

MANUAL



PRESBYTERY of West Virginia

***a baptized covenant people
called by God to reflect Christ's love
through mission, ministry, and relationships***

SYNOD OF THE TRINITY

PRESBYTERIAN CHURCH (U.S.A.)

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1 **MANUAL OF THE PRESBYTERY OF WEST VIRGINIA**
2 **SYNOD OF THE TRINITY**
3 **PRESBYTERIAN CHURCH (U.S.A.)**

4
5 **I. PREAMBLE**

6
7 This Presbytery is the corporate expression of the church consisting of all Presbyterian
8 Church (U.S.A.) congregations and teaching elders.

9
10 The cooperative mission of congregations and ministers of the Presbytery is given form by
11 God’s activity in the world as told in the Bible and understood by faith. We depend upon
12 the Holy Spirit to guide and direct our response to God in all areas of mission and ministry.
13 Above all else, we are bound to God’s authority and thus free to live in the lively, joyous
14 reality of God’s grace. (F-1.01) We recognize the inconsistencies between the affirmations
15 of our faith and the reality of our contribution to the sinfulness of the world. We confess
16 our complicity in this sinfulness and yearn for the healing and wholeness offered us through
17 our Savior, Jesus Christ. He is Lord of our life and calls us to be God’s servants in the
18 world, working to reconcile and heal divisions both within and beyond the church, and
19 thereby to be the provisional demonstration of what God intends for all humanity.

20
21 Our mission as a Presbytery is defined in *Book of Order* G-3.03 which challenges our
22 response. Thus, the Presbytery is called:

- 23
24 1. to be a sign in and for the world of the new reality which
25 God has made available to people in Jesus Christ;
26 2. to tell the good news of salvation by the grace of God
27 through faith in Jesus Christ as the only Savior and Lord; and
28 3. to undertake this mission even at the risk of losing its life,
29 trusting in God alone as author and giver of life, sharing the
30 gospel, and doing those deeds in the world that point beyond
31 itself to the new reality in Christ.

32
33 The following areas of mission seek to provide a vision and firm foundation for the work
34 of the Presbytery in partnership with other governing bodies of the Presbyterian Church
35 (U.S.A.) and in cooperation with other communions of faith.

36
37 **A. MINISTRY**

38
39 The Presbytery is called to serve those inside the church—members, congregations,
40 leaders—so that they may grow in faith.

41
42 THEREFORE, the Presbytery will develop strategies to

- 43 • develop effective preaching and teaching ministry;
44 • offer nurturing educational programs and events;
45 • implement an on-going program for congregational participation in church
46 development and church revitalization;

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- support special ministries in the area of camping, conferences, youth and young adults, and college students;
 - provide for new church development and support;
 - encourage celebration of the Reformed tradition and the distinctive nature of Presbyterian interpretation of faith and discipleship.

53 **B. MISSION**

54

55 The Presbytery is called to serve those in the community—local neighbors and national/international mission partners—to point towards a new reality in Christ.

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58 THEREFORE, the Presbytery will develop ways to

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- provide food to the hungry;
 - lend support to the aging;
 - foster the realization of ownership and participation in local and global mission;
 - respond to the needs of victims of disaster, discrimination, hunger, ignorance, and poverty;
 - be an advocate for peace and justice;
 - provide opportunities for ecumenical dialogue and mission.

67

68 **C. RELATIONSHIP BUILDING**

69

70 The Presbytery is called to build relationships with God and one another.

71 THEREFORE, the Presbytery will develop systems of support through

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- closer fellowship and greater participation in mission within clusters of the Presbytery;
 - appropriate concern for and oversight of congregations, giving particular attention to smaller congregations;
 - training and support for volunteers, especially in education and leadership development;
 - pastoral care for church professionals;
 - resources for development and personal growth;
 - encouragement of individuals to study for ministry.

81

82 **D. EVALUATION AND REVIEW**

83

84 As we seek to accomplish our goals, we recognize that risk is involved and it is essential for the Presbytery to provide for evaluation and review of all programs and ministries.

85

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87

88 THEREFORE, the Leadership Team will develop a system which ensures assessment of corporate programs and structure (G-3.0108).

89

90

91 Our unity in Christ enables and requires the Presbytery to be open to all persons and to the varieties of talents and gifts of God's people.

92

93
94 The Presbytery will give full expression to the rich diversity within its membership
95 and shall provide for full participation and access to representation in decision-
96 making and employment practices, which will assure a greater inclusiveness
97 leading to wholeness in its emerging life. (*Book of Order* G.3.0103)
98
99

100 **II. THE PRESBYTERY**

101
102 Name

103 The name of this Presbytery shall be Presbytery of West Virginia.

104 Boundaries

105 The Presbytery of West Virginia shall include the Presbyterian Churches (U.S.A.) in
106 all the counties within the boundaries of the state of West Virginia, except those
107 currently within the bounds of the presbyteries of Upper Ohio Valley, in the Northern
108 Panhandle, and Shenandoah, in the Eastern Panhandle. It shall also include the Rome
109 Church in Ohio

110 Membership

111 The Teaching Elder membership of the Presbytery shall be as prescribed in the *Book*
112 *of Order*,
113 G-3.0306.

114 Clusters

115 A cluster is a group of churches in relatively close proximity to each other that join
116 together for the purposes of mission, ministry, and relationship building. Clusters may
117 facilitate and encourage multi-church training, committee work, fellowship, education,
118 mission projects, affinity groups, and other decentralized needs as they evolve.

119
120 Clusters will be led by Cluster Shepherds chosen from their own cluster. The Relations
121 Committee is responsible for confirming shepherds as recommended to them by the
122 clusters.

123
124 **III. RESPONSIBILITIES, POWERS AND MEETINGS OF PRESBYTERY**

125
126 Responsibilities and Powers

127 The Presbytery of West Virginia is responsible for the mission and government of the
128 church throughout its geographical district. It therefore has those powers as prescribed
129 in the *Book of Order*.

130
131 Membership

132 Teaching elders and ruling elders shall be enrolled as members of Presbytery as
133 described in the *Book of Order*, **G-3.0301**. Further, each ruling elder elected as an
134 officer of the Presbytery, General Presbyter, or a member of the Leadership Team shall
135 be enrolled as a member of the Presbytery for the term of office, whether or not
136 commissioned by his or her session. Each ruling elder commissioned to particular
137 pastoral service shall be granted the privilege of voice and vote at meetings of
138 Presbytery. Ruling elders who are moderators of Presbytery committees and ruling

139 elder members of the Leadership Team will have privilege of voice and vote at
140 meetings of Presbytery.

141
142 The privilege of the floor without vote shall be granted to elected lay members of
143 Presbytery's committees and to laypersons serving on Presbytery's staff, if not enrolled
144 as members of the Presbytery.

145
146 The privilege of the floor without vote shall be granted to Certified Christian Educators
147 and other certified church workers serving the churches of Presbytery, if not enrolled
148 as members of the Presbytery. Certified Christian Educators who are ruling elders and
149 serving churches of Presbytery shall have privilege of voice and vote. (G-2.1103b).

150
151 The Leadership Team shall designate at least one meeting annually to which each
152 Session is encouraged to appoint and send a youth advisory delegate. The youth
153 advisory delegate should be a member of the congregation below the age of 22 years,
154 and preferably 16 years or more. Such youth advisory delegates shall be granted the
155 privilege of the floor without vote.

156
157 Member ministers who are honorably retired shall not be listed as "absent without
158 excuse" when they do not attend meetings of the Presbytery.

159
160 Churches with memberships of 1 to 500 may send one ruling elder commissioner to
161 meetings of Presbytery. Churches with memberships of 501 to 1,000 may send two
162 ruling elder commissioners. Churches with memberships of 1,001 to 1,500 may send
163 three ruling elder commissioners.

164 165 Meetings

166 The Presbytery shall hold at least four (4) stated meetings each year, and special
167 meetings if necessary, according to the provision of the *Book of Order* G-3.0304. A
168 called meeting may be held at the request of a committee or the Leadership Team when
169 the business is of an urgent nature that cannot wait until the next stated meeting.

170
171 Meetings of Presbytery and its committees shall be conducted in accordance with the
172 most recent edition of *Robert's Rules of Order Newly Revised*, except when it is in
173 contradiction to the Constitution of the Presbyterian Church (USA). (G-3.0105)

174
175 In the event of catastrophic weather conditions, any three of the following leaders: the
176 Moderator, Chair of the Leadership Team, Stated Clerk, and General Presbyter are
177 authorized to postpone and reschedule meetings of Presbytery, communicating such
178 decisions to all churches as quickly as possible.

179
180 In matters of property, which cannot wait until the next scheduled meeting of
181 Presbytery; decisions may be made by a committee consisting of the Moderator of
182 Presbytery and the Chair of the Leadership Team with the advice of the Trustees and
183 the concurrence of the Stated Clerk, with all such decisions to be reported to the next
184 stated meeting of Presbytery.

185
186 In matters of communion approval, which cannot wait until the next scheduled meeting
187 of Presbytery or Leadership Team, any three of the following leaders: the Moderator,
188 Chair of Leadership Team, Stated Clerk, and General Presbyter are authorized to
189 approve the celebration of the Lord's Supper for gatherings under its jurisdiction. (W-
190 2.4012)

191
192 **Time and Place of Meetings**

193 Meetings shall rotate among the Clusters. Presbytery shall establish the dates and places
194 for its meetings with recommendation from the Leadership Team.

195
196 **Corresponding Members**

197 Teaching elders who are members of other presbyteries and are serving within the
198 bounds of the Presbytery of West Virginia may be enrolled as corresponding members
199 for the duration of their service in the Presbytery of West Virginia. They shall have
200 the privilege of voice on the floor of Presbytery, but not vote.

201
202 **Quorum**

203 A quorum for a meeting of Presbytery shall be at least 20% of the teaching elder
204 members, and ruling elder commissioners representing at least 20% of the churches.
205 The only exception to this is a meeting called for the sole purpose of conducting the
206 examination of a candidate or candidates for ordination as teaching elders, together
207 with any business incident to that examination. In this case the quorum shall be 15%
208 of the teaching elders and ruling elder commissioners representing 15% of the
209 churches.

210
211 **Business and Reports**

212 Each committee shall report regularly to meetings of Presbytery, as necessary.

213
214 Each committee reporting to Presbytery shall provide a written copy of its report no
215 later than ten days in advance of the Presbytery meeting.

216
217 The General Presbyter, Stated Clerk and Moderator shall allocate times and placements
218 of reports on the docket. In preparation of the docket, chairs of committees shall request
219 time on the docket, and indicate who will give the report. The Leadership Team shall
220 determine any special emphases for the meetings of Presbytery.

221
222 No new business shall be introduced after Presbytery recesses for lunch (unless by two-
223 thirds vote Presbytery sets a different deadline for introduction of new business), and
224 any new business not listed on the docket shall be presented in written form

225
226 **Minutes**

227 In lieu of having the minutes read and approved at the end of a stated or special meeting
228 of Presbytery, any four of the following persons are authorized to review and correct
229 the minutes and report their review to a later meeting of Presbytery: Moderator, Chair
230 of the Leadership Team, Stated Clerk, and Temporary Clerks.

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Open Meeting Policy

1. Meetings of the Presbytery are open to any visitors who may wish to attend. Presbytery may choose to go into executive session with a majority vote of the member teaching elders and ruling elder commissioners present, in accordance with *Robert's Rules of Order Newly Revised*.
2. The Presbytery of West Virginia is committed to the principle of openness in regard to the rights of individuals having access to the committees of the Presbytery. Each committee shall make every effort to give public notice of meeting times and places.
3. Meetings of the Presbytery's committees are open to any visitors who may wish to attend. The committee may extend to such persons the privilege of the floor in order that they may take part in the committee's discussion of the business for which they are present. Ordinarily, persons making such presentations are excused from the meeting while the committee deliberates and takes its action. After being informed of the committee's action, such persons are then ordinarily excused so that the committee may resume its business.
4. Each committee has the privilege to go into executive session with a majority vote of the members present, in accordance with *Robert's Rules of Order Newly Revised*.
5. The minutes and records of each committee are the property of that committee and the Presbytery of West Virginia. Consent of the current chairperson of the particular committee and the General Presbyter, or consent of the committee itself, must be given before material from a committee's records is allowed to be released for quotation or publication.

IV. POLICIES

The Presbytery has established a number of policies which can be found as appendices.

- | | |
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| 1. Sexual Misconduct Prevention Policy | Appendix A |
| 2. Purpose and Policy for Presbytery of West Virginia
Events Involving Children, Youth and Persons
with Disabilities | Appendix B |
| 3. Dissolution of a Church | Appendix C |
| 4. Dismissal of a Church | Appendix D |
| 5. Sabbatical Leave | Appendix E |
| 6. General Assembly Commissioners and Young Adult
Delegate Selection Criteria | Appendix F |

V. OFFICERS

The Officers of the Presbytery shall be the Moderator, Moderator-Elect, Stated Clerk, Financial Administrator/Treasurer, and Recording Clerk.

Moderator

277 Mode of Election
278 Ordinarily the Moderator-elect who was elected at a previous Stated Meeting will
279 become the Moderator for the next year. If the candidate is a teaching elder, the
280 following year the candidate shall be a ruling elder. If the candidate is a ruling elder,
281 the following year the candidate shall be a teaching elder. The Moderator shall
282 serve a term of one (1) year as Moderator followed by one (1) year as Chair of the
283 Leadership Team and is not eligible for reelection. The Moderator shall be installed
284 at the last Stated Meeting of the year, and will take office immediately.

285
286 Duties:
287 The Moderator shall perform the duties as prescribed in the *Book of Order*, G-
288 3.0104. The
289 Moderator will ordinarily preside at services of installation and ordination.
290
291 A sum for the Moderator's expenses shall be allotted in the budget of Presbytery.
292

293 **Moderator-elect**

294
295 Mode of Election
296 Upon nomination by the Presbytery's Nominating Committee and election by the
297 Presbytery, this individual shall ordinarily be elected to serve for three years in the
298 following roles: Moderator-Elect, Moderator, and Chair of the Leadership Team.
299 The formula for electing the Moderator shall govern the selection of the moderator-
300 elect candidate. The Moderator-Elect shall be installed at the last Stated Meeting
301 of the year, and will take office immediately.
302

303 Duties:
304 The Moderator-Elect shall prepare for and develop the skills for assuming the role
305 of Moderator and perform any duties as may be determined by the Presbytery. The
306 Moderator-Elect will preside at services of installation and ordination in the
307 absence of the Moderator.
308
309 A sum for the Moderator-Elect's expenses shall be allotted in the budget of
310 Presbytery.
311

312 **Stated Clerk**

313
314 Mode of Election
315 See section VIII Personnel. This office may be filled by either a teaching elder or
316 a ruling elder.
317

318 At the time of election, the Administration Committee shall present a position
319 description of this office to the Presbytery for approval, which shall include the
320 duties of the Stated Clerk as set forth in this *Manual*, the work time expected
321 (including any vacation and holidays to which the Stated Clerk may be entitled)
322 and the terms of employment. (See Appendix H)

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- The Stated Clerk shall be:
- A. the continuing ecclesiastical officer of Presbytery;
 - B. the custodian of all ecclesiastical records;
 - C. the custodian of the roll of ministers of Presbytery; and
 - D. the parliamentarian for Presbytery.

Duties:
The Stated Clerk shall perform the duties of office as specified in the *Book of Order*, G-3.0104 and G-3.0305 and those other obligatory duties contained in the *Book of Order*. The Stated Clerk will be responsible for the preservation of the history of the Presbytery.

Recording Clerk

Mode of Election
The Presbytery shall elect, on nomination by the Nominating Committee of Presbytery, a Recording Clerk for a term of three (3) years and who shall be eligible for reelection.

Duties:
The Recording Clerk shall be responsible to and shall assist the Stated Clerk in the performance of the Clerk’s duties, and shall, in the absence of the Stated Clerk at Presbytery meetings, serve in that place.

The Recording Clerk shall record the proceedings of Presbytery and submit the minutes promptly with supportive documents to the Stated Clerk.

Honorarium and allowances shall be fixed by the Presbytery upon recommendation of the Administration Committee.

Financial Administrator/Treasurer

Mode of Election
See section VIII Personnel. This office may be filled by either a teaching elder, a ruling elder, or a layperson.

At the time of election, the Administration Committee shall present a position description of this office to the Presbytery for approval, which shall include the duties of the Financial Administrator/Treasurer and the terms of employment. (Appendix I)

- The Financial Administrator/Treasurer shall be:
- A. the continuing financial officer of the Presbytery; and
 - B. the custodian of all financial records.

369 Duties:
370 The Financial Administrator/Treasurer shall fulfill those duties and responsibilities
371 assigned to this office by the Presbytery, and shall, at least annually, submit all
372 records for financial review. The Stewardship Committee shall report the findings
373 of the financial review to the Presbytery.
374

375 The Financial Administrator/Treasurer shall be bonded.
376

377 VI. LEADERSHIP TEAM

378 Charge

379 The Leadership Team is charged to lead the Presbytery by discerning a vision based
380 on our core values, actualizing that vision through our committees and staff, and
381 revising the vision regularly in light of change.
382

383 Authority

384 As the elected leaders of the Presbytery, the Leadership Team holds the authority
385 to act in the best interest of the Presbytery on matters not specifically reserved for
386 the full body, committees, or staff. They are the presiding council of the Presbytery
387 to which others are accountable.
388

389 Responsibilities

- 390 1. Promote the core values of ministry (service to those inside the church), mission
391 (service to those in the community), and relationship-building (building
392 connections with God and one another).
- 393 2. Maintain, revise, and communicate a strategic plan in order that the churches,
394 committees, and staff of the Presbytery may work together towards the same
395 goals.
- 396 3. Provide necessary direction to and/or oversight of committees and staff in order
397 that they may engage the Presbytery on a daily basis in their area of ministry
398 and mission.
- 399 4. Ensure PCUSA polity is followed decently and in order (this includes receiving,
400 studying, processing, referring if appropriate, and making recommendations
401 concerning overtures addressed to Presbytery).
- 402 5. Plan Presbytery meetings in cooperation with the Stated Clerk (this includes
403 setting the theme, facilitating the logistics, & securing locations, rotating
404 throughout the clusters).
- 405 6. In fulfillment of General Principals of Councils, the Leadership Team will
406 develop a system which ensures assessment of corporate programs and
407 structures (G-3.0108).
- 408 7. In matters of communion approval, which cannot wait until the next scheduled
409 meeting of Presbytery, the Leadership Team is authorized to approve the
410 celebration of the Lord's Supper for gatherings under its jurisdiction. (W-
411 2.4012)
412

413 Members

414

- 415 1. The Presbytery shall elect three classes of four members each, totaling 12
 416 members of the Leadership Team. These members should be persons of
 417 wisdom, humility, and vision who have earned the trust of the PWV.
 418 2. The Nominating Committee makes nominations, supplemented by those from
 419 the floor of the appropriate Presbytery meeting. Vital committees (as defined
 420 by the current vision and strategic direction of Presbytery) should be
 421 represented, not necessarily by their chairs, but by strong leaders.
 422 3. Each term is three years and may be renewed once. At least one year must pass
 423 after serving two consecutive terms before serving again.
 424 4. The immediate past Moderator of the PWV chairs the Leadership Team. She/he
 425 votes only in the case of a tie.
 426 5. Two staff members attend the meetings of the Leadership Team--the General
 427 Presbyter, acting as Head of Staff, and the Stated Clerk, acting as Recorder.
 428 Both have the power of voice but not vote.
 429

430 Meetings

- 431 1. The Leadership Team meets at least quarterly in person approximately one
 432 month in advance of four regular meetings of the PWV, preferably in rotating
 433 clusters.
 434
 435 2. Ordinarily one meeting per year will be designated by the Team to plan for the
 436 coming year and may, at the discretion of the Team, consist of an overnight
 437 retreat.
 438 3. Regular meetings should be supplemented by affinity groups as needed on
 439 particular issues facing the Leadership Team. The Leadership Team should
 440 meet in ways that best meet the needs of the team: fact-to-face, conference call,
 441 and video conference. Meetings should always allow for simultaneous aural
 442 communication and follow the latest edition of *Robert's Rules of Order*. Email
 443 votes may only be used for action that is able to be rescinded at the next
 444 meeting; all votes are to be recorded in the minutes of the next meeting.
 445 4. Staff members are invited to attend particular meetings and conversations,
 446 based on their area of expertise and service and the agenda before the
 447 Leadership Team.
 448

449 Quorum

- 450 1. The quorum of the Leadership Team shall be a majority of its members.
 451

452 **VII. COMMITTEES AND AFFINITY GROUPS**
 453

454 The standing committees of the Presbytery are (committee descriptions are in Appendix J
 455 on the pages indicated):

456 Administration	Page 90
457 Bluestone	Page 91
458 Ministry	Page 93
459 Mission	Page 96
460 Nominating	Page 98

461	Nurture	Page 99
462	Permanent Judicial Commission	Page 100
463	Relations	Page 101
464	Representation	Page 102
465	Stewardship	Page 103
466	Trustees	Page 104
467	Vocation	Page 105

468
469 Committee descriptions may be amended by two-thirds vote of the Leadership Team and
470 reported to the Presbytery at its next stated meeting.

471
472 **Membership:**

473 All provisions of the *Book of Order* and of this *Manual* pertaining to membership on
474 specific committees shall apply. The size of committees shall be determined by the
475 Leadership Team. When there are not constitutional or *Manual* provisions which
476 require otherwise, ordinarily Presbytery shall seek to elect persons to committees to
477 provide for equal parity of teaching elders and ruling elders/laypersons (G-3.0103).
478 Ordinarily no more than one-half of the membership of any committee should be
479 teaching elders. The Ministry Committee and the Vocations Committee shall be
480 composed of only ruling elders and teaching elders (G-3.0307). Membership on
481 committees shall be on a proportional basis among the Clusters to the degree practical,
482 except where otherwise specified in this *Manual*.

483
484 Committees may co-opt people to serve in their assigned area of responsibility. These
485 people will have no vote on the committees asking them to serve. They will not be part
486 of a quorum of the appointing committees. Committees may establish sub-groups, but
487 the committee is ultimately responsible for the sub-group's work. There shall be an
488 annual review by the committee regarding continuation of sub-groups or co-opted
489 members.

490
491 **Terms:**

492 Except for the Permanent Judicial Commission, committee members ordinarily shall
493 serve a term of three years and are eligible for reelection once; however, no person may
494 serve more than six consecutive years on the same committee. At least one year must
495 pass after serving two consecutive terms before serving again.

496
497 **Mode of Election**

498 The Leadership Team shall nominate persons for service on the Nominating Committee
499 and a person to serve as Chair of the Nominating Committee.

500
501 The Nominating Committee shall nominate persons for service on all other committees.
502 Members shall be elected in three classes, as nearly equal as possible. Terms of service
503 shall run concurrently with the calendar year, with service to begin January 1.

504
505 Nominations for General Assembly commissioners shall be in accordance with the
506 Presbytery policy governing selection of commissioners. (See Appendix F)

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The Permanent Judicial Commission shall elect its own Moderator from its membership (D-5.0201).

The Nominating Committee shall nominate a person to serve as Chair of each other committee. Committee Chairs are elected annually, with eligibility for re-election. Each committee shall elect its own secretary, vice chair, or any other officers it deems necessary for doing its work.

In the event a committee’s Chair becomes unable to serve, the Moderator of Presbytery is empowered to appoint an Acting Chair to serve until Presbytery can elect a new Chair.

The Nominating Committee shall nominate people to boards such as Kanawha Valley Homes and West Virginia Homes, as needed, adhering to the membership and class requirements of the boards. These boards may recommend names to the Nominating Committee.

The quorum of a committee shall be one-third of its members, except where otherwise specified in the *Book of Order* (including the Permanent Judicial Commission and the Ministry Committee). When a committee is acting as a commission of Presbytery, the quorum shall be a majority of its members.

Members participating by an electronic means that provides simultaneous aural communication (e.g. video conference, teleconference, including conference call) shall be considered part of the quorum and shall have privilege of voice and vote. Communications by written means (e.g. fax, e-mail, “chat rooms”) are not appropriate for a deliberative process. Email votes may only be used for action that is able to be rescinded at the next meeting; all votes are to be recorded in the minutes of the next meeting.

Committees are responsible for conducting orientation of their own members. Ordinarily, a person will not be elected to serve on more than one committee at a time.

After a committee member has had two (2) consecutive, unexplained or unexcused absences, the Committee Chair may contact the member and then request the Nominating Committee to nominate a replacement.

Affinity Groups:

While it can be a challenge to find folks to serve on standing committees, people are more than willing to serve God with one another on issues about which they are passionate. Affinity groups arise in two scenarios:

1. Small, local groups of people who get together for time-limited projects now and then (to work on clean water projects or to arrange a CROP walk, for example), and

551 2. Standing groups that work under the direction of a committee for a long-term project
552 (the partnership with Nyeri Presbytery in Kenya or the Stewardship of Creation
553 Ministry Team, for example).
554

555 Formation

556 The first type can form wherever and whenever there are sufficient people with passion
557 about an issue or project. The group that forms will seek approval and endorsement of
558 their Session (or Sessions if more than one church's members are involved – as part of
559 a cluster project, for example); but they do not need approval from the Presbytery.
560

561 The second type forms by providing the appropriate committee under which their work
562 falls with sufficient information (name of the group, mission statement, project
563 descriptions, and contact information for members) so that the committee can make a
564 recommendation at a Presbytery meeting as to approval and endorsement. The form for
565 providing such information is posted on the Presbytery's web site.
566

567 Benefits & Responsibilities

568 Affinity groups further the core values of the Presbytery in specific and widespread
569 ways. They benefit by being allowed to use Presbytery communications (as space
570 allows) and to request table display space at events or time on the Presbytery agenda.
571 This allows the group to expand their impact and access to carry out mission and
572 ministry.
573

574 In return, Affinity groups would be expected to sign a memorandum of understanding
575 acknowledging that they may not act counter to the policies of the Presbytery or misuse
576 the endorsement to claim greater authority than appropriate.
577

578 The limits of the Presbytery's endorsement

579 The Presbytery's endorsement does not mean that Affinity groups have access to
580 Presbytery funds or a claim on the staff's time. It does not permit the group to claim to
581 speak on behalf of the whole Presbytery.
582

583 **VIII. PERSONNEL**

584
585 As outlined in G-3.0110, the Presbytery may employ staff members to meet the ministry
586 and mission needs of the church. Executive staff members--General Presbyter, Stated
587 Clerk, & Treasurer--are elected by the Presbytery, while other staff members are appointed
588 by the Administration Committee (see the Presbytery's Personnel Manual for further
589 details). Those employed by the Presbytery as interim executive staff may, in extraordinary
590 circumstances, be considered for permanent positions when to do so is in keeping with
591 mission strategy and is approved by a three-quarter vote of the Presbytery. In every case,
592 an open search shall be conducted.
593

594 **General Presbyter**

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1. The General Presbyter shall coordinate ministry, mission, and relationship-building, as these are the core values of the Presbytery of West Virginia. The General Presbyter shall be the administrator of the Presbytery, accountable to Presbytery through the Leadership Team for the implementation of decisions and matters of strategy, program and resources.
 2. The General Presbyter shall be elected using an open search process. The Nominating Committee is responsible for nominating the search committee in consultation with the Leadership Team and the Administration Committee, which the Presbytery then elects to service.
 3. The Administration Committee will conduct an annual performance review of the General Presbyter. Two members of the Leadership Team (appointed by its Chair) shall actively participate in the review. Additional hiring, performance review, and termination information may be found in the Presbytery's Personnel Manual.

610
Stated Clerk

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1. As detailed in Section V of this Manual, the Stated Clerk is ecclesiastical officer, custodian of rolls and records, and parliamentarian of the Presbytery.
 2. The Stated Clerk shall be elected by the Presbytery on the recommendation of a Search Committee appointed by and working under the Administration Committee. This Search Committee will include voices from Administration as well as other committees and members of the Presbytery to ensure diversity and representation in decision-making.
 3. Hiring, performance review, and termination information may be found in the Presbytery's Personnel Manual.

621
Treasurer

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1. As detailed in Section V of this Manual, the Treasurer is the financial officer and custodian of financial records of the Presbytery.
 2. The Treasurer shall be elected by the Presbytery on the recommendation of a Search Committee appointed by and working under the Administration Committee. This Search Committee will include voices from Administration as well as other committees and members of the Presbytery to ensure diversity and representation in decision-making.
 3. Hiring, performance review, and termination information may be found in the Presbytery's Personnel Manual.

632
Participation and Representation

633 All administrative staff in the Presbytery shall be filled in accordance with the principles
634 of participation and representation found in the *Book of Order*, G3.0103.
635

636
Other Staff

637 The Administration Committee may hire additional, non-executive staff to positions
638 which fulfill the ministry and mission needs of the churches as outlined by the
639 Leadership Team. These staff persons shall function in accord with this Manual, the
640 Personnel Manual, and an approved position description, which shall include duties

641 and responsibilities, accountability, the process of calling, terms of service, method of
642 annual review of work, and the manner of reelection or termination of employment.

643
644 **IX. INITIATION OF PRELIMINARY PROCEDURES IN JUDICIAL PROCESS**

645
646 When the Stated Clerk receives notification that the Presbytery is a respondent in a
647 remedial case, as soon as possible the Stated Clerk shall notify the Moderator of Presbytery,
648 who promptly shall appoint a Committee of Counsel of three persons as provided for in
649 Section D-6.0300 of the *Book of Order*. These actions shall be reported to Presbytery at its
650 next meeting.

651
652 When the Stated Clerk receives an accusation filed in accordance with Section D-10.0100
653 of the *Book of Order*, as soon as possible the Stated Clerk shall notify the Moderator of
654 Presbytery, who promptly shall appoint an Investigating Committee of three to five persons
655 as provided for in Section D-10.0201 of the *Book of Order*. These actions shall be reported
656 to Presbytery at its next meeting.

657
658 When the Stated Clerk receives a request for an Inquiry for Vindication under Section D-
659 9.0000 of the *Book of Order*, the Ministry Committee shall function as Presbytery's
660 "appropriate committee" to ascertain whether it is proper to grant the request (D-9.0101a).

661
662 **X. SUSPENSION OF MANUAL**

663
664 Presbytery may suspend this *Manual* for a specific purpose at a meeting by a two-thirds
665 majority vote.

666
667 **XI. AMENDMENTS**

668
669 A majority vote will be necessary to amend this *Manual*, provided the proposed
670 amendment was submitted to the Presbytery, in writing, at the previous stated meeting as
671 information.

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APPENDIX A

**PRESBYTERY OF WEST VIRGINIA
POLICY ON PREVENTING AND RESPONDING
TO SEXUAL MISCONDUCT**

679 Tend the flock of God, that is your charge, not under compulsion, but willingly, not for sordid gain, but eagerly, do
680 not lord it over those in our charge, but be examples to the flock.

681 I Peter 5:2 (NRSV)

682
683 The Presbytery of West Virginia believes and proclaims that all people are created by God who
684 intends that everyone -- children, women, and men -- have worth and dignity in all relationships.
685 Our sexuality is a gift from God and when rightly expressed leads to the wholeness of life which
686 God intends for all people. Inappropriate sexual behavior distorts the goodness of God's gift of
687 sexuality, is destructive of relationships and is an abuse of power and trust.
688

689 The Presbytery of West Virginia proclaims that sexual misconduct in any form is never
690 permissible. It is a sin against God as well as the person victimized by the sexual misconduct. It
691 is a violation of ministerial, professional and employment relationships. The Church can never
692 be well served by overlooking an abuse of power and trust. When a breach of ethics takes place,
693 this transgression will be dealt with swiftly, with fairness and justice. While the Church is called
694 to offer forgiveness to all persons, it is not called to overlook acts of misconduct by any person.
695

696 The purpose of this policy is:

- 697 1. To safeguard the members, congregants, and staff of the churches of the
698 Presbytery of West Virginia, the members and staff of the Presbytery, and the
699 people we serve, especially those who are vulnerable, against any form of sexual
700 misconduct, particularly the disciplinary offense of sexual abuse, within the
701 Presbytery of West Virginia.
702
- 703 2. To express our commitment to prevent sexual misconduct by creating an
704 atmosphere in our Presbytery where acts of silence, ignorance, and minimization
705 regarding sexual misconduct are overcome by acts of understanding, respect, care,
706 and justice.
707
- 708 3. To obtain justice and compassion in cases that involve reports or written
709 accusations of sexual misconduct within our Presbytery.
710
- 711 4. To promote healing for all persons, congregations, or entities in cases involving
712 sexual misconduct.
713
- 714 5. To ensure the effectiveness of our Presbytery's judicial processes in cases of
715 sexual misconduct so that the truth shall be determined, the due process rights of
716 those involved shall be honored, wrongdoing shall cease, and all shall be held
717 accountable for their actions.
718

719 The persons covered by this policy include those who serve within the Presbytery of West
720 Virginia and are: Ministers of Word and Sacrament, Certified Christian educators, Certified
721 Associate Christian educators, commissioned lay pastors, candidates, inquirers, and supply
722 preachers who are approved by Presbytery, who serve within the Presbytery of West Virginia;
723 officers and employees of the Presbytery of West Virginia; and the volunteers and lay persons
724 serving on Presbytery committees, boards, councils and commissions, and other entities in
725 support of Presbytery programs: The expectations of all persons covered under this policy are
726 that they:

- 727
- 728 1. shall exercise responsible sexual behavior and maintain the integrity of employment and
729 professional relationships at all times;
- 730
- 731 2. shall not engage in sexual misconduct as defined in this policy; (See Definitions)
- 732
- 733 3. shall deal with allegations of sexual misconduct with seriousness;
- 734
- 735 4. shall report accusations or instances of sexual misconduct to the appropriate Presbytery
736 officials;
- 737
- 738 5. shall maintain confidentiality in recognition of the effects of reported sexual misconduct
739 on the reputation and effectiveness of all involved;
- 740
- 741 6. shall respect the accused's presumption of innocence;
- 742
- 743 7. shall comply with all applicable local, state and federal laws.
- 744
- 745

746 **BASIC PRINCIPLES**

- 747
- 748 1. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors,
749 supervisors, teachers and advisers of any kind who are called upon to exercise integrity,
750 sensitivity and caring in a trust relationship.
- 751
- 752 2. Sexual misconduct is a misuse of authority and power which breaches Christian ethical
753 principles by misusing a trust relation to gain advantage over another in an abusive, exploitative,
754 and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual
755 content in the relationship, it is the responsibility of the pastor, counselor, officer or supervisor to
756 maintain the appropriate role and prohibit a sexual relationship.
- 757
- 758 3. Sexual misconduct takes advantage of the vulnerability of children and persons who are less
759 powerful to act for their own welfare. It may range from covert and subtle harassment to quite
760 overt use of force. It is antithetical to the Gospel. The Biblical mandate to protect the vulnerable
761 from harm is violated by sexual misconduct.
- 762

763 **DEFINITIONS**

764
765 **Accused-** the person against whom an allegation of sexual misconduct is made.
766

767 **Accuser** - any person reporting sexual misconduct by a person covered by this policy. The
768 accuser may or may not be the victim of alleged sexual misconduct.
769

770 **Administrative Leave** – (*Book of Order* D-10.0106) When a written statement of an alleged
771 offense of sexual abuse toward any person under the age of eighteen, or who it is alleged lacked
772 the mental capacity to consent, has been received against a minister of Word and Sacrament, the
773 stated clerk receiving the allegation shall immediately communicate the allegation to the
774 permanent judicial commission. The moderator of the permanent judicial commission shall
775 within three days designate two members, who may be from the roster of former members of the
776 permanent judicial commission, to determine whether the accused shall be placed on a paid
777 administrative leave during the resolution of the matter. The cost of such shall be borne by the
778 employing entity whenever possible or be shared by the presbytery as necessary. While
779 administrative leave is in effect, the minister may not perform any pastoral, administrative,
780 educational, or supervisory duties, and may not officiate at any functions such as Baptisms,
781 funerals or weddings.
782

783 **Advocate** is the person who, at the request of the victim or the accuser, may accompany the
784 victim or accuser, at each and every conference with the investigating committee, the
785 prosecuting committee, and the session or the permanent judicial commission. The role of the
786 advocate is to provide support and consultation. The advocate may be the same person assigned
787 by the Response Coordination Team to be the victim or accuser’s liaison. See D -10.0203 a., b.
788

789 **Child Sexual Abuse** - includes, but is not limited to, any contact or interaction between a child
790 and an adult when the child is being used for sexual stimulation. Sexual behavior between a
791 child and an adult is always considered forced whether or not consented to by the child. In the
792 Presbyterian Church (USA), the sexual abuse definition of a child is anyone under age 18. The
793 upper age limit for child sexual abuse shall be that recognized in the state or commonwealth in
794 which the act was committed. Mutual consent is NOT POSSIBLE when one party is a
795 clergy/professional lay leader in a pastoral, counseling, employer or leadership position within
796 the Church, related organization, or sponsored activity in which the other party is under the age
797 of eighteen.
798

799 **Church** - Capitalized it refers to the Presbyterian Church (U.S.A.). Church when spelled with a
800 lower case refers to particular churches.
801

802 **Civil Authorities** - The governmental bodies whether city, county, state or federal, who are
803 given the responsibility to investigate, criminally prosecute, and/or bring civil charges against
804 individuals accused of sexual crimes or offenses against adults and children.
805

806 **Civil Law** - The body of municipal, state, and federal laws often referred to collectively as civil
807 and criminal law. Prohibited behavior addressed by this policy may result in criminal and/or
808 civil charges filed under civil law.

809 **Confidentiality** - is maintained when information is withheld from anyone, except those who
810 need to know.

811
812 **Congregation** - A general term for members and participants of a particular church.

813
814 **Employee** - A collective term used to cover individuals who are hired or called to work for
815 salary or wages.

816
817 **Governing Body** – A representative body composed of elders and ministers of the Word and
818 Sacrament; these are sessions, presbyteries, synods, and the General Assembly.

819
820 **Inquiry** - The process prescribed in the Rules of Discipline to determine whether charges should
821 be filed based upon allegations of an offense received by a governing body. (D.10.0101, D-
822 10.0102, D-10.0103)

823
824 **Investigating Committee** - as defined in D-10.0201 is the body charged with performing the
825 investigation/inquiry on behalf of the presbytery. Response by an Investigating Committee is
826 required by the Rules of Discipline (in the case of a minister member of Presbytery). See D-
827 10.0103-10.0105, D-10.0201, and D-10.0202, which give specific direction regarding the
828 Investigating Committee’s work and report. This committee determines whether charges should
829 be filed. The Investigating Committee is appointed by rule of Presbytery as soon as notified by
830 the Stated Clerk that an allegation has been received. The Investigating Committee shall conduct
831 its investigation in accordance with the Rules of Discipline in the *Book of Order*. At the
832 beginning of each and every conference with the accused the Investigating Committee shall
833 inform the person of his/her rights as stated in D-10.0203. The Investigating Committee’s
834 conclusions will be communicated to all as provided by D-10.0300-10.0303. If charges are filed,
835 the provisions of D-10.0400 shall be followed, and trial shall proceed in accordance with D-
836 11.000.

837
838 **Investigation** - The term generally used by police, secular prosecutors, and child protective
839 services when responding to allegations of an offense.

840
841 **Liaison** refers to the person who relates to the victim, or the accused or the congregation
842 throughout the inquiry process and any subsequent proceedings. It is the role of the liaison to
843 determine needs and deploy resources to those to whom the liaison has been assigned. The
844 liaison may also serve as an advocate (see definition above) if called to do so. The out-of-pocket
845 expenses of the person serving as liaison will be covered by the Presbytery.

846
847 **Mandated Reporter** -a person who is required by civil law to report any and all suspected
848 incidents of child abuse, including child sexual abuse. (See West Virginia Code 49-6A-2)

849
850 **Offense** as defined by the *Book of Order*, Rules of Discipline, D-2.0203b., “is any act or
851 omission by a member or officer of the Church that is contrary to the Scriptures or the
852 Constitution of the Presbyterian Church (U.S.A).” Behavior that violates this policy may be
853 cited in a formal complaint or allegation of sexual misconduct filed with the Stated Clerk which
854 accuses a member or officer of a disciplinary offense.

855 **Parishioner** - An individual who is a member of a particular minister’s congregation, or
856 someone who is relating to the minister as “pastor” as in a non-member counseling setting. For
857 clergy serving in specialized ministries (chaplain, pastoral counselor, campus minister, etc.),
858 “parishioner” is any person receiving the benefit of the minister’s exercise of the office of
859 ministry.

860
861 **Production or Distribution of Pornography** is defined by the actions or policy statements of
862 the General Assembly of the Presbyterian Church (U.S.A.).

863
864 **Response** - Action taken when a report of sexual misconduct is received. It may include (1)
865 inquiry into facts and circumstances, (2) possible disciplinary action, (3) pastoral care for victims
866 and their families and others, and (4) pastoral care and rehabilitation for the perpetrators and care
867 for their families. Investigation and disciplinary action will be handled by the investigating
868 committee and pastoral care will be provided by the response team.

869
870 **Response Team** - The body constituted to facilitate the process of responding to allegations of
871 sexual misconduct by a person covered by this policy.

872
873 **Sexual Abuse of Another Person** is defined by this policy and by Title VII of the Civil Rights
874 Act of 1964 as: unwelcome sexual advances, requests for sexual favors, and other verbal or
875 physical conduct of a sexual nature constitute sexual harassment when:

- 876 1. Submission to such conduct is made either explicitly or implicitly a term or
877 condition of an individual’s employment, or their continued status in an
878 institution.
- 879 2. Submission to or rejection of such conduct by an individual is used as the basis
880 for employment decisions affecting such individual, or
- 881 3. Such conduct has the purpose or effect of unreasonably interfering with an
882 individual’s work performance by creating an intimidating, hostile, or offensive
883 working environment based on the declared judgment or the affected individual.
- 884 4. Mutual consent is NOT POSSIBLE when one party is a clergy/professional lay
885 leader in a pastoral, counseling, employer or leadership position within the
886 Church, related organization, or sponsored activity in which the other party is a
887 parishioner, member, counselee, employee or participant or is under the age of
888 eighteen or is an adult of diminished capacity.

889
890 **Sexual Malfeasance** – defined as sexual conduct within a ministerial (e.g. clergy with member
891 of the congregation) or professional relationship (e.g. counselor with a client, lay employee with
892 a church member, presbytery executive with a committee member who may be a layperson, a
893 minister, or an elder). Sexual conduct includes unwelcome sexual advances, request for sexual
894 favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover
895 relationships between spouses, nor is it meant to restrict church professionals from having
896 normal, social, intimate, or marital relationships.

897
898 **Sexual Misconduct** is the comprehensive term in this policy to include:

- 899 1. Child Sexual abuse as defined above.
900 2. Sexual harassment as defined above.

- 901 3. Rape or sexual conduct by force, threat, or intimidation.
902 4. Sexual conduct (such as offensive, obscene or suggestive language or behavior,
903 unacceptable visual contact, unwelcome touching or fondling) that is injurious to
904 the physical or emotional health of another.
905

906 **Victim** - The person alleged to have been injured by sexual misconduct as defined above.
907

908 **Volunteer** - The term for those who provide services and receive no benefits or remuneration.
909 Volunteers include persons elected to serve on boards, committees, and other groups. For
910 purposes of this policy volunteers are treated the same as employees. Liabilities are the same for
911 volunteers as for employees.
912

913 **DISTRIBUTION**

914
915 A copy of this Policy shall be distributed to all of the following: inquirers and candidates for the
916 ministry of Word and Sacrament who are enrolled in this Presbytery, Ministers of the Word and
917 Sacrament who are members of the Presbytery or who have permission to labor within its
918 bounds, Certified and Certified Associate Christian educators, commissioned lay pastors,
919 candidates, inquirers and preachers who are approved by the Presbytery, all officers, employees
920 and volunteers of the entities of the Presbytery of West Virginia, and all clerks of sessions of
921 congregations and to any person who requests a copy. The policy shall be made available to all
922 persons who accuse others of misconduct, as well as those accused of misconduct.
923

924 The following notice shall be posted in the Presbytery office and all churches shall be
925 encouraged to post it, so that members, employees and volunteers may know of the existence and
926 contents of this Policy:
927

928 The Presbytery of West Virginia has a sexual misconduct prevention policy and all
929 church professionals and those laboring on behalf of the Presbytery of West Virginia are
930 expected to adhere to the same code of conduct. Any offenses reported in writing to the
931 stated clerk of the presbytery (D- 10.0100) will be investigated as provided by the Rules
932 of Discipline (D-10.0200) and additionally may be subject to civil or criminal review
933 according to the laws of the state. In the event of any suspected sexual abuse involving
934 children, appropriate local, county or state agencies will be notified. All ministers and
935 church professionals of the Presbytery of West Virginia will observe strict standards of
936 confidentiality, truth-telling, protection of alleged victims and the principle that a person
937 is innocent until proven guilty. All reports of sexual misconduct must be confidentially
938 reported to appropriate presbytery authorities for investigation.
939

940 **ACKNOWLEDGMENT**

941
942 Ministers of the Word and Sacrament who are members of the Presbytery or who have
943 permission to labor within its bounds, Certified and Certified Associate Christian educators,
944 commissioned lay pastors, candidates, inquirers and preachers who are approved by the
945 Presbytery, all officers, employees and volunteers of the entities of the Presbytery of West
946 Virginia, and all clerks of sessions of congregations and to any person who requests a copy is

947 required to sign a written acknowledgment indicating that she/he has received, read, understands,
948 and agrees to conduct her/himself in accordance with this Policy. This signed acknowledgment
949 shall be kept in the files of Presbytery.

950
951
952

MANDATORY EDUCATION

953 The Presbytery of West Virginia requires that the following persons shall complete a Presbytery-
954 sponsored training workshop regarding the forms of sexual misconduct addressed in the policy:
955 all Ministers of the Word and Sacrament who are members of the Presbytery, all Certified and
956 Certified Associate Christian educators, commissioned lay pastors of the Presbytery, and all
957 employees of the Presbytery. The workshop will be conducted annually for those persons in the
958 previous categories who are new to the Presbytery in that calendar year or are new since the last
959 workshop.

960 The names of those who have not completed the training workshop will be noted in a Committee
961 on Ministry report to Presbytery, and the Committee on Ministry will initiate appropriate action
962 to secure compliance with this requirement. Appropriate action may include a warning letter;
963 refusal to approve or renew covenant agreements and/or administrative leave.

964

965 Each governing body is responsible for providing training concerning sexual misconduct issues.
966 The Presbytery workshops are open to persons from congregations and entities to which this
967 policy does not apply but who may benefit by participation, *e.g.*, an elder or a youth worker.

968

969 The Presbytery assigns to the Committee on Preparation for Ministry the responsibility to ensure
970 that inquirers and candidates for the ministry of Word and Sacrament who are enrolled with this
971 Presbytery receive a copy of this policy and sign an agreement acknowledging receipt of the
972 policy and agreement to abide by same.

973

974

SCREENING PROCESS

975

976 Part of pre-employment screening shall include a criminal background check and specific questions
977 related to discovering previous complaints of sexual misconduct. The Committee on Ministry shall
978 screen all persons seeking ministerial calls with special attention to the Sexual Misconduct Self-
979 Certification as found in the Pastoral Information Form. The Personnel and Administration
980 Committee shall be responsible for screening persons applying for presbytery staff positions. Each
981 committee or unit of Presbytery is responsible for screening the volunteers it enlists. It shall be the
982 Committee on Ministry's responsibility to hold all entities of Presbytery responsible in the
983 implementation of this policy.

984

985 The following questions are recommended to each entity:

986

987 (1) Has a civil, criminal, or ecclesiastical complaint ever been filed against
988 you alleging sexual misconduct? If so, indicate the date, nature, and place of these
989 allegations, and the name, address, and phone number of your employer at the time.

989

990 (2) Have you ever resigned or been terminated from a position for reasons
991 relating to allegations of sexual misconduct? If so, indicate the date, nature, and place
992 of these allegations, and the name, address, and phone number of your employer at
993 the time.

993

(3) Have you been required to obtain professional treatment, physical or

994 psychological, for reasons related to sexual misconduct by you? If so, would you be
995 willing to sign a release of information to an appropriate entity of Presbytery.

996
997 **REFERENCES**

998
999 In addition to the Executive reference checks and search committee reference checks, the
1000 Committee on Ministry chairperson may be asked to obtain additional references. The Personnel
1001 and Administration Committee shall obtain all references regarding applicants for presbytery
1002 staff positions. Each entity and committee of Presbytery shall obtain references on all volunteers
1003 under its direction. References should include inquiries regarding sexual misconduct. A written
1004 record of conversations or correspondence shall be kept in Presbytery's files.

1005
1006 **PREVENTIVE PRACTICES**

- 1007
- 1008 1. The Presbytery of West Virginia will take appropriate steps to inform all those covered by
1009 this policy and all sessions of the standards of conduct and the procedures for effective
1010 response when receiving a report of sexual misconduct.
 - 1011 2. The Presbytery, through its appropriate entities, shall present educational programs designed
1012 to prevent sexual misconduct. All those covered by this policy shall be encouraged to attend
1013 such programs.
 - 1014 3. The Presbytery shall encourage all sessions to establish similar policies, procedures and
1015 practices related to sexual misconduct and to inform members, employees, volunteers, and
1016 candidates of the Presbytery's and session's Policy and Procedures with respect to sexual
1017 misconduct.
1018
1019

1020
1021
1022 **LIABILITY AND INSURANCE**

1023
1024 The Presbytery shall maintain and urge sessions to maintain liability insurance covering sexual
1025 misconduct on the part of a minister, employee, volunteer or other person acting on its behalf.
1026 Insurance against sexual misconduct should include coverage for mental anguish on the part of
1027 the abused. The Presbytery or congregations seeking such insurance should fully and regularly
1028 inform their liability insurers of their programs, activities, and staff who may be considered to
1029 hold high-risk occupations.

1030
1031
1032 **THE PROCESS FOR REPORTING AN INCIDENT OF SEXUAL MISCONDUCT**

1033
1034 **Initial Reports**

1035
1036 **Importance of Prompt Reporting: Allegations of sexual misconduct should be**
1037 **made as promptly as possible.** The ability of the Presbytery to respond quickly
1038 and justly to sexual misconduct is related in part to the opportunity to receive
1039 allegations and to gather evidence soon after the occurrence. This Policy, however, recognizes
1040 the special problems sometimes related to discovery and recognition of certain forms of sexual

1041 misconduct. For example, child sexual abuse may not be recognized until the victim of abuse
1042 reaches the age of awareness or recognition, or fear may deter a victim from coming forward.
1043 Therefore, reports of certain forms of sexual misconduct may be delayed for many years.
1044

1045 **Statute of Limitations:** There is no statute of limitations for filing charges alleging sexual abuse
1046 of any person under eighteen years of age or adults of diminished capacity or when the conduct
1047 includes force, threat, coercion, intimidation, or misuse of office or position. (D-10.0401c.)
1048

1049 **Awareness of Reporting Channels:** Reports of sexual misconduct may occur in a variety of
1050 ways. Because a governing body or entity cannot control to whom the accuser of sexual
1051 misconduct will first speak, it is important that officers, employees, and persons highly visible to
1052 Church members and visitors understand how reports of incidents are channeled to the proper
1053 persons.
1054

1055 **Importance of Confidentiality:** Allegations of sexual misconduct should never be taken lightly
1056 or disregarded and allowed to circulate without concern for the well-being, integrity, and
1057 reputation of the accuser, the accused, and the Church. Allegations should be dealt with as
1058 matters of highest confidentiality, before and after they have been submitted to appropriate
1059 authorities as outlined below.
1060

1061 **Notice of Opportunity to File Written Statement:** The first person to learn of an incident of
1062 alleged sexual misconduct should, based on information from the accuser, encourage the accuser
1063 to speak to a higher authority, lest the Church be unable to respond because no one is able to give
1064 firsthand information. The person should not seek to investigate or corroborate on his or her
1065 own. A report should be directed to the Stated Clerk when the accused is a minister of Word and
1066 Sacrament, and to the clerk of session of the congregation when the accused is a non-minister.
1067 In all cases, and particularly in cases where the accuser is hesitant to talk to a higher authority,
1068 the person receiving the initial report should advise the accuser of the opportunity to submit a
1069 written report. The Stated Clerk shall initiate Book of Discipline procedures and shall also notify
1070 the Response Team.
1071

1072 **Written Statements**

1073

1074 **Filing Written Statement When Victim Unwilling or Lacks Standing:** A member of a
1075 governing body receiving information from any source that an offense may have occurred may
1076 submit a written statement of the alleged offense. See D-10.0102b. That written statement
1077 should be submitted to the Stated Clerk of the Presbytery when the accused is a minister of Word
1078 and Sacrament, and to the clerk of session when the accused is a congregation member. D-
1079 10.0101 a member of a governing body who receives information of an alleged offense should
1080 submit a written statement when the victim of the alleged offense is not a person under the
1081 jurisdiction of the PC (USA) and therefore does not have standing to file a written statement
1082 directly.
1083

1084 **Handling Written Statements:**

1085

1086 **Against Minister Member of Presbytery:** Upon receipt of a written statement that a minister
1087 member of the Presbytery has committed an alleged offense, the Stated Clerk, without
1088 undertaking further inquiry, shall then report to the governing body only that an offense has been
1089 alleged, without naming the accused or the nature of the alleged offense, and refer the statement
1090 immediately to an investigating committee (D-10.0103). As outlined below, the Stated Clerk
1091 shall also notify the Chair of the Presbytery’s Response Team of the allegation so that it may
1092 provide a pastoral response.

1093

1094 **Against Others:** For members of the PC (USA) who are employed by the presbytery, an
1095 allegation of sexual misconduct will trigger the applicable procedures outlined in the *Book of*
1096 *Order*, D-10.0000 (Disciplinary Cases), with a written statement of alleged offense being sent to
1097 the stated clerk for Ministers of Word and Sacrament or the clerk of session of the church where
1098 an individual is a member. Procedures outlined in the Personnel Policies will still be in effect for
1099 the employment relationship and may be used concurrent with any *Book of Order* Disciplinary
1100 inquiry or charges.

1101

1102 **Mandatory Reporting Duties of Ministers, Elders, and Deacons Under the *Book of Order***

1103

1104 **Ministers:** A minister of the Word and Sacrament, Certified and Certified Associate Christian
1105 Educators shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk
1106 of harm, related to the sexual molestation or abuse of a minor or an adult who lacks mental
1107 capacity when (1) such information is gained outside of a confidential communication made in
1108 connection with the exercise of pastoral care (as defined in *Book of Order* G-6.0204a and G-
1109 14.0732), or (2) the minister reasonably believes that there is risk of future physical harm or
1110 abuse.

1111

1112 **Elders and Deacons:** Under the *Book of Order* (see G-6.0304b, G-6.0402a), elders and deacons
1113 are also required to report such sexual molestation or abuse of a minor or an adult who lacks
1114 mental capacity when (1) they gain knowledge of the sexual molestation or abuse in the course
1115 of service to the church, (2) but outside of a privileged communication, and (3) they reasonably
1116 believe that there is risk of future physical harm or abuse.

1117

1118 **Ecclesiastical and Civil Authorities:** The appropriate ecclesiastical and civil authorities to
1119 whom ministers, certified educators, elders, and deacons shall report suspected abuse are as
1120 follows:

- 1121 a. Ecclesiastical authorities: For ministers, to the Stated Clerk of the Presbytery; for
1122 elders and deacons, to the pastor of the congregation and/or the clerk of session.
- 1123 b. Civil legal authorities: In the case of suspected abuse of a minor, to the county office
1124 of the West Virginia Department of Health and Human Resources (DHHR). Reports can
1125 also be made to the Abuse and Neglect Hotline (1-800-352-6513) 7 days a week, 24
1126 hours a day. In the case of suspected abuse of an adult who lacks mental capacity, to the
1127 appropriate police authority or district attorney. One may also report to the Virginia
1128 Department of Social Service 1-800-552-7096 from within Virginia or 1-804-786-8536

1129 from outside Virginia; the Kentucky Child Abuse Hotline 1-800-752-6200; or in Ohio
1130 call the Childhelp® USA National Child Abuse Hotline at 1-800-422-4453.

1131

1132 **Reporting Requirements Under West Virginia Law**

1133 Anyone may report suspected child abuse or neglect. Under West Virginia Law (WV Code 49-
1134 6A-2) certain persons are required to report. These persons include:

- 1135 • medical, dental, or mental health professionals
- 1136 • religious healers
- 1137 • social services workers
- 1138 • school teachers and other school personnel
- 1139 • members of the clergy
- 1140 • child care or foster care workers
- 1141 • emergency medical services personnel
- 1142 • peace officers or law enforcement officials circuit court judges
- 1143 • family court judges or magistrates
- 1144 • Christian Science practitioners

1145 The purpose of required reporting is to identify suspected abused and neglected children as soon
1146 as possible so that they may be protected from further harm. Child Protective services cannot act
1147 until a report is made.

1148 Without detection, reporting and intervention abused and neglected children may remain victims
1149 for the rest of their lives. These children do not grow up and forget their childhood. They carry
1150 physical and emotional scars throughout their lives, often repeating the pattern of abuse and
1151 neglect with their own children.

1152 West Virginia law provides immunity from civil or criminal liability for persons reporting in
1153 good faith (WV Code 49-6A-6)

1154

1155 **PCUSA Hotline**

1156

1157 The Presbyterian Church (USA) has a sexual misconduct hotline. The number is 1-888-728-
1158 7228 ext.5207 or 1-502-569-5207. It is staffed by the sexual misconduct ombudsperson. The
1159 purpose of this hotline is to report events, even if the victim is not ready to pursue a formal
1160 complaint at this time. The caller has the ability to control the information and how it is used.
1161 This can be especially helpful for those who want more information about the process, or who
1162 want a historical record kept in the event that s/he decides to pursue a complaint at a later date.
1163 If the person accused of the violation is named, then it could be helpful in the event that another
1164 victim files a complaint against the same person. The ombudsperson can be a listening ear as
1165 well as resource as to options and process. The important point is that the caller controls the
1166 information.

1167 **Immediate Consideration of Administrative Leave in Certain Cases of Alleged Sexual**
1168 **Abuse**

1169
1170 When the Stated Clerk of the Presbytery receives a written statement of alleged sexual abuse
1171 committed by a minister of Word and Sacrament against a person under the age of 18 or a person
1172 alleged to lack mental capacity to consent, the moderator of the permanent judicial commission
1173 designates two members, who may be from the roster of former members of the permanent
1174 judicial commission, to determine whether the accused should be placed on paid administrative
1175 leave during resolution of the matter. For details regarding the process by which this
1176 determination is made, see D-10.0106. Even in circumstances in which the Book of Order does
1177 not require consideration of administrative leave, any investigating committee appointed to
1178 investigate the allegations should consider whether an agreement on administrative leave is
1179 desirable, keeping in mind that the purpose of administrative leave is preventive and not
1180 punitive.

1181
1182 **Request to Refer**

1183
1184 Whenever the circumstances of an alleged offense by a minister member of Presbytery involve
1185 matters or questions for which it is desirable or necessary that a higher governing body decide
1186 the case, the Presbytery Permanent Judicial Commission may submit a written request to the
1187 Synod Permanent Judicial Commission to refer the matter to it. Similarly, a session may request
1188 to refer a matter to the Presbytery Permanent Judicial Commission when an alleged offense by a
1189 member involves matters or questions for which it is desirable or necessary that the Presbytery
1190 decide the case. D-4.0100.

1191
1192
1193 **IMPLEMENTATION PROCEDURE**

1194
1195 In any incident of sexual misconduct there are two dimensions that necessitate a response: 1) a
1196 pastoral response and 2) a judicial or disciplinary response. Both are key elements in
1197 accomplishing the goals of justice and compassion.

1198
1199 **PASTORAL RESPONSE**

1200
1201 In responding to accusations of sexual misconduct, the Church should seek healing and assure
1202 the protection of all persons. Where possible and within the limits of the process contemplated
1203 under this policy, the privacy of persons should be respected. The Book of Order assures all
1204 persons of fair procedures in the disciplinary process, and all persons involved should be
1205 informed of these procedures at the outset.

1206
1207 When the Stated Clerk of the Presbytery receives a verbal report or written statement of an
1208 alleged offense, the Stated Clerk shall immediately notify the chair of the Presbytery's Response
1209 Team. The Presbytery's pastoral response will be managed by the Presbytery's Response Team.

1210
1211 A fundamental principle in responding to an accusation of sexual misconduct is to ensure that the
1212 actions of the Response Team promote and enhance the process of reconciliation and healing by
1213 effectively supporting those affected, without compromising or disrupting (i) any investigation

1214 by civil authorities and due process or (ii) inquiry or judicial process that may be undertaken by
1215 the governing body.

1216
1217 For the following procedures to be used, the accused must be a Minister of Word and Sacrament,
1218 Certified or Certified Associate Christian educator, commissioned lay pastor, candidates,
1219 inquirers and preachers who are approved by the Presbytery, all officers or employees of the
1220 Presbytery of West Virginia; a volunteer or lay person serving a congregation under its supervision,
1221 including anyone who serves on Presbytery committees, boards, councils and commissions, and other
1222 entities in support of Presbytery programs. In such a case, the presbytery declares its intention to deal
1223 clearly and fairly with the alleged sexual misconduct when experienced by any person while
1224 involved in any professional or volunteer relationship with the presbytery.

1225
1226 **Goals of Procedure:**

- 1227
1228 1) listen to all parties
1229 2) inform all parties of their options (including resources for consultation, counseling,
1230 mediation, as well as the steps and resources necessary to utilize the disciplinary
1231 procedures in the Book of Order)
1232 3) provide, if requested, mediation with the hope of reconciliation for the parties involved.

1233
1234 If disciplinary procedures are begun, the role of the response team is concluded. Continuing pastoral
1235 care will be provided by the Presbytery.

1236
1237
1238 **THE RESPONSE TEAM**

1239
1240 In order to fulfill this intention, the presbytery shall elect at least six persons, composed of elders,
1241 minister members of Presbytery, or Certified Christian educators, to serve staggered three-year terms
1242 on the Response Team. Presbytery should be careful to maintain appropriate gender balance, and
1243 representation by quadrants when choosing members. The initial classes shall be two members for a
1244 one-year term, two for a two-year term, and two for a three-year term. The Response Team shall
1245 elect a chair from among its members. Normally individuals will serve two three-year terms and can
1246 be reappointed following a one year absence.

1247
1248 The Committee on Ministry shall nominate to Presbytery members of the Response Team and
1249 provide for appropriate training for all people elected, with such training updated annually. It shall
1250 be the responsibility of the Committee on Ministry to evaluate the work of all Response Teams that
1251 have been active during the year.

1252
1253 When a request is made to the Presbytery, the chair of the Response Team shall be notified. The
1254 Response Team will assign a liaison for the victim, accuser, accused, and affected congregation(s).
1255 The liaison's tasks are (1) to assess the needs for pastoral, therapeutic, or other assistance and (2)
1256 to refer the person(s) to the appropriate resources. Liaisons should make contact with the victim,
1257 accuser, accused, or congregation's pastor (or if the pastor is the accused, then with the clerk of
1258 session of the congregation) as quickly as possible after being assigned as a liaison. As the first
1259 responder in these situations, liaisons should be sensitive to the pastoral care needs of the person
1260 to whom they are assigned as they undertake to assess what referral needs might exist and
1261 provide the person with names of appropriate resources from the resource pool who might be

1262 available to assist them in addressing those needs. In certain circumstances, the competencies of
1263 the liaison may be such that it is appropriate for the liaison to continue, beyond the assessment
1264 and referral stage, to serve in the role of accompanying the person throughout any administrative
1265 or judicial ecclesiastical processes and thus becoming an advocate (see D-10.0203 a., b.). This
1266 accompaniment role is ***not*** intended to be in lieu of any therapeutic or longer term pastoral
1267 counseling that may be needed.

1268
1269 In making their assessment the liaisons should be sensitive to the differing pastoral needs to be
1270 addressed. Some of the potential needs are outlined below:

1271

1272 **Victims and Families**

1273 It has sometimes been the case that the alleged victim or family is so angry and alienated from
1274 the Church that offers of help have been perceived as insincere or attempts at a cover-up. If the
1275 alleged victim or family at first refuses, the liaison should continue to offer help. The
1276 Presbytery's concern shall never be to protect itself or the congregation but, rather, to seek the
1277 truth and to offer care to alleged victims and accused.

1278

1279 The extent of the damage to the alleged victims of sexual misconduct will vary from person to
1280 person, influenced by such factors as the degree of severity of abuse, the age and emotional
1281 condition of the alleged victim, personality dynamics, and the importance of their religious faith.
1282 The liaison shall assume in all cases in which a person has been determined to have been a
1283 victim that the person has been wounded by the experience.

1284

1285 Feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, and feelings of
1286 alienation from God, self, the religious community, and family are frequent injuries suffered by
1287 victims. It is important for the Response Coordination Team to be sensitive to the victim's pain
1288 and need for healing and to make appropriate discretionary pastoral care available.

1289

1290 **Congregations or Employing Entity**

1291

1292 The allegations against a minister, employee, member or volunteer may polarize the
1293 congregation or organization, damage morale, and create serious internal problems. Efforts
1294 should be taken to recognize and identify the problems and heal the damage done to the
1295 congregation or organization.

1296

1297 The congregation should also seek to be a community of healing for victims. The Response
1298 Team may need to provide resources and training for the congregation in this ministry.

1299

1300 **Accused**

1301

1302 In working with the accused and the family of the accused, the liaison should be aware of these
1303 possible needs:

1304 (a) To receive information about the charges. When an accusation of sexual misconduct has
1305 been received by the Response Team, the accused must be notified in writing. The accused
1306 shall be warned that any statements made to the Response Team may be used against the
1307 accused in later proceedings.

1308 (b) To be informed in a timely way about the process with regard to an accusation. The
1309 Response Team shall explain the process used by the governing body when an accusation of
1310 sexual misconduct has been made and the options available to the accused. The Response
1311 Team shall recommend that the accused seek legal advice immediately since the accusation
1312 could result in Church discipline or civil or criminal court action. The liaison shall direct the
1313 accused to the Stated Clerk for any information regarding the ongoing process of any judicial
1314 case.

1315
1316 (c) To receive legal advice and assistance. The accused may seek legal advice from any
1317 source, but it should be noted that in Church disciplinary or remedial cases “no person shall
1318 act as counsel who is not a member of the Presbyterian Church (U.S.A.)” (D-11.0301). The
1319 accused is responsible for his or her attorney fees, but if an accusation proceeds to the
1320 initiation of disciplinary case and the accused is unable to employ counsel, the accused may
1321 request appointment of counsel under the provisions of the Book of Order (D-11.0302).

1322
1323 (d) To receive personal and therapeutic support. The accused may require spiritual and
1324 professional assistance. The Response Team should offer to help arrange for such support
1325 from a pastor or therapist, if the accused desires.

1326
1327 (e) To receive assistance with economic security and care for the family. When an
1328 allegation of sexual misconduct has been made against a minister or staff of the Presbytery,
1329 the economic security of the accused is directly threatened along with reputation, career, and
1330 family relationships. The Presbytery may be of assistance when the accused is a minister.
1331 The Response Team may alert the Executive Presbyter to the possible spiritual, emotional,
1332 and financial needs of the family of an accused minister and recommend expert resources.
1333 The Response Team shall not become personally involved with trying to meet these needs.

1334
1335
1336 **Non-Victim Accuser**

1337
1338 In many cases the non-victim accuser is the parent, guardian, or other advocate for a child who
1339 has been the alleged victim of sexual misconduct. Because of a child’s minority status, an adult
1340 often files the action on behalf of the child. In cases where the accuser is a non-Presbyterian,
1341 verbal notification may be turned into a formal allegation under the Rules of Discipline by any
1342 member of the Presbyterian Church (USA).

1343
1344 **TIME FACTORS**

1345
1346 When a person notifies the Executive Presbyter, Stated Clerk or the Committee on Ministry Chair, of
1347 allegations of sexual misconduct, the chair of the Response Team shall be notified. The chair shall
1348 attempt to make immediate contact with the alleged victim. After contact with the alleged victim, the
1349 chair shall attempt to make contact with the accused. Ordinarily, from the time notification is made,
1350 no longer than ten (10) days shall elapse until the alleged victim and representatives of the Response
1351 Team shall hold an initial meeting. Following the meeting with the alleged victim, the Response
1352 Team shall meet with the accused.

1353 From the date of the initial meeting of the Response Team and the alleged victim, no longer that
1354 thirty (30) days shall elapse until recommendations are made to the parties involved and a report filed
1355 with the Committee on Ministry regarding the allegation.
1356

1357

1358

RECORDS

1359

1360 The only required records of each case shall include the names of the Response Team members; the
1361 name of the victim of an alleged incident; the name of the person accused; the date(s) of the
1362 incident(s); the date of all meetings with the alleged victim, the accused, and other parties to the
1363 incident; the date on which the final recommended disposition of the matter was made; the specifics
1364 of the final disposition; and any recommendations for further action. One copy of these records shall
1365 be kept in the permanent files of the Chair of the Committee on Ministry, and the Presbytery of West
1366 Virginia shall retain one copy in its office. Such records will be marked confidential and securely
1367 stored. The Response Team shall keep no separate records of this confidential material.
1368

1369 The person within Presbytery giving a reference is obligated to give truthful information regarding
1370 allegations, inquiries, and administrative or disciplinary action related to sexual misconduct. The
1371 response, however, must be limited to information that is a matter of record.
1372

1373

1374

JUDICIAL RESPONSE

1375

Appointment of Investigating Committee

1376

1377 Immediately upon receipt of a written statement of alleged sexual misconduct by a minister of
1378 Word and Sacrament, the Stated Clerk of the Presbytery shall appoint, in consultation with the
1379 Executive Presbyter and the Chair of the Committee on Ministry, an investigating committee. In
1380 the case of alleged sexual misconduct by an elder or deacon, the clerk of session, in consultation
1381 with the pastor and/or chair of the personnel committee, shall appoint an investigating
1382 committee. The investigating committee shall be composed as outlined in D-10.0201 of the
1383 *Book of Order*, and shall proceed with its investigation as outlined in D-10.0202.
1384

1385

Authorized Communications Concerning Status of Accusation During Investigation or Disciplinary Proceeding

1386

1387 **General Rule of Confidentiality:** Prior to the filing of charges, the *Book of Order* protects the
1388 confidentiality of the identity of an accused and of the allegations of a disciplinary offense by
1389 limiting the disclosure of information in the Presbytery minutes to the facts that an allegation has
1390 been received and an investigating committee appointed. (D-10.0103)
1391

1392

1393 **Permitted Communications to Address Pastoral Needs:** During the course of the
1394 investigating committee's work, the Response Team has primary responsibility for ensuring that
1395 any pastoral care needs are met. Liaisons/advocates for an alleged victim, the accused, and the
1396 affected congregation(s) may have a need, for pastoral reasons, for information about the status
1397 of the investigation, and the investigating committee itself may identify additional persons who
1398

1399 have a need for pastoral care. Under these circumstances, the following communications may be
1400 made:

1401
1402 (1) The liaison/advocate for a victim, accuser, accused, or affected congregation(s)
1403 should communicate with the Stated Clerk of the Presbytery to receive general
1404 information about the status of the matter—such as when the investigating committee
1405 expects to make a recommendation on whether charges should be filed or when the
1406 presbytery will receive a report on the filing of charges. If the accused is represented by
1407 counsel, then counsel for the accused should direct inquiries to the investigating
1408 committee.

1409
1410 (2) If the investigating committee’s work uncovers other victims or affected persons who
1411 may have a need for a pastoral response from the Presbytery, the investigating committee
1412 may communicate that information to the Stated Clerk, who may communicate the need
1413 for additional pastoral care to the chair of the Response Team. These communications
1414 shall not disclose confidential factual details about the underlying allegations, but only
1415 the fact of a potential need for pastoral care.

1416
1417 **Consideration of Administrative Leave by Investigating Committee**

1418
1419 As set forth in the definition of Administrative Leave, D-10.0106, a Permanent Judicial
1420 Commission must consider whether administrative leave should be imposed upon a minister of
1421 the Word and Sacrament who has been accused of sexual abuse of a minor or an adult lacking
1422 mental capacity to consent. When a minister has been accused of another type of sexual
1423 misconduct by a minister, and when other persons covered by this policy are accused of any type
1424 of sexual misconduct as defined herein, an investigating committee should consider whether
1425 administrative leave is desirable, keeping in mind that the purpose of administrative leave is
1426 preventive, and not punitive.

1427
1428 **Investigating Committee’s Work**

1429
1430 The investigating committee’s responsibilities are detailed in D-10.0202.

1431
1432 (a) No charges filed: If the Investigating Committee concludes, after a thorough
1433 investigation, that there is no probable cause to believe that an offense was committed by the
1434 accused or that charges cannot reasonably be proved based on the available evidence and
1435 witnesses, then it shall report that conclusion to the Stated Clerk, and the Presbytery shall be
1436 informed only that no charges were filed. D-10.0202f., g., i.

1437
1438 (b) Charges to be filed and accused concurs: If at any time during the investigation the
1439 accused admits to the allegations, the investigation shall proceed to its conclusion, the charges
1440 shall be filed with the permanent judicial commission, along with the signed statement of the
1441 accused, and a settlement of consequences may be mediated. Any settlement must be approved
1442 by the Presbytery Permanent Judicial Commission in accordance with D-10.0202h.

1443

1444 (c) Charges to be filed and accused does not concur: If the Investigating Committee
1445 concludes that probable cause exists and charges can reasonably be proved, but the accused does
1446 not concur with the allegations, charges are to be filed with the permanent judicial commission,
1447 and the judicial process is to continue as outlined in D-10.0400.
1448

1449 **Consideration of Alternative Form of Resolution**

1450
1451 Where an Investigating Committee determines there is probable cause to believe that any offense
1452 falling with the definition of sexual misconduct has been committed, an alternative form of
1453 resolution may be used to reach agreement on the consequences of the offense. In other words,
1454 in cases where the Investigating Committee believes sexual misconduct has occurred and can
1455 reasonably be proved, mediation of guilt or innocence is not appropriate. Rather, the alternative
1456 form of resolution must include an acceptance of responsibility for the offense. Such an
1457 admission of responsibility by the accused is an important demonstration that one of the pastoral
1458 aims of discipline—namely, repentance—will be served by the use of an alternative form of
1459 resolution.
1460

1461 In all cases where an alternative form of resolution is pursued through mediation, the mediation
1462 shall be completed within 120 days from the appointment of the Investigating Committee, unless
1463 an extension is granted by the session or Permanent Judicial Commission. Any settlement
1464 agreement must be presented to the session or permanent judicial commission for its approval, as
1465 outlined in D-10.0202h.
1466

1467 In negotiating a settlement, the parties are encouraged to agree on the extent of the background
1468 facts that will be disclosed to the session or Permanent Judicial Commission to enable it to
1469 exercise its approval responsibility in an informed fashion.
1470

1471 **Terms of Censure and Restoration**

1472
1473 The degrees of censure that may be imposed by a permanent judicial commission are listed in D-
1474 12.0100, and the terms of restoration in D-12.0200.
1475

1476 **Communicating an Acquittal**

1477 Because of the harm to a person's reputation and career that can accompany allegations of sexual
1478 misconduct, the appropriate governing body or entity should report an acquittal of any such
1479 charges as fully as it deems appropriate when it is requested to do so by the accused.
1480

1481 **Request for Vindication**

1482
1483 A member of the Presbyterian Church (U.S.A.) who feels injured by rumor or gossip may invoke
1484 the procedures outlined in D-9.0101 to request an inquiry for vindication.
1485

1486 **Pastoral Inquiry by Administrative Commission When Accused in Sexual Abuse Case Dies 1487 or Renounces Jurisdiction**

1488

1489 A governing body may appoint an administrative commission to make pastoral inquiry when
1490 judicial proceedings in a sexual abuse case end because the accused dies or renounces
1491 jurisdiction. Such an inquiry is NOT part of the church's judicial process, but the inquiry shall
1492 be empowered to receive witnesses and consider evidence, to reach a determination of the truth
1493 of the accusation, and to make a full report to the appointing governing body, including
1494 recommendations for appropriate action. See G-9.0503(a) (7).

1495

1496 The appointment of such an administrative commission should be considered when the truth-
1497 telling that accompanies this process is needed to promote the healing of those persons and
1498 congregations who have been affected by the alleged abuse.

1499 **ACKNOWLEDGMENT OF RECEIPT**

1500

1501 I hereby acknowledge that I have received a copy of the Presbytery of West Virginia’s Policy on
1502 Sexual Misconduct and Appendix dated _____. I have read the policy, understand its meaning,
1503 and agree to conduct myself in accordance with the policy. I further understand that the
1504 Presbytery of West Virginia has a policy of “no tolerance” regarding sexual misconduct and
1505 abuse. In addition, if required by this policy, I agree to attend Sexual Misconduct Prevention
1506 Training provided by the Presbytery of West Virginia with regard to this Sexual Misconduct
1507 Prevention Policy.

1508

1509

1510

1511 Signature _____

1512

1513

1514 Printed Name _____

1515

1516

1517 Title/Position _____

1518

1519

1520 Date _____

1521

1522

1523

1524

1525

1526 Received by _____

1527

1528

1529 Date _____

1530

1531

Updating This Policy

1532

1533

1534

1535

1536

1537

Annually, the Committee on Ministry shall see that this Policy is in compliance with all constitutional requirements of the Presbyterian Church (USA), and all requirements of the laws of the States of West Virginia, Virginia, Kentucky and Ohio. Any necessary changes shall be submitted to the Presbytery for action.

WEST VIRGINIA CODE § 49-6A

ARTICLE 6. PROCEDURE IN CASES OF CHILD NEGLECT OR ABUSE.

§49-6-1. *Petition to court when child believed neglected or abused; notice.*

If the department or a reputable person believes that a child is neglected or abused, the department or the person may present a petition setting forth the facts to the circuit court in the county in which the

- APPENDIX**
- a. Child resides, or to the judge of such court in vacation. The petition shall be verified by the oath of some credible person having knowledge of the facts. The petition shall allege specific conduct including time and place, how such conduct comes within the statutory definition of neglect or abuse with references thereto, any supportive services provided by the department to remedy the alleged circumstances and the relief sought. Upon filing of the petition, the court shall set a time and place for a hearing and shall appoint counsel for the child. When there is an order for temporary custody pursuant to section three of this article, such hearing shall be held within thirty days of such order, unless a continuance for a reasonable time is granted to a date certain, for good cause shown.
 - b. The petition and notice of the hearing shall be served upon both parents and any other custodian, giving to such parents or custodian at least ten days' notice. Notice shall also be given to the department, any foster or preadoptive parent, and any relative providing care for the child. In cases wherein personal service within West Virginia cannot be obtained after due diligence upon any parent or other custodian, a copy of the petition and notice of the hearing shall be mailed to such person by certified mail, addressee only, return receipt requested, to the last known address of such person. If said person signs the certificate, service shall be complete and said certificate shall be filed as proof of said service with the clerk of the circuit court. If service cannot be obtained by personal service or by certified mail, notice shall be by publication as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code. A notice of hearing shall specify the time and place of the hearing, the right to counsel of the child and parents or other custodians at every stage of the proceedings and the fact that such proceedings can result in the permanent termination of the parental rights. Failure to object to defects in the petition and notice shall not be construed as a waiver.
 - c. At the time of the institution of any proceeding under this article, the department shall provide supportive services in an effort to remedy circumstances detrimental to a child.

1576 **ARTICLE 6A. REPORTS OF CHILDREN SUSPECTED TO BE ABUSED OR**
1577 **NEGLECTED.**

1578
1579 *§49-6A-1. Purpose.*

1580 It is the purpose of this article, through the complete reporting of child abuse and neglect, to
1581 protect the best interests of the child, to offer protective services in order to prevent any further
1582 harm to the child or any other children living in the home, to stabilize the home environment, to
1583 preserve family life whenever possible and to encourage cooperation among the states in dealing
1584 with the problems of child abuse and neglect.

1585
1586 *§49-6A-2. Persons mandated to report suspected abuse and neglect.*

1587 When any medical, dental or mental health professional, Christian Science practitioner, religious
1588 healer, school teacher or other school personnel, social service worker, child care or foster care
1589 worker, emergency medical services personnel, peace officer or law-enforcement official,
1590 member of the clergy, circuit court judge, family law master, employee of the division of
1591 juvenile services or magistrate has reasonable cause to suspect that a child is neglected or abused
1592 or observes the child being subjected to conditions that are likely to result in abuse or neglect,
1593 such person shall immediately, and not more than forty-eight hours after suspecting this abuse,
1594 report the circumstances or cause a report to be made to the state department of human services:
1595 Provided, That in any case where the reporter believes that the child suffered serious physical
1596 abuse or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a
1597 report to be made to the division of public safety and any law-enforcement agency having
1598 jurisdiction to investigate the complaint: Provided, however, That any person required to report
1599 under this article who is a member of the staff of a public or private institution, school, facility or
1600 agency shall immediately notify the person in charge of such institution, school, facility or
1601 agency or a designated agent thereof, who shall report or cause a report to be made. However,
1602 nothing in this article is intended to prevent individuals from reporting on their own behalf.
1603 In addition to those persons and officials specifically required to report situations involving
1604 suspected abuse or neglect of children, any other person may make a report if such person has
1605 reasonable cause to suspect that a child has been abused or neglected in a home or institution or
1606 observes the child being subjected to conditions or circumstances that would reasonably result in
1607 abuse or neglect.

1608
1609 *§49-6A-3. Mandatory reporting to medical examiner or coroner; postmortem investigation.*

1610 Any person or official who is required under section two of this article to report cases of
1611 suspected child abuse or neglect and who has reasonable cause to suspect that a child has died as
1612 a result of child abuse or neglect, shall report that fact to the appropriate medical examiner or
1613 coroner. Upon the receipt of such a report, the medical examiner or coroner shall cause an
1614 investigation to be made and report his findings to the police, the appropriate prosecuting
1615 attorney, the local child protective service agency and, if the institution making a report is a
1616 hospital, to the hospital.

1617

1618 §49-6A-4. *Photographs and X rays.*
1619 Any person required to report cases of children suspected of being abused and neglected may
1620 take or cause to be taken, at public expense, photographs of the areas of trauma visible on a child
1621 and, if medically indicated, cause to be performed radiological examinations of the child. Any
1622 photographs or X rays taken shall be sent to the appropriate child protective service as soon as
1623 possible.

1624
1625 §49-6A-5. *Reporting procedures.*
1626 Reports of child abuse and neglect pursuant to this article shall be made immediately by
1627 telephone to the local state department child protective service agency and shall be followed by a
1628 written report within forty-eight hours if so requested by the receiving agency. The state
1629 department shall establish and maintain a twenty-four hour, seven-day-a-week telephone number
1630 to receive such calls reporting suspected or known child abuse or neglect. A copy of any report
1631 of serious physical abuse, sexual abuse or assault shall be forwarded by the department to the
1632 appropriate law-enforcement agency, the prosecuting attorney or the coroner or medical
1633 examiner's office. All reports under this article shall be confidential and unless there are pending
1634 proceedings with regard thereto shall be destroyed six years following their preparation. Reports
1635 of known or suspected institutional child abuse or neglect shall be made and received as all other
1636 reports made pursuant to this article.

1637
1638 §49-6A-6. *Immunity from liability.*
1639 Any person, official or institution participating in good faith in any act permitted or required by
1640 this article shall be immune from any civil or criminal liability that otherwise might result by
1641 reason of such actions.

1642
1643 §49-6A-7. *Abrogation of privileged communications.*
1644 The privileged quality of communications between husband and wife and between any
1645 professional person and his patient or his client, except that between attorney and client, is
1646 hereby abrogated in situations involving suspected or known child abuse or neglect.

1647
1648 §49-6A-8. *Failure to report; penalty.*
1649 Any person, official or institution required by this article to report a case involving a child
1650 known or suspected to be abused or neglected, or required by section five of this article to
1651 forward a copy of a report of serious injury, who knowingly fails to do so or knowingly prevents
1652 another person acting reasonably from doing so, shall be guilty of a misdemeanor, and, upon
1653 conviction thereof, shall be confined in the county jail not more than ten days or fined not more
1654 than one hundred dollars, or both.

1655
1656 §49-6A-9. *Establishment of child protective services; general duties and powers; cooperation of*
1657 *other state agencies.*

- 1658 a. The state department shall establish or designate in every county a local child protective
1659 services office to perform the duties and functions set forth in this article.
1660 b. The local child protective service shall investigate all reports of child abuse or neglect:
1661 Provided, That under no circumstances shall investigating personnel be relatives of the
1662 accused, the child or the families involved. In accordance with the local plan for child
1663 protective services, it shall provide protective services to prevent further abuse or neglect

1664 of children and provide for or arrange for and coordinate and monitor the provision of
1665 those services necessary to ensure the safety of children. The local child protective
1666 service shall be organized to maximize the continuity of responsibility, care and service
1667 of individual workers for individual children and families: Provided, however, That under
1668 no circumstances may the secretary or his or her designee promulgate rules or establish
1669 any policy which restricts the scope or types of alleged abuse or neglect of minor children
1670 which are to be investigated or the provision of appropriate and available services. Each
1671 local child protective service office shall:

- 1672 1. Receive or arrange for the receipt of all reports of children known or suspected to
1673 be abused or neglected on a twenty-four hour, seven-day-a-week basis and cross-
1674 file all such reports under the names of the children, the family, any person
1675 substantiated as being an abuser or neglecter by investigation of the department of
1676 human services, with use of such cross-filing of such person's name limited to the
1677 internal use of the department;
 - 1678 2. Provide or arrange for emergency children's services to be available at all times;
 - 1679 3. Upon notification of suspected child abuse or neglect, commence or cause to be
1680 commenced a thorough investigation of the report and the child's environment. As
1681 a part of this response, within fourteen days, there shall be: A face-to-face
1682 interview with the child or children, and the development of a protection plan, if
1683 necessary for the safety or health of the child, which may involve law-
1684 enforcement officers or the court;
 - 1685 4. Respond immediately to all allegations of imminent danger to the physical well-
1686 being of the child or of serious physical abuse. As a part of this response, within
1687 seventy-two hours, there shall be: A face-to-face interview with the child or
1688 children; and the development of a protection plan which may involve law-
1689 enforcement officers or the court; and
 - 1690 5. In addition to any other requirements imposed by this section, when any matter
1691 regarding child custody is pending, the circuit court or family law master may
1692 refer allegations of child abuse and neglect to the local child protective service for
1693 investigation of the allegations as defined by this chapter and require the local
1694 child protective service to submit a written report of the investigation to the
1695 referring circuit court or family law master within the time frames set forth by the
1696 circuit court or family law master.
- 1697 c. In those cases in which the local child protective service determines that the best interests
1698 of the child require court action, the local child protective service shall initiate the
1699 appropriate legal proceeding.
 - 1700 d. The local child protective service shall be responsible for providing, directing or
1701 coordinating the appropriate and timely delivery of services to any child suspected or
1702 known to be abused or neglected, including services to the child's family and those
1703 responsible for the child's care.
 - 1704 e. To carry out the purposes of this article, all departments, boards, bureaus and other
1705 agencies of the state or any of its political subdivisions and all agencies providing
1706 services under the local child protective service plan shall, upon request, provide to the
1707 local child protective service such assistance and information as will enable it to fulfill its
1708 responsibilities.
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1. In order to obtain information regarding the location of a child who is the subject of an allegation of abuse or neglect, the secretary of the department of health and human resources may serve, by certified mail or personal service, an administrative subpoena on any corporation, partnership, business or organization for the production of information leading to determining the location of the child.
 2. In case of disobedience to the subpoena, in compelling the production of documents, the secretary may invoke the aid of:
 - A. The circuit court with jurisdiction over the served party, if the person served is a resident; or
 - B. the circuit court of the county in which the local child protective services office conducting the investigation is located, if the person served is a nonresident.
 3. A circuit court shall not enforce an administrative subpoena unless it finds that:
 - A. The investigation is one the division of child protective services is authorized to make and is being conducted pursuant to a legitimate purpose;
 - B. the inquiry is relevant to that purpose;
 - C. the inquiry is not too broad or indefinite;
 - D. the information sought is not already in the possession of the division of child protective services; and
 - E. any administrative steps required by law have been followed.
 4. If circumstances arise where the secretary, or his or her designee, determines it necessary to compel an individual to provide information regarding the location of a child who is the subject of an allegation of abuse or neglect, the secretary, or his or her designee, may seek a subpoena from the circuit court with jurisdiction over the individual from whom the information is sought.

1737 *§49-6A-10. Educational programs.*

1738 Within available funding and as appropriate, the state department shall conduct educational
1739 programs with the staff of the state department, persons required to report, and the general public
1740 in order to encourage maximum reporting of child abuse and neglect, and to improve
1741 communication, cooperation and coordination among all agencies involved in the identification,
1742 prevention and treatment of the abuse and neglect of children.
1743
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1745 **APPENDIX B**

1746
1747 **PRESBYTERY OF WEST VIRGINIA**
1748 **GUIDELINES FOR DEVELOPING A POLICY FOR THE CHURCH**
1749 **FOR EVENTS AND PROGRAMS INVOLVING**
1750 **CHILDREN, YOUTH AND PERSONS WITH DISABILITIES**
1751

1752 It is the hope of the Presbytery of West Virginia that this packet of materials will be helpful as
1753 churches consider and formulate a Protection Policy for Children, youth, and Persons with
1754 Disabilities for their own congregation. Given the gravity of the issue of child abuse in the world
1755 in which we live, we urge congregations to reflect seriously on their obligation to protect their
1756 children and youth and persons with disabilities. Not having such a policy could place both these
1757 individuals and our churches at risk.

1758
1759 These materials are to be used as a guide in that process as each church personalizes the policy to
1760 meet the needs in its own particular situation. While it is possible with the use of a computer to
1761 simply “fill in the blanks”, each congregation is urged to study the matter thoroughly. Furthermore,
1762 each congregation is urged to consult with its own legal counsel before adopting and implementing
1763 any portion of this Policy. The issuance of this Policy does not constitute the giving of legal advice
1764 by the Presbytery of West Virginia, its staff, or any member of the task force, which prepared these
1765 materials.

1766
1767 It is the intent of these guidelines to protect persons with disabilities as well as children and youth.
1768 Policies and procedures to protect such persons from harm and/or abuse must be carefully
1769 observed. However, it is understood that adult persons with disabilities are distinct from younger
1770 persons and as such these guidelines (such as two adults present) are mitigated.

1771
1772 As used herein, the terms “child”, “children” and “youth” refer to all persons under 18 years of
1773 age.

1774
1775 *As churches develop policies, they are requested to send a copy of their policy to the Presbytery*
1776 *Safe Child Protection Team.*

1777
1778
1779 **I. BIBLICAL, CONFSSIONAL AND REGIONAL MANDATES**

1780
1781 It is imperative that the Church of Jesus Christ express in action and intentions the love of God to
1782 children, youth and persons with disabilities by providing a safe and welcoming environment for
1783 their care and nurture. Therefore, the Presbytery of West Virginia, its member congregations,
1784 and all of its programs and activities with children, youth and persons with disabilities seek to
1785 prevent abuse in any form or of any type, to children and youth and persons with disabilities.
1786 We further seek to be in ministry to families where abuse may occur.

1787
1788 Biblical mandates

1789 “He has shown you O mortal, what is good: and what does the Lord require of you but to do
1790 justice, and to love kindness, and to walk humbly with your God.” **Micah 6:8**

1791
1792 “The lord our God, the lord is one, and you shall love the Lord your God with all your heart, and
1793 with all your soul, and with all your strength....You shall love your neighbor as yourself. There
1794 is no other commandment greater than these.” **Mark 12:29-31**

1795
1796 “As he who called you is holy, be holy yourselves in all your conduct.” **I Peter 1:15**

1797
1798 “I exhort the elders among you to tend the flock of God that is in your charge, exercising the
1799 oversight, not under compulsion but willingly, as God would have you do it – not for sordid gain
1800 but eagerly. Do not lord it over those in your charge, but be examples to the flock....Discipline
1801 yourselves, keep alert.” **I Peter 5:1-3, 8**

1802
1803 Confessional

1804 “The Spirit gives us courage
1805 to pray without ceasing,
1806 to witness among all peoples to Christ as Lord and Savior,
1807 to unmask idolatries in Church and culture,
1808 to hear the voices of peoples long silenced,
1809 and to work with others for justice, freedom, and peace.”

1810 **A Brief Statement of Faith (lines 66-71)**

1811
1812 Regional

1813 “Mountaineers are always free.” **Motto of West Virginia**

1814
1815 **II. EXAMPLES OF INAPPROPRIATE CONDUCT**

1816
1817 A commitment to the call to care for all of God’s children includes preventing the
1818 following types of inappropriate conduct:

1819
1820 Physical Abuse, including any unwanted touch, any physical contact intended to coerce
1821 or do harm, any hitting or touch in anger.

1822
1823 Emotional/Verbal Abuse, including insults, name calling, belittling remarks, unfavorable
1824 comparisons with other children or youth, shaming, deliberately causing fear, or using
1825 speech to hurt.

1826
1827 Spiritual Abuse, including using scripture or church authority to coerce, control or shame;
1828 using threats about condemnation from God or making threats about God withholding
1829 love to control behavior.

1830
1831 Sexual Abuse, which is defined as any sexual contact with children, youth or persons
1832 with disabilities in a leader’s charge, including:

- 1833 • Fondling private parts
1834 • Oral, genital, or anal penetration
1835 • Sexual intercourse
1836 • Forcible rape

- 1837 • Suggestive sexual comments
- 1838 • Showing pornography (sexually explicit materials)
- 1839 • Exposing sex organs
- 1840 • Allowing children to witness sexual activity

1841 **III. STEPS TO FORM A CHILD PROTECTION POLICY IN THE LOCAL CHURCH**

- 1842 1) Form a Child Protection task force to be approved by the Session, which may include but not
- 1843 be limited to the following members of your church:
- 1844 - Attorney
- 1845 - Staff member (preferably one that works with children or youth)
- 1846 - Parent
- 1847 - Session member
- 1848 - Member of Personnel/Administrative committee
- 1849 - Insurance agent
- 1850
- 1851
- 1852 2) Review current procedures for recruiting volunteers with children, youth and persons with
- 1853 disabilities.
- 1854 Who does the recruiting?
- 1855 What criteria are used?
- 1856 What training takes place?
- 1857
- 1858 3) List all programs that involve children and youth and persons with disabilities.
- 1859 Who plans and implements these programs?
- 1860 What adults are present?
- 1861
- 1862 4) Tour your facility and look closely at areas where children's and youth programs occur. Note
- 1863 areas where children might be isolated. Note if rooms have doors with windows. Pay attention
- 1864 to potential safety problems.
- 1865
- 1866 5) Check church's insurance policy for sexual abuse exclusion clause. Contact agent for possible
- 1867 coverage if exclusion clause exists. This varies by company.
- 1868
- 1869 6) Using the Presbytery guidelines, decide the essential elements to include in your policy. (A
- 1870 model policy begins on page 10)
- 1871
- 1872 7) Write the Child Protection Policy and take it to the Session for approval.
- 1873
- 1874 8) Educate your congregation (Appendixes A and H)
- 1875
- 1876 9) Implement the policy.
- 1877
- 1878
- 1879

1880 A basic understanding should be that for the protection of our children, all persons working directly

1881 with children, youth and persons with disabilities, whether paid or volunteer at any church

1882 sponsored or cosponsored events should be subject to the provisions of any policy. All such

1883 persons should be expected to participate in pre-event training and orientation including, but not
1884 limited to, training to increase their sensitivity to the prevention of any form of abuse to and
1885 protection of children, youth and persons with disabilities.

1886
1887

1888 **IV. CHILD PROTECTION POLICY OUTLINE**

1889

1890 In establishing policies and procedures that provide safeguards against child abuse of all kinds in
1891 our churches, five critical areas must be addressed:

- 1892 Screening and selection of volunteers
- 1893 Supervision of volunteers
- 1894 Reporting allegations
- 1895 Response to allegations
- 1896 Education for staff and volunteers as well as children, youth and parents

1897

1898 The process presented below is intended to include not only volunteers, but also compensated
1899 workers. Some of the policies and procedures may need to be adapted to meet the needs of your
1900 particular congregation.

1901

1902

1903 **1) SCREENING AND SELECTION OF VOLUNTEERS**

1904

1905 **A. FOR ALL CHILDREN AND YOUTH CHURCH WORKERS, FULL- TIME OR PART- 1906 TIME, COMPENSATED, OR VOLUNTEER:**

1907

- 1908 ○ Put in writing (for the record) your procedure for selecting volunteers/workers.
- 1909
- 1910 ○ Require that any volunteer be a member of the church for a minimum of six months
1911 (except for visiting speakers/leaders).
- 1912
- 1913 ○ All volunteers must fill out a confidential Volunteer Information Form (Appendix
1914 B) that allows for criminal record check and reference checks.
- 1915
- 1916 ○ Conduct a criminal record check. This service is provided through our Presbytery.
1917 (Appendix C)
- 1918
- 1919 ○ Require at least two references.
- 1920
- 1921 ○ Check all references and make a record. If the person comes from another
1922 community, a reference from his or her former church should be contacted.
1923 (Appendix D)
- 1924
- 1925 ○ A personal interview is suggested.
- 1926
- 1927 ○ Identify personnel to implement the screening and selection (See 'Personnel Needs'
1928 below).

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- Keep on file the confidential Volunteer Information Form and References.
- Limit access to the locked records to the Administrator.
- Periodically update Volunteer Information Forms.

B. OCCASIONAL VOLUNTEER WORKERS:

- For those who volunteer occasionally: Keep on file the confidential Volunteer Information Form and one reference.
- For teenagers under 18 who help in the children's programs: Teens need to fill out a Volunteer Information Form to be kept on file.

C. PERSONNEL NEEDS for this part of the process:

- Person responsible for children and youth programs to distribute Volunteer Information Forms and interview.
- Administrator (a church staff person appointed to oversee the procedures) to follow through on criminal record check and to review both the record check and the reference checks. These will need to be documented and recorded.
- Volunteer to follow through on the reference checks.

2) SUPERVISION OF VOLUNTEERS

- Two Adult Rule - As often as practicable, two adults should be present during any children's or youth activity.
- Obtain parental permission for involvement in church sponsored programs or activities and for any time an adult might be spending time alone with a child in an unsupervised situation.
- Install windows on classroom doors or leave classroom doors open.
- Use a church nursery identification procedure, such as "check-in/check-out."
- Provide a list of prohibited acts (Appendix F).
- Educate all volunteers and paid workers with children and youth as to your church's policies and procedures in this matter.

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3) REPORTING ALLEGATIONS

- Apprise all workers in training sessions (Appendix A, and model training session-Appendix H) as to the reporting procedure and as to the requirements of state and local laws regarding the reporting of child abuse (Appendix I). If you have questions about reporting, contact the State Department of Human Services.
- Report an incident to the designated person (See "Personnel Needs" below).
- The person initially contacted by the alleged victim should fill out a detailed written Incident Report (Appendix E).
- Have prepared lists with agencies to be contacted, for example: Presbytery, Department of Health and Human Services, and insurance company.

PERSONNEL NEEDS for this step of the process:

- Look at your staff to determine who is responsible for which area of work: infant/toddler childcare, children and youth.
- Develop a chart/chain of command of who should be contacted in case of an incident. (Suggestion: pastor, educator, head of Response Team)
- List alternate contact person if the alleged abuser is the original contact person. (Suggestion: a session member or Presbytery staff person)

4) RESPONSE TO ALLEGATIONS

- Have a Response Team (See "Personnel Needs" below) already in place to take over immediately.
- Inform the accused and the accuser that they have the right to retain their own counsel. The church's counsel will represent the church but not their individual interests.
- Work with the Presbytery Response Team and your insurance company.
- If an allegation occurs, refer to the section of the policy titled "Reporting Violations of Policy."

PERSONNEL NEEDS for this step of the process:

- A Response Team

Profile of Response Team: Comprised of 3-5 discrete persons who

2022 understand the issue of confidentiality. The team may include the pastor,
2023 church staff and other members of the congregation. If an attorney or social
2024 worker is available, they should be included if possible.
2025

2026 **5) EDUCATION**
2027

2028 ◦ Develop a plan for educating staff and volunteers (see Appendix H for training
2029 model)

2030
2031 ◦ Develop a plan for educating children, youth and their parents to prevent child
2032 abuse (See Appendix J for list of resources)
2033

V. A Model Policy

**STATEMENT OF PURPOSE AND PROCEDURE
SAFEGUARDING THE WELL BEING OF
CHILDREN, YOUTH AND PERSONS WITH DISABILITIES**

The members of [insert church's name here] (hereinafter "Church") believe that we are called by God to create a safe haven for all of the children, youth and persons with disabilities in our care, protecting those who are powerless and empowering them through faith and trust. During each baptism of an infant, child or adult into this covenant community of faith, the members of this church pledge to uphold that person in Jesus Christ and to teach, strengthen and support the individual's relationship with the household of God. We believe there are biblical, confessional and even regional mandates for providing protection of and care for the children, youth and persons with disabilities in our midst.

Therefore, the members of (Church) are committed to the safety, welfare, and protection of all children, youth and persons with disabilities participating in the activities and programs of this church. This policy addresses the preventable risk of any form of abuse or harassment, whether physical, mental or sexual, by any of the employees or volunteers of this church while on church property or while engaged in church activities or programs. This policy further helps protect workers from unsubstantiated charges of wrongdoing. In addition, we are called to stand not in judgment, but with compassion for each other. We believe that any person who has been accused of committing an act of abuse can expect due process, our prayers, and acceptance as a human being.

Therefore, all (Church) activities and programs, regardless of location, involving children and youth, will be subject to the following policy:

- As often as practicable, two adults will be assigned to supervise or lead all activities involving children or youth.
- Ordinarily no person will be recommended to the Session of (Church) as a teacher or volunteer leader of children or youth activities until such person has been a member of the church for six months and a Volunteer Information Form, criminal record check, and reference checks have been completed.
- This Church will neither tolerate nor accept any act or omission as specifically described in Prohibited Acts.
- Upon accusation the accused is entitled to prompt and fair disposition of such serious charges and to receive due process of law including the presumption of innocence unless proven guilty.
- Any violation of the policy shall be reported in accordance with Reporting Violation of Policy.

Volunteer Information Form

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Employees, teachers, and volunteers for children, youth, and persons with disabilities in the activities or programs of (Church) will be required to complete a Volunteer Information Form providing personal and confidential information necessary to perform criminal and driving (where appropriate) background checks and reference checks on each individual. While this process understandably intrudes into the privacy of our lives, the security of our children, youth and persons with disabilities outweighs the personal invasion inherent with such investigation and disclosures. All personal information is voluntarily disclosed. Furthermore, the results of all criminal record checks and reference checks as well as the refusal of any person to participate in a program or activity in lieu of such disclosure requirements will be considered confidential.

Criminal record checks for persons 18 and older will be conducted by a staff person (or clerk of session or designated elder in the case of a church without a pastor) designated as the "Administrator" with the assistance of the Presbytery of West Virginia (Appendix C). Additionally, character references will be checked by a person designated by the Christian Education Committee or the Session. The written results of the criminal record checks and the reference checks initially will be reviewed by the Administrator. After this initial review, if the Administrator determines that further review should be made, the Administrator will consult with the Moderator of the Session or appropriate program staff.

The information contained in the Volunteer Information Form, the results of the criminal record check, and the results of the reference check will be disclosed only to the persons designated in the previous paragraph and only with the written permission of the worker.

The Administrator will maintain a locked storage cabinet in the church for all Volunteer Information Forms and results of all record checks. Filed records will be updated periodically as volunteers change. Whether disclosed voluntarily or by result of the criminal record check, the following items will automatically disqualify a volunteer from participating in the leadership or sponsorship of any children or youth activity or program:

Any indictment alleging the offense of, or any conviction for: murder; aggravated assault; sexual abuse; sexual assault (rape); aggravated sexual assault; injury to a child; incest; indecency with a child; inducing sexual conduct or sexual performance of a child; possession or promotion of child pornography; the sale, distribution, or display of harmful material to a minor; employment harmful to children; or abandonment or endangerment of a child.

All other convictions or charges for any other crimes not listed above will be reviewed by the Administrator as described in the second paragraph under Volunteer Information Form. When leadership involves driving, driving records will be reviewed and carefully considered.

2115 **Prohibited Acts**

2116
2117 The following acts are prohibited by this Policy and will not be tolerated or accepted during any
2118 (Church) activity or program. Any observations or personal knowledge of such violations must
2119 be immediately reported to a member of the response team (or designated person) after the safety
2120 of the child, children, or youth involved has been assured.

- 2121
- 2122 • Any display or demonstration of sexual activity, abuse, insinuation of abuse, or
2123 evidence of abusive conduct towards a child, youth or person with disabilities;
2124
- 2125 • Sexual advances or sexual activity of any kind between any adult and a child,
2126 youth or person with disabilities;
2127
- 2128 • Sexual advances or sexual activity of any kind between youth.
2129
- 2130 • Infliction or physically abusive behavior or bodily injury to a child, youth, or
2131 person with disabilities;
2132
- 2133 • Physical neglect of a child, children, youth or persons with disabilities,
2134 including failure to provide adequate supervision In relation to the activities of
2135 (Church);
2136
- 2137 • Causing mental or emotional injury to a child, youth, or person with disabilities;
2138
- 2139 • Possessing obscene or pornographic materials at any function of (Church);
2140
- 2141 • Possessing, consuming or being under the influence of alcohol or illegal drugs
2142 while leading or participating in a children's or youth function of (Church).
2143

2144 **Additional Considerations**

2145
2146 To further insure the protection of those persons in our care, workers should be aware of the
2147 Possible Indicators of Abuse (Appendix G).
2148

2149 **Reporting Violation of Policy**

2150
2151 In order to maintain an environment free of destructive acts toward all children, youth, and
2152 persons with disabilities, employees, parents and volunteers of (Church) must be aware of
2153 their individual responsibility to report any questionable circumstance, observation, act,
2154 omission, or situation thought to be in violation of this Policy. All questions or concerns of
2155 any suspected abusive behavior or harassment shall be directed to the Response Team (or
2156 designated person) or in extenuating circumstances, the Presbytery of West Virginia's
2157 Response Team. West Virginia law requires the prompt reporting of suspected abuse to the
2158 State Department of Health and Human Services. (See Appendix I)

2159 In the event anyone personally witnesses an occurrence in violation of this Policy, that
2160 person will be asked to complete an Incident Report (Appendix E). Anyone who witnesses

2161 such an occurrence should follow these steps to insure the security and protection of all
2162 persons involved.

2163

- 2164 • Personally secure the safety of the child, children, youth or persons with
2165 disabilities.
- 2166
- 2167 • Report the incident immediately to the response team (or designated person).
- 2168
- 2169 • Do not leave the child, children, or youth alone to report the incident.
- 2170
- 2171 • Do not personally confront the alleged or accused violator of the policy.
- 2172
- 2173 • Allow the designated person to provide you with instructions for reporting of
2174 the incident to the parents or guardian.
- 2175
- 2176 • Maintain the confidentiality of the accused, the accuser and the victim.
- 2177
- 2178 • Remember that the session and response team bear the responsibility for official
2179 communication on behalf of the church.
- 2180

2181 In the event a child, youth or person with disability reports abusive conduct while engaged in a
2182 church sponsored activity or involving the employees, or volunteers of (Church), regardless of
2183 where the conduct occurred, the person initially contacted by the child should contact the Response
2184 Team (or designated person) and complete an Incident Report. Write the specific words first
2185 spoken by the child or youth and record the conduct and demeanor observed in the Incident Report.

2186

2187 Consequences of Violation

2188 Any person accused of committing a Prohibited Act (see section in policy), whether an employee
2189 or volunteer, will be suspended immediately from participation in all children/youth activities and
2190 children/youth programs of the (Church). Such suspension shall continue during any investigation
2191 by the church or law enforcement or child protection agencies. Such removal does not assume
2192 guilt but makes the top priority the protection of those who are most vulnerable. Pastoral care for
2193 the accused must also be provided.

2194

2195 Any person found to have committed a Prohibited Act might be prohibited from future
2196 participation in all children/youth activities and children/youth programs of the (Church). An
2197 employee might be terminated from employment for such conduct.

2198

2199 As required by West Virginia law, (Appendix I) all reports of abuse will be forwarded to the
2200 appropriate child protection and law enforcement authorities. Such reporting must be
2201 accomplished in addition to complying with this policy.

2202 Failure to report a Prohibited Act to the designated person in a timely manner shall be considered
2203 a procedural violation of this policy. This violation may be grounds for termination of employment
2204 or dismissal from participation in all children and youth activities and programs of the (Church)
2205 by any person.

Response to Allegation

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A pre-selected Response Team immediately takes over all investigations and communications. The person who witnesses or reports an incident is not responsible for investigating or intervening in the alleged event outside of securing the safety of those involved.

2213 The Response Team will:

- 2214 • Contact the church’s legal counsel and insurance company.
- 2215 • Contact the Presbytery’s Response Team for advice and assistance (required if the
- 2216 accused is a member of the Presbytery).
- 2217 • Notify the Session of the allegations.
- 2218 • Inform the accused and the accuser that they have the right to retain their own counsel
- 2219 and that the church’s counsel will represent the church but not their individual
- 2220 interests.
- 2221 • Engage the media only through prepared statements.
- 2222 • Contact the family of the alleged victim to communicate action taken.
- 2223 • Arrange for pastoral care of the accused and accuser.
- 2224 • Report to the Session the results of the investigation and actions taken.
- 2225

2226 **APPENDIX A**

2227

2228

Outline of Steps to Educate Staff and Congregation

2229

2230

2231

2232

2233

2234

1. After a policy is written in its final form give church staff a copy of the policy, and time to read it. Then meet with all staff to clarify and answer questions. (Staff should already be familiar with the process to date.) It is best to conduct a training meeting such as outlined in Appendix H.

2235

2236

2237

2. Give copies of policy to each Session committee for review. A task force member should meet with each committee to go over the policy and answer questions before the session meeting.

2238

2239

2240

3. Apprise the congregation of the work that is going on through such avenues as the church newsletter.

2241

2242

2243

4. Provide a copy of the proposed policy to Session members for review before they meet to consider it.

2244

2245

5. After approval by the session:

2246

2247

2248

2249

a. **Publicity:** Prepare a newsletter article that announces all times that information and question periods will be available. Publish names of the members of the task force. Identify a place where people can pick up a policy to read.

2250

2251

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b. **Task Force Question Meetings:** At least two Sunday mornings should be designated for people to come to a room, review the policy, and ask questions of the task force. Two meeting times each Sunday is suggested so people have a better chance of meeting with the task force.

2255

2256

2257

2258

2259

c. **Meeting times with current workers:** Persons who are working with children and youth when this policy is implemented should have an opportunity to meet with the task force and fill out a Volunteer Information Form. Training such as the plan suggested should take place. (Appendix H)

2260

2261

2262

2263

Make every effort to address concerns and give people answers to their questions. This is a sensitive issue and might meet with some resistance.

2264 **APPENDIX B**

2265

2266

2267 **(NAME) PRESBYTERIAN CHURCH OF (CITY), WEST VIRGINIA**

2268 **INFORMATION FORM FOR WORKERS WITH**

2269 **CHILDREN, YOUTH AND PERSONS WITH DISABILITIES**

2270

2271 1. Name (last, first, middle, maiden name)

2272 _____

2273 If you have ever used another name, please indicate the name and the time

2274 period(s) used: _____

2275 Current Address: _____

2276 How long have you lived at this address: _____

2277 How long have you lived in West Virginia: _____

2278 Gender: M ___ F ___ Birth date: _____

2279 Home Phone: _____

2280 Place of Employment: _____

2281 _____

2282 Work Phone: _____

2283

2284 2. *(skip number 2 if your position does not include driving)*

2285 Drivers License Number: _____

2286 Have you ever had your driver's license suspended or restricted for any reason? _____

2287 If yes, please describe the dates and reasons for each such occurrence on the back.

2288 3. Please answer the following questions:

2289 Location of church membership _____

2290 Date you became a member: _____

2291

2292 4. Have you served as a volunteer at any church in the past ten years? If so, please state the
2293 name and address of the church, the pastor of the church, the time period(s) of your
2294 volunteer work and describe generally the nature of your volunteer work:

2295 _____

2296 _____

2297 _____

2298

2299 5. Have you served as a volunteer for any civic organization in the past ten years? If so,
2300 please state the name and address of that organization, the person overseeing the volunteer
2301 work the time period(s) of your volunteer work and describe generally the nature of your
2302 volunteer work. Please indicate which organizations involved working with children and
2303 youth.

2304 _____

2305 _____

2306 _____

2307

2308

2309

2310 6. Have you ever been arrested, charged, indicted or convicted for any criminal offense
2311 (misdemeanor or felony) other than a traffic violation? _____ (If yes, please explain
2312 on the back.)

2313
2314 7. Have you ever been subject to any disciplinary action, complaint or allegations that you
2315 violated any employer's or any organization's policy concerning sexual misconduct?
2316 _____ (If yes, please explain on the back.)

2317
2318 8. References: Please list the names, addresses, occupations, and telephone numbers of three
2319 people (other than relatives) who are familiar with your character and abilities. References
2320 will be contacted.

2321

<u>Name</u>	<u>Address</u>	<u>Occupation</u>	<u>Work Phone</u>	<u>Home Phone</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

2322
2323
2324
2325
2326

2327 12. I understand and agree that:

2328
2329 a. All Information that I have provided may be verified. I agree to release from liability
2330 any person or organization that provides information concerning me, including these
2331 persons I have listed as references. I understand and agree that any information
2332 received will not be disclosed to me, and I hereby waive any right I may have to inspect
2333 any Information provided about me by any person or organization identified by me on
2334 this form.

2335
2336 b. By signing this form, I certify and affirm that the information I have given is true,
2337 complete, and correct in all respects.

2338
2339 c. I have read, understood and agree to abide by the Statement of Policies and Procedures
2340 for the Protection of Children, Youth and Persons with Disabilities of the Presbytery
2341 of West Virginia and/or (church's name) of (city).

2342
2343 d. [Only applicable to persons eighteen years of age and older] I have completed the
2344 release of information form.

2345
2346
2347 Signature: _____ Date: _____

2348
2349 Parent or Guardian's Signature: _____ Date: _____
2350 (If under age eighteen)

2351
2352 This form is confidential and will be kept in a locked file.

2353
2354

2355 **APPENDIX C**

2356 **RELEASE AUTHORIZATION**

2357 **Applicant Complete the Following**

2358

2359 1. In connection with my Christian service through the Presbytery of WV or a member church, I
2360 understand that an investigative report will be requested that will include social security
2361 number validity check, last three counties of residence, felony criminal history check and
2362 possible driver's license record check.

2363

2364 2. I acknowledge that a telephonic facsimile (FAX) or photographic copy shall be as valid as the
2365 original. This release is valid for most federal, state and county agencies including the
2366 Minnesota Department of Labor.

2367

2368 3. I hereby authorize, without reservation, any law enforcement agency, institution, information
2369 service bureau, school, employer, reference or insurance company contacted by AVERT, INC.
2370 or its agent, to furnish the information described in Section 1. The following information is
2371 required by law enforcement agencies and other entities for positive identification purposes
2372 when checking public records. It is confidential and will not be used for any other purposes.
2373 I hereby release the employer and agents and all persons, agencies and entities providing
2374 information or reports about me from any and all liability arising out of the requests for or
2375 release of any of the above mentioned information or reports.

2376

2377

2378 Please print your full name _____

2379

2380 _____

2381 Please print other names you have used _____

2382

2383 _____

2384 Home address _____

2385

2386 _____

2387 City State Zip Code

2388

2389 _____

2390 Social Security Number Date of Birth

2391 The following states require sex and race to obtain information: AL, AR, FL, GA, IA, IN, OR, TX, WI.

2392

2393 Male Female

2394 Asian Black Hispanic White Other

2395

2396 _____

2397 Drivers License Number State Issuing License

2398 _____

2399 Name as it appears on license

2400 _____

2401 Signature Today's Date

2402 **APPENDIX D**

2403

2404 **VOLUNTEER PHONE REFERENCE CHECK**

2405

2406 Identify yourself

2407

2408 Tell the person that (applicant's name) gave you permission to call for a personal reference and
2409 that you will keep the conversation confidential.

2410

2411 Explain what the applicant will be doing for the (church's name) and the age and sex of the children
2412 or youth with whom the volunteer will be working.

2413

2414

2415

2416 NAME OF VOLUNTEER APPLICANT _____

2417 NAME OF STAFF/VOLUNTEER CALLING FOR REFERENCE _____

2418 NAME OF REFERENCE _____

2419 TITLE/OCCUPATION _____

2420 PHONE NUMBER _____

2421 DATE CALLED _____

2422

2423 How long have you known (applicant's name) and in what capacity?

2424

2425

2426 Have you observed (applicant's name) Interacting with children/youth/persons with disabilities
2427 and in what kind of environment?

2428

2429

2430 Please describe this interaction.

2431

2432

2433

2434 Is there any other information you can tell me about (applicant's name)?

2435

2436

2437

2438 Would you let (applicant's name) take care of your children or persons with disabilities?

2439

2440 **APPENDIX E**

2441
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2485

INCIDENT REPORT FORM

Reason for report _____

Date of incident _____ Time _____

Name of Reporter _____ Class _____

Title _____

Name(s) of Child(ren) _____ Age(s) _____

Quote the child's first words as spoken: _____

Briefly describe child's/youth's demeanor/appearance. _____

Briefly describe what happened _____

What action did you take?: _____

Has the incident been resolved?: _____ yes _____ no Explain: _____

Were there any witnesses?

Names: _____

Signatures (It possible): _____

Report submitted to: _____

2486 **APPENDIX F**

2487 **Prohibited Acts**

2488

2489 The following acts are prohibited by this Policy and will not be tolerated or accepted during any
2490 (Church) activity or program. Any observations or personal knowledge of such violations must
2491 be immediately reported to a member of the response team (or designated person) after the safety
2492 of the child, children, or youth involved has been assured.

2493

2494 • Any display or demonstration of sexual activity, abuse, insinuation of abuse, or
2495 evidence of abusive conduct towards a child, youth or person with disabilities;

2496

2497 • Sexual advances or sexual activity of any kind between any adult and a child,
2498 youth or person with disabilities;

2499

2500 • Sexual advances or sexual activity of any kind between youth.

2501

2502 • Infliction or physically abusive behavior or bodily injury to a child, youth, or
2503 person with disabilities;

2504

2505 • Physical neglect of a child, children, youth or persons with disabilities,
2506 including failure to provide adequate supervision In relation to the activities of
2507 (Church);

2508

2509 • Causing mental or emotional injury to a child, youth, or person with disabilities;

2510

2511 • Possessing obscene or pornographic materials at any function of (Church);

2512

2513

2514 • Possessing, consuming or being under the influence of alcohol or illegal drugs
2515 while leading or participating in a children's or youth function of (Church).

2516

2517

2518 **APPENDIX G**

2519 **POSSIBLE INDICATORS OF ABUSE**

2520

2521

2522 **NEGLECT**

2523

2524

Behavioral Indicators

2525 1. Is truant or tardy often or arrives early and stays late.

2526 2. Begs or steals food.

2527 3. Attempts suicide

2528 4. Uses or abuses alcohol and/or other drugs.

2529 5. Is extremely dependent or detached.

2530 6. Engages in delinquent behavior, such as prostitution or stealing.

2531 7. Appears to be exhausted.

2532 8. States frequent or continual absence of parent or guardian.

2533

2534

Physical Indicators

2535 1. Frequently is dirty, unwashed, hungry, or inappropriately dressed.

2536 2. Engages in dangerous activities (possibly because he/she generally is unsupervised.)

2537 3. Is tired and listless.

2538 4. Has unattended physical problems.

2539 5. May appear to be overworked and/or exploited.

2540

2541 **SEXUAL ABUSE**

2542

2543

Behavioral Indicators

2544 1. Is reluctant to change clothes in front of others.

2545 2. Is withdrawn.

2546 3. Exhibits unusual sexual behavior and/or knowledge beyond that which is
2547 common for his/her developmental stage.

2548 4. Has poor peer relationships.

2549 5. Either avoids or seeks out adults.

2550 6. Is pseudo-mature.

2551 7. Is manipulative.

2552 8. Is self-conscious.

2553 9. Has problems with authority and rules.

2554 10. Exhibits eating disorders.

2555 11. Is self-mutilating.

2556 12. Is obsessively clean.

2557 13. Uses or abuses alcohol and/or other drugs.

2558 14. Exhibits delinquent behavior such as running away from home.

2559 15. Exhibits extreme compliance or defiance.

2560 16. Is tearful or anxious.

2561 17. Exhibits suicidal gestures and/or attempts suicide.

2562 18. Is promiscuous.

2563 19. Engages in fantasy or infantile behavior.

- 2564 20. Is unwilling to participate in sports activities.
2565 21. Has school difficulties.

2566

2567 ***Physical Indicators***

- 2568 1. Has pain and/or Itching in the genital area.
2569 2. Has bruises or bleeding or swelling in the genital area.
2570 3. Has venereal disease.
2571 4. Has difficulty walking or sitting.
2572 5. Has torn, bloody, and/or stained underclothing.
2573 6. Experiences pain when urinating.
2574 7. Is pregnant.
2575 8. Has vaginal or penile discharge.
2576 9. Wets the bed.

2577

2578 **EMOTIONAL ABUSE**

2579

2580 ***Behavioral Indicators***

- 2581 1. Is overly eager to please.
2582 2. Seeks out adult contact.
2583 3. Views abuse as being warranted.
2584 4. Exhibits changes in behavior.
2585 5. Is excessively anxious.
2586 6. Is depressed.
2587 7. Is unwilling to discuss problems.
2588 8. Exhibits aggressive or bizarre behavior.
2589 9. Is withdrawn.
2590 10. Is apathetic.
2591 11. Is passive.
2592 12. Has unprovoked fits of yelling or screaming.
2593 13. Exhibits inconsistent behaviors.
2594 14. Feels responsible for the abuser.
2595 15. Runs away from home.
2596 16. Attempts suicide.
2597 17. Has low self-esteem.
2598 18. Exhibits a gradual impairment of health and/or personality.
2599 19. Has difficulty sustaining relationships.
2600 20. Has unrealistic goal setting.
2601 21. Is impatient.
2602 22. Is unable to communicate or express his/her feelings, needs, or desires.
2603 23. Sabotages his/her chances of success.
2604 24. Lacks self-confidence.
2605 25. Is self-deprecating and has a negative self-image.

2606

2607 ***Physical Indicators***

- 2608 1. Has a sleep disorder (nightmares or restlessness).
2609 2. Wets the bed.

- 2610 3. Exhibits developmental lags (stunting of his/her physical, emotional, and/or mental
- 2611 growth.)
- 2612 4. Is hyperactive.
- 2613 5. Exhibits eating disorders.

2614
2615

PHYSICAL ABUSE

Behavioral Indicators

- 2618 1. Is wary of adults.
- 2619 2. Is either extremely aggressive or withdrawn.
- 2620 3. Is dependent and indiscriminate in his/her attachments.
- 2621 4. Is uncomfortable when other children cry.
- 2622 5. Generally controls his/her own crying.
- 2623 6. Exhibits a drastic behavior change when not with parents or caregiver.
- 2624 7. Is manipulative.
- 2625 8. Has poor self-concept.
- 2626 9. Exhibits delinquent behavior, such as running away from home.
- 2627 10. Uses or abuses alcohol and/or other drugs.
- 2628 11. Is self-mutilating.
- 2629 12. Is frightened of parents or going home.
- 2630 13. Is overprotective of or responsible for parents.
- 2631 14. Exhibits suicidal gestures and/or attempts suicide.
- 2632 15. Has behavior problems at school.

2633

Physical Indicators

- 2635 1. Has unexplained* bruises or welts, often clustered or in a pattern.
- 2636 2. Has unexplained* and/or unusual bumps (cigarettes, doughnut-shaped, immersion-
- 2637 lines, object-patterned).
- 2638 3. Has unexplained* bite marks.
- 2639 4. Has unexplained* fractures or dislocations.
- 2640 5. Has unexplained* abrasions or lacerations.
- 2641 6. Wets the bed.

2642

(* Or explanation is inconsistent or improbable.)

2643

2644
2645 Adapted from: Johnson, Becca Cowan. 1992. For Their Sake: Recognizing, Responding to, and
2646 Reporting Child Abuse. Martinsville, IN: American Camping Association. Reprinted by
2647 permission of the publisher. For permission beyond limited use in creating church policy, please
2648 contact the publisher at 317/342-8456.

2649

2650 **APPENDIX H**

2651 **A MODEL TRAINING SESSION**

2652

2653 Rationale: Children, youth, and those persons with disabilities are valuable members of the
2654 community of faith. Jesus emphasized both the faith and the vulnerability of children in Mark 10:
2655 13-16. This condition places them at risk. Their faith and dependence places them close to God.
2656 This was the example of faith Jesus proposed to his disciples. Reflecting upon the sacrament of
2657 baptism as expressed in our covenant faith, we stand in need of God's grace even before we can
2658 possibly acknowledge it. Likewise, it is imperative for the community of believers to guard its
2659 most vulnerable members even before they cry for help.

2660

2661 As we seek to nurture the spiritual formation of all our members, into a rich and full relationship
2662 with Jesus Christ and his church through positive persons, programs and events, the church must
2663 take intentional steps to address those actions and incidents, which do them, harm.

2664

2665 **A Training Outline**

2666

2667 A. Demonstrate the reality of child abuse and the church's responsibility to children and those with
2668 disabilities. This reality should be communicated regularly to the church as a whole through some
2669 or all of the following ways:

2670

2671 bulletins/inserts

2672

newsletter articles

2673

letters to members, volunteers, parents

2674

posters and other visuals

2675

special theme Sundays focusing on children's safety issues

2676

educational event for children and others focusing on safety issues

2677

(TEAM for WV Children (Huntington—304-523-9587) and other community resources

2678

may be helpful here.)

2679

2680 B. Provide annual orientation for church leaders and all those charged with the care and

2681 oversight of this population (direct and indirect)

2682

2683

1. Introduction

2684

- welcome and opening worship

2685

- introduce rationale: Jesus summed up the rule for behavior in a simple statement--to love God and one another. As we want to be loved, respected, cared for, and protected, we seek the same for those who depend on us.

2686

2687

- study a biblical text: Matt. 18:1-6; Mark 10: 13-16; Luke 18: 15-17; Eph. 5: 11-13

2688

2689

2690

- 2. Define abuse- physical, emotional, spiritual, sexual (see policy).

2691

2692

- 3. Describe areas of vulnerability within the church and Presbytery programs and events.

2693

- 2694 4. Outline legal implications for protection including consequences of allegations (Appendix
2695 I)
2696
- 2697 5. Review existing policies that govern working with this population
2698
- 2699 6. Discuss worker selection and training
2700 Volunteer Information form
2701 Criminal record check system, available through Presbytery
2702
- 2703 Present a detailed discussion of appropriate and inappropriate behavior when working with
2704 this population (boundaries, imbalance of power, etc.)
2705
- 2706 8. Discuss the importance of the Two-Adult Rule
2707
- 2708 9. Discuss ways of recognizing, reporting, and responding to incidents of abuse
2709
- 2710 Note: Any training session should include a time of concern for both victims of abuse and
2711 those who abuse.
2712
- 2713 provide a list of recommended resource people, agencies, and counselors
2714 provide a list of resources found in Presbytery's resource center (Appendix J)
2715 Provide names and phone numbers of Church Response Team
2716 Provide a list of possible indicators of abuse (Appendix G)
2717
- 2718 10. Close with prayer for healing and wholeness.
2719
2720
- 2721 MacDonald, Bonnie Glass. Child Abuse Ministry. Committee on Justice for Children and Their
2722 families. 1995. USA.
2723
- 2724 MacDonald, Bonnie Glass. Surely Heed Their Cry. 1983 PCUSA.
2725
- 2726 Melton, Joy Thornburg. Safe Sanctuaries: Reducing the Risk of Child Abuse in the Church. 1998.
2727 Discipleship Resources. Nashville.
2728
- 2729 Reid, Kathryn Goering. Preventing Child Sexual Abuse ages 5-8. 1994. United Church Press.
2730 Cleveland.
2731
- 2731 Reis, Kathryn Goering and Marie Fortune. Preventing Child Sexual Abuse ages 9-12. 1989. United
2732 Church Press. Cleveland.
2733

2734 **APPENDIX I**

2735 *West Virginia Child Abuse Reporting Law*

2736

2737 West Virginia Public Welfare Law Chapter 49 requires that when any “child care
2738 worker...or member of the clergy has reasonable cause to suspect that a child is neglected or
2739 abused or observes the child being subjected to conditions that are likely to result in abuse or
2740 neglect, such person shall immediately, and not more than 48 hours after suspecting this abuse,
2741 report the circumstances or cause a report to be made to the state department of human services.
2742 Provided, that in any case where the reporter believes that the child suffered serious physical
2743 abuse or sexual abuse or sexual assault, the reporter shall also immediately report or cause a report
2744 to be made to the division of public safety and any law-enforcement agency having jurisdiction
2745 to investigate the complaint.”

2746

2747 A person shall be found guilty of a misdemeanor for knowingly failing or knowingly
2748 preventing another person acting reasonably from reporting a case involving a child known or
2749 suspected to be abused or neglected. Upon conviction, the person shall be confined in the county
2750 jail not more than ten days or fined not more than one hundred dollars, or both.

2751

2752 The State Department of Health and Human services may be reached at 1-800-352-6513,
2753 24 hours per day. This is a confidential report.

2754

2755 **APPENDIX J**

2756

2757

**Resources available in the Resource Center
Of the Presbytery of West Virginia
(10/19/00)**

2758

2759

2760

2761 Fowlkes, Mary Anne. *The Church Cares for Children: A Handbook for Childcare in the Church.*
2762 1995. Presbyterian Publishing House.

2763

2764 Freeman, Lory. *It's My Body.* 1982. Parenting Press.

2765

2766 Freeman, Margery, editor. *Helping Churches Mind the Children.* 1989. National Council of
2767 Churches.

2768

2769 Gnatuk, Carole A., Mavis Grant Lilley, and Theresa Imhoff-Gannett. *Child Advocacy Workshop*
2770 *Kit.* Presbytery of West Virginia.

2771

2772 Guy, Kathleen and Shannon Daley. *Welcome the Child: A Child Advocacy Guide for Churches.*
2773 1994. Children's Defense Fund.

2774

2775 Hale, Gloria, Editor. *The Source Book for the Disabled.* 1979. Saunders Press.

2776

2777 Hammar, Richard R., Steven W. Klipowicz, and James F. Cobble, Jr. *Reducing the Risk: Making*
2778 *Your Church Safe From Child Sexual Abuse.* 1993. Church Law & Tax Report.

2779

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APPENDIX C

Presbytery of West Virginia Policies and Procedures for Dissolving Congregations

2868 *Adopted June 16, 2009*

2870 All systems have a natural life span, some longer than others, and so it is with congregations.
2871 That life span may be hundreds, even thousands of years, but it may also be just a few decades.
2872 But however long it is, when the time comes for a congregation to dissolve, it will be stressful,
2873 grief-filled and unpleasant.

2874 In such a time, it is important to have established guidelines so all involved will know what to
2875 expect and how to proceed. It also lessens the chance for error or overlooking something
2876 important.

2877 As the Book of Order of the Presbyterian Church (U.S.A.) has limited guidelines on the process,
2878 the Presbytery of West Virginia adopts these policies and procedures for dissolution of
2879 congregations.

I. GETTING STARTED

2881
2882 When it appears that the time has come for a congregation to be dissolved, the session
2883 should adopt a motion requesting presbytery appoint an administrative commission for
2884 the purpose of dissolving the congregation.

2885 This “time” can arrive in any number of ways:

2886 i. The session discerns that the church no longer has the human or financial
2887 resources to continue.

2888 ii. The session, in consultation with the appropriate entity of presbytery, e.g. the
2889 Committee on Ministry or Committee on Congregational Development, concludes
2890 that the congregation’s mission in that time and place is concluded.

2891 Note that in both instances, it is the session which is driving the decision. While the Book
2892 of Order clearly gives presbytery, and presbytery only, the authority to establish and
2893 dissolve congregations (G-11.0103h-i), no dissolution will reasonably or ordinarily occur
2894 without the agreement of session, and through it the congregation.

2895
2896 Such a decision should not be made in haste or in a vacuum. As the Session considers
2897 whether to adopt such a motion, it should involve representatives from Presbytery, either
2898 the Committee on Ministry or Committee on Congregational Development, to explore all
2899 the options available to it. For example, other options might be merger or yoking with
2900 another nearby congregation. Other options might include a different model of pastoral
2901 leadership, e.g. part-time, commissioned lay pastor, supply, etc. The language of G-7.0102¹, and
2902 the congregation’s ability to fulfill it, should always be before the Session. Session, and the
2903 congregation, should also be reminded of the covenant adopted when the congregation was
2904 organized: “We, the undersigned, in response to the grace of God, desire to be constituted and
2905 organized as a church to be known as _____. We promise and covenant to live together in unity
2906 and to work together in ministry as disciples of Jesus Christ, bound to him and to one another as
2907

2908 ¹ The particular church carries a vital responsibility in the mission of the church. There God's people perform
2909 especially the ministries of worship, proclamation, sharing the Sacraments, evangelism, nurture, counseling,
2910 personal and social healing, and service. Without this basic ministry to persons, neighborhoods, and communities,

2911 and the support given at the congregational level through prayer, personnel, and money, any other significant
2912 ministry of the church becomes impossible. Congregations serve as essential mission arms of the presbytery and of
2913 the larger church.
2914 A part of the body of Christ in this place according to the principles of faith, mission, and order
2915 of the Presbyterian Church (U.S.A.)” (G-7.0201) Once session has adopted the motion, it should
2916 immediately be communicated to the Stated Clerk.

2917

2918 **II. PRESBYTERY RESPONSE**

2919 *A. Creating the Commission*

2920 Once the request from session has been received, the stated clerk will forward it to the
2921 Committee on Ministry, which will consider the request, and if it concurs,
2922 recommend to presbytery the creation of a commission.² The moderator shall appoint
2923 the commission, consisting of seven members, one of whom shall be a member of the
2924 dissolving congregation. The moderator shall designate a chair of the commission,
2925 who shall convene the commission as quickly as possible.

2926

2927 The commission shall be formed according to G-9.0504(b) 3. (For the purposes of
2928 efficiency, COM may provide the moderator with a list of suggested commission
2929 members prior to the actual election.)

2930

2931 It is important that the Administrative Commission be given all the authority it needs
2932 to accomplish its task, and since a commission only has the authority specifically
2933 given it when created (G-90502), the motion from the COM to presbytery should
2934 include:

2935 1. The Presbytery of West Virginia approves the dissolution of the _____
2936 Presbyterian Church, effective __/__/__.

2937

2938 2. Assign Commission to assist the pastor and/or session to wind up the affairs of
2939 the church, transfer of remaining members, plan worship, thanks to God for the
2940 ministry of the congregation.

2941

2942 3. Authorize the Commission (or Stated Clerk) to receive Session Records (list all
2943 the records), retain records to wind up affairs, deposit with the Stated Clerk of the
2944 Presbytery, who will then forward to Presbyterian Historical Society.

2945

2946 4. Authorize the Commission (or Stated Clerk) to grant letters of dismissal to
2947 members whose names are still on the roll. We would limit this to a one year
2948 grant to encourage movement in finding new church homes.

2949

2950 5. RECITE: Under Form of Government, Chapter VII, Section 2 and Section 4
2951 (G-8.0200, and G-8.0400) all property of the _____ Presbyterian Church is
2952 held in trust for the Presbyterian Church (U.S.A.). The Administrative
2953 Commission of Presbytery of West Virginia, appointed __/__/__, is authorized to
2954 take possession of all real and personal property, financial records, inventories of
2955 equipment, (list other assets if there are others) and arrange for transfer of title to
2956 the Presbytery of all accounts and real property known to be in the possession of
2957 _____ Presbyterian Church.

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² While Presbytery has delegated to COM some authority to act in its stead, this is not an area that should be delegated. COM can recommend an AC be created, and nominate the members, but only presbytery should elect it. (Authoritative Interpretation approved by the 207th GA (1995))

6. Authorize the Commission to consult with the session regarding requests the congregation may have relating to the disposition of equipment and memorials and other property of the _____ Presbyterian Church, and from the date of the action to approve the disposition of property or to arrange for its retention and storage for future use at the direction of the presbytery.

7. Authorize the Commission (and/or the Trustees) to assert claim of the presbytery to any property of the _____ Presbyterian Church not known at this time or property which may come to the _____ Presbyterian Church as the beneficiary of a will or trust not known at this time.

B. Duties of the Commission

(Note: Each of the following duties should be executed in consultation with the Session of the church which is to be closed, if possible.)

1. Arrange for the pastoral care of church members

- a. Work with the Session to identify where members wish their membership to be transferred.
- b. Appoint a pastor to be responsible for pastoral care until membership is transferred or a clear decision is made to cease being an active member of any congregation.
- c. Membership is held by the Stated Clerk of the Presbytery for one year if not transferred prior to dissolution of the congregation.
- d. If the member wishes to transfer membership before the church is dissolved, the Clerk of Session of that church will send the letter of transfer. If the membership is transferred after the dissolution of the church, the Stated Clerk of Presbytery will send the letter.

2. Plan a closing worship service celebrating the life and ministry of the congregation.

- a. Set the date and the time for the service.
- b. Aim for the warmer months whenever possible.
- c. Allow ample time for the date to be publicized and invitations issued.
- d. Decide what special features the service should include.
- e. Determine whether the celebration of the Lord's Supper would be appropriate.
- f. Consider structuring the service as a Service of Witness to the Resurrection, using resources from the *Book of Common Worship*.
- g. Identify a possible preacher and other participants.
 - i. Former pastors/preachers might be invited.
 - ii. At least one representative from the church should be included.
 - iii. At least one representative from the Commission should be included.
 - iv. The Executive Presbyter (or other Presbytery Representative) should be included.

- 3005 h. Identify favorite hymns of church members.
- 3006 i. Consider possibilities for special music, including:
- 3007 i. the church choir, if one exists.
- 3008 ii. Soloists, from church, presbytery, or community.
- 3009 iii. A community or presbytery choir (existing or ad hoc).
- 3010 iv. Instrumentalists.
- 3011 v. A bagpiper (if in the church's tradition).
- 3012 j. Have the Session designate where the proceeds from the Offering will go
- 3013 (generally some local concern such as a hunger program or woman's/homeless
- 3014 shelter).
- 3015 k. Arrange for ushers, "car parkers", and elders to serve Communion (if needed).
- 3016 l. Type and print bulletins.
- 3017 m. Arrange for preparation of communion elements, if needed.
- 3018 n. Arrange for any needed cleaning of facility before the service
- 3019 **3. Publicize the closing service**
- 3020 a. Have church members make a "guest list" of relatives, friends, former
- 3021 members, etc. whom they wish to invite to the celebration.
- 3022 b. Have invitations printed and give to church members to send out (stamps
- 3023 should be paid for out of church treasury.)
- 3024 c. Design a flier and write accompanying letter to be distributed to the churches
- 3025 and members of the Presbytery.
- 3026 d. Send flier and letter to Presbytery office with ample time for duplication and
- 3027 distribution.
- 3028 e. Arrange for local newspaper coverage and photographer (picture might also
- 3029 go on the cover of the worship service bulletin).
- 3030 **4. Arrange for the reception following the worship service**
- 3031 a. Identify the location for a reception.
- 3032 b. Decide how the food will be provided (Caterers? Church members?).
- 3033 c. Determine what financial resources the congregation has to pay for this.
- 3034 d. Appoint a "sub-committee" to take charge of decorating and other
- 3035 arrangements.
- 3036 e. Gather memorabilia to display.
- 3037 f. Plan any type of program, toasts, etc.
- 3038 **5. Ascertain the financial status and outstanding financial obligations of the**
- 3039 **session.**
- 3040 a. Conduct a financial review of the Treasurer's books for the last 12 months.
- 3041 b. Determine location of checking accounts, savings accounts, endowment
- 3042 accounts, Sunday school accounts. Women's group accounts, and any other
- 3043 financial resources.
- 3044 c. On endowment or memorial accounts determine if there are any bequest
- 3045 stipulations
- 3046 d. Have all accounts closed, transferring any balances to the primary checking
- 3047 account of the Session
- 3048 e. Submit new signature card(s) for accounts with at least two members of the
- 3049 Administrative Commission designated as signatories
- 3050 f. Determine any outstanding debts/obligations

- 3051 g. Publish in local paper a public notice to the effect:
3052 *The _____ Church of _____, West Virginia*
3053 *will cease operation on or about (date). Any outstanding debts/financial*
3054 *obligations must be submitted in writing to the church treasurer at (address)*
3055 *by the close of the business day (date).*
3056 h. Oversee the discharge of all financial obligations by the church treasurer.
3057 i. Oversee the provision of a "statement of contribution" to all current year
3058 contributors.
3059 j. If the church owns any stocks, bonds, certificates, or other financial
3060 instruments have ownership of such transferred to the Presbytery of West
3061 Virginia.
3062 k. Following the dissolution, transfer all remaining balances to the Presbytery of
3063 West Virginia and close all remaining accounts.

3064 **6. Secure the session records**

- 3065 a. Locate all Session minutes, the church register, and other financial and legal
3066 records to be transferred to the Presbytery Historical Society.
3067 b. The Clerk of Session will hand these symbolically to a representative of the
3068 Presbytery (Stated Clerk) at the conclusion of the Closing Celebration.

3069 **7. Secure the legal rights to the property**

- 3070 a. Secure a Clear Title to the property
3071 b. A copy of the deed may be obtained from the county courthouse. A copy of
3072 the deed should be sent to the Presbytery Trustees.
3073 c. Ascertain if there are any deed restrictions or stipulations.
3074 d. Transfer title of the property to the Presbytery of West Virginia.
3075 e. Have the property listed on the Presbytery's property and liability insurance
3076 coverage, terminate any current insurance coverage.
3077 f. At the time of the sale of property, Presbytery must notify the County
3078 Assessor's Office that the property is no longer used as a church.

3079 **8. Secure the building and property**

- 3080 a. Arrange for the disposition of furnishings
3081 1. The Session, with the concurrence of the Administrative Commission,
3082 needs to arrange for the disposition of furnishings, communion ware,
3083 hymnals, Sunday school supplies, pulpit, lectern, and communion table,
3084 etc. These may be given away, sold by the piece, or bids may be received
3085 for the entire lot of furnishing. It is recommended that at least one
3086 appraisal by an antiques dealer/estate assessor be obtained before
3087 accepting any bids.
3088 2. These decisions should be documented in detail in both Session and
3089 Commission minutes.
3090 b. Ascertain which utilities should remain connected and which may be
3091 disconnected and make these arrangements with the proper companies. Have
3092 the billing for the utilities transferred to the Presbytery of West Virginia
3093 following the closing service.
3094 c. It may be necessary to maintain heat during the winter to avoid damage.
3095 d. Electricity and water (if available) should remain on until the closing
3096 celebration.

- 3097 e. Arrangements should be made to drain the pipes when utilities are turned off.
- 3098 f. Secure the building and recover keys from anyone who does not need access.
- 3099 g. If distribution of keys is widespread and any contents are valuable, consider
- 3100 having the locks changed.
- 3101 h. Make provisions for a caretaker until the final disposition of the property,
- 3102 including mowing of lawn and maintenance of any sidewalks.

9. Attend to matters of insurance (with Trustees)

- 3104 a. All insurance coverage should be maintained at least until the final worship
- 3105 service.
- 3106 b. Liability coverage should be maintained until the final disposition of the
- 3107 property.
- 3108 c. Once the church is dissolved, coverage should be moved to the Presbytery's
- 3109 policy.

10. Disposition of buildings and grounds (with Trustees)

- 3111 a. Have the property surveyed if this is needed.
- 3112 b. Obtain an appraisal from at least one real estate agency.
- 3113 c. If the building is to be sold, make decisions about how it will be placed on the
- 3114 market.
 - 3115 1) If sold to third party, it is the Trustees that normally sign the deed and
 - 3116 handle the sale (including hiring professionals - attorney, real estate
 - 3117 persons, appraisers, etc.)
 - 3118 2) If the real estate is going to be retained by the presbytery, the
 - 3119 Commission needs to see that the title to the property is put in the
 - 3120 presbytery's name. It is probably better to have the session do this as
 - 3121 one of its final acts. However if that doesn't happen, the Commission
 - 3122 can do it, so long as it has been given the power.
- 3123 d. Recommend to the Presbytery Trustees any stipulations regarding the sale of
- 3124 building and property (for example, that it should be used in a "manner
- 3125 respectful of its heritage", that buyers have the wherewithal to maintain the
- 3126 building, that a liquor license never be granted to any establishment using the
- 3127 premises.)
- 3128 e. After the closing worship service remove any identifying signage and the
- 3129 cornerstone, if possible (checking for a time capsule.)

11. Dissolution of the commission

- 3131 a. Commission asks to be dissolved on an effective date.
- 3132 b. Commission reports to the Presbytery. The report should briefly recite the
- 3133 congregation's history, lifting up the highlights and giving Thanks for the
- 3134 ministry. Next the report needs to describe the process and actions the
- 3135 Commission has taken (including the action making the presbytery the
- 3136 "successor in interest" to the congregation.) Finally the report needs to give a
- 3137 full accounting of the transfer of members (and listing those remaining on the
- 3138 roll so Stated Clerk can thereafter keep the roll) and of the distribution of the
- 3139 assets.
- 3140 c. Commission submits minutes to the Stated Clerk.

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APPENDIX D

**PRESBYTERY OF WEST VIRGINIA
POLICY FOR DISMISSAL**

Of Congregations seeking dismissal to another Reformed body

Approved December 3, 2011

3151 Policy Statement - In the spirit of Christ, seeking to assist congregations in difficult times, this
3152 document proposes a policy of dismissal from the PC(USA) that expresses the love of Christ for
3153 all involved. The PWV has no desire to bring disagreements before civil courts (1 Corinthians
3154 6:1-7), instead, we seek to love one another as Christ has loved us (John 15:12). May this policy
3155 and how we enact it be an offering pleasing unto our Lord and to the glory of God.

3156
3157 Purpose – to set forth the process to be followed regarding the separation of a church from the
3158 Presbyterian Church (USA). To facilitate such congregational action through a process of
3159 “graceful separation” while seeking to protect the rights of minority members.

3160
3161 *According to the Constitution (G-11.0103i BOO and G-3.0303b of nFOG) the presbytery has*
3162 *been given the responsibility and authority for dismissing a congregation, and therefore has the*
3163 *power to do so. It is the sole body that has that power constitutionally.*

3164
3165 General Policy statements:

- 3166 1. The presbytery may approve the transfer of affiliation of a congregation to another
3167 reformed denomination and, in that transfer, the matter of the disposition of property will
3168 be negotiated.
- 3169 2. The presbytery cannot transfer the affiliation of a congregation to a non-reformed body.
3170 The presbytery may approve the dissolution of a congregation and subsequently dispose
3171 of the property.
- 3172 3. Requesting to be dismissed to another denomination is not a valid subject for a called
3173 congregational meeting by the Session (G-1.0503). The presbytery calls the meeting
3174 through the COM special committee working with the congregation.

3175
3176 Procedures:

- 3177 1. Upon receiving notification from the church session of the desire to be dismissed, the
3178 presbytery through its Committee on Ministry shall appoint a special committee to meet
3179 with the congregation. The presbytery committee members will be allowed to speak at
3180 the congregation’s meeting. No vote is to be taken at this meeting, but the committee is
3181 to gauge the “will of the body” to determine whether or not to pursue dismissal.
- 3182 2. Should the presbytery committee determine that the will of the body is to pursue
3183 dismissal, a special called meeting of the congregation may then be called by the
3184 Presbytery’s COM special committee to vote on the issue. A quorum of 50% plus one of
3185 the congregation’s membership, with such membership being determined from the
3186 congregation’s official records, must be present for a meeting called for the purpose of
3187 voting on leaving the Presbyterian Church (USA) PC (USA) in order for the Presbytery
3188 to consider dismissal of the congregation to another Reformed body. The vote of a

- 3189 congregation is an advisory vote to the Presbytery, therefore the vote is a request to the
3190 Presbytery to be dismissed to a particular Reformed body.
3191
- 3192 3. Voting must be by secret ballot by members on the active rolls (on the date above) of the
3193 congregation present at the meeting. No proxy or absentee voting is permitted. Members
3194 of the Presbytery shall be present as observers. A security system to prevent double
3195 voting and nonmember voting must be in place. The ballot will include space for an
3196 “Abstain” vote. Abstentions will be considered as present for quorum purposes. The
3197 congregational vote will occur at a called or special congregational meeting. There would
3198 be discussion and voting at each session. PWV representatives would attend and have a
3199 right to participate in the discussion. There shall be no counting or announcement of any
3200 voting prior to the collection of all ballots.
 - 3201 4. A vote to be dismissed must be passed by at least 66% of those members present and
3202 voting.
 - 3203 5. If any member, present and voting, contests the regularity and constitutionality of the
3204 meeting, he or she may send the details of the allegation to the Stated Clerk of the PWV,
3205 who shall convene the Permanent Judicial Commission to render a decision within the
3206 timeframes and requirements set by the Book of Order (D-6.0202).
 - 3207 6. A place shall be identified in advance for those in the minority to meet for prayer and
3208 support following the congregational vote.
 - 3209 7. PC(USA) pastors must be able to make individual and personal decisions about their call;
3210 therefore, the pastor shall be guaranteed a year’s continued employment or compensation
3211 in lieu of such employment, paid by the congregation, if the pastor chooses to remain in
3212 the PC(USA).
 - 3213 8. Seminarians supported by the congregation must make individual decisions about their
3214 sense of call and shall be given time to work with the Presbytery’s Committee on
3215 Preparation for Ministry to make any arrangements necessary for transferring their
3216 church membership within the PC(USA). If they are being financially supported by the
3217 congregation, that level of support shall be continued by the departing congregation for
3218 one year, if the seminarian remains in the PC(USA).
 - 3219 9. All memorials and endowment funds need to be reviewed by the congregation (Session
3220 or appointed body) and Presbytery representatives and residual trust concerns taken into
3221 account to insure compliance with the donor’s intentions.
 - 3222 10. If the Presbytery of West Virginia has assisted the congregation in obtaining loans or
3223 otherwise become financially responsible to a third party, then, and in such event, the
3224 congregation must obtain a release of any responsibility of Presbytery before a dismissal
3225 will be considered.
 - 3226 11. All financial property issues (fiscal and physical) and ongoing mission support issues
3227 must be negotiated with Presbytery prior to a vote by Presbytery on dismissal. In the
3228 event of a sufficient congregational vote for dismissal, the Presbytery and the session will
3229 each authorize particular persons (three from each body) to serve as a negotiating team.
 - 3230 12. Correspondence from the prospective receiving denomination indicating that they will
3231 receive this congregation must be received by PWV prior to the matter going to
3232 presbytery for a vote.
 - 3233 13. The vote of the Presbytery on the request to dismiss shall require a simple majority of
3234 those present and voting.

3235 **OTHER ISSUES**

3236
3237 A Permanent Judicial Commission decision states **that a presbytery is not permitted to dismiss a**
3238 **church to an independent status.** The proper procedure is to dissolve the church. This would
3239 allow the presbytery to sell the property to the congregation for fair market value or for the
3240 congregation to arrange to lease the property from the presbytery for a fair rental fee.

3241
3242 Commissioned Lay Pastors/Commissioned Ruling Elders (CLP/CRE) are reminded that the
3243 authority of their commission rests with the Presbytery. Should a congregation served by a
3244 CLP/CRE be dismissed, the commission to serve that congregation ceases to be valid.

3245
3246 **QUESTIONS TO CONSIDER**

3247
3248 What has been important to us in terms of the historical connection of this congregation to the
3249 PC(USA) and the local presbyteries? What relationships have enabled our mission and ministry to
3250 be effective and meaningful?

3251
3252 What will we lose by severing our connection to the Presbytery of West Virginia? (Bluestone
3253 Camp), (Presbyterian Women), (Resource Center), (Collegial Relationships)

3254
3255 What is the ordination status of women elders in the receiving denomination?

3256
3257 Who will provide pastoral leadership to this congregation after dismissal from the Presbytery of
3258 West Virginia?

3259
3260 From where will we receive resource support for education programs?

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APPENDIX E

SABBATICAL LEAVE POLICY
PRESBYTERY OF WEST VIRGINIA

3267 *Approved May, 2004*

- 3269 1. The purpose of a Sabbatical Leave policy within the Presbytery of West Virginia is to allow
3270 time away from normal job responsibilities for personal and professional growth, spiritual
3271 renewal and a revitalization of vision and hope. The leave should offer a time of
3272 refreshment for the benefit of both the participant in the leave and his/her staff or
3273 congregation/validated ministry. It would also be appropriate for the session to consider
3274 how the sabbatical time could be an opportunity for its own growth and renewal.
- 3275 2. A Sabbatical Leave is a break and change from the everyday routine and therefore would
3276 include a balance of reflection and prayer, rest, study and travel. It is not to be considered
3277 a vacation. It is NOT intended to be used as a chance to escape difficulties within the work
3278 place nor is it a substitute for annual study leave.
- 3279 3. Eligibility for a Sabbatical Leave would require the completion of a least seven (7)
3280 consecutive years of employment within the particular congregation/validated ministry.
3281 There must be at least seven (7) years between Sabbatical Leaves.
- 3282 4. Specific requirements include:
- 3283 a. Ordinarily, the length of a Sabbatical Leave will be a maximum of four (4) months
3284 in any one year (or two months in each of two consecutive years); annual study
3285 leave may not be taken contiguous with a sabbatical; and vacation would not be
3286 taken in conjunction with sabbatical leave.
- 3287 b. Adequate opportunities for planning the substance of the Sabbatical Leave and for
3288 the sharing of its results are vital to its success and should not be overlooked. Prior
3289 to the beginning of the leave, there should be at least one-year notice to the session,
3290 the congregation/validated ministry and staff outlining the purpose of the sabbatical
3291 as stated in 1 above. Nine months prior to the leave, a written proposal detailing its
3292 purpose and content should be submitted to the session. Proposals for interim
3293 pastoral leadership shall be developed and presented for approval.
- 3294 c. During the period of the Sabbatical Leave, full salary and benefits will be provided
3295 by the congregation/validated ministry. Payments under the terms of call for travel
3296 expenses and other administrative expenses will be suspended during the period of
3297 the Sabbatical Leave.
- 3298 d. Upon returning from Sabbatical Leave, the minister must remain in his/her position
3299 for at least one (1) year or otherwise forfeit the salary attributable to the period of
3300 the leave.
- 3301 e. There will be a detailed report and reflections along with re-entry plans which will
3302 allow the session, congregation and the minister to share their different journeys.
- 3303 f. In all cases, the minister will be restored to his/her former position and status and
3304 shall receive a salary at the level he/she would have had had he/she not taken the
3305 Sabbatical Leave.
3306

3307 **APPENDIX F**

3308
3309 **General Assembly Commissioners and**
3310 **Young Adult Advisory Delegate Selection Criteria**

3311
3312 *Approved November 16, 2013*

3313
3314 **PREAMBLE**

3315 Every two years the General Assembly meets, and the Presbytery of West Virginia elects
3316 commissioners and Young Adult Advisory Delegates (YAADs) to attend. The Presbytery's
3317 Nominating Committee prayerfully selects nominees for commissioners, delegates and alternates
3318 for every position by following the procedures given below. The Nominating Committee will be
3319 guided in its work by the leading of the Holy Spirit, and the appropriate provisions of the Book of
3320 Order, particularly F-1.03, F-1.04, and G-3.0302a., keeping in mind the rich diversity found in the
3321 membership of our churches. Full consideration shall be given to all persons regardless of racial
3322 or ethnic background, age, sex, marital condition, disability, geographical area, or different
3323 theological positions.

3324
3325 **PRINCIPLES**

- 3326 1. Nominees for GA Commissioners and Young Adult Advisory Delegates (YAAD's)
3327 and alternates shall be selected by the Nominating Committee.
- 3328 2. Only those who are active in the life of the Presbytery of West Virginia and its member
3329 churches will be nominated.
- 3330 3. Commissioners selected will be expected to be good commissioners, fully engaged in
3331 the difficult process of learning how the GA process works; reading advance materials;
3332 and attending assigned committee meetings and actively participating in the committee
3333 discernment process.
- 3334 4. Qualifications shall include ability and activity in the life of the Church.
- 3335 5. Commissioners/ Delegates must have the ability to Interpret and communicate the
3336 actions of the GA back to the Presbytery.
- 3337 6. Teaching Elders must be serving within the bounds of the Presbytery; serving on staff
3338 of a congregation, or in a Validated Ministry.
- 3339 7. Alternates will not be guaranteed to be the primary commissioner to the next GA, but
3340 will be eligible to re-apply to be considered in the next nominating process.

3341 **PROCEDURES (Criteria)**

- 3342 1. Selection of Teaching Elder Commissioners:
- 3343 A. Applications are made to the Nominating Committee, by those interested in
3344 serving as GA Commissioners.
- 3345 B. Nominees must have been ordained at least 5 years before applying, and must
3346 be in active service..
- 3347 C. The Nominating Committee can apply a Point System to further determine
3348 eligibility: one point for every year of ordained service as a PC(USA) minister,
3349 or one point for every year since last attended GA as a commissioner, plus one
3350 point for every year served in the Presbytery of West Virginia.

3351 D. Candidates should have a record of regular participation in meetings of
3352 Presbytery, a history of having worked on Presbytery committees, and have
3353 demonstrated a basic knowledge of the functioning of higher governing bodies.
3354

3355 2. Selection of Ruling Elder Commissioners:

3356 A. Application by those interested in serving as GA Commissioner, with an
3357 endorsement from the member's church session; including the date of the
3358 session meeting when endorsement given.

3359 B. A history of having worked in ministry of the church, whether as an active
3360 member of the church session or not.

3361 C. A record of serving in higher councils, on presbytery committees, and/or as a
3362 commissioner to presbytery meetings.

3363 D. d When considering the qualifications of the Ruling Elder nominees, the
3364 Nominating Committee will:

3365 1. attempt to balance representation between large/small churches

3366 2. consider elapsed time since an elder from that church was selected

3367 3. consider geographic location of that church
3368

3369 3. Selection of Young Adult Advisory Delegates:

3370 A. Application by those interested in serving as YAAD with an endorsement from
3371 the member's church session, including the date of the session meeting when
3372 endorsement given.

3373 B. Candidate must meet the age guidelines (18-22 years of age).

3374 C. The YAAD must be one who:

3375 D. would view the nomination as an honor and an opportunity.

3376 E. would be willing to do a lot of reading.

3377 F. has an insight and understanding of complex issues.

3378 G. has an ability to communicate verbally.

3379 H. is involved in the local church activities.

3380 I. The Nominating Committee will attempt to balance representation between
3381 large/small churches when considering the selection of the Young Adult
3382 Advisory Delegate (YAAD).
3383

3384 The above procedures apply to the selection of commissioners, young adult advisory delegates
3385 and alternates. Endorsing teaching elders or ruling elders for the position of moderator of the
3386 General Assembly follows other procedures that are published by that body.

3387
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3389

APPENDIX G

POSITION DESCRIPTION

3390 TITLE: GENERAL PRESBYTER Full Time
3391 PURPOSE: The General Presbyter shall facilitate ministry, mission, and relationship,
3392 as these are the core values of the Presbytery of West Virginia. The
3393 General Presbyter shall be the facilitator of the Presbytery and fulfill the
3394 responsibilities outlined in the *Book of Order* G-9.0701.
3395
3396 ACCOUNTABILITY: He/She shall be accountable to the Presbytery through its
3397 Administration Committee and Leadership Team.
3398
3399 TERM OF SERVICE: Indefinite
3400
3401 RESPONSIBILITIES:
3402 1. To help the Presbytery relate, listen to, and understand each other, and to help
3403 foster experiences of unity in Christ which make our diversity creative.
3404
3405 2. To work with the Leadership Team in developing a vision and strategic direction
3406 and then develop commitment to that vision.
3407
3408 3. To affirm and support the creative ministry of pastors and sessions and promote
3409 the ministry of the people of God in the world.
3410
3411 4. To be the administrator of the Presbytery. To be head of staff; to develop,
3412 supervise, motivate, and coordinate the staff team to provide the needed ministries
3413 to carry out the mission of the Presbytery.
3414
3415 5. To be a resource and to provide for the effective functioning of the Administration
3416 Committee, Leadership Team, Nominating Committee, Trustees, and other
3417 committees of Presbytery as appropriate.
3418
3419 6. To communicate to pastors and sessions, as well as to committees, elected leadership
3420 and staff, the validity and value of their ministry, and to express the caring of the
3421 Presbytery for its servants.
3422
3423 7. To interpret the needs of the Presbytery to the Synod and General Assembly and
3424 the needs of the Synod and the General Assembly to the Presbytery.
3425
3426 8. To participate in the life and/or worship of congregations throughout the Presbytery
3427 on a regular basis. (A suggested goal is no more than 35 and no less than 30 visits
3428 per year.)
3429
3430 COMPENSATION: Defined in terms of call, reviewed annually by the Administration
3431 Committee and approved by the Leadership Team and Presbytery.
3432

3433 EVALUATION: An annual performance interview by the Administration Committee in
3434 concert with the Leadership Team. At the end of the five-year term a
3435 comprehensive review and evaluation in the same manner.
3436

3437 TERMINATION: By mutual consent of General Presbyter and Presbytery or by action of
3438 Presbytery, upon the written recommendation of the Administration
3439 Committee. Fair and adequate notification shall be given the General
3440 Presbyter.
3441

3442 PERSON DESCRIPTION

3443 GENERAL PRESBYTER -- PRESBYTERY OF WEST VIRGINIA

3444
3445 The General Presbyter, insofar as is possible, should have these qualifications, characteristics,
3446 and abilities:
3447

3448 GENERAL AND PERSONAL:

- 3449 1. A personal commitment to and relationship with God.
- 3450
- 3451 2. An ordained elder or minister of the Presbyterian Church (U.S.A.).
- 3452
- 3453 3. Approximately fifteen years of experience in the Presbyterian Church (U.S.A.).
- 3454
- 3455 4. A leadership style characterized by servanthood, yet dynamic and creative.
- 3456
- 3457 4. A demonstrated ability to organize his/her time and to exercise discipline in personal
- 3458 life style to the end that time for family and for personal Christian growth is protected.
- 3459

3460 PROFESSIONAL AND PASTORAL SKILLS:

- 3461 1. Skills in church development and redevelopment, including a special awareness of
- 3462 the opportunities for ministry existing in the small church.
- 3463
- 3464 2. To advocate, interpret, and help implement best practices from across the
- 3465 Presbyterian Church (U.S.A.)
- 3466
- 3467 3. An articulate, theologically informed leader who can communicate a vision to
- 3468 others.
- 3469
- 3470 4. A pastoral, sensitive nature, with ability to affirm, appreciate, mediate and reconcile.
- 3471 Conflict management skills and maintaining appropriate confidentiality are essential.
- 3472
- 3473 5. A skillful administrator who can plan and organize, who can direct and motivate
- 3474 staff, and who can recognize and utilize talents of volunteers, both lay and clergy.
- 3475
- 3476 6. The ability to understand and appreciate the way theological, sociological, economic
- 3477 and psychological factors affect the life of the Church.
- 3478

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7. An ability to relate to persons of diverse points of view, of different ages, genders and backgrounds.

August 2013

3484 **APPENDIX H**

3485 **POSITION DESCRIPTION**

3486
3487
3488 TITLE: STATED CLERK Half Time (20 hrs/week)

3489
3490 PURPOSE: The Stated Clerk shall be the continuing ecclesiastical officer of the
3491 Presbytery.

3492
3493 ACCOUNTABILITY: As an officer of the Presbytery, the Stated Clerk shall be accountable
3494 to the Presbytery for the responsibilities assigned by the *Book of*
3495 *Order*. As a staff member of the Presbytery, the Stated Clerk shall be
3496 accountable to the Administration Committee and supervised by the
3497 General Presbyter.

3498
3499 TERM OF SERVICE: Five years, eligible for reelection.

3500
3501 RESPONSIBILITIES:

3502 1. The Stated Clerk shall be responsible for the duties assigned in the Book of
3503 Order (G-3.0104 – minutes, rolls and records; G-3.0108 – administrative review
3504 of Session records; G-3.0109 –judicial and administrative commissions; D-
3505 11.0600 – judicial process).

3506
3507 a. The Stated Clerk shall be the custodian of all ecclesiastical
3508 records of the Presbytery, working with the administrative
3509 staff to maintain the records and rolls of the presbytery.

3510
3511 b. The Stated Clerk shall work with the Ministry Committee
3512 in recording and reporting changes in pastoral relationships,
3513 including the establishment and renewal of temporary
3514 pastoral relationships.

3515
3516 c. The Stated Clerk shall work with the Ministry Committee in
3517 establishing pastoral relationships, sharing information with
3518 Pastors and Sessions about commissions to ordain and/or
3519 install, notifying members of the commission, and receiving
3520 and filing the minutes of commissions.

3521
3522 d. The Stated Clerk shall conduct the annual Session records
3523 review.

3524
3525 e. The Stated Clerk shall provide minutes and other records of
3526 the Presbytery to the Synod as required and shall ordinarily
3527 participate in the Synod’s review of presbytery records.

3528
3529 f. The Stated Clerk shall provide assistance to Sessions in

3530 preparing Annual Statistical Reports and shall prepare
3531 and transmit the Presbytery's report to the Stated Clerk of
3532 the General Assembly.
3533

3534 2. The Stated Clerk shall ordinarily serve as the parliamentarian of the Presbytery.
3535

3536 3. The Stated Clerk shall serve as clerk to the Leadership Team, assisting
3537 particularly with the planning of presbytery meetings.
3538

3539 4. The Stated Clerk shall serve as staff support for the Trustees of the Presbytery.
3540

3541 5. The Stated Clerk shall provide orientation and support for Commissioners to
3542 meetings of the General Assembly and shall ordinarily attend General Assembly
3543 meetings
3544

3545 COMPENSATION: Defined in terms of call, reviewed annually by the Administration
3546 Committee and approved by the Leadership Team and the
3547 Presbytery. This position is exempt from overtime.

3548
3549 EVALUATION: An annual performance review by the General Presbyter and the
3550 Administration Committee and a comprehensive review by these same
3551 parties at the end of a five-year term.

3552
3553 TERMINATION: By mutual consent of the Stated Clerk and the Presbytery, or by action
3554 of the Presbytery, upon written recommendation of the
3555 Administration Committee. Fair and adequate notification shall be
3556 given to the Stated Clerk.

3557
3558 PERSON DESCRIPTION
3559

3560 The Stated Clerk, in so far as possible, should have these qualifications, characteristics, and
3561 abilities:

- 3562 1. Have a personal commitment to and relationship with God.
- 3563 2. Be a Ruling or Teaching Elder in the Presbyterian Church (USA).
- 3564 3. Have a minimum of five years experience in the Presbyterian Church (USA).
- 3565 4. Perceive self as a servant leader and exhibit a working style that is collegial and
3566 consultative.
- 3567 5. Have an extensive knowledge of Presbyterian polity and the theology that informs
3568 that polity.
- 3569 6. Ordinarily have some experience with the work of a Stated Clerk.
- 3570 7. Be willing and able to fulfill the responsibilities of the office with minimal clerical
3571 assistance.
- 3572 8. Have the ability to follow through on details.
- 3573 9. Be available to maintain regular hours in the Presbytery office.

3574
3575
3576

10. Have experience with computers and a willingness to learn specific processes currently used in the church.

3577 **APPENDIX I**

3578 **POSITION DESCRIPTION**

3579
3580
3581 **FINANCIAL ADMINISTRATOR/TREASURER** Full Time

3582
3583 **TITLE:** Financial Administrator/Treasurer of the Presbytery of West Virginia

3584
3585 **PURPOSE:** The financial administrator/treasurer shall serve as the financial officer of the
3586 Presbytery and custodian of all financial records.

3587
3588 **ACCOUNTABILITY:**

- 3589 1. He/She shall be accountable to the Presbytery through its Council and the
3590 Personnel and Administration Committee.
3591
3592 2. He/She will be supervised by the Executive Presbyter.
3593

3594 **TERM OF SERVICE:** Indefinite

3595
3596 **RESPONSIBILITIES:**

- 3597 1. To maintain the general ledger for Presbytery, utilizing Presbytery's computer system.
3598
3599 2. To oversee the receipt and disbursement of all monies and other funds of the Presbytery.
3600
3601 3. To prepare timely financial reports and budgets as needed, or requested, by the Presbytery, its
3602 Council and Committees.
3603
3604 4. To support the Finance and Development Committee in its work of developing, implementing
3605 and reviewing the annual Presbytery budget.
3606
3607 5. To notify congregations and individuals of the status of their financial commitments to Presbytery
3608 and other mission beyond the congregation and to respond to related questions and concerns from
3609 church officers and ministers.
3610
3611 6. To administer the Presbytery's investments under the direction and oversight of the Finance and
3612 Development Committee.
3613
3614 7. To oversee the churchwide reporting forms required of the Presbytery and its churches.
3615
3616 8. To provide all financial statements and records to the Finance and Development Committee for
3617 carrying out its function as the audit committee of Presbytery, and to submit all requested
3618 schedules and other documents to the independent auditing firm hired by Presbytery.
3619
3620 9. To act as the Presbytery's financial liaison with the Synod and the General Assembly.
3621
3622 10. To serve ex-officio as Secretary/Treasurer of Bluestone Conference Center, Inc.

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EVALUATION: The Personnel and Administration Committee will:

1. Annually evaluate the Financial Administrator/Treasurer's performance and review terms of call.
2. Conduct a major evaluation prior to the conclusion of the third year of service.
3. Review and revise the position description as needed.

COMPENSATION: Defined in terms of call, reviewed annually by Personnel and Administration Committee and approved by the Council and Presbytery.

TERMINATION: By mutual consent of the Financial Administrator/Treasurer and the Presbytery, or by action of the Presbytery, upon recommendation of the Personnel and Administration Committee. Fair and adequate notification shall be given to the Financial Administrator/Treasurer.

PERSON DESCRIPTION

FINANCIAL ADMINISTRATOR/TREASURER -- PRESBYTERY OF WEST VIRGINIA

The Financial Administrator/Treasurer, insofar as possible, should have these qualifications, characteristics and abilities:

1. A Christian commitment and spiritual maturity.
2. A commitment to stewardship as a matter of faith and spiritual discipline in which money is a means to do mission and ministry.
3. Perceives self as a servant of the Presbytery and exhibits a working style that is both collegial and consultative.
4. Demonstrated competence in total financial management.
5. Extensive and detailed working knowledge of computers and computer management, including demonstrated ability to use general accounting software and outstanding keyboard skills.
6. Demonstrated written and oral communication skills, including ability to use the telephone.
7. Problem-solving skills and the ability to take initiative in enhancing the function of the office of Financial Administrator/Treasurer.
8. The ability to delegate and supervise staff, including voluntary staff and temporary paid staff.
9. Fund accounting and bookkeeping knowledge.
10. Bondable.

3664 **APPENDIX J**

3665 **COMMITTEE DESCRIPTIONS**

3666 **Administration** (Formerly Personnel and Administration) Membership 9

3667
3668
3669 Purpose: To provide staff for the Presbytery in accordance with the mission of the Presbytery
3670 and to ensure that they have adequate compensation, supplies, and support to carry out their
3671 work effectively and faithfully.

3672
3673
3674 Objectives:

- 3675 1. Develop and maintain staffing plans and policies that implement the mission
- 3676 of the Presbytery.
- 3677 2. Provide for the functioning of Presbytery through the support of staff
- 3678

3679 Responsible for:

- 3680 1. Preparing the job description, terms of calls, and performance reviews of the General
- 3681 Presbyter, the Stated Clerk, Presbytery's Financial Administrator/Treasurer, and any
- 3682 other exempt professional staff.
- 3683 2. Reviewing the Presbytery office staff organization, job descriptions for support staff
- 3684 and performance evaluations conducted by the General Presbyter.
- 3685 3. Conducting an annual meeting with Presbytery staff.
- 3686 4. Evaluating office space, facilities, equipment, and systems in terms of acquisition,
- 3687 utilization and effectiveness.
- 3688 5. Oversee the compensation of all Presbytery staff, making recommendations to the
- 3689 Finance and Development Committee and/or to Presbytery as appropriate. Upon
- 3690 recommendation of the General Presbyter, taking action on matters related to the
- 3691 employment of non-exempt staff members.
- 3692

3693 Membership: Three classes of three members each, including both Ruling and Teaching
3694 Elders representing clusters as equally as possible.

3696

3697 Purpose: To provide for promotion, programming, and facilities which support the life, mission
 3698 and ministry of the Bluestone Camp and Conference Center as a vibrant center for Christian
 3699 discipleship.

3700

3701 Objectives:

- 3702 1. To serve on the Bluestone Conference Center, Inc. Board of Directors
- 3703 2. To promote the use of Bluestone across the Presbytery, by groups from other
 3704 presbyteries, and by non-Presbyterian groups
- 3705 3. To coordinate and cooperate with the Nurture Committee in order to provide for
 3706 quality, faith nurturing camp, conference and retreat programming
- 3707 4. To assure that Bluestone is available, acceptable, and accessible for the delivery of
 3708 quality, faith nurturing camp, conference and retreat programming
- 3709 5. To develop and implement a long range facilities plan for Bluestone including
 3710 capital improvements
- 3711 6. To propose and manage the Presbytery's approved Bluestone's facility budget
- 3712 7. To coordinate with the Friends of Bluestone (FOB) on fund raising and use of FOB
 3713 funds

3714

3715 Responsibilities:

- 3716 1. Serve, along with the General Presbyter and Financial Administrator/Treasurer on
 3717 the Bluestone Conference Center, Inc. Board of Directors.
- 3718 2. Promote the use of Bluestone across the Presbytery, by groups from other presbyteries,
 3719 and by non-Presbyterian groups.
- 3720 3. Coordinate and cooperate with the Nurture Committee in order to provide for quality,
 3721 faith nurturing camp, conference and retreat programming.
- 3722 4. Provide guidance, support, and encouragement to the Bluestone Director recognizing
 3723 that the General Presbyter has supervisory responsibilities.
- 3724 5. Communicate to the General Presbyter matters needing attention regarding the Center.
- 3725 6. Provide input to the General Presbyter, as requested, for periodic performance
 3726 reviews of the Bluestone Director.
- 3727 7. Oversee the administration of the day-to-day facility's, repair, and enhancement of the
 3728 buildings, grounds, and equipment.
- 3729 8. Insure that all health, safety and regulatory entities' regulations and licenses are up-to-
 3730 date and in order.
- 3731 9. Ensure the development, maintenance, and implementation of a comprehensive, long-
 3732 term facilities plan for Bluestone.
- 3733 10. Ensure the development of and adherence to appropriate facility use policies and
 3734 maintenance manuals. i.e. a Property Management Manual which gives detailed
 3735 information about the facility maintenance plan, facility operating procedures,
 3736 electrical, plumbing, heating and air-conditioning, specifications of the facilities.
- 3737 11. Ensure safety and accessibility, conduct regular inspections of the buildings,
 3738 grounds, and equipment and communicate findings to the Bluestone Director and
 3739 General Presbyter.
- 3740 12. Ensure that lease agreements, covenants, purchase agreements and rental contracts are

- 3741 successfully negotiated and appropriately fulfilled.
- 3742 13. Advocate for prudent improvements to the buildings and grounds.
- 3743 14. Assist the Bluestone Director as needed with outside building & utility contractors.
- 3744 15. Ensure the proper supervision of the purchase and installation of all new equipment.
- 3745 16. Provide for the use of volunteers and “work days.”
- 3746 17. Evaluate any facility maintenance or vendor contracts annually; ensuring
- 3747 Bluestone is receiving adequate and economical services.
- 3748
- 3749 Membership: There shall be at least one (1) member nominated and elected from each cluster,
- 3750 with a mix of Teaching Elders, Ruling Elders, and laity.

3752

3753 Purpose: to provide that the Word of God may be truly preached and heard; to provide that the
3754 Sacraments may be rightly administered and received; to nurture the covenant community of
3755 disciples of Christ. (G-3.0301)

3756

3757 Objectives:

3758 1. to coordinate, guide, encourage, support and resource the work of its congregations for
3759 the most effective witness to the broader community (G-3.0301);

3760 2. to serve as pastor and counselor to teaching elders, ruling elders commissioned to
3761 pastoral service, and certified Christian educators of the Presbytery (G-3.0307);

3762 3. to facilitate the relations between the Presbytery and its congregations, teaching
3763 elders, ruling elders commissioned to pastoral service, and certified Christian
3764 educators (G-3.0307);

3765 4. to settle difficulties on behalf of the Presbytery where possible and expedient (G-
3766 3.0307);

3767 5. promoting the peace and harmony of congregations and inquiring into the
3768 sources of congregational discord

3769 6. taking jurisdiction over members of dissolved congregations and granting transfers of
3770 their membership to other congregations

3771 7. warning and bearing witness against error in doctrine and immorality in practice within
3772 its bounds and serving in judicial matters in accordance with the Rules of Discipline.
3773 (G-3.0301)

3774

3775 Responsibilities:

3776 1. The following would be done in clusters, in the two months between whole
3777 committee meetings:

3778 a. changes of call within the Presbytery of WV – if there’s a move between clusters,
3779 the calling cluster would approve a match/terms of call, while the current cluster
3780 would dismiss.

3781 b. meet with Teaching Elders seeking to transfer in from another Presbytery,
3782 examine them on behalf of the whole presbytery, approve match and terms of
3783 call

3784 c. meet with Teaching Elders seeking to transfer in from another Presbytery,
3785 approve match and terms of call; dismissing Teachers Elders to receive a call
3786 from another Presbytery/position

3787 d. approve moderators, liaisons and installations for churches without installed pastors

3788 e. follow up visits with new pastors and triennial visits

3789 f. provide preparation program as needed in cooperation with the Vocations
3790 Committee; and recommend the commissioning of ruling elders as CLP-REs and
3791 ALPs to limited pastoral service to the whole committee

3792 g. approving validated ministries

3793 h. approve those on the “available to preach” list

3794 i. assist congregations with mission studies

3795 j. suggest to other entities of Presbytery ideas for leadership training

3796 k. work with churches in the call process

- 3797 l. establish and dissolve pastoral relations – in clusters
3798 m. meet with congregations and Sessions of churches seeking to dissolve, divide, or
3799 leave the Presbytery and make recommendations to the whole committee
3800 n. creating and developing churches – address initial request in clusters, take it to
3801 the whole committee and then recommend to Presbytery.
3802 o. counsel with a session concerning reported difficulties within a congregation,
3803 including:
3804 1) advising the session as to appropriate actions to be taken to resolve
3805 the reported difficulties,
3806 2) offering to help as a mediator, and
3807 3) acting to correct the difficulties if requested to do so by the session or if
3808 the session is unable or unwilling to do so, following the procedural
3809 safeguards of the Rules of Discipline (G-3.0303);
3810 p. authorizing and training specific Ruling Elders to administer or preside at the
3811 Lord’s Supper when it deems it necessary to meet the needs for the
3812 administration of the Sacrament (G-3.0301)
3813
3814 2. The whole committee:
3815 a. engage in an organizational meeting early in the year.
3816 b. recommend minimum compensation standards for pastoral calls and Certified
3817 Christian Educators and Certified Associate Christian Educators within the
3818 Presbytery;
3819 c. meet three (3) more times a year, timed in relationship to the Leadership Team and
3820 Presbytery meetings hear reports from cluster meetings.
3821 d. discuss the dissolution and creation of churches and take these matters to the
3822 whole Presbytery.
3823 e. receive and act on recommendation from cluster representation (G-3.0303e) when it
3824 is determined that a session cannot exercise its authority and it is therefore
3825 appropriate to recommend to the whole Presbytery that it assume original
3826 jurisdiction.
3827 f. approve the commissioning Ruling Elders to limited pastoral service;
3828
3829 1. The whole Presbytery would then be responsible for:
3830 a. examining Teaching Elders seeking membership in the PWV (through ordination)
3831 and providing for their ordination and/or installation. (A representative of COM
3832 would ask a representative question in the areas of “Christian faith and views in
3833 theology, the Sacraments, and the government of this church” (G-11.0402) on the
3834 floor of Presbytery and then commissioners at that Presbytery meeting would be
3835 invited to add their questions.) Note: The manner of examination of Teaching
3836 Elders will be taken under consideration by those who will be working on
3837 Presbytery Manual changes in consultation with this committee.
3838 b. receiving Teaching Elders seeking membership in the PWV through transfer from
3839 another Presbytery that have been examined and approved by the Ministry
3840 Committee, following a series of representative questions asked by a representative
3841 of the committee on the floor of Presbytery. Commissioners at the Presbytery
3842 meeting could ask additional questions in order to get to know their new colleague.

- 3843 c. granting permission to labor within and outside the bounds of Presbytery.
- 3844 d. consider and act upon requests from congregations for permission to take the
- 3845 actions regarding real property as described in G-4.0206 (G-3.0303f), upon
- 3846 recommendation from the whole COM.
- 3847
- 3848 Membership – 3-4 members per cluster. The schedule would be such that all members of the
- 3849 committee would meet for an organizational meeting early in the year. There would then be two
- 3850 months of meetings in clusters, with the meeting in the third month being all together to report
- 3851 actions. Whole committee meetings should be timed with regard to Leadership Team and
- 3852 Presbytery meetings. (See note on pg. 10 with regard to synchronizing monthly meetings to
- 3853 allow for whole committee to meet via Skype or similar tool.)

3855

3856 Purpose: To enact the Word of God and promote social righteousness through the
 3857 promotion, creation, interpretation, funding and evaluation of mission activities by the
 3858 Presbytery and its congregations.

3859

3860 Objectives:

- 3861 1. Help foster ownership and participation in local, national and global mission of the
- 3862 PC(USA).
- 3863 2. Encourage and develop strategies for mission interpretation throughout the Presbytery
- 3864 3. Encourage and assist congregations in active involvement in mission.
- 3865 4. Help congregations to do social and ecumenical ministries within local communities.
- 3866 5. Link congregations with similar ministries.
- 3867 6. Provide leadership on issues such as, but not limited to social justice, hunger,
- 3868 environment, elderly, disabled, and peacemaking, etc.
- 3869 7. Provide support to Presbyterian mission ministries within the bounds of the Presbytery
- 3870 8. Encourage and support ecumenical and interfaith ministries within the Presbytery.
- 3871 9. To be Presbytery's liaison for campus ministry with the Westminster Foundation

3872

3873 Responsible for:

- 3874 1. Helping Presbytery and congregations explore and respond to God's Word as a
- 3875 response to social issues of our time.
- 3876 2. Helping Presbytery and congregations develop strategies for increased awareness of
- 3877 local, national and global mission.
- 3878 3. Helping Presbytery and congregations create and sustain ministries which, but are
- 3879 not limited to:
 - 3880 a. Promote total health for individuals
 - 3881 b. Strengthen families
 - 3882 c. Address issues of violence
 - 3883 d. Seek equality for all people
 - 3884 e. Address issues of economic and community development
 - 3885 f. Respond to disasters
 - 3886 g. Address the problem of hunger
 - 3887 h. Work for peace and promote justice
 - 3888 i. Promote environmental justice
- 3889 4. Supporting, advocating for and publicizing mission ministries within the bounds
- 3890 of the Presbytery by:
 - 3891 a. Recommending to Presbytery support of mission ministries within the bounds of the
 - 3892 Presbytery.
 - 3893 b. Communicate to Presbytery and congregations the nature of the mission
 - 3894 ministries of programs, entities and churches in the Presbytery
 - 3895 c. Evaluate and assure that the goals and programs of the ministries funded by the
 - 3896 Presbytery are being carried out.
 - 3897 d. Maintain, promote, and publicize to the Presbytery ecumenical and
 - 3898 interfaith partnerships ex. West Virginia Council on Churches.
 - 3899 e. Being Presbytery's liaison with campus ministry and the Westminster Foundation.

- 3900 5. Provide training and support in the area of mission for pastors, sessions, and
3901 congregations.
- 3902 6. Sponsoring and promoting missionary visits throughout the Presbytery
3903 Membership: There shall be at least one (1) member nominated and elected from each cluster,
3904 with a mix of Teaching Elders, Ruling Elders, and laity.

3905 **Nominating**

Membership 9

3906

3907 Purpose: to nominate persons (1) to fill vacancies on the Leadership Team, continuing
3908 committees (except the Nominating Committee), boards and other bodies that require election
3909 by the Presbytery, and (2) to serve as commissioners to higher councils of the church in
3910 conformity with the church's commitment to unity in diversity.

3911

3912 Objectives:

3913 1. same as purpose

3914

3915 Responsibilities:

3916 1. nominating persons for various offices and committees in light of the membership needs
3917 of each committee, and

3918 2. consulting with the Presbytery's Committee on Representation annually to ensure that
3919 various entities are represented on committees and in the leadership of the Presbytery.

3920

3921 Membership: three (3) classes of three (3) by cluster, including Ruling Elders, Teaching Elders
3922 and laity.

3923 Members of the Nominating Committee shall be nominated by the Presbytery Leadership Team.

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Nurture

Membership 15

Purpose: To provide encouragement, guidance and resources to congregations in the areas:

- spiritual formation
- discipleship
- leadership development

Objectives:

1. Encourage the disciplines that deepen the faith and witness of churches and their members (e.g. faithful participation in worship, Bible study, prayer, stewardship and commitment) so that members of all ages are nurtured in their faith, learning and service.
2. Deepen and enrich people’s knowledge, love and service of Jesus Christ that they may lead lives of faithful discipleship.
3. Help churches and members to listen for the call of God in their particular places of worship and life, and to respond in faithful partnership with Jesus Christ, understanding themselves as life-long learners.

Responsible for:

1. Assisting congregations in the development of resources for spiritual formation and discipleship.
2. Equipping and supporting those called to educational ministries of the church.
3. Providing educational resources for people of all ages
4. Cultivating and planning opportunities for spiritual formation, discipleship and leadership development in congregations and within the Presbytery.
5. Overseeing and administering scholarship funds available through the Presbytery for undergraduate studies.
6. Supporting, publicizing, and encouraging the use of the Presbytery Resource Center in developing and nurturing faith.
7. Providing for worship at Presbytery meetings

Membership: 12 (twelve) from throughout the Presbytery based on interest.

3955 **Permanent Judicial Commission**

Membership 9

3956

3957 Purpose: In judicial matters and process, the Presbytery has original jurisdiction in judicial
3958 matters concerning Teaching Elders and Commissioned Lay Pastor-Ruling Elders serving the
3959 congregations of the Presbytery. The PJC is to carry out these responsibilities for the PWV.

3960

3961 Objective:

3962 1. To implement powers, duties, responsibilities and membership applicable to
3963 this Presbytery as specified in the Book of Order/Form of Government, “The Rules of
3964 Discipline, D-5.000.”

3965

3966 Responsibilities:

3967 1. The implementation of powers, duties, responsibilities and membership applicable to
3968 this Presbytery as specified in the Book of Order/Form of Government, “The Rules of
3969 Discipline, D-5.000.”

3970 2. Meeting as The Permanent Judicial Commission over lunch during the first
3971 Presbytery meeting in even years, or at some other time and place determined by the
3972 Stated Clerk for the purpose of organizing itself by electing its moderator and clerk.

3973

3974 Membership:

3975 The Presbytery shall elect a permanent judicial commission with as equal representation
3976 of Teaching and Ruling Elders as possible with no more than one member from any one
3977 church. The term of office will be six (6) years, consisting of three (3) staggered classes
3978 of three (3) people each.

3979	Relations	Membership TBD
3980		
3981	Purpose: To foster good communication and ever-deepening relationships throughout the	
3982	PWV.	
3983		
3984	Objectives:	
3985	1. To maintain the Presbytery's systems of communication with its congregations,	
3986	teaching and ruling elders, and members, by means of newsletters, mass media, social	
3987	media, video- conferences, written reports and telephone systems, etc.	
3988	2. To develop an affinity group (a Geek Squad?) that can foster the development of an	
3989	infrastructure to link the churches of the PWV to better support mission, ministry,	
3990	and relationship building.	
3991	3. To conduct regular surveys of the churches in the PWV to assess their technology	
3992	status and/or needs and use this information to prepare a plan for the acquisition of	
3993	needed hardware, software, internet access, websites, webcams, and training so that	
3994	all churches within the Presbytery can be connected.	
3995	4. To organize video conferencing hubs in each of the clusters of the PWV.	
3996	5. To organize face to face meetings of members of the Presbytery in clusters.	
3997		
3998	Responsibilities (see above)	
3999		
4000	Membership TBD	

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Representation

Membership 3

Purpose: to advise the Presbytery regarding the implementation of principles of unity and diversity; advocate for diversity in leadership and to consult with the Presbytery on the employment of personnel in accordance with principles of unity and diversity (F-1.0403)

Objectives:

- 2. to ensure fair and effective representation in the decision making of the Presbytery to assist the Presbytery in having representation based on race, ethnicity, age, sex, disability, geography and theological conviction on its committees, its leadership and its staff.

Responsibilities:

- 1. advise the Presbytery’s nominating committee of any need for nominations in particular categories needing increased representation
- 2. advocate for diversity and representation based on the above
- 3. advise the Presbytery on the employment of personnel representing different racial ethnic, gender, age, sex, disability, geography and theological convictions, in conformity with the church-wide plan for equal employment opportunity.
- 4. inform Presbytery of its progress toward fair representation based on race, ethnicity, age, sex, disability, geography and theological conviction

Membership: three (3) from around the Presbytery, representing different categories as stated above.

4026 **Stewardship** (formerly Finance and Development)

Membership 12

4027

4028 Purpose: To model, teach, and encourage good stewardship throughout the Presbytery of
4029 West Virginia so that the mission and ministry of God may thrive in our hands.

4030

4031 Objectives:

4032 1. Encourage and assist congregations of Presbytery in stewardship commitment and growth.

4033 2. Provide for the use of Presbytery's financial resources in support of Presbytery mission
4034 and program.

4035

4036 Responsible for:

4037 1. Providing training and support in the areas of stewardship to pastors, sessions
4038 and congregations.

4039 2. Emphasizing and promoting special offerings approved by the Presbytery, Synod or
4040 General Assembly throughout the Presbytery.

4041 3. Advising the Leadership Team as they develop the annual budget of the Presbytery.

4042 4. Providing for the development and growth of the financial resources of Presbytery.

4043 5. Providing information about budgets and financial resources to the Presbytery, at its
4044 regular meetings or through communications, as well as to its committees.

4045 6. Providing financial management of all Presbytery funds and investments.

4046 7. Functioning as the Audit Committee to contract for an independent audit of
4047 Presbytery's financial records.

4048 8. Assuring that donor requests regarding the use of special gifts are fulfilled.

4049

4050 Membership: eight (3) representing clusters and four (4) from throughout the Presbytery based
4051 on interest, with a mix of Teaching Elders, Ruling Elders, and laity.

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Trustees

Membership 6

Purpose: To manage the property of the Presbytery of West Virginia on its behalf in order to further the mission and ministry God has entrusted into our hands.

Objectives

- 1. To work on behalf of the Presbytery to manage or dispose of property.
- 2. To provide good counsel to congregations regarding their property.

Responsibilities:

- 1. Trustees have the following powers as delegated by the Presbytery:
 - to receive, hold, encumber, manage, and transfer property, real or personal, for the Presbytery;
 - to insure and care for such property;
 - to hold and defend title to such property;
 - all at the direction of the Presbytery and under the provisions of the Constitution of the Presbyterian Church (U.S.A.). (nFOG G-4.0101)
- 2. They shall review requests from congregations with respect to congregation's property and make appropriate recommendations to Presbytery.
- 3. They may receive other assignments from the Presbytery.

Membership:

Membership shall rotate between each of the clusters over time. Ordinarily at least one (1) member shall be a practicing attorney, and one (1) member a licensed real estate agent or broker.

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Vocations

Purpose: To enter into a covenant relationship with those exploring a call to church vocation and to provide oversight to the Authorized Lay Preacher (ALP)/Commissioned Lay Pastor (CLP) Ruling Elder program in the Presbytery of WV.

Objectives:

1. To enter into covenant relationship with those considering and preparing for ordination to the office of Teaching Elder, along with the sessions and congregations of which they are members.
2. To enter into covenant relationship with those considering and preparing for Christian service in other ministries in the PCUSA, including, but not limited to, Certified Christian Educator, Pastoral Counselor, Missionary, CLP-RE / Authorized Lay Preacher, along with the sessions and congregations of which they are members.
3. To identify and encourage those who may be discerning a sense of call to ministry.
4. To prepare ruling elders to serve as ALPs or CLP-REs in the Presbytery of WV
5. To provide ongoing oversight and accountability for those who have completed training to be ALPs and/or CLP-REs in the Presbytery

Responsibilities:

1. With respect to those seeking ordination as Teaching Elders, the committee shall oversee the process of meeting the requirements and timetables specified in nFOG G-2.06 (Additionally, the committee may be guided by the handbook on preparation for ministry produced and recommended by the PCUSA)
2. With respect to those preparing for other forms of Christian service, the committee shall oversee the process of meeting all requirements and timetables specified in nFOG G- 2.1103a or G-2.01101
3. With respect to those seeking certification as Christian Educators, the committee will serve as members of their reference group and carry out other duties in coordination with the Presbytery’s Educator Certification Advisor.
4. With respect to those preparing to become CLP-REs / Authorized Lay Preachers, the committee shall provide a preparation process, including developing courses, recruiting leaders, encouraging participation, screening and evaluating applicants, and monitoring their progress throughout the program.
5. The committee shall examine elders seeking to be commissioned in the areas of personal Christian faith, motives for seeking such a commission, and the areas of instruction determined by the Presbytery.
6. To coordinate with the Ministry Committee to utilize existing processes in the testing/evaluating/commissioning of participants in the preparation process.
7. To inform the Ministry Committee of programs, problems and potentialities of the ALP/CLP-RE Program
8. To provide mentors for ALPs and CLP-REs, defining roles and expectations of mentors
9. To distribute and receive annual reports from ALPs, CLP-REs, mentors and Sessions.
10. To keep track of CLP-REs and ALPs serving and available to serve within the Presbytery.

4123 Membership: The committee is made up of two (2) members currently serving on, and
4124 designated by, the Ministry Committee; six (6) at large members from across the Presbytery;
4125 and the Associate for Education.