

**HEAVENLY
PRESBYTERIAN
CHURCH**

**SEXUAL MISCONDUCT
POLICY**

**PRESBYTERY OF COASTAL
CAROLINA**

PRESBYTERIAN CHURCH (USA)

Heavenly Presbyterian Church
Sexual Misconduct Policy
Presbytery of Coastal Carolina

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Sexual Misconduct Policy

Heavenly Presbyterian Church

I. Introduction

It is the policy of the Presbyterian Church (U.S.A.) that all church members, church officers, non-member employees, and volunteers of governing bodies and entities of the church are to maintain the integrity of their ministerial, employment and professional relationships at all times. **Sexual misconduct** (see Attachment A, Definitions) is a violation of an individual's integrity. Such behavior is sinful, and violates the teachings of the Church, as well as the covenantal relationship by which we are called to live with God and with one another. Sexual misconduct in any form is never permissible.

Scripture affirms that we are created in the image and likeness of God. To harass sexually or abuse another person is to deny that value. Scripture and our faith in Jesus Christ calls us to standards of responsible conduct in all of life, including sexual behavior. Sexual misconduct is a behavior that represents unjust use of power by persons in positions of responsibility and leadership to exploit persons who are vulnerable by virtue of the inherent trust that resides in authoritative positions in the church. Sexual misconduct ruptures pastoral relationships and is an indication of the brokenness of the person perpetrating such misconduct. This rupture injures and harms victims with wounds that may require extended care before healing occurs. This rupture betrays Christ and the pastoral offices of the church in that it abuses the power and authority of ministry by changing its focus from healing and redemption to exploitation and gratification. Furthermore, it tarnishes the symbol of Christ as Healer, and Savior; and it rends the local parish and the whole body of Christ in ways that require special efforts for healing deep, long lasting wounds.

The purposes of this Policy are:

1. To **prevent** and eliminate sexual misconduct within the life and work of the Heavenly Presbyterian Church.
2. To **safeguard** the Church's members, their families, visitors, and staff from abuse through any form of sexual misconduct.
3. To **seek justice** by assuring effectiveness of the church's administrative, investigative and judicial process in determining truth, protecting the innocent, and dealing appropriately with those who victimize others.
4. To assure appropriate **care** and promote proper **healing** for all persons and congregations where sexual misconduct has occurred.

II. Statement of Policy

The **Heavenly Presbyterian Church**, its pastors, staff, elders, deacons, Sunday School teachers, Youth leaders, and all who serve on our various committees, programs and projects:

- shall exercise responsible sexual behavior and maintain the integrity of employment and professional relationships at all times;
- shall not engage in sexual misconduct as defined in this Policy (see Appendix);
- shall deal with allegations of sexual misconduct with seriousness;
- shall report accusations or instances of sexual misconduct to the appropriate officers of the Church, ordinarily the Clerk of Session or Moderator;
- shall maintain confidentiality in recognition of the effects of reported sexual misconduct on the reputation and effectiveness of all involved;
- shall respect the alleged offender's presumption of innocence; and
- shall comply with all applicable local, state, and federal laws.

III. Prevention and Implementation

1. **General Policy:** The Presbytery of Coastal Carolina will take appropriate steps to inform all those covered by this Policy and all sessions of the standards of conduct set forth in this Policy and the procedures to be followed for effective response when receiving a report of sexual misconduct.

2. **Training and Education:** The Presbytery is available to present educational programs designed to explain the need for this Policy, to acquaint persons with its contents, and to guard against sexual misconduct. A brief training event presented annually as a part of a stated meeting of Presbytery.

3. **The Presbytery's Policy:** As a part of the Presbytery's Policy, the following persons are required to sign a written acknowledgement that they have received and read a copy of that Sexual Misconduct Policy (available at presbycc.org), and that they agree to conduct themselves in accordance with this Policy. Ministers of the Word and Sacrament, Certified Christian Educators, Commissioned Lay Pastors, and lay preachers trained and recommended by Presbytery, who serve within the Presbytery of Coastal Carolina; officers and employees of the Presbytery of Coastal Carolina; and the volunteers and lay persons serving on Presbytery committees, boards, councils and commissions, and other entities in support of Presbytery programs.

4. **Distribution of The Heavenly Church Policy:** A copy of this Church's Policy shall be distributed by all who are covered by it, and to any member of the congregation who may request a copy of it. It shall further be made available to anyone who makes an accusation of misconduct, as well as to anyone being so accused.

5. **Responding to Reference Request;** At Heavenly Church the Clerk of Session is authorized to respond to sexual misconduct inquiries directed to the Session or Moderator.

IV. Response Procedures

Receiving the Initial Report:

1. Claims of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the reporter of the victim, the alleged offender, and the Church. Claims shall be dealt with as matters of highest confidentiality both before and after they have been submitted to appropriate authorities as outlined below.

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

3. ***The first persons to learn of an incident of sexual misconduct should not undertake an inquiry alone or question the reporter or the alleged offender.*** If the reporter is hesitant to talk to anyone “officially”, the person receiving the initial report has a special pastoral responsibility to encourage willingness to report the incident, lest the Church be unable to respond because no one is able to give first hand information.

4. When a person believes that she/he has been the victim of sexual misconduct perpetrated by a person covered by this Policy, or when a non-victim reporter believes a person covered by this Policy has committed an act of sexual misconduct, he or she should report the incident, preferably in writing, to the Clerk of Session. If the report is not received in writing and the complaining victim or reporter declines to put it in writing, then the Clerk shall summarize in writing all of the information orally conveyed to him or her, and mail a copy of the same to the complaining victim or reporter with a request that he or she contact the Stated Clerk if there are any errors in the account.

5. The Clerk will then notify the Session Moderator in order that an Investigative Committee of Session may be appointed. Either the Clerk or the Moderator may notify the Stated Clerk of Presbytery to seek guidance.

6. If the alleged offender is the Clerk of the Moderator, the report shall be made to the Stated Clerk of Presbytery.

V. Documentation

All allegations and responses to allegations should be written, signed, and dated. They should be detailed and specific. Any report made to the Clerk of Session/Session or Stated Clerk of Presbytery must be written. Any subsequent recommendation of the Investigative Committee to Session must be written.

VI. Unavailability of a written allegation from a reporter

1. If a reporter is unable or chooses not to submit a written allegation to the Investigative Committee, the Committee may continue the investigation if there appears to be sufficient additional evidence that the alleged misconduct of a sexual nature occurred.

2. In addition, there are several different circumstances in which the Moderator or Clerk of Session may receive information about a person covered by this Policy allegedly engaging in sexual misconduct.

***Rumors:** If second-hand or third-hand rumors are received, it is important to try to acquire some actual evidence or a first-hand report in order to determine if misconduct of a sexual nature occurred. It is impossible to act on information which is presented **only** as rumor.

***First-hand information from a third party:** In this situation, someone may come forward with information based on their witnessing a person covered by this Policy in violation of the Policy, e.g. being sexual with a congregant, client or employee. They may be willing to file a report but the recipient of the alleged sexual misconduct may have no interest in a report. This person may see her/himself as a consenting adult in a sexual relationship with the person covered by this Policy and in no way a victim of sexual misconduct. In this case, there is good cause to proceed.

***A confession by a person covered by this Policy without a victim's report:** In this case, there is good cause to proceed.

VII. Investigative Committee of Session

1. The Investigative Committee of Session (IC) is a committee of at least seven (3) elders, active or inactive, and members of churches of Presbytery of Coastal Carolina responsible for handling the Session's response under this Policy of a report of alleged sexual misconduct. The IC is charged with the responsibility to assure that an objective, effective, expeditious, and caring response is made to reports of sexual misconduct.

2. Members of the IC shall be elected by the Session, with a primary consideration of impartiality.

3. The IC shall work in consultation with the Moderator and Clerk of session, always aware of the possibility of seeking assistance from the Stated Clerk of the Presbytery, if needed. The IC should consider additional sources of expertise in the following areas.

- Psychological counseling, with particular experience in the area of sexual abuse and its aftermath, as well as pastoral care;
- Child advocacy;

- Law, with particular experience in sexual harassment or abuse, civil tort proceedings, criminal proceedings involving matters of due process, and domestic relations law;
- Conflict management and resolution;
- Insurance and risk management; and
- Personnel management and training.

4. The Presbytery will make available, upon request, training or training resources and support for members of the IC on how to respond to reports of sexual misconduct, and on the legal, administrative, and disciplinary procedures. It is also the intention of this policy that the Session of Heavenly Presbyterian Church will regularly (annually) review the purpose and provisions of this Policy.

5. When an IC is convened to handle a report of alleged sexual misconduct, it will seek to hear from and be available to the initial reporter, the alleged victim (if different from the reporter), the alleged offender, families who are often involved, and others from the congregation who may be more connected to this situation. In some cases it may be advisable for the IC to name one members of the Committee as the “designated care-er” for purposes of reaching out to the alleged victim and the alleged victim’s family.

VIII. Functions of the Investigative Committee

1. The IC shall perform the following functions:
 - A. Receive the written claim of sexual misconduct from the Moderator or Clerk of Session subsequent to the election of its members;
 - B. In cases involving child sexual abuse, the IC shall first confirm that a report has been made to the Department of Social Services. (See definition of “Mandated Reporter” in Attachment A, Definitions.)
 - C. Meet with the reporter to informally review the report, and if possible with the alleged victim to hear the accusation first hand. The alleged victim may be accompanied by persons (limited to two) whom she/he wishes to have present for support. All communications with the reported and/or the alleged victim shall be confidential.
 - D. The IC shall inform the alleged victim of the different remedies that the victim may pursue, the responses that the alleged offender may make, and what likely will be required with each. These included filing a formal written statement of alleged offense to initiate inquiry under the Book of Order Rules of Discipline, or contact by the IC with the alleged offender to seek an informal and confidential resolution, including negotiation or mediation.

- E. In no more than seven days after the convening of the IC, the IC shall advise the alleged offender, in writing, (A) of the allegation and advise the alleged offender to have not further contact of any sort with the reporter, the alleged victim, or the alleged victim's family; (B) that he or she may want to obtain legal counsel or other advocate since the accusation could result in church disciplinary procedures or civil or criminal court action; and (C) that a written response to the accusations is requested.
 - F. Gather information regarding the allegations from the reporter, if not the alleged victim, and others who may have knowledge or information relating to the allegation;
 - G. The IC shall provide a written copy of this Policy to the alleged victim or third party reporter and the alleged offender, and seek adherence to this Policy by all parties involved;
 - H. Prepare a written report of the case for submission to the Session.
2. During or as a result of its review of information, the IC:
- A. May recommend that all parties involved seek professional psychological or certified pastoral counseling throughout the **Care Team** process;
 - B. May recommend immediate actions for the pastoral care of the reporter, the alleged victim, the alleged offender, the families of all parties involved, congregations and governing bodies;
 - C. Shall recommend actions to be taken to begin the healing process within the Session and congregation; and/or the activity area within the life of the congregation directly affected;
 - D. Shall at all times treat the alleged offender with Christian kindness and respect;
 - E. Must tell the alleged victim if the alleged offender has admitted to the misconduct;
 - F. If there has been no admission of misconduct and the allegation is to be pursued, advise the reporter or alleged victim of the option of filing a written statement of alleged offense with the Clerk of Session pursuant to the Rules of Discipline.
3. The IC shall not:
- A. Advocate for any party involved;
 - B. Act as legal counsel for any party involved;

- C. Act as counselors to any party involved;
- D. Replace the authority of the Session;
- E. Enforce a specific remedy or disciplinary action;
- F. Breach the confidentiality of information received.

4. Final Report of the **Care Team**: Within 45 days from the date the IC first receives the written report of alleged sexual misconduct; the IC shall submit a written final report to the Moderator or Clerk of Session. The final report shall include:

- Name and address of parties involved;
- A summary of the allegations;
- A summary of the facts as stated by the parties involved;
- A summary of the IC's actions of date;
- The remedy, if any, sought by the reporter and/or alleged victim;
- The IC's findings to date, and whether the alleged sexual misconduct is substantiated;
- The IC's recommendation for possible further actions;
- A list of the **Care Team's** members and the date of the report.

IX. Responses When Allegation is Not Substantiated

1. In cases where the allegation is not substantiated, every appropriate effort will be made to exonerate the alleged offender. A record of the process and its conclusion will be provided to the alleged offender. If the vindicated persons choose, a public statement may be communicated in writing by the Clerk of Session and the IC to every member of the congregation to exonerate him/her. The Stated Clerk, in consultation with the **Care Team**, will respond to the vindicated person with Christian care and concern. This may include the governing body paying for counseling for the vindicated person.

2. There is usually a need for follow up whenever an allegation is made, even if it is not substantiated. Therefore, the Moderator, in consultation with the IC, will respond with Christian care and concern to the reporter and/or alleged victim, the vindicated person's family, and the congregation as appropriate.

X. Responses When Allegation is Substantiated

1. If the IC concludes that the offense and consequences of professional conduct are determined to be relatively MINOR, the IC will recommend that the Session take the following steps:

- A. Issue an advisory in response to a situation that is not necessarily misconduct of a sexual nature but shows poor professional judgment. Clear guidance shall be provided in order for the offender to accomplish the necessary corrective action.
- B. Issue a warning in response to a situation of unquestionably inappropriate and unwise behavior but which is not clearly professional misconduct of a sexual nature. It is expected that this clear warning will bring a cessation of the behavior.
- C. Issue a reprimand in response to a situation which involves clear misconduct of a sexual nature but which resulted in relatively minor consequences.

2. If the **Care Team** concludes that the offense and consequences of misconduct are determined to be relative MAJOR, the IC will recommend that the Session follow a course of disciplinary action as follows:

- A. In the case of a certified Christian educator serving a Heavenly Church, the Committee on Ministry shall counsel with and support the church session through administrative steps needed to assure the good of the church and to protect others from further harm, following a course of action in accordance with the Book of Order Rules of Discipline.
- B. In the case of an employee of the Church (not a minister member of Presbytery), the Personnel Committee of Session shall take prompt and necessary steps as provided for within this Policy for the good of the congregation and to protect others from further harm. Such steps may include the suspension or dismissal of the employee.
- C. In the case of persons serving as officers of the Church or as volunteers and lay persons serving on Church committees, and other Church related or sponsored entities, the Session shall take prompt and necessary steps to assure the well being of the congregation and to protect others from further harm. If the person was elected to a position by the congregation, the Session may recommend that the congregation rescind his or her election.

3. Record keeping: In the case of a church staff member, the IC's report along with documentation of the action taken in response thereto shall be placed in the offender's personnel file. In the case of a volunteer, the action shall be recorded by the Session in a file maintained by the Session in order to prevent inadvertent reassignment.

4. Response to Secondary Victims: The offender's family, peers and the congregation are also victims of the misconduct of a sexual nature. They too deserve attention and sensitivity to the hurt and pain that they are experiencing.

- A. Family Members of the Offender – The Session will arrange to reach out to family members with Christian care and concern, and will try to arrange for financial support for family members during possible employment transition for the offender.
- B. Co-Workers of the Offender – The Session will schedule a meeting to inform the offender's co-workers of the actions taken regarding the offender and to provide an opportunity for discussion.
- C. Congregation – It is recommended that the Moderator, acting in behalf of the Session, communicate in writing with every member of the congregation the findings and action taken in the course of this process. If requested, the Presbytery will offer a trained consultant to meet with the congregation/session, to offer insight, to answer inquiries, etc. This can help attend to the congregation's grief, anger, and other reactions. Additional follow-up contacts can be made if needed and requested.

5. Restoration to Ministry: If an elder or deacon has been removed from office as the result of having committed sexual misconduct, the Session may consider restoration to ministry upon a showing of the following:

- A. Unequivocal acknowledgement of responsibility for harm done to victim(s), as reflected in a letter of apology.
- B. Genuine remorse for harm done.
- C. Repentance – a fundamental change in behavior and understanding, which may be accomplished through appropriate therapy.
- D. Offering of appropriate restitution to victim(s).

XI. Media Contact

Any inquiries from the media regarding an allegation of sexual misconduct must be directed to the individual designated by the Session to handle such contacts. **Questions from the media should not be addressed by any member of the IC.**

XII. Administrative Process

Following a report of sexual misconduct against a staff member of the Presbytery of Coastal Carolina or a member of Presbytery serving a church or agency, the Stated Clerk, in consultation with the Committee on Ministry/Personnel Committee of Presbytery shall consult with the

reporter and/or victim, the alleged offender, and the Session whether the circumstances would be aided by the alleged offender being advised to take an administrative leave. If the alleged offender refuses and the Presbytery believes it imperative, the Presbytery may proceed under G-11.0103o or the personnel policy to remove the person, observing the requirements for hearings and fair procedures of G-9.0505b as appropriate. The COM may also request that an administrative commission be appointed to deal with the discord caused by the alleged misconduct.

The COM will maintain a list of interim or supply pastors trained in responding to congregations where abuse has occurred. The COM will also work carefully with the session to recognize and deal with anger that typically accompanies abuse allegations. A church that has experienced sexual misconduct by the pastor shall be under the care of the Presbytery for a year. The COM shall insure that an interim pastor is called who has skills in confronting and processing issues that are the result of the pastor's conduct. Similar appropriate steps shall be taken when a church has experienced sexual misconduct by its associate pastor.

XIII. Conclusion

After all the procedures outlined above have been carried out the concluding activity of the IC will be to coordinate an evaluation, seeking responses from persons and groups involved in the response to the allegation of misconduct.

ATTACHMENT A

DEFINITIONS

Adultery: Sexual conduct that violates the marriage vows of one or both participants.

Allegation: An assertion, avowal or claim that may lead to an accusation or charge.

Alleged Offender: Person against whom an allegation has been made.

Book of Order: The Book of Order is the second part of the Constitution of the Presbyterian Church (U.S.A.). It contains the Form of Government, the Directory for Worship and the Rules of Discipline. (The first part of the Constitution of the PCUSA is The Book of Confessions.)

Boundaries: In a professional helping relationship (such as pastor/member of congregation, youth leader/youth group member, counselor/client), the limits or parameters which must be honored and observed by the helping professional in order to maintain the primary purpose or function of the relationship. The focus on the primary purpose or function of the relationship becomes blurred and can be lost if a boundary is crossed.

Investigative Committee: Convened by the Session to investigate reports of sexual misconduct and provide care and support to all parties.

Child Sexual Abuse: Includes, but is not limited to, any contact or interaction between a child (any person under age 18) and an adult when the child is being used for the sexual stimulation of the adult or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not “consented” to by the child.

Commissioned Lay Pastor: An elder granted a local commission by the Presbytery to lead worship and preach the Gospel. See Book of Order G-14.0801.

Committee on Ministry (COM): The Presbytery committee which serves as pastor and counselor to the ministers in the Presbytery, facilitates the relations between congregations, ministers, and the Presbytery and seeks to settle difficulties on behalf of Presbytery when possible and expedient. See Book of Order G-11.0500.

Confidentiality: An assurance that information will be kept private and only shared with persons who have a need to know.

Dual Relationships: The result of boundary crossings. The primary purpose or function of the relationship must share the spotlight with another competing focus, with the result that the effectiveness of the primary purpose or function is compromised. A boundary crossing which adds a sexual component to a professional helping relationship is both disruptive and unethical, and is a violation of professional responsibility and trust.

Employee: Any person hired or called to work for the Presbytery or any church or related organization within the jurisdiction of the Presbytery for salary or wages.

Inquiry: The process described in the Rules of Discipline to determine whether charges should be filed based upon allegations of an offense received by a governing body. See Book of Order D-10.0200.

Investigation: Term generally used by police, secular prosecutors, and child protective services when responding to allegations of an offense. Term is also used interchangeably with Inquiry in the Rules of Discipline.

Mandated Reporter: A person who is required by law to report any and all suspected incidents of child abuse, including child sexual abuse that come to their attention. In North Carolina, “any person or institution that has cause to suspect that [a child] is abused” is required to make a report to the Department of Social Services orally, by telephone, or in writing. N.C. Gen. Stat. Sec. 7B-301. A violation of this statute is a misdemeanor.

Persons Covered: This policy includes the ministers, officers and employees of the Presbytery of Coastal Carolina, and the volunteers and lay persons serving preaching and pastoral functions, including those who serve on Presbytery committees, boards, councils and commissions, and other entities in support of Presbytery programs.

Predator: one who engages in sexual misconduct (crosses a boundary) with intent and premeditation.

Reasonable Suspicion: A subjective criterion that refers to a belief or opinion based on facts or circumstances of sexual misconduct that are sufficient enough for a prudent person to want to inquire further, to take protective action, or report to authorities.

Reporter: The person claiming knowledge of sexual misconduct by a person covered by this policy or a person alleging to have been abused by a person covered by this policy. The reporter may or may not have been the victim of the alleged sexual misconduct. A person such as a family member, friend, or colleague may be a non-victim reporter.

Response: Action taken by the governing body or entity when a report of sexual misconduct is received. It may include (1) inquiry into facts and circumstances, (2) possible disciplinary action (administrative and/or judicial), (3) pastoral care for victims and their families and others, and (4) pastoral care and rehabilitation for the accused and care for their families.

Secular (Civil) Authorities: The governmental bodies whether city, county, state, or federal who are given the responsibility to investigate, criminally prosecute, and/or bring civil charges against individuals accused of sexual crimes or offenses against adults and children.

Secular (Civil) Law: The body of municipal, state, and federal laws often referred to collectively as civil and criminal law. (Note: Prohibited behavior addressed by this policy may result in criminal and/or civil charges filed under secular [civil] law.)

Sexual Abuse: Sexual involvement or contact by clergy or other persons covered by this policy with a person within the professional relationship including any person under the age of eighteen years, any person over the age of eighteen years who lacks the mental capacity to consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. See Book of Order D-10.0401(b).

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment based on the declared judgment of the affected individual.
4. An individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, sexual propositions, or other conduct of a sexual nature, or display of sexual materials that insult, degrade, and/or sexually exploit men, women, or children.

In determining whether conduct is sexual harassment, the standard to be applied is that of the reasonable person of the same gender as the victim. Lack of intent to harass is no defense.

Sexual Malfeasance: Any impropriety or wrongdoing resulting from sexual conduct within a ministerial or professional relationship. Examples of such conduct include adultery, indecent exposure, unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not intended to cover relationships between spouses, nor is it meant to restrict church professionals from having normal mutual, social, intimate, or marital relationships.

Sexual Misconduct: Comprehensive term used in this policy and its procedures to include:

1. Child Sexual Abuse as defined above.
2. Sexual Harassment as defined above.
3. Rape or sexual contact by force, threat, or intimidation.
4. Sexual Malfeasance as defined above.
5. Production or distribution of pornography as defined by actions or policy statements of the General Assembly, Presbyterian Church (USA).

Victim: Person who claims to have been, or is alleged to have been, injured by sexual misconduct by a person covered by this policy. (See Reporter above.)

Volunteer: A person who provides services for governing bodies and entities of the Church and receives no benefits or remuneration. Volunteers include persons elected or appointed to serve on boards, committee, and other groups, and persons requested to perform specific functions for the Presbytery. Reimbursement for travel expenses and other out-of-pocket expenses is not remuneration. For purposes of this policy volunteers are treated the same as employees.

Wanderer: A person who crosses a boundary as a result of carelessness rather than intent.

Acknowledgment of Receipt of Sexual Misconduct Policy

Attachment B

I hereby acknowledge that I have received a copy of the Sexual Misconduct Policy of the Heavenly Presbyterian Church. I have read the Policy, understand its meaning and agree to conduct myself in accordance with the Policy.

Signature

Date