

Sexual Misconduct Self Certification: Commissioned Ruling Elder

The following information related to sexual misconduct was mandated by the Sexual Misconduct Policy, its Procedures adopted by the 203rd General Assembly (1991), and was revised by the 205th General Assembly (1993). It has been modified for use by Commissioned Ruling elder (2012).

Please check one of the following:

I certify below that no civil, criminal, ecclesiastical complaint has ever been sustained or is pending* against me for sexual misconduct; and I have never resigned or been terminated from a position for reasons related to sexual misconduct.*

I am unable to make the above certification. I offer, instead, the following description of the complaint, termination, or the outcome of the situation with explanatory comments.

The above is accurate to the best of my knowledge and may be verified by the calling and employing entity. I hereby authorize entities considering me for employment as a Commissioned Ruling Elder to inquire concerning any civil or criminal records, or any judicial or proceeding involving me as a defendant, related to sexual misconduct. By means of this release I also authorize any previous employer, and any law enforcement agencies or judicial authorities or ecclesiastical governing bodies to release any and all requested relevant information related to sexual misconduct to any entity considering me for employment as a Commissioned Lay Pastor.

I have read this certification and release form and fully understand that the information obtained may be used to deny my employment or any other type of position from the employing entity. I also agree that I will hold harmless the employing or judicial authority or any other entity from any and all claims, liabilities, and causes of action for the legitimate release of any information related to sexual misconduct.

Signature _____ Print Name _____ Date _____

* *Sustained* • In a criminal court, "sustained" means that there has been a guilty plea, a guilty verdict or a plea bargain.

• In a civil court, "sustained" means that there has been a judgment against the defendant.

• In an ecclesiastical case, "sustained" means that there has been a guilty plea and censure imposed, a finding of guilty with censure imposed, or an Alternative Form of Resolution Agreement approved by a permanent judicial commission in the Presbyterian Church (USA) or an equivalent body of another church.

* *Pending* • In a criminal court, "pending" means a criminal charge before a grand jury, in the process of being prosecuted, or in a case in which there is not yet a verdict.

• In a civil court, "pending" means a case in which there has not been a decision or judgment,

• In an ecclesiastical case, "pending" means that an investigating committee is inquiring into an allegation or charges have been filed but have not been decided by a permanent judicial commission; or an allegation or charges are in an equivalent state or process in a church other than the PC (USA).

(The following is taken from definitions in the General Assembly Sexual Misconduct Policy and its Procedures, Pg.13)

"Sexual Misconduct is the comprehensive term used in this policy and its procedures to include: 1) Child sexual abuse, as defined above [refers to Policy]; 2) Sexual

harassment, as defined above [refers to Policy]; 3) Rape or sexual contact by force, threat, or intimidation; 4) Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another; 5) Sexual

Malfesance defined as sexual conduct within a ministerial (e.g. clergy with a member of the congregation) or professional relationship (e.g. counselor with a client, lay employee with a church member, presbytery executive with a committee member who may be a layperson, a minister, or an elder). Sexual conduct includes unwelcome

sexual advances, request for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is

it meant to restrict church professionals from having normal, social, intimate, or marital relationships; 6) Sexual Abuse as found in Book of Order D-10.0401b (see

Accuser/Victim)