

ADMINISTRATIVE LEAVE POLICY

NATIONAL CAPITOL PRESBYTERY

NCP Administrative Leave Policy

This policy outlines the procedures related to three different types of Administrative Leave.

1. Administrative Leave which is mutually agreed upon by a Session and a Teaching Elder (hereafter “Minister”) in the absence of any disciplinary charges.
2. Administrative Leave which is exercised in the presence of disciplinary charges which involve allegations of sexual misconduct.
3. Administrative Leave which is exercised in the presence of disciplinary charges which do not involve allegations of sexual misconduct.

DEFINITION

Administrative Leave means a paid or unpaid leave of absence from professional duties for a Minister who is a member of National Capital Presbytery (hereafter “NCP”) and/or who is in a position under the jurisdiction of NCP.

APPLICATION

Administrative Leave will normally be utilized in cases where the Stated Clerk has received a complaint alleging that a Minister has violated the NCP Code of Ethics or the Clergy Sexual Misconduct Policy.

I. Administrative Leave Absent any Disciplinary Charges

A Session and a Minister may mutually agree to an administrative leave of absence for any reason. The Administrative Leave may be paid or unpaid by agreement between the Minister and the Session. In the event of such leave, the Clerk of the Session and/or the Minister shall inform the Committee on Ministry (hereafter “COM”) through the Stated Clerk or the General Presbyter. Such administrative leave of absence is exercised without prejudice.

II. Administrative Leave in the Presence of Disciplinary Charges which Involve Allegations of Sexual Misconduct

1. BACKGROUND:

Relations between a Minister and the church (or institution, i.e., Presbytery) he or she serves can become discordant and inharmonious if the Minister becomes subject to investigation and judicial process under the Rules of Discipline. These strained relations can occur regardless of the validity of the accusation, and may continue until (or beyond) completion of the judicial process prescribed by the Rules of Discipline. Administrative Leave can promote the peace and harmony of the local church by temporarily separating the accused Minister and local congregation. Furthermore, since being accused can be physically, emotionally and spiritually exhausting, Administrative Leave can relieve the accused Minister of the burden of ministering, especially in a conflicted situation.

2. POLICY:

In every instances in which the Stated Clerk of NCP receives a written complaint of clergy sexual misconduct that is in keeping with the Rules of Discipline in the *Book of Order*, whether or not the complaint involves the alleged sexual abuse of a minor or of a person lacking the mental capacity to consent, the Stated Clerk shall immediately communicate the allegation to the permanent judicial commission (hereafter “PJC”) of NCP. The moderator of the PJC shall within three days designate two members, who may be from the roster of former members of the permanent judicial commission, to determine whether the accused shall be placed on a paid administrative leave during the resolution of the matter. The cost of such shall be borne by the congregation/employing entity whenever possible or be shared by the presbytery as necessary.

- i. The designated members of the PJC, after giving the accused the opportunity to be heard, shall determine whether the risk to the congregation and to potential victims of abuse, when considered in light of the nature and probable truth of the allegations, requires administrative leave or other restrictions upon the Minister’s service. Such administrative leave or restrictions will continue until resolution of the matter in one of the ways prescribed in the Rules of Discipline or the leave or restrictions are altered or removed by the designated members of the commission.
- ii. If the designated members of the PJC determine that no administrative leave or restriction is required, the investigating committee appointed to investigate the allegations shall be free at any point in its investigation to present additional evidence to the designated members supporting the imposition of administrative leave or other restrictions.

In compliance with the “Clergy Sexual Misconduct Policy” of NCP, if a Minister newly received by NCP within one year of being received by NCP fails to attend a seminar on issues of sexual misconduct offered by NCP or another source satisfactory to the Response Coordinating Team, then the Minister-member shall be placed on unpaid administrative leave and shall be excluded from the exercise of ministry until such time as the seminar is attended. If a Minister member of NCP in subsequent years fails to attend a seminar on issues of sexual misconduct within the time periods prescribed in the “Clergy Sexual Misconduct Policy,” the Minister-member shall be placed on unpaid administrative leave and shall be excluded from the exercise of ministry until such time as the seminar is attended. In both cases, such administrative leave shall be automatic, requiring no further action by NCP.

3. TERM:

The duration of Administrative Leave in the presence of disciplinary charges which involve allegations of Sexual Misconduct will depend upon the time needed for the investigative and judicial process. The investigation will proceed to conclusion with all deliberate speed, mindful of the financial obligations of the congregation involved.

4. FINANCIAL TERMS:

The congregation will honor the terms of call unless or until the congregation votes to change them with the approval of the COM. (See Document A) Financial terms for temporary pastoral services will be addressed by COM on a case by case basis.

5. CONDUCT:

While Administrative Leave in the presence of disciplinary charges which involve allegations of Sexual Misconduct is in effect, a Minister may not perform any pastoral, administrative, educational, or supervisory duties, and may not officiate at any functions such as Baptisms, funerals, or weddings. A Minister placed on Administrative Leave in the presence of disciplinary charges involving allegations of sexual misconduct will:

- i. Comply with all aspects of this policy.
- ii. Remain out of all church buildings and off church grounds (excluding a manse or school on the church property when the Minister is in the role of a parent of a child enrolled in the school) throughout the duration of Administrative Leave.
- iii. Not initiate contact with any member of the church staff, except for one member of the staff who may be designated, by prior mutual agreement, to deliver personal mail or other personal effects to the Minister on Administrative Leave.
- iv. Not initiate or sustain contact with members of the congregation, except for contact authorized by the Stated Clerk for the purpose of developing the defense. Even in non-church events such as scouting, school or sports programs, the Minister shall not use social contact with church members to garner support for his/her case.
- v. Not conduct worship services, weddings, funerals, administer the Sacraments or engage in any form of pastoral leadership of any kind in the congregation the Minister serves or in funerals homes, wedding chapels or in any other congregation in the Presbytery or any other Presbytery. Provisions can be made with the Stated Clerk, General Presbyter or Chair of COM for cases of extraordinary family pastoral care.
- vi. Not attend session meetings or any other meetings of any other board, committee, or activity of the congregation or other Presbyterian governing bodies. The Minister may communicate with one session member designated by prior mutual agreement.

6. LIAISON:

The Sexual Misconduct Response Coordinating Team (hereafter “RCT”) of NCP will assign a team to meet with the Session of any church with a Minister on Administrative Leave involving allegations of sexual misconduct. The RCT will assign someone to provide pastoral care to the Minister placed on Administrative Leave as well as the Minister’s family if any. Additionally, the COM may appoint a temporary session moderator if necessary.

7. ENFORCEMENT:

Any violations of this policy will be referred to the Stated Clerk of Presbytery.

III. Administrative Leave in the Presence of Disciplinary Charges which do not Involve Allegations of Sexual Misconduct

1. BACKGROUND:

Relations between a Minister and the church (or institution, i.e., Presbytery) he or she serves can become discordant and inharmonious if the Minister becomes subject to investigation and judicial process under the Rules of Discipline. These strained relations can occur regardless of the validity of the accusation, and may continue until (or beyond) completion of the judicial process prescribed by the Rules of Discipline. Administrative Leave can promote the peace and harmony of the local church by temporarily separating the accused Minister and local congregation. Furthermore, since being accused can be physically, emotionally and spiritually exhausting, Administrative Leave can relieve the accused Minister of the burden of ministering, especially in a conflicted situation.

2. POLICY:

In every instances in which the Stated Clerk of NCP receives a written complaint that is in keeping with the Rules of Discipline in the *Book of Order* which does not involve allegations of sexual misconduct, the Clerk of Session, the Minister, the General Presbyter, the chair of the Permanent Judicial Commission (or the chair's designee) and the Chair of COM (or the chair's designee) shall consult together regarding the wisdom of placing the Minister on Administrative Leave. Such Administrative Leave may be encouraged but can only be exercised with the concurrence of the Minister. A Session cannot unilaterally place the Minister on Administrative Leave in the presence of disciplinary charges which do not involve allegations of Sexual Misconduct. The COM cannot unilaterally place the Minister on Administrative Leave in the presence of disciplinary charges which do not involve allegations of Sexual Misconduct.

3. TERM:

The duration of Administrative Leave will depend upon the time needed for the investigative and judicial process. The investigation will proceed to conclusion with all deliberate speed, mindful of the financial obligations of the congregation involved.

4. FINANCIAL TERMS:

The congregation will honor the terms of call unless or until the congregation votes to change them with the approval of the COM. (See Document A) Financial terms for temporary pastoral services will be addressed by COM on a case by case basis.

5. CONDUCT:

While administrative leave is in effect, a Minister may not perform any pastoral, administrative, educational, or supervisory duties, and may not officiate at any functions such as Baptisms, funerals, or weddings. A Minister placed on Administrative Leave in the presence of disciplinary charges which do not involve allegations of Sexual Misconduct will:

- i. Comply with all aspects of this policy.
- ii. Remain out of all church buildings and off church grounds (excluding a manse or school on the church property when the Minister is in the role of a parent of a child enrolled in the school) throughout the duration of Administrative Leave.
- iii. Not initiate contact with any member of the church staff, except for one member of the staff who may be designated, by prior mutual agreement, to deliver personal mail or other personal effects to the Minister on Administrative Leave.
- iv. Not initiate or sustain contact with members of the congregation, except for contact authorized by the Stated Clerk for the purpose of developing the defense. Even in non-church events such as scouting, school or sports programs, the Minister shall not use social contact with church members to garner support for his/her case.
- v. Not conduct worship services, weddings, funerals, administer the Sacraments or engage in any form of pastoral leadership of any kind in the congregation the Minister serves or in funerals homes, wedding chapels or in any other congregation in the Presbytery or any other Presbytery. Provisions can be made with the Stated Clerk, General Presbyter or Chair of COM for cases of extraordinary family pastoral care.
- vi. Not attend session meetings or any other meetings of any other board, committee, or activity of the congregation or other Presbyterian governing bodies. The Minister may communicate with one session member designated by prior mutual agreement.

6. LIAISON:

The Care Team of COM will assign a team to meet with the Session of any church with a Minister on Administrative Leave. The Care Team of COM will assign someone to provide pastoral care to the Minister placed on Administrative Leave as well as the Minister's family if any. Additionally, the COM may appoint a temporary session moderator if necessary.

7. ENFORCEMENT:

Any violations of this policy will be referred to the Stated Clerk of Presbytery.

Document A
Administrative Leave Policy
Financial Terms Agreement

(date)

During the period that the Minister of _____ Presbyterian Church (“the Church”) is on Administrative Leave, from _____(date) to _____ (date) the session and congregation of the Church agree to continue to pay the Minister according to the current terms of call.

If the Administrative Leave is extended beyond the aforementioned date due to a lack of cooperation on behalf of the Minister thereby causing a delay in the investigative and/or judicial process, the congregation has the right to amend the terms of call, with the approval of COM, during the extension of Administrative Leave. Any amendment of the terms of call should be negotiated by the COM and the session, in consultation with the Minister, and put before the congregation for approval.

Additionally, the Presbytery recommends that no payments be made from the minister’s pastoral discretionary funds while the Administrative Leave is in effect.

COM Representative

Clerk of Session

Minister on Leave

Stated Clerk of NCP