presbytery of Newark is informed of the balance received along with the offering restrictions.
 - ii. A balance sheet of dedicated offerings is maintained and distributed to the Finance Team at its regularly stated meetings.
 - iii. If no use is stipulated within twelve months of receipt, the offering is forwarded to the General Assembly Offering of same title.
 - c. Designated offerings for special projects within the Presbytery of Newark shall be used in a timely fashion implementing the following essential practices.
 - i. The appropriate committee within the Presbytery of Newark is informed of the balance received along with the project restrictions.
 - ii. A balance sheet of dedicated offerings is maintained and distributed to the finance committee at its regularly stated meetings.
 - iii. If there is no use of funds for a period of one year, the Finance Committee shall consult with the appropriate committee of Presbytery regarding another appropriate use of the gifts.
- 7.65 The Finance Team shall annually review the investment portfolio of the Presbytery including endowments, appropriated funds, un-appropriated funds and dedicated funds to ensure proper implementation of the investments policies and good financial stewardship of the Presbytery. The committee shall recommend changes to investments as needed to the Board of Trustees as needed.

7.66 The Finance Team shall report annually on the financial health of the Presbytery at a regularly stated meeting.

7.70 Human Resources Team

7.71 The Human Resources Team shall provide general oversight for Presbytery staff, i.e. the general presbyter, stated clerk, administrative assistant and bookkeeper.

7.71 Develop pay scale for staff for Presbytery approval.

7.72 Revise or develop an evaluation process for staff. Work in conjunction with minister members and congregations during the evaluation process.

7.72 Resource the Nominating Committee and Mission Council in identifying qualified persons in specific fields to populate committees and work teams.

7.73 Report to Presbytery on their work.

7.74 Develop position descriptions as needed.

7.75 Revise Personnel policies as needed.

7.76 Provide opportunities for staff to meet privately with the Human Resources Team.

7.77 Shall consist of three elders and three ministers of the Word and Sacrament, two in each class.

7.78 *A quorum shall consist of a majority of the members.*

8.00 OTHER COMMISSIONS

8.10 Permanent Judicial Commission

8.11 The membership of the Permanent Judicial Commission shall be composed of not less than seven ministers and elders with not more than one elder from any one of the constituent churches.

8.20 Investigating Committees

8.21 **Whenever there is a need for an investigating committee as provided for in the Rules of Discipline D.10.0200, the Moderator of the Presbytery is empowered to designate not less than three nor more than five members from a list of at least seven names compiled by the stated clerk, the general presbyter, and a moderator of the Committee on Ministry. The designation of a special disciplinary committee shall be admitted to record at the next meeting of the Presbytery. (Bold added on April 25, 1995.)**

9.00 NOMINATIONS

- A. In order for responsibilities to be shared with as many persons as possible, ordinarily no one will have more than one permanent or elected assignment. Due to the nature of some assignments and also to the need for persons as liaison between committees, some exceptions are made for persons serving on exempt committees.
- B. Complete Exemptions: Nominating Committee, Special Administrative Commissions, Permanent Judicial Commission, boards of Presbytery-related agencies, steering committees for new church developments, Committee on Representation, and Racial-Ethnic Caucuses.
- C. Exemptions for Liaison Needs: Presbytery-elected representatives to Synod of the Northeast committees, Presbyterian Women and Presbyterian Men.

9.10 Terms of Service

9.11 The terms of service on the Mission Council, Book of Order committees, Finance Team, Human Resources Team are for three years. For purposes of continuity, the Nominating Committee may nominate some persons for a second consecutive term. In no case shall a person serve more than six consecutive years on a particular structure; and after two terms no one shall be re-elected to the same structure without a two-year lapse between terms.

9.12 The terms of service for work teams will be between 1 and 3 years depending on specific task.

9.13 Ordinarily, moderators for all committees and work teams shall be elected from the respective committee continuing members and shall be elected at the first meeting of the calendar year.

9.20 Vacancies

9.21 Resignations from all positions on committees and the Mission Council shall be submitted in writing to the stated clerk. The Nominating Committee will then be notified of the vacancy and will be responsible for consulting with the moderator of the particular committee or work team on suggestions of individuals to fill the vacancy.

9.30 Nominating Committee Membership

9.31 The Nominating Committee shall consist of **six persons** in three equal **classes [one class of 2 Female Elders; one class of 2 Male Elders; and one class of 2 Minister Members of presbytery]**. The members shall be nominated and elected from the floor at the November stated meeting with **2 persons elected** each year. The moderator of the Nominating Committee shall be elected by the committee annually at the last committee meeting prior to the November Presbytery meeting. The moderator of the Committee on Representation, or a member of that committee designated by that moderator,

shall serve as a resource to the Nominating Committee. No person shall serve more than three consecutive years. **(Amended June 27, 2006)**

9.40 Procedures

9.401 The Nominating Committee will nominate at the September stated meeting the following nominees to begin service on January).

9.402 Two members to the Board of Trustees

9.403 A Presbytery Moderator

9.404 Three at-large members to the Mission Council

9.405 One member to the Human Resource Team

9.406 One member to the Financial Team

9.407 A moderator, elected biennially, and four members to the Committee on Ministry

9.408 A moderator, elected biennially and three members to the Committee on Preparation

9.409 A moderator, elected biennially and one member to the Committee on Representation

9.410 (Every two years) Members to the Permanent Judicial Commission so that the total membership is not less than seven ministers and elders with not more than one elder from any of the constituent churches.

9.411 Every three years, two at-large members to the Committee on Examinations.

9.412 One member to the Board of Directors of Camp Johnsonburg.

9.413 Representatives **to serve as synod commissioners and members of synod standing committees** consistent with the plan for nomination of the Synod of the Northeast. **The moderator of the Presbytery of Newark is authorized to appoint a minister or elder to serve as alternate commissioner if the elected commissioner is unable to attend a meeting of the synod assembly. If the elected commissioner is unable to complete the term of service, the Nominating Committee shall present a nominee for election by the Presbytery.** (Bold amended on March 20, 1999)

9.414 (Every third year) a reader and one alternate reader (each serving a three year term) for the standard ordination examinations administered by the Presbyteries' Cooperative Committee on Examinations for Candidates of the Church Vocations Unit.

- 9.50 Commissioners and Youth Advisory Delegates to General Assembly and Synod
- 9.51 The Nominating Committee, at the September meeting, shall nominate the requisite number of commissioners and youth advisory delegates to the General Assembly. The committee shall also nominate alternates in a number at least equal to one-half of the number of commissioners. Alternates shall be elected in order according to the number of votes cast for that person. (Bold amended on September 26, 1998)
- 9.52 The Nominating Committee, at the **June** meeting shall nominate the requisite number of commissioners and youth advisory delegates to the Synod of the Northeast. The committee shall also nominate alternates in a number at least equal to one-half of the number of commissioners. Alternates shall be elected in order according to the number of votes cast for that person. (Bold amended on September 26, 1998)
- 9.53 Nominations from the floor are always in order. No name shall be placed in nomination unless the person nominated has agreed to serve, if elected.
- 9.54 Election of elder and minister commissioners and youth advisory delegates to General Assembly and synod shall be undertaken by written ballot. The Nominating Committee shall place in nomination the required number, along with identifying and pertinent information concerning each. Nominations shall also be received from the floor.
- 9.55 In electing commissioners and youth advisory delegates, the Presbytery will give consideration to knowledge of and service in the Presbytery and denomination.
- 9.56 The commissioners and youth advisory delegates will report to the Presbytery.
- 10.00 SUSPENSION AND AMENDMENT OF STANDING RULES**
- 10.10 Suspension of the Rules
- 10.11 The rules of the Presbytery of Newark may be suspended at any meeting by a vote of two-thirds of the members present.
- 10.20 Amendments and Additions to the Standing Rules
- 10.21 A proposed amendment to the Standing Rules must be submitted in writing to a stated meeting of the Presbytery of Newark, which shall receive it without implied approval. Prior to the next stated meeting, it will be printed and circulated to ministers and sessions. If it receives a favorable vote by a majority of those present and voting at this subsequent meeting, the amendment is adopted.
- 10.22 Any amendment or addition to the Standing Rules may receive immediate consideration by an unanimous vote of those present. A majority vote is required to effect the change.

11.00 GUIDELINES FOR PRESBYTERIANS DURING TIMES OF DISAGREEMENT

On September 18, 1993 the Presbytery of Newark adopted the following Guidelines for Presbyterian During Times of Disagreement to be used at all Presbytery meetings, including meetings of committees and boards, and recommended the adoption of the guidelines to all sessions.

Seeking To Be Faithful: Guidelines for Presbyterians During Times of Disagreements.

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

Give them a hearing. . . listen before we answer

John 7:15 and Proverbs 18:13

1. **Treat each other respectfully so as to build trust, believing that we all desire to be faithful to Jesus the Christ;**

We will keep our conversations and communications open for candid and forthright exchange. We will not ask questions or make statements in a way which will intimidate or judge others.

2. **Learn about various positions on the topic of disagreement.**
3. **State what we think we heard and ask for clarification before responding, in an effort to be sure we understand each other.**

Speak the truth in love

Ephesians 4:15

4. **Share our concerns directly with individuals or groups with whom we have disagreements in a spirit of love and respect in keeping with Jesus' teaching.**
5. **Focus on ideas and suggestions instead of questioning people's motives, intelligence or integrity;**

We will not engage in name-calling or labeling of others prior to, during, or following the discussion.

6. **Share our personal experiences about the subject of disagreement so that others may more fully understand our concerns.**

Maintain the unity of the spirit in the bond of peace

Ephesians 4:3

7. **Indicate where we agree with those of other viewpoints as well as where we disagree.**
8. **Seek to stay in community with each other though the discussion may be vigorous and full of tension;**
We will be ready to forgive and be forgiven.

9. Follow these additional Guidelines when we meet in decision-making bodies:

Urge persons of various points of view to speak and promise to listen to these positions seriously; Seek conclusions informed by our points of agreement; Be sensitive to the feelings and concerns of those who do not agree with the majority and respect their rights of conscience; Abide by the decision of the majority, and if we disagree with it and wish to change it, Work for that change in ways which are consistent with these Guidelines.

10. Include our disagreements in our prayers, not praying for the triumph of our viewpoints, but seeking God's grace to listen attentively, to speak clearly, and to remain open to the vision God holds for us all.

As Presbyterians, we are called to work for the "peace, unity and purity of the Church" (Book of Order) as we seek to be faithful to God's work in the world. However, disagreements and conflicts are inevitable in the life of the Presbyterian Church (U.S.A.) as we try to be faithful. They exist within committees, congregations, presbyteries, synods, at General Assemblies and in the national life of the denomination.

Conflicts are inevitable in all of life and certainly in the church. The history of the church is filled with conflicts and disagreements. Several of Paul's letters address the conflicts which were common in the early church. There have been and are going to be disagreements as Christians attempt to discern God's work in the world and as we interpret scripture.

Conflicts can be harmful and even destructive. They can cause individuals a great deal of pain and the community of faith immeasurable damage. Congregations have been divided; denominations have experienced schisms.

At the same time, conflicts can be an opportunity for new insights, learning, and individual and corporate growth. Disagreements can illuminate a topic in helpful ways and can present solutions to problems which previously had not been seen. The successful resolution of conflict can also bind people together in a powerful way.

The Bible contains many stories of conflict and disagreement and much advice about how they can be addressed. As those stories indicate, God is already present wherever there is brokenness, granting wholeness and peace. God promises to be with us in times of disagreement and calls us to reconciliation, trust, love and forgiveness.

We realize that our perspectives are limited, so to help us affirm each other, enhance our community, stay open to the viewpoints of others and be sensitive to cultural diversity, we commit ourselves to the Guidelines in a spirit of prayer, trust, and love, seeking the guidance of the Holy Spirit.

Adopted by the 204th General Assembly (1992) of the Presbyterian Church (U.S.A.)

12.00 SEXUAL CONDUCT AND MISCONDUCT POLICY

The Presbytery of Newark on June 27, 2005 approved the following policy on sexual conduct and misconduct.

Introductory Statement

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

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because through these representatives an understanding of God and the gospels' good news is conveyed. It is incumbent upon the church, when sexual misconduct occurs, to find ways to care for everyone involved with compassion and justice. (Book of Order G-6.0101 and G-6.0106.)

We believe that Scripture and our faith in Jesus Christ call all of us to assume high ethical and moral standards in all of life, including all expressions of our sexual behavior. Human sexuality is an integral part of who we are as persons. Our commitment is to model the example of Christ and to be rooted in the love of Christ in all relationships. For any Christian to betray trust by sexually abusing another, whether child or adult, is to deny his or her own Christian identity. Such a betrayal is a serious injury to the one abused and a violation of faithfulness to Christ.

We further believe in justice for all persons. Human sexuality can become the basis for oppression and injustice, violating the intention of God's creative order. When the trust relationship is broken, such breach by sexual misconduct produces victims and causes wounds which may require extended care before healing can begin to occur. It also injures the particular congregation as well as the whole body of Christ in ways which require special efforts for healing. Because of the serious consequences of sexual abuse, the Church must make every effort to assure that sexual abuse does not occur within its jurisdiction. When such abuse does occur, the church must make a clear and just response.

All those who serve the church within the Presbytery in either a temporary or permanent relationship, including clergy, staff, church officers, and volunteers are expected to adhere to Christian ethical principles in their sexual conduct and in the exercise of authority and power. The Church and its extended ministries are to be seen as safe places in the community; places where it is known that sexual misconduct is not tolerated. This is part of our Christian witness to the community.

The Presbytery affirms that all forms of sexual misconduct are sinful and contrary to God's will for humanity.

It is therefore the policy of this Presbytery that sexual misconduct or harassment of any kind by any minister, staff member, church officer, or volunteer will be dealt with immediately in accordance with the Presbytery's policy and procedures on sexual misconduct.

Guiding Principles

All allegations of sexual abuse, sexual harassment and sexual misconduct will be taken seriously. Every allegation will be received, investigated, and acted upon in accordance with the terms of this policy.

The accused person is always presumed innocent until proven guilty. In the context of this policy, no adverse finding will be made public or revealed against an accused person except on a need to know basis until a full investigation is completed and it has been determined that the complaint has been properly substantiated.

The protection of children is a priority. Persons having reasonable cause to suspect sexual abuse of a child will report it to the appropriate secular agency for immediate investigation.

I. Policy Statement and Purposes

A. Policy Statement

It is the policy of the Presbytery of Newark, Presbyterian Church (USA) that all clergy, directors of Christian education, church members, church officers, non-member employees, and volunteers of governing bodies and entities of the Church are to maintain the integrity of the ministerial, employment, professional and volunteer relationships which reflect the high calling of membership in the Church of Jesus Christ. Sexual misconduct is not only a violation of the principles set forth in Scripture, but also of the ministerial employment, professional relationship, and volunteer service expected in the Church, and is never permissible or acceptable.

Those covered by this policy include the following who stand in direct relationship to the Presbytery: Ministers, Christian Educators, Youth Directors, and Seminary Students, as well as church members, church officers, and nonmembers who serve as employees or volunteers under the supervision of the Presbytery or with church entities.

Individual congregations are not covered by this policy; however churches within the Presbytery are encouraged to adopt and implement their own sexual misconduct policies.

B. Purposes

Presbytery adopts this policy on sexual misconduct for the use of all governing bodies and entities of the Church under its oversight. Its purposes are as follows:

1. To set and enforce standards of ethical behavior consistent with Scripture and secular law;
2. To provide procedures for inquiry and effective response to allegations of the breach of duty of emotional, spiritual, and physical care and protection of other persons;
3. To serve as a guide for the application of powers for governing bodies under the Form of Government and the Rules of Discipline (see Book of Order, D-I .0101 and D-2.0101);

4. To recommend personnel policies for the administration of employer/employee relationships within the governing bodies and entities;
5. To serve as a guide for prevention of sexual misconduct;
6. To demonstrate pastoral concern for those who may be the victims of, or accused of, sexual misconduct;
7. To promote the peace and purity of the Church.

II. Definitions

- A. **Accusation** is a statement or claim that an offense may have occurred. It must be put into writing by the alleged victim or accuser for it to be acted upon.
- B. **Accused** is the term used to represent the person against whom a claim of sexual misconduct is made.
- C. **Accuser** is the term used to represent the person claiming knowledge of sexual misconduct by a person covered by the policy. The accuser may or may not be the victim of alleged sexual misconduct. A person such as a family member, friend or colleague of the alleged victim may be the accuser whose information initiates the inquiry.
- D. **Child Sexual Abuse** includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. In the Presbyterian Church (USA), the sexual abuse definition of a child is anyone under age 18.
- E. **Church**, when spelled with the first letter capitalized, refers to the Presbyterian Church (USA); when spelled with the first letter in lowercase, refers to local churches. The word "congregation" is used loosely for members and participants.
- F. **Employee** is the comprehensive term used to cover individuals who are hired or called to work for the Church, governing body, a local member church, or other institutions or entities formally related to the Church or one of its constituent bodies, for salary or other material compensation.
- G. **Entity** is the term used to refer to any congregation, program, or office managed by a board, committee, council or other body whose membership is elected by a governing body. (See "Manual of the General Assembly," Standing Rule E, I, c.)
- H. **Governing Body** is a representative body composed of elders and ministers of the Word and Sacrament; these are sessions, presbyteries, synods, and the General Assembly. A governing body may establish entities such as day care centers, conference centers, camps, homes for the aged, or other mission entities. A governing body may have both church members and non-members as employees.

- I. **High-risk Occupation** is that which calls for a person to work in close contact: with those who are vulnerable and less capable of protecting themselves; with children, elderly persons, those who are wholly or partially incapacitated; or counseling clients having emotional or personal problems.
- J. **Inquiry** is the term used in the Rules of Discipline to determine whether charges should be filed based upon allegations of an offense received by a governing body (see Book of Order, D-10.0101, D-10.0102 and D-10.0103).
- K. **Investigation** is the term generally used by police, secular prosecutors, and child protective services when responding to allegations of an offense, and persons that are to be investigated will be so advised.
- L. **Mandated Reporter** is a person required by state law to report any and all suspected incidents of child abuse, including child sexual abuse, that come to their attention.
- M. **Minister or Pastor** refers to one who is ordained to specific pastoral ministry within a congregation or to specialized ministry. This also refers to lay pastors.
- N. **Persons Covered** by this policy include church members, church officers, ministers, and non-members who are employees or volunteers under the supervision of governing bodies or entities.
- O. **Professional staff** describes those staff members who lead programmatic ministries for congregations or Presbyteries but are not ordained pastors. Such people include church musicians, DCE's, Youth Directors, Staff at Presbytery, etc.
- P. **Reasonable Suspicion or A Reasonable Cause to Suspect** refers to a belief or opinion based on fact or circumstances that are sufficient for a prudent person to want to inquire further or to take protective action or to report to authorities.
- Q. **Response** is the action taken by the governing body or entity when a report of sexual misconduct is received.

There are two types of groups called upon to respond when any report of sexual misconduct is received and both types are utilized in every case. Those two types of groups are:

1. A RESPONSE TEAM:

A Response Team is a body constituted by a governing body or entity to facilitate the process of responding to allegations of sexual misconduct by a person covered by this policy. (The structure and function of the Response Team are detailed in Sections VI-VIII of this policy.) The duties of the Response Team may include:

- a. Pastoral care for alleged victims and their families and others;
- b. Pastoral care and rehabilitation for the alleged perpetrators, and care for their families.

2. AN INVESTIGATING GROUP:

- a. AN INVESTIGATING COMMITTEE: Response by an Investigating Committee is required by the Rules of Discipline (in the case of a

minister member of Presbytery). See D-I0.0103-105, D-I0.0201, and D-I0.0202, which give specific direction regarding the Investigating Committee's work and report. This committee determines whether charges should be filed. The IC is appointed by rule of Presbytery as soon as notified by the Stated Clerk that an allegation has been received. The IC shall conduct its investigation in accordance with the Rules of Discipline in the Book of Order. At the beginning of each and every conference with the accused the IC shall inform the person of his/her rights as stated in D-I0.0203. The IC's conclusions will be communicated to all as provided by D-I0.0300-10.0303. If charges are filed, the provisions of D-10.0400 shall be followed, and trial shall proceed in accordance with D-I 1.

- b. A PERSONNEL COMMITTEE: Disciplinary action will be taken in accord with the personnel policies of the Presbytery (in the case of an employee).
- R. **Secular Authorities** are the governmental bodies, whether city, county, state, or federal, who are given the responsibility to investigate and/or bring civil or criminal charges against individuals accused of sexual crimes or offenses against adults and children.
- S. **Secular Law** is the body of municipal, state, and federal laws and is often referred to collectively as civil and criminal law. Prohibited behavior addressed by this policy may result in criminal and/or civil charges filed under secular law.
- T. **Sexual Harassment** as defined for this policy is as follows: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
- 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution;
 - 2. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual;
 - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment; or
 - 4. An individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.
- U. **Sexual Misconduct** is the comprehensive term used in this policy to include:
- 1. Child sexual abuse as defined above;
 - 2. Sexual harassment as defined above;
 - 3. Rape or sexual contact by force, threat, or intimidation;

4. Sexual conduct (such as offensive, obsessive or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another; and
 5. Sexual Malfeasance as defined by the broken trust resulting from sexual activities within a ministerial relationship or other professional relationship.
 6. Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of 18 years or anyone over the age of 18 without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position, (Book of Order, D-10.1401b).
- V. **Volunteer** is the term used for one who provides services for governing bodies and entities of the Church and receives no benefits or remuneration. Volunteers include persons elected or appointed to serve on boards, committees, and other groups. For purposes of this policy, volunteers are treated the same as employees. Expectations of the governing body or entity are the same for volunteers as for employees.

III. Standards of Conduct

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the Church because through these representatives is conveyed an understanding of God and the gospels' good news. Their manner of life should be a demonstration of the Christian gospel in the Church and the world (Book of Order, G-6.0106).

A. Principles of Conduct

The basic principles guiding this policy are as follows:

1. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. The Church has a covenant to act in the best interests of parishioners, clients, co-workers, and students, which is broken when sexual misconduct occurs.
2. Sexual misconduct is a misuse of authority and power which breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, it is the pastor's, counselor's, officer's, volunteer's, or supervisor's responsibility to maintain the appropriate role and prohibit a sexual relationship.
3. Sexual misconduct takes advantage of the vulnerability of children and persons who are less powerful and therefore less able to act for their own welfare. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

B. Victims and Families

The governing body, entity, and response team will attempt to offer care to, and may advise and aid in securing discretionary treatment for, the alleged victims of sexual misconduct and their families. It has sometimes been the case that the alleged victim or family is so angry and alienated from the church, that offers of help have been perceived as insincere or attempts at a cover-up. If the alleged victim or family at first refuses, the church should continue to offer help. The church's concern shall never be to protect itself but, rather, to seek the truth and to offer care to alleged victims and accused.

The extent of the damage to the alleged victims of sexual misconduct will vary from person to person, influenced by such factors as the degree of severity of abuse, the age and emotional condition of the alleged victim, personality dynamics, and the importance of their religious faith. The governing body, entity, and response team shall assume in all cases in which a person has been determined to have been a victim that the person has been wounded by the experience.

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

C. Congregations or Employing Entity

The governing body, employing entity, and Response Team should be aware of the problems a congregation or employing entity may experience resulting from allegations of sexual misconduct by a minister, employee, or volunteer. The allegations may polarize the congregation or organization, damage morale, and create serious internal problems. Efforts should be taken to recognize and identify the problems and heal the damage done to the congregation or organization.

D. The Accused

The governing body or entity may offer treatment and care for the accused and the family of the accused, as well as for alleged victims and families. If the accused is a minister or a certified Director of Christian Education, this is the responsibility of the Committee on Ministry (See Book of Order, G- 11.0501).

If a person is cleared of charges, it is important that the governing body or entity, when requested to do so by the accused, communicate the acquittal as fully as it deems appropriate.

E. The Non-Victim Accuser

In many cases the non-victim accuser is the parent, guardian, or other advocate for a child who has been the alleged victim of sexual misconduct. Because of a child's minority status, an adult often files the action on behalf of the child.

In cases where the accuser is a non-Presbyterian, oral notification may be turned into a formal allegation under the Rules of Discipline by any member of the Church.

IV. Risk Management

A. Implementation

The General Assembly urges all governing bodies and related entities, including colleges, universities, and theological institutions to establish policies, procedures, and practices related to sexual misconduct. Governing bodies and entities are to take appropriate steps to inform members, employees, volunteers, and students of the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct, without violating the confidentiality of the pastor/parishioner privilege. Governing bodies are reminded of their duty to cooperate with secular authorities in the investigation and prosecution of violations of law, including, but not limited to, the confidentiality of the pastor/parishioner privilege and prohibition against obstruction of justice.

In part, the structures and procedures for responding to allegations of sexual misconduct are mandated by the Book of Order, such as the roles of the Committee on Ministry and the Investigating Committee (see G11.0502 and D-10.0201, D-10:0202). When child sexual abuse or other misconduct that violates criminal laws is alleged (under circumstances that do not prohibit disclosure), the secular authorities will immediately take control of the investigation and disposition of charges against the accused. Governing bodies and entities will cooperate with secular authorities in any secular investigation of sexual misconduct. Investigation by the governing body may be concurrent and cooperative with investigation by secular authorities. The church has its own disciplinary concerns which are not automatically resolved by a secular court. The governing body or entity has a duty to make its inquiry and enforce disciplinary procedures if warranted.

Response to complaints of sexual misconduct in the course of employment will be governed by this sexual misconduct policy as it is consistent with the Book of Order. Allegations may result in charges filed against a church member or minister under the Rules of Discipline and may lead to temporary or permanent removal from office. Allegations against those not governed by the Book of Order will be subject to the entity's personnel policy regarding sexual misconduct and may be subject to temporary or permanent removal from employment.

Implementation of this policy will require the Presbytery, the churches, and entities within the Presbytery to adopt educational programs to prevent sexual misconduct and to provide training in pastoral and disciplinary procedures. All pastors, DCEs, and other professional staff of a church or the Presbytery must attend one of the meetings on Sexual Misconduct at least once every three (3) years. (See Appendix 'A'.)

B. Liability and Insurance

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

It is also recommended that governing bodies and entities seek to obtain an endorsement to their general liability insurance policy specifically covering sexual

abuse and molestation. Such coverage may provide for legal defense expenses and judgments in civil suits brought against the organization, its officers, directors or employees.

C. Employment Practices

1. Record Keeping

Accurate record keeping is an essential part of hiring and supervision practices. Every governing body and entity should maintain a personnel file on every employee, including ministers. The file should contain the application for employment, any employment questionnaires, reference responses, and other documents related to this policy.

2. Pre-screening Applicants

Governing bodies and entities are urged to establish stringent hiring practices. If an applicant is unknown, the employer should confirm the applicant's identity by requiring photographic identification such as a driver's license.

Part of pre-employment screening should include specific questions related to discovering previous complaints of sexual misconduct. Governing bodies and entities should ask persons seeking ministerial calls or employment in non-ordained positions questions such as:

- a. Has a civil, criminal, or ecclesiastical complaint ever been sustained against you alleging sexual misconduct by you?
- b. Have you ever resigned or been terminated from a position after allegations of sexual misconduct were made but not resolved?
- c. If so, indicate the date, nature, and place of these allegations, and the name, address, and telephone number of your employer at the time.
- d. Have you been required to receive professional treatment, physical and/or psychological, for reasons related to sexual misconduct by you? If so, please give a short description of the treatment including place and name, address, and phone number of each and every treating physician or other professional.
(A sample employment questionnaire is included as Appendix 'B' of this policy. It may be adapted for use by governing bodies and entities or the questions included in this sample may be integrated into a standard employment questionnaire.)

3. References

The employing governing body or entity is responsible for contacting references for prospective ministers, employees, or volunteers. A written record of the conversations and/or correspondence with references should be kept in the minister's/employee's personnel file.

The person within the governing body or entity authorized to give a reference is obligated to give truthful information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the applicant. The response for employees in non-ministerial functions must be limited to information that is a matter of public record (e.g., Presbytery minutes) or in the applicant's own personnel file that is maintained by the governing body or other entity.

Applicants may be informed of negative comments regarding sexual misconduct and may be given an opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference.

D. Distribution

Copies of this policy shall be distributed to all governing body and entity offices and shall be distributed to all employees, and be available to all church members and volunteers. It is intended for use by church members, church officers, employees, and volunteers. The policy shall be made available to persons who accuse others of misconduct, including those who are or claim to be victims of sexual misconduct and their families. The policy shall be distributed to those serving on investigating committees, committees on ministry, and response teams.

Upon receipt of this policy, personnel in high-risk occupations must sign a written acknowledgment of receipt. (See Appendix 'C'.) This acknowledgment shall be kept in the person's personnel file.

E. Volunteers

The policy and guiding principles are intended for volunteers as well as employees. If the volunteer is new or unknown to the church, some informal checking may be wise before allowing the volunteer to work in high-risk positions such as youth advisor, children's workers, lay counselor, Boy or Girl Scout leaders, or camp counselors. In such cases, it is recommended that there be a six month delay in using volunteers who are new to the church.

V. Response Procedures

The following procedures are intended primarily for use by governing bodies and entities of the Presbyterian Church (USA). Other groups or organizations affiliated with the Presbyterian Church (USA) should consider adopting similar procedures for use in sexual misconduct cases.

A. Receiving Initial Reports

Reports of sexual misconduct may occur in a variety of ways. Because a governing body or entity cannot control to whom the accuser of sexual misconduct will first speak, it is important that officers, employees, and persons highly visible to church members and visitors understand how reports of incidents are channeled to the proper persons.

Reports of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the accuser, the accused, and of the Church. Reports should be dealt with as matters of highest

confidentiality, before and after they have been submitted to appropriate authorities as outlined below.

The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the accuser or the accused. If the accuser is hesitant to talk to “higher authorities,” the person receiving the initial report has a special pastoral responsibility to encourage willingness to speak with higher authority, lest the Church be unable to respond because no one is able to give firsthand information.

B. Subsequent Reporting

A member of a governing body receiving information from any source shall submit a written statement of the alleged offense to the Stated Clerk. (See D- 10.01 02b)

Upon receipt of a written statement of an alleged offense of a minister member of the Presbytery, the Stated Clerk, without undertaking further inquiry, shall then report to the governing body only that an offense has been alleged, without naming the accused or the nature of the alleged offense, and refer the statement immediately to an investigating committee (D-10.0103).

Upon receipt of a written statement of an alleged offense of a non-minister member of the presbytery, the Stated Clerk shall refer the offense to the appropriate supervisory body in the presbytery.

VI. Sexual Misconduct Response Team

The Response Team is a body of persons elected by the presbytery to respond quickly and objectively to reports of sexual misconduct. The Response Team shall work with and be available to the accuser, the accused, the alleged victim, the families of both the alleged victim and the accused, the congregation, and the co-workers of the parties involved.

The Response Team is accountable to the Presbytery and shall be a standing committee composed of xxx persons, elected for three year, rotating terms. Members may be re-elected to a second three-year term. It should be composed of persons who will be able to respond skillfully, sensitively and objectively to situations of alleged sexual misconduct. The Presbytery shall specify a moderator for the Response Team. The Response Team shall be balanced with appropriate representation of men, women, clergy, and lay persons so that the Response Team by its selection and composition would not be subject to a charge of prejudice or bias.

The moderator or designated other, when notified by the Stated Clerk that a report of alleged sexual misconduct has been received, and after collaboration with the Stated Clerk shall convene three (3) persons from the Response Team to serve in the specific situation. The Response Team may request resource persons to serve in specific situations. These persons may have specific experience or training in sexual abuse/misconduct, counseling, insurance, or legal issues.

The Response Team shall be trained to respond to allegations of sexual misconduct and to recognize and identify the issues involved in sexual misconduct, sexual harassment, and child sexual abuse. Response Team members should be familiar with

the legal, administrative, and disciplinary procedures of the Presbytery as well as the Presbyterian Church (USA). After the initial training, this team shall meet no less than two (2) times per year for familiarization with the policy, the procedures therein, and for continuing education. Persons completing such training shall be certified by the Presbytery.

A. Primary Functions of the Response Team

1. Receive the written report of alleged sexual misconduct from the Stated Clerk;
2. Begin its work as soon as possible but within ten (10) days of written notification;
3. Provide for the pastoral care of all involved parties;
4. Provide assistance to begin the healing after care process within the congregation if necessary;
5. Consider the need for, and to make recommendations to any or all parties involved to seek professional psychological counseling;
6. Recommend educational or employment practices to be implemented in a local church, governing body, or entity to prevent possible additional allegations of misconduct;
7. Remind all parties to contact their insurance carriers as indicated;
8. Advise all parties involved, including the Presbytery, to obtain other counseling as indicated.

B. The Response Team Is NOT Intended to Do the Following:

1. To advocate for any involved party;
2. To act as legal counsel for any involved party;
3. To replace the functions of the Committee on Ministry, Presbytery council, investigating committee, or the permanent judicial commission;
4. To determine the guilt or innocence of the accused;
5. To enforce a specific disciplinary action;
6. To act as professional counselor for any involved party.

VII. Pastoral Care by the Response Team

- A. Specification: When the accuser claims sexual abuse of a child under the age of eighteen (18) years of age, the Response Team shall not interview the child or children because of possible secondary trauma caused by the interview itself. Secular authorities should be notified immediately by the Response Team if a report has not been filed. The Response Team is to be guided in its actions by the recommendations of secular authorities. If the Response Team needs a consultant

to advise it concerning the effects and complications involving a child victim, it should contact an expert in child sexual abuse. The Response Team shall make secular authorities aware that it wishes, insofar as the law allows, to be kept informed of the developments of the allegation(s).

- B. Specification: Upon receiving written notice of alleged sexual misconduct, the Response Team will immediately confer to coordinate the pastoral care process. The Response Team shall do the following:
- 1 Meet separately with the accuser, the alleged victim, and the accused to provide pastoral care;
 2. If needed, the Response Team may accompany the appropriate Presbytery representative in meeting with the session or other governing bodies to inform its members that allegations have been made and to inform them of the administrative process of a response by Presbytery under its policy on sexual misconduct;
 3. Assess and recommend resources for the following to the appropriate person, group, or committee within the Presbytery structure or outside sources:
 - a. Pastoral care and/or professional psychological counseling for the alleged victim and accused, and/or families of both;
 - b. Pastoral care and/or needs of the congregation.

When it is determined during the initial contacts that professional counseling is needed for the alleged victim, the accused, and/or their families, the Response Team may refer any or all of them to a counselors (ordinarily separate counselors) specifically trained to work with issues of sexual misconduct. The Response Team should maintain a referral list of counselors and counseling centers which have special expertise in sexual misconduct issues and issues of faith and spiritual needs.

Additionally, the Response Team and the Presbytery must be sensitive to all parties' ability to pay for counseling services. Although the Church is not obligated to pay for such counseling, it may be considered a congregational or Presbytery response to a need, in which case a time limit should be placed on such counseling services.

VIII. Jurisdiction

A. Accused Covered by the Book of Order—Ministers

Governing body or entity response will vary according to the status of the accused. Church members and ministers are subject to inquiry and discipline under the Book of Order, D-3.0101. The pastoral relationship of ministers serving

congregations is subject to oversight by the Presbytery (G-14.0601, G-14.0602, G-14.0603).

Ministers employed by a different Presbytery or a synod or General Assembly entity holding ministerial status in Presbytery. Response to allegations of sexual misconduct by such ministers will be made by the employing entity under its personnel policies. Such ministers will also be subject to the Rules of Discipline as members of a Presbytery.

B. Accused Covered by the Book of Order - Church Members

The session has original jurisdiction in disciplinary cases involving members of the church, each having jurisdiction only over its own members (Book of Order, D-3.0101). A church member who is accused of sexual misconduct away from the congregation to which the member belongs may be prosecuted by secular authorities. A church member's relationship with a congregation is determined by the session acting under the Rules of Discipline.

When a church member is accused of sexual misconduct, the disciplinary process is the same as that described for ministers and found in Chapters X-XIII of the Rules of Discipline. An investigating committee must make an inquiry, decide whether to make charges, and prosecute. The session will sit as a court and try the case (Book of Order, D-10.0101 and D-10.0103). The person accused has a right to counsel, to present witnesses, and to cross-examine witnesses. If at any point in the proceedings the accused presents a letter of resignation from the church (effectively "renouncing jurisdiction"), the jurisdiction of the session ends. The session records that the case was closed and the investigating committee is dissolved (Book of Order, D-3.0 105).

C. Accused Renouncing Jurisdiction--Ministers and/or Church Members

If at any time the accused renounces the jurisdiction of the church, then such action will be noted and all reports, including those of the Response Team and governing body or entity, will be filed with the Stated Clerk.

D. Accused Not Covered by the Book of Order

If an allegation of sexual misconduct is made against a person working for an entity of the church but not subject to the Book of Order, the director of the entity shall immediately submit the report to the personnel committee of the entity. The personnel committee may, at its discretion, solicit the assistance of Presbytery's Response Team. A session, presbyter, or entity that ordinarily functions without a personnel committee may appoint an administrative commission for the function described in this section. The personnel committee will refer to, and be guided by, the written personnel policies of the governing body or entity. Its actions shall include, but are not limited to, the following:

1. Determine whether there is a reasonable suspicion that sexual misconduct may have occurred;
2. If it determines that there is a reasonable suspicion that an offense (violation of policy) may have occurred, it will gather additional information to make a determination;
3. Determine any remedies, including termination of employment;

4. Inform the accuser/alleged victim and the accused of the remedy;
5. If it is determined that an offense (violation of policy) was committed, the committee shall prepare a written report that shall be included in the personnel file of the accused. The accused shall be given a copy of the report, and shall be allowed to attach to the written report his/her own written statements and/or Other documents;
6. Notify the accuser/alleged victim and the accused that they have the right to appeal the personnel committee's decision through the procedures of the entity.

IX. Presbytery Response

Actions by the Stated Clerk and the COM Chair shall be guided by the Rules of Discipline of the Presbyterian Church (USA) Constitution and Presbytery's Sexual Misconduct Policy.

X. Media Contact

In order to minimize prejudice in any allegation yet to be decided, all inquiries from the media regarding an allegation of sexual misconduct must be directed to the Stated Clerk. The alleged victim, the accuser (if different from the alleged victim), the accused, advocates for the accused or the alleged victim, members of the Response Team, the church or employing entity, members of the COM, members of Presbytery, or any others known to have information about the allegations shall be informed that they are not to address questions from the media other than to refer the media to the Stated Clerk or a spokesperson designated by the Stated Clerk.

XI. Statute of Limitations

The ability of the Presbytery to respond promptly and justly to sexual misconduct is related in part to the opportunity to receive allegations and to gather evidence soon after the occurrence. This Policy, however, recognizes the special problems sometimes related to discovery and recognition of certain forms of sexual misconduct.

For example, child sexual abuse may not be recognized until the victim of abuse reaches the age of awareness or recognition. Awareness or recognition of child sexual abuse, along with the willingness to come forward, may thus be delayed for many years.

In accord with the Rules of Discipline (D-I0.0401) and the Sexual Misconduct Policy approved by the 1993 General Assembly, Presbyterian Church (USA), there is no statute of limitations for filing charges alleging sexual abuse.

XII. Prevention

1. All inquirers, candidates, ministers, CCEs, lay pastors and employees of Presbytery are required to sign a written acknowledgment (see Appendix 'C') indicating that they have received a copy of this Sexual Misconduct Policy. This acknowledgment will be kept on file.
2. All ministers and CCEs seeking new calls within Presbytery shall complete the Personal Information Form currently being distributed by the Call Referral Services of the Presbyterian Church (USA), including Part IV, Sexual Misconduct Information, or its successor form.
3. It is further the policy of Presbytery that all ministers, CCEs, lay employees and volunteer workers of Presbytery complete a background questionnaire. (See Appendix 'B'.)
4. It is further the policy of Presbytery that all candidates, ministers, CCEs and lay employees of Presbytery being considered for call/employment within the bounds of the Presbytery shall sign a Release (see Appendix 'D') authorizing a background check.
5. All minister members, CCEs and professional staff members of Presbytery and churches shall be required to attend training on sexual misconduct as provided by Presbytery.
6. The employing church/organization is responsible for contacting references for prospective ministers and lay employees.
7. Presbytery and all its churches, agencies and committees will adhere to this policy, including its standards, procedures, and practices.
8. This policy shall be distributed to all ministers, lay preachers, employees, volunteers, and entities of Presbytery. The policy shall also be made available to all persons who accuse others of misconduct.

APPENDIX A

Continuing Education on Sexual Misconduct Offered by Presbytery

(Required once every three (3) years for all pastors, DCE's and other professional employees of Presbytery and its churches.)

I have attended a sexual misconduct continuing education event offered by Presbytery in the year 20____.

I will attend a sexual misconduct continuing education event offered by Presbytery in the next three (3) years.

Signature

Date

APPENDIX B

The following question is designed to help the Committee On Ministry make an informed decision concerning your proposed relationship in Presbytery. Answering "yes" will not necessarily disqualify you from being received.

Have you ever been convicted of, or pled guilty or "no contest" to any sexual misconduct involving a minor or adult, including but not limited to child abuse, child molestation, indecent liberties with a child, incest, adultery, sexual harassment, rape, assault, battery, murder, kidnapping, child pornography, sodomy, or sexual contact with a counselee?

Yes _____ No _____ If yes, explain fully on a separate sheet (identify when and where each accusation was made and how each accusation was resolved.)

Signature

Date



Appendix C: Receipt of Standing Rules and Sexual Misconduct Prevention Policy Compliance

Receipt of Newark Presbytery Standing Rules

- I have received and understand the Newark Presbytery Standing Rules (Revised November 18, 2006).

Continuing Education on Sexual Misconduct Prevention Offered by Presbytery

- I have attended a sexual misconduct prevention continuing education event offered by Presbytery in the year _____.

Date of Event: _____

Location of Event: _____

- I will attend a sexual misconduct prevention continuing education event offered by the Presbytery every three (3) years.

Compliance with the Sexual Conduct and Misconduct Policy (Section 12.00 of the Standing Rules approved by the presbytery on June 27, 2005) is mandatory and requires that all pastors, Directors of Christian Education, and other professional employees of Presbytery and its churches will attend a sexual misconduct prevention continuing education event offered by the Presbytery once every three (3) years. This completed and signed form, Appendix C, will be kept in the subscriber's personnel file. The Standing Rules, and other policies, are available online at www.newarkpresbytery.org under the Resources tab.

Attendee (Printed Name)

Attendee (Signature)

Date

Witness (Printed Name)

Witness (Signature)

Date

APPENDIX D

I hereby authorize The Presbytery of Newark to make any contacts necessary to verify my prior employment history, and to inquire concerning any prior arrest or criminal records or judicial proceedings involving me as a defendant. By means of this release, I also authorize any authorities to release any and all requested information to Presbytery.

I have read this release and understand that the information obtained may be used to deny me employment. I agree that I will hold harmless Presbytery as well as any prior employer, law enforcement authority, or judicial authority from any and all claims, liabilities, and cause of action resulting from the release or the use of this information.

Please print:

Name:
D.O.B.

SSN:

Address:

Other addresses during preceding ten years:

Signature

Date

Notary Signature

My commission expires on

Date